



Office of the Town Clerk
James M. Wooten, Town Clerk

Registrar of Vital Statistics

Records Management Officer

Marriage Officer

July 8, 2024

General Code Publishers
781 Elmgrove Road
Rochester, NY 14624
Attn: Jan Medina

Dear Ms. Medina:

ENCLOSED HEREWITH please find the following resolution which was adopted by the Riverhead Town Board at a Regular Town Board meeting on July 2, 2024.

#12- Resolution # 633 – Adopted 7/02/2024

ADOPTS A LOCAL LAW TO AMEND CHAPTER 301 ZONING AND LAND
DEVELOPMENT, PART 2 DISTRICTS, ARTICLE XLI PINE BARRENS OVERLAY
DISTRICT

Sincerely,

James M. Wooten
Town Clerk
JW:cd

07.02.2024

ADOPTED

TOWN OF RIVERHEAD

TB Resolution 2024-633

**ADOPTS LOCAL LAW TO AMEND CHAPTER 301 ZONING AND LAND
DEVELOPMENT, PART 2 DISTRICTS, ARTICLE XLI PINE BARRENS OVERLAY
DISTRICT**

Councilwoman Waski offered the following resolution,
which was seconded by Councilman Kern

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law to amend Chapter 301 Zoning and Land Development, Part 2 Districts, Article XLI Pine Barrens Overlay District, of the Code of the Town of Riverhead (“Riverhead Town Code”); and

WHEREAS, a public hearing was held on the 2nd day of April 2024 at 2:00 o'clock p.m. at the Riverhead Town Hall, 4 W Second Street Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard; and

WHEREAS, the Suffolk County Planning Commission (SCPC) considered the subject Local Law at their regularly scheduled meeting held on April 3, 2024 at which time the SCPC voted to approve the subject local law by Resolution No. ZSR-24-23; and

WHEREAS, the Adoption of the subject Local law is an Unlisted Action pursuant to SEQRA, with coordinated review being optional and not recommended.

WHEREAS, Planning Department Staff, on behalf of the Riverhead Town Board has prepared part 1 the Short Environmental Assessment Form (SEAF) dated March 18, 2024 and part 2 and part 3 of the SEAF dated July 2, 2024; and

NOW, THEREFORE BE IT RESOLVED, that the Riverhead Town Board hereby classifies the Local Law amend to Chapter 301 Zoning and Land Development, Part 2 Districts, Article XLI Pine Barrens Overlay District as an Unlisted Action pursuant to SEQRA, and assumes Lead Agency, without coordinated review; and be it further,

RESOLVED, that the Riverhead Town Board hereby issues a Negative Declaration pursuant to SEQRA, for the Local Law to Amend Chapter 301 Zoning and Land Development, Part 2 Districts, Article XLI Pine Barrens Overlay District as the proposed action is not likely to result in any significant adverse environmental impacts; and be it further,

RESOLVED, that the local law to amend Chapter 301 Zoning and Land Development, Part 2 Districts, Article XLI Pine Barrens Overlay District is hereby adopted as specified in the attached notice of adoption; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to the Planning Department, the Office of the Town Attorney, the Building Department, Code Enforcement and the Fire Marshal's Office; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joann Waski, Councilwoman
SECONDER:	Robert Kern, Councilman
AYES:	Tim Hubbard, Robert Kern, Denise Merrifield, Joann Waski
ABSENT:	Kenneth Rothwell

§ 301-197 **Development within Compatible Growth Area.**

- A. Development within the Compatible Growth Area (CGA) shall comply with the following standards:
- (1) All development subject to the provisions of Article 6 of the Suffolk County Sanitary Code shall meet the applicable requirements of the Suffolk County Department of Health Services.
 - (2) As determined by the State of New York or the County of Suffolk, any new public or private sewage treatment plant discharge shall be outside and down gradient of the Central Pine Barrens, and shall be located north of the groundwater divide, as defined by the Suffolk County Department of Health Services, as site conditions permit. Treatment systems that are approved by the New York State Department of Environmental Conservation or the Suffolk County Department of Health Service may be used in lieu of a sewage treatment plant.
 - (3) All development shall comply with the provisions of Articles 7 and 12 of the Suffolk Sanitary Code
 - (4) All development involving significant discharges to groundwater and located proximate to public water supply wells shall require measures to mitigate impacts upon water quality as required under Article 17 of the New York State Environmental Conservation Law. The Suffolk County Department of Health Services' guidelines for private wells should be used for private wellhead protection.
 - (5) Development proposals for sites containing or abutting freshwater wetlands shall be separated by a nondisturbance buffer area which shall be in accordance with Article 24 of the New York State Environmental Conservation Law, the Wild, Scenic and Recreational Rivers Act (the Rivers Act and Chapter 295, Wetlands, of the Code of the Town of Riverhead, whichever is most restrictive. 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. Stricter buffer area may be established for wetlands as appropriate. Buffer areas shall be delineated on development plans with conditions imposed to assure the preservation of the freshwater wetland resource. Said conditions shall be set forth in a declaration of covenants, conservation easement or similar instrument.
 - (6) Development proposals for sites within the regulated area of the New York Wild, Scenic and Recreational Rivers Act shall conform to the standards of the Act. Variances from the Act shall meet all requirements imposed by the State of New York in order to be deemed to have met the requirements of this standard. Additional relief from the Town of Riverhead Zoning Board or Appeals shall not be required.
 - (7) All stormwater generated by development shall be recharged on site unless surplus capacity exists in an off-site drainage system. In the review of development plans, the Town Board shall encourage the use of natural recharge areas or drainage system design which result in minimal disturbance of native vegetation with the use of natural swales and depressions as an alternative to excavated recharge basins where feasible. The use of natural recharge areas which cause minimal disturbance of native vegetation, preserve the native habitat in lieu of recharge basin or ponds that would require removal of significant areas of vegetation shall not count towards the satisfaction of the open space requirement. Development plans should include the use of ponds only if such ponds are designed to retain stormwater and are not merely constructed for aesthetic purposes. Additionally, creation of ponds shall require approval from the Commission and shall not count towards the satisfaction of the open space requirement. Adequate measures should be employed to control soil erosion and stormwater runoff during construction, as per guidelines promulgated by the New York State Department of Environmental Conservation.
 - (8) Clearing & Open Space Standards.
 - (a) The proposed disturbance to natural vegetation and minimum open space requirements shall be

based zoning as of June 28, 1995 or current zoning, whichever is more protective of the environment, by minimizing clearance or maximizing open space, and shall exclude those lands within EPCAL, and shall conform to the following standards:

Zoning Use District	Maximum Clearing (percentage)	Minimum OpenSpace Requirement
RB80	35%	65%
APZ	35%	65%
Ind A	60%	40%
Ind C	60%	40%
BUS CR	60%	40%

- (b) The applicable clearing percentage shall be calculated over the area of the entire project site including but not limited to public highways, roadways, building sites, parking areas, drainage structures and recharge areas. Development plans shall delineate the existing naturally vegetated areas, shall calculate those portions of the site that are already cleared due to previous activities and shall contain calculations for the amount of disturbance of native vegetation and indicate the clearing limits thereof.
- (c) To the extent that a portion of a site includes Core property, and for the purpose of calculating the clearing limits, the site shall be construed to be the combined Core and CGA portions. However, the Core portion may not be cleared without a hardship exemption. Additionally for a project site which is split between the Core and CGA and within which Pine Barren 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.
- (d) Development project sites which consist of non-contiguous parcels shall be treated as if the parcels were contiguous for the purpose of determining compliance with applicable clearing standards.
- (e) 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.
- (f) Development project site which are also Residential Overlay Districts and which included the redemption of Pine Barrens Credits shall apply clearing standards based upon the actual resulting average lot size after the redemption of Credits, rather than the base zoning lot size.
- (g) Land cleared for purposes of conducting environmental restoration pursuant to ECL 57-0107(13)(c), immediately after revegetation, shall be considered "natural vegetation", and shall not be considered "cleared" or "previously cleared" land in determining conformance with applicable clearing standards.
- (h) Persons seeking relief from clearing requirements on individual lots must file a CGA hardship application.

Attachment: Amendments to Chapter 301 Zoning and Land Development Part 2 Districts Article XLI Pine Barrens Overlay District_CLEAN COPY

- (i) A map of the portion of Pine Barrens Overlay District within the fence line of the former Grumman facility now known as "EPCAL" shall be adopted designating those areas of the EPCAL site where land clearing is prohibited. The areas where land clearing is prohibited shall constitute 35% of the overall site. Those areas contained on said map where land clearing is not prohibited may be cleared. The map may be modified from time to time by local law or the Town Board.
- (j) Land subdivision maps and site plans outside of the EPCAL site shall contain calculations for clearing and open space, and these limits shall become part of the filed map or approved drawings. Nonnative vegetation species to be avoided are contained in Figure 5-2 of the Central Suffolk Pine Barrens Comprehensive Plan. Conservation design promotes the significant natural and cultural resources and environmental features of a site by concentrating development into compact areas. This is required for development projects and accomplished through the use of conservation design methods that include clustering, reduced density development design, or similar methods that achieve minimum open space requirements. 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:
- (i) 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 new cemeteries.
 - (ii) Areas that contain woodlands followed by other natural areas
 - (iii) Areas that contain woodlands and other natural areas adjacent to existing open space, that will connect open space areas into large contiguous, unbroken blocks of habitat. This should include consideration of existing and planned future development of adjacent properties.
- (k) Projects that do not have sufficient existing natural areas to meet the minimum open space requirement due to prior development or use, will be required to revegetate areas to satisfy this standard. This includes sites that do not meet the minimum open space requirement due to pre-existing clearing or disturbance, formalized landscaped and turf areas and/or impervious surfaces. A range of restoration methods may be required but are not limited to the "Self-Heal" approach, active restoration with nursery stock, and/or transplantation activities with the "Self-Heal" approach utilized first for restoration of areas to be set aside as open space unless otherwise prevented by site conditions. If the "Self-Heal" approach fails to restore a restoration plan which shall include, but is not limited to the description of the restoration method, map of the area 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, invasive species management and reporting requirements. Upon successful restoration, said restoration area must be protected in accordance with "receiving entity, and protecting for open space areas"
- (l) The use, maintenance and management of open space shall be considered when protecting open space areas, as such the project applicant must specify the entity to which the open space will be dedicated. Open Space shall be dedicated to a government entity, private not for profit land conservation management organization, HOA or similar entity via the transfer of title, permanent conservation easement, or covenant recorded with the Suffolk County Clerk or similar mechanism to ensure open space protection.
- (9) Development projects shall place no more than 15% of the entire site in fertilizer-dependent vegetation including formalized turf areas. Development designs shall consider native planting

suggestions made part of the plan, as nonnative species generally require fertilization so their inclusion shall be limited to the maximum extent practicable.

- (10) Development which will have a significant impact 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 the communities classified by the New York State Natural Heritage Program as G1, G2 or G3 or as S1, S2 or S3 or upon any federal listed endangered or threatened species, appropriate mitigation measures, as determined by the state, county or local government agency, shall be imposed to protect such species.
- (11) Development projects shall incorporate bird friendly structures and site planning elements to reduce bird strike and mortality to the greatest feasible with guidance provided in the American Bird Conservancy et al publication "Bird Friendly Building Design.
- (12) Development projects shall minimize disturbance of the natural grade and/or where slopes exceed 10%. Construction in areas with slopes exceeding 10% may be approved if the site design incorporates adequate soil stabilization and erosion control measures so as to mitigate negative environmental impacts. Where applicable, nondisturbance buffers shall be placed on those portions of the site where slopes exceed 10%. Development plans shall include a slope analysis depicting existing slopes in the ranges of 0% to 10%, 11% to 15% and 15% or greater. Erosion and sediment control plans and details of retaining walls and erosion control structures shall be required for construction in areas where slopes exceed 15% and for roads and driveways traversing slopes over 10%.
- (13) In order to provide for orderly development and the efficient provision of infrastructure, applications for development projects depicting either open space or reserve areas shall specify the conditions of ownership and the use of such lands, and such conditions shall be set forth in the deed of dedication declaration of covenants, conservation easement or similar instrument.
- (14) Where applicable, the use of a planned residential development or use of cluster design pursuant to Article LIV, Cluster Development, of this chapter shall be encouraged to preserve open space. Further, the use of planned industrial park development pursuant to the provisions of Article LIII Subdivision Regulations, of this chapter shall be encouraged to preserve open spaces.
- (15) Any existing, expanded or new activity involving agricultural production or horticulture shall comply with best management practices as set forth in the plan, as may be amended from time to time.
- (16) Development plans shall indicate established recreational and educational trails and trail corridors, active recreational sites, scenic corridors, roads, vistas and viewpoints, 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, or recognized by local law or statute, sensitive archeological sites as identified by the New York State Historic Preservation Officer or the New York State Museum, within 500 feet of the proposed development and shall provide adequate measures to protect such natural resources. The use of existing natural buffers or the restoration of degraded buffer areas, the use of signs or other man-made structures consistent in style and scale with the community character, or other similar measures shall be taken to protect roadside areas as well as scenic and recreational resources.
- (17) All commercial or industrial development shall comply with the applicable provisions of the Suffolk County Sanitary Code and all other applicable federal, state or local laws.

B. A land use within the Compatible Growth Area that lawfully exists at the time of the effective date of this article or any amendment thereto may be continued in its present form except that the aforementioned

Attachment: Amendments to Chapter 301 Zoning and Land Development Part 2 Districts Article XLI Pine Barrens Overlay District CLEAN COPY

standards shall apply to any change, structural alteration, expansion, restoration or modification to said land use constituting development as defined herein.

- C. Those economic development activities to occur upon those lands within the two-thousand-nine-hundred acre tract of the Calverton Naval Weapons Industrial Reserve Plant as contemplated by Public Law 103 c337 (Suffolk County Tax Map parcels 0600-135-1-2, 0600-135-1-6 and 0600-135-1-7), the plan and its attending generic environmental impact statement shall not constitute development as defined by § 57 0107, Subdivision 13(i), of the New York State Environmental Conservation Law and by this article.
- D. Penalties for offenses.
- (1) In addition to the penalties provided for elsewhere in this chapter, any person or entity who shall violate any of the provisions here shall restore the subject premises or property or shall undertake any necessary remedial action, including but not limited to the posting of a performance and maintenance bond, as required by the Town Board in order to bring the subject premises into conformance with the requirements of this chapter and the Central Pine Barrens Comprehensive Land Use Plan or any permit, covenant or condition issued thereto.
 - (2) Any person or entity who shall violate any of the provisions contained in this chapter or the Central Pine Barrens Comprehensive Land Use Plan or any permit covenant or condition issued pursuant thereto shall be guilty of a violation of such, which shall be punishable by a fine not to exceed \$25,000 or not more than one year in jail for violations occurring on premises or property located within the Core Preservation Area or \$10,000 or not more than one year in jail for violations occurring on premises or property located within the Compatible Growth Area, and an additional fine of \$1,000 per day in both areas for each day that such violation continues. A violation of this section shall be classified as an unclassified misdemeanor.
 - (3) Any fines or penalties collected pursuant to this chapter for violations of the provisions of the Town Code relating to the Pine Barrens Overlay District, when paid over to the Town, shall be maintained in a segregated account to be used exclusively for the continuation of the protection, preservation enhancement and/or restoration of the natural resources and ecosystems of the Central Pine Barrens Region.
 - (4) Where authorized by a duly adopted resolution of the Town Board, the Town Attorney shall bring and maintain a civil proceeding, in the name of the Town in the Supreme Court, pursuant to Town Law § 268, to enjoin the person or persons conducting or permitting any violation of this article from further conducting or permitting said violation.

§ 301-198 Transfer of development rights; Pine Barrens credit program.

- A. It is the purpose of the Pine Barrens credit program to provide for the preservation of land within the Core Preservation Area while maintaining the value of those lands by providing for the transfer of Pine Barrens credits. Development rights shall be transferable from the Core Preservation Area to approved receiving sites outside the Core Preservation Area pursuant to Article XLII, Transfer of Development Rights, of this chapter, and the transfer of development rights standards of Article 6 of the Suffolk County Sanitary Code. Additionally, a landowner must obtain a Pine Barrens credit certificate from the Pine Barrens Credit Clearinghouse (the "Clearinghouse") as set forth in the plan, which Pine Barrens credit may be sold or used in accordance with the procedures set forth in this chapter.
- B. General regulations.
- (1) Pine Barrens credits, or fractions thereof, shall be allocated for each parcel of land established as a separate tax lot as of the effective date of this chapter.
 - (2) Pine Barrens credits shall be allocated for each parcel of land based upon the development yield

established by multiplying the gross lot area (acres) of the parcel by the following development yield factor, such factor predicated upon that zoning use district in existence upon the adoption of the plan in June 1995, or the date the parcel was added to the Core Preservation Area or sending area if later

Zoning Use District	Development Yield Factor
Natural Resources Protection	0.20
Open Space Conservation	0.25

- (3) A fractional allocation of a Pine Barrens credit shall be rounded to the nearest one-hundredth of a Pine Barrens credit.
- (4) Notwithstanding the aforementioned provisions, the Planning Board, upon the written request of the landowner, and subject to prior approval by the Commission, may elect to increase the allocation of Pine Barrens credits for a parcel of land if it can be demonstrated to the satisfaction of the Planning Board that the potential development yield of the property, pursuant to Article **LIII**, Subdivision Regulations, § **301-285**, is greater than the yield set forth herein.
- (5) No Pine Barrens credit shall be allocated for property owned or held by a public agency, municipal corporation or governmental subdivision, including property held by reason of tax default.
- (6) No Pine Barrens credit shall be allocated for property for which the development rights have previously been used or acquired, nor for lands which are encumbered by easement, covenant or other deed restriction for the purpose of land protection, preservation or conservation.
- (7) No Pine Barrens credits may be transferred into the Core Preservation Area. Pine Barrens credit originating in the Core Preservation Area may be transferred out of the Central Pine Barrens Area pursuant to the establishment of receiving areas. Pine Barrens credits shall not originate from land within the Compatible Growth Area.
- (8) In situations where a development project site contains a parcel which is split between the Core and CGA, and where the entire project site's acreage (Core and CGA acreage added together) was used for determining the amount of clearing that can occur on the CGA portion, no Pine Barrens Credit can be obtained on the Core portion of the property.
- (9) Pine Barrens Credits can only be allocated to partially developed parcels when said parcel is at least twice the minimum lot size for the zoning used district in which it is situated, and the project is otherwise eligible for a Credit allocation.
- (10) In allocation Pine Barrens Credits to portion(s) of any otherwise eligible parcel, the Clearinghouse shall consider the extent of any prior public acquisition of that parcel or any portion thereof.
- (11) 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. Additionally application 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.

Attachment: Amendments to Chapter 301 Zoning and Land Development Part 2 Districts Article XLI Pine Barrens Overlay District_CLEAN COPY

- (12) 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. Said intermunicipal redemption shall require approval from both the receiving and generating municipality. Such intermunicipal redemption may include the redemption of Pine Barrens Credits in municipalities outside of the Central Pine Barrens. Intermunicipal redemption include but are not limited to the redemption of Credits to satisfy the requirements of the Suffolk County Department of Health Services anywhere within that Department's jurisdiction.
- (13) Absent unanimous action by the Commission to the contrary, each Pine Barrens Credit redemption shall be irrevocable.
- (14) Pine Barrens Credits may not be redeemed in the Core Preservation Area or any other designated sending areas.

**TOWN OF RIVERHEAD
Notice of Adoption**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead, adopted a local law to amend Chapter 301 Zoning and Land Development, Part 2 Districts, Article XLI Pine Barrens Overlay District. The intent of the amendment is to comply with amendments to the Central Pine Barrens Comprehensive Land Use Plan (CLUP) which have an effective date of July 18, 2024.

A copy of the entire text of the adopted local law and the provisions of the existing law to be amended may be reviewed at the Office of the Town Clerk, 4 W Second Street, Riverhead, New York 11901, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday and can be accessed on the Town of Riverhead website at: www.townofriverheadny.gov under the Agenda and Minutes for the July 2, 2024 Town Board Meeting.

Dated: Riverhead, New York
July 2, 2024

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD
JAMES M. WOOTEN, TOWN CLERK**

Attachment: Notice of adoption for Amendments to Ch. 301 Part 2 Districts Article LVI Pine Barrens Overlay District (2024-633 : Adopts Local

Short Environmental Assessment Form Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Riverhead Town Board			
Name of Action or Project: Amend Chapter 301 Zoning and Land Development, Part 2 Districts, Article XLI Pine Barrens Overlay District			
Project Location (describe, and attach a location map): Town of Riverhead - Pine Barrens Overlay District			
Brief Description of Proposed Action: Local Law to Amend Chapter 301 Zoning and Land Development, Part 2 Districts, Article XLI Pine Barrens Overlay District as follows: The intent of the proposed amendment is to comply with amendments to the Central Pine Barrens Comprehensive Land Use Plan (CLUP) which have an effective date of April 18, 2024. See attached.			
Name of Applicant or Sponsor: Riverhead Town Board		Telephone: 631-727-3200 ext 207	
		E-Mail: charters@townofriverheadny.gov	
Address: 4 W Second Street			
City/PO: Riverhead		State: NY	Zip Code: 11901
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

Attachment: SEAF Parts 1 2 & 3_Local Law to Amend Pine Barrens Overlay (2024-633 : Adopts Local Law to Amend Chapter 301, Article XLI

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

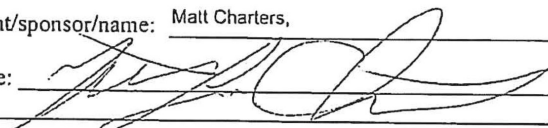
Attachment: SEAF Parts 1 2 & 3_Local Law to Amend Pine Barrens Overlay (2024-633 : Adopts Local Law to Amend Chapter 301, Article XLI

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input type="checkbox"/>

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
_____	<input type="checkbox"/>	<input type="checkbox"/>

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
_____	<input type="checkbox"/>	<input type="checkbox"/>

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
_____	<input type="checkbox"/>	<input type="checkbox"/>

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Matt Charters,</u> Date: <u>03-18-24</u> Signature: <u></u> Title: <u>Senior Planner</u>		

Attachment: SEAF Parts 1 2 & 3 Local Law to Amend Pine Barrens Overlay (2024-633 : Adopts Local Law to Amend Chapter 301, Article XLI

Agency Use Only [If applicable]

Project: Amends Pine Barrens Overlay
 Date: July 2, 2024

*Short Environmental Assessment Form
 Part 2 - Impact Assessment*

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Attachment: SEAF Parts 1 2 & 3_Local Law to Amend Pine Barrens Overlay (2024-633 : Adopts Local Law to Amend Chapter 301, Article XLI

PRINT FORM

Agency Use Only [If applicable]

Project: Amend Pine Barrens C

Date: 07/02/24

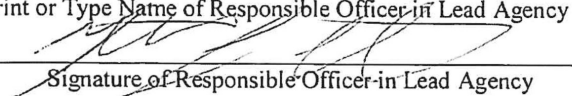
Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The action, the legislative adoption of a Local Law to Amend Chapter 301 Zoning and Land Development, Part 2 Districts, Article XLI Pine Barrens Overlay District. The intent of the amendment is to comply with amendments to the Central Pine Barrens Comprehensive Land Use Plan (CLUP) which have an effective date of July 18, 2024, is not likely to result in any significant adverse environmental impacts. Any project subject, and within the Pine Barrens Overly District will be subject to project specific SEQRA review as applicable.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Riverhead Town Board	07/02/24
Name of Lead Agency	Date
Matt Charters	Senior Planner
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
	Signature of Preparer (if different from Responsible Officer)
Signature of Responsible Officer in Lead Agency	

PRINT FORM

Attachment: SEAF Parts 1 2 & 3_Local Law to Amend Pine Barrens Overlay (2024-633 : Adopts Local Law to Amend Chapter 301, Article XLI

§ 301-197 **Development within Compatible Growth Area.**

- A. Development within the Compatible Growth Area (CGA) shall comply with the following standards:
- (1) All development subject to the provisions of Article 6 of the Suffolk County Sanitary Code shall meet the applicable requirements of the Suffolk County Department of Health Services.
 - (2) As determined by the State of New York or the County of Suffolk, any new public or private sewage treatment plant discharge shall be outside and down gradient of the Central Pine Barrens, and shall be located north of the groundwater divide, as defined by the Suffolk County Department of Health Services, as site conditions permit. 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.
 - (3) All development shall comply with the provisions of Articles 7 and 12 of the Suffolk Sanitary Code.
 - (4) All development involving significant discharges to groundwater and located proximate to public water supply wells shall require measures to mitigate impacts upon water quality as required under Article 17 of the New York State Environmental Conservation Law. The Suffolk County Department of Health Services' guidelines for private wells should be used for private wellhead protection.
 - (5) Development proposals for sites containing or abutting freshwater wetlands shall be separated by a nondisturbance buffer area which shall be in accordance with Article 24 of the New York State Environmental Conservation Law, the Wild, Scenic and Recreational Rivers Act (the Rivers Act) and Chapter 295, Wetlands, of the Code of the Town of Riverhead, whichever is most restrictive. 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. Stricter buffer areas may be established for wetlands as appropriate. Buffer areas shall be delineated on development plans with conditions imposed to assure the preservation of the freshwater wetland resource. Said conditions shall be set forth in a declaration of covenants, conservation easement or similar instrument.
 - (6) Development proposals for sites within the regulated area of the New York Wild, Scenic and Recreational Rivers Act shall conform to the standards of the Act. Variances from the Act shall meet all requirements imposed by the State of New York in order to be deemed to have met the requirements of this standard. Additional relief from the Town of Riverhead Zoning Board of Appeals shall not be required.
 - (7) All stormwater generated by development shall be recharged on site unless surplus capacity exists in an off-site drainage system. In the review of development plans, the Town Board shall encourage the use of natural recharge areas or drainage system design which result in minimal disturbance of native vegetation with the use of natural swales and depressions as an alternative to excavated recharge basins where feasible. The use of natural recharge areas which cause minimal disturbance of native vegetation, preserve the native habitat in lieu of recharge basin or ponds that would require removal of significant areas of vegetation shall not count towards the satisfaction of the open space requirement. Development plans should include the use of ponds only if such ponds are designed to retain stormwater and are not merely constructed for aesthetic purposes. Additionally, creation of ponds shall require approval from the Commission and shall not count towards the satisfaction of the open space requirement. Adequate measures should be employed to control soil erosion and stormwater runoff during construction, as per guidelines promulgated by the New York State Department of Environmental Conservation.
 - (8) Clearing & Open Space Standards.

- (a) The proposed disturbance to natural vegetation and minimum open space requirements shall be based zoning as of June 28, 1995 or current zoning, whichever is more protective of the environment, by minimizing clearance or maximizing open space, and shall exclude those lands within EPCAL, and shall conform to the following standards:

Zoning Use District	Maximum Clearing (percentage)	Minimum OpenSpace Requirement
RB80	35%	65%
APZ	35%	65%
Ind A	60%	40%
Ind C	60%	40%
BUS CR	60%	40%

- (b) The applicable clearing percentage shall be calculated over the area of the entire project site, including but not limited to public highways, roadways, building sites, parking areas, drainage structures and recharge areas. Development plans shall delineate the existing naturally vegetated areas, shall calculate those portions of the site that are already cleared due to previous activities and shall contain calculations for the amount of disturbance of native vegetation and indicate the clearing limits thereof.
- (c) To the extent that a portion of a site includes Core property, and for the purpose of calculating the clearing limits, the site shall be construed to be the combined Core and CGA portions. However, the Core portion may not be cleared without a hardship exemption. Additionally, for a project site which is split between the Core and CGA 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.
- (d) Development project sites which consist of non-contiguous parcels shall be treated as if the parcels were contiguous for the purpose of determining compliance with applicable clearing standards.
- (e) 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
- (f) Development project site which are also Residential Overlay Districts and which included the redemption of Pine Barrens Credits shall apply clearing standards based upon the actual resulting average lot size after the redemption of Credits, rather than the base zoning lot size.
- (g) Land cleared for purposes of conducting environmental restoration pursuant to ECL 57-0107(13)(c), immediately after revegetation, shall be considered "natural vegetation", and shall not be considered "cleared" or "previously cleared" land in determining conformance with applicable clearing standards.
- (h) Persons seeking relief from clearing requirements on individual lots must file a CGA hardship application.

- (i) A map of the portion of Pine Barrens Overlay District within the fence line of the former Grumman facility now known as "EPCAL" shall be adopted designating those areas of the EPCAL site where land clearing is prohibited. The areas where land clearing is prohibited shall constitute 35% of the overall site. Those areas contained on said map where land clearing is not prohibited may be cleared. The map may be modified from time to time by local law of the Town Board.
 - (j) Land subdivision maps and site plans outside of the EPCAL site shall contain calculations for clearing and open space, and these limits shall become part of the filed map or approved drawings. Nonnative vegetation species to be avoided are contained in Figure 5-2 of the Central Suffolk Pine Barrens Comprehensive Plan. Conservation design promotes the significant natural and cultural resources and environmental features of a site by concentrating development into compact areas. This is required for development projects and accomplished through the use of conservation design methods that include clustering, reduced density development design, or similar methods that achieve minimum open space requirements. 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:
 - (i) 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 new cemeteries.
 - (ii) Areas that contain woodlands followed by other natural areas
 - (iii) Areas that contain woodlands and other natural areas adjacent to existing open space, that will connect open space areas into large contiguous, unbroken blocks of habitat. This should include consideration of existing and planned future development of adjacent properties.
 - (k) Projects that do not have sufficient existing natural areas to meet the minimum open space requirement due to prior development or use, will be required to revegetate areas to satisfy this standard. This includes sites that do not meet the minimum open space requirement due to pre-existing clearing or disturbance, formalized landscaped and turf areas and/or impervious surfaces. A range of restoration methods may be required but are not limited to the "Self-Heal" approach, active restoration with nursery stock, and/or transplantation activities with the "Self-Heal" approach utilized first for restoration of areas to be set aside as open space unless otherwise prevented by site conditions. If the "Self-Heal" approach fails to restore a restoration plan which shall include, but is not limited to the description of the restoration method, map of the area 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, invasive species management and reporting requirements. Upon successful restoration, said restoration area must be protected in accordance with "receiving entity, and protecting for open space areas"
 - (l) The use, maintenance and management of open space shall be considered when protecting open space areas, as such the project applicant must specify the entity to which the open space will be dedicated. Open Space shall be dedicated to a government entity, private not for profit, land conservation management organization, HOA or similar entity via the transfer of title, permanent conservation easement, or covenant recorded with the Suffolk County Clerk or similar mechanism to ensure open space protection.
- (9) Development projects shall place no more than 15% of the entire site in fertilizer-dependent vegetation including formalized turf areas. Development designs shall consider native planting

suggestions made part of the plan, as nonnative species generally require fertilization so their inclusion shall be limited to the maximum extent practicable.

- (10) Development which will have a significant impact 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 the communities classified by the New York State Natural Heritage Program as G1, G2 or G3 or as S1, S2 or S3 or upon any federal listed endangered or threatened species, appropriate mitigation measures, as determined by the state, county or local government agency, shall be imposed to protect such species.
- (11) Development projects shall incorporate bird friendly structures and site planning elements to reduce bird strike and mortality to the greatest feasible with guidance provided in the American Bird Conservancy et al publication "Bird Friendly Building Design.
- (12) Development projects shall minimize disturbance of the natural grade and/or w where slopes exceed 10%. Construction in areas with slopes exceeding 10% may be approved if the site design incorporates adequate soil stabilization and erosion control measures so as to mitigate negative environmental impacts. Where applicable, nondisturbance buffers shall be placed on those portions of the site where slopes exceed 10%. Development plans shall include a slope analysis depicting existing slopes in the ranges of 0% to 10%, 11% to 15% and 15% or greater. Erosion and sediment control plans and details of retaining walls and erosion control structures shall be required for construction in areas where slopes exceed 15% and for roads and driveways traversing slopes of 10%.
- (13) In order to provide for orderly development and the efficient provision of infrastructure, applications for development projects depicting either open space or reserve areas shall specify the conditions of ownership and the use of such lands, and such conditions shall be set forth in the deed of dedication, declaration of covenants, conservation easement or similar instrument.
- (14) Where applicable, the use of a planned residential development or use of cluster design pursuant to Article LIV, Cluster Development, of this chapter shall be encouraged to preserve open space. Further, the use of planned industrial park development pursuant to the provisions of Article LIII, Subdivision Regulations, of this chapter shall be encouraged to preserve open spaces.
- (15) Any existing, expanded or new activity involving agricultural production or horticulture shall comply with best management practices as set forth in the plan, as may be amended from time to time.
- (16) Development plans shall indicate established recreational and educational trails and trail corridors, active recreational sites, scenic corridors, roads, vistas and viewpoints, 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, or recognized by local law or statute, sensitive archeological sites as identified by the New York State Historic Preservation Officer or the New York State Museum, within 500 feet of the proposed development, and shall provide adequate measures to protect such natural resources. The use of existing natural buffers or the restoration of degraded buffer areas, the use of signs or other man-made structures, consistent in style and scale with the community character, or other similar measures shall be taken to protect roadside areas as well as scenic and recreational resources.
- (17) All commercial or industrial development shall comply with the applicable provisions of the Suffolk County Sanitary Code and all other applicable federal, state or local laws.

B. A land use within the Compatible Growth Area that lawfully exists at the time of the effective date of this article or any amendment thereto may be continued in its present form except that the aforementioned

standards shall apply to any change, structural alteration, expansion, restoration or modification to said land use constituting development as defined herein.

- C. Those economic development activities to occur upon those lands within the two-thousand-nine-hundred-acre tract of the Calverton Naval Weapons Industrial Reserve Plant as contemplated by Public Law 103-c337 (Suffolk County Tax Map parcels 0600-135-1-2, 0600-135-1-6 and 0600-135-1-7), the plan and its attending generic environmental impact statement shall not constitute development as defined by § 57-0107, Subdivision 13(i), of the New York State Environmental Conservation Law and by this article.
- D. Penalties for offenses.
 - (1) In addition to the penalties provided for elsewhere in this chapter, any person or entity who shall violate any of the provisions here shall restore the subject premises or property or shall undertake any necessary remedial action, including but not limited to the posting of a performance and maintenance bond, as required by the Town Board in order to bring the subject premises into conformance with the requirements of this chapter and the Central Pine Barrens Comprehensive Land Use Plan or any permit, covenant or condition issued thereto.
 - (2) Any person or entity who shall violate any of the provisions contained in this chapter or the Central Pine Barrens Comprehensive Land Use Plan or any permit covenant or condition issued pursuant thereto shall be guilty of a violation of such, which shall be punishable by a fine not to exceed \$25,000 or not more than one year in jail for violations occurring on premises or property located within the Core Preservation Area or \$10,000 or not more than one year in jail for violations occurring on premises or property located within the Compatible Growth Area, and an additional fine of \$1,000 per day in both areas for each day that such violation continues. A violation of this section shall be classified as an unclassified misdemeanor.
 - (3) Any fines or penalties collected pursuant this chapter for violations of the provisions of the Town Code relating to the Pine Barrens Overlay District, when paid over to the Town, shall be maintained in a segregated account to be used exclusively for the continuation of the protection, preservation, enhancement and/or restoration of the natural resources and ecosystems of the Central Pine Barrens Region.
 - (4) Where authorized by a duly adopted resolution of the Town Board, the Town Attorney shall bring and maintain a civil proceeding, in the name of the Town in the Supreme Court, pursuant to Town Law § 268, to enjoin the person or persons conducting or permitting any violation of this article for further conducting or permitting said violation.

§ 301-198 Transfer of development rights; Pine Barrens credit program.

- A. It is the purpose of the Pine Barrens credit program to provide for the preservation of land within the Core Preservation Area while maintaining the value of those lands by providing for the transfer of Pine Barrens credits. Development rights shall be transferable from the Core Preservation Area to approved receiving sites outside the Core Preservation Area pursuant to Article XLII, Transfer of Development Rights, of this chapter, and the transfer of development rights standards of Article 6 of the Suffolk County Sanitary Code. Additionally, a landowner must obtain a Pine Barrens credit certificate from the Pine Barrens Credit Clearinghouse (the "Clearinghouse") as set forth in the plan, which Pine Barrens credit may be sold or used in accordance with the procedures set forth in this chapter.
- B. General regulations.
 - (1) Pine Barrens credits, or fractions thereof, shall be allocated for each parcel of land established as a separate tax lot as of the effective date of this chapter.
 - (2) Pine Barrens credits shall be allocated for each parcel of land based upon the development yield

established by multiplying the gross lot area (acres) of the parcel by the following development yield factor, such factor predicated upon that zoning use district in existence upon the adoption of the plan in June 1995, or the date the parcel was added to the Core Preservation Area or sending area if later.

Zoning Use District	Development Yield Factor
Natural Resources Protection	0.20
Open Space Conservation	0.25

- (3) A fractional allocation of a Pine Barrens credit shall be rounded to the nearest one-hundredth of a Pine Barrens credit.
- (4) Notwithstanding the aforementioned provisions, the Planning Board, upon the written request of the landowner, and subject to prior approval by the Commission, may elect to increase the allocation of Pine Barrens credits for a parcel of land if it can be demonstrated to the satisfaction of the Planning Board that the potential development yield of the property, pursuant to Article **LIII**, Subdivision Regulations, § **301-285**, is greater than the yield set forth herein.
- (5) No Pine Barrens credit shall be allocated for property owned or held by a public agency, municipal corporation or governmental subdivision, including property held by reason of tax default.
- (6) No Pine Barrens credit shall be allocated for property for which the development rights have previously been used or acquired, nor for lands which are encumbered by easement, covenant or other deed restriction for the purpose of land protection, preservation or conservation.
- (7) No Pine Barrens credits may be transferred into the Core Preservation Area. Pine Barrens credits originating in the Core Preservation Area may be transferred out of the Central Pine Barrens Area pursuant to the establishment of receiving areas. Pine Barrens credits shall not originate from lands within the Compatible Growth Area.
- (8) In situations where a development project site contains a parcel which is split between the Core and CGA, and where the entire project site's acreage (Core and CGA acreage added together) was used for determining the amount of clearing that can occur on the CGA portion, no Pine Barrens Credits can be obtained on the Core portion of the property.
- (9) Pine Barrens Credits can only be allocated to partially developed parcels when said parcel is at least twice the minimum lot size fore the zoning used district in which is it situated, and the project is otherwise eligible for a Credit allocation.
- (10) In allocation Pine Barrens Credits to portion(s) of any otherwise eligible parcel, the Clearinghouse shall consider the extent of any prior public acquisition of that parcel or any portion thereof.
- (11) 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. Additionally, application 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.

- (12) 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. Said intermunicipal redemption shall require approval from both the receiving and generating municipality. Such intermunicipal redemption may include the redemption of Pine Barrens Credits in municipalities outside of the Central Pine Barrens. Intermunicipal redemption include but are not limited to the redemption of Credits to satisfy the requirements of the Suffolk County Department of Health Services anywhere within that Department's jurisdiction.
- (13) Absent unanimous action by the Commission to the contrary, each Pine Barrens Credit redemption shall be irrevocable.
- (14) Pine Barrens Credits may not be redeemed in the Core Preservation Area or any other designated sending areas.