

**Supplemental Final Generic Environmental Impact Statement
for the Central Pine Barrens
Comprehensive Land Use Plan Amendments**

Project Location: Central Pine Barrens within the Town of Brookhaven, Town of Riverhead and Town of Southampton and Village of Quogue and Village of Westhampton Beach Suffolk County, New York

Lead Agency, Preparer and Contact: Central Pine Barrens Joint Planning and Policy Commission
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Date of Acceptance: March 15, 2023

Pursuant to the SEQRA regulations, a 10 day period is provided for the public to consider this SFGEIS before written a Findings Statement is issued.
Draft Findings and a vote are scheduled for April 19, 2023.

Availability of Document: The Supplemental Final Generic Environmental Impact Statement (SFGEIS) for the Central Pine Barrens Comprehensive Land Use Plan Amendments consists of:
Summary of the Supplemental Draft GEIS
Responsiveness Summary dated March 15, 2023
Final Plan Chapters 4, 5 and 6
The SDGEIS dated March 16, 2022 (incorporated by reference)
Copies of these documents are available for public review at the office of the lead agency and on the website at: <https://pb.state.ny.us/>
Copies are also available in the Town Clerk's offices of the Towns of Brookhaven, Riverhead and Southampton, and Village Clerk offices in the Villages of Quogue and Westhampton Beach, and local libraries including Longwood, Hampton Bays, Riverhead, Westhampton Beach and Quogue.

Supplemental Final Generic Environmental Impact Statement for the Central Pine Barrens Comprehensive Land Use Plan Amendments

The Supplemental Final Generic Environmental Impact Statement for the Central Pine Barrens Plan amendments consists of the documents including:

- Summary of the Supplemental Draft Generic Environmental Impact Statement (SDGEIS)
- Responsiveness Summary – Responses to public comments on the SDGEIS
- The Final Comprehensive Land Use Plan Amendments to Chapters 4, 5 and 6 dated March 15, 2023
- Supplemental Draft Generic Environmental Impact Statement (SDGEIS) dated March 16, 2022 (incorporated by reference)

The SDGEIS has been prepared under separate cover and is available for public review at the office of the Central Pine Barrens Commission, 624 Old Riverhead Road, Westhampton Beach, New York 11978. Copies of the records may be requested for a fee.

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Appendices

Appendix A:

- Summary of changes to Chapters 4, 5 and 6
- Final Plan Chapters 4, 5 and 6 dated January 31, 2023

Appendix B: Written comment letters

- Hammond, Brad, Building and Zoning Administrator, Village of Westhampton Beach, dated March 31, 2022
- Turner, John, Senior Conservation Policy Advocate, Seatuck Environmental Association, dated May 26, 2022
- Brown, Jim, Vice President and Conservation Co-Chair, South Shore Audubon, dated May 27, 2022
- Domeischel, Patrice, dated May 28, 2022
- Amper, Richard, Executive Director, Long Island Pine Barrens Society, dated May 28, 2022
- Cirigliano, Joyann, Director, Audubon NY/CT and other organizations, dated May 30, 2022
- Pally, Mitchell, Chief Executive Officer, Long Island Builders Institute, dated May 31, 2022, received June 6, 2022
- Wilson, Jessica, Executive Director, NYC Audubon, dated June 1, 2022
- Sullivan, Julie, Conservation Director, Huntington-Oyster Bay Audubon Society, dated June 16, 2022

Appendix C: Supporting Documents

- Commission resolution of March 16, 2022 scheduling the public hearing on the SDGEIS
- Public Hearing transcript dated April 20, 2022
- New York State Office of Parks, Recreation and Historic Preservation dated April 15, 2022
- Resolution to Adopt the Ministerial Comprehensive Land Use Plan Amendments, dated May 16, 2012
- Commission Resolution dated November 21, 2012
- SCDHS Table 1 sewage generation flow rates dated July 21, 2020
- Pine Barrens Credit Clearinghouse Board of Advisors Final Resolution on Intermunicipal Redemptions of Pine Barrens Credits, dated April 20, 2005 (encouraging intermunicipal credit redemptions)

Appendix D: Consistency with the Coastal Policies of the New York State Coastal Management Program

Introduction

This Supplemental Final Generic Environmental Impact Statement (SFGEIS) for the Plan Amendments to the Central Pine Barrens Comprehensive Land Use Plan (the Plan) has been prepared in accordance with the requirements of the New York State Environmental Quality Review Act (SEQRA). The Lead Agency for the proposed action is the Central Pine Barrens Joint Planning and Policy Commission (the Commission).

The Plan Amendments occur in three chapters of the Plan including:

- Chapter 4: Review Procedures and Jurisdiction
- Chapter 5: Standards and Guidelines for Land use
- Chapter 6: Pine Barrens Credit Program

A summary is provided of the relevant Plan Amendments in Chapter 4 and 5; Chapter 6 amendments are ministerial and process related with no potential significant adverse environmental impacts. The final amended Plan Chapters 4, 5 and 6 are provided in Appendix A.

Purpose and content of the Supplemental Final Generic Environmental Impact Statement

The purpose of the SFGEIS is to respond to comments from the public hearing, make any necessary changes to the Plan Amendments and SDGEIS based on comments received and to complete the SEQRA process for the proposed action. No changes are necessary to the SDGEIS since modifications to the Plan Amendments involve minor revisions to condense information where appropriate to streamline and improve implementation of the Plan without changing its intent.

History and Process

The Act provides that not less than once every five years after the land use plan has become effective, the Commission shall review and, if appropriate, make amendments to the land use plan and update the generic impact statement.

Since the New York State Environmental Conservation Law Article 57 (the Long Island Pine Barrens Protection Act) was passed in 1993 and the Central Pine Barrens Comprehensive Land Use Plan (the Plan) was adopted in 1995, both have been reviewed and improvements to their implementation were proposed that were subsequently adopted. No significant adverse environmental impacts were identified related to these changes.

Amendments to the Act

- In 2001, amendments were made to the “Roadfront Residential Parcel Exemption List” pursuant to Section 57-0107.13(x) of the Act
- On three separate occasions, the New York State Legislature amended the Central Pine Barrens boundary in Sections 57-0107.10 and 57-0107.11 of the Act to add lands to the Central Pine Barrens:

- Wertheim National Wildlife Refuge in the Town of Brookhaven(1998)
- Carmans River watershed in the Town of Brookhaven (2014)
- Portions of the Hamlets of Shoreham and Mastic in the Town of Brookhaven (2019)
- In 2003, the Legislature amended the Act to include enforcement provisions under Section 57-0136 of the Act
- In 2004, amendments were made to the compelling public need hardship waiver requirements that apply to requests from state and public corporations

Amendments to the Plan

- On October 20, 2004, Plan Amendments were adopted involving a list of state and public corporation projects that do not constitute development pursuant to definitions in the Act.
- On February 16, 2011, the Commission proposed an amendment for a minimum mandatory pine barrens credit redemption requirement for projects that increase land use density or intensity. After a public hearing and feedback from the public and other interested parties, it was determined there was no support for this amendment and it failed to be adopted.
- On May 16, 2012, the Commission reviewed the Plan and adopted ministerial amendments to Chapters 4, 5 and 6.
- On November 21, 2012, the Commission adopted ministerial amendments to Chapter 6.

Overview of the Proposed Action

Over a period of six years, the Commission participated in technical worksessions to draft a set of Plan Amendments. In 2015, the Commission adopted a Positive Declaration pursuant to the SEQRA regulations, and in 2016, a final scoping document was adopted as the outline for the SDGEIS. The subject of the SDGEIS is the Plan Amendments to Chapters 4, 5 and 6.

On March 16, 2022, the Commission adopted a Notice of Completion and the SDGEIS was released for public comment. The SDGEIS is incorporated by reference into this SFGEIS and a summary is provided herein. Public comment on the Draft Plan Amendments and the SDGEIS was received during the April 20, 2022 public hearing and accepted in written form during the public comment period that closed on May 31, 2022 at 12:00 pm. One individual provided oral comment at the public hearing. Copies of the written comment letters that were received are provided in Appendix B. The majority of comments pertained to support the amendment for Bird Friendly conservation and protection. A letter from the Long Island Builders Institute expressed comments the proposed amendments and subjects evaluated in the SDGEIS. A copy of the hearing transcript and other supporting documents in the SEQRA Record are provided in Appendix C.

The amendments support the goals and objectives of the Long Island Pine Barrens Protection Act (NYS ECL Article 57) to preserve and protect the hydrologic and ecological integrity of the Central Pine Barrens while balancing public and private interest in development that is consistent with the

land use plan. The Plan Amendments strive to be more protective of the resources of the Central Pine Barrens where needed and continue to ensure the CGA is developed as planned in a compact, efficient and orderly pattern while it continues to function as an ecological buffer to the Core Preservation Area. Development in the Core is prohibited absent a hardship. The Credit Program continues to achieve the preservation goals for the Core and redirect development to areas outside of the Core.

Summary of the Supplemental Draft Generic Environmental Impact Statement

The SDGEIS is incorporated by reference into this SFGEIS with its content and environmental analysis of the Plan Amendments summarized in this section.

In 1993 New York State adopted the Long Island Pine Barrens Protection Act, which designated an area of Suffolk County within the Towns of Brookhaven, Riverhead and Southampton and the Villages of Quogue and Westhampton Beach as the Central Pine Barrens. The Act declared the Central Pine Barrens as a major resource area of statewide significance where the hydrogeological and ecological integrity is endangered.

The Central Pine Barrens encompasses an area of more than 106,000 acres in Suffolk County. The Act defines two geographic areas, the overall Central Pine Barrens and the smaller Core Preservation Area, contained within the larger area. Those portions of the Central Pine Barrens which are not within the Core are referred to as the Compatible Growth Area (CGA).

In order to protect unique features of the area, the Act required the preparation and implementation of a State supported regional comprehensive plan. The Act also established the Central Pine Barrens Joint Planning and Policy Commission (the Commission) and charged it with preparing and implementing the Comprehensive Land Use Plan (the Plan). Upon completion of the environmental review process, on June 28, 1995, the Commission adopted the Plan, Volume 1 that outlines Policies, Programs and Standards and Volume 2 that contains Existing Conditions.

In accordance with Section 57-0121 of the Act, in the CGA, the Plan is required to preserve and maintain the essential character of the existing Pine Barrens environment, to protect the quality of surface and groundwaters, discourage piecemeal and scattered development, and encourage appropriate patterns of compatible residential, commercial, agricultural and industrial development in order to accommodate regional growth influences, and to provide for such growth in an orderly way, protecting the Pine Barrens environment from individual and cumulative adverse impacts.

In 1995, the Commission prepared the Plan according to the requirements of the Act. The Plan was classified as a Type 1 Action under SEQRA which required a DGEIS to be prepared to evaluate the potential environmental impacts the Plan may have on the Central Pine Barrens area. The Draft GEIS was accepted by the Commission on July 13, 1994. The DGEIS identified that the objectives of the Plan were to ensure the preservation of the pine barrens ecology and the high quality of groundwater within the Central Pine Barrens area and to balance the public and private interests in development.

A Supplemental Draft GEIS was prepared in April 1995 to address elements of the Plan which were changed or added subsequent to the DGEIS. The Final GEIS was filed on June 12, 1995, and on June 23, 1995 after considering the Draft GEIS, Supplemental DGEIS and FGEIS, a Findings Statement was issued by the Commission and the Plan was approved in final form on June 28, 1995 by the Commission.

Amendments to the Act have occurred since 1993, most notably to expand the Central Pine Barrens geographically. The expansions added land to the Core and to the CGA in the Town of Brookhaven, in the Carmans River watershed area and in the hamlets of Shirley and Shoreham. The current area totals approximately 106,482 acres: the Core Preservation Area (the Core) comprised of 57,817 acres, and the Compatible Growth Area (the CGA) comprised of 48,665 acres.

Amendments have occurred since the Plan to address ministerial items, clarify existing provisions and practices based on Commission precedent and to ensure the protection of the Central Pine Barrens.

The Plan specifies that development, as defined in the Act, within the Core Preservation Area is prohibited or is to be redirected to areas outside the Core and, further, that the only development that may be allowed is that permitted under a hardship exemption granted by the Commission as authorized by the Act. The Plan and the Act were amended in 2001 to state that construction of one single-family residence and customary accessory uses is a non-development activity, pursuant to Section 57-0107(13)(x) of the Act, on parcels in the Core that are identified in Chapter 9 of the Plan, Figure 9-1 titled, “Core Roadfront Residential Parcel Exemption List.”

The Act directs that once every five years the Commission shall review and make amendments to the Comprehensive Land Use Plan and update the Generic Environmental Impact Statement (GEIS). In 2010, the Commission initiated a review process to examine Chapters 4, 5 and 6 of the Plan that include review procedures, standards and guidelines and the Pine Barrens Credit Program. The Commission reached consensus on a set of Plan Amendments in 2015 that ultimately led to the start of the SEQRA process and the preparation of a Supplemental Draft Generic Impact Statement (SDGEIS) that was completed in March 2022. The purpose of the SDGEIS, as summarized in this section, is to evaluate the potential impacts the proposed action, the Plan Amendments, may have on the Central Pine Barrens area. A public hearing was held on the SDGEIS on April 20, 2022. Comments were received in writing and a responsiveness summary has been prepared as part of the SFGEIS. The SDGEIS is summarized and incorporated by reference as part of this SFGEIS.

The Plan Amendments cover a range of environmental subjects that are relevant to the goals and objectives of the Act and the Plan including, but not limited to, water resources, ecological resources, scenic and historic resources and geological resources. All of the Plan Amendments are tied to Commission jurisdiction in the Act and the Plan as well as to existing policy, precedents and current practice. The majority of Plan Amendments are ministerial in nature, comprised of administrative updates including word or term additions to the text, combining similar themes and inserting references to current sources. Where non-ministerial amendments are proposed, the

SEQRA analysis evaluates whether there are any potentially significant adverse environmental impacts. The Plan Amendments aim to be more protective of the resources of the Central Pine Barrens and to ensure the Compatible Growth Area (CGA) is developed as planned in a compact, efficient, and orderly pattern while it continues to function as an ecological buffer to the Core Preservation Area. This representation is supported by the research and conditions described in Volume 2 of the Plan, the design of the CGA and the goals and objectives for the CGA that are outlined in the Act and regulated by the Plan.

The Plan Amendments in the SDGEIS affected three chapters of the Plan:

- Chapter 4: Review Procedures
- Chapter 5: Standards and Guidelines for Land Use
- Chapter 6: Pine Barrens Credit Program

The Plan Amendments in Chapter 4, Review Procedures, specify coordination between agencies, clarify definitions based on past resolutions and policies of the Commission, updates maps and ownership of Critical Resource Areas, and refines as well as add definitions of projects that achieve the threshold for a Development of Regional Significance.

The Plan Amendments in Chapter 5, Standards and Guidelines for Land Use, reorganize, consolidate and combine similar provisions that relate to County or State codes or regulations such as Suffolk County Department of Health Services codes pertaining to sanitary code compliance and industrial materials storage and New York State Department of Environmental Conservation regulations pertaining to wetlands, buffers and species protection. One significant Plan Amendment in Chapter 5 pertains to vegetation clearing, open space and habitat protection. This includes refinements to the existing clearing requirements and methodologies for prioritizing which areas of a project site should be set aside as open space. Additional provisions include the requirement to set aside open space on project sites regardless of existing site conditions.

The Plan Amendments in Chapter 5 also allow for self-heal restoration and implementation of self-heal recovery on a project site. The open space standard discusses prioritizing protected habitats and areas of a project site. Bird friendly building design is proposed and encouraged to protect birds from strikes with expansive window features. Dark skies and scenic resource protections are proposed as well.

The Plan Amendments in Chapter 6, Pine Barrens Credit Program, include references to provisions that apply to lands in the expanded Core Preservation Area in the Carmans River Watershed in the Town of Brookhaven pursuant to an amendment to the Act. Other Plan Amendments codify past practices of the Commission while others refine Pine Barrens Credit redemptions policies, the Letter of Interpretation process, Pine Barrens Credit transaction requirements and the issuance of Pine Barrens Credits when a land use violation exists on a parcel.

Potential Significant Adverse Environmental Impacts

Chapter 4: Review Procedures and Jurisdiction

The non-ministerial Plan Amendments identified and evaluated in the SDGEIS are discussed in this section.

4.3.10 Self-heal Restoration, Self Restoration

This is a new term in the Plan that defines a passive approach to restoration called “self-heal restoration.” Implementation of this process is covered in the open space standard in Chapter 5. This natural restoration process may be allowed to occur on a development project site where natural vegetation has been removed, the site is degraded or on sites with areas of bare soil. The self-heal restoration process allows these sites to reseed and revegetate without active planting and may involve invasive species monitoring and physical intervention if invasive species are detected.

This technique aims to preserve seeds, live roots, rhizomes and other natural material on a development project site that contains a potentially viable seed bank or subsurface viable plant material. It will reduce the importation of non-native plant material and landscape nursery plants that may not be indigenous to the region and associated costs. No significant adverse impacts are expected as a result of this amendment. The amendment will have a positive benefit to ecological resources. It will support the proliferation of native species in a development project that seeks to conform with the requirements of the Plan.

4.3.11 Tall Structure

A new amendment is proposed in Chapter 4 includes a definition regarding tall structures 75 feet or higher above unaltered site grade. This definition is coupled with a new amendment in Chapter 5, Guideline 5.3.3.11.1 Tall structures and scenic resources that intends to ensure a closer review of tall structures that meet this definition which may potentially affect scenic resources. If a project does not conform, the applicant must apply for a hardship waiver from the Commission. As part of the Commission’s review of a hardship waiver request it will consider the appropriateness of design elements including, but not limited to, placement, height, impacts on natural and visual resources. Mitigation may be required as a condition of granting a waiver. This definition by itself will not result in any significant adverse environmental impacts.

4.5.5.1 #1 Non-residential floor area, exceeds 300,000 square feet of gross floor area

4.5.5.1 #2 Residential, 200 or more residential units

4.5.5.1 #3 Mixed Use, development of 400,000 square feet or greater

These three Chapter 4 amendments modified existing Development of Regional Significance (DRS) thresholds that pertain to residential and non-residential development that clarify more when projects of this scale or number of units would require review and approval by the Commission. These changes to DRS thresholds will not result in any significant adverse environmental impacts.

4.5.5.1 #4 Development of surface water features that expose groundwater

This Chapter 4 amendment creates a new DRS threshold which captures a category of activities, other than those related to public water supply, that expose the groundwater table. Establishing this new threshold will ensure that adequate awareness and review of such projects occurs to minimize potential impacts to groundwater. This new DRS threshold is not expected to result in any significant adverse environmental impacts and will be more protective of the environment.

Chapter 5: Standards and Guidelines for Land Use

Guideline 5.3.3.1.5 Nitrate-nitrogen

The amendments in this Guideline include the change of the term “may” to “shall,” to seek certainty and to improve when the existing guideline of 2.5 ppm of nitrate nitrogen is applicable to a project that is a DRS, entails development in a CRA or is one where the Commission has asserted jurisdiction. When the guideline applies, conformance is required regardless of distance to the nearest pond and/or wetland. Revisions to this guideline will be more protective of the environment and therefore will not result in any significant adverse environmental impacts. To date, projects have successfully demonstrated conformance.

5.3.3.4.1 Nondisturbance buffers

This is a new amendment that covers review of projects and sites in the CGA where gaps in regulatory oversight presently exist. Included in this amendment is a proposed section which would provide protection for a small class of wetlands that are not protected or regulated by either New York State or local regulations. In such instances, the Commission would be provided the authority to regulate such wetlands. An example of the type of project where Commission oversight may apply is on a property owned by a utility where local, county or other state regulations do not apply and a vernal pond or seasonal, unmapped, unregulated wetland habitat is present. In such a case, the boundaries of the habitat may be delineated and minimal buffers may be required to protect it. Accordingly, this amendment would increase environmental protection and therefore would not result in any significant adverse environmental impacts.

5.3.3.6 Coordinated Design for Open Space, Habitat and Soil Protection

Several decades of experience in applying this section of the Plan and its accompanying standards, coupled with the evolution of land use planning and ecological management over time, has determined that a more comprehensive, integrative and holistic approach is recommended in the analysis and review of land use development projects and the preservation of natural vegetation, habitat and open space. Therefore, the conservation design approach has been incorporated into the process of designing land use projects as discussed in this section.

This section was formerly known as “Natural Vegetation and Habitat.” It has been changed to “Coordinated Design for Open Space, Habitat and Soil Protection” to more accurately reflect its

expanded and comprehensive perspective. The concepts of coordinated planning, conservation design, open space preservation, habitat preservation and prioritization are proposed to be incorporated into this section and provide support for its corresponding standards.

Conservation design, a planning methodology which emphasizes preservation of natural, historic or other significant features of a parcel while concomitantly promoting development on less-sensitive areas of a site, is now encouraged for use in creating development plans. The amendments in this section further refine the existing clearing standard and introduce a definition of open space and quantify open space as simply the opposite of or corollary to the clearing standard. As the Plan always required that the uncleared natural open space remains after the clearing limit standard is applied to a development project site, the amendments specify the amount of open space required. This amendment provides clarity and certainty in the development project review process. No adverse environmental impacts from this amendment are anticipated to occur.

5.3.3.6.1 Vegetation Clearance Limits

In existing standard 5.3.3.6.1, “Vegetation Clearance Limits” (the obverse of the Open Space standard), reflected in amended Figure 5-1 “*Clearance and Open Space Standards*,” the Plan allows development in commercial, industrial, other or mixed-use zoning districts to clear to a limit of 65%. In the proposed amendments, the clearing allowance for development projects in non-residential zoning districts (e.g., commercial, industrial and categorized in the Plan amendment as “All other zoning categories, including those categories without defined zoning lot sizes”) is reduced from 65% to 60%. This change potentially increases the clearing allowance for projects on parcels owned by the State and public corporations regardless of the zoning district of the project site. This is a minor amendment that will benefit the region and is limited in scope to a discrete set of development projects. This adjustment to the clearing limit from 65% to 60% is considered minimal, reduces the amount of vegetation allowed to be removed on a project site by 5%, and increases the amount of open space required to be retained on the site by 5% which will cause a potential slightly beneficial increase in the protection of natural resources, further preserving the high quality of groundwater and the pine barrens ecology, on the project site and in the Central Pine Barrens. Therefore, this aspect of the amendment will result in no significant adverse environmental impacts.

In the current Plan, clearing in residential zoning districts is, for the most part, more restrictive than clearing in non-residential zoning districts such as commercial or industrial districts. However, currently, if a state entity or a public corporation such as a school or fire district proposes a development project on public corporation property located in a residential zoning district, the clearing allowance is based on the residential zoning of the property, as indicated in Figure 5-1, even though the use is non-residential and more akin to that of commercially zoned sites. This has limited the ability and functionality of certain public corporations such as schools and fire districts to expand their facilities to meet the growing needs of the public in the communities they serve. Under the amendment, development proposed by schools and public corporations, for instance,

would be subject to a less restrictive clearing standard rather than the underlying zoning of the property in order to allow the land use more flexibility to expand to meet the public need of the communities they serve.

The amendment seeks to accommodate the need for facilities that serve the public while still protecting the resources and essential character of the Central Pine Barrens. It is anticipated that the incremental increase in clearing over what is currently allowed for development projects for public entities would be minor since it is not expected to capture a wide range of projects. The affects on development projects of public entities are limited in scope and in the number of parcels that would be affected in the Central Pine Barrens area. As stated in the Plan Amendment, this clearing limit would not be allowed on publicly owned lands that are dedicated for park purposes, open space or nature preserve or acquired with funds for open space preservation or parkland purposes since clearing would be precluded from occurring on these public lands. The incremental increase in clearing in this category is considered minor since it is not expected to capture a wide range of projects, land uses, or applicants for development projects.

5.3.3.6.2 Open space standard requirement, unfragmented open space and habitat

This open space requirement is enumerated in new standard 5.3.3.6.2, “Open space standard requirement, unfragmented open space and habitat.” As part of this emphasis on open space, a new, third column entitled “Minimum Open Space Requirement” has been inserted into Figure 5-1. This addition contains a schedule of percentages of open space required. The former “Clearance Standards” table is now entitled “Clearance and Open Space Standards.” In addition, these amendments preserve open space on sites that are presently overdeveloped. The open space standard requires all development project sites to preserve open space even if they contain extensive existing clearing or overdevelopment. These open space-related amendments are more environmentally protective as they reaffirm the Plan goal that the CGA not only accommodate development and receive a portion of development transferred from the Core but the CGA is designed to serve as a buffer to the Core and to retain the integrity of the pine barrens resources including its ecological and cultural resources. Volume 2 of the Plan discussed the effectiveness of the CGA in its capacity to serve as a buffer zone to the Core depends on its size, its ecological characteristics and the human activities occurring within it. Finally, this open space component of the amendments promotes compact, efficient and orderly development in accordance with the Act and the Plan.

Figure 5-1: Clearance and Open Space Standards

This table shows total overall development project site clearance and requirement for open space including lots, roads, drainage and other improvements.

For all privately owned parcels:		
<u>Zoning lot size (see Notes at end of table) as of June 28, 1995, with the exception that in the newly expanded Compatible Growth Area in the Carmans River Watershed created by the New York State Legislature's adoption on June 7, 2013 of an amendment to Environmental Conservation Law Article 57, Section 57-0107(10), the minimum lot size required by zoning shall be based on the zoning in effect on January 1, 2014. (*)</u>	<u>Maximum overall development project site clearance (**)</u>	<u>Minimum open space requirement (**)</u>
10,000 square feet residential (1/4 acre)	90 %	10 %
15,000 square feet residential (1/3 acre)	70 %	30 %
20,000 square feet residential (1/2 acre)	60 %	40 %
30,000 square feet residential (2/3 acre)	58 %	42 %
40,000 square feet residential (1 acre)	53 %	47 %
60,000 square feet residential (1.5 acre)	46 %	54 %
80,000 square feet residential (2 acres)	35 %	65 %
120,000 square feet residential (3 acres)	30 %	70 %
160,000 through 200,000+ square feet residential (4 - 5+ acres)	25-20%	75%
Clearance Areas and Open Space on lots in this category shall not include the clearance necessary for the construction of driveways and septic systems, except that, in no case shall the total clearance in this category exceed 25%. The total amount of disturbance of natural vegetation shall not exceed the clearance percentage, except on flagpole lots where the area of the pole shall be exempt from the total lot area and the total amount of clearing permitted.	Clearance limitations on lots in this category shall not include the clearance necessary for the construction of driveways and septic systems. In no case shall the total clearance in this category exceed 25%.	
Other defined residential zoning lot size	Interpolate from entries above.	Interpolate from entries above.
Commercial, Industrial and Other or Mixed Use All other zoning categories, including those categories without defined zoning lot sizes and parcels owned by the State or a public corporation, except for publicly owned lands dedicated to park purposes, open space or nature preserve or acquired with funds for open space preservation or parkland purposes.	65-60 %	40 %

Notes:

(*) These entries are the minimum lot sizes required by zoning as of June 28, 1995 or the date the parcel is added to the Central Pine Barrens if later or the current zoning, whichever is more protective of the environment by minimizing clearing or maximizing open space, not the size of the subject parcels. The current zoning, whichever is more protective of the environment by minimizing clearance or maximizing open space, not the size of the subject parcels, with the exception that in the newly expanded Compatible Growth Area in the Carmans River Watershed created by the New York State Legislature's adoption on June 7, 2013 of an amendment to Environmental Conservation Law Article 57, Section 57-0107(10), the minimum lot size required by zoning shall be based on the zoning in effect on January 1, 2014.

(**) In calculating the percentage of land cleared or and the percentage of open space to be retained, the preserved areas in a development should preferably be existing native vegetation. These are maximum clearance and minimum open space standards, and more restrictive standards may be imposed during the review by the Commission, involved agency, or local municipality due to consideration of other standards, especially those addressing preservation of rare or endangered species, or unique flora or vegetation.

5.3.3.6.1.7 (development sites with pre-existing clearing)

This is a new standard which applies to over cleared sites (sites from which natural vegetation was previously cleared in excess of the current Plan clearing limits with the clearing having occurred prior to the enactment of the Act or Plan). The new standard requires development project sites that currently exceed clearing limits to set aside a portion of the site as protected open space. If the proposed open space area is not vegetated, it could be left to undergo self-heal restoration or could be actively restored through the implementation of an approved revegetation plan.

Currently, over cleared sites can be developed over the entire site including the existing cleared area, with little to no open space set aside. This allowance conflicts with one of the purposes of the CGA to function as an ecological buffer to the Core, as described in the 1994 GEIS and Plan Volume 2. Continuing this practice would, in the long-term, reduce the amount of protected open space in the CGA, thus not achieving the goals set forth in the Act and the Plan. It would produce an otherwise avoidable adverse impact to continue the process of not requiring open space on those development project sites in the CGA that are over cleared. This new standard and related aspects of the amendments support the goals and objectives of the Act to accommodate compact, orderly and efficient development in the CGA. Furthermore, the amendments provide greater protection of the resources of the Central Pine Barrens by generating a net increase in open space in the long-term.

A discrepancy was identified in the environmental review process in the requirement for open space regardless of a site's existing condition. Standard 5.3.3.6.1.7 was reconciled in the SFGEIS for consistency with the other Plan Amendments to resolve conflicting provisions.

5.3.3.6.7 Invasive plant species mitigation and 5.3.3.6.7.1 Invasive Species Mitigation

These new amendments propose a new standard and guideline related to invasive species mitigation to promote higher quality habitats on development project sites. Standard 5.3.3.6.7 applies to sites that propose to preserve 10 acres or more of open space and requires that any existing invasive species present in the proposed open space area be identified. Guideline 5.3.3.6.7.1, when applicable, allows an applicant to remove invasive species from and subsequently restore a maximum of two acres of a project site. This would potentially allow native plant species to flourish and recolonize a site. The proposed amendments will not result in any significant adverse environmental impacts in that it would be limited in applicability to a smaller, discrete set of projects which meet certain size and design thresholds and over the long-term would be environmentally as it would help to reduce the spread of invasive species and restored areas would require less management, maintenance, irrigation and applications of chemical compounds including fertilizer and herbicides.

The intent of these amendments related to management of invasive species was placed in the open space standard. In the preparation of the SFGEIS, it was determined that the intent of these

provisions could be incorporated into the open space standard and still achieve the goals of this activity as originally planned.

5.3.3.7.2. Bird conservation and protection

This new standard promotes awareness and protection of birds by supporting appropriate design modifications, when applicable, to development projects, to the greatest extent practicable. Modest design changes could reduce bird and bat mortality caused by building collisions. Implementation of this new standard is only required to “the greatest extent practicable.” No adverse environmental impacts are expected as a result of this amendment.

5.3.3.9.1 Light Pollution Prevention

This new standard aims to achieve consistency with local dark skies regulations implemented in Town zoning codes. The standard requires a development project in the CGA to be dark sky compliant and applies solely to projects not subject to municipal review such as those undertaken by libraries, schools, fire districts and utilities. When applicable, this standard would complement and be consistent with existing municipal regulations in effect in the region. The amendment will create consistency in the landscape with attention to design and installation of lighting fixtures that reduce nighttime lighting and glare, protect natural resources and conserve energy resources. This amendment is minor in nature and is consistent with current industry standards and practice. No adverse environmental impacts from this amendment are anticipated to occur.

5.3.3.11.1 Tall structures and scenic resources

This new guideline is an amendment to the Plan that applies only to public corporations and other projects not subject to local municipal review. It is designed as an additional measure to protect the scenic resources of the Central Pine Barrens and applies only to pertinent structures which equal or exceed 75 feet in height. Regardless, this new guideline is not expected to result in any significant adverse environmental impacts.

Overall, the Plan Amendments are intended to protect the representative natural resources that exist in the CGA, and therefore, no adverse environmental impacts from the Plan Amendments are anticipated to occur.

Summary

The SDGEIS summarized the 1994 DGEIS and other materials in the SEQRA Record for the Plan. Updates to information were provided, where possible, to reflect existing land use and development, protected open space and Commission decisions. An alternatives analysis evaluated a no action condition and adoption of ministerial amendments alternative.

In the No Action Alternative, no Plan Amendments would be adopted. The Amendments provide clarifications and codification of established past practice of the Commission through adopted decisions and determinations. These practices would not be formally recognized in this Alternative. However, in the No Action Alternative, it is expected that the Commission will continue to apply

rationale used in past decisions whether or not the amendments are adopted. The No Action Alternative fails to advance the achievements made to date to protect natural resources and to maintain the CGA as an ecological buffer to the Core Preservation Area while accommodating compact, efficient and orderly development in the CGA.

The Ministerial Amendments Alternative would result in the adoption of only ministerial amendments. This category of amendments includes minor word edits, references to the statute, elaborated preambles and the combining of existing provisions or standards of a similar nature. There are more ministerial amendments in the Plan Amendments than non-ministerial amendments (a more substantive change to what the present Plan requires or is a completely new requirement). Although adoption of ministerial amendments as an alternative achieves partial progress in the Amendments process, it is a lost opportunity to advance a complete set of amendments that reaffirms the goals and objectives of the Act and ensures protection of high quality groundwater and ecological resources of the Central Pine Barrens. The Ministerial Amendments result in no significant adverse environmental impacts.

After the public hearing and receipt of written comments, revisions were made to the proposed amendments to address concerns and streamline the implementation of the Plan Amendments. The revisions aim to achieve clarity and certainty in the Plan's implementation and in the application and review of standards and guidelines for land use and the credit program. When the Commission adopts the Plan Amendments, and an effective date is set, the Town Codes will be amended to incorporate provisions where applicable for consistency with the Plan. The Commission continues to provide for effective environmental review of proposed development in the Central Pine Barrens, to avoid unnecessary delays and encourages a streamlined review process for development proposals that conform with the Plan.

Consistency with New York Coastal Management Program

New York State developed a Coastal Management Program (CMP) and enacted implementing legislation (Water Revitalization and Coastal Resources Act) in 1981. SEQRA Part 617.9(b)(vi) requires a consistency review of the applicable coastal policies contained in 19 NYCRR 600.5. The Department of State's Division of Coastal Resources directs State agencies to analyze actions to determine if they are consistent with the policies of the CMP. An analysis the Plan Amendment's consistency with the CMP is provided in Appendix D.

Summary of Comments on Draft Plan Amendments and SDGEIS

This responsiveness summary, prepared in accordance with the New York Environmental Conservation Law Article 8-0107(2), states the environmental impact statement shall include copies or a summary of substantive comments received by the agency and the agency response to such comments.

Written comments that were submitted to the Commission by the deadline of May 31, 2022 at 12:00 pm are included in Appendix B of this responsiveness summary. Comments received on June

1 and 16, after the deadline, reflect the same concerns regarding bird protection as those received during the comment period.

Comments were focused on bird friendly building design protections in the proposed Guideline 5.3.3.7.2 Bird conservation and protection, as well as general comments on the Plan Amendments and the SDGEIS. Environmental justice was mentioned not by the public but in the review process as a matter to be evaluated in terms of potential impacts from the proposed action.

Additionally, the SEQRA process allowed a careful review of the Plan Amendments. Revisions to the Plan Amendments were made based on the comments received and include minor edits and the condensing of information where appropriate to provide further clarity and to improve their ability to be implemented. The intent of the amendments was not changed by these revisions. The final Plan Amendments for Chapters 4, 5 and 6 are included in Appendix A.

This responsiveness summary provides responses to comments received and, where appropriate, refers to information contained in the Proposed Final Plan. The Final Plan contains revisions made to the three chapters and the SDGEIS dated March 16, 2022 is incorporated by reference.

Due to the nature of the comments received and the number of commenters, the responsiveness summary is divided into the subsections indicated below. Copies of the written correspondence received from commentors is provided in Appendix B.

- I. Bird Friendly Building Design – This section summarizes comments received specifically on the Guideline 5.3.3.7.2 Bird conservation and protection that relates to bird friendly building design.
- II. Long Island Builders Institute (LIBI) – This section addresses comments received from LIBI and separates comments by categories including General Comments; Chapter 4, Chapter 5 and Chapter 6; and DEIS Comments.
- III. Environmental Justice – The subject of environmental justice (EJ) was raised during the SEQRA process and is discussed briefly in this section as it pertains to the Plan Amendments.

List of Commenters

Seven individuals or organizations submitted comments by the deadline of May 31, 2022. Two additional comment letters were received after the postmark deadline.

Number	Commenter	Title/Representing	Date Received	Comment
1.	Hammond, Brad	Building and Zoning Administrator, Village of Westhampton Beach	March 31, 2022	No objection and no further comments on the proposed amendments.
2.	Turner, John	Senior Conservation Policy Advocate, Seatuck Environmental Association	May 26, 2022	Supports Bird Friendly Building Design
3.	Brown, Jim	Vice President and Conservation Co-Chair, South Shore Audubon	May 27, 2022	Supports Bird Friendly Building Design
4.	Domeischel, Patrice		May 28, 2022	Supports Bird Friendly Building Design
5.	Amper, Richard	Executive Director, Long Island Pine Barrens Society	May 28, 2022	Supports Bird Friendly Building Design
6.	Cirigliano, Joyann	Director, Audubon NY/CT and other organizations	May 30, 2022	Supports Bird Friendly Building Design
7.	Pally, Mitchell	Chief Executive Officer, Long Island Builders Institute	Postmarked May 31, 2022 and , received June 6, 2022	General comments, specific comments on amendments and comments on the SDGEIS
8.	Wilson, Jessica	Executive Director, NYC Audubon	June 1, 2022	Support Bird Friendly Building Design
9.	Sullivan, Julie	Conservation Director, Huntington-Oyster Bay Audubon Society	June 16, 2022	Support Bird Friendly Building Design

Comments and Responses

I. Bird Friendly Building Design - Guideline 5.3.3.7.2 Bird conservation and protection

Comment: Support Bird Friendly Building Design to prevent bird mortality.

The commentors discussed the high mortality rate of wild birds that occurs due to collisions with buildings. Estimates of between more than 300 million to nearly 1 billion wild birds including songbird and raptor species die annually from collisions with windows in the United States. They recommended the Commission adopt a standard, as opposed to an advisory guideline, for bird protection that applies to development projects in the CGA, discussed other municipalities around the country that have adopted bird friendly building design standards to protect avian wildlife and provided specific references for suitable design requirements for window surfaces measured by threat factors as defined by the American Bird Conservancy or in compliance with certain specific design requirements for the window surface that will reduce bird collisions and related mortality.

Response:

The Commission shares the concern of significant bird mortality due to collisions with buildings. This is a particular concern where buildings with large windows especially those that reflect habitat including sky or through which sky or greenery on the other side of the building can be seen that results in bird strikes and bird mortality. Building materials are widely available in the commercial market that applicants can utilize in their projects to reduce the impact of bird strikes with structures.

Other regulatory agencies and municipalities in New York State including New York City and in the United States including Minneapolis, Minnesota have adopted bird friendly regulations to support bird friendly design features and reduce bird mortality. The American Bird Conservancy has conducted a significant amount of scientific research to understand how strikes occur and to identify methods to minimize strikes with buildings and other structures in the landscape.

Therefore, Guideline 5.3.3.7.2 Bird conservation and protection has been changed to a standard with the caveat “to the greatest extent feasible,” that allows for flexibility in its implementation depending on the project and site specific circumstances for consideration in the environmental review of a project.

II. Long Island Builders Institute comments

The Long Island Builders Institute (LIBI) submitted comments on the Plan Amendments and SDGEIS. The comments are addressed in the subject categories of General Comments, Comments on Chapters 4, 5 and 6 of the Plan and Comments on the Supplemental Draft GEIS.

A. General Comments

Comment: The Act mandates the Commission review the Plan, adopt amendments to the Plan and update the GEIS every 5 years. The proposed amendments are the first proposed since the Act was adopted in 1993, a clear violation of the mandatory 5 year review.

Response: The Act provides the opportunity for the Commission to review the Plan and make updates not less than once every five years. Updates to the Plan are not mandatory, therefore no violation has occurred. Since the Act was passed in 1993 and the Plan was adopted in 1995, the New York State Legislature and the Commission have, on numerous occasions, revisited the Act and the Plan and adopted changes. See the discussion in the introduction to this document that lists relevant amendments to the Act and the Plan since 1993.

Comment: The timeframe to prepare the DEIS was protracted.

Response: SEQRA specifies no timeframe for the preparation of a DEIS.

Comment: The phrase “codify” past practice does not acknowledge or discuss the origin of these past practices.

Response: Codification of past practice and policy is demonstrated through the decisions, determinations, resolutions and meeting minutes of the Commission.

Comment: What is the effective date of amendments? The DEIS does not address pending projects.

Response: An effective date will be established. Projects received before the effective date will not be subject to the amendments. If the vote to adopt the amendments is affirmative, the three town zoning codes will be amended and will include the effective date.

Comment: The DEIS does not summarize or describe “ministerial” amendments.

Response: The term ministerial is used by the Commission to refer to a category of amendments that are administrative and have no adverse effect on the Plan Amendments. They are simple edits or the addition of terms to further clarify information in the Plan Amendments that have no substantial, significant or effective change on their intent.

Comment: The DEIS asserts that the amendments are an “environmental protection plan.”

Response: The goals and objectives of the Plan with respect to the Central Pine Barrens, the Core and the CGA are outlined in Sections 57-0121(2), (3) and (4) of the Act. The amendments support the goals and objectives of the Act to preserve pine barrens ecology and the high quality of groundwater in the Central Pine Barrens while balancing and accommodating development in a compact, efficient and orderly pattern. The CGA was designed to function as an ecological buffer to the Core Preservation Area and the amendments continue to achieve this vision and ensures the protection and preservation of the hydrologic and ecological integrity of the Central Pine Barrens. No significant adverse environmental impacts will occur as a result of the Plan Amendments.

Comment: The Southampton Town Water quality improvement plan should be included as a reference.

Response: Comment noted. The towns will continue to adopt hamlet plans, water quality plans and other planning studies to address conditions and make improvements where necessary as it relates to their respective town. This will occur more frequently than the Plan is updated. As long as these plans are consistent with the goals and objectives of the Act and the Plan, there is no requirement to amend the Plan when Town studies or plans are adopted.

B. Chapter 4 Review Procedures and Jurisdiction comments

Comment: Section 4.2 states, “The commission will participate in and sponsor, where appropriate, intergovernmental agency coordination, including but not limited to interagency data sharing and license agreements, in order to provide efficient application review and further the goals and objectives of Article 57.”

What does “where appropriate” mean, what does sponsorship mean and what data is shareable? Why are not for profit agencies included and what is the purpose of cooperative efforts?

Response: This amendment will be removed because it does not pertain to the subject of Section 4.2 in Chapter 4: Review Procedures.

It was intended to indicate that whenever possible, the Commission will continue to coordinate and cooperate with other agencies to share the most up to date data and information as it relates to the work of the Central Pine Barrens Commission.

Comment: What is the issue and purpose of the change in Section 4.3.5.1 Interpretation of non-development?

Response: The amendment in this section provides reference to the non-development definition in Section 57-0107(13)(xiii) of the Act and how it applies to subdivisions involving five or fewer lots. It seeks to clarify potential misinterpretations on variances and defining a project as development or non-development activity. The provision does not pertain to dimensional relief; it applies to the minimum lot area zoning requirements.

Comment: In Section 4.3.11 Tall Structure, why did the height change from 50 to 75 feet and what are the implications?

Response: During the numerous public technical worksessions on the Plan Amendments, the Commission discussed various height requirements and achieved consensus on 75 feet.

Comment: Section 4.5.3.3 Assertion Development. Does the amendment to this section expand the jurisdiction of the Commission?

Response: No. Commission jurisdiction is not expanded by this cross reference to the Act for the reader's convenience. It simply refers to the existing provision in the Act that determines the Commission's jurisdiction and how an assertion is reviewed. There is no need to cross reference the provision in the Act that pertains to Commission review of Assertions of Jurisdiction in Section 57-0123(2)(a) since the reviewer can read that provision for themselves if they are interested. The amendment will be rewritten to eliminate the reference to the Act to avoid further confusion. The term "compliance" will be changed to "conformance" which is more appropriate.

Comment: Section 4.5.5.1 Development of Regional Significance Residential development. The proposed amendment merges multifamily and single-family into one DRS category with a maximum of 200 units for any mix of residential units and includes expansion of existing residential developments. This is a 33% reduction in MF units. What is the purpose of making these changes? How does this affect projects that could be subject to Commission jurisdiction?

Response: This amendment reflects more accurately current development projects that may include a variety of residential housing options such as multifamily and detached single family on the same project site. The former DRS thresholds outlined in Section 4.5.5.1 of the Plan includes multifamily residential development of 300 or

more units and single-family detached development of 200 or more units. The current Plan does not consider large projects that propose a variety of residential housing options. The Plan Amendment establishes a threshold for residential development of 200 or more units and clarifies that units may be attached or detached and involve mixed use development. It facilitates the ability for the Commission to determine when this threshold may apply.

Comment: Section 4.5.5.1 Development of Regional Significance Mixed use 400,000 square feet. What is included? How will the area be calculated? What is considered mixed use?

Response: Nonresidential uses are defined in DRS Section 4.5.5.1 subpart #1. Residential units are defined in DRS Section 4.5.5.1 subpart #2.

The Plan currently defines residential units by the number of units not floor area (square footage) and commercial uses are defined by floor area (square footage). The Suffolk County Department of Health Services (SCDHS) document, dated July 21, 2020, titled “Standards for Approval of Plans and Construction for Sewage Disposal Systems for Other Than Single-family residences” categorizes different land use structure wastewater generation rates. Sewage rates listed by land use are in Table 1 titled “Project Density Loading Rates and Design Sewage Flow Rates Based upon gross floor area in square feet (sf) unless otherwise noted.” In the residential use category, units from 451 to 600 square feet in size have a rate of 150 gallons per day, and a single-family residence flow rate is 300 gpd. A copy of Table 1 is provided in the supporting materials in Appendix C.

The mixed use DRS seeks to be consistent with the SCDHS thresholds. Projects reviewed by the Commission in the past have provided information in this format. Therefore, the definition for mixed use development projects seeks to recognize different types of projects and the SCDHS thresholds that relate to potential impacts on water resources.

This amendment captures development projects of a large scale that have mixed land use elements that would be directly reviewed by the Commission. Past matters have shown that each element on its own may not achieve a DRS threshold, however, when combined, the development project may achieve a DRS threshold that requires review by the Commission.

C. Chapter 5 Standards and Guidelines for Land Use comments

Comment: Section 5.3.1 Applicability and other policies. Agriculture and horticulture in the Compatible Growth Area is encouraged to comply with best management practices. Why is such compliance encouraged and is not mandated. Agriculture and horticulture are a huge source of groundwater contamination due to pesticides and fertilizers. It is not fair that this

industry gets a free pass. The DEIS does not attempt to analyze potential impacts of encouraging compliance as opposed to mandating it.

Response: See current Plan Guideline 5.3.3.10.1. The Commission determined the guideline is more of a policy statement and should be relocated to Section 5.3.1. The document reference was also updated. This is a ministerial change, moving the provision within the chapter.

The Plan states support for best management practices and safeguards for compliance with regulations to protect water and ecological resources. Regulatory agencies including the Suffolk County Department of Health and New York State Department of Environmental Conservation require compliance with pesticide and fertilizer use and applications. The Plan Standard 5.3.3.6.3 limits fertilizer dependent vegetation that would be applicable to development projects involving agriculture and horticulture. The Act defines agriculture and horticulture as it relates to the Central Pine Barrens. Agriculture is an important cultural resource in the Central Pine Barrens. See Section 57-0121 of the Act.

Comment: Standard 5.3.3.1.1 Article 6 compliance, Standards 5.3.3.1.3 Suffolk County Sanitary Code Articles 7 and 12 compliance and Standard 5.3.3.1.4 Commercial and industrial compliance with the Suffolk County Sanitary Code – how will the requirement to submit final official copies of permits as part of commission approval affect project approval schedules; this should not be a pre-requisite to the Commission granting approval.

Response: These amendments were intended to ensure all requirements are met prior to an applicant commencing development activity. The standards were amended to remove the requirement to submit final copies of plans since this is not feasible due to the timing of other agency approvals and requirements when processing permits related to a project. However, a development project is still required to conform with all other permits and requirements otherwise it could be in violation of the Act, Plan and other permit requirements and applicable regulations.

Comment: Standard 5.3.3.1.2 Sewage Treatment Plant discharge. How will the change in wording that removes denitrification and replaces it with treatment for systems affect development projects going forward.

Response: All sewage treatment plants have denitrification. Therefore, the term “denitrification” is not needed.

Comment: Guideline 5.3.3.1.5 Nitrate-nitrogen goal 2.5 ppm for new development projects. What is the impact of this change to pending and future projects?

Response: The Guideline has been changed to “within the regulatory jurisdiction of a wetland,” to eliminate vagueness of “in the vicinity of ponds and wetlands.” It does not change the fact that only new development projects that reach the threshold(s) of a Development of Regional Significance, include a Critical Resource Area or is the subject to an Assertion of Jurisdiction by the Commission as defined in Chapter 4 would be required to conform with this limit. The Commission, in practice, has applied this concentration limit to only new projects, which is indicated in the Guideline.

Comment: Section 5.3.3.4 Wetlands, surface waters and stormwater runoff amendments are covered in the environmental review of every project and are not needed here.

Response: This section was restored to its original outline in the Plan as Section 5.3.3.4 Wetlands and surface waters and Section 5.3.3.5 Stormwater runoff.

Comment: Standard 5.3.3.4.1 Nondisturbance buffers. What is stricter, larger and makes it warranted as it relates to Commission setting wetland buffers and how do the submission of permits affect project schedules?

Response: The amendments seek to protect existing wetlands or vernal ponds that may not be mapped, regulated or protected and close a gap in regulatory review. The Commission seeks to protect wetland habitat on development project sites that are not subject to local review such as utilities and schools. A project under town or other regulatory review that is not directly reviewed by the Commission is assumed to be subject to the respective agency existing wetland protection regulations.

Comment: Standards 5.3.3.4.1 and 5.3.3.4.2 Wild Scenic and Recreational Rivers Act Compliance. How will the requirement to submit a final official permit as part of Commission approval affect project timing?

Response: These amendments were intended to ensure all requirements are met prior to an applicant commencing development activity. The standards have been modified to remove the requirement to submit final copies of plans since this is not feasible due to the timing of other agency approvals and requirements when processing permits related to a project. However, a development project is still required to conform with all other permits and requirements otherwise it could be in violation of the Act, Plan and other permit requirements and applicable regulations.

Comment: Standard 5.3.3.4.4 Reduction of impervious surfaces. How can the Commission void required parking spaces, unless a variance is granted this would appear impossible.

Response: The Commission is not waiving parking requirements. Relaxation of parking or standards related to clearing or open space is not permitted without a hardship. Landbanked parking for instance is always counted as cleared area since it is anticipated it will be ultimately cleared. This amendment does not seek to interfere with a town's ability to regulate parking or grant parking waivers. This provision has been more appropriately incorporated into the open space standard rather than remain as a standalone standard since it relates to open space.

Comment: Section 5.3.3.6 Natural vegetation and plant habitat. Clarify meaning of "essentially"? Why is agriculture considered open space, why are natural preserved areas with golf course excluded as open space and explain? Does the sentence that refers to revegetation cannot be used to satisfy clearing mean that an error in clearing and required mitigation counts against the clearing limit?

Response: The amendment to this preamble to the standards seeks to clarify the definition of open space and the requirements for open space set aside in development project sites. This section has been revised and condensed to provide a more succinct and clear explanation of open space and related requirements.

Open space is required on all development project sites regardless of the site's existing condition. For instance, even if the site is excessively cleared, disturbed or was formerly developed, the development project will be required to meet the open space requirements specified in Figure 5-1. The open space can include land in agricultural use if it is protected from future development.

The statement concerning revegetation was intended to explain that revegetation of a site would be required to meet open space requirements by using restoration methods such as the self-heal process to re-establish natural vegetation. This supports the intended function of the CGA to serve as an ecological buffer to the Core and serves to protect a portion of the CGA's water and ecological resources and character while mitigating impacts from runoff and erosion from previously developed sites.

If a site is overcleared, and there is additional area to be cleared, a hardship would be required to clear beyond the clearing limit. If no additional clearing is proposed, then a hardship related to conformance with the clearing standard would not be required. The project must also conform to the open space standard requirements and other applicable standards.

Golf courses with preserved areas between the fairways or other areas may be included as open space. Each project is reviewed based on the site specific characteristics of the site and the project.

Comment: Section 5.3.3.6.2 Open space requirement. How does this apply if a clearing violation is resolved or was the result of nondevelopment?

Response: This standard was revised to be more concise and to make clear its applicability.

If a clearing violation has occurred, once it is resolved, the project can continue through the review process and must conform with the open space standard.

Nondevelopment provisions still apply. All projects need to conform with the open space standard regardless of the reason for the prior clearing.

Comment: Standard 5.3.3.6.5 Receiving entity and protection for open space areas. What about privately controlled open space areas?

Response: Open space may remain privately owned, managed by a homeowner's association, or it may be dedicated to a public agency. Regardless of ownership, open space must be protected as specified in the decision and recorded document. Whether privately owned or managed, the overseeing entity is responsible for its protection and if an incident occurs is subject to enforcement provisions in the Act.

Comment: Figure 5-1 Clearance and Open Space Standards. The amendments change the maximum site clearance to 25% from 20% for the residential category of 160,000 to 200,000 square feet and change the commercial use clearing limit from 60% to 65%. What is the scientific basis for these changes and why are they needed?

Response: In the amendments process it was recommended to change the five acre residential zoning clearing limit to 25% to provide clarity since the existing Plan had a clearing limit of 20% and stated it did not include construction of driveways and septic systems and further stated in no case total clearance limit this category not to exceed 25%. Implementation of this limit was confusing when applying it to development project sites in this residential zoning category.

The reduced clearing limit in the category titled "All other zoning categories" from 65% to 60% offers flexibility and accommodates growth for public uses and facilities such as schools and fire districts that tend to be located in zoning districts with more restrictive clearing limits. Commercial or industrial land use development that is not a public use that is proposed in residential zoning districts as of 1995 zoning will experience a slightly reduced clearing limit from 65% to 60%, however, no significant adverse environmental impacts are expected to private commercial or industrial property due to the minimal change in the amount of clearing permitted. The limit is adjusted to balance and allow growth potential through a slight increase in clearing for public and community facilities.

D. Chapter 6 Pine Barrens Credit Program comments

Comment: Section 6.5.4 Intermunicipal redemption of pine barrens credits. What is the implication on local school districts? What is the capacity of each town to take on additional redemptions?

Response: The credit program is voluntary. The Plan encourages redemptions but they are not mandatory for development projects that increase land use density or intensity.

On April 20, 2005, the Credit Clearinghouse adopted a resolution encouraging intermunicipal redemptions. This activity has been allowed since the beginning of the program, especially for redemptions to satisfy SCDHS sanitary requirements for projects that will generate greater sanitary flow than the amount normally allowed for the project site. The majority of credit redemptions occur through the SCDHS for this purpose and not for increases in single-family residential use density. The SCDHS requires that transfers of credits between municipalities be approved by both the sending and receiving towns.

The Town of Brookhaven recently adopted requirements to redeem credits in multi-family development project applications. There are also other zoning incentive programs that require credits to be redeemed for residential uses.

Comment: Section 6.7.6.8 Issuance of pine barrens credits to a parcel with a land use violation

Response: The Commission's enforcement authority is outlined in Section 57-0136 of the Act and according to Section 57-0123.3(c) the Commission may suspend review of application with notice to the applicant when a proceeding is pending.

The amendment will be revised to clarify that only properties with an open violation will be subject to suspended review. Once the violation(s) is resolved, the property owner credits would be issued credits consistent with the credit program allocation methods and requirements.

E. DEIS Comments

Comment: The DRS threshold amendments are not properly analyzed, assumes by capturing more potential development the environment is protected and there will be no significant impacts which is false since it will have growth inducing impacts elsewhere; restricts development in the CGA which also includes the 2.5 ppm nitrate nitrogen requirement; the

changes were not quantified on amount and type of development that would or would not occur.

Response: The changes to DRS thresholds are not significant and are intended to further clarify the type of development projects that would be subject to Commission review due to their size and potential for regional impacts and they must demonstrate conformance with the Plan's standards and guidelines. They do not restrict development, but rather require review due to their potential for regional impacts. The thresholds in most cases currently exist in the Plan, except for the DRS related to water table exposure and mixed use development of 400,000 square feet or greater.

The non-residential floor area threshold presently exists in the Plan, however this was amended to include educational institutions and health care facilities that would meet this threshold. The residential unit threshold and multifamily threshold presently exist in the Plan, however they were combined into one threshold to include development projects that may include a mix of residential housing unit types in one project which has been more typical of larger scale residential projects.

The new mixed use threshold for mixed use development of 400,000 square feet or greater is intended to apply to projects that may exceed 400,000 square feet that may involve a mix of residential and non-residential uses on a project site.

The new DRS is related to water table exposure is not a very common type of project but is a concern for potential impacts to groundwater. An applicant can demonstrate through the SEQRA process and an application to the Commission that the project does not adversely impact groundwater. The project may proceed if it conforms with all standards and guidelines. If groundwater impacts are identified, the Commission will weigh them in the SEQRA process and in the application review process, determine if the project can proceed and if it requires mitigation.

Since 1995, the Commission has reviewed nine DRS applications. All but one was approved, Tall Grass, and one was withdrawn, American Tissue. Two DRS projects also required hardship waivers, Silver Corporate Park and WF Industrial, both of which were on the same project site and both were granted.

Regarding the comment concerning DRS projects that must conform with the 2.5 ppm Guideline, the Commission has reviewed nine DRS applications. The requirement for a project to conform with this guideline has been demonstrated by all projects that were subject to this guideline.

Comment: Commission continues to favor agriculture and not impose restrictions on its polluting activities.

Response: No one land use is favored by the Commission, the Act or the Plan. Agriculture is identified in the Act under Section 57-0121 as important in the cultural history of the pine barrens.

All projects, including projects involving agriculture, that are considered development as defined in the Act are required to meet the standards contained in the Plan and where applicable guidelines, unless the project is determined to be non-development as defined by the Act.

The Commission does not encourage polluting activities in the Central Pine Barrens and unlawful activities are subject to compliance and enforcement provisions in Section 57-0136 of the Act.

Comment: The alternatives analyses are flawed, assumes ministerial amendments protective of the environment without analysis and ignores potential of amendments to redirect and induce growth elsewhere.

Response: The Alternatives in the proposed action are either to continue with no action or to continue with adopting only the “ministerial” amendments including word changes and minor modifications to text to codify past decisions practices of the Commission. In the latter alternative, no new amendments or substantive changes would occur. No other reasonable alternatives were identified in the SEQRA process.

Comment: The Plan amendments are assumed to establish stricter environmental controls. The potential for the amendments to redirect and induce growth elsewhere is ignored.

Response: The amendments do not change the amount of development permitted in the CGA. The amendments are consistent with the goals and objectives of the Act. They confirm policy and practice over 25 years of Plan implementation.

Pine Barrens Credit redemptions for increases density and intensity continue to support the redirection of development from the Core and mitigate potential environmental impacts by discouraging piecemeal and scattered development and promoting cluster or compact development. Impacts on school districts were analyzed in the GEIS for the Plan. No growth inducing impacts are expected to occur as a result of the Plan Amendments.

Comment: The DEIS recognizes groundwater contamination from individual poor performing old septic systems is a very serious problem. However, the Commission does nothing to direct development in the CGA to address this problem.

Response: Suffolk County regulates sanitary systems including individual on site systems and sewage treatment plants. The Commission encourages conformance with County health regulations that protect groundwater resources and has always had a standard that requires conformance with Suffolk County Sanitary Code Article 6 (current Plan Standard 5.3.3.1.1 Suffolk County Code Article 6 compliance). In addition, the Plan Guideline 5.3.3.1.5 Nitrate-nitrogen goal requires a more protective goal of two and one half parts per million (2.5 ppm) be achieved for new development projects that are a DRS, contain a CRA or an assertion of jurisdiction by the Commission.

In the Core when private residential landowners seek to install innovative treatment systems on their properties and clearing vegetation is required, the Commission encouraged the installation and determined that the activity was “non-development.” Based on past practice and determinations supported this activity resulting in an environmental improvement, it is not necessary to add a standard or guideline since it is supported.

Comment: The continual favoring of agriculture is counter to the mission of the Commission.

Response: The preservation of agricultural resources is described in Sections 57-0115, 57-0121.3(b) and 4(d) and 5(b)(ii) of the Act. No one land use is favored over another in the Central Pine Barrens.

III. Environmental Justice

This subject of Environmental Justice environmental impacts arose as a concern by the Commission during the SEQRA process. It was not addressed in the Supplemental Draft GEIS and it was not a public comment.

Comment: Consider environmental justice impacts in the Plan Amendments

Response: According to NYSDEC, “Environmental Justice is the fair and meaningful treatment of all people, regardless of race, income, national origin or color, with respect to the development, implementation, and enforcement of environmental laws, regulations and policies. Environmental Justice allows for disproportionately impacted residents to access the tools to address environmental concerns across all of DEC’s operations.”

The Long Island Pine Barrens Protection Act of 1993 was adopted by the New York State Legislature to protect water and ecological resources of the Central Pine Barrens. The Act defines and identifies development and non-development activities and any exemptions therein.

The scope of the Plan Amendments is significantly limited to ministerial changes to the Plan, codifying past practice and continuing to implement ecological and water resource protection requirements. As a result of the limited scope of the proposed action, and the regional goals and objectives of resource protection, no significant adverse environmental impacts occur on Environmental Justice communities as a result of the Plan Amendments.

APPENDIX A

Chapter 4: Review Procedures and Jurisdiction

Amendments in Chapter 4 include adding and modifying definitions used in the review of development projects. Sections with substantive amendments include:

- 4.3.9 Project Site
- 4.3.10 Self-heal Restoration
- 4.3.11 Tall Structure
- 4.5.5.1 Development of Regional Significance
 - #1 Non residential Floor Area
 - #2 Residential
 - #3 Mixed use
 - #4 Water Table Exposure

Chapter 5: Standards and Guidelines for Land Use

Amendment	Proposed Modification
5.1 Central Barrens overall area	Removed reference to ECL 57-0123.3(a)
5.3.1 Applicability and other policies	Incorporated Guideline 5.3.3.10.1 Best Management Practices Removed conformance with other agency permits
Standard 5.3.3.1.1 Suffolk County Sanitary Code Article 6 compliance	Removed requirement to submit permits from other agencies prior to approval.
Standard 5.3.3.1.2 Sewage treatment plant discharge	Removed requirement to submit permits from other agencies as condition of approval.
Standard 5.3.3.1.3 Suffolk County Sanitary Code Articles 7 and 12 compliance	Removed requirement to submit permits from other agencies as condition of approval.
Standard 5.3.3.1.4 Commercial and industrial compliance with the Suffolk County Sanitary Code	Removed requirement to submit permits from other agencies as condition of approval.
Guideline 5.3.3.1.5 Nitrate-nitrogen	Added “within regulatory jurisdiction of a wetland” to provide clarity when this guideline applies.
5.3.3.4 Wetlands, surface waters and stormwater runoff	Changed title back to “5.3.3.4 Wetlands and Surface waters,” and moved “stormwater runoff” back as separate section - Section 5.3.3.5. Stormwater Runoff as in original Plan. Text changed back to original Plan.
Standard 5.3.3.4.1 Nondisturbance buffers	Removed requirement to submit permits as condition of approval and condensed language, deleted extensive regulatory references for other agencies.
Standard 5.3.3.4.2 Wild, Scenic and Recreational Rivers Act compliance	Restored Standard 5.3.3.4.2 Buffer delineation, covenants and conservation easements that had been omitted. WSRR renumbered to Standard 5.3.3.4.3 Wild, Scenic and Recreational Rivers Act compliance. Deleted requirement to submit other agency permits as condition of approval
Standard 5.3.3.4.3 Stormwater recharge	Renumbered to Standard 5.3.3.5.1. Removed text that would require commission waiver to discharge offsite.
Standard 5.3.3.4.4 Reduction of Impervious Surface	Inconsistent text about parking space requirements and waivers. Deleted and incorporated into Section 5.3.3.6.2. Restored Guideline 5.3.3.4.4 Additional nondisturbance buffers

Chapter 5: Standards and Guidelines for Land Use

Amendment	Proposed Modification
Standard 5.3.3.4.5 Natural recharge, drainage and ponds	Deleted, covered in Section 5.3.3.5 Stormwater Runoff as separate standards to facilitate implementation and review. This section combined previously separate guidelines into a single standard, but guidelines were not removed. Kept guidelines instead of this standard however changed them to standards (now Standards 5.3.3.5.2, 5.3.3.5.3, and 5.3.3.5.4.)
Standard 5.3.3.5.1 Stormwater recharge	Changed “shall” to “must”
Guideline 5.3.3.5.2 Natural recharge and drainage	Changed to standard
Guideline 5.3.3.5.3 Ponds	Changed to standard
Guideline 5.3.3.5.4 Natural topography in lieu of recharge basins	Changed to standard
5.3.3.6 Coordinated design for open space, habitat and soil protection	The text of this preamble was condensed down with some text moved to the standard where more appropriate.
Standard 5.3.3.6.1 Vegetation Clearance Limits	Added “landbanked parking” as cleared areas
Standard 5.3.3.6.1.7 Development entirely in cleared areas	Deleted because it conflicted with standards for clearing and open space
Standard 5.3.3.6.3 Fertilizer-dependent vegetation limit	Removed reference to plant list since covered in S.5.3.3.6.4
Standard 5.3.3.6.4 Native Plantings	Removed excess language about the updated plant list. Added back Figure 5-2 Planting recommendations and included sentence that a more comprehensive list available from the Commission’s office.
Standard 5.3.3.6.5 Receiving entity and protection for open space areas	Revised language, more concise
Standard 5.3.3.6.6 Buffer delineations, covenants and conservation easements	Deleted and incorporated into Standard 5.3.3.4.2 Buffer delineation, covenants and conservation easements
Standard 5.3.3.6.7 Invasive plant species mitigation	Deleted and incorporated into Standard 5.3.3.6.2 open space
Guideline 5.3.3.6.7.1 Invasive Species Mitigation	Deleted, unclear on how to implement and how to effectively control invasives in such a limited area for a large-scale site. Incorporated some provisions on invasive species management into Standard 5.3.3.6.2 open space related to restoration of cleared areas to conform with open space requirements.

Amendment	Proposed Modification
5.3.3.7 Protection and conservation of species and communities	Condensed preamble down but retains same intent.
Standard 5.3.3.7.1 Special species and ecological communities	Added “is proposed” and deleted “may occur” in text when referring to negative impacts on species or habitat
Guideline 5.3.3.7.2 Bird conservation and protection	Changed from Guideline to Standard with flexibility “to the greatest extent feasible” and removed language on specific design elements and reference resources for information since they can change over time.
Guideline 5.3.3.8.2 Stabilization and erosion control	Changed reference to “homes, roadways and private driveways” to “structures”
5.3.3.9 Dark sky compliance	Revised preamble language, condensed to be concise with same intent
Standard 5.3.3.9.1 Light pollution prevention	Moved last sentence to be first sentence that this applies to projects not subject to local municipal review.
5.3.3.11 Scenic, historic and cultural resources	Condensed preamble, intent the same.
Guideline 5.3.3.11.1 Tall structures and scenic resources	Changed from Guideline to Standard, however the intent that it applies to projects not subject to local municipal review and approval remains the same, and Condensed text.

Chapter 6: Pine Barrens Credit Program

Chapter 6 amendments are ministerial and process related to the workings of the credit program. Amendments occur in sections including:

- 6.3 Allocation of Pine Barrens Credits in the Carmans River watershed Core area
- 6.4.2.2.4 Brookhaven criteria
- Figures 6-4 and 6.5 Riverhead Receiving Area parcels
- 6.5.4 Intermunicipal redemptions of Pine Barrens Credits
- 6.5.5 Permanency of Pine Barrens Credits
- 6.5.6 Redemption of Pine Barrens Credits within the Core Preservation Area prohibited
- 6.7.3 Detail of Step 1: Obtaining a letter of Interpretation
 - 6.7.3.4 Written appeal request
 - 6.7.3.5 Receiving a decision after an appeal hearing
- 6.7.6.8 Issuance of Pine Barrens Credits to a Parcel with a Land Use Violation
- 6.7.6.9 Transactions involving Pine Barrens Credits

4. Review Procedures and Jurisdiction

4.1 Introduction *(amended 5/16/12)*

The following sets forth the procedures to be used by the Central Pine Barrens Joint Planning and Policy Commission for review of development in the Central Pine Barrens as provided for in the Long Island Pine Barrens Protection Act.

This process does not exempt any development project from the provisions of the New York State Environmental Quality Review Act, the National Environmental Policy Act and other regulatory requirements and applicable federal, state, county, or local laws. For development that adheres to the standards for land use contained herein and the Statement of Findings adopted upon completion of the Generic Environmental Impact Statement prepared pursuant to the Act, the cumulative impact analysis pursuant to the State Environmental Quality Review Act will be deemed to be satisfied.

4.2 Intent

It is the intent of the Central Pine Barrens Joint Planning and Policy Commission to provide for effective environmental review of proposed development in the Central Pine Barrens, and to avoid duplicate reporting and review requirements and unnecessary delays. Municipalities are encouraged to develop streamlined review procedures for development proposals that conform with the land use and development standards contained herein. It is the further intent of the Commission to provide timely reviews and input which are concurrent with the New York State Environmental Quality Review Act, the National Environmental Policy Act and other regulatory requirements and applicable federal, state, county, or local laws.

These procedures are intended to coordinate Commission guidance and provide regulatory review of development located in the Central Pine Barrens area as defined and delineated in the New York State Environmental Conservation Law, Article 57. The Central Pine Barrens is a "critical environmental area" pursuant to New York State Environmental Conservation Law Article 8 and its implementing regulations.

The Commission will participate in and sponsor, where appropriate, intergovernmental agency coordination, including but not limited to interagency data sharing and license agreements, in order to provide efficient application review and further the goals and objectives of Article 57.

For development subject to review pursuant to the Act and defined in this Plan, the Commission shall hold only one (1) hearing on a development proposal, unless the Commission by majority vote deems it necessary to hold an additional hearing.

The Commission encourages cooperative efforts with local, state, federal and not-for-profit agencies for the use of Geographic Information Systems (GIS) and other mapping alternatives in order to track development permits and analyze land use patterns within the Central Pine Barrens.

4.3 Definitions

For the purposes of these procedures Within this Central Pine Barrens Comprehensive Land Use Plan, the following terms and phrases shall have the meaning listed.

4.3.1 Complete application

A "complete application" shall consist of the following:

1. a completed standard application form, as supplied by the Commission;
2. a copy of the local municipal application package with all supporting materials, and any approvals that have been issued as of the date of the application; and,
3. as required and accepted with respect to scope and content, a Long Form Environmental Assessment or Draft Supplemental draft supplemental Environmental Impact Statement, in addition to any other documentation prepared or issued pursuant to the State Environmental Quality Review Act or equivalent local laws, as of the date of the application.

4.3.2 Plan

"Plan" shall mean the Central Pine Barrens Comprehensive Land Use Plan, Volume 1 as defined within the New York Environmental Conservation Law Article 57.

4.3.3 Commission *(amended 5/16/12)*

"Commission" shall mean the Central Pine Barrens Joint Planning and Policy Commission as defined within the New York Environmental Conservation Law Article 57.

4.3.4 Act *(amended 5/16/12)*

"Act" shall mean New York State Environmental Conservation Law, Article 57 as may be amended from time to time.

4.3.5 Development

"Development" shall have the meaning set forth in Section 57-0107 (13) of the Act.

4.3.5.1 Interpretation of “nondevelopment” provision 57-0107(13)(xiii)

The Commission hereby clarifies that Article 57-0107(13)(xiii) only regulates the lot area requirement as indicated by the square footage required within the applicable zoning district and does not include any other dimensional variances associated with the subdivision. The Commission further clarifies that Article 57-0107(13)(xiii), as a whole, may only shall be applied to a parcel once and may not be applied to subdivide a resultant parcel created by its prior application by compliant parcel once and shall not be applied to parcels that are capable of further subdivision which result from this land division or subdivision.

4.3.6 Central Pine Barrens *(amended 5/16/12)*

"Central Pine Barrens" shall have the meaning set forth in Section 57-0107 (10) of the Act.

4.3.7 Core Preservation Area *(amended 5/16/12)*

"Core Preservation Area" shall have the meaning set forth in Section 57-0107 (11) of the Act.

4.3.8 Compatible Growth Area *(amended 5/16/12)*

"Compatible Growth Area" shall have the meaning set forth in Section 57-0107 (12) of the Act.

4.3.9 Project Site

"Project site" shall be defined as all parcels and portion(s) of parcel(s) located within the Central Pine Barrens, whether contiguous or not, that are associated with a proposed development.

4.3.10 Self-Heal Restoration, Self Restoration

Self-Heal Restoration, Self Restoration: A natural restoration process to allow existing seed banks, roots, etc. in the soil to re-colonize a previously disturbed site. Under this process, active monitoring and management for invasive plant species is undertaken for a prescribed period of years to prevent invasive plants from overtaking the restoration area.

A process in which revegetation of a previously-disturbed site, such as one on which natural vegetation has been removed or degraded and which may have areas of bare soil and disturbed soil horizons, is allowed to occur without importation of plant material, active planting, transplanting of vegetation obtained from off-site or reseeding of vegetation. Instead, existing live seed banks, rhizomes, roots, etc. which remain beneath or adjacent to the disturbed area are permitted to re-colonize the disturbed area. Under this process, active monitoring is undertaken for a prescribed period of years to ensure that invasive plant species do not overtake the restoration and physical intervention to remove the invasive species may also be conducted.

Continued maintenance and monitoring after the prescribed period is encouraged.

4.3.1011 Tall Structure

“Tall structure” shall be defined as any structure, whether a new structure or one resulting from a height extension of an existing structure, which meets or exceeds a total height of fifty seventy-five (5075) feet from average unaltered grade of the project site.

4.4 Development subject to review by the Commission

The following types of development shall be the subject of review by the Commission as provided for in the Act:

4.4.1 Development located within the Core Preservation Area

This includes all development proposed within the Core Preservation Area.

4.4.2 Nonconforming development within the Compatible Growth Area

This includes all development within the Compatible Growth Area that does not conform to the standards for land use set forth in Volume 1, Chapter 5 of this Plan.

4.4.3 Compatible Growth Area development over which the Commission asserts jurisdiction

This includes development within the Compatible Growth Area for which the Commission, by an individual Commissioner's petition and a majority vote, asserts review jurisdiction as provided for in the Act.

4.4.4 Compatible Growth Area development within Critical Resource Areas

This includes all development within the Compatible Growth Area which is also within a Critical Resource Area as provided for in the Act and defined in this Plan.

4.4.5 Developments of Regional Significance

This includes development within the Compatible Growth Area which constitutes a Development of Regional Significance as provided for in the Act and defined in this Plan.

4.5 Review procedures

4.5.1 Development located within the Core Preservation Area (“Core development”)
(amended 5/16/12)

The Act requires the prohibition or redirection of development in the Core Preservation Area and sets forth the jurisdiction of the Commission over, and certain requirements for processing, hardship exemptions. The Act authorizes the Commission, by majority vote, to waive strict compliance with this Plan upon finding that such waiver is necessary to alleviate hardship according to the conditions and finding of extraordinary hardship or compelling public need pursuant to subdivision 10 of Section 57-0121 of the Act.

4.5.1.1 Core development: Lead agency assertion *(amended 5/16/12)*

The Commission shall seek lead agency status for development proposed in the Core Preservation Area pursuant to the State Environmental Quality Review Act.

4.5.1.2 Core development: Filing of an application *(amended 5/16/12)*

The application shall be filed with the Commission by the project sponsor. A municipal application to the Town is not required for an application under this subsection.

4.5.1.3 Core development: Hearing *(amended 5/16/12)*

Within thirty (30) days of an application being submitted to the Commission, a public hearing on the development shall be held. At this time, the project sponsor and any other person shall have an opportunity to comment on the development proposal.

4.5.1.4 Core development: Statutory basis for the Commission's decision *(amended 5/16/12)*

The decision by the Commission on the application shall be based upon the standards in subdivision 10 of Section 57-0121 of the Act, which describes the criteria for determining that a hardship has been demonstrated.

4.5.1.5 Core development: Decisions, default decisions and extensions of decisions *(amended 5/16/12)*

The time within which the Commission must decide a Core Preservation Area hardship application for which a negative declaration has been made by the Commission pursuant to Environmental Conservation Law Article 8 is one hundred twenty (120) days from receipt of such application. The time within which the Commission must decide a Core Preservation Area hardship application for which a positive declaration has been made by the Commission pursuant to Environmental Conservation Law Article 8 is sixty (60) days from issuance of a findings statement by the Commission pursuant to Environmental Conservation Law Article 8. If the Commission fails to make a decision within the aforesaid time periods, the development shall be

deemed to be approved by the Commission, unless such time periods are extended by mutual agreement of the applicant and the Commission.

4.5.2 Development located within the Compatible Growth Area which does not conform to the standards contained in Volume 1, Chapter 5 of the Plan (“nonconforming development”)

The Act sets forth the jurisdiction for the Commission's review of development within the Compatible Growth Area of the Central Pine Barrens area. Such review includes development that does not conform to the standards in Volume 1, Chapter 5 of this plan. The Act also authorizes the Commission, by majority vote, to waive strict compliance with the standards upon finding that such waiver is necessary to alleviate a demonstrated hardship. The Commission shall not review conformance or nonconformance with guidelines in Volume 1, Chapter 5 in evaluating hardship provisions under this section.

4.5.2.1 Nonconforming development: Filing of an application

For projects that are not consistent with the standards, a complete application shall be filed with the Commission by the project sponsor.

4.5.2.2 Nonconforming development: Changes in consistent projects (amended 5/16/12)

If, during the local review, a proposed development project is modified such that the local municipality finds that it becomes inconsistent with any standard in Volume 1, Chapter 5, the local municipality shall notify the Commission and the project sponsor immediately. Upon receipt of said notice, the project sponsor shall be notified that an application for hardship relief as provided herein shall be required. Alternatively, the project sponsor shall be afforded an opportunity to revise the development project so that it is consistent with the standards.

4.5.2.3 Nonconforming development: Completeness determination deadline

The Commission shall make a determination as to whether an application is complete within thirty (30) days of receipt of the application.

4.5.2.4 Nonconforming development: Review standards (amended 5/16/12)

The Commission's standard for review pursuant to this section shall be the hardship standard provided in Section 57-0123(3) of the Act, as amended from time to time.

4.5.2.5 Nonconforming development: Hearing (amended 5/16/12)

Within thirty (30) days of the application being deemed complete, a public hearing on the

development proposal shall be held. The Commission shall provide the project sponsor and any other person an opportunity to be heard as provided for, and in accordance with the procedures provided in the Act.

4.5.2.6 Nonconforming development: Decisions, default decisions and extensions of decisions *(amended 5/16/12)*

The time within which the Commission must make a decision on a Compatible Growth Area application which does not conform to the standards contained within Volume 1, Chapter 5 of the Plan is one hundred twenty (120) days from said application being deemed complete. If the Commission fails to make a decision within the aforesaid time period, the application shall be deemed to be approved by the Commission, unless such time period is extended by mutual agreement of the applicant and the Commission.

4.5.3 Development located within the Compatible Growth Area which has been subjected to a petition by the Commission pursuant to ECL Section 57-0123(2) (“assertion development”)

The Act sets forth the jurisdiction for the Commission's review of development within the Compatible Growth Area of the Central Pine Barrens. The Act authorizes the Commission, through petition by an individual commissioner and an affirmative vote of the Commission, to review any project which has a significant adverse impact on the goals of the Plan.

4.5.3.1 Assertion development: Assertion of jurisdiction by the Commission over the project *(amended 5/16/12)*

Upon a majority vote of the commissioners, the Commission may assert review jurisdiction over said project.

4.5.3.2 Assertion development: Hearings and assertion of review jurisdiction

Assertion of review jurisdiction by the Commission shall not be deemed to require a public hearing unless the Commission, by a majority vote, so specifies.

4.5.3.3 Assertion development: Review standards

Should the Commission assert review jurisdiction pursuant to this subdivision, the jurisdiction of the Commission shall be limited to compliance with the standards and guidelines set forth in Volume 1, Chapter 5 of this Plan which the Commission identified in the vote on jurisdictional assertion. The Commission shall review conformance with guidelines set forth in Volume 1, Chapter 5 of this Plan as per Section 57-0123(2)(a) of the Act. and whether the project is in

conformance with Article 57-0123(2)(a):

4.5.3.4 Assertion development: Hearing *(amended 5/16/12)*

The Commission shall request necessary information from the project sponsor. Within sixty (60) days of the Commission asserting review jurisdiction, a public hearing on the development proposal shall be held, unless the Commission by majority vote deems a hearing unnecessary, in accordance with the procedures provided in the Act. If a hearing is held, the Commission shall provide the project sponsor and any other person an opportunity to be heard as provided for, and in accordance with, the procedures provided in the Act.

4.5.3.5 Assertion development: Decision on projects over which jurisdiction is asserted by the Commission *(amended 5/16/12)*

The decision of the Commission on any project which is before it by virtue of the assertion of jurisdiction by the Commission shall be made within one hundred twenty (120) days of the date of said assertion of jurisdiction.

4.5.3.6 Assertion development: Default decisions *(amended 5/16/12)*

In the event that the Commission fails to make a decision within one hundred twenty (120) days, the development proposal shall be deemed to be approved by the Commission.

4.5.4 Development located within the Compatible Growth Area which is also located within a Critical Resource Area (“CRA development”)

The Act sets forth the jurisdiction for the Commission's review of development within the Compatible Growth Area of the Central Pine Barrens. Such review includes development that is located in Critical Resource Areas. The Act also authorizes the Commission, by majority vote, to waive strict compliance with this Plan upon finding that such waiver is necessary to alleviate a demonstrated hardship.

4.5.4.1 CRA development: Definition of Critical Resource Areas

Commission review pursuant to this section shall apply only to the Critical Resource Areas identified in Figures 4-1 through 4-7.

Section 57-0121(6)(e) of the Act requires that this Plan include “Identification and mapping of critical resource areas within the Central Pine Barrens area which are of regional or statewide significance. Such areas shall include fragile lands, significant shorelands of rivers, lakes, and streams; freshwater wetlands; significant wildlife habitats; unique scenic or historic features; and

rare or valuable ecosystems and geological formations which are of regional or statewide significance.”

4.5.4.1.1 Brookhaven Town Critical Resource Areas

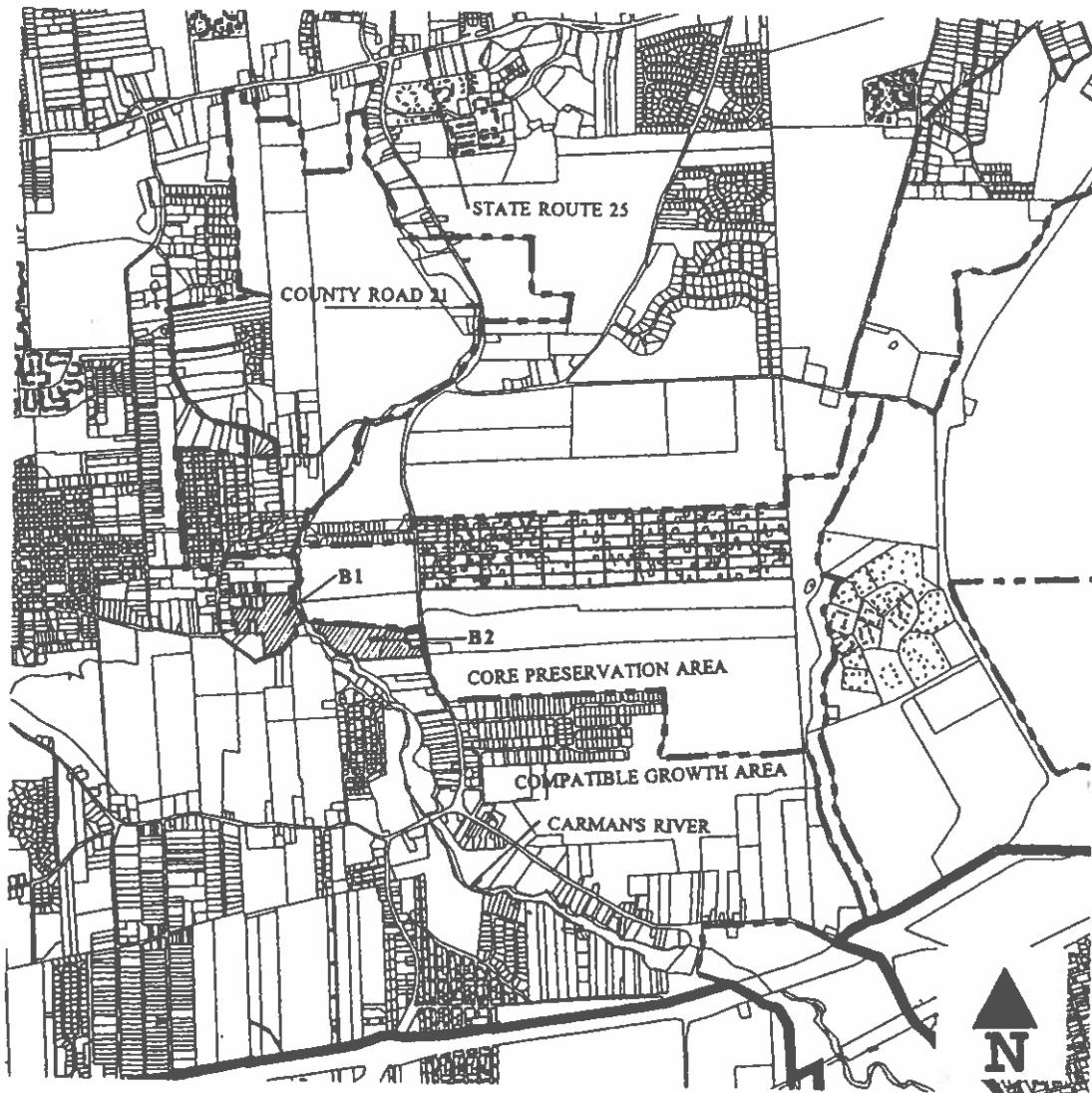
Figure 4-1 depicts existing Critical Resource Areas in the Town of Brookhaven.

Figure 4-1: Summary of Critical Resource Areas in the Central Pine Barrens
(Resolved by the Commission at its 12/14/94 meeting. All sites are within the Compatible Growth Area.)

Name and Description	Tax Map Number and Approximate Size	Feature(s)
Carmans River West Middle Island West bank of Carmans River, opposite Carmans River East site. <i>See B1 on Figure 4-2</i>	0200-528-06- <u>16.2</u> Approx. 24.5 acres.	<i>Sending area.</i> Steep slopes (entire site), cultural resources, atypical wetland vegetation association on upland portion, exploitably vulnerable species (e.g., prickly pear, spotted wintergreen, trailing arbutus, mountain laurel), large hardwood forest, DEC freshwater wetland (B-3), riverfront open space. Ownership: Suffolk County.
Carmans River East Middle Island East bank of Carmans River, opposite Carmans River West site. <i>See B2 on Figure 4-2</i>	0200-548-02-1.4 and 1.6 Approx. 28 acres.	<i>Sending area.</i> Steep slopes (especially from 60 foot contour to the west and the river, steeply sloped swales (possibly an early Holocene drainage formation), cultural resources with high archaeological potential, and extensive freshwater wetlands with associated vegetation (e.g., pepperbush, red maple, black gum) exist on this site. Ownership status: Unknown.
South Manorville Site 1 South of Hot Water Street, west of CR 111. <i>See B3 on Figure 4-3</i>	0200-510-02-01, 2.2, 3,4 Approx. 82 acres.	The partially county-owned Cranberry Pond to the immediate north of this site is a documented tiger salamander habitat, and this site contains much of the upland portion of that habitat (generally estimated as approximately 1000 feet from the southern shore). This hilly site also contains the area known as Punk's Hole, a Revolutionary War bivouac site. Ownership: Suffolk County.

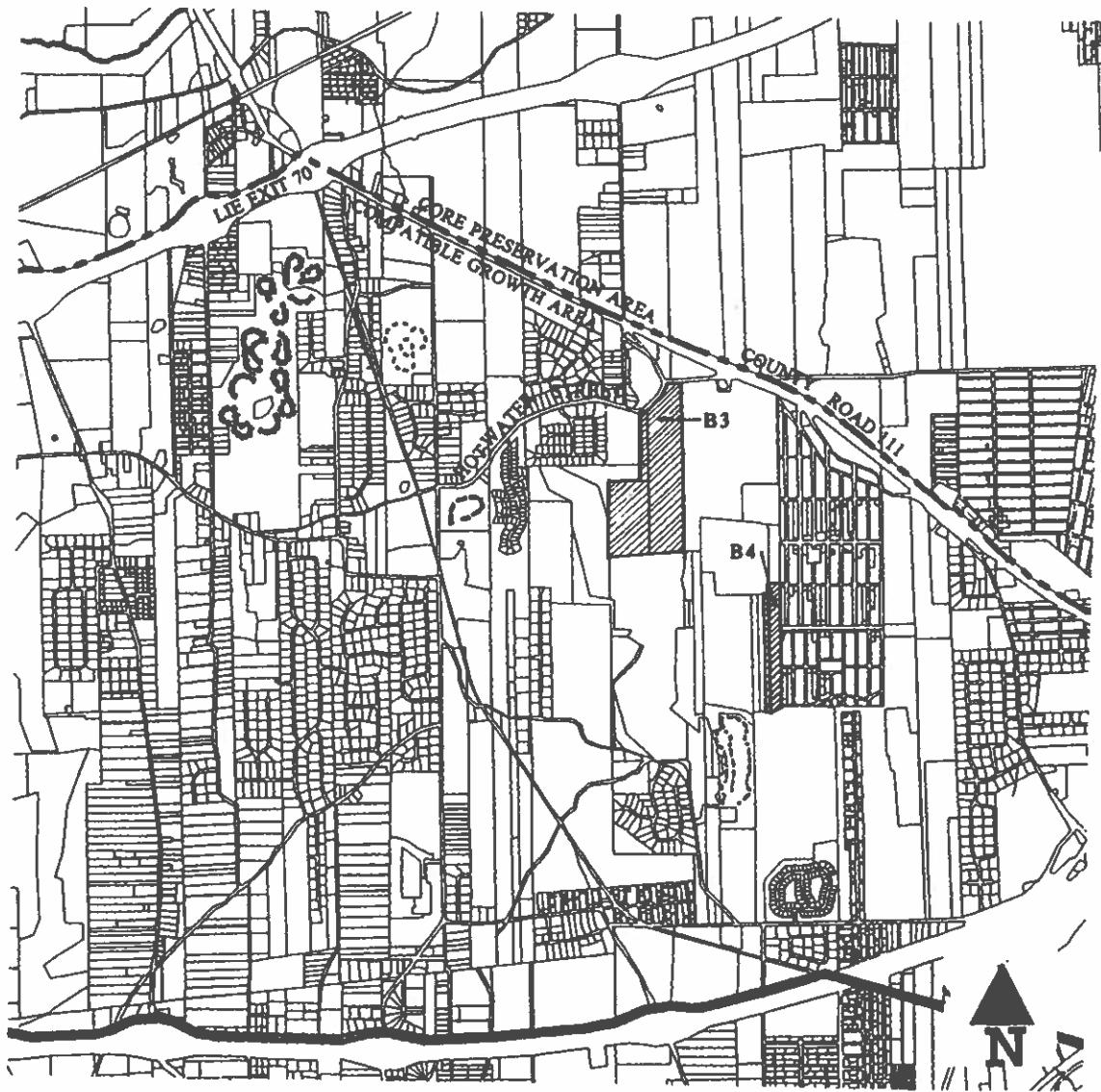
South Manorville Site 2 South of Hot Water Street, west of CR 111. <i>See B4 on Figure 4-3</i>	0200-561-01-12, 13 Approx. 18 acres.	This site enhances the adjacent open space tracts. <u>Ownership: Suffolk County</u> .
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Figure 4-2: Map of Critical Resource Areas along the Carmans River



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Figure 4-3: Map of Critical Resource Areas south of County Route 111



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4.5.4.1.2 Southampton Town Critical Resource Areas

There are ten Critical Resource Areas within Southampton Town's CGA, identified in Figure 4-2, totaling approximately 1,585 acres.

Figure 4-4: Critical Resource Areas in the Southampton Town CGA

Name and Description	Tax Map Number(s) and Approximate Size	Feature(s)
Flanders Ponds Southwest corner of CR 105 and NYS Rt 24 <i>See S1.</i>	0900-142-01-1.42, 53, 54.3 Approx. 90-86.3 acres	<u>Extensive surface waters.</u> <u>Extensive freshwater wetlands,</u> <u>adjacency to Core Area, large</u> <u>block of preserved lands, rare fauna</u> <u>and flora, critical Peconic Bay</u> <u>watershed lands.</u>
Pleasure Drive West Flanders South of NYS Rt 24, west of Pleasure Drive. <i>See S2.</i>	0900-166-04-01 <u>0900-166-04-20+</u> 0900-167-03-09.1 Approx. 128-86.2 acres.	Archaeological and wetland areas, <u>extensive freshwater wetlands,</u> <u>pristine pine and oak woods, rare</u> <u>fauna and flora, contiguous block</u> <u>of preserved lands.</u>
Red Creek Site 1: Wehrman Pond South side of Red Creek Rd, opposite Red Creek Pond. <i>See S3.</i>	0900-151-01-06, 10.2 <u>900 - 151 - 1 - 6.1 and 10.5</u> <u>p/o 900 - 151 - 1 - 10.3 and</u> <u>10.4</u> <u>900 - 151 - 1 - 6.2</u> Approx. 19-18.8 acres.	<u><i>This is also a voluntary Pine Barrens Credit Sending area.</i></u> Wehrman Pond and the adjacent uplands comprise an eastern mud turtle habitat.
Red Creek Site 2 North side of Old Squires Rd, west of Red Creek Road. <i>See S4.</i>	0900-173-02-1.2 <u>900 - 151 - 4 - 1 through 7</u> <u>900 - 173 - 2 - 1.3 through</u> <u>1.11</u> Approx. 46-45.8 acres.	Mixed deciduous forest complements existing open space on adjacent <u>Core</u> parcels.
Red Creek Site 3 West of Red Creek Road <i>See S5.</i>	0900-173-02-8.42, 8.3 Approx. 41-40.9 acres.	Part of the corridor for the proposed Paumanok Path segment heading towards Squire Pond.

<p>Red Creek Site 4 North of NYS Rt 24 and South of Old Squires Road. <i>See S6.</i></p>	<p>0900-173-01-01 0900-205-01-01 <u>900 - 205 - 1 - 1.1 through</u> <u>1.3, 3</u> <u>900 - 173 - 1 - 1.1 through</u> <u>1.3</u> <u>Approx. 79.77.2 acres.</u></p>	<p>Open space area complementing adjacent parkland.</p>
<p>Munn's Pond Vicinity Hampton Bays North side of Montauk Highway, adjacent to east side of Munn's Pond parkland, west of Bellows Pond Road. <i>See S7.</i></p>	<p>0900-221-02-10 <u>Approx. 10.9.8 acres.</u></p>	<p>Open space area buffering the adjacent Munn's Pond site.</p>

<p>Henry's Hollow Region East Quogue Lies between Sunrise Highway and the railroad tracks See S8.</p>	<p><u>0900-220-01-40-86</u> <u>0900-220-01-p/o 87, 88.1, 92</u> <u>0900-220-01-p/o 98.1, 99.24</u> <u>0900-220-01-99.1-99.22</u> <u>0900-220-03-1-82</u> <u>0900-220-04-1-7</u> <u>0900-251-01-68</u> <u>0900-251-01-p/o 90, 91.1, 92</u> <u>0900-251-01-98</u> <u>0900-289-02-1-38</u> <u>900 - 220 - 1 - 103</u> <u>p/o 900 - 220 - 1 - 112</u> <u>900 - 220 - 1 - 53, 56 through</u> <u>87</u> <u>900 - 220 - 1 - 88.1, 88.2, 89</u> <u>p/o 900 - 220 - 1 - 90</u> <u>900 - 220 - 1 - 98.10 through</u> <u>98.16, and 98.2 through 98.9</u> <u>900 - 220 - 1 - 99.1</u> <u>900 - 220 - 1 - 99.10 through</u> <u>99.14</u> <u>p/o 900 - 220 - 1 - 99.15</u> <u>900 - 220 - 1 - 99.16 through</u> <u>99.18</u> <u>900 - 220 - 1 - 99.2</u> <u>900 - 220 - 1 - 99.20</u> <u>p/o 900 - 220 - 1 - 99.21</u> <u>p/o 900 - 220 - 1 - 99.23</u> <u>p/o 900 - 220 - 1 - 99.24</u> <u>900 - 220 - 1 - 99.3 through</u> <u>99.9</u> <u>900 - 251 - 1 - 10 through 35</u> <u>900 - 251 - 1 - 36.1</u> <u>900 - 251 - 1 - 37 through 49</u> <u>900 - 251 - 1 - 4 through 9</u> <u>900 - 251 - 1 - 50.1, 50.2</u> <u>900 - 251 - 1 - 51 through 69</u> <u>900 - 251 - 1 - 90</u> <u>p/o 900 - 251 - 1 - 91.1</u></p>	<p>Buck moth habitat generally north of 100 foot contour.</p>
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	<p><u>900 - 251 - 1 - 92.1 through 92.8,</u> <u>900 - 251 - 1 - 96, 98</u> <u>900 - 251 - 3 - 1 through 83</u> <u>900 - 251 - 4 - 1 through 7</u> <u>900 - 251 - 5 - 1 through 43</u> <u>900 - 289 - 2 - 1 through 5</u> <u>900 - 289 - 2 - 19 through 39</u> <u>(p/o refers to part within CGA)</u></p> <p><u>Approx. 985-539.6 acres.</u></p>	
Dwarf Pines Gabreski Airport Westhampton Contains the northwesternmost corner of Gabreski Airport. <i>See S9.</i>	<u>0900-312-01-p/o-01</u> <u>p/o 900 - 312 - 1 - 4.2</u> <u>Approx. 34-23.96 acres.</u>	Dwarf pine plains.

<p>Upland Forest Westhampton East of Speonk- Riverhead Rd and 5th Ave., north of Montauk Highway. <i>See S10.</i></p>	<p>0900-276-03-p/o 01, 02, 5.1 0900-305-01-6,7 0900-329-01-01, 1.2, 3, 3.1, 4, 5, 6, 7, 8.1 0900-329-01-p/o 9, 10 0900-330-01-02, 4.1</p> <p><u>900 - 305 - 1 - 6, 7.1</u> <u>900 - 330 - 1 - 3.1, 4.1</u> <u>900 - 329 - 1 - 1, 2.1, 3, 4, 5,</u> <u>6, 7, 8.1</u> <u>p/o 900 - 276 - 3 - 1</u> <u>p/o 900 - 276 - 3 - 2</u> <u>p/o 900 - 276 - 3 - 5.2</u> <u>p/o 900 - 305 - 1 - 4</u> <u>p/o 900 - 305 - 1 - 5</u> <u>p/o 900 - 329 - 1 - 9</u> <u>p/o 900 - 329 - 1 - 10</u></p> <p>(p/o refers to that part located in CGA and not in a receiving area) Approx. <u>+53-151.9</u> acres.</p>	<p>Open space on northerly portion of site complements adjacent open space.</p>
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Figure 4-5: Critical Resource Areas in Riverside - Flanders area of Southampton Town

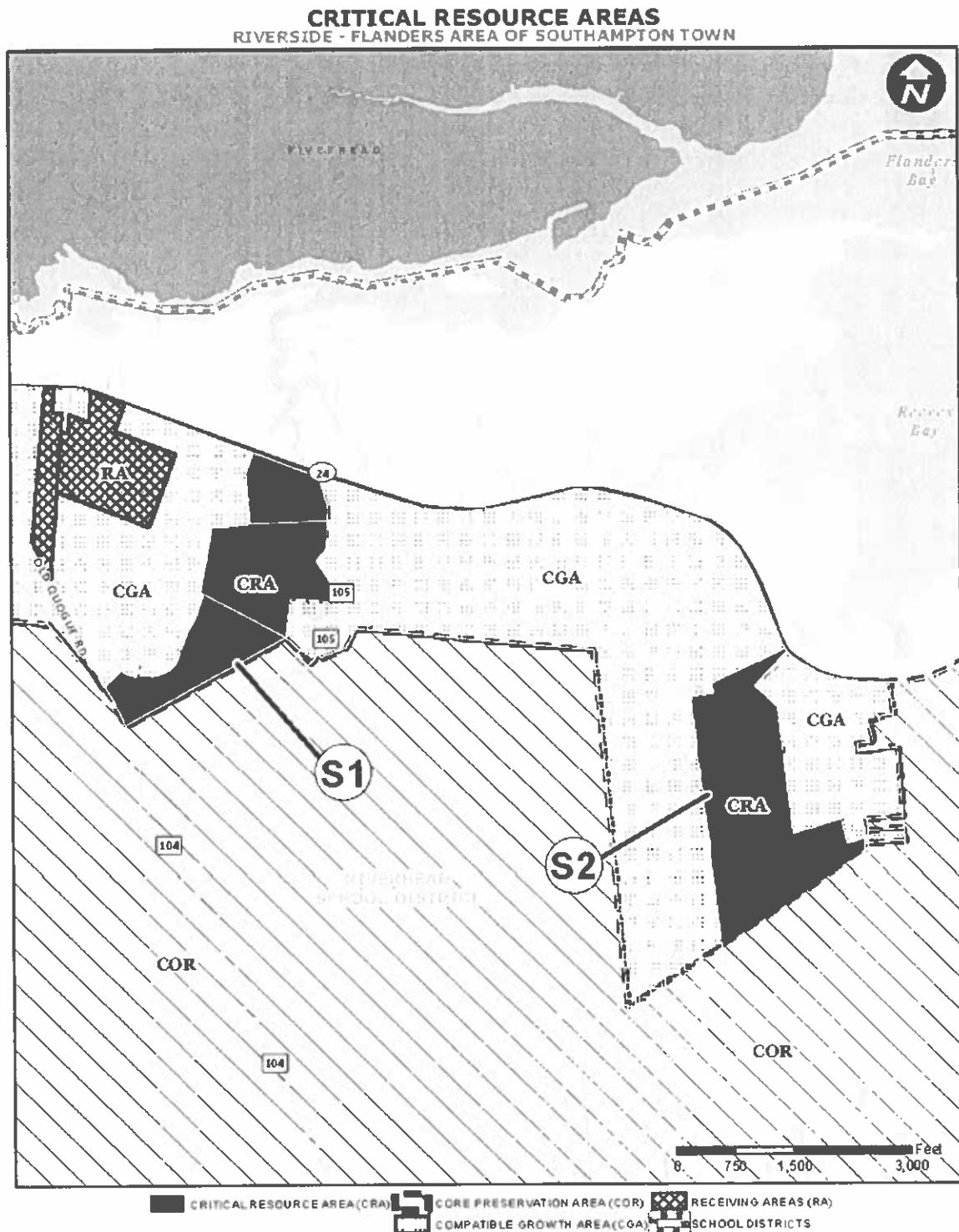


Figure 4-6: Critical Resource Areas in Red Creek area of Southampton Town

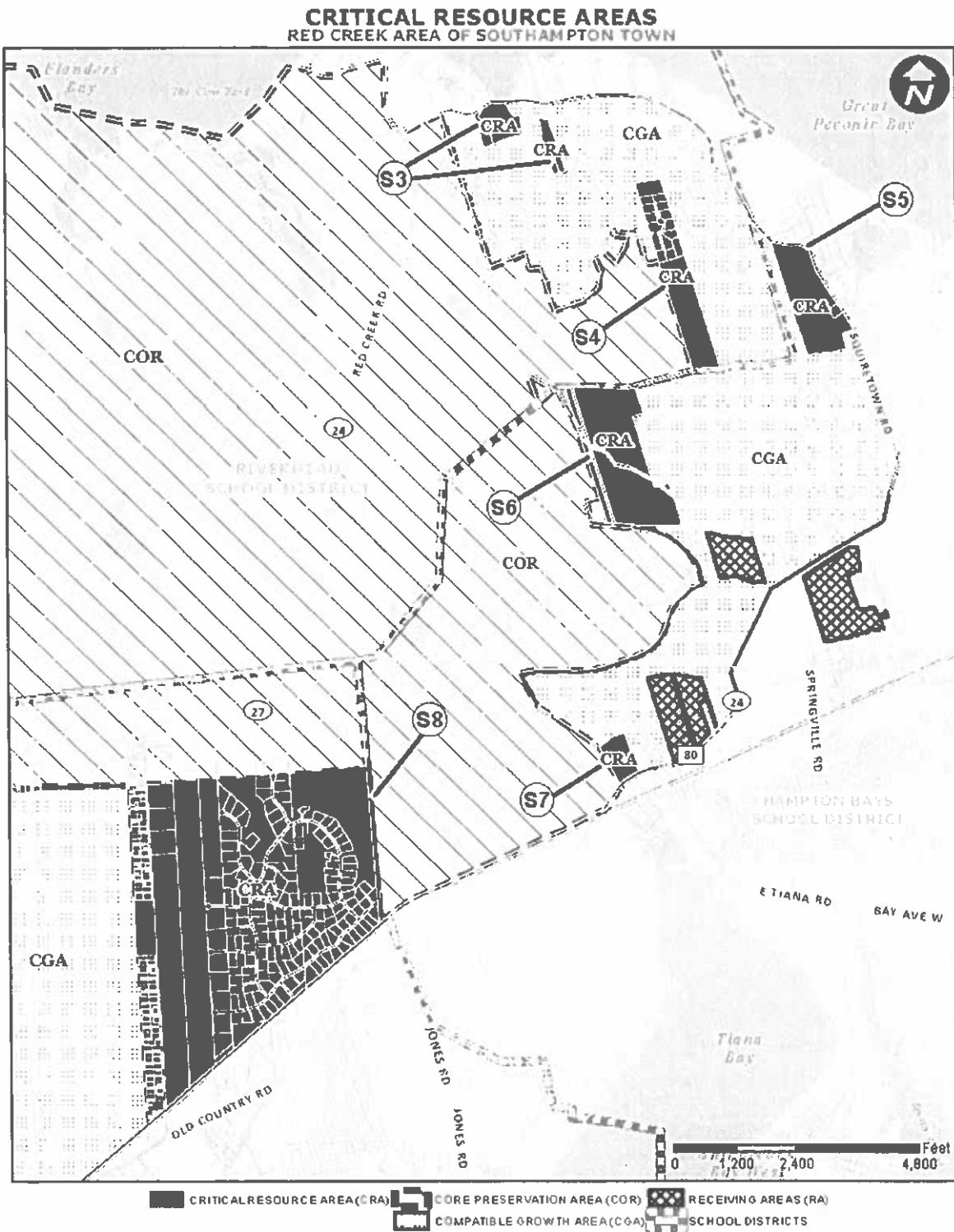
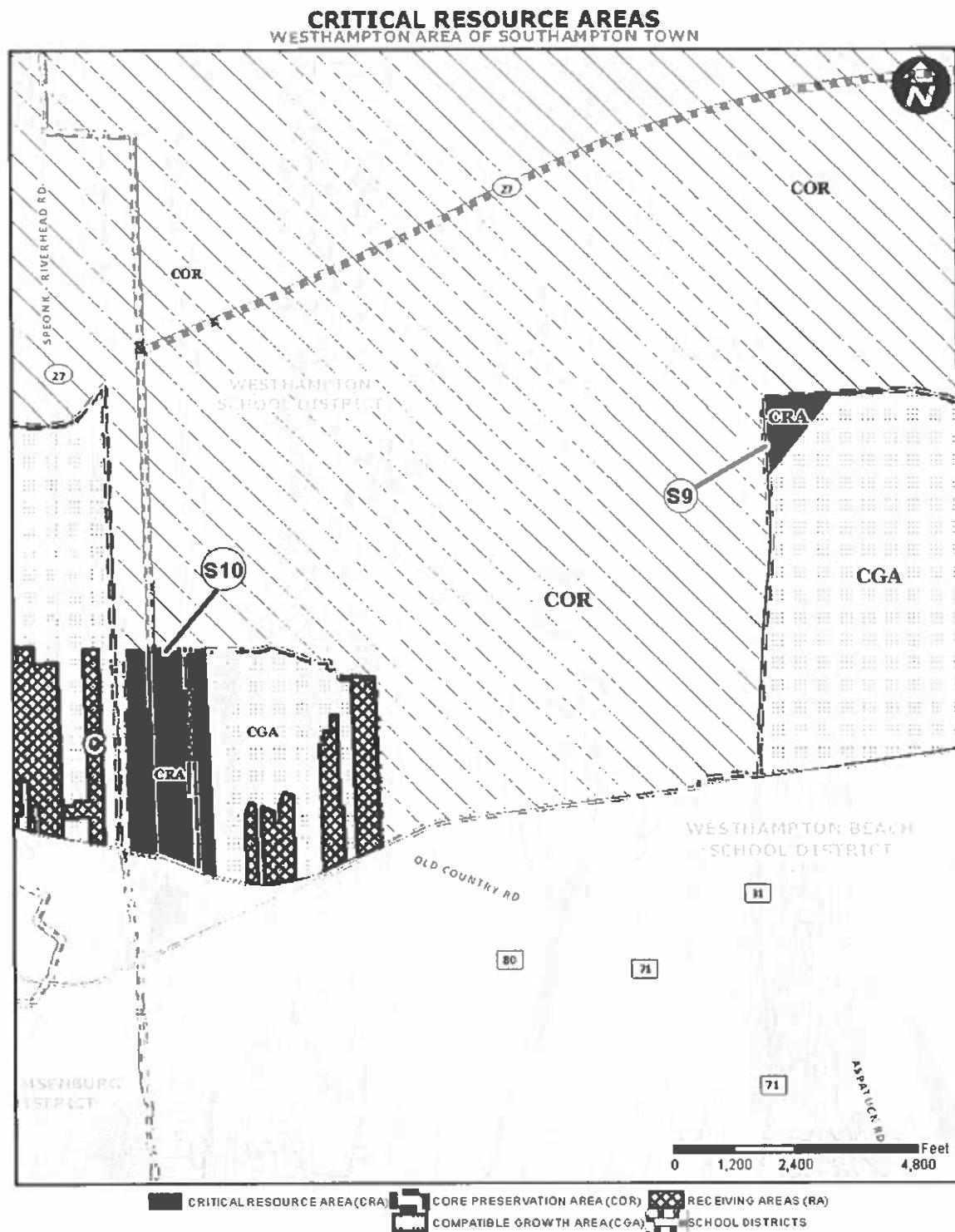


Figure 4-7: Critical Resource Areas in Westhampton area of Southampton Town



4.5.4.2 CRA development: Review standards

The Commission's review pursuant to this section shall be limited to compliance with the standards and guidelines set forth in Volume 1, Chapter 5 of this Plan and the protection for the critical resource feature(s) designated in the Plan. The Commission shall review conformance with guidelines set forth in Volume 1, Chapter 5 of this Plan.

4.5.4.3 CRA development: Application and hearing

A complete application shall be filed by the project sponsor as defined in 4.3.1. Within sixty (60) days of the application being deemed complete, a public hearing on the development proposal shall be held, unless the Commission by majority vote deems a hearing unnecessary, in accordance with the procedures specified in the Act. If a hearing is held, the Commission shall provide the project sponsor and any other person an opportunity to be heard as provided for, and in accordance with the procedures provided in the Act.

4.5.4.4 CRA development: Decision on the application

A decision on the application shall be made by the Commission within one hundred twenty (120) days of said application being deemed complete.

4.5.4.5 CRA development: Default decisions

In the event that the Commission fails to make a decision within one hundred twenty (120) days, the development proposal shall be deemed to be approved by the Commission.

4.5.5 Developments of Regional Significance located within the Compatible Growth Area (“DRS development”)

The Act sets forth the jurisdiction for the Commission's review of development within the Compatible Growth Area of the Central Pine Barrens. This includes the review of development that meets the threshold(s) constituting a Development of Regional Significance as enumerated in the Plan. The Act also authorizes the Commission, by majority vote, to waive strict compliance with this Plan upon finding that such waiver is necessary to alleviate a demonstrated hardship.

4.5.5.1 DRS development: Definition of a Development of Regional Significance

~~The following developments are defined as Developments of Regional Significance:~~

- ~~1. A commercial, industrial or office development project exceeding 300,000 square feet of~~

~~gross floor area, or an addition to an existing commercial, industrial or office development where the addition is 100,000 square feet or more and that addition causes the total square footage to exceed 300,000 square feet.~~

- ~~2. A multifamily residential development project consisting of three hundred (300) or more units.~~
- ~~3. A single family, detached residential development project consisting of two hundred (200) or more units.~~
- ~~4. A development project resulting in a traffic impact which would reduce service by two (2) levels below existing conditions or to a level of service of D or below.~~

Large scale developments that are likely to have regional impacts beyond the immediate project area in which they are located. The following developments are defined as Developments of Regional Significance, unless otherwise exempted under the following provisions:

The following developments are defined as Developments of Regional Significance

1. A non-residential project that proposes the development of Non-Residential Floor area- Exceeds which exceeds 300,000 square foot of gross floor area, or an addition to an existing commercial, industrial, office, educational institution or health care facility¹ development where the addition is 100,000 square feet or more and that addition causes the total square footage to exceed 300,000 square feet.

25. A residential project that proposes the development of the development of Residential- Proposes two hundred (200) residential development units or more or causes the total number of existing residential units on a project to exceed 200 units- whether an addition to an existing development or a new development. A unit shall This quantity shall include, and apply to, any mixture of residential dwelling units such as . This shall include, for example, but not be limited to, attached single family units or homes, detached single family units or homes, apartments, condominiums, cooperative units, and all residential units proposed as one part or component of a larger mixed use development proposal.

36. A mixed use project that Mixed Use: proposes a mixed use development of 400,000 square feet or greater of any type of use.

47. A project that causes groundwater to be open to the atmosphere and be subject to surface runoff if proposed surface water area meets or exceeds the three acre threshold pursuant to the requirements of New York State Environmental Conservation Law Article 23, Title 27 and its

¹Educational institution (61) and health care facility (62) shall be any use as defined within the North American Industry Classification System - U.S. Department of Labor, or other similar use.

implementing regulations 6 NYCRR Parts 420-425 pertaining to Mined Land Reclamation.
Lined ponds that do not expose subsurface groundwater table are exempt from this provision.

Development projects which meet all of the following three criteria are not Developments of Regional Significance:

1. the development project is situated within a designated receiving area pursuant to this Plan, and
2. the development project results from a transfer of development rights from a sending area as defined in this Plan, and
3. the development project contains a minimum of fifteen percent (15%) of residential units, or a minimum of fifteen percent (15%) of commercial, industrial or office use square footage, which is a direct result of the transfer of development rights.

Additionally, the Calverton redevelopment project described in Chapter 9 is defined to not be a Development of Regional Significance.

4.5.5.2 DRS development: Review standards

The Commission's review pursuant to this section shall be limited to compliance with the standards and guidelines set forth in Volume 1, Chapter 5 of this Plan. The Commission shall review conformance with guidelines set forth in Volume 1, Chapter 5 of this Plan.

4.5.5.3 DRS development: Application and hearing

A complete application shall be filed by the project sponsor as defined in 4.3.1. Within sixty (60) days of the application being deemed complete, a public hearing on the development proposal shall be held unless the Commission by majority vote deems a hearing unnecessary, in accordance with the procedures provided in the act. If a hearing is held, the Commission shall provide the project sponsor and any other person an opportunity to be heard as provided for, and in accordance with the procedures provided in the Act.

4.5.5.4 DRS development: Decision on the application

A decision on the application shall be made by the Commission within one hundred twenty (120) days of said application being deemed complete.

4.5.5.5 DRS development: Default decisions

In the event that the Commission fails to make a decision within one hundred twenty (120) days, the development proposal shall be deemed to be approved by the Commission.

4.5.6 Adoption of sense resolutions by the Commission for development projects (amended 5/16/12)

With respect to a development project undergoing review pursuant to the State Environmental Quality Review Act (SEQRA) by another government agency and which is also a pending application being processed and reviewed by the Commission, the Commission may elect to adopt a sense resolution expressing its review and evaluation to date of such project and forward the same to those other agencies. The primary purpose of such a sense resolution shall be to facilitate the completion of the other agencies' SEQRA review and thereby enable the Commission to make a final decision on such a development project.

5. Standards and Guidelines for Land Use

5.1 Central Pine Barrens overall area

The following sets forth the standards and guidelines for land use within the Central Pine Barrens.

Standards are to be implemented, and are enforceable, by municipalities, municipal agencies and the Commission, or any other agency with enforcement powers within the Central Pine Barrens. Discretionary decisions regarding standards are to be made by the Commission, under the provisions set forth in Volume I, Chapter 4 of this Plan. These standards are in addition to all other regulatory requirements and do not exempt any entity from complying with applicable federal, state, county, or local laws.

Guidelines are to be utilized by municipalities and municipal agencies with discretionary decisions determined at the municipal level, unless a project is before the Commission due to its location within a Critical Resource Area, because it is a Development of Regional Significance or because there was an assertion of jurisdiction as described in Volume I, Chapter 4 of this Plan.

The municipalities may adopt standards and guidelines which are more restrictive than those contained in this Plan.

Pre-existing structures or uses that comply with existing laws, including legal non-conforming uses, may be continued in accordance with their current approved use(s).

5.2 Core Preservation Area

The Core Preservation Area is to be preserved by a strategy of government land acquisition, the transfer of development rights, conservation easements, gifts, land swaps, and donations. Development in the Core Preservation Area shall be prohibited or redirected, and hardship exemptions granted by this Commission as provided for in the Act.

Allowable uses within the Core Preservation Area shall be limited to those operations or uses which do not constitute development, or hardship exemptions granted by this Commission pursuant to the Act.

Any existing, expanded, or new activity involving agriculture or horticulture in the Core Preservation Area is an allowable use if it does not involve material alteration of native

vegetation. The erection of agricultural buildings, including but not limited to barns, greenhouses and farm stands, required for the production of plants or animals as reflected under ECL Section 57-0107(14), shall constitute an allowable use. If such activity does involve material alteration of native vegetation, the use will require a hardship exemption from the Commission.

5.3 Compatible Growth Area

5.3.1 Applicability and other policies

The Central Pine Barrens Joint Planning and Policy Commission adopts the following standards and guidelines for development in the Compatible Growth Area in accordance with applicable state law.

These standards shall be incorporated into local land use and development review procedures, ordinances and laws by the local municipalities. The Commission shall also apply these standards to those projects that it directly reviews within the Compatible Growth Area.

These guidelines shall be incorporated into land use and development procedures, and utilized by municipalities and municipal agencies on a discretionary basis.

All standards and guidelines for land use in this section are based on the best available scientific evidence and municipal laws and practices.

Agriculture or horticulture in the Compatible Growth Area is encouraged to comply with best management practices. Best management practices are, for purposes of this Plan, the same practices stated in the document entitled *Agricultural Management Practices Catalogue for Nonpoint Source Pollution Prevention and Water Quality Protection in New York State*, prepared by the New York State Nonpoint Source Management Practices Task Force, New York State Department of Environmental Conservation, 2007.

5.3.2 State Environmental Quality Review Act (SEQRA)

A generic environmental impact statement (GEIS) has been completed for the Plan, including the standards and guidelines for land use set forth in this section.

A supplemental environmental impact statement may be required for individual development projects by the appropriate town or other governmental agency, if a significant environmental

effect is identified that is outside the scope of the standards and guidelines set forth in this chapter. If a potentially significant environmental effect is not identified, a Supplemental Environmental Impact Statement or an Environmental Impact Statement should not be required. The scope of the supplemental EIS should be limited to subjects that are not addressed by the standards or guidelines or the GEIS.

5.3.3 Intent and Compatible Growth Area standards (amended 5/16/12)

The Commission recognizes the need for balanced growth and development consistent with the water resource protection and habitat preservation goals provided for in the Act.

Development projects in the Compatible Growth Area are required to meet all of the standards in this chapter unless a permit has been issued under the provisions of Volume I, Chapter 4 of this Plan.

Where standards contained in the Plan differ from state, county, or local law or regulation, the stricter standard(s) shall apply.

5.3.3.1 Sanitary waste, Nitrate-nitrogen and other chemicals of concern

Nitrate-nitrogen, a contaminant that emanates from numerous types of land uses, is a recognized indicator of groundwater quality. The Suffolk County Department of Health Services abides by the New York State nitrate-nitrogen standard for drinking water. In addition to the specific standards for nitrate-nitrogen, other contaminants of concern may be relevant in specific applications or in specific areas. This is particularly true for organic contaminants of anthropogenic origin

Standards

5.3.3.1.1 Suffolk County Sanitary Code Article 6 compliance

All development proposals subject to Article 6 of the Suffolk County Sanitary Code (“Realty Subdivisions, Developments and Other Construction Projects”) shall meet all applicable requirements of the Suffolk County Department of Health Services. Projects which require variances from the provisions of Article 6 shall meet all requirements of the Suffolk County Department of Health Service's Board of Review in order to be deemed to have met the requirements of this standard.

5.3.3.1.2 Sewage treatment plant discharge

Where deemed practical by the County or State, sewage treatment plant discharge shall be outside and downgradient of the Central Pine Barrens. ~~Denitrification Treatment~~ systems that are approved by the New York State Department of Environmental Conservation or the Suffolk County Department of Health Services may be used in lieu of a sewage treatment plant.

5.3.3.1.3 Suffolk County Sanitary Code Articles 7 and 12 compliance

All projects must comply with the provisions of Articles 7 and 12 of the Suffolk County Sanitary Code, including any provisions for variances or waivers if needed, and all applicable state laws and regulations in order to ensure that all necessary water resource and wastewater management infrastructure shall be in place prior to, or as part of, the commencement of construction.

5.3.3.1.4 Commercial and industrial compliance with the Suffolk County Sanitary Code

All commercial and industrial development applications shall comply with the provisions of the Suffolk County Sanitary Code as applied by the Suffolk County Department of Health Services, and all other applicable federal, state or local laws. Development projects which require variances from the provisions of the Suffolk County Sanitary Code shall meet all requirements of the Department of Health Service's Board of Review in order to be deemed to have met the requirements of this standard.

Guideline

5.3.3.1.3

5.3.3.1.5 Nitrate-nitrogen goal

A more protective goal of two and one half (2.5) ppm ~~may~~ shall be achieved for new development projects located within the regulated buffer area of wetlands or nearby ponds through an average residential density of one (1) unit per two (2) acres (or its non-residential equivalent), through clustering or through other mechanisms to protect surface water quality for projects in the vicinity of ponds and wetlands. For purposes of this section, in the vicinity of ponds and wetlands means that the project site contains areas subject to review by the state or a local municipality under their respective tidal or freshwater wetland, or both, regulations or other provision regulating activities in a surface or tidal wetland.

5.3.3.2

Reserved

5.3.3.3 Wellhead and groundwater protection

The New York State Department of Health requires minimum separation distances for public water supply wells from contaminant sources pursuant to Appendix 5D of 10 NYCRR Part 5, Subpart 5-1 Public Water Supply Systems in order to protect these public water supplies from contamination. Although this may have been considered adequate to prevent the rapid drawdown of bacterial contamination or its entry into groundwater through poorly constructed wells, it does not necessarily ensure an adequate level of protection against the suite of organic and inorganic pollutants that may threaten community water supplies.

Standard

5.3.3.3.1 Significant discharges and public supply well locations

The location of nearby public supply wells shall be considered in all applications involving significant discharges to groundwater, as required under the New York State Environmental Conservation Law Article 17.

Guideline

5.3.3.3.2 Private well protection

The Suffolk County Department of Health Services' guidelines for private wells should be used for wellhead protection.

5.3.3.4 Wetlands and surface waters

Freshwater wetlands that exist within the Central Pine Barrens are considered to be an important natural resource, providing flood and erosion control, the filtering of contaminants and sediments from stormwater runoff, and habitat for plants and wildlife.

Tidal wetlands existing within the marine environment bordering portions of the Central Pine Barrens are equally valuable natural resources. These wetlands support the reproduction of finfish and shellfish, provide habitat for waterfowl and species which are designated as rare, endangered, threatened or special concern, and contribute a scenic quality that supports recreational economies.

Surface waters, including freshwater ponds, lakes, streams, rivers, and creeks, occur throughout the Central Pine Barrens. These are considered to be resources of significant value in economic, aesthetic and ecological terms. Their protection is judged to be vital to the dynamics of the pine barrens.

Standards

5.3.3.4.1

Nondisturbance buffers

Development proposals for sites containing or abutting freshwater or tidal wetlands or surface waters must be separated from a regulated wetland by a nondisturbance buffer area that which is must shall be no less than that required by the New York State Tidal Wetland, Freshwater Wetland, or Wild, Scenic and Recreational Rivers Act or local ordinance. The Commission reserves the right to require a stricter and larger nondisturbance buffer for development projects not subject to municipal review. Distances shall be measured horizontally from the wetland edge as mapped by the New York State Department of Environmental Conservation, field delineation or local ordinance. Projects which require variances or exceptions from these state laws, local ordinances and associated regulations, shall meet all requirements imposed in a permit by the New York State Department of Environmental Conservation or a municipality in order to be deemed to have met the requirements of this standard.

5.3.3.4.2

Buffer delineations, covenants and conservation easements

Buffer areas shall be delineated on the site plan, and covenants and/or conservation easements, pursuant to the New York State Environmental Conservation Law and local ordinances, shall be imposed to protect these areas as deemed necessary.

5.3.3.4.3

Wild, Scenic and Recreational Rivers Act compliance

Development shall conform to the provisions of the New York State Wild, Scenic and Recreational Rivers Act, where applicable. Projects which require variances or exceptions under the New York State Wild, Scenic and Recreational Rivers Act shall meet all requirements imposed by the New York State Department of Environmental Conservation in order to be deemed to have met the requirements of this standard.

Guideline

5.3.3.4.4

Additional nondisturbance buffers

Stricter nondisturbance buffer areas may be established for wetlands as appropriate.

5.3.3.5 Stormwater runoff

Development of lands within the pine barrens inevitably results in an increase of runoff water following precipitation. Runoff water originating from the roofs of buildings and from driveways is usually discharged directly to subsurface dry wells situated on the building lot. However, the great volume of runoff water originating from paved streets and roads is usually discharged by pipes into large open recharge basins or sumps. These basins may cover several acres and require the removal of considerable native vegetation to the detriment of the site's ecology and aesthetics.

Standards

5.3.3.5.1 Stormwater recharge

Development projects must provide that all stormwater runoff originating from development on the property is recharged on site unless surplus capacity exists in an off site drainage system.

5.3.3.5.2 Natural recharge and drainage

Natural recharge areas and/or drainage system designs that cause minimal disturbance of native vegetation should be employed, where practical, in lieu of recharge basins or ponds that would require removal of significant areas of native vegetation.

5.3.3.5.3 Ponds

Ponds should only be created if they are to accommodate stormwater runoff, not solely for aesthetic purposes.

5.3.3.5.4 Natural topography in lieu of recharge basins

The use of natural swales and depressions should be permitted and encouraged instead of excavated recharge basins, whenever feasible.

5.3.3.5.5 Soil erosion and stormwater runoff control during construction

During construction, the standards and guidelines promulgated by the New York State Department of Environmental Conservation pursuant to state law, which are designed to prevent soil erosion and control stormwater runoff, should be adhered to.

5.3.3.6

Coordinated design for open space, habitat and soil protection

Comprehensive, coordinated planning and design of development proposals within the pine barrens is essential to ensure maximum preservation of open space and habitat linkages. Development projects must be designed with full consideration of existing development and known future plans for the adjacent parcels. otherwise, inefficient road patterns may require unnecessary clearing and lot layout that may hinder or entirely prevent the preservation of large, unbroken blocks of open space.

Conservation design principles must be used when creating development project plans to ensure that the most valuable natural features and functions of a project site are retained and set aside as open space. Conservation design is a method of site planning which emphasizes the preservation of natural, historic or other significant features of a development project site, including its natural landscape and ecology, while allowing other, more appropriate locations on the parcel to be developed. All development projects are required to meet the open space and clearing requirements specified in Figure 5-1. Conservation design is a method of site planning which emphasizes the preservation of natural, historic or other significant features of a development project site, including its natural landscape and ecology, while allowing other, more appropriate locations on the parcel to be developed

Open space is defined as any undeveloped and unimproved, publicly or privately-owned open area, which can be comprised of either land or water, that remains in its natural state and may include agricultural areas that are permanently preserved and will not be developed. Open space is intended to be available, where applicable, for low-intensity recreational activities which have nominal environmental impact and have no effect on the environmental integrity of the open space, including hiking, hunting, nature study, bird watching and orienteering. In no case does open space mean active recreational facilities such as golf courses, amusement parks and ballfields. Additionally, Proper management of these areas, including assignment of responsibility for such management, is essential in order to protect open spaces from illegal dumping, clearing, motor vehicle trespass and other abuses.

Buffer areas are defined, for the purposes of this section, as areas incorporated into a development project site design for purposes including, but not limited to, conservation area compliance, habitat preservation, open space protection, separation between wetlands and development, visual consideration, or mitigation of environmental impacts. These buffer areas, too, must be properly managed and protected to prevent damage and deterioration.

Clearing is defined as the removal, cutting or material alteration of any portion of the natural vegetation found on a development project site exclusive of any vegetation associated with active agricultural or horticultural activity or formalized landscape and turf areas.

Excessive clearing of natural vegetation can result in severe soil erosion, excessive stormwater runoff, and the destruction or reduction of pine barrens plant and wildlife habitat, and shall be minimized on development project sites through the provisions of this section. Revegetation of a development project site to meet open space requirements may be accomplished through the self-heal restoration process instead of planting horticulturally derived native plants from off-site sources depending on site conditions. or a portion thereof, may be used to meet the open space standard by implementing the self restoration heal approach as defined in Chapter 4 instead of planting horticulturally generated native plants derived from off site sources.

Further, the Long Island Comprehensive Waste Treatment Management Plan (the "208 Study"; Long Island Regional Planning Board, Hauppauge, NY, (1978)) indicated that fertilizers are a significant source of nitrogen and phosphorous contamination to ground and surface waters. Due to their low fertility, soils common to the pine barrens (e.g., Carver, Haven, Plymouth and Riverhead) require both irrigation and fertilizer application for establishment and maintenance of turf and nonnative vegetation. As native pine barrens vegetation is replaced with turf through development, increased contamination and a general change in the ecosystem may be expected.

Provisions to actively monitor for invasive non-native vegetation to, support, and manage the health and preservation of natural ecological communities in the Compatible Growth Area in coordination with other local and regional initiatives, are encouraged and supported.

Standards

5.3.3.6.1

Vegetation clearance limits

The clearance of natural vegetation shall be strictly limited. Site plans, surveys and subdivision maps shall delineate the existing naturally vegetated areas and calculate those portions of the site that are already cleared due to previous activities.

Areas of the site proposed to be cleared combined with previously cleared areas shall not exceed the percentages in Figure 5-1. These percentages shall be taken over the total site and shall include, but not be limited to, roads, building sites, drainage structures and landbanked parking. The clearance standard that would be applied to a development project site if developed under the existing residential zoning category may be applied if the proposal involves multi-family units, attached housing, clustering or modified lot designs. Site plans, surveys and subdivision maps shall be delineated with a clearing limit line and calculations for clearing to demonstrate compliance with this standard.

To the extent that a portion of a development project site includes Core property, and for the purpose of calculating the clearance limits, the site shall be construed to be the combined Core and CGA portions. However, the Core portion may not be cleared except in accordance with Section 5.2 of the Plan.

- 5.3.3.6.1.1 Development project sites which consist of non-contiguous parcels shall be treated as if the parcels were contiguous for purposes of determining conformance.
- 5.3.3.6.1.2 Development project sites which consist of parcel(s) that are split among two or more zoning categories shall have a total clearing allowance for the entire site which is the sum of the individual clearances for each separately zoned portion of the site.
- 5.3.3.6.1.3 Development project sites in Residential Overlay Districts that include the redemption of Pine Barrens Credits shall apply Figure 5-1 based on the resulting average lot size after the redemption of Credits, rather than the base zoning lot size. To determine the amount of clearing allowed, interpolate the maximum site clearance percentage using Figure 5-1, as long as the requirements of the Town Code and of Section 6.4 of the Plan are met.
- 5.3.3.6.1.4 Land cleared for purposes of conducting environmental restoration pursuant to ECL 57-0107(13)(c), shall be considered “natural vegetation,” and shall not be considered “cleared” or “previously cleared” land in determining conformance.
- 5.3.3.6.1.5 Persons seeking relief from clearing requirements on development project sites must file a CGA hardship application.
- 5.3.3.6.1.6 For a project site which is split between the Core Preservation Area and the Compatible Growth Area, and within which Pine Barrens Credits have been issued for the Core Preservation Area portion, only the Compatible Growth Area acreage shall be used to determine the amount of clearing allowed according to Figure 5-1.

Figure 5-1: Clearance and Open Space Standards

This table shows total overall development project site clearance and requirement for open space including lots, roads, drainage and other improvements.

For all privately owned parcels:

<u>Zoning lot size (see Notes at end of table) as of June 28, 1995, with the exception that in the newly expanded Compatible Growth Area in the Carmans River Watershed created by the New York State Legislature's adoption on June 7, 2013 of an amendment to Environmental Conservation Law Article 57, Section 57-0107(10), the minimum lot size required by zoning shall be based on the zoning in effect on January 1, 2014. (*)</u>	<u>Maximum overall development project site clearance (**)</u>	<u>Minimum open space requirement (**)</u>
10,000 square feet residential (1/4 acre)	90 %	10 %
15,000 square feet residential (1/3 acre)	70 %	30 %
20,000 square feet residential (1/2 acre)	60 %	40 %
30,000 square feet residential (2/3 acre)	58 %	42 %
40,000 square feet residential (1 acre)	53 %	47 %
60,000 square feet residential (1.5 acre)	46 %	54 %
80,000 square feet residential (2 acres)	35 %	65 %
120,000 square feet residential (3 acres)	30 %	70 %
160,000 through 200,000+ square feet residential (4 - 5+ acres)	25-20%	75%
<u>Clearance Areas and Open Space on lots in this category shall not include the clearance necessary for the construction of driveways and septic systems, except that, in no case shall the total clearance in this category exceed 25%.</u> <u>The total amount of disturbance of natural vegetation shall not exceed the clearance percentage, except on flagpole lots where the area of the pole shall be exempt from the total lot area and the total amount of clearing permitted.</u>	<u>Clearance limitations on lots in this category shall not include the clearance necessary for the construction of driveways and septic systems. In no case shall the total clearance in this category exceed 25%.</u>	
Other defined residential zoning lot size	Interpolate from entries above.	Interpolate from entries above.
<u>Commercial, Industrial and Other or Mixed Use</u> <u>All other zoning categories, including those categories without defined zoning lot sizes and parcels owned by the State or a public corporation, except for publicly owned lands dedicated to park purposes, open space or nature preserve or acquired with funds for open space preservation or parkland purposes.</u>	<u>6560 %</u>	<u>40 %</u>

Notes:

(*) These entries are the minimum lot sizes required by zoning as of June 28, 1995 or the date the parcel is added to the Central Pine Barrens if later or the current zoning, whichever is more protective of the environment by minimizing clearing or maximizing open space, not the size of the subject parcels. the current zoning, whichever is more protective of the environment by minimizing clearance or maximizing open space, not the size of the subject parcels, with the exception that in the newly expanded Compatible Growth Area in the Carmans River Watershed created by the New York State Legislature's adoption on June 7, 2013 of an amendment to Environmental Conservation Law Article 57, Section 57-0107(10), the minimum lot size required by zoning shall be based on the zoning in effect on January 1, 2014.

(**) In calculating the percentage of land cleared or and the percentage of open space to be retained, the preserved areas in a development should preferably be existing native vegetation. These are maximum clearance and minimum open space standards, and more restrictive standards may be imposed during the review by the Commission, involved agency, or local municipality due to consideration of other standards, especially those addressing preservation of rare or endangered species, or unique flora or vegetation.

5.3.3.6.2

Open space standard requirement, unfragmented open space and habitat

Development project sites must meet at a minimum the percentages of open space specified in Figure 5-1 regardless of existing physical site conditions. Applicants must prioritize first the use of existing cleared areas for development on a project site prior to clearing areas of natural vegetation. In no case shall the combined area of existing clearing and new clearing of existing natural vegetation exceed the applicable clearing requirement in Figure 5-1. Site plans, surveys and subdivision maps must delineate the open space boundary lines and include the calculation of open space areas to demonstrate conformance with this standard.

Applicants must identify the receiving entity to which dedicated open space will be transferred as required by Standard 5.3.3.6.5.

Conservation design promotes the creation of open space that permanently protects the significant natural and cultural resources and environmental features of a site by concentrating development into compact areas. This will be required for development projects and accomplished through the use of conservation design methods that include clustering, reduced density development design, transfer of development rights, or similar methods that achieve the requirements of this section. Projects that use the conservation design approach tend to have greater flexibility in site design and lot size and can reduce impervious cover, stormwater pollutants, construction costs, grading and the loss of natural areas.

In determining appropriate areas to designate as open space and how to configure open space areas, apply the principles of Conservation Design and related tenets. In determining which areas of a development project site to set aside as open space, the order of priority, from highest to lowest, shall be as follows:

- Areas that include any species, habitats or significant attributes required to be protected under existing regulations. This includes, but is not limited to, wetlands; the habitats of endangered, threatened and special concern species; floodplains; archaeological sites and burial grounds and cemeteries.
- Areas that contain woodlands followed by other natural areas, which may include, but are not limited to, natural areas
- Areas that contain woodlands and other natural areas adjacent to

existing open space, habitats of rare and endangered plant and wildlife species such as certain forest interior dependent birds, rare ecological communities and significant topographic features that will provide a connection between areas of open space areas into large contiguous, unbroken blocks of habitat. This should include consideration of existing and planned future development of adjacent properties, natural areas which abut existing open space, habitats of rare species such as certain forest interior dependent birds, rare ecological communities such as grasslands, assemblages of rare plants, scenic vistas, steep slopes, farmland and significant topographic features such as kettleholes, drumlins and kames.

- When possible, after addressing the prior two priorities, subdivision and site design shall also support preservation of open spaces in large unbroken blocks that allow contiguous habitat to be established when adjacent parcels are developed.

This should include existing forested and wooded areas, old fields and successional vegetation. However, if active farmland is proposed as open space, it must be permanently protected from development, such as an agricultural reserve.

The preservation of nonnative but ecologically important habitats are permitted to be used to meet the open space requirement of the plan when such action would achieve one of the aforementioned priorities.

A transfer of development rights within the CGA, which results in the preservation of a large block of unfragmented open space within the vicinity of the subject property being developed that is included as part of the project site, can be used to meet the open space requirements of this section.

Project sites that do not have sufficient existing natural areas to meet the open space requirement specified in Figure 5-1 due prior development or use, will be required to revegetate these areas to satisfy this standard. This will include sites that do not meet the open space requirement due to pre-existing clearing or disturbance, formalized landscaped and turf areas and/or impervious surfaces.

However, such revegetation will not be required for active development projects involving farmland when farmland used area used to meet the open space standard is permanently protected, to meet the open space requirement that is

preserved and protected from development.

A range of one or more restoration methods may be required that include, but are not limited to, the "self-heal" approach, active restoration with nursery stock, and/or transplantation activities. The "Self-Heal" approach should be the first approach used for restoration of areas to be set aside as open space, unless otherwise prevented by site conditions. The "Self-Heal" approach is preferable because it allows existing live seed banks, rhizomes, roots, etc. to naturally recolonize a disturbed area rather than using active restoration with nursery stock grown offsite. The transplanting of natural vegetation from areas proposed to be developed should also be considered and implemented where feasible.

The restoration of these areas that will require the preparation of a restoration plan that will be subject to the review and approval of the approving agency. The plan will include at a minimum, a description of the restoration method, map of areas to be restored, site preparation work, schedule for implementation, monitoring and reporting requirements to guarantee a success rate of 85% after three to five years, and invasive species management, and reporting requirements. Since site conditions can vary, the approving agency may require other provisions in the restoration plan to ensure successful restoration of these areas to serve as open space. If the Self-Heal approach fails to successfully restore the areas, a restoration plan will need to be developed and approved by the reviewing agency that provides for active restoration with native species.

The restoration area once it has been successfully restored with native species must be protected as the open space area in accordance with Standard 5.3.3.6.5, "Receiving entity and protection for open space areas."

5.3.3.6.3

Fertilizer-dependent vegetation limit

No more than 15% of an entire development project site shall be established in fertilizer-dependent vegetation including formalized turf areas. Generally, nonnative species require fertilization therefore, planting of such nonnative species shall be limited to the maximum extent practicable. -Development designs shall be in conformance with Standard 5.3.3.6.4 Native plantings.

5.3.3.6.4

Native plantings

Development designs shall incorporate the species listed as "recommended" in Figure 5-2 "Planting Recommendations." Landscaping and restoration plans

shall strive to use Long Island native genotypes, unless the plants are not available. A more extensive list of acceptable and unacceptable plants is available from the Commission office.

Figure 5-2: Planting recommendations

(Native plants are more drought tolerant than nonnative species, are adapted to our local environment, maintain natural ecological diversity, perpetuate fast disappearing native genotypes, and comprise a form of habitat restoration.)

Scientific name <i>(In alphabetic order)</i>	Common name
Recommended native plants	
<i>Andropogon gerardii</i>	Big bluestem
<i>Andropogon scoparius</i>	Little bluestem
<i>Betula lenta</i>	White Birch
<i>Betula populifolia</i>	Grey birch
<i>Celtis occidentalis</i>	Hackberry
<i>Dennstaedtia punctilobula</i>	Hay scented fern
<i>Epigaea repens</i>	Trailing arbutus
<i>Hamamelis virginiana</i>	Witch hazel
<i>Ilex glabra</i>	Inkberry
<i>Ilex opaca</i>	American holly
<i>Myrica pensylvanica</i>	Northern bayberry
<i>Parthenocissus quinquefolia</i>	Virginia creeper
<i>Pinus rigida</i>	Pitch pine
<i>Populus tremuloides</i>	Quaking aspen
<i>Prunus maritima</i>	Beach plum
<i>Prunus serotina</i>	Black cherry
<i>Pteridum aquilinum</i>	Bracken fern
<i>Quercus alba</i>	White oak
<i>Quercus coccinea</i>	Scarlet oak
<i>Quercus rubra</i>	Red oak
<i>Rosa virginiana</i>	Virginia rose
<i>Rubus allegheniensis</i>	Northern blackberry
<i>Salix discolor</i>	Pussy willow
<i>Sassafras albidum</i>	Sassafras
<i>Solidago</i> species	Goldenrod
<i>Spirea latifolia</i>	Spirea
<i>Vaccinium angustifolium</i>	Lowbush blueberry
<i>Vaccinium corymbosum</i>	Highbush blueberry

Continued ...

Invasive, nonnative plants specifically <u>not</u> recommended	
<i>Acer platinoides</i> <i>Acer pseudoplatanus</i> <i>Ampelopsis brevipedunculata</i> <i>Berberis thunbergii</i> <i>Celastrus orbiculatus</i> <i>Coronilla varia</i> <i>Eleagnus umbellata</i> <i>Lespedeza cuneata</i> <i>Ligustrum sinense</i> <i>Lonicera japonica</i> <i>Lonicera maackii</i> <i>Lonicera tartarica</i> <i>Lythrum salicaria</i> <i>Miscanthus sinensis</i> <i>Pinus nigra</i> <i>Polygonum cuspidatum</i> <i>Pueraria lobata</i> <i>Robina pseudoacacia</i> <i>Rosa multiflora</i> <i>Rosa rugosa</i> <i>Rudbeckia hirta</i>	Norway maple Sycamore maple Porcelain berry vine Japanese barberry Asiatic bittersweet Crown vetch Autumn olive Himalayan bushclover Chinese privet Japanese honeysuckle Amur honeysuckle Tartarian honeysuckle Purple loosestrife Eulalia Black pine Mexican bamboo Kudzu Black locust Multiflora rose Rugosa (salt spray) rose Black eyed susan

5.3.3.6.5

Receiving entity and protection for open space areas

The use, maintenance and management of open space shall be considered when protecting open space areas. The project applicant must specify the entity to which the open space will be dedicated. The protection of the open space shall be guaranteed by dedicating the open space to a government entity, private not for profit, land conservation management organization, homeowner's association or similar entity through the transfer of title or a permanent conservation easement or covenant recorded with the Suffolk County Clerk, or similar mechanism to ensure open space protection.

5.3.3.7

Protection and conservation of species and communities

The pine barrens ecosystem hosts several species of rare, endangered or threatened animals and plants, as well as species of special concern. The State of New York has identified such species and has enacted laws to protect their number and habitat. The New York State Natural Heritage Program has also identified unique natural communities and habitats of special concern.

The U.S. Fish and Wildlife Service estimates that bird strikes with buildings, windows and other structures account for up to several million bird deaths per year. Bird collisions occur because birds perceive glass and reflections of vegetation, landscapes or sky to be real and they attempt to reach habitat, open spaces or other attractive features visible through either glass surfaces or free-standing glass. Many of these collisions are preventable with appropriate building design.

Standards

5.3.3.7.1 Special species and ecological communities

Where a significant negative impact is proposed upon a habitat essential to those species identified on the New York State maintained lists as rare, threatened, endangered or of special concern, or upon natural communities classified by the New York State Natural Heritage Program as G1, G2, G3 or S1, S2 or S3, or on any federally listed endangered or threatened species, appropriate mitigation measures as determined by the appropriate state, county or local government agency shall be taken to protect these species.

5.3.3.7.2 Bird conservation and protection

Development projects shall incorporate bird friendly structures, design and site planning elements to reduce bird strikes and mortality to the greatest extent feasible. Seek guidance provided in the American Bird Conservancy et al publication “Bird Friendly Building Design,” available from their website.

5.3.3.8 Soils

Disturbance of, and construction on, steep slopes within the pine barrens involves considerable removal of native vegetation resulting in excessive surface water runoff and severe soil erosion. Steeply sloped areas are also subject to more rapid spread of wildfire than flat ground.

Guidelines

5.3.3.8.1 Clearing envelopes

Clearing envelopes-should be placed upon lots within a subdivision so as to maximize the placement of those envelopes on slopes less than ten percent (10%).

5.3.3.8.2 Stabilization and erosion control

Construction of structures on slopes greater than ten percent (10%) may be approved if technical review shows that stabilization measures, erosion control practices and structures are implemented to mitigate negative environmental impacts and no alternative location exists on the project site.

5.3.3.8.3 Slope analyses

Project review is facilitated if submissions contain a slope analysis showing slopes in the ranges 0-10%, 11-15% and 15% and greater. In areas with steep slopes, slope analysis maps should be required. This can be satisfied with cross hatching or shading on the site plan for the appropriate areas.

5.3.3.8.4 Erosion and sediment control plans

Erosion and sediment control plans should be required in areas of fifteen percent (15%) or greater slopes.

5.3.3.8.5 Placement of roadways

Roads and driveways should be designed to minimize the traversing of slopes greater than ten percent (10%) and to minimize cuts and fills.

5.3.3.8.6 Retaining walls and control structures

Details of retaining walls and erosion control structures should be provided for roads and driveways which traverse slopes greater than ten percent (10%).

5.3.3.9 Dark sky compliance

Light pollution is caused by inefficient or unnecessary use of artificial light that may cause light trespass on properties, over illumination and glare that can cause discomfort to the eyes, light clutter and sky glow that diminishes the ability to view the night sky and may disrupt wildlife behavior. This standard applies to projects not subject to local municipal review.

Standard

5.3.3.9.1 Light pollution prevention

This standard applies only to projects which are not subject to local municipal review and approval. The candlepower distribution from lighting fixtures and installations shall be cut off at all angles beyond those required to restrict direct

illumination to the specific area or surface being illuminated. Development shall utilize full cutoff lighting that directs all light downward and eliminates spill light and direct upward light. Fixtures must be noted on the proposed site plan as dark-sky compliant fixtures. Existing exterior fixtures on a development project site shall be retrofitted accordingly.

5.3.3.10 Reserved

5.3.3.11 Scenic, historic and cultural resources

The Long Island Pine Barrens Protection Act specifies that the Plan shall consider and protect unique scenic, cultural or historic features. Volume 2 of the Plan includes an inventory of many of these resources, and separate inventories for these items exist in local, state, county, federal or private inventories.

The Commission's policy is to protect and enhance those landscape based features of a community which define it, provide for its distinction from neighboring communities, provide for natural areas among the communities which complement the protection of the pine barrens ecosystem, and contribute to a regional diversity, both natural and cultural. The standards and guidelines in this section will promote the protection of these features in the Central Pine Barrens.

Federal, State, and local historic and cultural preservation programs along with the standards in this section promote the protection and preservation of the historic and cultural resources in the Central Pine Barrens which serve as critical components to the region's heritage, economy and tourism. Local historic districts play an important role in preserving distinctive historic neighborhoods and assemblages of historic structures located in the Central Pine Barrens.

In order to minimize adverse visual effects of tall structures, as defined in Chapter 4, Section 4.3.11, careful siting and design standards shall be applied to development projects involving tall structures that are proposed by public corporations identified in New York State Construction Law and any other development projects which are not subject to local municipal review and approval. Potential damage to adjacent properties from the placement and construction of tall structures should be avoided through local structural standards and zoning setback requirements.

Standard

5.3.3.11.1 Tall structures and scenic resources

This standard applies to projects not subject to local municipal review. A development project subject to this standard must not exceed the height definition for tall structures in Chapter 4, Section 4.3.11. This

standard requires, in part, the adaptive use and reuse of existing tall structures rather than the construction and placement of new ones when and where feasible and appropriate.

Guidelines

5.3.3.11.2 Cultural resource consideration

Development proposals should account for, review, and provide protection measures for:

1. Established recreational and educational trails and trail corridors, including but not limited to those trail corridors inventoried elsewhere in this Plan.
2. Active recreation sites, including existing sites and those proposed as part of a development.
3. Scenic corridors, roads, vistas and viewpoints as documented in Volume 2 of this Plan, and which are listed in Figure 5-3, which may be amended from time to time, in Volume I of this Plan and may be located in Critical Resource Areas, and along the Long Island Expressway, Sunrise Highway, County Road 111 and William Floyd Parkway.
4. Sites of historical or cultural significance, including historic districts, sites on the State or National Registers of Historic Places, and historic structures listed on the State or National Registers of Historic Places, recognized by local municipal law or statute.
5. Sensitive archaeological areas as identified by the New York State Historic Preservation Office or the New York State Museum.

5.3.3.11.3 Inclusion of cultural resources in applications

Development proposals should note established recreation and educational trails and trail corridors; active recreation sites; scenic corridors, roads, vistas and viewpoints located in Critical Resource Areas and undisturbed portions of the roadsides of the Long Island Expressway, Sunrise Highway, County Road 111 and William Floyd Parkway; sites on the State or National Register of Historic Places, and historic structures and landmarks recognized by municipal law or statute, or listed on the State or National Registers of Historic Places; and sensitive

archaeological areas as identified by the New York State Historic Preservation Office or the New York State Museum within a five hundred (500) foot radius of

the outside perimeter of the project site, including any project parcels which are physically separate from the bulk of the proposed development area.

A development proposal may be disapproved or altered if the local municipality determines that the development proposal, in its current form, may have a significant negative impact on any of the above resources.

5.3.3.11.4

Protection of scenic and recreational resources

Protection measures for scenic and recreational resources should include, but not be limited to, retention of visually shielding natural buffers, replacement of degraded or removed natural visual buffers using native species, use of signs which are in keeping in both style and scale with the community character, and similar measures.

5.3.3.11.5

Roadside design and management

Undisturbed portions of the roadside should be maintained in a manner that protects the scenic features of these areas. Clearing (including that for aisles, driveways, access and parking) is not precluded within these roadside areas, provided that appropriate buffers are maintained, and that manmade structures meet standards consistent with the character of the area.

Figure 5-3: Scenic Roads and Areas in the Central Pine Barrens¹

(Standards and guidelines shall apply only to the portion of these areas and roadways located in the Compatible Growth Area)

Scenic Roads in the Central Pine Barrens Area

- **Sunrise Highway (NYS 27)** from CR 51 intersection east to NYS 24 intersection.
- **Riverhead -Moriches Road (CR 51) and Center Drive** from CR 111 north to Riverhead County Center.
- **Riverhead -Moriches Road (CR 63)** from CR 51 north toward Riverhead
- **Riverhead-Westhampton Road (CR 31) and Riverhead-Quogue Road (CR 104)** from Suffolk Airport north to Riverhead
- **Flanders Road (NYS 24)** from approximately Cross River Drive (CR 105) east to Jackson Avenue
- **Yaphank hamlet and Yaphank-Middle Island Road (CR 21)** from Lower Lake north to Cathedral and Prosser Pines
- **William Floyd Parkway** from northerly edge of Brookhaven Laboratory to Route 25A
- **Rocky Point Road (CR 21)** from approximately Whiskey Road north to northern edge of state preserve
- **North Street and Mill Road** through Manorville hamlet
- **Schultz Road and Wading River-Manorville Road**

Scenic Areas in the Central Pine Barrens

- **NYS Rocky Point Natural Resource Management Area**
- **Prosser Pines County Nature Preserve**
- **Southaven County Park and Carmans River**
- **Brookhaven State Park**
- **Peconic River and associated Coastal Plain Ponds** from Middle Country Road (NYS 24) south to Schultz Road and east towards Connecticut Avenue
- **Swan Pond County Parkland**
- **Manorville-Riverhead Hills** from roughly the Long Island Expressway extending along an arc running southeast and east to CR 51

- **Riverhead Hills**, an extension of the above “arc”, running from CR 51 east past Suffolk Community College, Speonk-Riverhead Road to CR 104
- **Cranberry Bog County Nature Preserve** located south of Riverhead County Center
- **Sears Bellows/Maple Swamp/ Flanders Hills County parkland** from Flanders Road (NYS 24) south to Sunrise Highway; from Pleasure Drive east to Bellows Pond Road
- **South Flanders and Henry’s Hollow region**
- **Dwarf Pine Barrens**
- **Flanders and Hubbard County Parks, Southampton Town Red Creek Parkland**
- **Quogue Wildlife Refuge**
- **Peconic River** from Connecticut Avenue east to Riverhead hamlet and Flanders Bay
- **Paumanok Path** (Pine Barrens Trail portion) from Rocky Point south, southeast, and east to Sears Bellows County Park, the Red Creek region, and outside the Central Pine Barrens towards Montauk Point
- **Wildwood Lake** south of Riverhead hamlet
- **Artist Lake** immediately south of Middle Country Road in Middle Island
- **Lake Panamoka** approximately one mile north of Middle Country Road, between Ridge and Calverton

A more complete description of each of the scenic resources listed is provided in the Central Pine Barrens Comprehensive Land Use Plan, Volume 2: Existing Conditions, Chapter 8: Scenic Resources, 6/28/1995, reprinted 8/96.

5.3.3.12 Reserved

6. Pine Barrens Credit Program

6.1 Purpose of the Pine Barrens Credit Program

As required in the Long Island Pine Barrens Protection Act, the Plan is designed to preserve the pine barrens ecology and to ensure the high quality of surface and groundwater within the Central Pine Barrens. The Act states that the Plan shall discourage piecemeal and scattered development, and accommodate development in a manner consistent with the long term integrity of the pine barrens ecosystem. The Act further states that the Plan should ensure a compact, efficient and orderly plan of development. The Legislature recognized that the Plan may restrict the use of some lands currently in private ownership and that these restrictions are necessary and desirable to protect and preserve the hydrologic and ecologic integrity of the Central Pine Barrens area, as well as the public health and welfare of future generations.

It is the primary purpose of the Pine Barrens Credit Program to maintain value in lands designated for preservation or protection under the Plan by providing for the allocation and use of Pine Barrens Credits (PBCs). The Pine Barrens Credit Program will also promote development which is compact, efficient and orderly, and which is designed to protect the quality and quantity of surface water and groundwater and the long term integrity of the pine barrens ecosystem.

6.2 Pine Barrens Credit Certificate defined

A Pine Barrens Credit (PBC) Certificate is a document issued on behalf of the Commission which indicates the number of Pine Barrens Credits to which the owner of a particular parcel of land is entitled and which attests to the fact that the development rights of a particular parcel of land in a sending district of the Central Pine Barrens have been severed from the land by the recording of a conservation easement, and that these rights are available for sale or use.

6.3 Allocation of Pine Barrens Credits *(amended 11/21/12)*

For the purpose of computing the allocation of Pine Barrens Credits on land located within that portion of the Core Preservation Area which was in existence prior to January 1, 2014, a parcel of land is defined as a separately assessed Suffolk County Real Property Tax Parcel which is within the Core Preservation Area and existed on the Central Pine Barrens Comprehensive Land Use Plan initial adoption date of June 28, 1995 or the date the parcel is added to the Core Preservation Area or sending area, if later.

For the purposes of computing the allocation of Pine Barrens Credits on land in the expanded portion of the Core Preservation Area in the Carmans River Watershed created by the New York State Legislature's adopted amendment to Environmental Conservation Law Article 57, Section 57-0107(11) on June 7, 2013, a parcel of land is defined in the expanded Core Preservation Area as a separately assessed Suffolk County Real Property Tax Parcel which existed on January 1,

2014, the effective date of the amendment to Environmental Conservation Law Article 57, Section 57-0107(11).

6.3.1 Method of allocation

One (1) Pine Barrens Credit shall be allocated for each single family dwelling permitted on a residentially zoned parcel of land located within the Core Preservation Area or a designated sending area designated within this Plan or the date the parcel is added to the Core Preservation Area or sending area, if later located within that portion of the Core Preservation Area which was in existence prior to January 1, 2014, based upon the development yield set forth in Sections 6.3.1.1.1 through 6.3.1.1.9 of this Plan under the zoning regulations in existence when this Plan is adopted in June, 1995.

One (1) Pine Barrens Credit shall be allocated for each single family dwelling permitted on a residentially zoned parcel of land located in the expanded Core Preservation Area of the Carmans River Watershed Area created by the New York State Legislature's adopted amendment to Environmental Conservation Law Article 57, Section 57-0107(11) on June 7, 2013, based upon the development yield set forth in Sections 6.3.1.1.1 through 6.3.1.1.9 of this Plan under the zoning regulations in existence as of January 1, 2014, the effective date of this adopted amendment to Environmental Conservation Law Article 57, Section 57-0107(11).

Development yield is established by multiplying the gross lot area of the parcel by the development yield factor for each residential zoning category. The development yield factors for the various residential zoning categories are enumerated in Section 6.3.1.1 below, in which one acre equals 43,560 square feet.

6.3.1.1 Development yield factors and computation for single family residentially zoned property (amended 5/16/12)

- 6.3.1.1.1 If zoning allows one (1) dwelling unit per ten thousand (10,000) square feet, the development yield factor is 2.70 Pine Barrens Credits per acre.
- 6.3.1.1.2 If zoning allows one (1) dwelling unit per fifteen thousand (15,000) square feet, the development yield factor is 2.00 Pine Barrens Credits per acre.
- 6.3.1.1.3 If zoning allows one (1) dwelling unit per twenty thousand (20,000) square feet, the development yield factor is 1.60 Pine Barrens Credits per acre.
- 6.3.1.1.4 If zoning allows one (1) dwelling unit per forty thousand (40,000) square feet, the development yield factor is 0.80 Pine Barrens Credit per acre except for Southampton Town old filed map parcels for which it is 1.00 PBC per acre. *(amended 5/16/12)*
- 6.3.1.1.5 If zoning allows one (1) dwelling unit per sixty thousand (60,000) square feet, the development yield factor is 0.60 Pine Barrens Credit per acre except for Southampton Town old filed map parcels for which it is 0.66 PBC per acre. *(amended 5/16/12)*
- 6.3.1.1.6 If zoning allows one (1) dwelling unit per eighty thousand (80,000) square feet, the development yield factor is 0.40 Pine Barrens Credit per acre except for Southampton

Town old filed map parcels for which it is 0.50 PBC per acre. *(amended 5/16/12)*

6.3.1.1.7 If zoning allows one (1) dwelling unit per one hundred twenty thousand (120,000) square feet, the development yield factor is 0.27 Pine Barrens Credit per acre except for Southampton Town old filed map parcels for which it is 0.33 PBC per acre. *(amended 5/16/12)*

6.3.1.1.8 If zoning allows one (1) dwelling unit per one hundred sixty thousand (160,000) square feet, the development yield factor is 0.20 Pine Barrens Credit per acre.

6.3.1.1.9 If zoning allows one (1) dwelling unit per two hundred thousand (200,000) square feet, the development yield factor is 0.16 Pine Barrens Credit per acre except for Southampton Town old filed map parcels for which it is 0.20 PBC per acre. *(amended 5/16/12)*

6.3.1.1.10 If zoning allows one (1) dwelling unit per four hundred thousand (400,000) square feet, the development yield factor is 0.08 Pine Barrens Credit per acre.

6.3.1.1.11 One (1) acre as used in 6.3.1.1.1 through 6.3.1.1.10 equals forty three thousand five hundred sixty (43,560) square feet.

6.3.1.1.12 A fractional allocation of a Pine Barrens Credit shall be rounded upward to the nearest one hundredth (1/100th = 0.01) of a Pine Barrens Credit. *(amended 5/16/12)*

6.3.1.1.13 If zoning allows one (1) dwelling unit per thirty thousand (30,000) square feet, the development yield factor is 1.20 Pine Barrens Credits per acre. *(amended 5/16/12)*

These development yield factors and sample computations are summarized in Figure 6-1 and Figure 6-1a.

Figure 6-1: Pine Barrens Credit Program development yield factors for single family residentially zoned property *(amended 5/16/12)*

Provision	If zoning allows:	Then the development yield factor (*) is:
6.3.1.1.1	1 (one) dwelling unit per 10,000 sq ft	2.70 PBCs per acre(**)
6.3.1.1.2	1 (one) dwelling unit per 15,000 sq ft	2.00 PBCs per acre(**)
6.3.1.1.3	1 (one) dwelling unit per 20,000 sq ft	1.60 PBCs per acre(**)
6.3.1.1.4	1 (one) dwelling unit per 40,000 sq ft	0.80 PBC per acre(**) except Southampton Town old filed map parcels which receive 1.00 PBC per acre

6.3.1.1.5	1 (one) dwelling unit per 60,000 sq ft	0.60 PBC per acre(**) except Southampton Town old filed map parcels which receive 0.66 PBC per acre
6.3.1.1.6	1 (one) dwelling unit per 80,000 sq ft	0.40 PBC per acre(**) except Southampton Town old filed map parcels which receive 0.50 PBC per acre
6.3.1.1.7	1 (one) dwelling unit per 120,000 sq ft	0.27 PBC per acre(**) except Southampton Town old filed map parcels which receive 0.33 PBC per acre
6.3.1.1.8	1 (one) dwelling unit per 160,000 sq ft	0.20 PBC per acre(**)
6.3.1.1.9	1 (one) dwelling unit per 200,000 sq ft	0.16 PBC per acre(**) except Southampton Town old filed map parcels which receive 0.20 PBC per acre
6.3.1.1.10	1 (one) dwelling unit per 400,000 sq ft	0.08 PBC per acre(**)
6.3.1.1.13	1 (one) dwelling unit per 30,000 sq ft	1.20 PBC per acre(**)

(*) These development yield factors are augmented by section 6.3.1.1.12: fractional allocations are rounded upward to the nearest one hundredth (1/100 = 0.01) of a Pine Barrens Credit (PBC).

(**) One acre equals 43,560 sq ft.

“Southampton Town old filed map parcels” are defined in Southampton Town Code Section 330-53, including any amendments by the Town to this provision in the future.

**Figure 6-1a Pine Barrens Credit allocation examples
for single family residentially zoned property (amended 5/16/12)**

Example 1: A 1.00 acre parcel zoned one unit per 40,000 square feet.

$$1.00 \text{ acre} \times 0.80 \text{ Pine Barrens Credit per acre} = 0.80 \text{ PBC}$$

Example 2: A 3.25 acre parcel zoned one unit per 40,000 square feet.

$$3.25 \text{ acres} \times 0.80 \text{ PBC per acre} = 2.60 \text{ PBCs}$$

Example 3: A 7.89 acre parcel zoned one unit per 80,000 square feet.

$$7.89 \text{ acres} \times 0.40 \text{ PBC per acre} = 3.156 \text{ PBCs}$$

This is then rounded upward to 3.16 PBCs as per section 6.3.1.1.12.

Example 4: A 10.53 acre parcel zoned one unit per 120,000 square feet.

$$10.53 \text{ acres} \times 0.27 \text{ PBC per acre} = 2.8431 \text{ PBCs}$$

This is then rounded upward to 2.85 PBCs as per section 6.3.1.1.12.

Example 5: A 0.25 acre parcel zoned one unit per 200,000 square feet.

$$0.25 \text{ acre} \times 0.16 \text{ PBC per acre} = 0.04 \text{ PBC}$$

This is then increased to the minimum allocation of 0.10 PBC as per section 6.7.6.7.

6.3.2 Allocation for property zoned for other than single family residential use (amended 11/21/12)

The Commission establishes the allocations in Figure 6-2 for property in the Core Preservation Area, which is designated as a sending area, as well as for sending area property within the Compatible Growth Area which is zoned for other than single family residential use.

Figure 6-2: Pine Barrens Credit Program development yield factors for property zoned for other than single family residential use. (amended 11/21/12)
(Note: Although some of the following zoning classes are now obsolete, those have been retained here in the event that a parcel in a sending area had one of those zoning categories on its relevant record date listed in Section 6.3.)

Zoning Class	Pine Barrens Credits per acre
Defense Institutional District	1.00 PBC per acre*
Industrial A District	1.00 PBC per acre*
Highway Business	1.00 PBC per acre*
J Business 2 District	1.00 PBC per acre*
J Business 3 District	0.20 PBC per acre*
J Business 4 District	1.00 PBC per acre*
J Business 5 District	1.00 PBC per acre*
Light Industrial 1 District	1.00 PBC per acre*
Light Industrial 3 District	0.27 PBC per acre*
Light Industrial 200 District	0.20 PBC per acre*
Light Industrial 40 District	1.00 PBC per acre*
Brookhaven Multi-Family 1 District	0.27 PBC per acre*
Brookhaven PRC	0.10 PBC per acre*
Riverhead Natural Resource Preservation District	0.20 PBC per acre*
Riverhead Open Space Conservation District	0.25 PBC per acre*
All Other Districts	0.10 PBC per acre*

*One acre equals 43,560 square feet; fractional allocations are rounded upward to the nearest one hundredth ($1/100 = 0.01$) of a Pine Barrens Credit (PBC). No fewer than 0.10 (one tenth) Pine Barrens Credit shall be allocated by the Clearinghouse for any parcel of land, regardless of its size or road accessibility.

6.3.3 Limitations on allocation (amended 11/21/12)

The following limitations shall apply to the allocation of Pine Barrens Credits:

6.3.3.1 No allocation shall be made for any property owned or held by a public agency, municipal

corporation or governmental subdivision, including property held by reason of tax default.

6.3.3.2 No allocation shall be made for any property for which the development rights have previously been fully used, or allocated for use, under this Plan or any other program.

6.3.3.3 No allocation shall be made for any property owned or held for the purpose of land protection, preservation or conservation.

6.3.3.4 Partially improved parcels shall receive a decreased allocation based upon the extent of improvement. Furthermore, there shall be a proportional decrease in allocation based upon the receipt of all discretionary permits for improvement of a parcel or hardship permits issued by the Commission. The Pine Barrens Credit allocation for a parcel of land shall be reduced by one (1) Pine Barrens Credit for each existing single family unit on the parcel or equivalent as such equivalent is described in the document entitled *Standards for Approval of Plans and Construction for Sewage Disposal Systems for Other Than Single Family Residences*, approved by the Suffolk County Department of Health Services, Division of Environmental Quality, on June 15, 1982, revised March 5, 1984 and December 1, 2009, and as implemented prior to February 5, 1988, as amended from time to time (hereinafter referred to as the "Suffolk County Health Department Standards"). *(amended 5/16/12)*

6.3.3.5 In situations where a development project site contains a parcel that is split between the Core Preservation Area and Compatible Growth Area, and where the entire project site's acreage (i.e., Core and Compatible Growth Area acreage added together) was used for determining the amount of clearing that can occur on the Compatible Growth Area portion, then no Pine Barrens Credits can be obtained on the Core Preservation Area portion. *(amended 11/21/12)*

6.3.3.6 Pine Barrens Credits can only be allocated to partially developed parcels when the parcel size is at least twice the minimum lot size for the zoning district to which that parcel belongs and the parcel is otherwise eligible for a Credit allocation under this Plan. *(amended 11/21/12)*

6.3.3.7 In allocating Credits to portion(s) of an otherwise eligible parcel, the Clearinghouse shall consider the extent of any prior public acquisition of that parcel or any portion thereof. *(amended 11/21/12)*

6.3.3.8 No allocation of Credits shall be made to any parcel or portion thereof upon which an ownership overlap condition exists among more than one competing owners unless and until such ownership overlap condition is resolved by the applicant to the satisfaction of the Commission. In addition, applications for Credits on such parcels where the overlap condition includes as one of the competing owners any governmental agency or body, the Commission shall communicate in writing to the relevant governmental agency or body a request for guidance on resolving the overlap condition. *(amended 11/21/12)*

6.4 Designated receiving districts for Pine Barrens Credits

6.4.1 Definitions

For the purposes of Chapter 6 of this Plan, the following definitions shall apply.

6.4.1.1 As of right Pine Barrens Credit redemption

"As of right" means that the redemption of Pine Barrens Credits entitles a person to an increase in intensity or density in accordance with this Plan. Town Planning Boards, and, in the Town of Riverhead, the Riverhead Town Board performing the function of site plan review, may determine compliance with this Plan as part of the subdivision or site plan review procedures, and shall approve such use of Pine Barrens Credits with no additional special permit required.

Pine Barrens Credits generated in any area in the Central Pine Barrens within any town shall be redeemable for any as of right Pine Barrens Credit uses in each respective town as described in this Plan subject only to the restrictions expressed herein.

6.4.1.2 Increased density and increased intensity

"Increased density" means an increase in the number of residential units. "Increased intensity" means an increase in the gross floor area of a nonresidential structure and/or use. Development in accordance with existing zoning regulations is not considered an increase in permitted land use intensity or density.

6.4.2 Town of Brookhaven designated Pine Barrens Credit receiving districts

6.4.2.1 Brookhaven Pine Barrens Credit Program overview

The Pine Barrens Credit Program for the Town of Brookhaven is designed to redirect development for residentially zoned lands within the Core Preservation Area to receiving districts throughout the Town utilizing two basic approaches. These are:

1. **"As of right" Credit Redemption:** The transfer of development rights through Residential Overlay Districts (RODs) to one (1) and two (2) acre residentially zoned lands with increased density through approval of the Planning Board pursuant to the definition in Section 6.4.1.1 of this Plan, and
2. **"Non as of right" Credit Redemption:** The use of innovative planning techniques such as Planned Development Districts (PDDs), Planned Retirement Communities (PRCs), and other zoning incentives.

6.4.2.2 Brookhaven "As of Right" Residential Overlay District specifications

The Town of Brookhaven has identified Residential Overlay Districts to receive Pine Barrens Credits from the Core Preservation Area where increased density ~~may~~ shall be allowed in those residential districts set forth in a map contained in Figure 6-3.

6.4.2.2.1 Brookhaven density increase

Under the Brookhaven transfer of development rights program, a single Pine Barrens Credit shall permit an increase in density equal to one (1) single family dwelling as defined in the Brookhaven

Town Code.

6.4.2.2.2 Brookhaven total yield *(amended 5/16/12)*

Under the Brookhaven transfer of development rights program, the total yield in all eligible one (1) and two (2) acre residentially zoned receiving districts shall be equal to the square footage of the total parcel contained within the receiving site divided by the minimum square footage allowed under the Brookhaven Town Code in the appropriate residential zone. The minimum lot size in such eligible residentially zoned receiving districts shall allow for the construction of necessary roads and recharge basins, and the possible dedication of open space.

Notwithstanding the above, the minimum lot size shall be as necessary to assure compliance with Section 6.5.2 of this Plan. However, such decrease in the minimum lot size below the formula set forth above shall only be authorized where absolutely necessary to comply with Section 6.5.2 of this Plan, and in no instance shall the average lot size be less than 30,000 square feet in A-1 zoning districts and 60,000 square feet in A-2 zoning districts.

6.4.2.2.3 Brookhaven approval subject to criteria *(amended 5/16/12)*

This “as of right” increase shall be allowed, subject to the approval of the Town of Brookhaven Planning Board during the subdivision and site plan approval processes, based upon the criteria set forth below and those contained within Section 85-450(D) of the Brookhaven Town Code.

6.4.2.2.4 Brookhaven criteria

The following two criteria shall apply:

1. An area of a parcel shall be constituted ineligible as a Residential Overlay District where the area of the parcel is located within:
 - a. five hundred (500) feet of any stream, bluff, surface water, or wetlands regulated by the New York State Department of Environmental Conservation or the Town of Brookhaven;
 - b. ~~the one hundred (100) year flood plain hurricane inundation zones as defined by the Federal Emergency Management Agency and the New York State Emergency Management Office (including, but not limited to, Fire Island), and Special Flood Hazard Areas as determined by the National Flood Insurance Rate Maps;~~
 - c. the South Setauket Special Groundwater Protection Area (South Setauket SGPA);
 - d. the state's Wild, Scenic and Recreational River corridors ~~as mapped by the New York State Department of Environmental Conservation;~~
 - e. ~~existing public lands publicly or privately owned parcels held for, or dedicated to, conservation or agricultural preservation purposes, including, but not limited to, parklands, parcels with conservation or agricultural preservation easements and parcels whose development rights or development potential have been removed or restricted;~~

f. the Core Preservation Area.

2. A parcel shall be ineligible as a Residential Overlay District where forty percent (40%) or more of the land area of the parcel contains steep slopes of fifteen percent (15%) or greater.
3. A parcel shall be ineligible as a Residential Overlay District where the parcel does not conform to the requirements for such Districts contained within Section 85-450(D) of the Brookhaven Town Code.

6.4.2.3 Innovative strategies for the redemption of Brookhaven Pine Barrens Credits

In addition to the Planning Board approval process as described in Section 6.4.1.1 of this Plan, the Town of Brookhaven intends to use creative techniques to provide additional mechanisms for the use of Pine Barrens Credits during the life of the Pine Barrens Credit Program. The use of Planned Development Districts, subject to the approval of the Town Board, will allow for the conversion of residential development rights into commercial, industrial and/or other uses, which will serve to limit the final number of residential dwelling units to be built while avoiding a negative tax impact.

In addition, the Town of Brookhaven will seek to utilize the following initiatives, through approval of the Brookhaven Town Board, for redemption of Pine Barrens Credits where appropriate:

1. Use of "R" residential districts, consisting of currently residentially zoned parcels, which are too small for Planned Development District use, but which are more appropriately zoned for commercial and industrial use;
2. The use of Planned Retirement Communities as already set forth in the current Brookhaven Town Code;
3. Other innovative zoning incentives.

6.4.2.4 Additional Brookhaven Pine Barrens Credit Program policies

6.4.2.4.1 Transfers from Hydrogeologic Zone 3 to Hydrogeologic Zone 6

The Town of Brookhaven may also seek the support of the Commission to obtain a ruling from the Suffolk County Board of Health to allow for the transfer of development rights from the Core Preservation Area, which is located in Hydrogeologic Zone 3, to selected portions of Hydrogeologic Zone 6. This transfer would utilize the increased bonus density formula set forth above, and transfer Pine Barrens Credits to the northern portions of Hydrogeologic Zone 6 (i.e., north of Sunrise Highway, NYS Route 27) so as not to increase nitrogen loadings to the Great South Bay, Moriches Bay or their tributary streams or wetlands.

6.4.2.4.2 Brookhaven acquisition priorities

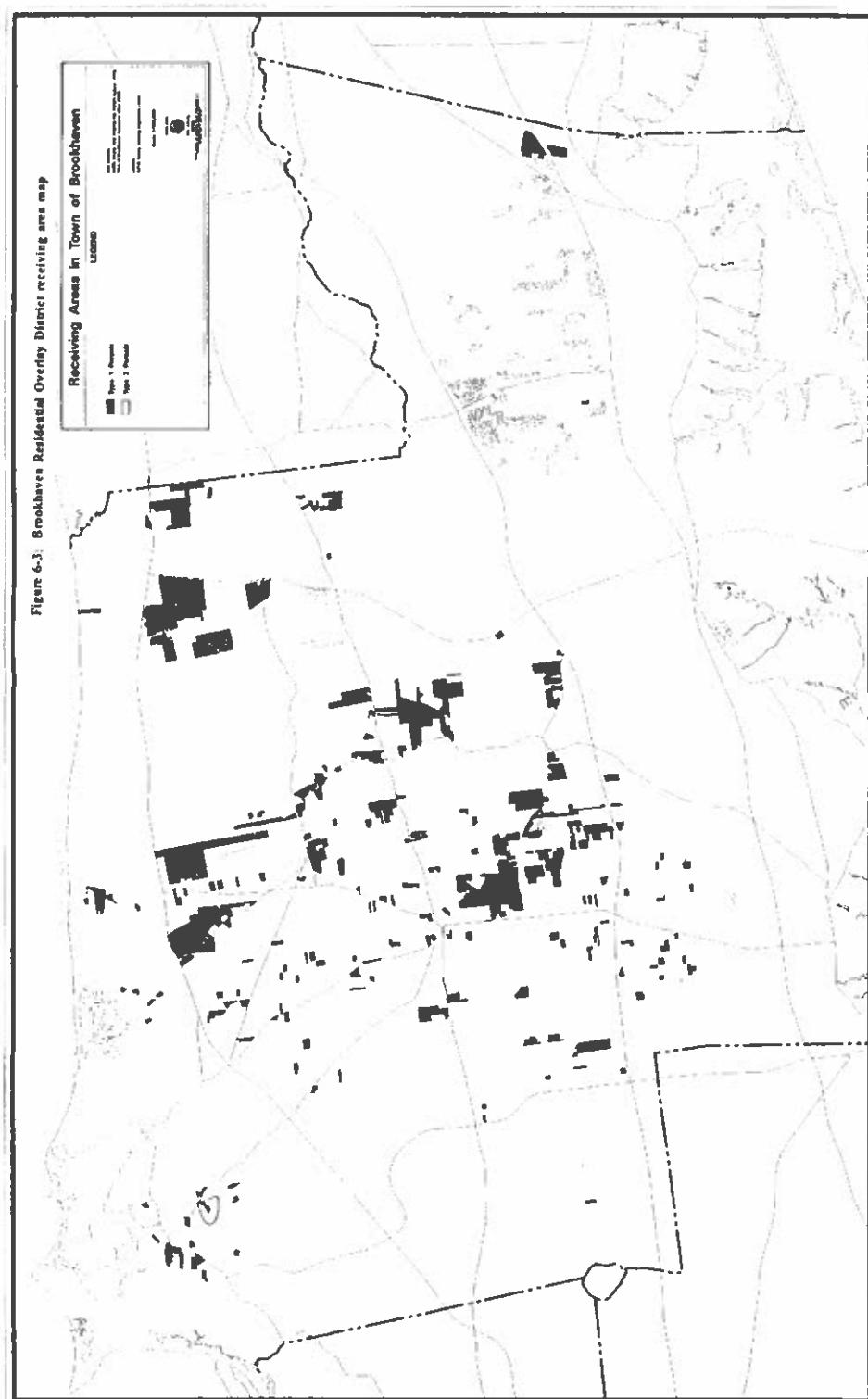
The Town of Brookhaven, in addition, requests that the Commission prioritize acquisition of

Brookhaven residential parcels within the Core Preservation Area in those school districts which are most adversely impacted by the Plan.

6.4.2.4.3 Brookhaven townwide policy

It is the intent of the Town of Brookhaven to utilize transfers of development rights in a manner which will allow for the preservation of the Core Preservation Area without a significant negative environmental or economic impact on the rest of the Town.

Figure 6-3: Brookhaven Residential Overlay District as of right receiving area map



6.4.3 Town of Riverhead designated Pine Barrens Credit receiving districts

The Town of Riverhead has identified receiving districts which are eligible to receive Pine Barrens Credits in an as of right manner from the Core Preservation Area, and in which increased intensity shall be allowed. These receiving districts are described in Figures 6-4 and 6-5.

6.4.3.1 Riverhead intensity increase

A single Pine Barrens Credit shall permit an increase in intensity equal to three hundred (300) gallons per day per acre or the equivalent rated sewage flow as described in the Suffolk County Health Department Standards.

6.4.3.2 Riverhead as of right policy

The increased intensity shall be available as of right for those receiving districts identified in Figures 6-4 and 6-5.

**Figure 6-4: Riverhead as of right receiving area map –
Area “A” Calverton and Area “B” West Main Street**

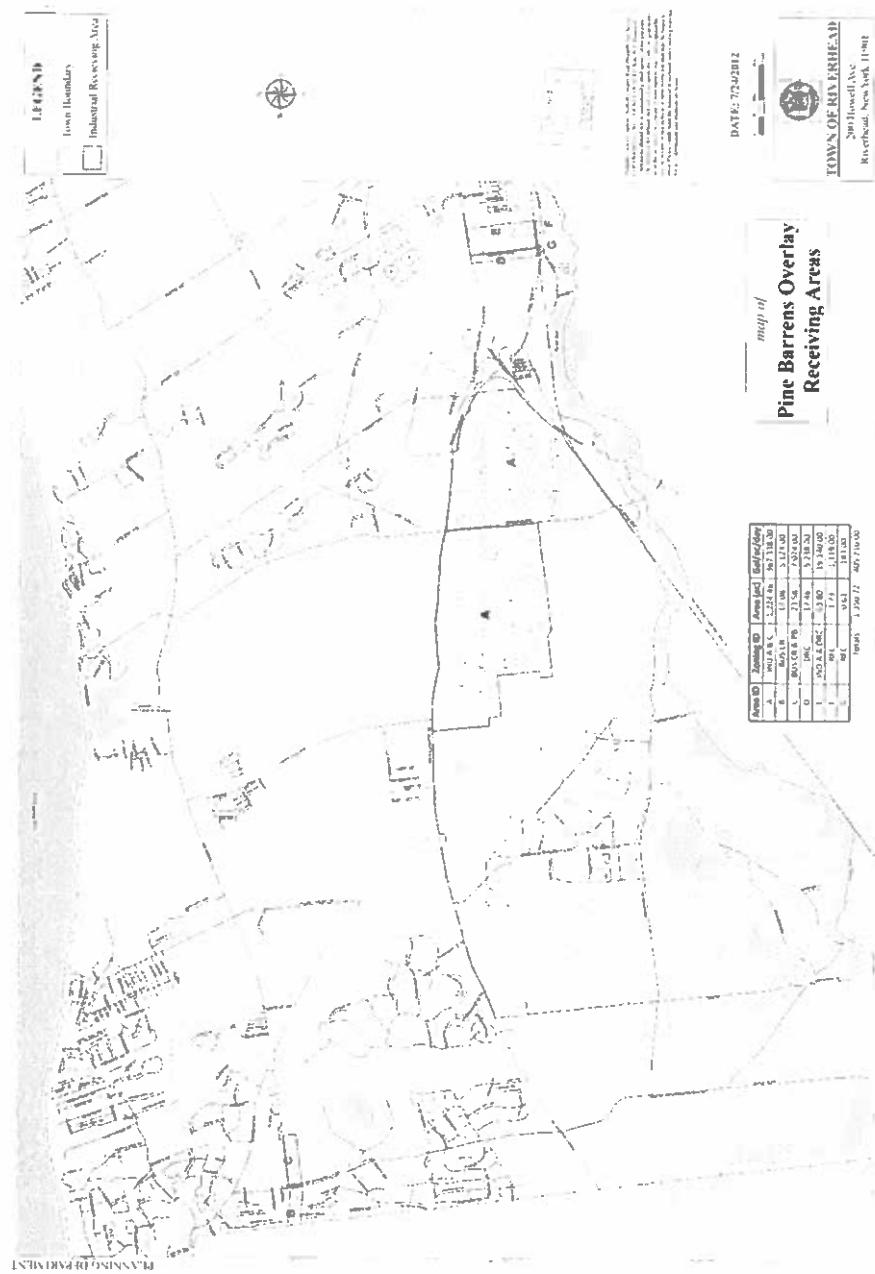


Figure 6-5: Riverhead receiving area parcels

(All parcels which are within the receiving areas are listed here, regardless of their current land use. All Riverhead parcels are within the same school district.)

Tax map number	Acreage	Tax map number	Acreage
<i>Receiving Area "A": Calverton; Receiving Areas "B" and "C": Wading River</i>			
<u>0600-73-1-1.2</u>	<u>1.4</u>	0600-116-1-4	22.5
<u>0600-73-1-1.4</u>	<u>0.58</u>	0600-116-1-7.1	113.3
<u>0600-73-1-1.6</u>	<u>0.44</u>	0600-116-2-1.1	25.1
<u>0600-73-1-1.9</u>	<u>3.1</u>	0600-116-2-2	25.1
<u>0600-73-1-1.12</u>	<u>1.1</u>	0600-116-2-3	25.4
<u>0600-73-1-1.15</u>	<u>1.3</u>	0600-116-2-4	24.5
<u>0600-73-1-1.16</u>	<u>1.3</u>	0600-116-2-5	48.3
<u>0600-73-1-1.17</u>	<u>1.3</u>	0600-117-1-1.2	36.39
<u>0600-73-1-1.18</u>	<u>1.3</u>	0600-117-1-2	8.86
<u>0600-73-1-1.19</u>	<u>1.7</u>	0600-117-1-3	41.98
<u>0600-73-1-1.20</u>	<u>0.43</u>	0600-117-1-4	22.73
<u>0600-73-1-1.22</u>	<u>0.16</u>	0600-117-1-5	41.43
<u>0600-73-1-1.75</u>	<u>2.6</u>	0600-117-1-6	24.16
<u>0600-75-3-3.2</u>	<u>0.81</u>	0600-117-1-8.4	30.18
<u>0600-75-3-3.7</u>	<u>13.5</u>	0600-117-2-2.3	3.9
<u>0600-75-3-18.3</u>	<u>1.8</u>	0600-117-2-2.5	9.5
0600-97-2-37	0.46	0600-117-2-2.6	2.0
0600-98-1-4	1.0	0600-117-2-3.1	4.49
0600-98-1-7	1.0	0600-117-2-3.2	3.0
0600-98-1-8	1.9	0600-117-2-4.1	8.0
0600-98-1-10	1.0	0600-117-2-5	0.78
0600-98-1-11	0.5	0600-117-2-6	1.0
0600-98-1-17	2.0	0600-117-2-7.2	4.9
0600-98-1-20	4.4	0600-117-2-8.2	52
0600-98-1-21	10.3	0600-117-2-9.1	37.53
0600-98-1-22	0.85	0600-117-2-11	116.30
0600-99-1-2.2	0.90	0600-117-2-12.3	121.91
0600-99-1-3	7.45	0600-117-2-13	14.37
0600-99-2-9	1.0	0600-117-2-14	0.62
0600-99-2-14.1	0.48	0600-118-1-1	0.49
0600-99-2-27	0.77	0600-118-1-2.1	31.84
0600-116-1-1	50.5	0600-118-1-2.2	32.76
0600-116-1-2	30.2	0600-118-1-3.1	27.86
0600-116-1-3.1	28.2	0600-118-1-4	0.33
		0600-118-1-13	0.73

Figure 6-5 (p.2): Riverhead receiving area parcels

(All parcels which are within the receiving areas are listed here, regardless of their current land use. All Riverhead parcels are within the same school district.)

Tax map number	Acreage	Tax map number	Acreage
<i>Receiving Areas "D, E, G and F": West Main Street</i>			
0600-118-3-2.2	4	0600-119-1-35.5	2.4
0600-118-3-2.3	7.6	0600-119-1-36	1.6
0600-118-3-3	4	0600-119-1-37	16.7
0600-118-3-4	47.6	0600-119-1-38	58.2
0600-118-3-5.1	0.42	0600-119-1-40	3.6
0600-118-3-5.2	0.42	0600-119-2-1	0.5
0600-118-3-6	0.65	0600-119-2-2	0.1
0600-118-3-7	4	0600-119-2-4.1	1.7
0600-118-3-8	4.89	0600-119-2-5	0.4
0600-119-1-22.1	21	0600-119-2-7.1	3.6
0600-119-1-23	46.9	0600-119-2-8	0.2
0600-119-1-24	24.8	0600-119-2-10.1	0.4
0600-119-1-25	6.6	0600-119-2-11	0.3
0600-119-1-26.1	2.5	0600-119-2-12	0.6
0600-119-1-28.2	2.3	0600-119-2-13	0.5
0600-119-1-28.4	2.3	0600-119-2-14	0.3
0600-119-1-28.5	2.3	0600-119-2-15	0.1
0600-119-1-28.6	3.7	0600-119-2-16	0.6
0600-119-1-29	3.5	0600-119-2-17	0.4
0600-119-1-30	1.5	0600-119-2-18	0.4
0600-119-1-31.2	1.9	0600-137-1-7	2
0600-119-1-32.1	3.9	0600-137-1-8	1.6
0600-119-1-32.2	3	0600-137-1-32	51.4
0600-119-1-35.3	9.3	0600-137-2-10	12.1
0600-119-1-35.4	4		

6.4.4 Town of Southampton designated Pine Barrens Credit receiving districts

The Town of Southampton has identified receiving districts which are eligible to receive Pine Barrens Credits as of right from the Core Preservation Area and the Compatible Growth Area and in which increased density shall be allowed. These receiving districts are described in Figures 6-7 and 6-8.

6.4.4.1 Overview of the Southampton Pine Barrens Credit Program (amended 5/16/12)

The Pine Barrens Credit Program in Southampton is designed to redirect development from all residentially zoned lands within the Core Preservation Area and to preserve other key areas within the Compatible Growth Area.

Two primary approaches are to be used:

1. Redirection of development to other areas of the Town on an as of right basis through residential overlay districts, and
2. Use of innovative planning areas referred to as Planned Development Districts to creatively accommodate Pine Barrens Credits through a variety of development schemes. These approaches would convert Pine Barrens Credits to highly tax ratable uses such as resort and tourism, commercial and retail, senior housing and care centers, and medical centers.

The zoning and total acreage of residential lands which would be eligible for Pine Barrens Credit allocation are shown in Figure 6-6.

Figure 6-6: Southampton zoning and Pine Barrens Credit illustration

Statutory zone	R-20 acreage	R-40 acreage	CR-60 acreage	R-80 acreage	CR-120 acreage	CR-200 acreage
Core Preservation Area	13	16	169	0	265	3367
Compatible Growth Area	48	0	10	42	221	1015
Totals	61	16	179	42	486	4382

Note:

R-20 is a Residence District with a 20,000 square feet minimum lot size.
CR-60 is a Country Residence District with a 60,000 square feet minimum lot size.

Pine Barrens Credits would be allocated to owners of these lands using the method outlined in this

chapter of this Plan. However, in the case of old filed map lots, allocation of Pine Barrens Credits does not include a yield factor, since these lots were platted with infrastructure allowances. This coincides with the Town's existing old filed map regulations and results in a slightly higher allocation of Pine Barrens Credits for these lots, as defined within Section 6.3.1.1 and Figure 6-1. Southampton Town old filed map parcels are defined in Southampton Town Code Section 330-53, and that definition is adopted in this Plan for purposes of the Pine Barrens Credit Program, including any amendments by the Town to this provision in the future.

Within the Core Preservation Area, is it vital to have as much of the Towns' industrially zoned land protected by acquisition as possible, due to the difficulty in allocating Pine Barrens Credits. The Town therefore requests the prioritization of these lands for acquisition through the present state and county programs, especially since many of these parcels fall within ecologically sensitive areas such as the dwarf pine plains. However, the Town does recognize that some owners of industrially zoned land may wish to sell or utilize Pine Barrens Credits for such development. In such cases, the Commission may exercise the right to allocate Pine Barrens Credits on a plan basis.

6.4.4.2 As of right redemption of Southampton Pine Barrens Credits

The primary strategy for the redirection of development from the Core Preservation Area is through Residential Overlay Districts. In these districts, a single Pine Barrens Credit shall allow an increase in density equal to one (1) dwelling unit, as defined by the Southampton Town Code. The end result is an incremental increase in density in selected residentially zoned areas of the Town.

This does not result in a net gain of dwelling units or population within the Town, but simply redirects development and channels growth in order to preserve more ecologically sensitive lands. The as of right receiving areas are designed to accommodate those Pine Barrens Credits from the Core Preservation Area within the same school district. In no case will it be necessary to cross school district boundaries on an as of right basis.

In Southampton, where most of the receiving areas are presently zoned one (1) unit per five acres, the creation of Residential Overlay Districts will allow the redemption of Pine Barrens Credits through an average of one (1) unit per acre. In certain school districts, in order to accommodate all Pine Barrens Credits, the Southampton Town Planning Board may need to require lot sizes less than one (1) unit per acre, though not lower than one (1) unit per one half (0.5) acre.

Where it was necessary to designate receiving sites within areas that are presently zoned one (1) unit per acre, the establishment of densities higher than one (1) unit per one half (0.5) acre may be essential for full redemption of Pine Barrens Credits within that school district. For those sites, incorporation of a sewage treatment plant would be required by the Suffolk County Sanitary Code.

The net result of these Southampton Town policies is compact and efficient development that will protect Central Pine Barrens lands without significant public expenditure. The designation of receiving sites coincides with those areas where infrastructure and municipal services already

exist. Thus, the cost to municipalities and taxpayers with regard to new road construction, water main extension and the provision of police, fire and other services is thereby lowered.

6.4.4.3 Other strategies for the redemption of Southampton Pine Barrens Credits

The redemption of Pine Barrens Credits through mechanisms other than as of right uses may be possible through the many strategies that were outlined in *The Comprehensive Plan Initiative for Groundwater and Pine Barrens Forest Preservation* (the Southampton "Western Generic Environmental Impact Statement" or WGEIS; 1993), and which continue to be outlined through the update of the Town Comprehensive Plan. An overview of possible strategies which will be given future consideration by the Town is listed below, along with the potential areas where such redemption may take place.

These areas would serve to provide more opportunities for future use of Pine Barrens Credits. Furthermore, the use of Planned Development Districts would allow for the conversion of residential development rights into commercial, industrial, tourism, or other uses. These would serve to limit the ultimate amount of residential dwelling units that could be built while still providing for a strong tax base.

The following potential strategies may be employed in the future by Southampton Town, as approved by the Town Board, for the redemption of Pine Barrens Credits. Geographical areas that may be suitable for such redemption mechanisms are also noted.

1. Use of Pine Barrens Credits could permit density increases for senior citizen housing and elder care facilities.
2. Overlay districts along the Montauk Highway and Long Island Railroad corridors could promote revitalization and concentrated development patterns within existing hamlet centers. Potential locations for such activity include, but are not limited to, areas L, R and S.
3. Use of Pine Barrens Credits could allow accessory apartments within existing residential zoning districts.
4. Mixed use overlay districts along existing commercial corridors could allow for alternative uses to counteract strip development. Locations that could be suitable for these receiving districts are Q, T, R and 2.
5. Appropriate industrial development areas have been identified at the Suffolk County airport for the redirection of Pine Barrens Credits from industrially zoned land located in the Core Preservation Area, and for the conversion of residential Pine Barrens Credits.
6. Use of Pine Barrens Credits could promote tourism uses and related facilities. Areas M, I, P, EQ, and RS are identified as suitable for this.
7. Use of Pine Barrens Credits could allow multifamily, or more compact, residential development. Sites that could accommodate this activity include K, J, 2, E, and the county's Bomarc site along Old Country Road in Westhampton.

Figure 6-7: Southampton as of right receiving area map

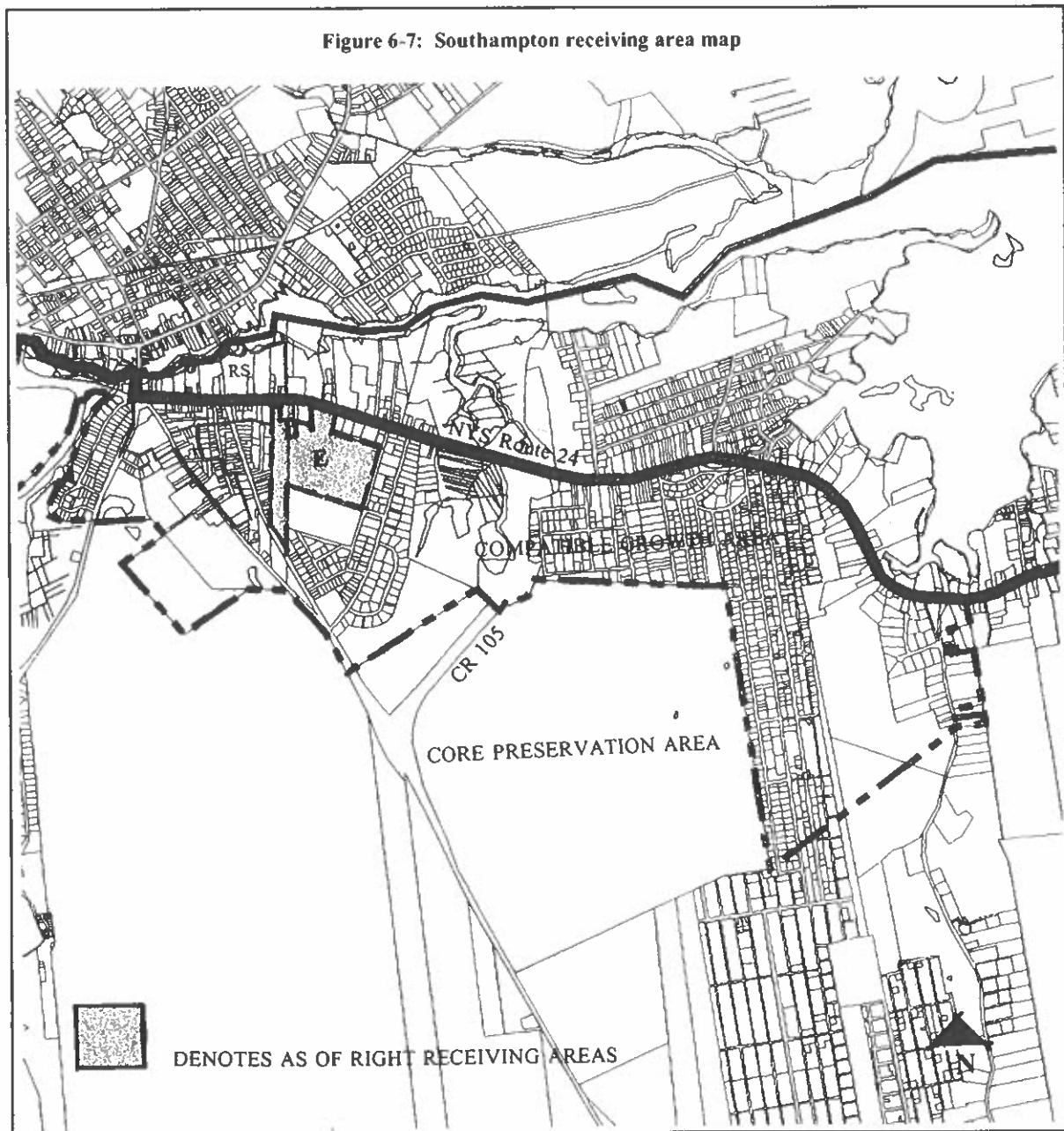


Figure 6-7 (p.2): Southampton as of right receiving area map

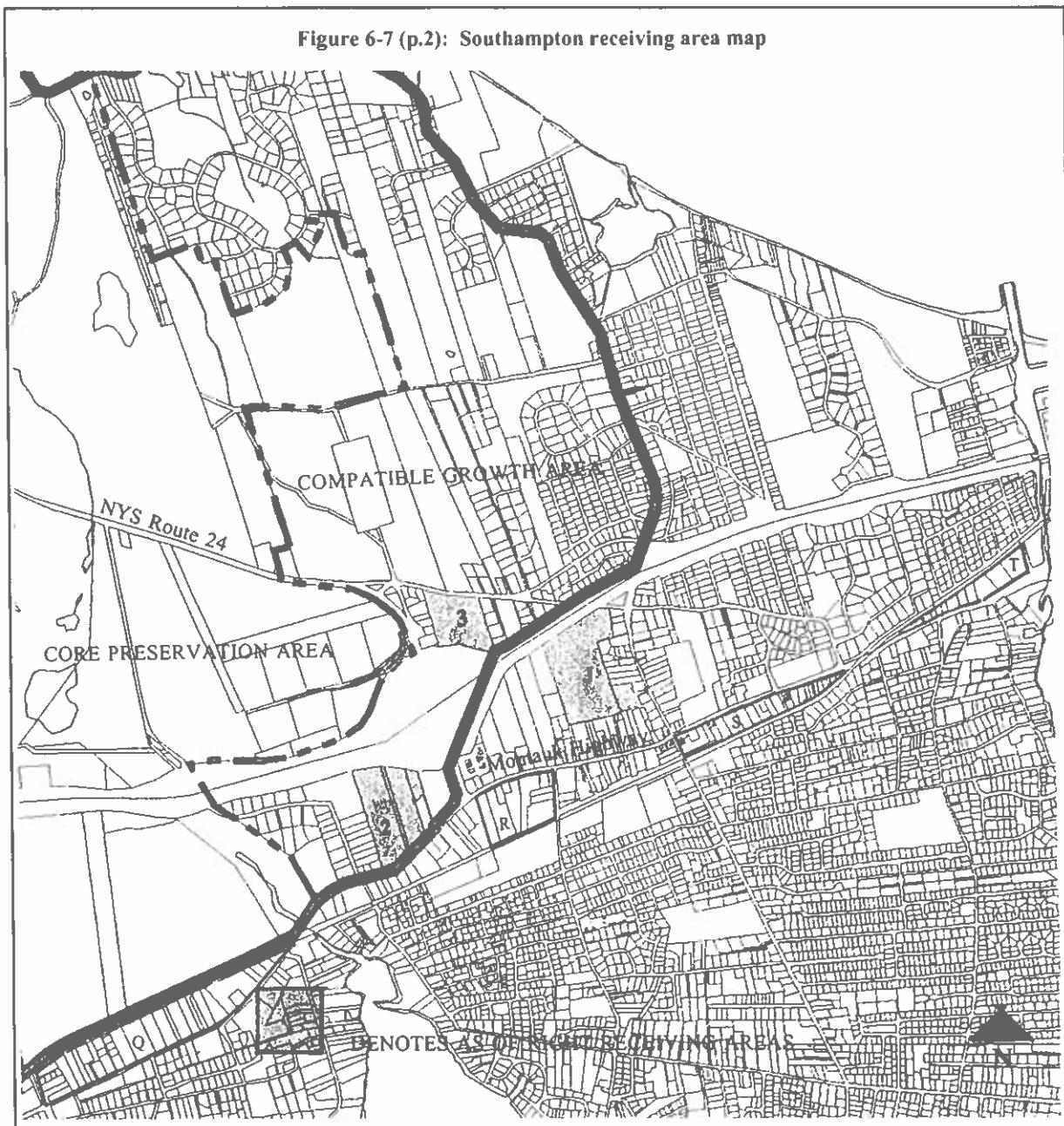


Figure 6-7 (p.3): Southampton as of right receiving area map



Figure 6-7 (p.4): Southampton as of right receiving area map

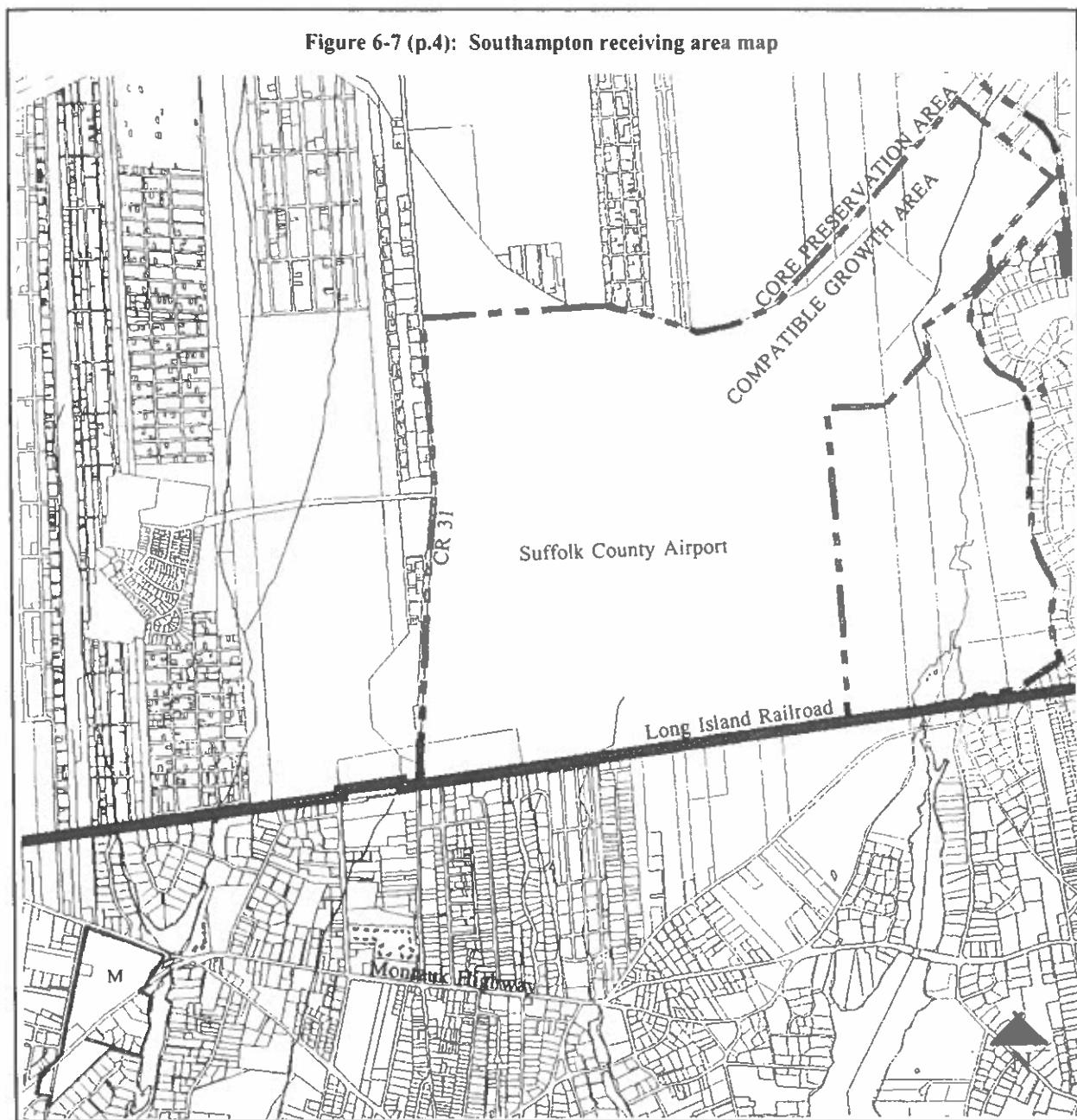


Figure 6-7 (p.5): Southampton as of right receiving area map

Figure 6-7 (p.5): Southampton receiving area map

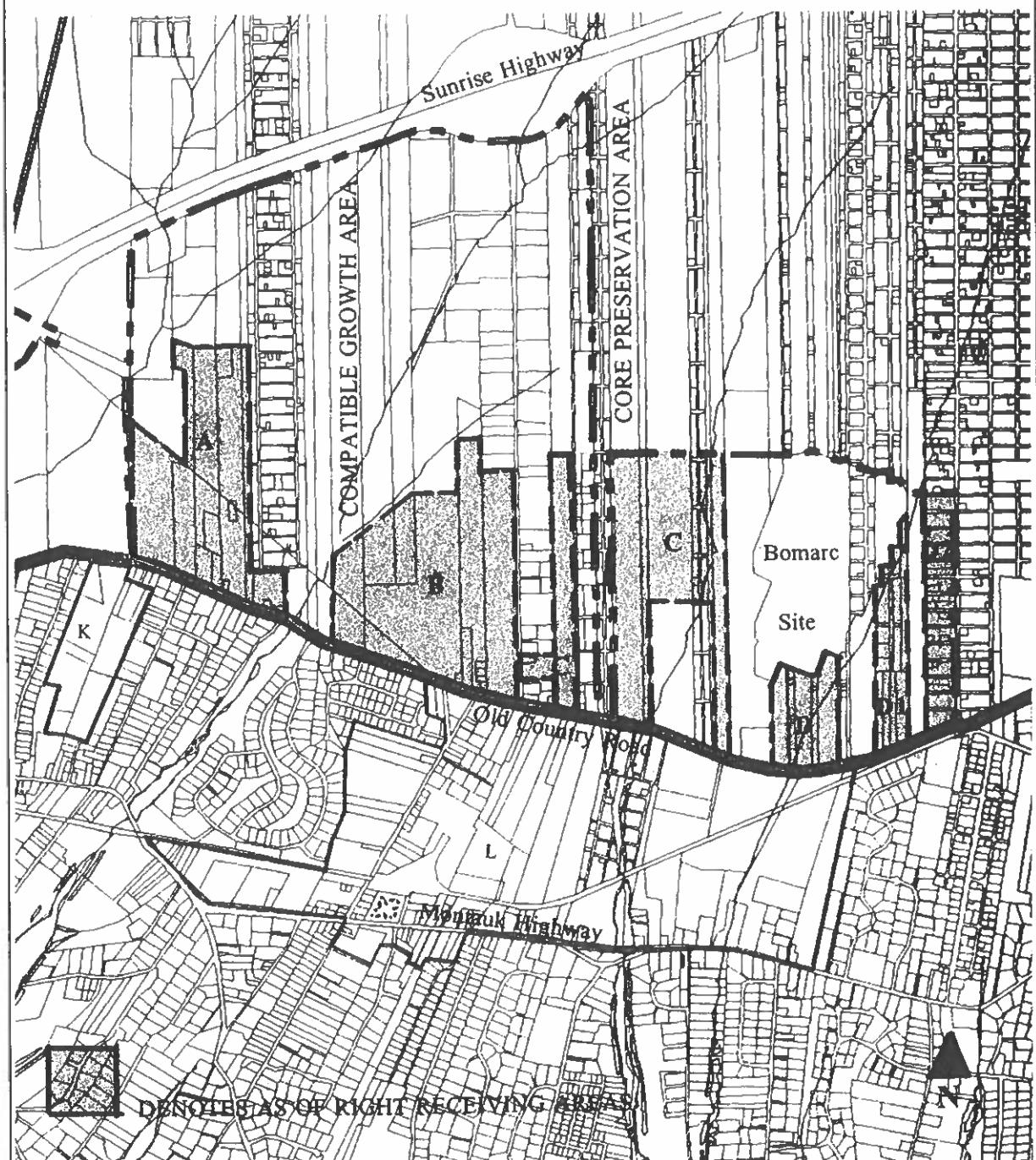


Figure 6-8: Southampton receiving area parcels

(All parcels which are within the receiving areas are listed here, regardless of their current land use.)

Receiving Area	Tax map number	Acreage	Receiving Area	Tax map number	Acreage
<i>Riverhead school district</i>					
E	900-139-3-10.2	12.5	E	900-141-1-9.2	35
<i>Hampton Bays school district</i>					
2	900-221-3-12.1	12.5	3	900-205-3-12.1	16.3
2	900-221-3-16.1	7.6	J	900-225-1-1	33.5
2	900-221-3-18	2.5	J	900-225-1-21	3.5
<i>Eastport school district</i>					
A	900-325-1-2.2	26.0	A	900-325-1-8.2	17.4
A	900-325-1-3.2	11.8	A	900-325-1-34.1	5.3
A	900-325-1-4.2	5.6	A	900-325-1-47.1	1.2
A	900-325-1-6.3	1.5	B	900-326-1-3.2	5.5
A	900-325-1-7.3	12.0	B	900-326-1-5.2	6.3
<i>Speonk-Remsenburg school district</i>					
A	900-325-1-3.1	6.0	B	900-326-1-p/o 5.1	55.5
A	900-325-1-4.1	15.7	B	900-326-1-p/o 6	22.9
A	900-325-1-p/o 7.2	16.4	B	900-326-1-10	36.7
A	900-325-1-p/o 8.1	5.6	B	900-326-1-p/o 17	7.8
A	900-325-1-43	2.3	C	900-276-3-p/o 1	36
B	900-326-1-p/o 3.1	8.8	C	900-327-1-p/o 6	28.9
B	900-326-1-p/o 4	8.4	C	900-328-1-4	3.3

Figure 6-8 (p.2): Southampton receiving area parcels

(All parcels which are within the receiving areas are listed here, regardless of their current land use.)

Receiving Area	Tax map number	Acreage	Receiving Area	Tax map number	Acreage
<i>Westhampton Beach school district</i>					
C	900-305-1-7 (ofm)	1.6	D2	900-331-3-1 (ofm)	1.93
C	900-329-1-1	1.49	D2	900-331-3-2 (ofm)	1.93
C	900-329-1-2	1.49	D2	900-331-3-5	1.84
C	900-329-1-3	1.49	D2	900-331-3-6 (ofm)	1.93
C	900-329-1-4	0.69	D2	900-331-3-7 (ofm)	0.96
C	900-329-1-6	0.57	D2	900-331-3-8 (ofm)	0.96
C	900-329-1-p/o 10	20.2	D2	900-331-3-9	1.33
D	900-330-2-11	8.2	D2	900-331-3-12 (ofm)	0.96
D	900-330-2-14.1	3.2	D2	900-331-3-14 (ofm)	0.64
D	900-330-2-16.2	10.5	D2	900-331-3-16 (ofm)	1.61
D1	900-331-2-4 (ofm)	1.26	D2	900-331-3-17	1.41
D1	900-331-2-7 (ofm)	2.30	D2	900-331-3-28 (ofm)	1.70
D1	900-331-2-8 (ofm)	1.12	D2	900-331-3-29 (ofm)	1.79
D1	900-331-2-9 (ofm)	1.49	D2	900-331-3-31 (ofm)	1.93
D1	900-332-2-1 (ofm)	1.15	D2	900-332-3-3 (ofm)	1.93
D1	900-332-2-2 (ofm)	0.92	D2	900-332-3-6 (ofm)	0.54
D1	900-332-2-3 (ofm)	0.92	D2	900-332-3-7 (ofm)	0.96
D1	900-332-2-4 (ofm)	1.72	D2	900-332-3-8 (ofm)	0.96
D1	900-332-2-5	3.20	D2	900-332-3-9 (ofm)	1.93
D1	900-332-2-6	2.5	D2	900-332-3-10 (ofm)	2.30
D1	900-332-2-7	2.5	D2	900-332-3-11 (ofm)	0.96
D1	900-332-2-10	5	D2	900-332-3-12 (ofm)	0.90
			D2	900-332-3-13 (ofm)	1.70
			D2	900-332-3-15 (ofm)	1.93

Note:
"ofm" indicates an "old filed map" parcel.

6.4.5 Suffolk County Sanitary Code

The Suffolk County Health Department has proposed amendments to Article 6 of the Suffolk County Sanitary Code to permit the Department of Health to perform functions heretofore performed by the Board of Review. Insofar as it applies to the Central Pine Barrens, this amendment should be applied so as to facilitate implementation of each town's Pine Barrens Credit program in accordance with this Plan and should sunset no later than the date when the last Pine Barrens Credit allocated in that town is extinguished unless the Commission endorses an earlier sunset date during the five year Plan update as provided in 57-0121(13). Each town, in its Findings Statement, may designate a more restrictive standard, i.e., less than 600 gallons per day per acre.

6.5 Pine Barrens Credit use planning

6.5.1 Amendment of zoning and land use regulations

In order for a town to comply with ECL Section 57-0123, it must amend its land use and zoning regulations to conform to this Plan within three (3) months of the Commission's adoption of this Plan. Such amendments shall include the final adoption by each town of a Planned Development District ordinance designed to accommodate Pine Barrens Credits. Each town shall propose a draft Planned Development District ordinance by June 30, 1995.

6.5.2 Establishment of a receiving capacity plan by each town

Each town shall, within three (3) months of the Commission's adoption of this Plan, submit a plan to the Commission demonstrating the manner in which each town will identify Pine Barrens Credit uses of sufficient quantity and quality within such town to accommodate at least two and one half (2.5) times the number of Pine Barrens Credits available for allocation within the town at that time.

6.5.2.1 One to one receiving capacity to sending credit ratio requirement

Each town shall include enough absorption capacity in receiving districts that meet the as of right definition set forth in Section 6.4 of this Plan so as to absorb all of the Pine Barrens Credits on a one to one (1:1) ratio that the Commission estimates it may allocate in that town pursuant to this Plan. The Commission recognizes that a change in zoning upon a town board's own motion that would decrease the receiving capacity so as to reduce this ratio below 1:1 would have an adverse effect on the Pine Barrens Credit program.

6.5.2.2 Review by the Commission of the absorption capacity estimates

Each town shall present to the Commission its best estimate of the number of Pine Barrens Credits that could be transferred to, and absorbed in, its as of right Residential Overlay Districts,

Planned Development Districts, or other kinds of receiving districts, or through incentive zoning strategies with a supporting analysis. The Commission shall review, and then confirm or modify, such estimates based upon the best evidence available to it. In reviewing and approving this plan, the Commission shall consider each town's compliance with Section 6.5.2 of this Plan based upon such estimates.

6.5.3 Establishment of additional receiving districts

In addition to the receiving districts identified above and the approaches identified by each town for adding additional receiving districts, each town may adopt additional receiving districts to accommodate Pine Barrens Credits as set forth below:

6.5.3.1 Planned Development Districts

The following policies shall apply to the use of Planned Development Districts for the redemption of Pine Barrens Credits.

6.5.3.1.1 Designation of Planned Development Districts as receiving districts

Each town may designate receiving districts that are Planned Development Districts (PDDs). Each PDD shall be mapped by the municipality, or otherwise designated by criteria that the town describes in its PDD regulations. Pine Barrens Credits may be redeemed for residential, commercial and other uses in PDDs. Each plan or scheme must include a redemption schedule, a table of densities or a change of use schedule, as appropriate.

6.5.3.1.2 Requirements of the Suffolk County Sanitary Code

Each PDD must conform to the requirements of the Suffolk County Sanitary Code.

6.5.3.1.3 Regulations regarding the timing of development

Each town may establish regulations regarding the timing of development within each PDD in order to minimize any adverse fiscal impacts on any taxing jurisdiction, except that any such phasing should not apply to any development allowed under existing zoning. To offset the impact of residential development, commercial and industrial development should occur first whenever possible.

6.5.3.1.4 Inclusion of Planned Development District capacity within townwide Pine Barrens Credit absorption capacity estimate

A town may include the absorption capacity of its Planned Development Districts as part of the plan that must be submitted to the Commission under section 6.5.2 above by estimating the number of Pine Barrens Credits that it reasonably expects may be absorbed in its PDDs. However, the estimate must be based upon a local PDD ordinance that shall have been fully

adopted in final form within three (3) months of the Commission's adoption of this Plan.

6.5.3.2 Residential Overlay Districts

The following policies shall apply to the use of Residential Overlay Districts for the redemption of Pine Barrens Credits.

6.5.3.2.1 Designation of additional Residential Overlay Districts as receiving districts

Each town may establish additional receiving districts that are residential overlay districts (RODs) within the town.

6.5.3.2.2 Requirements for designation of additional Residential Overlay Districts

Each ROD shall be mapped or otherwise designated based on objective geographic criteria.

6.5.3.2.3 Criteria for restricting locations of Residential Overlay District density increases

No ROD may include any land within the Core Preservation Area or any Critical Resource Area.

6.5.3.2.4 Types of projects in which the Residential Overlay District increase applies

The ROD yield would apply to subdivisions, land divisions, flag lot clusters, and mother and daughter units.

6.5.3.2.5 Requirements of the Suffolk County Sanitary Code

The ROD must conform to the requirements of the Suffolk County Sanitary Code.

6.5.3.2.6 Prohibition of unreasonable school district burdens

Redemption of Pine Barrens Credits in RODs may not produce an unreasonable burden on the receiving school district.

6.5.3.2.7 Inclusion of the Residential Overlay Districts' capacity within the townwide Pine Barrens Credit absorption capacity estimate

A town may include the absorption capacity of its RODs as part of the plan that must be submitted to the Commission under Section 6.5.2.1 of this Plan only if the ROD meets the definition "as of right" set forth above.

6.5.3.3 Incentive Zoning districts

The following policies shall apply to the use of Incentive Zoning Districts for the redemption of

Pine Barrens Credits.

6.5.3.3.1 Designation of receiving districts pursuant to incentive zoning or municipal home rule laws

Each town may establish receiving districts pursuant to the incentive zoning provisions contained in New York Town Law Section 261-b or pursuant to New York Municipal Home Rule Law. Pine Barrens Credits may be redeemed for a change in land use, or an increase in intensity or density in such receiving districts.

6.5.3.3.2 Requirements for incentive zoning or municipal home rule receiving districts

For each incentive zoning district designated under Section 6.5.3 of this Plan, the town shall establish a redemption schedule, a table of densities or a change of use schedule, as appropriate. Pine Barrens Credits shall be redeemable in accordance with the specified incentive zoning for each receiving district designated. Upon application to the appropriate jurisdiction(s), additional Pine Barrens Credits may be used to exceed the incentive zoning of a receiving district with the redemption of these additional Pine Barrens Credits.

6.5.3.3.3 Requirements of the Suffolk County Sanitary Code

Each incentive zoning district must conform to the requirements of the Suffolk County Sanitary Code.

6.5.3.3.4 Increases above incentive zoning

As part of its incentive zoning ordinance, a town may provide that any additional increases over and above that provided by the incentive zoning schedule may be conditional upon the purchase of additional Pine Barrens Credits.

6.5.3.4 Additional Overlay Districts, Special Permit Uses or Special Exemption Uses

Additional overlay districts, special permit uses, or special exemption uses may be adopted by the towns to accommodate Pine Barrens Credits.

6.5.4 Intermunicipal redemptions of Pine Barrens Credits

Intermunicipal redemption of Pine Barrens Credits is defined as the redemption of Credits in a town or village in Suffolk County other than the one from which it was generated. Approval from both the receiving and generating town or village is required for the redemption to occur. Such intermunicipal redemptions may, in some instances, involve the redemption of Pine Barrens Credits in municipalities outside the Central Pine Barrens area. Intermunicipal redemptions include, but are not limited to, the redemption of Credits in satisfaction of the requirements of the Suffolk County Department of Health Services anywhere within that Department's jurisdiction.

It is the policy of the Commission to encourage intermunicipal redemptions of Pine Barrens Credits as long as the redemption is in conformance with the zoning of the receiving area. In all cases, however, the redeeming entity for intermunicipal Credit redemptions shall forward to the Commission office as soon as practicable following the redemption the original Credit Certificate with the reverse side of the Credit Certificate completed with the required redemption information.

6.5.5 Permanency of Pine Barrens Credit Redemptions

Absent unanimous commission action to the contrary each and every Pine Barrens Credit redemption IS IRREVOCABLE of any quantity of Pine Barrens Credits shall be permanent and irrevocable, and shall be permanently and irrevocably associated with a specific tract of real estate identified by its Suffolk County Real Property Tax Map parcel identifier(s). No Pine Barrens Credit redemption shall be in any manner considered or interpreted as being temporary, defined only for a discrete time period, or otherwise less than permanent. In the event that the Suffolk County Real Property Tax Map parcel identifier(s) for a redemption parcel(s) should change in the future, the Pine Barrens Credits redemption(s) on the original parcel shall continue to be permanently and irrevocably associated with the same tract of land encompassed by the original parcel identifier(s) despite the change(s) in the parcel(s) identification(s).

6.5.6 Redemption of Pine Barrens Credits within the Core Preservation Area prohibited

Section 57-0121(6)(f) of the Act specifically states, in part, that the Plan shall provide for “Identification of sending districts in core preservation and compatible growth areas and receiving districts in compatible growth areas and outside the Central Pine Barrens area for the purpose of providing for the transfer of development rights and values to further the preservation and development goals of the land use plan ...”.

In addition, the goals of the Plan as stated in the Act require that the Plan, with respect to the Core Preservation Area, shall be “... designed to protect and preserve the ecologic and hydrologic functions of the Pine Barrens by ... prohibiting or redirecting new construction or development, ...” (Section 57-0121(3)(c)) and, with respect to the Compatible Growth Area, shall be designed to “... accommodate a portion of development redirected from the preservation area ...” (Section 57-0212(4)(c)).

Consequently, redemption of Pine Barrens Credits may not be redeemed in the Core Preservation Area or other sending area under this Plan. PROPERTIES on properties and parcels within the Core Preservation Area by any entity shall be prohibited.

6.6 Establishment of the Pine Barrens Credit Clearinghouse and the Board of Advisors

The Commission finds that in order to implement the Pine Barrens Credit Program, steps must be

taken to promote the use and sale of the Pine Barrens Credits established under the program and that the best means of providing this assurance is through the establishment of a Pine Barrens Credit Clearinghouse that will purchase, sell, and track Pine Barrens Credits. The Commission further finds that it is appropriate to establish a board to perform the functions of a clearinghouse, subject to the provisions set forth below.

6.6.1 Structure and operation of the Board of Advisors

The Pine Barrens Credit Clearinghouse, referred to as the "Clearinghouse", shall be governed by a Board of Advisors (the "Board") consisting of five (5) members. Each ex officio member of the Commission, and the Governor, shall each appoint one (1) member of the Board. The members of the Board shall serve without compensation. The Commission shall appoint one (1) of these five members as Chairperson of the Board and shall also appoint one (1) other member as a Vice-chair. Four (4) members of the Board shall constitute a quorum for the transaction of services or the exercise of any Board function. An affirmative vote of three (3) or more Board members shall be required to pass a resolution or exercise a function of the Board.

6.6.2 Authority of the Board of Advisors *(amended 5/16/12)*

The Board shall have the authority:

- 6.6.2.1 To advise and make recommendations to the Commission as to the monetary value of Pine Barrens Credits to be purchased by the Clearinghouse.
- 6.6.2.2 To purchase Pine Barrens Credits from owners of eligible sending area parcels which have received Credits and from successive owners of Credits to further the objectives of the Pine Barrens Protection Act. *(amended 5/16/12)*
- 6.6.2.3 To sell, exchange or convey Pine Barrens Credits previously purchased by the Clearinghouse to entities willing to purchase such Pine Barrens Credits from the Clearinghouse, and to establish the monetary value of those Pine Barrens Credits which are sold by the Clearinghouse.
- 6.6.2.4 To adopt and, from time to time, amend and repeal suitable bylaws for the management of its affairs;
- 6.6.2.5 To apply for, receive, accept, and utilize, with the approval of the Commission, from any federal, state, or other public or private source, grants or loans for, or in aid of, the Board's authorized purposes;
- 6.6.2.6 To utilize funds allocated for Clearinghouse purposes and to implement appropriate fiscal and accounting practices;
- 6.6.2.7 To appoint such officers, employees and agents as the Board may require for the performance of its duties;
- 6.6.2.8 To call to its assistance, and to avail itself of the services of, employees of any state, county or municipal department, board, commission or agency as may be required and may be made available for these purposes;
- 6.6.2.9 To issue Letters of Interpretation (LOIs) to owners of eligible sending area parcels, and to establish appropriate administrative procedures for such issuance, including, but not

limited to, defining what documentation is acceptable for LOI application information.
(amended 5/16/12)

6.7 Pine Barrens Credit Certificates

The following procedures shall apply to the issuance of Pine Barrens Credit Certificates by the Clearinghouse.

6.7.1 Issuance of Pine Barrens Credit Certificates by the Clearinghouse

All Pine Barrens Credit Certificates shall be issued by the Clearinghouse.

6.7.2 Overview of the issuance procedure

Issuance of a Pine Barrens Credit Certificate encompasses the following three steps:

1. A property owner obtains a Letter of Interpretation from the Clearinghouse stating the number of Pine Barrens Credits allocated to the parcel of land.
2. The property owner applies to the Clearinghouse for a Pine Barrens Credit Certificate by submitting a valid Letter of Interpretation, a standard title report, and other necessary documents as determined by the Clearinghouse.
3. A Pine Barrens Credit Certificate is issued when the Clearinghouse receives proof of filing and recording of the conservation easement from the title insurance company.

6.7.3 Detail of Step 1: Obtaining a Letter of Interpretation

The Clearinghouse will utilize a current survey made in the last ten (10) years, if such a survey is available and provided, to establish the acreage figure to be utilized in the formula determining Credit allocation. If such a survey is available, the survey's acreage figure shall be used, regardless of the acreage shown on the tax bills. If such a survey is unavailable, the acreage figure will be obtained from the publicly available tax bill information.

- 6.7.3.1 A property owner requests a Letter of Interpretation on a form to be supplied by the Clearinghouse.
- 6.7.3.2 The Clearinghouse staff may conduct an analysis of the property and will allocate Pine Barrens Credits based upon the allocation formula and any unique features of a particular parcel of land. The Clearinghouse staff mails the Letter of Interpretation to the property owner.
- 6.7.3.3 The property owner has thirty (30) days from the date of the Letter of Interpretation to appeal the allocation to the Commission in writing. Extensions of this deadline for filing an appeal may be granted at the Commission's discretion upon written request of the property owner. *(amended 5/16/12)*
- 6.7.3.4 The Commission shall consider the written appeal request within a timeframe of sixty (60) days or by the end of two consecutive regularly scheduled Commission meetings.

whichever date comes first after the of receipt of an appeal, and may shall schedule and hold a hearing within that period of time. The appellant shall be given an opportunity to present arguments and relevant material at the hearing.

6.7.3.5 After the appeal hearing, the The Commission shall decide the appeal within a timeframe of sixty (60) days or by the end of two consecutive regularly scheduled Commission meetings, whichever date comes first, receipt of the appeal the appeal hearing, and may seek the advice of the Clearinghouse Board. The Commission may confirm, increase, or decrease the allocation to be received from the Clearinghouse. A new Letter of Interpretation containing the Commission's final allocation(s) to the subject parcel(s) will be issued following such a decision. An appeal shall be deemed denied if the Commission fails to make a decision in this timeline.

6.7.4 Detail of Step 2: Applying for a Pine Barrens Credit Certificate (amended 5/16/12)

6.7.4.1 After receiving a Letter of Interpretation, a property owner may request a Pine Barrens Credit Certificate from the Clearinghouse by submitting:

1. The Letter of Interpretation, and
2. A title report, and
3. A completed Pine Barrens Credit Certificate Application Form, which shall be supplied by the Clearinghouse. (amended 5/16/12)

6.7.4.2 If the title report indicates that the applicant does not have marketable title, that the applicant is not qualified to encumber the property with a conservation easement, or that there are liens on the property, a Pine Barrens Credit Certificate may not be issued until these matters are resolved by the applicant.

6.7.4.3 The Clearinghouse will provide to the applicant a conservation easement to sign once clear accepted title has been established to the satisfaction of the Clearinghouse. (amended 5/16/12)

6.7.4.4 The Commission will issue, and update as necessary, a policy on titles and title insurance for use by the Clearinghouse. (amended 5/16/12)

6.7.5 Detail of Step 3: Recording a conservation easement and obtaining a Pine Barrens Credit Certificate

6.7.5.1 The conservation easement may not be recorded until all title issues are resolved and Clearinghouse staff has approved the conservation easement as to its form.

6.7.5.2 The Clearinghouse will issue a preliminary approval concerning the title report and the proposed conservation easement.

6.7.5.3 The conservation easement will then be recorded with the Suffolk County Clerk, and a copy of it submitted along with proof of its recording, to the Clearinghouse. The title report must be updated to ensure that there has been no conveyance of the property since the report was received and that no liens have been placed upon the property. (amended 5/16/12)

6.7.5.4 The Clearinghouse will then issue a Pine Barrens Credit Certificate certifying that the holder of the Certificate is entitled to a specified number of Pine Barrens Credits.

6.7.6 Other provisions relating to the issuance of Pine Barrens Credit Certificates

6.7.6.1 Expiration of the Letters of Interpretation *(amended 5/16/12)*

A Letter of Interpretation shall expire three(3) years following its issuance. A property owner is not required to apply for a Pine Barrens Credit Certificate upon receipt of a Letter of Interpretation. However, if such application is not made within three(3) years, the Letter of Interpretation will expire and the property owner will be required to reapply for a new Letter of Interpretation. *(amended 5/16/12)*

6.7.6.2 Delayed issuance of a Pine Barrens Credit Certificate

After receipt of a Letter of Interpretation, a property owner may seek to negotiate the sale of the Pine Barrens Credits described in the letter, and delay obtaining the Pine Barrens Credit Certificate until after reaching an agreement with a prospective buyer of the Pine Barrens Credits.

6.7.6.3 Notification of the Clearinghouse of Pine Barrens Credit usage *(amended 5/16/12)*

A Pine Barrens Credit Certificate shall state that the recipient of the certificate and any party purchasing the Pine Barrens Credits described in the certificate must notify the Clearinghouse of any transaction involving the sale of the Pine Barrens Credits or utilization of the Pine Barrens Credits as security for a loan. The original Certificate must be sent to the Clearinghouse when all or any portion of the Credits associated with that Certificate are conveyed, transferred, or sold prior to redemption. The Clearinghouse shall then issue one or more new Certificate(s), as appropriate, in the name(s) of the new Credit owner(s). *(amended 5/16/12)*

6.7.6.4 Tax status of the subject property

No Pine Barrens Credit Certificates shall be issued for any parcel of land until all real property taxes and ad valorem levies have been paid in full as certified by the town's tax receiver.

6.7.6.5 Liability for real property taxes on subject property

If a transferor of Pine Barrens Credits owns Pine Barrens Credits on the tax status date under the Suffolk County Tax Act, and such Pine Barrens Credits are transferred subsequent to the tax status date, the transferor shall be liable for all real property taxes on such property from the tax status date until the date of transfer of the Pine Barrens Credits.

6.7.6.6 Issuance of a full Pine Barrens Credit for certain roadfront parcels *(amended 5/16/12)*

The Pine Barrens Credit Clearinghouse may elect to allocate one (1) full Pine Barrens Credit for a parcel of land consisting of at least 4,000 square feet with frontage on an existing public improved road. Parcel frontage on the main lines (as opposed to any improved service roads) of Sunrise Highway (NY State Route 27), the Long Island Expressway (Interstate 495), and similarly limited

access highways shall not qualify a parcel for this provision. Therefore, such parcel will not be eligible to receive one (1) full Pine Barrens Credit but will instead receive an allocation pursuant to Section 6.3.1.

6.7.6.7 Minimum Pine Barrens Credit allocation *(amended 5/16/12)*

No fewer than 0.10 (one tenth) Pine Barrens Credit shall be allocated by the Clearinghouse or the Commission for any parcel of land which is eligible for a Credit allocation, regardless of its size or road accessibility.

6.7.6.8 Issuance of Pine Barrens Credits to a Parcel with a Land Use Violation

No Pine Barrens Credits shall be issued for any property where land use conduct has occurred or is occurring that violates the Act, this Plan, any regulation promulgated by the Commission, or any order, determination or permit condition issued by the Commission for which a notice of violation has been issued and not resolved or a Commission enforcement action is pending until the violation is resolved to the satisfaction of the Commission.

6.7.6.9 Transactions involving Pine Barrens Credits

Pine Barrens Credits that are involved in any transaction, whether it involves the selling, buying, redeeming or conveying of Pine Barrens Credits, must be rounded up to the nearest one hundredth (1/100 = 0.01) of a Pine Barrens Credit and the final sum of all Credits involved in the transaction shall not exceed the total Credit value of the original Credit Certificate(s) involved in the transaction. Any certificate or transaction that causes a certificate to fail to comply with this section will not be processed by the Commission.

All Credit sale transactions must include a sworn attestation certifying the indicate the consideration amount on the certificate and provide written evidence of the sale (i.e., Bill of sale or contract of sale).

6.8 Registry, Reports, and Other Publicly Accessible Information for Pine Barrens Credits *(amended 5/16/12)*

The Board shall establish and maintain a registry of Pine Barrens Credits and a publicly available set of reports, which shall include, at a minimum, the following information:

1. The name, property, contact, and address of every owner to whom a Pine Barrens Credit certificate is issued pursuant to the Plan, the date of its issuance, the tax district, section, block and lot identification of the parcel of land to which the Pine Barrens Credit has been assigned, the number of Pine Barrens Credits or fraction thereof assigned to each parcel, the total number of Pine Barrens Credits assigned, and the total acreage to which Pine Barrens Credits have been assigned, and

2. The name and address of every person to whom a Pine Barrens Credit is sold or otherwise conveyed, the date of the conveyance, and the consideration, if any, received therefore, and
3. The name and address of any person who pledged a Pine Barrens Credit as security on any loan or other obligation, and the name and address of the lender, and
4. The name and address of any person who has sold or otherwise transferred a Pine Barrens Credit, the purchaser(s) to whom the Pine Barrens Credit was transferred, and the date of the sale; and
5. A record of every redemption of a Pine Barrens Credit including, at a minimum, the person(s) redeeming the Credit(s), the tax district, section, block and lot identification of the parcel(s) of land on which the Credits have been redeemed, the school district(s) from which and to which the transfer occurred, the redeeming agency, and the date of redemption; and
6. The total number of Pine Barrens Credits purchased and transferred. This report shall list the municipality and school district of each tract of land for which Pine Barrens Credits were issued and the municipality and school district to which the Pine Barrens Credits were transferred.

6.8.2 Notification of the Board of certain actions involving Pine Barrens Credits

No person shall purchase or otherwise acquire, encumber, or sell any Pine Barrens Credit without notifying the Board in writing within ten business days thereof.

6.8.3 Distribution of the annual report *(amended 5/16/12)*

The Board shall make available an annual report of the Pine Barrens Credit Program and the activities of the Board as part of the Commission's annual report required under ECL Article 57.

6.9 Municipal functions exclusive of state financial assistance

Nothing in this section shall be construed to prohibit, or in any other way interfere with, the carrying out by any municipality of functions substantially similar to those described and authorized in this Chapter of this Plan.

6.10 Other development rights transfer programs

Nothing herein shall serve to limit, affect or prohibit the establishment or continuance of any other municipal program for transferring or redirecting development rights.

APPENDIX B



Hargrave, Julie

From: Brad Hammond <bhammond@westhamptonbeach.org>
Sent: Thursday, March 31, 2022 11:56 AM
To: PB Jakobsen, Judy
Cc: Hargrave, Julie; Elizabeth Lindvall
Subject: CPB Comp Plan Update

CAUTION: This email originated from outside of SCWA. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms Jakobsen:

The Village of Westhampton Beach is in receipt of your coordination material for the proposed Central Pine Barrens Comprehensive Plan Amendments dated March 16, 2022. After review of the amendments, the Village has no objection or further comments to the proposed changes, which seem appropriate for our relatively small footprint within the Core Preservation & Compatible Growth Areas. I hope this email can suffice for our solicited SEQR comments but please feel free to reply or call me if you need anything further.

Good luck with the amendments and your ongoing efforts.
Thank you,

Brad Hammond
Building & Zoning Administrator
Village of Westhampton Beach
(631) 288-3483



Hargrave, Julie

From: John Turner <jturner@seatuck.org>
Sent: Thursday, May 26, 2022 10:45 AM
To: PB Info, Jakobsen, Judith
Cc: Hargrave, Julie; Enrico Nardone; Christine Sheppard
Subject: Incorporation of a "Bird Friendly Building Design" requirement into the revised Comprehensive Land Use Plan for the Central Pine Barrens

CAUTION: This email originated from outside of SCWA. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Executive Director Jakobsen:

The Seatuck Environmental Association is a not for profit wildlife conservation organization whose mission is to protect wildlife species native to Long Island and the habitats upon which they depend. We appreciate the opportunity to comment on the above-referenced topic and ask that these comments be incorporated into the Commission's public record established regarding the Land Use Plan amendments.

Wild birds face a number of significant threats to their existence. These include, but are not limited to, habitat destruction and degradation, predation by feral and free-roaming pet cats, poisoning by pesticides and other chemicals, and collisions with building windows.

Based on a comprehensive, peer-reviewed 2014 study, which was a detailed synthesis of many previously published reports, between 365 and 988 million wild birds die annually by flying into building windows in the United States. Tens of millions more die in Canada. A few hundred bird species are known collision victims including many species that migrate through, or breed or overwinter within, the Central Pine Barrens. Indeed, all of the top dozen "collision victim" species, based on an analysis from 1998-2011 - White-throated Sparrow, Common Yellowthroat, Ovenbird, Dark-eyed Junco, Ruby-crowned Kinglet, Hermit Thrush, Golden-crowned Kinglet, Black-and-White Warbler, American Woodcock, Grey Catbird, Song Sparrow, and Blackpoll Warbler - are common migrant or seasonally resident bird species occurring in the Central Pine Barrens. Many other Pine Barrens indigenous species such as Rufous-sided Towhees, Whip-poor-will, and Cooper's Hawk have, unfortunately, also been window collision victims at buildings located within the Central Pine Barrens.

The Central Pine Barrens Joint Policy & Planning Commission recognizes the serious threat to the welfare of birds posed by highly reflective and transparent windows through the proposal to establish a new "Bird Conservation and protection" guideline, as part of the current proposed amendments to the Central Pine Barrens Land Use Plan. This proposal is a step in the right direction but we strongly urge that this measure be changed from a "land use guideline" to a "land use standard" affecting all new commercial, industrial, institutional, public, mixed use, and tall structures (as defined in the Plan). Leaving it as a voluntary guideline will mean countless more birds killed from window collisions on new buildings constructed in the Compatible Growth Area by developers who choose to not comply with the guideline. Further, we would strongly encourage, as with New York City's recently adopted ordinance, that the standard also include or capture significant exterior alterations to existing buildings.

Upon adoption, the Central Pine Barrens Joint Policy & Planning Commission will be joining dozens of other cities, towns, and other municipalities like New York, San Francisco, Chicago, Toronto, and Minneapolis, to name a few, that have stepped up to the plate to safeguard wild birds.

While there are many different ways to proscribe a "Bird Friendly Building Design" standard (as evidenced by the variety of differing laws around the country), the language provisions in the Minneapolis, Minnesota ordinance are

especially helpful in that they provide for greater flexibility by: 1) qualifying any material with a Threat Factor below 25 or 2) by complying with certain specific design requirements for the window surface. This greater flexibility should help in achieving less costs to building developers.

Here is the excerpt of the Minneapolis ordinance (with my addition of the American Bird Conservancy Threat Factor added):

Bird-safe glazing. Bird-safe glazing includes one (1) of the following: Façade materials with a Leadership in Energy and Environmental Design (LEED) Material or American Bird Conservancy Bird Collision Deterrence Material Threat Factor less than or equal to twenty-five (25); or Physical structures or glass patterns that are visible from the outside and the resulting pattern creates spaces no wider than four (4) inches horizontally or two (2) inches high vertically, also known as the "2x4 rule"; or A glass pattern that is white to medium gray, visible from the outside, and shall meet at least one (1) of the specific standards below: Horizontal line patterns shall be one-eighth ($\frac{1}{8}$) inch wide with two (2) inch on-center spacing; or Vertical line patterns shall be one-eighth ($\frac{1}{8}$) inch wide with four (4) inches on-center spacing; or Dot patterns with dots one-quarter ($\frac{1}{4}$) inch wide with two (2) inch on-center spacing each way; or Dot patterns with dots three-eighths ($\frac{3}{8}$) inch wide arranged in horizontal lines with two (2) inch on-center spacing or vertical lines with four (4) inch on-center spacing.

To aid in compliance we urge the standard contain language requiring that blueprints for any site plan filed with the Towns of Southampton, Brookhaven, or Riverhead be required to include the window material/product proposed, its associated Threat Factor, or if it relates to window surface design requirements which ones will be utilized. This should ease the work of the town review staff in determining compliance with the standard.

On behalf of Seatuck I appreciate the opportunity to submit these comments for your consideration. Please let me know if you have any questions.

Sincerely,

John Turner
Senior Conservation Policy Advocate
Seatuck Environmental Association

Hargrave, Julie

From: Jim Brown <jrb398@yahoo.com>
Sent: Friday, May 27, 2022 9:37 PM
To: PB Info, Jakobsen, Judith
Cc: Hargrave, Julie; John Turner; Brien Weiner
Subject: Bird Friendly Building Design for Pine Barrens

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South Shore Audubon

**Post Office Box Thirty-One
Freeport, New York 11520**

Judy Jakobsen
Executive Director
Central Pine Barrens Joint Planning
and Policy Commission

Dear Executive Director Jakobsen,

On behalf of the South Shore Audubon Society I welcome the opportunity to comment on an important amendment to the Land Use Plan proposed by the Seaford Environmental Association dealing with "Bird Friendly Building Design" for any development that may occur within the Compatible Growth Area of the Pine Barrens (See below). The South Shore Audubon Society is a local chapter of the National Audubon Society, representing approximately 1300 households in southern Nassau County. Our mission is to promote environmental education, conduct research pertaining to local bird populations, wildlife, and habitat; and to preserve and restore our environment through responsible activism, for the benefit of both people and wildlife.

Given the severe threats to bird populations on Long Island, and throughout North America, including collisions with building windows, we strongly support Seaford's recommendations for Bird Friendly Building Design in the Pine Barrens. We especially support the idea of "standards" rather than "voluntary guidelines" to mandate bird friendly building design in the Compatible Growth Area of the Pine Barrens.

Sincerely,

Jim Brown
Vice President and
Conservation Co-Chair
South Shore Audubon Society

jrb398@yahoo.com
516-608-1446

Seatuck Environmental Association suggestions for a Bird Friendly Design Amendment to Land Use Plan.

The Seatuck Environmental Association is a not-for-profit wildlife conservation organization whose mission is to protect wildlife species native to Long Island and the habitats upon which they depend. We appreciate the opportunity to comment on the above-referenced topic and ask that these comments be incorporated into the Commission's public record established regarding the Land Use Plan amendments.

Wild birds face a number of significant threats to their existence. These include, but are not limited to, habitat destruction and degradation, predation by feral and free-roaming pet cats, poisoning by pesticides and other chemicals, and collisions with building windows.

Based on a comprehensive, peer-reviewed 2014 study, which was a detailed synthesis of many previously published reports, between 365 and 988 million wild birds die annually by flying into building windows in the United States. Tens of millions more die in Canada. A few hundred bird species are known collision victims including many species that migrate through, or breed or overwinter within, the Central Pine Barrens. Indeed, all of the top dozen "collision victim" species, based on an analysis from 1998-2011 - White throated sparrow, Common yellowthroat, Ovenbird, Dark-eyed Junco, Ruby-crowned Kinglet, Hermit Thrush, Golden-crowned Kinglet, Black-and-White Warbler, American Woodcock, Grey Catbird, Song Sparrow, and Blackpoll warbler - are common migrant or seasonally resident bird species occurring in the Central Pine Barrens. Many other Pine Barrens indigenous species such as Rufous-sided towhees, Whip-poor-will, and Cooper's Hawk have, unfortunately, also been window collision victims at buildings located within the Central Pine Barrens.

The Central Pine Barrens Joint Policy & Planning Commission recognizes the serious threat to the welfare of birds posed by highly reflective and transparent windows through the proposal to establish a new "Bird Conservation and protection" guideline, as part of the current proposed amendments to the Central Pine Barrens Land Use Plan. This proposal is a step in the right direction but we strongly urge that this measure be changed from a "land use guideline" to a "land use standard" affecting all new commercial, industrial, institutional, public, mixed use, and tall structures (as defined in the Plan). Leaving it as a voluntary guideline will mean countless more birds killed from window collisions on new buildings constructed in the Compatible Growth Area by developers who choose to not comply with the guideline. Further, we would strongly encourage, as with New York City's recently adopted ordinance, that the standard also include or capture significant exterior alterations to existing buildings.

Upon adoption, the Central Pine Barrens Joint Policy & Planning Commission will be joining dozens of other cities, towns, and other municipalities like New York, San Francisco, Chicago, Toronto, and Minneapolis, to name a few, that have stepped up to the plate to safeguard wild birds.

While there are many different ways to proscribe a "Bird Friendly Building Design" standard (as evidenced by the variety of differing laws around the country), the language provisions in the Minneapolis, Minnesota ordinance are especially helpful in that they provide for greater flexibility by: 1) qualifying any material with a Threat Factor below 25 or 2) by complying with certain specific design requirements for the window surface. This greater flexibility should help in achieving less costs to building developers.

Here is the excerpt of the Minneapolis ordinance (with my addition of the American Bird Conservancy Threat Factor added):

Bird-safe glazing. Bird-safe glazing includes one (1) of the following: Façade materials with a Leadership in Energy and Environmental Design (LEED) Material or American Bird Conservancy Bird Collision Deterrence Material Threat Factor less than or equal to twenty-five (25); or Physical structures or glass patterns that are visible from the outside and the resulting pattern creates spaces no wider than four (4) inches horizontally or two (2) inches high vertically, also known as the "2x4 rule" or A glass pattern that is white to medium gray, visible from the outside, and shall meet at least one (1) of the specific standards below: Horizontal line patterns shall be one-eighth ($\frac{1}{8}$) inch wide with two (2) inch on-center spacing; or Vertical line patterns shall be one-eighth ($\frac{1}{8}$) inch wide with four (4) inches on-center spacing; or Dot patterns with dots one-quarter ($\frac{1}{4}$) inch wide with two (2) inch on-center spacing each way; or Dot patterns with dots three-eighths ($\frac{3}{8}$) inch wide arranged in horizontal lines with two (2) inch on-center spacing or vertical lines with four (4) inch on-center spacing.

To aid in compliance we urge the standard contain language requiring that blueprints for any site plan filed with the Towns of Southampton, Brookhaven, or Riverhead be required to include the window material/product proposed, its associated Threat Factor, or if it relates to window surface design requirements which ones will be utilized. This should ease the work of the town review staff in determining compliance with the standard.

On behalf of Seatack I appreciate the opportunity to submit these comments for your consideration. Please let me know if you have any questions.

Sincerely,

John Turner
Senior Conservation Policy Advocate
Seatack Environmental Association



Hargrave, Julie

From: Patrice Domeischel <patrice5421@hotmail.com>
Sent: Saturday, May 28, 2022 8:53 PM
To: PB Info
Cc: Jakobsen, Judith; Hargrave, Julie
Subject: Support "Bird Friendly Building Design" Amendment to Land Use Plan

CAUTION: This email originated from outside of SCWA. Do not click links or open attachments unless you recognize the sender and know the content is safe.

May 28, 2022

Dear Long Island Pine Barrens Commission members:

I strongly support the inclusion of a "Bird Friendly Building Design" amendment to your Land Use Plan. The number of bird deaths in the United States alone from window strikes is astronomical; it is estimated to be between 365 and 988 million EACH year. A bird friendly building design would help to mitigate the problem of bird mortality resulting from window collisions. I hope you will join others, such as New York City, San Francisco, and other major cities in the U. S., in mandating bird friendly building design, thus taking a step forward in the protection of our local birds.

Thank you for the opportunity to comment on this important issue. Please incorporate my comments into the Commission's public record regarding the Land Use Plan amendments.

Sincerely,

Patrice Domeischel
25 Bluetop Road
Setauket, NY 11733
(631) 553-6862



Hargrave, Julie

From: Richard Amper <camper@pinebarrens.org>
Sent: Saturday, May 28 2022 203 PM
To: PB Info
Cc: Hargrave, Julie; Nina Leonhardt
Subject: Support for Bird Friendly Building Design Requirement in the Revised Comprehensive Land Use Plan for the Central Pine Barrens

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Dear Executive Director Jakobsen:

The Long Island Pine Barrens Society appreciates the opportunity to comment on the bird-friendly design section of the proposed Land Use Plan amendments.

Wild birds face a number of significant threats to their existence. These include, but are not limited to, habitat destruction and degradation, poisoning by pesticides and other chemicals, and collisions with building windows.

The ecological balance necessary to maintain Pine Barrens habitat depends in part on populations of bird species being present. The literature documents that millions of birds die annually by flying into building windows. A few hundred bird species are known collision victims including many species that migrate through, or breed or overwinter within, the Central Pine Barrens. Many "collision victim" species, based on an analysis from 1998-2011 - White throated sparrow, Common yellowthroat, Ovenbird, Dark-eyed Junco, Ruby-crowned Kinglet, Hermit Thrush, Golden-crowned Kinglet, Black-and-White Warbler, American Woodcock, Grey Catbird, Song Sparrow, and Blackpoll warbler - are common migrant or seasonally resident bird species in the Central Pine Barrens. Many other Pine Barrens indigenous species such as Rufous-sided towhees, Whip-poor-will, and Cooper's Hawk have, unfortunately, also been window collision victims at buildings located within the Central Pine Barrens.

The Central Pine Barrens Joint Policy & Planning Commission recognizes the serious threat to the welfare of birds posed by highly reflective and transparent windows through the proposal to establish a new "Bird Conservation and protection" guideline, as part of the current proposed amendments to the Central Pine Barrens Land Use Plan. This proposal is a step in the right direction but we strongly urge that this measure be changed from a "land use guideline" to a "land use standard," affecting all new construction. A voluntary guideline does not require adherence; it will lead to more birds killed from window collisions on new buildings constructed in the Compatible Growth Area by developers who choose to not comply with the guideline. To aid in compliance we urge that blueprints for any site plan filed with the Towns of Southampton, Brookhaven, or Riverhead be required to document that its construction is bird-friendly.

Upon adoption, the Central Pine Barrens Joint Policy & Planning Commission will be joining many municipalities such as New York City, San Francisco and Chicago that are safeguarding wild birds.

We appreciate the opportunity to submit these comments for your consideration. Please let me know if you have any questions.

Richard Amper, Executive Director
Long Island pine Barrens Society



Hargrave, Julie

From: Joyous C <joyous01@yahoo.com>
Sent: Monday, May 30, 2022 2:45 PM
To: PB Info
Cc: Jakobsen, Judith, Hargrave, Julie
Subject: Comment for Incorporation of a "Bird Friendly Building Design" requirement into the revised Comprehensive Land Use Plan for the Central Pine Barrens

CAUTION: This email originated from outside of SCWA. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Re: Incorporation of a "Bird Friendly Building Design" requirement into the revised Comprehensive Land Use Plan for the Central Pine Barrens

Dear Executive Director Jakobsen:

The Four Harbors Audubon Society is a not-for-profit wildlife conservation organization whose mission is to protect and preserve birds, wildlife, and the places and resources they need, for now and the future. We appreciate the opportunity to comment on the above-referenced topic and ask that these comments be incorporated into the Commission's public record established regarding the Land Use Plan amendments.

Native birds and other wildlife face a number of serious threats to their existence. These include, but are not limited to, habitat fragmentation, toxic pesticides, herbicides and other chemicals in the environment, falling prey to pet cats allowed to roam outdoors and feral cat predation, habitat loss, habitat degradation, competition with invasive avian species, dusk to dawn light pollution which creates issues with nocturnal migration, and collisions with building windows.

A 2014 study by the US Fish and Wildlife Service and the Smithsonian Institution estimated that between 365 million to one billion birds are killed annually by building collisions in the U.S. Many species that migrate through, breed or overwinter within the Central Pine Barrens are known to have issues with window collisions. All of the top twelve "collision victim" species - American Woodcock, Black-and-White Warbler, Blackpoll Warbler, Common Yellowthroat, Dark-eyed Junco, Golden-crowned Kinglet, , Grey Catbird, Hermit Thrush, Ovenbird, Ruby-crowned Kinglet, Song Sparrow, and White-throated Sparrow - are common migrant or seasonal resident avian species of the Long Island Central Pine Barrens. To date, many other Pine Barrens species have also been window collision victims at buildings located within the Central Pine Barrens, including Whippoorwill, which are in steep decline.

Four Harbors Audubon Society is thankful that The Central Pine Barrens Joint Policy & Planning Commission recognizes the serious threat to the welfare of birds posed by both transparent and also highly reflective windows and has proposed guidelines to establish Bird Conservation and protection, as part of the current proposed amendments to the Central Pine Barrens Land Use Plan. Four Harbors Audubon Society feels this proposal is a good standard land use policy, but we strongly urge that this measure be changed from a "land use guideline" to a "land use standard" affecting all new structures, as defined in the Plan. Creating a voluntary

guideline will mean innumerable more birds killed from window collisions on new buildings constructed in the Compatible Growth Area, by developers who choose to not comply with the guidelines. Further, we would strongly promote an ordinance similar to New York City's recently adopted ordinance, that the standard also include alterations to existing buildings being updated.

Upon adoption, the Central Pine Barrens Joint Policy & Planning Commission will be joining dozens of other cities, towns, and other municipalities like New York, San Francisco, Chicago, Toronto, and Minneapolis, to name a few, that have stepped up to the plate to safeguard wild birds.

While there are many different ways to proscribe a "Bird Friendly Building Design" standard (as evidenced by the variety of differing laws around the country), we would suggest using the Minneapolis ordinance as a working template, with the American Bird Conservancy Threat Factors used as threat assessment documentation.

To aid in compliance we would advocate that the standard contain language requiring that blueprints for any site plan filed with the Towns of Southampton, Brookhaven, or Riverhead be required to include the window material/product proposed, its associated Threat Factor, or if it relates to window surface design requirements which ones will be utilized. This should reduce the work of the town review staff in determining compliance with the standard.

On behalf of Four Harbors Audubon Society, I appreciate the opportunity to submit these comments for your consideration. Please feel free to contact me with additional comments or questions at (631) 766-3075.

Best regards,

Joyann Cirigliano

President – Four Harbors Audubon Society

Chair – Audubon Council of New York State

Director – Audubon NY/CT

Joyann Cirigliano
Proprietor/Ecoscaper
Joy's Forever Endeavor Design/Consult
(631)766-3075

Bringing Nature Back-One Yard at a Time



LONG ISLAND
BUILDERS INSTITUTE

Advocating Responsible Building & Remodeling

RECEIVED

JUN 06 2022

May 31, 2022

Ms. Judith Jacobsen
Executive Director
Central Pine Barrens Commissioner

Re: Comments of the Long Island Builders Institute regarding proposed amendments to the comprehensive land use plan amendments.

The Long Island Builders Institute, the largest residential home building trade association in New York State, wishes to provide comments upon the proposed land use amendments of the central pine barrens commission. We make the following comments:

I. GENERAL AND GLOBAL COMMENTS

The 1993 Long Island Pine Barrens Protection Act (the "Act") mandates that the Central Pine Barrens Commission (the "Commission") review, adopt amendments to the CLUP, and update the Generic Environmental Impact Statement (the "GEIS") that was prepared in connection with the adoption of the CLUP. The DEIS confirms that the Act mandates that the Commission review and adopt amendments to the CLUP and update the GEIS every five years.¹ The GEIS was completed in 1995, whereupon the CLUP was adopted.² Apparently, the Commission did not follow the Act because the DEIS confirms that the Commission did not initiate a review process until 2010, which was 12 years after the Commission was to have concluded its initial CLUP review.³ The proposed amendments to the CLUP were generated from the review process begun in 2010. Accordingly, it appears that contrary to the mandate of the Act, the CLUP amendments are the first proposed CLUP update since the Act was adopted in 1993 -- a clear violation of the mandatory 5-year review provision of the Act.

¹ DEIS, Executive Summary, Ch. 1, pg. 1.

² *Id.*

³ *Id.*

The DEIS purports to be a supplement to the GEIS and so, technically, the DEIS is a draft supplemental generic environmental impact statement (an SGDEIS),⁴ but for simplicity it will be referred to herein as the DEIS. Nowhere in the DEIS does it discuss whether the GEIS is too old to be supplemented. The data and analysis in the GEIS are now 27 years old. Yet the DEIS simply assumes that the DEIS can be supplemented and is not outdated. The Commission, as lead agency, is required to assess whether the GEIS is capable of being supplemented or whether its data and analyses are too old. This is a fundamental flaw in the DEIS.

For amendments that are purportedly primarily ministerial,⁵ the environmental review process undertaken by the Commission has been absurdly protracted. The amendments were circulated seven years ago, in April 2015, which was when the Commission declared itself lead agency under the New York State Environmental Quality Review Act (SEQRA).⁶ Scoping was completed on February 17, 2016,⁷ which means that the Commission has taken 6 years to generate the DEIS, which is an inexplicably protracted time period for preparation of a DEIS the purports to analyze primarily ministerial amendments.

The protracted time period for preparation of the DEIS is particularly perplexing given the fact that the DEIS does not include any detailed technical analyses or appendices. Indeed, the DEIS is largely a rubber-stamp conclusory document that repeatedly substitutes conclusory statements for actual environmental analyses. This is true in environmental impact category after environmental impact category. These will be detailed in the last section of this Memorandum. Put succinctly, the DEIS is a lackluster and dilatory effort that analyzes little, and is essentially a “go through the motions” document that delves into nothing in detail and is defective. Not least in these defects is the failure of the Commission to even inquire as to whether the 27-year-old GEIS is antiquated and out of date.

The last 27 years have seen profound changes in Suffolk County, generally, and in the vicinity of the Central Pine Barrens in particular. Population has grown, development patterns have changed, traffic volumes and patterns have changed, communities have amended their zoning laws, and communities have revised and updated their comprehensive plans. None of these circumstances are even referenced, no less analyzed. The DEIS assumes that none of these or any of the other changes which have occurred in the past 27 years are even appropriate to acknowledge, no less analyze. The conclusions in the DEIS that none of the amendments has the potential to generate a single significant adverse environmental impact is predicated upon an indefensible assumption that nothing of significance has changed in 27 years vis-à-vis the matters addressed in the GEIS and the DEIS. This is fundamentally flawed, renders the DEIS violative of SEQRA and its implementing regulations, and precludes lawful adoption of the amendments by the Commission.

In addition, what is particularly disturbing, is the acknowledgment that a number of the amendments are to codify the Commission’s past practices.⁸ The question that is not raised, therefore never answered, is by what authority did the Commission adopt practices that require

⁴ *Id.*

⁵ DEIS, Executive Summary, Ch. I, pg. 3.

⁶ *Id*

⁷ *Id*

⁸ DEIS, Executive Summary, Ch. I, pp. 4-5.

amendments to the CLUP. The Commission appears to believe that it can simply proceed as it likes and then, when it gets around to it, many years later, adopt CLUP amendments to validate its past practices. The Commission has the process backwards. If the Commission believes that changes need to be made in the CLUP in order to enable it to act differently, the Commission is required to amend the CLUP first in order to authorize the changes. It is shocking that the Commission would confirm that it has done whatever it wanted over many years and never amended the CLUP once to grant the Commission whatever different review authority or powers it believed it needed. The Commission wields tremendous power, and it is very disturbing that the Commission has so blatantly disregarded the most fundamental rule of law that an agency of government operates within its applicable rules and regulations. The catch-phrase in the DEIS confirming that amendments are to "codify" past practices, does not either acknowledge or discuss how these "past practices" came to be, or whether they were ever allowed in the absence of the amendments now proposed.

The DEIS is silent as to the applicability of the amendments to pending projects that may have received one or more preliminary or partial approvals. Are those projects grandfathered? There is no way to know which projects may be affected, and to what degree. This is a serious omission from both the amendments and the DEIS.

The DEIS assumes that an amendment which it deems "ministerial" inherently will have no potential significant adverse environmental impacts. Thus, it does not even summarize or describe those "ministerial" amendments in the DEIS. Moreover, the entire DEIS assumes that the proposed amendments require no mitigation measures of any kind because they have supposedly been built into the amendments themselves. In essence, without any analysis or even recitation of the mitigation measures supposedly built into the amendments, the DEIS assumes none of the proposed amendments could possibly generate any significant adverse environmental impacts and thus no mitigation is deemed necessary:

Because this is an environmental protection plan, mitigation measures have been incorporated into the planning process to minimize environmental impacts in the Central Pine Barrens area.

The majority of amendments are essentially ministerial in nature. Development in the CGA, pursuant to the Act, is subject to conformance with standards for land use. The Plan standards are essentially unchanged in the Amendments and for the most part merely reflect past and current practice and policy of the Commission established since the inception of the Act in 1993 and in decisions and resolutions adopted since then.

DEIS, Executive Summary, Ch. 1, pg. 16.

This passage is truly remarkable. The amendments are deemed an "environmental protection plan" and it is stated that mitigation measures have been "incorporated into the planning process" whatever that actually means. Labeling the amendments an "environmental protection plan" does not exempt the amendments from SEQRA and its required analyses, or deem it inherently

protective of the environment. There is no identification of mitigation measures and no discussion of how these mystery mitigation measures eliminate all potential significant adverse environmental impacts. In addition, none of the prior decisions, resolutions, practices, or policies of the Commission are identified that supposedly give rise to those amendments deemed ministerial. These omissions and circular reasoning render the DEIS unlawful and would cause the amendments to be voidable by a reviewing court.

The Commission is required to identify all changes, ministerial and non-ministerial. It is required to analyze the potential environmental impacts of all of the amendments. In undertaking such an analysis, the Commission cannot assume that it can merely supplement a 27-year old GEIS. Even if it determines it can supplement, the Commission is required to identify the proposed action properly and identify the resolutions, past practices and prior decisions that supposedly create the context for "ministerial" amendments. Those prior decisions, resolutions, and practices cannot be deemed a "base line" for analysis if those prior decisions, resolutions, and practices were not authorized under the existing Commission rules. As to all amendments, the DEIS must identify the mitigation measures built into the amendments and which potential significant adverse environmental impacts those built-in measures are intended to mitigate.

None of the foregoing is included in the DEIS. Instead, the DEIS is a series of stated assumptions designed to eliminate or preclude any meaningful environmental analysis of the amendments. A more detailed analysis follows.

II. COMMENTS ON PROPOSED AMENDMENTS

A. General Comments

Town of Southampton Water Quality Improvement Project Plan not listed in list of approved relevant plans, but it probably should be due to changes in language relating to wetlands and surface waters.

There are several proposed numerical changes to various standards without any scientific basis or other data stated to support the changes. Examples are the clearing percentage for commercial projects, the size of projects to be designated as a DRS, and the height of tall structures.

There are several SCDHS and DEC permits now required as a prerequisite to Commission approval, such as an Article 12 permit. These now are required much later in the timeline of project approval by the Commission.

B. Chapter 4 Comments - Note: *Comments are in italics.*

4.2 Intent

The Commission will participate and sponsor, where appropriate, intergovernmental agency coordination, including but not limited to interagency data sharing and license agreements, in order to provide efficient application review and further the goals and objectives of Article 57.

What is appropriate? What does sponsorship mean? What data is shareable?

The Commission encourages cooperative efforts with local, state, federal and not-for-profit agencies for the use of Geographic Information Systems (GIS) and other mapping alternatives in order to track development permits and analyze land use patterns within the Central Pine Barrens.

Why are not-for-profit agencies included? What is the purpose for such cooperative efforts?

4.3.5.1. Interpretation of "nondevelopment" provision 57-0107 (13)...

The Commission hereby clarifies that Article 57-0107 (13) only regulates the lot area requirement as indicated by the square footage required within the applicable zoning district and does not include any other dimensional variances associated with the subdivision...

What is the issue here? As is the case with many amendments, its context, purpose, need, and effect are not discernible from either the proposed amendment or the DEIS.

4.3.40.11 Tall Structure

....exceeds a height of ~~fifty~~ seventy-five feet from average unaltered grade of the project site.

This is a 50% increase in height. What are the implications? Lesser review of structures less than 75' tall?

4.5.3.3 Assertion Development: Review Standards.

Should the Commission assert review jurisdiction pursuant to this subdivision, the jurisdiction of the Commission shall be limited to compliance with the standards and guidelines set forth in The Commission shall review conformance with guidelines set forth in Vol 1, Chapter 5 of this Plan and whether the project is in conformance with Article 57-0123(2)(a).

Does the last clause proposed to be inserted expand the jurisdiction of the Commission? If so, how? How would this apply to a project that has received an approval or partial approval from the Commission, and which requires additional review by the Commission?

4.5.5.1 DRS development: Definition of a Development of Regional Significance

The proposed amendment merges multifamily and single family into one category with a maximum of 200 units for any mix of residential units and includes expansion of existing residential developments. This is a 33% reduction in multi-family units to be considered a DRS. What is the purpose of making these changes? How much acreage and how many projects are governed by or are projected to be governed by this change and brought under Commission jurisdiction? What is the potential impact on provision of affordable housing?

The proposed amendment proposes a mixed use development of 400,000 sq ft or greater. How is 400K sq ft to be calculated? What is included and excluded in determining size? What is

considered mixed use? Commercial and residential? What about mixed types of commercial or commercial and industrial uses? What about commercial and institutional not for-profit combinations?

B. Chapter 5 Comments - Note: *Comments are in italics.*

5.3.1 Applicability and other policies

Agriculture and horticulture in the Compatible Growth Area is encouraged to comply with best management practices.

Why is such compliance encouraged and not mandated? Agriculture and horticulture are a huge source of groundwater contamination due to pesticides and fertilizers. The Commission mandates strict compliance in the CGA by all other land uses, but one of the largest, if not THE largest, groundwater polluting industry gets a free pass. How is this possibly fair? The DEIS does not attempt to analyze the potential impact of merely encouraging compliance, as opposed to mandating compliance.

5.3.3.1.1 Article 6 Compliance

Adds: Commission approval shall require submission of a final official copy of the SCDHS permit.

How will this impact project approval schedules? This rule should be clarified to confirm that a submission of the SCDHS permit shall be a condition imposed by the grant of Commission approval, not a condition that is a prerequisite to granting of Commission approval. This change should be made in all rules that are proposed to be amended to include this sentence.

5.3.3.1.2 Sewage Treatment plant discharge

Removes "denitrification" and just says "Treatment" for systems in this Standard.

How will this change affect development going forward?

5.3.3.1.3 and 5.3.3.1.4

Commission approval shall require submission of a final official copy of the SCDHS permit.

How will this impact projects? Article 12 applications are often submitted long after other land use approvals are received. This has the potential to seriously disrupt project approvals if this rule requires .

5.3.3.1.5 Nitrate-Nitrogen goal

....2.5 PPM for new dev projects with density of....

The amendment would apply the standard far more widely, not just in the vicinity of ponds and wetlands. What is the potential impact of this change on pending and future projects?

5.3.3.4 Wetlands, and surface waters and stormwater runoff

Development of lands within the pine barrens inevitably results in an increase of runoff water following precipitation. Runoff water originating from the roofs of buildings, from driveways and from parking lots is usually discharged directly to subsurface dry wells situated on the building lot. However, the great volume of runoff water originating from paved streets and roads is usually discharged by pipes into large open recharge basins or sumps, as also sometimes occurs in regard to parking lots. These basins may cover several acres and require the removal of considerable native vegetation to the detriment of the site's ecology and aesthetics.

There is no basis for assuming that drainage basins would cause the removal of considerable native vegetation. Any significant development will require, at minimum, an environmental assessment, and more likely a full environmental impact statement. The potential significant adverse environmental impacts of stormwater runoff from any development must be fully analyzed in any project. There is no reason why this provision is being included in the rules, especially given the necessity of environmental review of every project.

5.3.3.4.1 Nondisturbance buffers

... The Commission reserves the right to require a stricter and larger nondisturbance buffer as warranted in a specific instance....

What is stricter and larger? What makes it warranted? What limits, if any, are placed on the Commission's decisionmaking?

Commission approval, where applicable, shall require submission of a final official copy of all NYS DEC and municipal permits.

What impact does the permit requirement have on the project schedule? When is this "applicable" and when not? This cannot be a prerequisite to Commission approval, but only a condition to be satisfied post-Commission approval.

5.3.3.4.2 Wild, Scenic and Recreational Rivers Act compliance

Commission approval shall require submission of a final official copy of the NYSDEC permit

Same as prior comment.

5.3.3.4.4 Reduction of Impervious Surfaces

... Permanent waiver of required parking spaces.... may be counted towards meeting the open space standard.

How can the CPBC void required parking spaces of a municipality? Unless a variance is granted, this would appear to be impossible

5.3.3.6 Natural vegetation and plant habitat. Coordinated design for open space, habitat and soil protection

...Open Space is defined as any essentially undeveloped and unimproved, publicly or privately owned open area which can be comprised of either land or water, that either remains in its natural state or is used for agriculture and is permanently preserved and will not be developed.

...In no case does open space mean active recreational facilities such as golf courses, amusement parks and ballfields.

...Clearing is defined, for the purposes of this standard, as the removal, cutting or material alteration of any portion of the natural vegetation found on a development project site....

...However, re-vegetation may not be used to meet the clearing standard.

What does "essentially" mean in the first clause? Why is agriculture included as open space? It is not a natural environment, does not preserve or enhance the local ecology, and is a continual source of nitrogen and pesticide pollution? Why are naturally preserved areas within or near golf courses excluded from open space? Such areas provide wildlife habitat and can be a place for native flora to be maintained. It should be the character of the land that determines open space, not whether that open space is within or near a golf course. Does the last clause mean that an error in clearing and required mitigation will count against the clearing standard going forward?

5.3.3.6.2 Open space standard requirement, unfragmented open space and habitat

...On development project sites for which either new or expanded development has been requested and which are cleared or were cleared pursuant to a nondevelopment provision of the Act, and where no violation of the clearing standard has occurred, the area previously cleared shall be re-vegetated.... in order to bring the site into compliance with the applicable open space standard ...

What if a clearing violation has been officially resolved? What if some clearing was a result of nondevelopment?

5.3.3.6.5 Receiving entry and protection for open space areas.

...Protection of open space areas shall be guaranteed through one of the following three options .. easement grantee being either a governmental land preservation and management entity or a not for profit conservation land management organization...

What about privately controlled open space areas?

Figure 5-1 - Clearance and Open Space Standards

Changed 160K-200K sq ft residential to 25% max site clearance from 20%. Changed Commercial to 60% from 65%. What is the scientific basis for these changes? Why are they needed?

C. Chapter 6 Comments - Note *Comments are in italics*

6.5.4 Intermunicipal redemption of Pine Barrens Credits

Intermunicipal redemption of Pine Barrens Credits is defined as the redemption of Credits within a town or village within Suffolk County other than the one from which it was generated.

It is the policy of the Commission to encourage intermunicipal redemptions of Pine Barrens Credits as long as the redemption is in conformance with the zoning of the receiving area.

What is the implication on local school districts? What is capacity of each Town to take on additional redemptions above those in that Town?

6.7.6.8 Issuance of Pine Barrens Credits to a Parcel with a Land Use Violation

No Pine Barrens Credits shall be issued for any property where land use conduct has occurred or is occurring that violates the Act, this Plan, any regulation promulgated by the Commission or any order, determination or permit condition issued by the Commission.

This is draconian and unfair. A violation of the Act can be minor and due to an innocent mistake. This creates an additional penalty to whatever penalty is imposed for the violation itself, which is unfair, especially since there are no qualifiers or exceptions in the proposed rule. In addition, what authority vests the Commission with the power to adopt such a rule and impose such a penalty? It is the State Legislature which establishes penalties for violation of the Act, not the Commission. This proposed rule is illegal.

III. DEIS COMMENTS

The changes to the DRS thresholds are not properly analyzed. The assumption is that by capturing more potential development, the environment is protected and therefore no significant adverse impacts are possible. This is a false assumption. Further restricting development in the Compatible Growth Area by the proposed amendments will have the effect of inducing growth elsewhere. Nowhere in the DEIS is the increase in DRS thresholds quantified to project the amount and kind of development that would not occur or would occur at a reduced level, and what the potential is for induced growth elsewhere.

The foregoing applies equally to the extension of the 2.5 ppm nitrate nitrogen requirement. The DEIS needs to map and quantify the acreage of land whose development would be precluded or limited. Only then can the potential impact of this restriction be evaluated. This analysis cannot be evaded by the statement that the restriction will be more protective of the environment, and therefore no further analysis is necessary. Rules that protect groundwater can displace and induce growth elsewhere and these impacts cannot be evaluated until it is unknown just how much land, and where, will be affected by this significant change in the rules. It is also remarkable that the



LONG ISLAND
BUILDERS INSTITUTE

Advocating Responsible Building & Remodeling

Commission continues to favor agriculture and not impose any similar restrictions on its polluting activities.

It appears that the Commission intends to extend its jurisdiction outside the Core Preservation Area and Compatible Growth Area onto portions of a project site that are outside these areas, but are part of the same property being developed. The Commission has no jurisdiction to amend the Rules to give it jurisdiction over lands outside the Core Preservation Area and Compatible Growth Area.

The alternatives analyses are flawed. The ministerial amendments are all assumed, without analysis, to be inherently protective of the environment. This assumption renders the alternatives analysis inherently flawed because no such assumption can be made.

Similarly, all of the Plan Amendments are assumed to establish stricter environmental controls, as if that is all of the analysis that is necessary. The potential of the amendments to redirect and induce growth elsewhere is ignored.

The DEIS recognizes that groundwater contamination from individual poor performing old septic systems is a very serious problem. However, the Commission does nothing to direct development in the Compatible Growth Area to address this problem. Such development should be encouraged if it includes county-approved central sewage treatment systems that would enable existing septic systems to be eliminated. Density bonuses or credits should be issued so that Compatible Growth Area development is directed to solving existing groundwater pollution from poorly performing septic systems.

Finally, the continual favoring of agriculture is counter to the mission of the Commission. If the Commission is serious about curing groundwater pollution, it cannot any longer favor agriculture over other forms of land use which pollute groundwater less, and which preserve native flora and fauna more.

The Long Island Builders Institute wishes to thank the Central Pine Barrens Commission for giving us the opportunity to comment upon these most important recommended changes.

Mitchell Pally
Chief Executive Officer

1757-8 Veterans Memorial Hwy., Islandia, NY 11749 *Phone: 631-232-2345 F: 631-232-2349
www.libi.org mitch@libi.org lois@libi.org

From: [Jessica Wilson](#)
To: [EG Info](#)
Cc: [jturner@seatuck.org](#); [lakobien_judith](#); [Hargrave_Luke](#); [Marsika Boyle](#)
Subject: Support for 'Bird Friendly Building Design' requirement into revised Comprehensive Land Use Plan for Central Pine Barrens
Date: Wednesday, June 01, 2022 9:01:53 AM
Attachments: [NYC Audubon letter of support 2022-01-01.pdf](#)

CAUTION: This email originated from outside of SCWA. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Commission Members,

New York City Audubon is a grassroots community that works for the protection of wild birds and habitat in the five boroughs, improving the quality of life for all New Yorkers. A major focus for NYC Audubon is reduction of bird collisions with buildings/windows, which is the third-leading anthropogenic cause of bird mortality (after habitat loss and cat predation), killing between three million and one billion birds per year in the United States.

We stand with our fellow Audubon Chapters and the Seatuck Environmental Association in urging the adoption of mandated standards of Bird Friendly Design and Material for new construction in the Central Pine Barrens area.

NYC Audubon supports the Central Pine Barrens Joint Planning & Policy Commission's efforts to incorporate Bird Conservation and protection measures into its Land Use Plan. We also urge you to change the current proposal from a "land use guideline" to a "land use standard" affecting all new commercial, industrial, institutional, public, mixed use, and tall structures (as defined in the Plan). Leaving it as a voluntary guideline will mean countless more birds killed from window collisions on new buildings constructed in the Compatible Growth Area by developers who choose to not comply with the guideline.

As you may know, New York City recently adopted a local ordinance mandating that all new construction and significant exterior alterations to existing structures comply with elements of Bird Friendly Building Design and materials. By mandating the use of Bird Friendly Design and materials the Pine Barrens will join the vanguard of leadership in this area with other major cities in the United States and Canada.

We hope you will incorporate a "Bird Friendly Building Design" requirement into the revised Comprehensive Land Use Plan for the Central Pine Barrens. Thank you for your consideration.

Sincerely,
Jessica G. Wilson
Executive Director
New York City Audubon

71 West 23rd Street, Suite 1213
New York, NY 10010
jwilson@nycaudubon.org
w (646) 434-0423 x 1046152541074
www.nycaudubon.org
Email: jwilson@nycaudubon.org

2



June 1, 2022

Central Pine Barrens Joint Planning & Policy Commission
624 Old Riverhead Road
Westhampton Beach, NY 11978
by email to info@pb.state.ny.us

71 WEST 23RD ST
SUITE 1528
NEW YORK, NY 10010
212.681.7181

NYCAUDUBON.ORG
@NYCAUDUBON
• NYCAUDUBON

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We hope you will incorporate a "Bird Friendly Building Design" requirement into the revised Comprehensive Land Use Plan for the Central Pine Barrens.

Sincerely,

Jessica Wilson
Executive Director



Hargrave, Julie

From: Julie Sullivan <jsllvn768@gmail.com>
Sent: Thursday, June 16, 2022 6:46 AM
To: PB Info
Cc: Jakobsen, Judith; Hargrave, Julie
Subject: Comment on the Comprehensive Land Use Plan

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Environmentally Compatible Bird Friendly Buildings

All of us have seen a bird strike a window and drop to the ground especially during the spring and fall migration. It is an unforgettable sight of sudden death on an otherwise beautiful day. Now, after witnessing the massive loss of bird populations as well as species loss over the years, the board members of HOBAS (Huntington-Oyster Bay Audubon Society) have finally decided to do something. That something is a simple first step: to join Seaford Environmental Association's initiative, incorporating a "Bird Friendly Building Design" requirement into the revised Comprehensive Land Use Plan for the Central Pine Barrens. While the current proposal is a step in the right direction, we strongly urge that this measure be changed from a "land use guideline" to a "land use standard," affecting all new commercial, industrial, institutional, public, mixed use, and tall structures (as defined in the Plan).

There are numerous window design options to warn birds away. They may involve incorporating creative images, patterns or tints in or on the glass – screens and shades are also effective -- as long as the application has a good Threat Factor score or TF, according to the American Bird Conservancy (ABC). An example is NYC's Jacob K. Javits Convention Center, which reduced bird collisions by more than 90% when it renovated and installed bird-friendly glass. (Also note that Bird Collision Deterrence credit is available for projects using LEED (Leadership in Energy and Environmental Design)).

New York City has a precedent for new and existing buildings to reduce bird mortality from collisions that Long Island should follow. Therefore, HOBAS strongly supports the addition of a similar land use standard for bird friendly building designs into the Comprehensive Land Use Plan for the Central Pine Barrens, which will serve as an additional model for towns and other municipalities to follow.

Julie Sullivan, Conservation Director,

Huntington-Oyster Bay Audubon Society



APPENDIX C



Central Pine Barrens Joint Planning and Policy Commission

Meeting of March 16, 2022, Remote via Zoom

Adopted Resolution

Accept the Supplemental Draft Generic Environmental Impact Statement for the Comprehensive Land Use Plan Amendments as Complete,

File Notice of Completion and Schedule A Public Hearing

Present:

Mr. Dale (for Suffolk County)

Mr. Romaine (for Brookhaven)

Mr. Aguiar (for Riverhead)

Mr. Schneiderman (for Southampton)

Yvette Aguiar
Member

Steven Bellone
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

Whereas, pursuant to New York State Environmental Conservation Law (ECL) Article 57 Section 57-0121 (13), "Not less than once every five years after the land use plan has become effective, the commission shall review and, if appropriate, make amendments to the land use plan and update the generic impact statement. Within each such period, the commission shall hold a public hearing and shall receive comments on the effectiveness of implementation of the land use plan. Not less than thirty days before voting on an amendment to the land use plan, the commission shall publish notice thereof in a newspaper of general circulation in the Central Pine Barrens area," and

Whereas, the Central Pine Barrens Commission prepared draft amendments to Central Pine Barrens Comprehensive Land Use Plan (the Plan) Chapter 4: Review Procedures, Chapter 5: Standards and Guidelines for Land Use and Chapter 6: Pine Barrens Credit Program, and

Whereas, on April 15, 2015, the Central Pine Barrens Commission adopted a Positive Declaration pursuant to the State Environmental Quality Review Act (SEQRA) regulations for the preparation of a Supplemental Draft Generic Environmental Impact Statement for the Plan Amendments, and

Whereas, on February 17, 2016, the Commission adopted a Final Scope for the preparation of the SDGEIS for the Plan Amendments, and

Whereas, the Commission has completed a SDGEIS for the Plan Amendments pursuant to the SEQRA regulations and now wishes to accept the SDGEIS as complete pursuant to the SEQRA regulations, and

Whereas, a public hearing will be scheduled for the date of the regular meeting on April 20, 2022 at 3:00 p.m. to receive public comments on the SDGEIS and the record will remain open for written comments until May 31, 2022 at 12:00 p.m., and

Whereas, due to the COVID-19 pandemic and pursuant to the Governor of the State of New York's Executive Order, meetings and hearings

are presently conducted remotely via Zoom format and will continue until the Executive Order is lifted, and

Whereas, an official public hearing notice will be published on April 6, 2022, which is 14 days in advance of the first hearing on April 20, in accordance with the SEQRA regulations, and will indicate the location, date, time and purpose of the hearing.

NOW THEREFORE BE IT

Resolved, that the Commission hereby determines that the SDGEIS is complete, and be it further

Resolved, that the Commission schedules a public hearing on the SDGEIS that will be held remotely via Zoom format or in person as noted (location subject to change if unavailable or must be held remotely):

Wednesday, April 20, 2022, 3:00 p.m. Remote via Zoom format or in person at Riverhead Town Hall, 200 Howell Avenue, Riverhead, NY 11901

and be it further

Resolved, the hearing notice required to be published 14 days in advance of the hearing, pursuant to the SEQRA regulations, will confirm the meeting location as remote via Zoom or in person at a specified location, and be it further

Resolved, the hearing record will remain open for the receipt of written comments from April 20 to May 31 at 12:00 p.m., providing more than 10 days to receive written comments after the hearing, and be it further

Resolved, that the Executive Director is hereby authorized and directed to file a Notice of Completion of the Supplemental Draft Generic Environmental Impact statement as required by SEQRA and be it further

Resolved, copies of the SDGEIS including the Plan Amendments can be obtained on the Commission's website at <https://pb.state.ny.us/>, at the Commission office in Westhampton Beach, and in libraries including Longwood, Hampton Bays, Riverhead, Quogue and Westhampton Beach.

Dated: March 16, 2022

Motion by: Mr. Romaine

Seconded by: Mr. Schneiderman

Yea Votes: 4

Nay Votes: 0

Abstain: 0

Absent: 0

In The Matter Of:
Central Pine Barrens Commission Public Hearing
April 20, 2022
3:00 p.m.
Hybrid In-person and Remote Meeting
Held at
Riverhead Town Hall
300 Howell Avenue
Riverhead, New York 11901

Supplemental Draft Generic Environmental Impact
Statement (SDGEIS) for the Comprehensive Land
Use Plan Amendments

1

2 A P P E A R A N C E S:

3 Judy Jakobsen, Executive Director

4 Angela Brown-Walton, Administrative Assistant

5 Julie Hargrave, Policy and Planning Manager

6 Supervisor Edward P. Romaine

7 Supervisor Yvette Aguiar

8 John Milazzo, Special Counsel

9 Andrew P. Freleng, Chief Planner

10 Daniel P. McCormick, Deputy Town Attorney

11 Emily Pines, Special Counsel for Town of Brookhaven

12 Janice Scherer, Land Planning and Development

13 Administrator

14 Martin Shea, Senior Environmental Analyst

15

16 Public Comments:

17

18 John Turner, Seatuck Environmental Association

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Interrogation, this portion of the proceedings began at 3:00 p.m.¹⁴

MS. JAKOBSEN: We will start the public portion of the meeting. I will start by introducing myself. Again, for the record and for the hearing transcript, Judy Jakobsen the Executive Director for the Central Pine Barrens Commission. And I will start by reading the public hearing notice into the record.

Notice of public hearing pursuant
to New York State Conservation Law Article
57-021(13).

Again, notice is hereby given that the Central Pine Barrens Joint Planning and Policy Commission will hold a public hearing on Wednesday, April 20, 2022, on the matter of the Supplemental Draft Generic Environmental Impact Statement for the Central Pine Barrens Comprehensive Land Use Plan Amendments.

The proposed action is the
Environmental Draft -- excuse me -- the
Supplemental Draft Generic Environmental

1
2 Impact Statement for the Comprehensive
3 Land Use Plan Amendments. The SEQRA
4 classification, it's a Type One Action. A
5 Positive Declaration was adopted on
6 April 15, 2015. A Final Scope was issued
7 on February 17, 2016. A Notice of
8 Completion for the SDGEIS was adopted on
9 March 16, 2022.

10 The Lead Agency is the Central Pine
11 Barrens Joint Planning and Policy
12 Commission.

13 The location is the Central Pine
14 Barrens in the Towns of Brookhaven,
15 Riverhead and Southampton, Village of
16 Quogue and Westhampton Beach.

17 And I'm listed as the contact
18 person.

19 The project description is pursuant
20 to the regulations of Article 8 and the
21 State Environmental Conservation Law,
22 State Environmental Quality Review Act as
23 found on 6 NYCRR Part 617. The
24 Supplemental Draft Generic Environmental
25 Impact Statement has been prepared for the

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proposed action. The public may provide
comments in person or remotely via Zoom.
Please see the Commission website for the
meeting agenda and Zoom information.
Again, this is in the hearing notice.

An SDEGIS has been prepared for the
Comprehensive Land Use Plan Amendments.

Amendments are proposed in three Plan
Chapters in Volume 1 of the Plan including
Chapter 4: Review procedures and
jurisdiction. Chapter 5: Standards and
Guidelines for Land Use. And Chapter 6:
Pine Barrens Credit Program.

Amendments in Chapter 4 clarify
definitions based on past resolution and
policies of the Commission and review as
well as add definitions for projects that
achieve the threshold for a Development of
Regional Significance.

Amendments of Chapter 5:
Reorganize and consolidate similar
provisions, refining clearing and open
space requirements and the requirement to
set aside open space and of project sites

1
2 already cleared of natural vegetation.

3 Chapter 6 Amendments: Clarify past
4 practices and clarify application
5 processes. The majority of the amendments
6 are ministerial changes.

7 And it goes on to identify the
8 meeting location that will be hybrid by
9 Zoom and the date and location on
10 April 20th at 3:00 p.m. at Riverhead Town
11 Hall and that is a Zoom format as per New
12 York State Executive Order requirements.

13 Said hearing may be adjourned from
14 time to time. The deadline to submit
15 written comments to the Commission is
16 May 31, 2022 at 12:00 p.m. Copies of the
17 SDEGIS are available at the Commission
18 website at pb.state.ny.us and for public
19 and inspection at the Commission office,
20 624 Old Riverhead, Westhampton Beach, New
21 York. And also at the public libraries of
22 Hampton Bays, Longwood, Riverhead,
23 Westhampton Beach and Quogue and in the
24 Town Clerk and Village Clerk offices,
25 including Brookhaven Town Hall, Riverhead

1
2 Town Hall, Southampton Town Hall and
3 Village of Quogue and Village of
4 Westhampton Beach.

5 And again, it restates in the
6 hearing notice that it will be held in
7 person and remotely by Zoom, the day,
8 and location.

9 So now I will ask the Commission
10 Board Members and Representatives present
11 to please state their name and who they
12 are representing for the record.

13 SUPERVISOR ROMAINE: Ed Romaine,
14 Member of the Commission.

15 SUPERVISOR AGUIAR: Yvette Aguiar,
16 Member of the Commission.

17 MR. SHEA: Marty Shea representing
18 Southampton Supervisor Jay Schneiderman.

19 MR. FRELENG: Andy Fre leng
20 representing the Suffolk County Executive
21 Steve Malone.

22 MS. MCCORMICK: Daniel McCormick
23 Riverhead delegate on behalf of Supervisor
24 Aguiar Town of Riverhead.

25 MS. SCHEERER: Janet Scheerer also

1
2 delegate for the Town of Southampton.

3 MS. JAKOBSEN: Thank you.

4 We will be starting off the hearing
5 with a presentation by Julie Hargrave who
6 is the policy and planning manager for the
7 Commission and she'll provide a brief
8 overview for the Plan Amendments and the
9 SDGEIS.

10 After her presentation, there will
11 be the public comment portion of the
12 hearing where we will receive comments.
13 There will be no back and forth questions
14 and answers. The format of this type of
15 SEQRA hearing is we will only be taking
16 comments and all comments will be
17 responded to in the responsiveness summary
18 that is prepared as part of the
19 Supplemental Final Generic Environmental
20 Impact Statement. The public comments
21 will be handled by starting with the
22 audience in person and then we will go in
23 order on the speaker sign-in sheet.

24 And I will now turn it over to
25 Julie Hargrave for her presentation.

1
2 MS. HAROPAGE: Thank you so much.
3
4 daily, I will try to be brief and just go
5 through the main essence of the Plan.

6 Amendments and the process that we are in
7 right now.

8 And I won't repeat, as Judy said,
9 when the comments are due in writing and
10 if anyone has any questions to please
11 contact us.

12 So to go to the goals and
13 objectives of the Act: This slide recites
14 the goals and objectives of the Act for
15 the Plan including protection of the Pine
16 Barrens ecosystem including plant and
17 animal populations and the quality of
18 surface and groundwater, discourage
19 piecemeal and scattered development,
20 promote recreational and environmental
21 educational uses consistent with the Plan
22 and accommodate development in the manner
23 consistent with the long-term integrity of
24 the Pine Barrens.

25 The Act states that once every five
26 years the Commission shall renew and make

1
2 amendments and update the Generic
3 Environmental Impact Statement for the
4 Plan.

5 This is a timeline of roughly of
6 when this process began. The process of
7 drafting amendments started in 2010. The
8 consensus of the current set of draft
9 amendments achieved by Commission members
10 at a April 15th Commission meeting. That
11 included the Commission members passing a
12 resolution to move forward the set of Plan
13 Amendments dated March 18, 2015, through
14 the State Environmental Quality Review Act
15 process.

16 The Commission assumed lead agency
17 for this Type One action and adopted a
18 positive declaration for the proposed
19 action requiring the Supplemental Draft
20 Generic Environmental Impact Statement be
21 prepared to the original 1995 Draft GEIS
22 for the Central Pine Barrens Comprehensive
23 Land Use Plan.

24 The preparation of the SDEGIS
25 commenced in 2015. And in this year, the

document was deemed complete by Commission
members at their March 16th meeting and
the public meeting for today was set.

After this hearing, comments will
be compiled and responded to as the
executive director indicated and prepared.
We'll prepare a responsiveness summary as
part of the Final GEIS along with the
finding statement and then the Commission
will schedule a vote on the amendments.

If the amendments are adopted, they will
need to be incorporated into the Town
codes.

The SEQRA process: This is a
little more specific on the process that
we are in. On March 16th, the notice of
completion was adopted and the hearing was
scheduled today as a public hearing and
the deadline to receive written comments
is May 31st at noon. Roughly in July --
the July meeting -- July 20th, the
Commission will have a preliminary Final
Draft GEIS with a responsiveness summary.
And in August -- August 17th, the notice

1
2 of the completion for the Final GEIS.

3 The notice to vote has to be
4 scheduled pursuant to the Pine Barrens Act
5 and the finding statement has to be
6 prepared. And we believe on or about
7 September 21st at your Commission meeting,
8 that the Commission could adopt findings
9 and vote on the amendments and it goes on
10 that they need to be amended.

11 So the overview of the GEIS: The
12 purpose of this process, again, is to
13 evaluate potential environmental impacts
14 of the amendments, update the Plan to
15 reflect Commission policy and practice and
16 support the goals and objectives of the
17 Act in the Plan. I'm going to just review
18 some of the significant amendments in
19 Chapters 4, 5 and 6 and the SEQRA process
20 in the timeline to complete this process.

21 So the Plan Amendments are largely
22 and ministerial or administrative in
23 nature. They include word or term
24 additions to the text, combine and
25 consolidate similar themes on water

1
2 resources, open space and character and
3 scenic resources, insert references to the
4 statute where applicable and current
5 source information and clarify the policy
6 and practice of the Commission and
7 reaffirm past decision since 1993.

8 Non-ministerial amendments are more
9 protective of the Pine Barrens resources
10 and ensure that the Compatible Growth Area
11 continues to be developed in a compact,
12 efficient and orderly pattern while
13 functioning as an ecological buffer to the
14 Core. This is how the Compatible Growth
15 Area was designed and described in
16 Volume 2 of the Plan and the Generic
17 Environmental Impact Statement for the
18 Plan.

19 So in Chapter 4: The Plan
20 Amendments in Chapter 4 include
21 ministerial amendments and there are new
22 or amended definitions. And these include
23 definitions for the project site,
24 self-heal restoration and tall structures.

25 So for the project site: The

1
2 definition of the project site has been
3 used by the Commission for years as one of
4 the first items to define when reviewing a
5 project, aside from identifying the site's
6 location, the location of the project and
7 the type of development activity and
8 evaluating its environmental impacts and
9 conformance with the Plan.

10 The project site includes all
11 parcels that are a part of the project,
12 whether they are contiguous or
13 non-contiguous.

14 The self-heal restoration
15 definition is new to the Plan and it's
16 meant to describe an activity when a site
17 is over cleared and is required to set
18 aside open space. In this case, the area
19 may undergo self-heal or natural
20 restoration as opposed to implementing an
21 active landscape plan. This is explained
22 more in the open space standard in
23 Chapter 5 and I'll get to that.

24 The tall structure definition is
25 also new to the Plan and it is also

described in Chapter 8. It applies to tall structures over 75 feet, 75 feet or taller, and it applies only to projects not subject to local municipal review and also to public corporations.

This is meant to have the Commission review projects that proposed structure 75 feet or taller and intended to be protective of visual quality and scenic resources. As a guideline, it only applies to projects that are required to conform with guidelines. Typically, larger projects, such as developments of regional significance, critical resource area, applications or assertions of jurisdictions.

There are also new and amended definitions for developments of regional significance in Chapter 4. Amendments to the development of regional significance threshold are meant to reflect development trends and have been observed by the Commission and municipal planning staff for more than two decades for large scale

1
2 projects. A project is a DRS if it meets
3 certain thresholds defined in the Plan.

4 If a project is a DRS, the applicant must
5 submit an application to the Commission
6 for review and the project is required to
7 conform with standards and guidelines of
8 the Plan.

9 There have been eight DRS projects
10 reviewed by the Commission since 1993; six
11 have been approved, one was denied and one
12 was withdrawn. The amendments to the DRS
13 definitions address projects including
14 mixed used development, projects with
15 different housing types, such as detached
16 housing or attached housing, multiple
17 family housing, condominiums and projects
18 that expose the water table. The amended
19 DRS definitions include nonresidential
20 uses, residential developments with 200
21 units or more, mixed use development with
22 400,000 square feet or more and water
23 table exposure. So specifically, the
24 current DRS, Number 1 definition: Applies
25 to nonresidential uses over 300,000 square

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feet.

Presently, the Plan refers to commercial, industrial or office development over 300,000 square feet or in addition of 100,000 square feet with a total of over 300,000 square feet. In the event that the thresholds are the same, except for the term nonresidential, replaces the terms commercial, industrial or office to define these types of uses.

Moving on to the current DRS

Number 2 and Number 3: The current DRS Number 2 applies to multifamily residential development, 300 or more units. And currently, the DRS definition Number 3 applies to single-family detached development with 200 or more units.

The amendment to the DRS Number 2, is definition Number 2: Consolidates residential project types to apply to residential projects with 200 or more residential units regardless of unit type, attach, detach, condominiums, apartments. So it applies to a mix of housing types.

1
2 And Number 3 is amended to simply
3 apply to mixed used development with
4 400,000 square feet or more of
5 development. So the project may include
6 residential and commercial uses in the
7 same project.

8 The definition Number 4, is a
9 new -- a new definition, the water table
10 exposure: This threshold is to review a
11 project that exposes an unlined water body
12 over three acres, it is meant to require
13 Commission review of conformance with Plan
14 standards and guidelines and potential --
15 and the potential environmental impacts
16 the project may have if it proposes this
17 type of feature. The amendment reflects
18 the Commission's awareness that this type
19 of activity is occurring in the Pine
20 Barrens. It may include a pond over three
21 acres on a residential or commercial
22 property or one associated with
23 nonresidential use, such as a sand mine or
24 a type of recreational use.

25 So Chapter 5 Amendments: In

1
2 Chapter 5, there are ministerial and
3 non-ministerial amendments. Many of the
4 amendments aim to cover gaps in regulatory
5 review. When there are projects that are
6 not reviewed by municipal agencies, such
7 as schools -- schools, utilities, fire
8 districts, libraries, the amendments will
9 ensure that the protection of the Pine
10 Barrens is covered. This includes
11 wetlands -- wetland habitats, which is
12 vernal ponds that may not be mapped or
13 regulated or reviewed by others. And also
14 dark sky protection that is consistent
15 with local -- existing local regulations.

16 The significant amendments in
17 Chapter 5 include non-disturbance of
18 buffers consistent, again, with other
19 wetland protection regulations, reduction
20 of impervious surfaces to comply with the
21 open space standard. Open space required
22 on all development project sites, not just
23 vegetated sites, the Bird Conservation
24 Guideline, Light Pollution Prevention
25 Standard and Tall Structure Guideline.

One of the more significant
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attenuants in Chapter 5 requires open
space on all project sites regardless of
the site's existing condition. This will
apply to project sites where development
or redevelopment occurs pursuant to the
definitions in the Act in the Compatible
Growth Area, such as golf courses or
completely cleared or paved sites, such as
the old Kmart in Middle Island or other
sites that have little or no vegetation
left.

The amendments include an update to the clearing limits table, Figure 5.1, to list the minimum open space requirement. This amendment makes it clear when there is a development project pursuant to the definitions in the Act and how much can be cleared, how much area can be cleared and how much of the project site must be protected as open space. The open space standard and reduction of impervious surface standard reflect this requirement. Other new sections in the -- strengthen

site Plan and resource protection.

The amendments also include
management of invasive species. This is
an opportunity to manage invasive species
on project sites in the Compatibile Growth
Area to minimize their spread.

The Bird Conservation Guideline and
Tall Structures Guideline apply only to
projects that require conformance with
guidelines, that's larger projects,
including the DRS, critical resource area
and assertions of jurisdiction.

And the Bird Protection Guideline
applies to the greatest extent possible.
So there is some possibility to -- to
provide more protection for this -- for
birds. And it recommends ways to minimize
bird deaths from strikes with surfaces.

Tall Structures Guideline seeks to
protect scenic resources in the Central
Pine Barrens. And the dark sky standard
is consistent, again, with local zoning,
regulations for dark sky protection.

So just to review some specific

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2 changes in Chapter 5: The amendment to
3 Guideline 5.3.3.1.5 Nitrate-Nitrogen: The
4 amendment language in this guideline is
5 more protective and applies regardless of
6 proximity to a wetland. It applies to
7 projects subject to guidelines and all
8 projects in the past have demonstrated
9 conformance with this guideline.

10 The amended standard 5.3.3.4.1,
11 Nondisturbance buffers: Again, this
12 amendment covers where there's gaps in the
13 regulatory oversight and this includes
14 utility projects, such as gas mains and
15 electric lines. It protects vernal ponds
16 and seasonal wetlands that are not mapped
17 or regulated. And it requires unmapped or
18 unregulated wetlands to be delineated and
19 mapped by the applicant and identified in
20 the site Plan survey and buffered for
21 their protection. It supports protection
22 of wetlands resources and Pine Barrens
23 ecosystems. And it is consistent with
24 other wetland protection regulations.
25 This is an example of this -- where LIPA

2 received a Core Hardship and it was
3 granted by the Commission in 2008.

4 So moving on to Chapter 5, some
5 specific standards that we want to
6 highlight, the amendment to the 5.3.3.6,
7 the Coordinated Design for Open Space
8 Habitat and Soil Protection: The
9 amendments to this section offer a
10 comprehensive approach to open space
11 protection and clarify clearing and open
12 space requirements. It required the
13 clearing standard and defined open space
14 as a corollary to the clearing standard.

15 The Plan presently requires unclear
16 natural open space to remain after the
17 clearing limit standard is applied.

18 The nonresidential use zoning
19 district clearing limit for commercial,
20 industrial and mixed uses is reduced in
21 the amendments from 65 to 60 percent.

22 This limit applies to State and public
23 corporations as well. It is limited and
24 scoped and benefits the Pine Barrens.

25 It allows the nonresidential use

1 clearing limit to align more closely with
2 a clearing limit that applies to the Land
3 Use rather than the zoning category. It
4 provides flexibility if a nonresidential
5 use, such as a school or a fire district,
6 is on site in a residential zoning
7 district. For example, the Commission
8 reviewed and granted a Compatible Growth
9 Area Hardship for PSEG to expand its West
10 Bartlett Substation on 3.9 acre site in
11 Middle Island. The request was to clear
12 from a restrictive limit of 25 percent in
13 a five-acre residential zoning district to
14 53 percent and that was granted.
15

16 It allows the facilities to meet
17 the growing needs of the communities they
18 serve and accommodate the need for
19 facilities that serve the public. This
20 balance approach allows public and State
21 corporations, such as schools and fire
22 districts, to use 60 percent limit --
23 clearing limit rather than a one
24 restrictive residential zoning category
25 limit.

2 The amendment standard §.3.3.4.2
3 and the update to Figure 5.1 including the
4 percentage of open space required. This
5 was design -- a CGA was designed to serve
6 as a buffer to the Core and retain the
7 integrity and character of the Pine
8 Barrens, water resources and ecological
9 and cultural resources.

10 Open space in the CGA is meant to
11 act as an ecological buffer as per the
12 GEIS in Volume 2.

13 And again, some -- continuing on to
14 the Chapter 5 amendments, just a couple
15 more, the invasive plant species
16 mitigation section and guideline: This is
17 a new guideline that applies to sites that
18 set aside ten acres or more of open space.

19 An applicant may remove invasive
20 species as mitigation on no more than two
21 acres. There's a range of restoration
22 methods allowed, including self-heal
23 restoration. And a three-year maintenance
24 plan is required in this guideline and it
25 only applies to large projects that are

1
2 subject to guidelines, including DRS,
3 Critical Resource Area and assertions.

4 The guideline for bird conservation
5 and protection: This is also new and it
6 promotes awareness and protection of birds
7 to the greatest extent practicable. The
8 Bird Conservation Guideline and the Tall
9 Structure Guidelines applies only to
10 projects that require conformance with
11 guidelines, again, large projects. And it
12 applies to the greatest extent possible by
13 reducing the extensive window surface area
14 of glass reducing reflections, angling,
15 reducing light and guide wires, all of
16 which contribute to bird mortality.

17 The new standard for light
18 pollution -- for light pollution
19 prevention is consistent with other dark
20 sky regulations. It applies to projects
21 not subject to municipal review, such as
22 schools, libraries, fire districts, and
23 utilities and it complements existing
24 regulatory requirements in the Pine
25 Barrens and creates consistency in the

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Pine Barrens landscape.

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The Tall Structures Guideline and
tall structures and scenic resources is
also new and it applies to public
corporations and projects not subject to
local review. Protect the visual quality
of scenic resources in the Pine Barrens
and encourages the reuse of existing tall
structures.

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On to Chapter 6: The two changes
to Chapter 6, the Pine Barrens Credit
Program are ministerial. They encourage
municipal -- intermunicipal redemptions,
they indicate that credits may not be used
in the Core; the Core is a sending area,
not a receiving area for Pine Barren
credits. If a violation exists, an
applicant must resolve the violation first
before credit certificates can be issued.
Redemption of credits is permanent and
irrevocable.

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The changes reflect time frames to
review a credit appeal, clarify the
allocation of credits on parcels -- to

1 parcels on limited access roads and round
2 up the fractional Pine Barrens credit to
3 1/100th of a credit.

4 So in summary: Again, the
5 environmental review, the EIS before you
6 has identified no significant adverse
7 impacts. The Plan amendments are
8 generally ministerial or administrative in
9 nature. The non-ministerial changes
10 ensure continued protection of the Pine
11 Barrens resources. The amendments
12 continue support and accommodate compact
13 and sufficient and orderly development in
14 the Compatible Growth Area while balancing
15 the protection of water ecological
16 resources in the Pine Barrens and
17 maintaining the central character of the
18 Pine Barrens environment. The amendments
19 can be traced to the goals and objectives
20 of the Act and the Plan reflects past and
21 current practice and policy of the
22 Commission established since the Act in
23 1993 and the decisions and resolutions
24 adopted since then.

1
2 Over the amendments -- overall, the
3 amendments claim to continue to
4 accommodate compact, sufficient and
5 orderly development while balancing the
6 protection of the water ecological
7 resources in the Pine Barrens.

8 So thank you for all your attention
9 today and a reminder that the EIS is
10 posted on the website and if you have
11 trouble finding it, please let us know.
12 The deadline to submit written comment is
13 May 31st at noon.

14 Thank you.

15 MS. JAKOBSEN: We will go now to
16 the public comment portion of the hearing.
17 For -- we will -- is there anyone on the
18 speaker's list?

19 While she's getting that, those
20 that wish to provide public comments, we
21 ask that you try to limit to three
22 minutes. If you have lengthy comments,
23 please try -- submit them to us in writing
24 instead of reading through very long
25 comments. It will be appreciated to

1
2 summarize and then submit. You can submit
3 public comments to -- in writing to
4 pol.state.ny.us.

5 Angie, is anybody on the list?

6 MS. BROWN-WALTON: No one is on the
7 list for public comments.

8 MS. JAKOBSEN: Is there anyone on
9 Zoom that wish to provide public comments
10 at this time?

11 That is John Turner.

12 MR. TURNER: Thank you. Members of
13 the Commission and a special shout out to
14 (indecipherable) who I had a pleasure to
15 be working with and on the faces of the
16 Town of Brookhaven.

17 I'll be brief. I will be
18 submitting much more details -- comments.

19 I am representing the Seaford
20 Environmental Association as a
21 conservation policy advocate today and I
22 wanted to express the organization's
23 support for the establishment -- for the
24 adoption of this bird protection standard
25 or guideline.

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2 Over the past half a century,
3
4 scientists document that we lost more than
5 three billion birds in North America and
6 that's due largely to habitat loss and,
7 surprisingly, birds flying into buildings,
8 mostly into windows, birds do not see
9 windows for what they are. And a 2019
10 study documented that between 365 million,
11 roughly a billion birds in Northern
12 America alone died annually by flying into
13 windows, either it's your house or office,
14 parks or to a lesser extent, into
15 skyscrapers in places like New York City.

16 In response to this significant
17 concern, a number of municipalities, like
18 political companies, have documented a
19 loss or required the adoption of bird
20 friendly building design. New York City
21 is the most notable example, they did just
22 that a couple of years ago, Chicago has
23 done it and then dozens of smaller towns
24 throughout the country have been trying to
25 address this issue.

26 So with that, it's very worthwhile

1
2 that the Plan amendments incorporate or
3 include the provisions that will more
4 adequately protect the bird species that
5 make the Pine Barrens a very special
6 place. The Pine Barrens does have several
7 dozen species that are notable: Birds
8 like Prairie Warbler, Whip-poor-will,
9 Birds of Prey, all of them, unfortunately,
10 are known to fly into windows. They just
11 don't see windows for what they are.

12 So we would encourage, again, the
13 adoption of a standard that really
14 mandates bird friendly building design and
15 I can be much more specific to you in
16 providing the information about this, that
17 they be reflected or incorporated in the
18 amendment.

19 The last thing I'll say is I will
20 be pleased and happy if the Commission
21 would like to have more details, should I
22 say a PowerPoint presentation on this
23 topic, I put that together on this dozens
24 of times with different companies on Long
25 Island that the Commission members saying

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in benefits that.

Notwithstanding, let me conclude by
saying, again, we very much appreciate the
Commission's concern about this issue and
through the Plan Amendments, it's
addressing it.

Thank you.

MS. JAKOBSEN: Thank you, John.

Is there anyone else that would
like to provide public comment on Zoom?
Please raise your hand, use the raise your
hand feature.

(Whereupon, there was no response
amongst the Zoom platform.)

SUPERVISOR ROMAINE: We have no
one.

MS. JAKOBSEN: No one. Okay.

Anyone else present in the audience
that would like to speak at this time?

(Whereupon, there was no response
amongst the in-person audience.)

MS. JAKOBSEN: All right. So then
we will close the hearing and leave the
public comment period open until

1
2 12:00 p.m. on May 31st. Public comments
3 can be mailed to the Commission office at
4 624 Old Riverhead Road in Westhampton
5 Beach 11978 or sent to electronically to
6 info@pb.state.ny.us.

7 Once the comment period is closed,
8 the response to the summary will be
9 prepared to address all public comments
10 received and then that will become part of
11 the Draft Supplemental FEIS prepared by
12 staff, which would likely be available
13 sometime in July or August. Then the
14 Commission would likely, at that point,
15 adopt -- decide whether to adopt the Plan
16 Amendments, which would be probably
17 sometime in early Fall, in September.

18 So at this point, this concludes
19 the hearing.

20 SUPERVISOR ROMAINE: Make a motion
21 to adjourn.

22 MS. AGUIAR: I'll second.

23 MS. JAKOBSEN: All in favor?

24 (Whereupon, there was unanimous,
25 affirmative vote of the Board.)

1
2 MS. JAKOBSEN: Any opposed?

3 Whereupon, there was no response
4 amongst the Board.)

5 MS. JAKOBSEN: Motion carries
6 unanimously.

7 Thank you, everyone.

8 Whereupon, this portion of the
9 hearing was concluded at 3:39 p.m.)

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3 CERTIFICATION
45 I, Domenica Raynor, a Notary Public for
6 and within the State of New York, do hereby
7 certify:8 That the witness whose testimony as
9 herein set forth, was duly sworn by me; and
10 that the within transcript is a true record of
11 the testimony given by said witness.12 I further certify that I am not related
13 to any of the parties to this action by blood
14 or marriage, and that I am in no way interested
15 in the outcome of this matter.16 IN WITNESS WHEREOF, I have hereunto set
17 my hand this 20th day of April, 2022.

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21 DOMENICA RAYNOR

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Parks, Recreation, and Historic Preservation

KATHY HOCHUL
Governor

ERIK KULLÉSEID
Commissioner

April 15, 2022

Julie Hargrave
Central Pine Barrens Joint Planning and Policy Commission
624 Old Riverhead Road
Westhampton Beach, NY 11978

Re: CPBC
Supplemental Draft Generic Environmental Impact Statement
Central Pine Barrens Comprehensive Land Use Plan Amendments
Brookhaven, Riverhead and Southampton, Suffolk County, NY
22PR02353

Dear Julie Hargrave:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the OPRHP and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).

Based upon this review, it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

R. Daniel Mackay
Deputy Commissioner for Historic Preservation
Division for Historic Preservation





CENTRAL
PINE
BARRENS
POLICY
COMMISSION

Peter A. Scully
Chair

Steven Bellone
Member

Mark Lesko
Member

Anna E. Throne-Holst
Member

Sean M. Walter
Member

Commission Meeting of May 16, 2012

Brookhaven Town Hall
One Independence Hill
Farmingville, NY

Adopted Resolution Ministerial Amendments to the Central Pine Barrens Comprehensive Land Use Plan (CLUP)

Present: Mr. Scully, (for the Governor of the State of New York)
Ms. Lansdale, (for the Suffolk County Executive)
Mr. Lesko, Brookhaven Town Supervisor
Ms. Throne-Holst, Southampton Town Supervisor
Mr. Walter, Riverhead Town Supervisor

Whereas, the Commission seeks to amend the Central Pine Barrens Comprehensive Land Use Plan (CLUP); and

Whereas, on February 15, 2012, the Commission reviewed and achieved consensus on items identified as "Ministerial Additions and Revisions and Minor Refinements," in a document entitled "CLUP Worksession Discussion Outline" dated February 13, 2012 (hereinafter "Ministerial CLUP Amendments"); and

Whereas, the itemized list of amendments are considered either ministerial or minor as they include "codification" or memorializing of past resolutions, policies and decisions issued by the Commission regarding these matters but which were never formally added to the CLUP. Or, these amendments entail minor text additions or revisions which are intended to clarify, to minimize misunderstanding or misinterpretation, to update outdated information, to make corrections and to provide for general "housekeeping;" and

Whereas, the location in the CLUP of the Ministerial CLUP Amendments and their characteristics are listed below, while the complete set of amendments in Chapters 4, 5, and 6 is attached to this resolution and made a part hereof:

CHAPTER 4: REVIEW PROCEDURES AND JURISDICTION

Section 4.1 – Introduction: *insertion of one word for clarity*
Section 4.3.3 – Commission: *clarifying plan definition of*
Section 4.3.4 – Act: *clarifying plan definition of*
Section 4.3.6 – Central Pine Barrens: *clarifying plan definition of*
Section 4.3.7 – Gore Preservation Area: *clarifying plan definition of*
Section 4.3.8 – Compatible Growth Area: *clarifying plan definition of*
Section 4.5.1 – Development located with the Gore Preservation Area: *minor title addition*

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Section 4.5.1.1 - Core development Lead agency assertion; *minor title addition*
Section 4.5.1.2 - Core development filing of an application; *minor title addition*
Section 4.5.1.3 - Core development Hearing; *minor title and text addition*
Section 4.5.1.4 - Core development Statutory basis for the Commission's decision; *minor title addition*
Section 4.5.1.5 - Core development Decisions, default decisions and extensions of decisions; *minor title addition*
Section 4.5.2.2 - Nonconforming development Changes in consistent projects; *minor title addition*
Section 4.5.2.4 - Nonconforming development Review standards; *minor title addition*
Section 4.5.2.5 - Nonconforming development Hearing; *minor title addition*
Section 4.5.2.6 - Nonconforming development Decisions, default decision and extensions of decisions; *minor title addition*
Section 4.5.3.1 - Assertion development Assertion of jurisdiction by the Commission over the project; *minor title addition*
Section 4.5.3.4 - Assertion development Hearing; *minor title addition*
Section 4.5.3.5 - Assertion development Decision on projects over which jurisdiction is asserted by the Commission; *minor title addition*
Section 4.5.3.6 - Assertion development Default decisions; *minor title and text addition*
Section 4.5.6 - Adoption of sense resolutions; *new text which memorializes current Commission practice*

CHAPTER 5: STANDARDS AND GUIDELINES FOR LAND USE

Section 5.3.3 - Intent and Compatible Growth Area standards; *minor text addition*

CHAPTER 6: PINE BARRENS CREDIT PROGRAM

Section 6.3.1.1 - Development yield factors and computation for single family residentially zoned property; *minor text additions to acknowledge existing Southampton Town exceptions for old filed map parcels*
Section 6.3.1.1.4 - If zoning allows one dwelling unit per forty thousand square feet; *minor text additions to acknowledge existing Southampton Town exceptions for old filed map parcels*
Section 6.3.1.1.5 - If zoning allows one dwelling unit per sixty thousand square feet; *minor text additions to acknowledge existing Southampton Town exceptions for old filed map parcels*
Section 6.3.1.1.6 - If zoning allows one dwelling unit per eighty thousand square feet; *minor text additions to acknowledge existing Southampton Town exceptions for old filed map parcels*
Section 6.3.1.1.7 - If zoning allows one dwelling unit per one hundred twenty thousand square feet; *minor text additions to acknowledge existing Southampton Town exceptions for old filed map parcels*
Section 6.3.1.1.9 - If zoning allows one dwelling unit per two hundred thousand square feet; *minor text additions to acknowledge existing Southampton Town exceptions for old filed map parcels*
Section 6.3.1.1.12 - A fractional allocation of a Pine Barrens Credit shall be rounded upward; *minor single word addition*
Section 6.3.1.1.13 - If zoning allows one dwelling unit per thirty thousand square feet; *codifying prior Commission resolution*
Section Figure 6-1 - Pine Barrens Credit Program development yield factors for single family residentially zoned property; *minor text additions for clarification*
Section Figure 6-1a - Pine Barrens Credit allocation examples for single family residentially zoned property; *minor addition to title for clarity*

Section 6.3.3.4 - Partially improved parcels shall receive a decreased allocation. *minor text addition for clarity which only includes a change in the last sentence where the words, "and December 1, 2009" is inserted after the year "1984". (was part of Commission 3/16/11 hearing)*

Section 6.4.2.2.2 - Brookhaven total yield; *correction to text*

Section 6.4.2.2.3 - Brookhaven approval subject to criteria; *minor text addition for clarity that involves the addition of the text "as of right" after the first word in the first sentence.*

Section 6.4.4.1 - Overview of the Southampton Pine Barrens Credit Program; *minor text addition to codify policy established in Commission decision*

Section 6.6.2.2 - Authority of the Board of Advisors; *revised and additional text for clarity*

Section 6.6.2.9 - To issue Letters of Interpretation; *to clarify and codify current Credit Clearinghouse policies and procedures*

Section 6.7.3.3 - Extension of deadline for filing an appeal; *codification of current practice with a minor text addition at the end of the last sentence to add the text "on written request of the property owner" after the word "discretion"*

Section 6.7.4 - Detail of Step 1: Applying for a Pine Barrens Credit Certificate; *minor text addition to title for clarity*

Section 6.7.4.1 - After receiving a Letter of Interpretation; *elimination of outdated text to codify current practice, in #2 of this section, remove the text after the words "title report"*

Section 6.7.4.3 - The Clearinghouse will provide to the applicant a conservation easement; *codification of current Commission practice*

Section 6.7.4.4 - The Clearinghouse will utilize a current survey; *codification of prior Commission resolution (text to remain as is, however this section will be moved to Section 6.7.3 since it refers to LOI applications)*

Section 6.7.4.5 - The Commission will issue and update policies on title insurance; *codification of current Commission practice and renumber to 6.7.4.4 since previous 6.7.4.4 was moved to 6.7.3*

Section 6.7.5.3 - The conservation easement will then be recorded with the County Clerk; *additional text for clarity that includes the insertion of the word "Suffolk" before County.*

Section 6.7.6.1 - Expiration of the Letters of Interpretation; *minor revision to reflect current practice and need and includes changing the timeframe from one year to three years.*

Section 6.7.6.3 - Notification of the Clearinghouse of Pine Barrens Credit usage; *codification of current Commission practice (prior to the word "redemption" add phrase "or used as security" and delete the word "or" in the phrase "transferred or sold." This reflects current experience and practice)*

***Section 6.7.6.4 - Tax status of the subject property; *codification of prior Commission decision (proposed change will be stricken and text will remain as presented in the original 1995 Plan version)*

Section 6.7.6.6 - Issuance of a full Pine Barrens Credit for certain road front parcels; *codification of existing Commission policy and prior decisions (but clearly segregate service roads from main lines)*

Section 6.7.6.7 - Minimum Pine Barrens Credit allocation; *minor text addition for clarity*

Section 6.8 - Registry, Reports, and Other Publicly Accessible Information for Pine Barrens Credits; *minor text addition to title for clarity*

Section 6.8.1 - Establishment and maintenance of the Pine Barrens Credit Registry; *revisions to reflect current Commission practice*
For Item #1 - leave original text as it exists in the 1995 GLUP version, however, add in the words "property and contact" before the word "address" in the first sentence.
For Item #2 - leave text as presented in the 1995 GLUP version

*For Item #3 - Do not strike out original Plan text as proposed in the amendment, instead leave it as it exists in the 1995 CLUP
Proposed new Item #3 becomes renumbered as Item #4 and text
remains as proposed in the 9/12/10 CLUP amendment version
For the proposed new Item #4 renumber it to Item #5 and renumber the
original Item #5 to Item #6. The formerly new Item #4 that is
renumbered to Item #5 will include the sending parcel address
information*

Section 6.8.3 - Distribution of the annual report, *revision to reflect current Commission practice*

Whereas, on March 21, 2012, the Commission scheduled a public hearing on the Ministerial CLUP Amendments; and

Whereas, pursuant to the provision requiring public notice in NYS ECL Article 57, section 57-0121.13 in regard to the intent of the Commission to vote on the Ministerial CLUP Amendments, the Commission at its March 21, 2012 meeting directed legal notice of its intent to vote be published; and

Whereas, on April 18, 2012, the Commission held a public hearing on the Ministerial CLUP Amendments, a stenographic transcript of the hearing was provided to the Commission and the only public comment received was in support of the proposal; and

Whereas, pursuant to the New York State Environmental Quality Review Act ("SEQRA"), these Ministerial Amendments meet the criteria for Type II actions, classes of actions which have been determined to not have a significant impact on the environment and which are not subject to further environmental review; now therefore be it;

Resolved, that the Commission determines that the adoption of these Ministerial Amendments constitutes a Type II action; and be it further

Resolved, the Commission hereby adopts the Ministerial CLUP Amendments.

Motion by: Mr. Scully

Second by: Ms. Throne-Holst

Ayes: Mr. Scully, Ms. Lansdale, Mr. Lesko, Mr. Shea, and Mr. Walter

Nays: None

Commission Meeting of May 16, 2012
Brookhaven Town Hall
One Independence Hill, Farmingville, NY



**Adopted Resolution
to Provide Notice of the Commission's Intent to Vote to Adopt Central Pine
Barrens Comprehensive Land Use Plan (CLUP) Amendments to
Chapter 6 Concerning the Non-Residential Credit Allocation and
Limitations on Credit Allocation**

Present: Mr. Scully, (for the Governor of the State of New York)
Ms. Lansdale, (for the Suffolk County Executive)
Mr. Lesko, Brookhaven Town Supervisor
Ms. Throne-Holst, Southampton Town Supervisor
Mr. Walter, Riverhead Town Supervisor

Peter A. Scully
Chair

Steven Bellone
Member

Mark Lesko
Member

Anna E. Throne-Holst
Member

Sean M. Walter
Member

Whereas, the Commission seeks to amend the Central Pine Barrens Comprehensive Land Use Plan's Pine Barrens Credit allocation formula for nonresidential property, and

Whereas, on February 16, 2011, the Commission scheduled a public hearing on the proposed amendments; and

Whereas, on March 16, 2011, the Commission held a public hearing on the Chapter 6 CLUP Amendments; a stenographic transcript of the hearing was provided to the Commission, and no comments were received on the amendments; and

Whereas, on May 16, 2012, the Commission held a worksession to review the proposed Chapter 6 CLUP Amendments; and agreed to advance them with a vote at the June 20, 2012 Commission meeting; and

Whereas, pursuant to the provision requiring public notice in NYS ECL Article 57, section 57-0121.13 in regard to the intent of the Commission to vote on the proposed Chapter 6 CLUP Amendments, the Commission at its May 16, 2012 meeting directed legal notice of its intent to vote be published; and now therefore be it

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Motion by: Mr. Scully
Second by: Ms. Prusinowski
Ayes: Mr. Scully, Ms. Lansdale, Mr. Lesko, Mr. Shea, and Mr. Walter
Nays: None



Commission Meeting of November 21, 2012
Riverhead Town Hall

Adopted Resolution

**Central Pine Barrens Comprehensive Land Use Plan (CLUP) Amendments to
Chapter 6 Concerning the Non-Residential Credit Allocation and Limitations on
Credit Allocation**

Present: Mr. Scully, for the Governor of the State of New York
Ms. Lansdale, for the Suffolk County Executive
Ms. Prusinowski, for the Brookhaven Town Supervisor
Mr. Collins, for the Southampton Town Supervisor
Mr. Walter, Riverhead Town Supervisor

Peter A. Scully
Chair

Steven Bellone
Member

Edward P. Romaine
Member

Anna E. Throne-Holst
Member

Sean M. Walter
Member

Whereas, the Commission seeks to amend the Central Pine Barrens Comprehensive Land Use Plan's Pine Barrens Credit allocation formula for nonresidential property, and

Whereas, on February 16, 2011, the Commission scheduled a public hearing on the proposed amendments; and

Whereas, on March 16, 2011, the Commission held a public hearing on the Chapter 6 CLUP Amendments; a stenographic transcript of the hearing was provided to the Commission, and no comments were received on the amendments; and

Whereas, on May 16, 2012, August 22, 2011, and October 16, 2012, the Commission held worksessions to review the proposed Chapter 6 CLUP Amendments; and on October 17, 2012, the Commission agreed to advance them with a vote at the November 21, 2012 Commission meeting; and

Whereas, pursuant to the provision requiring public notice in NYS ECL Article 57, section 57-0121.13 in regard to the intent of the Commission to vote on the proposed Chapter 6 CLUP Amendments, the Commission at its October 17, 2012 meeting directed legal notice of its intent to vote be published; and

Whereas, pursuant to the New York State Environmental Quality Review Act ("SEQRA"), the proposed Chapter 6 CLUP Amendments meet the criteria for an Unlisted Action; and

Whereas, the Commission has prepared and reviewed an Environmental Assessment Form Part 1 and determines that the proposed Chapter 6 CLUP Amendments will not result in significant environmental impacts; now therefore be it

Resolved, that the Commission adopts a Negative Declaration pursuant to SEQRA; and be it further

Resolved, the Commission hereby adopts the Chapter 6 CLUP Amendments.

Motion by: Mr. Collins

Second by: Mr. Walter

Ayes: 5

Nays: 0

II. Chapter 6 Amendments

A. Section 6.3 of the Plan to be revised as follows:

1. 6.3 Allocation of Pine Barrens Credits

For the purpose of computing the allocation of Pine Barrens Credits, a parcel of land is defined as a separately assessed ~~tax lot~~ Suffolk County Real Property Tax Parcel which is within the Core Preservation Area and existed on the Central Pine Barrens Comprehensive Land Use Plan initial adoption date of June 28, 1995.

2. 6.3.2 Allocation for property zoned for other than single family residential use

The Commission ~~may elect to establish an allocation procedure~~ establishes the allocations in Figure 6-2 for property in the Core Preservation Area, which is designated as a sending area, as well as for sending area property within the Compatible Growth Area which is zoned for other than single family residential use.

Figure 6-2: Pine Barrens Credit Program development yield factors for property zoned for other than single family residential use.

(Note: Although some of the following zoning classes are now obsolete, those have been retained here in the event that a parcel in a sending area had one of those zoning categories on its relevant record date listed in Section 6.3.)

Zoning Class	Pine Barrens Credits per acre
Defense Institutional District	1.00 PBC per acre*
Industrial A District	1.00 PBC per acre*
Highway Business	1.00 PBC per acre*
J Business 2 District	1.00 PBC per acre*
J Business 3 District	0.20 PBC per acre*
J Business 4 District	1.00 PBC per acre*
J Business 5 District	1.00 PBC per acre*
Light Industrial 1 District	1.00 PBC per acre*
Light Industrial 3 District	0.27 PBC per acre*
Light Industrial 200 District	0.20 PBC per acre*
Light Industrial 40 District	1.00 PBC per acre*
Brookhaven Multi-Family 1 District	0.27 PBC per acre*

Brookhaven PRC	0.10 PBC per acre*
Riverhead Natural Resource Preservation District	0.20 PBC per acre*
Riverhead Open Space Conservation District	0.25 PBC per acre*
All Other Districts	0.10 PBC per acre*

*One acre equals 43,560 square feet; fractional allocations are rounded upward to the nearest one hundredth ($1/100 = 0.01$) of a Pine Barrens Credit (PBC). No fewer than 0.10 (one tenth) Pine Barrens Credit shall be allocated by the Clearinghouse for any parcel of land, regardless of its size or road accessibility.

B. Section 6.3.3 of the Plan revised as follows:

6.3.3 Limitations on allocation

The following limitations shall apply to the allocation of Pine Barrens Credits:

- 6.3.3.1 No allocation shall be made for any property owned or held by a public agency, municipal corporation or governmental subdivision, including property held by reason of tax default.
- 6.3.3.2 No allocation shall be made for any property for which the development rights have previously been fully used, or allocated for use, under this Plan or any other program.
- 6.3.3.3 No allocation shall be made for any property owned or held for the purpose of land protection, preservation or conservation.
- 6.3.3.4 Partially improved parcels shall receive a decreased allocation based upon the extent of improvement. Furthermore, there shall be a proportional decrease in allocation based upon the receipt of all discretionary permits for improvement of a parcel or hardship permits issued by the Commission. The Pine Barrens Credit allocation for a parcel of land shall be reduced by one (1) Pine Barrens Credit for each existing single family unit on the parcel or equivalent as such equivalent is described in the document entitled *Standards for Approval of Plans and Construction for Sewage Disposal Systems for Other Than Single Family Residences*, approved by the Suffolk County Department of Health Services, Division of Environmental Quality, on June 15, 1982, revised March 5, 1984 and as implemented prior to February 5, 1988, as amended from time to time (hereinafter referred to as the "Suffolk County Health Department Standards").
- 6.3.3.5 In situations where a development project site contains a parcel that is split

between the Core Preservation Area and Compatible Growth Area, and where the entire project site's acreage (i.e., Core and Compatible Growth Area acreage added together) was used for determining the amount of clearing that can occur on the Compatible Growth Area portion, then no Pine Barrens Credits can be obtained on the Core Preservation Area portion.

- 6.3.3.6 Pine Barrens Credits can only be allocated to partially developed parcels when the parcel size is at least twice the minimum lot size for the zoning district to which that parcel belongs and the parcel is otherwise eligible for a Credit allocation under this Plan.
- 6.3.3.7 In allocating Credits to portion(s) of an otherwise eligible parcel, the Clearinghouse shall consider the extent of any prior public acquisition of that parcel or any portion thereof.
- 6.3.3.8 No allocation of Credits shall be made to any parcel or portion thereof upon which an ownership overlap condition exists among more than one competing owners unless and until such ownership overlap condition is resolved by the applicant to the satisfaction of the Commission. In addition, applications for Credits on such parcels where the overlap condition includes as one of the competing owners any governmental agency or body, the Commission shall communicate in writing to the relevant governmental agency or body a request for guidance on resolving the overlap condition.

TABLE 1 - PROJECT DENSITY LOADING RATES & DESIGN SEWAGE FLOW RATES
 (Based upon gross floor area in square feet (sf) unless otherwise noted)

Structure Use	Density Load	Kitchen/Gray Load	Hydraulic Load
FOOD SERVICE			
Bar (in restaurant)	10 gpd/seat	5 gpd/seat	15 gpd/seat
Bar, Tavern, Disco (no fixed seating)	10 gpd/occupant ¹	5 gpd/occupant ¹	15 gpd/occupant ¹
Bar (outdoor seasonal)	5 gpd/seat	2.5 gpd/seat	7.5 gpd/seat
Cafeteria (open to public)	See Primary use + 5 gpd/seat	2.5 gpd/seat	Primary use + 7.5 gpd/seat
Cafeteria/Continental Breakfast (not open to public)	See Primary Use	2.5 gpd/seat	Primary use + 2.5 gpd/seat
Snack Bar	See Primary Use	0.12 gpd/sf	Primary use + 0.12 gpd/sf
Juice Bar	See Primary Use	2.5 gpd/seat	Primary use + 2.5 gpd/seat
Catering Hall	15 gpd/seat	2.5 gpd/seat	7.5 gpd/seat
Outside Patio/Dining	5 gpd/seat	10 gpd/seat	15 gpd/seat
Restaurant (full service or single services > 16 seats ²)	10 gpd/seat	20 gpd/seat	30 gpd/seat
Wet store w/food (Deli/take-out with max 16 seats single service ³)	0.03 gpd/sf	0.12 gpd/sf	0.15 gpd/sf
Convenience store/Market/Farm Stand	0.03 gpd/sf	0.02 gpd/sf	0.05 gpd/sf
Commercial Bakery	0.04 gpd/sf	0.02 gpd/sf	0.06 gpd/sf
Wine/Beer Tasting (in a winery/brewery only) ⁴	5 gpd/occ	2.5 gpd/occ	7.5 gpd/occ
GENERAL INDUSTRIAL			
General Industrial ⁵	0.04 gpd/sf	Industrial process water ⁶	0.04 gpd/sf
Greenhouse	0.03 gpd/sf	N/A	0.03 gpd/sf
MEDICAL			
Drug Rehabilitation	75 gpd/bed	See note ⁵	75 gpd/bed
Mental Health Residence	75 gpd/bed	See note ⁵	75 gpd/bed
Hospital	300 gpd/bed	See note ⁵	300 gpd/bed
Nursing Home	150 gpd/bed	See note ⁵	150 gpd/bed
Assisted Living	110 gpd/bed	See note ⁵	110 gpd/bed
Medical office space	0.10 gpd/sf	N/A	0.10 gpd/sf
Dialysis Center	0.10 gpd/sf	Dialysis process water ⁴	0.10 gpd/sf
Veterinary ⁷	0.10 gpd/sf + 10 gpd/animal boarding	N/A	0.10 gpd/sf + 10 gpd/animal boarding

Structure Use	Density Load	Kitchen/Gray Load	Hydraulic Load
MUNICIPAL SERVICES			
Library, firehouse, precinct, museum, art gallery (w meeting rooms)	0.03 gpd/sf + 5 gpd/occupant ¹ for meeting rooms	2.5 gpd/occupant ¹	0.03 gpd/sf + 5 gpd/occupant ¹ + 2.5 gpd/occupant ¹
Library, firehouse, precinct, museum, art gallery (w/o meeting rooms)	0.03 gpd/sf	2.5 gpd/occupant ¹	0.03 gpd/sf + 2.5 gpd/occupant ¹
OFFICE			
Non-medical office space	0.06 gpd/sf		0.06 gpd/sf
RECREATION			
Bath house/comfort station	5 gpd/occupant ¹	5 gpd/shower/occupant ¹ + Food service ⁷	5 gpd/occupant ¹ + 5 gpd/shower/occupant + Food service ⁷
Bowling alley/tennis court/racquetball	100 gpd/court or alley	Food service ⁷	100 gpd/court or alley + Food service ⁷
Miniature golf	15 gpd/parking space	Food service ⁷	15 gpd/parking space + Food service ⁷
Ice/roller Skating Rink	15 gpd/skater ¹ + 5 gpd/spectator ¹	Food service ⁷	15 gpd/skater ¹ + 5 gpd/spectator ¹ + Food service ⁷
Recreation	15 gpd/parking space	Food service ⁷	15 gpd/parking space + Food service ⁷
Spa/Fitness Center/ Karate/Dance/etc. (w/ showers & amenities)	0.1 gpd/sf	0.2 gpd/sf + Food service ⁷	0.3 gpd/sf + Food service ⁷
Spa/Fitness Center/ Karate/Dance/etc. (w/o showers & amenities)	0.1 gpd/sf	Food service ⁷	0.1 gpd/sf + Food service ⁷
Marina	10 gpd/boat slip	Food service ⁷	10 gpd/boat slip + Food service ⁷
OTB	5 gpd/person	Food service ⁷	5 gpd/person + Food service ⁷
Theater	3 gpd/seat	Food service ⁷	3 gpd/seat + Food service ⁷
Horse Farm ⁶	0.04 gpd/sf + 10 gpd/stall		0.04 gpd/sf + 10 gpd/stall
Camp Ground	10 gpd/camper	5 gpd/shower/camper	10 gpd/camper + 5 gpd/shower/camper
Billiard Hall	5 gpd/occ	2.5 gpd/occ	7.5 gpd/occ
RESIDENTIAL			
Single Family Residence	300 gpd		300 gpd
Two Family Residence	600 gpd		600 gpd

Structure Use	Density Load	Kitchen/Gray Load	Hydraulic Load
Rooming house	75 gpd/bed		75 gpd/bed
Motel Hotel unit up to 400 sq. ft. gross floor area w/o kitchenette (w/kitchenette see Housing Unit)	100 gpd/unit		100 gpd/unit
Motel Hotel unit > 400 sq. ft. gross floor area w/o kitchenette (w/kitchenette see Housing Unit)	150 gpd/unit		150 gpd/unit
Housing Unit ⁸ up to 450 sq. ft. gross floor area (1-bedroom maximum unit)	110 gpd/unit		110 gpd/unit
Housing Unit ⁸ between 451-600 sq. ft. gross floor area	150 gpd/unit		150 gpd/unit
Housing Unit ⁸ between 601-1200 sq. ft. gross floor area	225 gpd/unit		225 gpd/unit
Housing Unit ⁸ > 1200 sq. ft. gross floor area	300 gpd/unit		300 gpd/unit
PRC unit up to 600 sq. ft. gross floor area	100 gpd/unit		100 gpd/unit
PRC unit between 601-1600 sq. ft. gross floor area	150 gpd/unit		150 gpd/unit
PRC unit between 1601-2000 sq. ft. gross floor area	225 gpd/unit		225 gpd/unit
PRC unit > 2001 sq. ft. gross floor area	300 gpd/unit		300 gpd/unit
RETAIL			
Dry store	0.03 gpd/sf		0.03 gpd/sf
Wet store w/o Food (Hair salon, nail salon, pet shop w/o animal boarding, etc.)	0.03 gpd/sf	0.07 gpd/sf	0.1 gpd/sf
Car Dealership	0.03 gpd/sf for showroom/offices + 0.04 gpd/sf for maintenance/storage areas		0.03 gpd/sf for showroom/offices + 0.04 gpd/sf for maintenance/storage areas
Massage/Tanning	0.03 gpd/sf		0.03 gpd/sf
Tattoo Parlor	0.03 gpd/sf		0.03 gpd/sf
SCHOOL			
Boarding school/Dormitory	75 gpd/capita ¹	2.5 gpd/capita ¹	77.5 gpd/capita ¹
Day School	5 gpd/capita ¹	2.5 gpd/capita ¹	7.5 gpd/capita ¹

Structure Use	Density Load	Kitchen/Gray Load	Hydraulic Load
MISCELLANEOUS			
Car Wash	0.04 gpd/sf	Car wash process water ⁴	0.04 gpd/sf
Laundromat	0.03 gpd/sf	Laundromat process water ⁴	0.03 gpd/sf
Funeral Home	0.05 gpd/sf	Funeral Home process water ⁴	0.05 gpd/sf
House of Worship (w/ meeting rooms)	1.5 gpd/seat + 5 gpd/occupant ¹ for meeting rooms	2.5 gpd/occupant ¹	1.5 gpd/seat + 5 gpd/occupant ¹ + 2.5 gpd/occupant ¹
House of Worship (w/o meeting rooms)	1.5 gpd/seat	2.5 gpd/occupant ¹	1.5 gpd/seat + 2.5 gpd/occupant ¹
Public Storage ²	0.04 gpd/sf		0.04 gpd/sf
Animal boarding ³	0.03 gpd/sf + 10 gpd/animal		0.03 gpd/sf + 10 gpd/animal
Winery/Brewery ¹⁰	0.04 gpd/sf	Winery/Brewery process water ⁴	0.04 gpd/sf

- ¹ Occupancy ratings can be determined using New York State Uniform Fire Prevention and Building Code as a guide.
- ² Single Service means disposable plates, silverware & cups. Takeout seating is for waiting patrons and is not convertible to full seating or for density credit at full service restaurants.
- ³ General industrial buildings may contain up to 15% related office space without applying a proportionate office density loading or flow rating to the space. If office space exceeds 15% of gross floor area, then a proportionate office density loading or flow rating must be applied to the entire office space.
- ⁴ Process waters require a separate permit and disposal facilities – Consult Department.
- ⁵ A grease trap shall be provided for this installation, which is sized at 20 gpd/bed.
- ⁶ A separate sewage disposal system shall be provided for wastewater generated from animal boarding, horse stalls, or kennel areas.
- ⁷ Food (kitchen) flow is added according to the type of food service in the establishment.
- ⁸ Motel/Hotel with Kitchenettes, Cottages, Apartments, Condominiums, Mobile Homes, Trailers, or Co-Ops.
- ⁹ Public storage density and/or design flow may be reduced if restrictive covenants are recorded on the parcel.
- ¹⁰ Winery/Brewery with 15% or less of the floor area used for tasting shall use the Winery/Brewery Tasting rates. Winery/Brewery with greater than 15% of the floor area used for tasting shall use the Bar rates.

Note: The above table is subject to amendment from time to time as data becomes available to the Department. The table will be republished as an addendum to these standards if and when revised.

PINE BARRENS CREDIT CLEARINGHOUSE

James T.B. Tripp, Esq., Chairman
Andrew P. Freleng, AICP, Vice Chairman
Richard W. Hanley, Member
Mitchell H. Pally, Esq., Member
Robert Anrig, Member

Pine Barrens Credit Clearinghouse Board of Advisors Meeting of April 20, 2005 Commission Office, Great River, NY

Resolution on Intermunicipal Redemptions of Pine Barrens Credits

Whereas, NY Environmental Conservation Law (ECL) 57-0121.6(m) states that the "land use plan shall provide for, address, and include land protection mechanisms, including rights and values transfers, and the purchase of development rights," and

Whereas, Chapter 6 of the Central Pine Barrens Comprehensive Land Use Plan ("Plan"), established the Pine Barrens Credit Program with its primary purpose being to maintain value in lands designated for preservation or protection under the *Plan* by providing for the allocation and use of Pine Barrens Credits (PBCs). The Pine Barrens Credit Program was established to promote development which is compact, efficient and orderly, and which is designed to protect the quality and quantity of surface waters and groundwater and the long term integrity of the pine barrens ecosystem, and

Whereas, Pine Barrens Credits generated in any area in the Central Pine Barrens within any town shall be redeemable for any as of right Pine Barrens Credit uses in each respective town as described in Chapter 6 of the *Plan*,

Whereas, the Credit Clearinghouse intends the *Plan* to promote the continued as of right use of Pine Barrens Credits in receiving areas identified within the Compatible Growth Area,

Now therefore, be it

Resolved, that the Credit Clearinghouse shall encourage that the redemption of Pine Barrens Credits required by a public entity to be redeemed outside the municipality in which it was generated, provide corresponding evidence of Planning Board, or equivalent, approval of such action, and be it further

Resolved, that an equivalent policy statement will be included for consideration within the pending update to the *Plan*.

Record of Motion:

Motion by A. Freleng
Seconded by R. Hanley
Vote: 4-0 approval



APPENDIX D

Central Pine Barrens Commission
Supplemental Final Environmental Impact Statement for the
Central Pine Barrens Comprehensive Land Use Plan Amendments

Consistency with the New York State Coastal Policies

This section addresses the consistency of the Central Pine Barrens Comprehensive Land Use Plan proposed amendments to Chapters 4, 5 and 6 with the applicable state coastal policies set forth at 19 NYCRR 600.5. Portions of the Core Preservation Area are in the designated Coastal Area. Approximately 13,000 acres of the Core overlap with the Coastal Area. Approximately 272 acres in the Compatible Growth Area (CGA) are in the Coastal Area and, as a result, limited development is anticipated compared to the entire 48,665-acre CGA. It is anticipated that there will not be material development in the portions of the Central Pine Barrens that are found in the Coastal Area. The amendments to Plan standards and guidelines for development in the CGA support the goals and objectives of the Act and the Plan to protect the pine barrens ecosystem and water resources and to accommodate development in compact, efficient and orderly pattern. The Plan Amendments strengthen the CGA to continue to serve, by design, as an ecological buffer to the Core.

The state coastal policy set forth in 619 NYCRR § 600.5 contains the policy categories including (a) Development, (b) Fish and Wildlife, (c) Agricultural Land, (d) Scenic Quality, (e) Public Access, (f) Recreation, (g) Flooding and Erosion Hazards, and (h) Water Resources. Restrictions on development in the Core Preservation Area limits the Plan's effect on these policies.

The coastal Development Policy set forth at Section 600.5(a)(1) to (5) will not be impacted since development, as defined in Article 57, is not anticipated in the Core Preservation Area except by hardship permit. The Plan does not impact, prohibit or effect the siting of water dependent uses and facilities on or adjacent to coastal waters. The policy for Fish and Wildlife, 600.5(b)(1) to (4) addresses the protection of significant fish and wildlife habitats, the expansion of recreational use of fish and wildlife resources, the development of such resources, and the performance of appropriate ice management practices to avoid damage to such habitats.

The Central Pine Barrens overlaps with five Significant Coastal Fish and Wildlife Habitats (SCFWH), all of which are in the development-restricted Core Preservation Area, including: Peconic River, Cranberry Bog County Park, Flanders Bay Wetlands, Wading River Marsh and Beach and Carmans River. The Plan conforms with such policies as development is prohibited in the Core Preservation Area except pursuant to a hardship permit. The Act and the Plan support the preservation of ecological and water resources including coastal areas. No discharges, alteration, unauthorized uses or other degrading activities are supported in the Central Pine Barrens including where it overlaps with SCFWHs.

The wetlands and surface waters of Peconic River SCFWH are protected where open space exists in the river corridor. Pre-existing uses and structures continue within and outside of the Core in this SCFWH. Development in the Core is subject to the provisions of the Act and the Plan. The Commission has in recent years supported proposals to construct three fish passages in

the Peconic River watershed to restore migratory fish habitat. The projects are designed to restore the historic upstream freshwater and spawning habitat of diadromous fish including alewives and American eel in the Peconic Estuary, which have been disrupted by the installation of six dams along the Peconic River. Once funding is secured by various entities that propose the construction and the fish passages are installed, hundreds of acres of spawning grounds will become available in this ecosystem.

No activities are proposed or supported in the Plan Amendments that would directly threaten the biological productivity of Cranberry Bog County Park SCFWH. No excavation, filling or other contamination sources are known or supported that would impact this ecosystem. The Commission is aware of the presence and protection of the rare and unique Atlantic White Cedar Swamp ecological community in this preserve. Groundwater quality has been identified as an important measurement that may reveal potential impacts to this habitat. Since 2018, the Commission has funded a five year water resources monitoring contract with USGS to monitor water quantity and quality in the pine barrens, and if possible with funding, monitoring will continue to establish baseline measures, identify trends and impacts in water quality and quantity in the region.

In the Wading River Marsh SCFWH, no amendments are proposed that would support construction or modification to the natural shoreline with bulkheads or other structures that may threaten the productivity of this marsh through physical, biological or chemical parameters. Bird protection is supported in the Plan Amendments and shoreline birds are a significant feature of in the Wading River Marsh SCFWH.

In the Carmans River SCFWH, the no Plan Amendments are proposed that involve chemical, biological and physical parameters that would impair this ecosystem. In 2021, the Commission granted a Core Preservation Area compelling public need waiver to Sunrise Wind/Eversource, an offshore wind energy facility with a 17-mile onshore cable in the Town of Brookhaven. The project traverses the Carmans River in Southaven County Park in the Core. Development of the cable and installation will disturb approximately 0.57 acre in the Core in addition work in the road right of way in the CGA. Directional drilling of the onshore cable will occur under the Carmans River, and when the cable exits the west side of the river, minimal disturbance to vegetation and habitat is expected and restoration is proposed.

In the Flanders Bay Wetlands SCFWH, no contamination or nonpoint sources of pollutants are proposed. The Plan supports the protection of shallow waters and saltmarshes in this ecosystem. No projects are known in this SCFWH or proposed in the Plan Amendments that would cause sedimentation or turbidity, construction of shoreline structures or disturbance to the woodlands adjacent to natural salt marsh habitats and intertidal areas. Protection of upland ecological communities is significant for buffering and erosion control capacity as well as scenic and natural resource benefits. No activities are supported in the Plan Amendments that may result in the loss of productive areas which support the fish and wildlife resources of Flanders Bay Wetlands.

Therefore, the proposed action is consistent with the habitat narratives of SCFWH coastal areas.

The water quality guideline, stormwater runoff, clearing, open space and fertilizer-dependent vegetation limits support the preservation of water quality and the ecological habitat of the pine barrens and coastal areas. The preservation goals beneficially impact estuarine life including commercial important fish, shellfish and crustacean resources and the habitats that support them.

The Agricultural Lands Policy set forth at 600.5(c) states that an action shall not result in a loss nor impair the productivity of agricultural lands. The Plan allows for the continued utilization of agricultural land in the Core Preservation Area and supports continuing agricultural uses through the preservation of agricultural reserves where agricultural uses exist in the CGA. The Pine Barrens Credit Program has facilitated the protection of agricultural resources in the Core Preservation Area and in the Peconic River SCFWH. Conservation easements granted to the Commission in exchange for the issuance of Pine Barrens Credits has resulted in significantly restricted future uses and activities on lands with easement protection. Commission oversight including compliance and enforcement monitoring ensure continued conformance with easement provisions.

The Scenic Quality Policies in 600.5(d)(1) and (2) calls for the preservation of scenic resources of statewide significance and the protection, restoration and enhancement of natural and man-made resources which are not of state-wide significance but contribute to scenic quality in the coastal area. The Core Preservation Area shall not be developed except in accordance with a hardship permit, therefore, the Plan conforms with the Scenic Quality Policies.

The Public Access Policies in 600.5(e)(1) and (2) provides for the protection, maintenance and increase of public access to water-related recreation and access to publicly-owned lands immediately adjacent to the water's edge. While ECL Article 57 limits development in the Core Preservation Area, it promotes and supports recreational uses. The Plan does not place limitations on public access, and Chapter 7, Volume 1 of the Plan recommends funding for additional parking and launching access to enhance recreational opportunities.

The Recreation Policies in 600.5(f)(1) to (3) encourage water-dependent and water-enhanced recreation development that provides for water-related recreation and the protection and restoration of structures that are significant from an historical, architectural, archeological, or cultural prospective. While the Plan substantially limits development in the Core Preservation Area, it nevertheless, conforms with these policies since Article 57 and the Plan will not limit or prevent the recreational use of water-dependent recreational activities, and the Plan provides enhanced recreational access, and increased protection of cultural and historical resources. Preservation of recreational resources is encouraged and supported in the Act and the Plan. No amendments impact water dependent and water enhanced recreation and recreational activities including access to recreational opportunities are encouraged. Where recreational hiking trails or related activities are present or the opportunity exists to incorporate them into a site plan or other development or residential use, the Plan supports and encourages access.

Flooding and Erosion Hazards Policies in 600.5(g)(1) to (6) addresses flooding and erosion damage and control. The policies specifically provide for utilizing non-structural measures to minimize damage to natural resources and property through building setbacks, planting of vegetation, and reshaping of bluffs; that mining, excavation, and dredging will not significantly

interfere with coastal processes; that construction or reconstruction of erosion protection structures shall only occur if there is a reasonable probability that such structures will control erosion for at least 30 years; that activities or development will be undertaken to minimize damage to natural resources; and that there will be no measurable increase in erosion or flooding.

The Policies state that public funds will only be used for erosion protective structures when necessary for protection of life and new development which requires a location within or adjacent to erosion hazard areas. Article 57 and the Plan prohibit development in the Core Preservation Area except in accordance with a hardship permit. As a result, the development of new manmade structures that would impact flooding or erosion will be substantially limited. It is anticipated that new structures would not be added that will increase or alter flooding or erosion control hazards. As a result, the Plan is conformance with the Flooding and Erosion Hazards Policies.

The Water Resources Policies in 600.5(h)(1) to (5) provide that state coastal policies will be considered when classifying coastal waters and modifying water quality standards; that alternative or innovative sanitary waste systems in small communities will be encouraged; and that best management practice will be used to control stormwater runoff, combined sewer outflows non-point discharges. The proposed action does not lessen existing development restrictions in the Core Preservation Area, which includes limiting additional sanitary waste systems and non-point discharge. On site innovative alternative treatment systems are encouraged and public funding is available for their installation to protect water resources and improve water quality to limit nutrients in coastal waters and ecosystems.

The proposed action incorporates provisions to allow natural or self-heal restoration to occur on over developed sites in the CGA. This activity supports reduced impervious surfaces and reclaims open space in the CGA, reducing erosion and protecting natural recharge areas and minimizing runoff to water resources.

Plan Amendments that affect development in the CGA continue to support the preservation of ecological and water resources. The majority of amendments are ministerial or administrative to clarify existing provisions in the Plan. Where non-ministerial amendments are proposed, the amendments strengthen existing Plan standards and guidelines. For instance, open space requirements continue for all development projects, not only sites where natural vegetation exists. Cleared sites must also set aside open space to conform with the Plan Standards. The Plan Amendments allow overcleared sites to undergo self heal restoration and encourage invasive species to be removed where present. Non-ministerial changes that facilitate the Act and the Plan goals for the CGA are proposed. Such amendments include establishing Bird Friendly protection measures for avian wildlife in the pine barrens to minimize bird fatality due to strikes with expansive window surfaces and other structures. No significant adverse environmental impacts were identified in the Supplemental Draft Generic Environmental Impact Statement for the Plan Amendments.

Pursuant to Section 600.6 Long Island Sound Coastal Policies, where the Central Pine Barrens and Long Island Sound coincide is in the area of the hamlet of Shoreham in the Town of Brookhaven. The Shoreham property is in the Core Preservation Area. The proposed action does

not affect implementation of the Act and the Plan in the Core, reduce restrictions on development in the Core or change restrictions that would adversely affect the Long Island Sound Coastal Policies. Implementation of the Act and the Plan occur in the Core in Shoreham adjacent to Long Island Sound as it does elsewhere in the Core. Therefore, no significant adverse environmental impacts will occur as a result of the proposed action on the coastal policies for the Long Island Sound.

Based on the review of New York State Coastal Policies, the adoption of the Plan Amendments is consistent with State's Coastal Policies.



Central Pine Barrens Joint Planning and Policy Commission
Meeting of March 15, 2023
Adopted Resolution

Accept the Supplemental Final Generic Environmental Impact Statement for
the Comprehensive Land Use Plan Amendments as Complete,
File Notice of Completion

Present:

Mr. Calarco for the New York State Governor
Mr. Freleng for the Suffolk County Executive
Mr. Panico for the Brookhaven Town Supervisor
Mr. Stafford for the Riverhead Town Supervisor
Mr. Shea for the Southampton Town Supervisor

Robert Calarco
Chairman

Yvette Aguiar
Member

Steven Bellone
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

Whereas, pursuant to New York State Environmental Conservation Law (ECL) Article 57 Section 57-0121 (13), "Not less than once every five years after the land use plan has become effective, the commission shall review and, if appropriate, make amendments to the land use plan and update the generic impact statement. Within each such period, the commission shall hold a public hearing and shall receive comments on the effectiveness of implementation of the land use plan. Not less than thirty days before voting on an amendment to the land use plan, the commission shall publish notice thereof in a newspaper of general circulation in the Central Pine Barrens area," and

Whereas, the Central Pine Barrens Commission prepared draft amendments to Central Pine Barrens Comprehensive Land Use Plan (the Plan) Chapter 4: Review Procedures, Chapter 5: Standards and Guidelines for Land Use and Chapter 6: Pine Barrens Credit Program, and

Whereas, on April 15, 2015, the Central Pine Barrens Commission adopted a Positive Declaration pursuant to the State Environmental Quality Revie Act (SEQRA) regulations for the preparation of a Supplemental Draft Generic Environmental Impact Statement for the Plan Amendments, and

Whereas, on February 17, 2016, the Commission adopted a Final Scope for the preparation of the SDGEIS for the Plan Amendments, and

Whereas, on March 16, 2022, the Commission adopted a Notice of Completion of the SDGEIS pursuant to the SEQRA regulations and scheduled a public hearing, and

Whereas, on April 20, 2022, the Commission held a public hearing and the written record to receive comments was held open until May 31, 2022 at 12:00 p.m., and

Whereas, written comments were received from nine separate entities, and

Whereas, the SFGEIS contains the requirements pursuant to the SEQRA regulations including responses to comments, a summary of the SDGEIS, edits to the Plan Chapter 4, 5 and 6 and the final amended Chapters 4, 5 and 6.

NOW THEREFORE BE IT

Resolved, that the Commission hereby determines that the Supplemental Final Generic Environmental Impact Statement (SFGEIS) is complete, and be it further

Resolved, the Commission continues to implement the SEQRA regulations outlined in 6 NYCRR Part 617 on filing, publishing, noticing and releasing the Findings Statement to adopt the Plan Amendments and for the Commission to vote pursuant to ECL Article 57, and be it further

Resolved, copies of the SFGEIS for the Plan Amendments can be obtained in physical locations including at the Commission office in Westhampton Beach and in libraries including Longwood, Hampton Bays, Riverhead, Quogue and Westhampton Beach and on the Commission's website at <https://pb.state.ny.us/>.

Dated: March 15, 2023

Motion by: Mr. Shea

Seconded by: Mr. Freleng

Yea Votes: 5 (Mr. Calarco, Mr. Freleng, Mr. Panico, Mr. Stafford, Mr. Shea)

Nay Votes: None

Abstain: None

Absent: None