



**Commission Meeting of September 20, 2017**  
**Southampton Town Hall**  
**116 Hampton Road**  
**Southampton, New York**

**Final Amended Resolution on the Clearance Standard for  
Projects Using Pine Barrens Credits in Residential Overlay  
Districts in the Compatible Growth Area**

Present: Ms. Gallagher, for the Governor of the State of New York

Mr. Dale, for the Suffolk County Executive

Ms. Pines, for the Brookhaven Town Supervisor

Mr. Walter, Riverhead Town Supervisor

Mr. Schneiderman, Southampton Town Supervisor

**Carrie Meek Gallagher**  
*Chairwoman*

**Steven Bellone**  
*Member*

**Edward P. Romaine**  
*Member*

**Jay H. Schneiderman**  
*Member*

**Sean M. Walter**  
*Member*

**Whereas**, NY Environmental Conservation Law (ECL) 57-0121.3(b) states that the "land use plan for 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," and

**Whereas**, ECL 57-0121.4(e) states that "the land use plan for the compatible growth area shall be designed to accommodate a portion of development redirected from the core preservation area," 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. 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**, a method of allocating Pine Barrens Credits was created in the *Plan* and receiving areas were identified by the Towns of Brookhaven, Riverhead, and Southampton and incorporated into the *Plan*, 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*, and

**Whereas**, the Section 6.4 of the Plan indicates that the minimum lot size in such designated residentially zoned receiving districts shall allow for the construction of necessary roads, recharge basins, and the possible dedication of open space, and

**Whereas**, the minimum lot size must also allow for the construction of accessory structures typical of residential dwellings, and

**Whereas**, Figure 5-1 of the *Plan*, "Clearance Standards," specifies the maximum site clearance allowed as per zoning lot size ~~in~~ for development in the Compatible Growth Area, and

**Whereas**, the Commission intends the *Plan* to promote the continued as of right use of Pine Barrens Credits in receiving areas identified as Residential Overlay Districts (RODs) within the Compatible Growth Area, and

**Whereas**, in 2001 the Commission adopted a policy regarding the application of the Clearance Standards to development projects in RODs which utilize Pine Barrens Credits, specifically referencing Brookhaven Town ROD requirements at the time, but now seeks to clarify that policy so that it can be applied to all three towns in the Central Pine Barrens, now therefore, be it

**Resolved**, for determining the maximum site clearance allowed for a site using Pine Barrens Credits in a ROD located in the Compatible Growth Area when utilizing Figure 5-1 of the *Plan*, entitled "Clearance Standards," the lot size as per the base zoning shall not apply, and be it further

**Resolved**, to determine the maximum site clearance allowed for a site using Pine Barrens Credits in a ROD located in the Compatible Growth Area, Figure 5-1 of the *Plan*, "Clearance Standards," shall be interpolated, as per the actual lot size that results when Pine Barrens Credits are applied to the site, as long as Town Code requirements are met and the requirements of Section 6.4 of the *Plan* are met, where applicable, and be it further

**Resolved**, no additional special permits are required from the Commission.

*Record of Vote at Commission Meeting of September 20, 2017, Southampton Town Hall, Southampton, NY:*

**Motion by:** Mr. Schneiderman

**Second by:** Mr. Walter

**Ayes:** Ms. Gallagher, Mr. Dale, Ms. Pines, Mr. Walter and Mr. Schneiderman

**Nays:** None

**Abstentions:** None

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*Record of Vote at Commission Meeting of September 26, 2001, Commission Office, Great River, NY:*

**Motion by:** Ms. Prusinowski

**Second by:** Mr. Hanley

**Ayes:** Mr. Proios (for the Suffolk County Executive), Mr. Murphree (for the Southampton Town Supervisor), Mr. Hanley (for the Riverhead Town Supervisor) and Ms. Prusinowski (for the Brookhaven Town Supervisor)

**Nays:** None

**Abstentions:** None