

New York State Environmental Conservation Law Article 57

TITLE 1

LONG ISLAND PINE BARRENS MARITIME

RESERVE ACT

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Environmental Conservation

§ 57-0101. Short title.

This title shall be known and may be cited as the "Long Island Pine Barrens maritime reserve act".

§ 57-0103. Legislative declaration.

The legislature hereby declares it to be in the public interest to protect and manage the Pine Barrens-Peconic Bay system, in the county of Suffolk, by establishing a Long Island Pine Barrens maritime reserve. It is further in the public interest to establish a council made up of representatives of state and local governments and private citizens to prepare a comprehensive management plan and make recommendations to preserve, protect and enhance the natural, recreational, economic and educational values of the region, which the state and local governments may adopt. In addition, it is further in the public interest to establish a commission made up of a governor's appointee, the county executive of Suffolk county and the supervisors of the towns of Brookhaven, Riverhead and Southampton to prepare, oversee and participate in the implementation of a comprehensive land use plan for the Central Pine Barrens area to guide development therein in a manner suitable to the needs for preservation of the core preservation area and compatible growth and development in the compatible growth area.

§ 57-0105. Legislative findings and intent.

The legislature hereby finds that eastern Long Island contains a maritime region of statewide importance known as the Pine Barrens-Peconic Bay system.

The legislature finds that within the Pine Barrens-Peconic Bay system the federal, state, county and local governments own and manage significant properties in the form of parks, preserves, historic sites and protected open space, where there is an interdependent and reciprocal relationship between human activities and natural processes, and where fishing, agriculture and tourism have been the dominant industries for more than three hundred fifty years.

The legislature also finds that within the Pine Barrens-Peconic Bay system natural processes have created unique landforms such as Robin's Island, Shelter Island, Gardiners' Island, Fisher's Island, Long Island's North and South Forks, and numerous wetlands, bluffs and beaches.

The legislature finds that the Long Island Pine Barrens, an area encompassing over one hundred thousand acres in the county of Suffolk, is of critical importance to the state because it overlies the largest source of pure groundwater in New York. The Pine Barrens are interconnected to the Peconic Bay system by the Peconic River, the longest groundwater river in New York, and the ecologic and hydrologic integrity of this system should be protected in a comprehensive plan adopted by the state and individual local governments.

The legislature also finds that the Pine Barrens-Peconic Bay system contains one of the greatest concentrations and diversities of endangered, threatened and special concern species of plants and animals to be found in the state, and that protection of their habitats is in the best interest of the people of New York.

The legislature further finds that the Pine Barrens-Peconic Bay system contains many other unique natural, agricultural, historical, cultural and recreational resources that are mutually supportive and ultimately dependent upon maintenance of the hydrologic and ecologic integrity of this region.

Therefore, the legislature finds that the purpose of this title is to allow the state and local governments to protect, preserve and properly manage the unique natural resources of the Pine Barrens-Peconic Bay system and to encourage coordination of existing programs and studies affecting land and water resources in the region and to protect the value of the existing public and private investment that has already been made to acquire land in the region.

The legislature further finds that a portion of the system known as the Central Pine Barrens area requires the preparation and implementation of a state supported regional comprehensive land use plan that will provide for the preservation of the core preservation area, protection of the Central Pine Barrens area and for the designation of compatible growth areas to accommodate appropriate patterns of development and regional growth with recognition of the rights of private land owners and the purpose of preservation of the core area.

The legislature recognizes that the provisions of this title may restrict the beneficial use of some lands currently in private ownership. These restrictions are deemed to be necessary and desirable to protect and preserve the hydrologic and ecologic integrity of the Central Pine Barrens area as well as the public's health and welfare for future generations. The legislature intends that a comprehensive regional land use plan be implemented whereby private landowners whose property is located within the Central Pine Barrens area are afforded an opportunity to receive benefits from the plan such as transferable development rights, conservation easements, rights and values transfers, purchase of development rights and/or fee acquisition with monetary compensation.

§ 57-0107. Definitions.

As used in this title, the following terms shall mean and include:

1. "Council" shall mean the Long Island Pine Barrens maritime reserve council created by section 57-0111 of this title.

2. "Long Island Pine Barrens maritime reserve" shall mean the reserve created pursuant to section 57-0109 of this title.

3. "Long Island Pine Barrens preserve" or "preserve" shall mean lands within the Long Island Pine Barrens Maritime reserve that are critical to the protection of the hydrologic and ecologic integrity of the region including land characterized by the growth of pitch pine, dwarf pine and/or scrub oak pine barrens which are dedicated for protection and beneficial public use pursuant to section 57-0117 of this title. Lands which are not deemed critical may be dedicated pursuant to section 57-0117 of this title as a protective or buffer zone for other dedicated lands, or to otherwise support the management of the preserve.

4. "Peconic Bay system" shall mean the series of interconnected bodies of surface waters, including Flanders Bay, Great Peconic Bay, Little Peconic Bay, Noyack Bay, Shelter Island Sound, Southold Bay, Northwest Harbor, Orient Harbor, Gardiners Bay, Napeague Bay, Fort Pond Bay, the western portion of Block Island Sound, other semi-enclosed bays and harbors contiguous thereto, and all of the tidal creeks and freshwater streams that discharge into these interconnected basins.

5. "Plan" shall mean the comprehensive management plan created pursuant to section 57-0115 of this title.

6. "Reserve" shall mean a region in which there is a combination of publicly and privately owned lands and land uses, within a defined area where there are traditional cultural patterns including agriculture, finfishing, shellfishing and tourism, which due to their pattern and configuration, and because of the need for sustained productivity could best be protected and managed through the development of a comprehensive management plan around a preserve of protected, publicly owned lands and/or privately owned land dedicated for such purposes.

7. "Land use plan" shall mean the comprehensive Central Pine Barrens land use plan pursuant to section 57-0121 of this title, including the generic environmental impact statement thereon.

8. "Commission" shall mean the Central Pine Barrens Joint Planning and Policy Commission established pursuant to section 57-0119 of this title.

9. "Advisory committee" shall mean the Central Pine Barrens advisory committee to the commission established pursuant to subdivision nine of section 57-0119 of this title.

10. "Central Pine Barrens area" shall mean the contiguous area as described and bounded as follows:

Beginning at a point where the southerly side of Route 25A intersects the easterly side of Miller Place Road; thence southward along the easterly boundary of Miller Place Road to Helme Avenue; thence southward along the easterly boundary of Helme Avenue to Miller Place-Middle Island Road; thence southward along the easterly boundary of Miller Place-Middle Island Road to Whiskey Road; thence westward along the southerly boundary of Whiskey Road to Mount Sinai-Coram Road; thence southward along the easterly boundary of Mount Sinai-Coram Road to Middle Country Road (Route 25); thence westward along the southerly boundary of Route 25 to Patchogue-Mount Sinai Road (County Route 83); thence southward along the easterly boundary of County Route 83 to Bicycle Path Drive; thence southeastward along the easterly side of Bicycle Path Drive to Mt. McKinley Avenue; thence southward along the easterly boundary of Mt. McKinley Avenue to Granny Road; thence northeastward along the northerly boundary of Granny Road to Port Jefferson-Patchogue Road (Route 112); thence southward along the easterly boundary of Route 112 to Horse Block Road (County Route 16);

thence eastward along the northerly boundary of County Route 16 to Maine Avenue; thence northward along the westerly boundary of Maine Avenue to Fire Avenue; thence eastward along the northerly boundary of Fire Avenue to John Roe Smith Avenue; thence southward along the easterly boundary of John Roe Smith Avenue to Jeff Street; thence eastward along the northerly boundary of Jeff Street to Hagerman Avenue; thence southward along the easterly boundary of Hagerman Avenue to the Long Island Expressway (Route 495); thence eastward along the northerly boundary of Route 495 to the westerly side of Yaphank Avenue (County Road 21); thence southward along the westerly side of Yaphank Avenue to the south side of the Long Island Expressway (Route 495); thence eastward along the southerly side of the Long Island Expressway (Route 495) to the easterly side of Yaphank Avenue; thence southward along the easterly side of Yaphank Avenue, crossing Sunrise Highway (Route 27) to the south side of Montauk Highway (County Road 80); thence southwestward along the south side of Montauk Highway (County Road 80) to South Country Road; thence southward along the easterly side of South Country Road to Fireplace Neck Road; thence southward along the easterly side of Fireplace Neck Road to Beaver Dam Road; thence eastward along the northerly side of Beaver Dam Road to the westerly boundary of the Carmans River and the lands owned by the United States known as Wertheim National Wildlife Refuge (the "Refuge"); thence generally westerly and southerly to the waters of Bellport Bay; thence generally easterly across the Bay and northerly along the easterly boundary of the Refuge, including all lands currently part of the Refuge and any lands which may become part of the Refuge in the future, to the east side of the southern terminus of Smith Road; thence northward along the easterly side of Smith Road to the southwesterly corner of the property identified as District 200, Section 974.50, Block 1, Lot 11; thence eastward, northward and westward in a counter-clockwise direction along the southern, eastern and northern boundaries of that property to the easterly side of Smith Road; thence northward along the east side of Smith Road to Merrick Road; thence northeasterly along the northerly side of Merrick Road to the easterly side of Surrey Circle and the southwest corner of the property identified as District 200, Section 880, Block 3, Lot 58.1; running thence easterly along the southerly side of said lot to the west side of William Floyd Parkway (County Road 46); thence northerly along the westerly side of William Floyd Parkway (County Road 46), crossing Route 27, to the Long Island Railroad (LIRR); thence eastward along the northerly boundary of the Long Island Rail Road tracks 7,500 feet; thence southward 500 feet; thence eastward 525 feet to the intersection of North Street and Manor-Yaphank Road; thence southward along the easterly boundary of Manor-Yaphank Road to Moriches-Middle Island Road; thence eastward along the northerly boundary of Moriches-Middle Island Road to Sunrise Highway (Route 27); thence eastward along the northerly boundary of Route 27 to an old railroad grade (unpaved); thence southeastward along the northerly boundary of the old railroad grade (unpaved) to Old County Road (Route 71); thence eastward along the northerly boundary of Route 71 to the Long Island Rail Road tracks; thence eastward along the northerly boundary of the Long Island Rail Road tracks to Montauk Highway; thence eastward along the northerly boundary of Montauk Highway to Route 24; thence northward along the westerly boundary of Route 24 to Sunrise Highway (Route 27); thence eastward along the northerly boundary of Route 27 to Squiretown Road; thence northward along the westerly boundary of Squiretown Road to Upper Red Creek Road; thence westward along the southern boundary of Upper Red Creek to Lower Red Creek Road; thence southward along the easterly boundary of Lower Red Creek Road to Hubbard County Park; thence westward along the northern boundary of Hubbard County Park to Riverhead-Hampton Bays Road (Route 24); thence westward along the southerly boundary of Route 24 to Peconic Avenue;

thence northward along the westerly boundary of Peconic Avenue to the Riverhead-Southampton border; thence westward along the Riverhead-Southampton border and the Riverhead-Brookhaven border to the Forge Road Bridge; thence northward along the westerly boundary of the Forge Road Bridge to Forge Road; thence northwestward along the westerly boundary of Forge Road to the railroad tracks; thence northward along the westerly boundary of Forge Road (unpaved) to the intersection of Route 25 and River Road; thence westward along the southerly boundary of River Road to Edwards Avenue; thence northward along the westerly boundary of Edwards Avenue 3,800 feet; thence westward 4,400 feet to an unnamed, unpaved road; thence northward along the westerly boundary of the unnamed, unpaved road 150 feet; thence westward and northwestward along the eastern boundary of the United States Navy/Grumman Aerospace Corporation property (as of 1982) up to its intersection with Middle Country Road (Route 25); thence westward along the southerly boundary of Route 25 to the intersection of Route 25 and 25A; thence northeastward, westward, and southwestward along the eastern and northern boundary of the United States Navy/Grumman Aerospace Corporation (as of 1982) and located immediately east of Route 25A, to its intersection with Route 25A; thence westward along the southerly boundary of Route 25A to the point or place of beginning, and excluding one distinct area described as follows: The area defined as beginning at a point where the westerly side of William Floyd Parkway (County Road 46) meets northerly side of the Long Island Railroad (LIRR); thence westward along the northerly side of the LIRR to Moriches-Middle Island Road; thence generally northwestward along the northerly side of Moriches-Middle Island Road to the southerly side of Long Island Expressway (Route 495); thence eastward along the southerly side of the Long Island Expressway (Route 495) to the westerly side of William Floyd Parkway (County Road 46); thence southward along the westerly side of William Floyd Parkway (County Road 46) and containing the subdivision known as RB Industrial Park, to the point or place of beginning.

11. "Core preservation area" shall mean the core preservation area of the Central Pine Barrens area which comprise the largest intact areas of undeveloped pine barrens as described and bounded as follows:

Beginning at a point where the northwestern corner of the New York State Rocky Point Natural Resource Management Area (the "NYS Rocky Point Land") intersects the southerly side of NYS Route 25A; thence generally southward and eastward along the generally westerly and southerly boundaries of the NYS Rocky Point Land (including the Currans Road Pond State Wildlife Management Area, all adjacent or contiguous undeveloped Town of Brookhaven parks, preserves, open space areas, or reserved areas, and the crossings of the undeveloped Suffolk County property known as the Port Jefferson - Westhampton road right of way, Whiskey Road, County Route 21, and Currans Road), and including those properties identified as District 200, Section 346, Block 1, Lots 3 and 4, to the point where the NYS Rocky Point Land meets the northerly side of NYS Route 25 (Middle Country Road); thence eastward along the northerly boundary of NYS Route 25 to the southeastern corner of that property west of Woodlots Road which is identified as District 200, Section 349, Block 2, Lot 1.3; thence northward along the easterly boundary of that property to the Suffolk County Pine Trail Nature Preserve; thence eastward and southeastward along the southerly boundary of the Suffolk County Pine Trail Nature Preserve where the Preserve is adjacent to developed parcels or parcels in agricultural or horticultural use, or along a line parallel to, and 100 (one hundred) feet south of, the Preserve where the Preserve is adjacent to parcels which are undeveloped as of June 1, 1993, to County Route 46; thence southward along the easterly boundary of County Route 46 to NYS Route 25; thence eastward along the southerly boundary of NYS Route 25 to the Suffolk County Pine Trail Nature Preserve; thence southward along the westerly boundary of

the Suffolk County Pine Trail Nature Preserve where the Preserve is adjacent to developed parcels, or along a line parallel to, and 100 (one hundred) feet west of, the Preserve where the Preserve is adjacent to parcels which are undeveloped as of June 1, 1993, to the northern boundary of the United States land known as Brookhaven National Laboratory; thence generally westward along the northerly boundary of Brookhaven National Laboratory to County Route 46 (William Floyd Parkway); thence generally northwestward on a straight line to the intersection of Sally Lane and Pond Lane; thence westward along the southerly side of Pond Lane to Ruth Lane; thence northward along the westerly side of Ruth Lane to NYS Route 25; thence westward along the northerly side of NYS Route 25 to the southeast corner of the NYS Middle Island State Game Farm and Environmental Education Center; thence northward, westward, and southward along the easterly, northerly, and westerly boundaries of the NYS Middle Island State Game Farm and Environmental Education Center to NYS Route 25; thence westward along the southerly side of NYS Route 25, excluding all parcels abutting that road which are developed as of June 1, 1993, to Giant Oak Road; thence southward along the easterly side of Giant Oak Road to Medford Road; thence southwestward along the southeasterly side of Medford Road crossing to the west side of Smith Road; thence southerly along the westerly side of Smith Road to the southeast corner of District 200, Section 406, Block 1, Lot 6; thence westward and northward along the southerly and westerly sides of said parcel to the southerly side of the developed lands known as Strathmore Ridge; thence westward, northward and eastward along the southerly, westerly and northerly sides of the developed lands known as Strathmore Ridge to the westerly side of Smith Road; thence northerly along the westerly side of Smith Road to the southerly side of NYS Route 25; thence westerly along the southerly side of NYS Route 25, to the northwestern corner of that property which is identified as District 200, Section 406, Block 1, Lot 4.3; thence southerly along the westerly boundary of that property and continuing southward along the westerly sides of the properties identified as District 200, Section 406, Block 1, Lot 4.6; District 200, Section 406, Block 1, Lot 4.4 and District 200, Section 504, Block 1, Lot 2 to the southerly side of Longwood Road; thence eastward along the southerly side of Longwood Road to the northwest corner of the property identified as District 200, Section 504, Block 1, Lot 7.2; thence southward and westward along the generally westerly boundary of that parcel to the eastern end of Rugby Lane (also known as Rugby Avenue or Rugby Road), a paper street shown on Suffolk County tax maps District 200, Sections 500, 502, and 503; thence westward along the northerly boundary of Rugby Lane, across County Route 21, to the westerly boundary of County Route 21 (Yaphank - Middle Island Road); thence southward along the westerly boundary of County Route 21 to the northeastern corner of the parcel identified as District 200, Section 529, Block 1, Lot 28, and which is coterminous with the southerly boundaries of the parcels located on the south side of Rustic Lane; thence westward along the northerly boundary of that parcel to the southwest corner of the parcel identified as District 200, Section 528, Block 5, Lot 2; thence northward along a portion of the easterly boundary of the Carmans River, which comprises the easterly boundary of the parcel identified as District 200, Section 528, Block 5, Lot 1, to its intersection with the southern boundary of the Suffolk County Nature Preserve parcel identified as District 200, Section 500, Block 1, Lot 1.4; thence eastward along the southern boundary of that parcel to the southeast corner of that parcel; thence northward along the easterly boundary of that Suffolk County Nature Preserve parcel to the southeast corner of the Suffolk County Nature Preserve parcel identified as District 200, Section 500, Block 1, Lot 3.1, thence generally northward along the easterly boundary of that parcel to the north side of East Bartlett Road; thence easterly along

the north side of East Bartlett Road to the east side of County Road 21; thence southerly along the east side of County Road 21 to the southwest corner of District 200, Section 501, Block 1, Lot 2.1; thence easterly and northerly along the southern and eastern sides of that property and northward along the easterly side of District 0200, 50100, Block 0100, Lot 002002 and across to the north side of Longwood Road; thence westerly along the north side of Longwood Road to the southeast corner of District 200, Section 482, Block 1, Lot 3.1; thence northward and eastward along the easterly and southerly boundaries of that parcel to the northwest corner of the parcel identified as District 200, Section 483, Block 2, Lot 1.4; thence eastward along the southerly property boundary of the parcel identified as District 200, Section 482, Block 1, Lot 4 to the southeast corner of that parcel; thence northward along the easterly boundary of that parcel to the northeast corner of that parcel; thence eastward and northward along the southerly and easterly boundaries of the parcel identified as District 200, Section 456, Block 2, Lot 4 to the northeast corner of that parcel; thence generally northerly and westerly along the easterly and northerly boundary of Prosser Pines County Nature Preserve to County Road 21; thence westward (directly across County Route 21) along the southerly boundary of the property identified as District 200, Section 434, Block 1, Lot 12.1, to the southwest corner of the property identified as District 200, Section 434, Block 1, Lot 14.3, adjacent to the eastern side of Cathedral Pines County Park; thence northward along the eastern boundary of Cathedral Pines County Park to the southeast corner of the property identified as District 200, Section 402, Block 1, Lot 23.1, thence continuing northward along the easterly boundary of that property to the southerly side of Lafayette Road; thence westward along the southerly side of Lafayette Road to the eastern boundary of the property identified as District 200, Section 402, Block 1, Lot 24.7; thence generally in a counter-clockwise direction along the easterly, northerly, westerly and northerly boundaries of that property to the easterly boundary of the parcel identified as District 200, Section 402, Block 1, Lot 19.2; thence northerly along the easterly side of said lot to the southeast corner of the property identified as District 200, Section 402, Block 1, Lot 20, thence westward and northward along the southerly and westerly sides of that property to the southerly side of NYS Route 25; thence westward along the southerly boundary of NYS Route 25 to the northwestern corner of the parcel identified as District 200, Section 402, Block 1, Lot 16.4; thence generally southward along the westerly boundary of that parcel to the northerly boundary of the parcel identified as District 200, Section 454, Block 1, Lot 9.1; thence westward along the northerly boundary of that parcel to East Bartlett Road; thence southward along the easterly boundary of East Bartlett Road to its intersection with Ashton Road; thence westward to the northeastern corner of the old filed map shown on District 200, Section 499; thence westward and southward along the northerly and westerly boundaries of the old filed map shown on Suffolk County tax maps District 200, Sections 498, 499, and 527 to Hillcrest Road; thence eastward along the southerly boundary of Hillcrest Road to Ashton Road; thence southward along the easterly side of Ashton Road to Granny Road; thence eastward along the southerly side of Granny Road to the northwesterly corner of District 200, Section 547, Block 1, Lot 18.1; thence generally southward, westward, southward, eastward and northward in a counter-clockwise direction along the western, northern, southern and eastern boundaries of said parcel to the southeast corner of the parcel identified as District 200, Section 548, Block 1, Lot 3; thence northward along the easterly boundary of that parcel to its northeast corner; thence generally northward, northeastward and eastward along the westerly, northwesterly and northerly sides of German Boulevard to its intersection with the northeasterly side of Lakeview Boulevard; thence

southeastward along the northeasterly side of Lakeview Boulevard to the westerly boundary of the parcel identified as District 200, Section 611, Block 1, Lot 5; thence northward along the westerly boundary of that parcel to its northwest corner; thence southward along the westerly boundary of the parcel identified as District 200, Section 579, Block 3, Lot 1, comprising part of the western bank of the Carmans River also known as Upper Lake, to the northerly side of Mill Road, also known as County Route 101; thence eastward along the northerly side of Mill Road to the northeast corner of the parcel identified as District 200, Section 579, Block 3, Lot 19; thence westerly along the northerly boundary of that parcel to the eastern boundary of the parcel identified as District 200, Section 579, Block 3, Lot 1; thence northward along the easterly side of that parcel, comprising part of the eastern bank of the Carmans River also known as Upper Lake, to the southwest corner of the parcel identified as District 200, Section 548, Block 2, Lot 5.1; thence eastward along the southern boundary of that parcel to its southeast corner; thence eastward across County Route 21 to its easterly side; thence northward along the easterly boundary of County Route 21 to the southwest corner of the Suffolk County Nature Preserve parcel known as Warbler Woods and identified as District 200, Section 551, Block 1, Lot 4; thence generally eastward along the southerly boundary of the Warbler Woods parcel and then southward along the westerly boundary of an extension of that parcel's southerly boundary to the southeast corner of the southern terminus of Harold Road; thence generally westward, southward and westward in a counter-clockwise direction along the northerly, westerly, northerly and westerly boundaries of the Suffolk County Nature Preserve parcel known as Fox Lair, and identified as District 200, Section 580, Block 3, Lot 24.2, to the northwest corner of the parcel Suffolk County Water Authority parcel identified as District 200, Section 580, Block 3, Lot 24.6; thence southward, eastward and southward along the westerly boundary and southerly boundaries of that Suffolk County Water Authority parcel to Main Street; thence eastward along the north side of Main Street to the southeast corner of said Suffolk County Water Authority parcel to its southeast corner; thence northward along the easterly boundary of that parcel to the southwest property boundary of the Suffolk County Nature Preserve parcel known as Fox Lair and identified as District 200, Section 580, Block 3, Lot 24.2, thence generally eastward, southward, eastward, northward and eastward along the southerly boundaries of said parcel and eastward along the southerly boundary of the Suffolk County Nature Preserve parcel identified as District 200, Section 583, Block 1, Lot 4.1, to the west side of the unimproved north-south oriented road known variously as Smith Road, Longwood Road and Private Road; thence southward along the westerly boundary of Smith Road to the north side of the Long Island Expressway; thence westward along the northerly boundary of the Long Island Expressway to the south side of Main Street in Yaphank; thence westward along the southerly boundary of Main Street in Yaphank to the westernmost extent along Main Street of the Southaven County Park boundary; thence westward across County Road 21 to the western boundary of the County Road 21 right-of-way; thence southward along the western boundary of the County Road 21 right-of-way to the northerly side of the parcel identified as District 200, Section 611, Block 3, Lot 16, comprising the northerly bank of the Carmans River known as Lower Lake; thence westward along the northerly side of that property to the southwest corner of the parcel identified as District 200, Section 612, Block 4, Lot 1; thence northward along the westerly boundary of that parcel to the southerly side of County Route 21 known as Main Street; thence westward along the southerly side of County Route 21 known as Main Street to the northeast corner of the parcel identified as District 200, Section 612, Block 2, Lot 12; thence southward along the easterly boundary of that parcel to the southeast corner of the parcel identified

as District 200, Section 612, Block 2, Lot 11; thence westward and northwestward along the northerly and northeasterly boundaries of the Town of Brookhaven parcel identified as District 200, Section 611, Block 3, Lot 9 to the south side of Mill Road, also known as County Road 101; thence generally westward and southward along the southerly side of Mill Road and continuing southward along the eastern side of Patchogue-Yaphank Road, also known as County Road 101, to the southerly side of Gerard Road; thence eastward along the southerly side of Gerard Road to its westerly boundary known as the map of Grand Heights, filed in the offices of the Suffolk County clerk; thence southward along the westerly map line of the filed map known as Grand Heights to the north side of the Long Island Expressway NYS Route 495; thence easterly along the northerly side of the Long Island Expressway NYS Route 495 to the westerly side of County Route 21 known as Yaphank Avenue; thence southward along the westerly side of Yaphank Avenue to the south side of the Long Island Expressway; thence eastward along the south side of the Long Island Expressway to the westerly boundary of Southaven County Park, thence generally southward along the westerly boundary of Southaven County Park to the northeast corner of the lands of Suffolk County identified as District 200, Section 665, Block 2, Lot 1; thence generally southward along the easterly boundary of said lot, crossing the LIRR and Park Street and continuing southward along the westerly boundary of Davenport Avenue as shown on the old filed map known as Bellhaven Terrace; thence southward and eastward along the westerly and southerly boundaries of the parcel identified as District 200, Section 744, Block 1, Lot 10 to the westerly boundary of the parcel identified as District 200, Section 781, Block 1, Lot 3.1; thence continuing southerly along the westerly boundary of that parcel to the easterly boundary of Gerard Road; thence southward along the easterly boundary of Gerard Road to Victory Avenue; thence eastward along the northerly boundary of Victory Avenue to a point where the west bank of the Carmans River passes under Victory Avenue and Route 27; thence south under Route 27 to the southerly side of Montauk Highway also known as County Road 80; thence westward along the southerly side of Montauk Highway County Road 80, including lands owned by the United States known as Wertheim National Wildlife Refuge (the "Refuge"), to the eastern side of Old Stump Road; thence southward along the easterly side of Old Stump Road to the northerly side of Beaver Dam Road; thence eastward along the northerly side of Beaver Dam Road to the lands owned by the United States known as Wertheim National Wildlife Refuge (the "Refuge"), including the Carmans River; thence generally westerly and southerly to the waters of Bellport Bay; thence generally easterly across the Bay and northerly along the easterly boundary of the Refuge, including all lands currently part of the Refuge and any lands which may become part of the Refuge in the future to the east side of the southern terminus of Smith Road; thence northward along the easterly side of Smith Road to the southwesterly corner of the property identified as District 200, Section 974.50, Block 1, Lot 11; thence eastward, northward and westward in a counter-clockwise direction along the southern, eastern and northern boundaries of that property to the easterly side of Smith Road; thence northward along the easterly side of Smith Road to the northerly side of Montauk Highway County Road 80; thence northeasterly to the southwesterly corner of the property identified as District 200, Section 849, Block 2, Lot 2; thence eastward along the northerly boundary of Montauk Highway to the southeasterly corner of the property identified as District 200, Section 850, Block 3, Lot 8; thence northward to the northeasterly corner of that parcel, including all lands owned by the United States known as Wertheim National Wildlife Refuge (the "Refuge") at any time between June 1, 1993 and the present, and any lands which may become part of the Refuge in the future; thence northwestward across Sunrise Highway (NYS Route 27) to the southwesterly corner of the

property identified as District 200, Section 850, Block 2, Lot 1; thence northward along the westerly boundary of that parcel across to the northerly boundary of Victory Avenue; thence westward along the northerly boundary of Victory Avenue to the westerly boundary of River Road; thence northward along the westerly boundary of River Road to the north side of the Long Island Rail Road right-of-way; thence easterly along the northerly side of the Long Island Rail Road right-of-way to the north side of Moriches-Middle Island Road; thence generally northward and westward along the northerly side of Moriches-Middle Island Road to the northerly side of the Long Island Expressway; thence westward along the northerly boundary of the Long Island Expressway to the southeasterly corner of the Longwood Greenbelt property (the property identified as District 200, Section 583, Block 2, Lot 1.1); thence northward along the easterly boundary of the Longwood Greenbelt property to its northeast corner; thence eastward to the southwesterly corner of the property known as District 200, Section 552, Block 1, Lot 8; thence generally northeastward along the easterly boundary of the property identified as District 200, Section 552, Block 1, Lot 1.7 to the northeasterly corner of that parcel; thence eastward along the southerly boundaries of the parcels identified as District 200, Section 504, Block 1, Lot 8, and District 200, Section 504, Block 1, Lot 11, to the westerly boundary of the William Floyd Parkway (County Route 46); thence northward along the westerly side of County Route 46 to a point 2000 (two thousand) feet south of the southern bank of the Peconic River crossing of County Route 46; thence generally southeastward along a line parallel to, and 2000 (two thousand) feet generally south or southwest of, and parallel to, the southernmost bank of the Peconic River to a point where the Peconic River crosses the unpaved, unnamed, north-south firebreak and patrol road on the eastern half of the Brookhaven National Laboratory property; thence southward and southwestward along the easterly and southeasterly boundaries of the unpaved, unnamed, north-south firebreak and patrol road starting on the eastern half of the Brookhaven National Laboratory property to the Brookhaven National Laboratory road known as Brookhaven Avenue; thence due westward along a straight line to the Brookhaven National Laboratory road known as Princeton Avenue; thence westward along the southerly boundary of Princeton Avenue to the unnamed Laboratory road which diverts southwest in the vicinity of the Laboratory gate house; thence southwestward along the southerly side of the unnamed Laboratory road just described to County Route 46; thence southward along the easterly side of County Route 46 to NYS Route 495; thence eastward along the northerly boundary of NYS Route 495 to County Route 111; thence southeastward along the northerly boundary of County Route 111 to NYS Route 27 (Sunrise Highway); thence generally southward across NYS Route 27 to the westernmost extent along NYS Route 27 of the undeveloped portion (as of June 1, 1993) of the parcel assemblage comprised of those parcels identified as District 200, Section 594, Block 2, Lot 4 and District 900, Section 325, Block 1, Lot 41.2; thence southward along the westerly boundary of the undeveloped portion (as of June 1, 1993) of that parcel assemblage to County Route 71 (Old Country Road); thence eastward along the northerly boundary of County Route 71 to the southeastern corner of the Suffolk County Nature Preserve lands which run from NYS Route 27 south to County Route 111 and which adjoin the easterly side of the preceding assemblage; thence northward along the easterly boundary of that Suffolk County Nature Preserve assemblage (crossing the County Route 111 right of way) to NYS Route 27; thence eastward along the southerly boundary of NYS Route 27 to the westerly end of 19th Street as shown in the old filed map contained within the tax map identified as District 900, Section 276, Block 2; thence southward along the westerly boundary of that old filed map (shown in District 900, Sections 276, 302, 303, 327, and 328), and coterminous with the westerly side of those

parcels along the westerly side of Oishei Road, to County Route 71; thence eastward along the northerly boundary of County Route 71 to the southeasterly corner of the parcel identified as District 900, Section 328, Block 2, Lot 19; thence northward along the easterly boundary of that old filed map surrounding Oishei Road, and coterminous with the easterly side of those parcels along the easterly side of Oishei Road, to a point along that line due west of the northwesterly corner of the parcel containing the Suffolk County facilities identified as District 900, Section 331, Block 1, Lot 1; thence due eastward along a straight line to the northwesterly corner of that parcel; thence eastward along the northerly boundary of that parcel to its northeasterly corner shown in District 900, Section 307; thence due eastward along a straight line to Summit Boulevard; thence southward along the westerly side of Summit Boulevard to County Route 71; thence eastward along the northerly side of County Route 71, excluding all parcels abutting that road which are developed as of June 1, 1993, to the Long Island Rail Road tracks; thence eastward along the northerly boundary of the Long Island Rail Road tracks to County Route 31 (Old Riverhead Road); thence northward along the westerly boundary of County Route 31 to that point opposite the point along the easterly side of County Route 31 (north of the Stewart Avenue intersection) at which the undeveloped portion (as of June 1, 1993) of the Suffolk County Airport (Gabreski Airport) occurs; thence generally northward, eastward and southward around the westerly, northerly and easterly boundaries of the undeveloped portion (as of June 1, 1993) of the airport property (excluding from the Core Preservation Area those portions of the airport property which are occupied by the runways, their associated maintenance areas, and those areas identified for future use in the Suffolk County Airport Master Plan approved by the County Legislature) to the Long Island Rail Road tracks (including in the Core Preservation Area those portions of the airport property which are adjacent to the Quogue Wildlife Refuge's westerly boundary and which are in their natural state); thence eastward along the northerly boundary of the Long Island Rail Road tracks to the southeasterly corner of the Town of Southampton parcel identified as District 902, Section 1, Block 1, Lot 22.1; thence generally northward and eastward along the easterly border of that parcel and the Town of Southampton parcels to the immediate north identified as District 900, Section 313, Block 1, Lot 42.1 and District 900, Section 287, Block 1, Lot 1.55 to County Route 104; thence northward along the westerly boundary of County Route 104 to a point 1000 (one thousand) feet southward of NYS Route 27; thence eastward along a line parallel to, and 1000 (one thousand) feet south of, NYS Route 27, to the westerly boundary of the parcel identified as District 900, Section 252, Block 1, Lot 1; thence southward along the westerly boundary of that parcel to the Long Island Rail Road tracks; thence eastward along the northerly boundary of the Long Island Rail Road tracks to Montauk Highway; thence eastward along the northerly boundary of Montauk Highway to that point where the boundary of Sears-Bellows County Park heads northward along the eastern side of the Munns Pond portion; thence northward along the easterly boundary of Sears-Bellows County Park, to NYS Route 27; thence eastward along the northerly boundary of NYS Route 27 to NYS Route 24 (Riverhead - Hampton Bays Road); thence generally northwestward and westward along the southwestward boundary of NYS Route 24 to the easternmost extent along NYS Route 24 of the Suffolk County Parkland known as Flanders or Hubbard County Park; thence generally northward, westward, and southward along the easterly, northerly, and westerly boundaries of Flanders or Hubbard County Park, including all adjacent or contiguous undeveloped Town of Southampton parks, preserves, open space areas, or reserved areas, to NYS Route 24; thence westward along the southerly boundary of NYS Route 24 to Pleasure Drive; thence southward along the easterly boundary of Pleasure Drive a distance of 2000 (two thousand) feet,

excluding all parcels abutting that road which are developed as of June 1, 1993; thence generally westward along a straight line to the southernmost extent of the NYS David Sarnoff Preserve along the westerly boundaries of the parcels on the westerly side of Brookhaven Avenue; thence generally northward and westward along the easterly and northerly boundary of the NYS David Sarnoff Pine Barrens Preserve, crossing County Routes 105 and 104, to County Route 63 (Riverhead-Moriches Road); thence generally westward and northward along the northerly boundary of the Suffolk County Cranberry Bog County Nature Preserve to County Route 51; thence southwesterly along the westerly side of County Route 51 to the boundary of the Cranberry Bog County Nature Preserve; thence westward and northward along the northeasterly boundary of Cranberry Bog County Nature Preserve to County Route 94 (also known as NYS Route 24, or Nugent Drive); thence eastward along the northerly side of County Route 94 to the County Route 94A bridge; thence northward along the westerly side of the County Route 94A bridge to the Riverhead-Southampton border; thence westward along the Riverhead-Southampton border, and the Riverhead-Brookhaven Border, to the Forge Road Bridge; thence northward along the westerly boundary of the Forge Road Bridge to Forge Road; thence northwestward along the westerly boundary of Forge Road to the Long Island Rail Road tracks; thence northward along the westerly boundary of Forge Road (unpaved) to the intersection of NYS Route 25 and River Road; thence westward along the southerly boundary of River Road to Edwards Avenue; thence westward along the southerly boundary of River Road (Grumman Boulevard or Swan Pond Road) to the southeast corner of that parcel containing Conoe (or Canoe) Lake and identified as District 600, Section 137, Block 1, Lot 1; thence northward, westward, and southward along the borders of that parcel containing Conoe (or Canoe) Lake to River Road (Grumman Boulevard); thence westward along the northerly boundary of Grumman Boulevard to the southeasternmost corner of the undeveloped portion (as of June 1, 1993) of the United States Navy/Grumman Corporation property located on the north side of Grumman Boulevard and adjacent to the Grumman entrance known as the South Gate; thence due north along the easternmost edge of that undeveloped portion (as of June 1, 1993) of the United States Navy/Grumman Corporation property to NYS Route 25; thence along a straight line to the northerly side of NYS Route 25 to a point occupied by the southeasternmost corner of the parcel assemblage comprised of District 600, Section 75, Block 3, Lot 10.1, and District 600, Section 96, Block 1, Lot 14, and otherwise known as Camp Wauwepex; thence northward, westward, and generally southward along the easterly, northerly, and generally westerly boundaries of the Camp Wauwepex assemblage to NYS Route 25; thence westward along the northerly side of NYS Route 25 to Montauk Trail; thence northeastward along the northwesterly side of Montauk Trail to Panamoka Trail; thence northward along the westerly side of Panamoka Trail, excluding all parcels abutting that road which are developed as of June 1, 1993, to Matinecock Trail; thence westward along the southerly side of Matinecock Trail to the easterly boundary of Brookhaven State Park; thence generally northward along the easterly boundary of Brookhaven State Park, including all adjacent or contiguous undeveloped Town of Brookhaven parks, preserves, open space areas, or reserved areas, to its intersection with NYS Route 25A; thence westward along the southerly side of NYS Route 25A to the northeast corner of the Shoreham-Wading River school district property; thence southward, westward, and northward along the easterly, southerly, and westerly boundaries of the Shoreham-Wading River school district property to NYS Route 25A; thence westward along the southerly side of NYS Route 25A to County Route 46; thence southward along the easterly side of County Route 46 to its intersection with the Suffolk County Pine Trail Nature Preserve; thence westward along the northerly boundary of the Suffolk County Pine Trail Nature Preserve where the Preserve is adjacent to

developed parcels or parcels in agricultural or horticultural use, or along a line parallel to, and 100 (one hundred) feet north of, the Preserve where the Preserve is adjacent to parcels which are undeveloped as of June 1, 1993, to the southeastern corner of the parcel west of Woodlots Road and identified as District 200, Section 291, Block 1, Lot 14.1; thence northward and westward along the easterly and northerly boundaries of that parcel to Whiskey Road; thence westward along the southerly side of Whiskey Road to Wading River Hollow Road; thence northward along the westerly side of Wading River Hollow Road to the boundary of the NYS Rocky Point Land; thence generally northward along the easterly boundary of the NYS Rocky Point Land, including all adjacent or contiguous undeveloped Town of Brookhaven parks, preserves, open space areas, or reserved areas, to NYS Route 25A; thence westward along the southerly side of NYS Route 25A, excluding those parcels abutting that road which are developed as of June 1, 1993, and those lands identified for the reroute of Route 25A by the NYS Department of Transportation, to the northeastern corner of the parcel identified as District 200, Section 102, Block 3, Lot 1.4; thence southward along the westerly boundary of that parcel to the parcel identified as District 200, Section 102, Block 3, Lot 1.6; thence generally westward and southward along the westerly boundaries of that parcel and the adjoining southerly parcel identified as District 200, Section 102, Block 3, Lot 1.5 to the boundary of the NYS Rocky Point Land; thence westward along the northerly boundary of the NYS Rocky Point Land to County Route 21; thence generally westward along a straight line across County Route 21 to the northernmost extent along County Route 21 of the NYS Rocky Point Land; thence generally westward along the generally northerly boundary of the NYS Rocky Point Land to the point or place of beginning, and excluding the area defined as beginning at a point where the southerly boundary of NYS Route 25 meets the easterly side of the Suffolk County Pine Trail Nature Preserve; thence southeastward along the easterly side of the Suffolk County Pine Trail Nature Preserve where the Preserve is adjacent to developed parcels, or along a line parallel to, and 100 (one hundred) feet east of, the Preserve where the Preserve is adjacent to parcels which are undeveloped as of June 1, 1993, to the Long Island Lighting Company high voltage transmission lines; thence northward along the westerly side of the Long Island Lighting Company high voltage transmission lines to NYS Route 25; thence westward along the southerly side of NYS Route 25 to the point or place of beginning; and excluding two distinct areas described as follows: Area One is the area defined as beginning at a point where the southerly boundary of NYS Route 25 meets the easterly side of the Suffolk County Pine Trail Nature Preserve; thence southeastward along the easterly side of the Suffolk County Pine Trail Nature Preserve where the Preserve is adjacent to developed parcels, or along a line parallel to, and 100 (one hundred) feet east of, the Preserve where the Preserve is adjacent to parcels which are undeveloped as of June 1, 1993, to the Long Island Lighting Company high voltage transmission lines; thence northward along the westerly side of the Long Island Lighting Company high voltage transmission lines to NYS Route 25; thence westward along the southerly side of NYS Route 25 to the point or place of beginning; Area Two is the area defined as beginning at the northwest corner of the parcel identified as District 200, Section 552, Block 1, Lot 3; thence eastward, southwestward and generally northward along the northerly, southeasterly and westerly boundaries of that parcel, containing the sewage treatment facility known as the Dorade facility, to the point of beginning.

12. "Compatible growth area" shall mean the compatible growth area which comprises that area within the central pine barrens, but outside the core preservation area as defined.

13. "Development" shall mean the performance of any building activity

or mining operation, the making of any material change in the use or intensity of use of any structure or land and the creation or termination of rights of access or riparian rights. Without limitation, the following activities or uses shall be taken for the purposes of this title to involve development as defined in this subdivision:

(a) a change in type of use of a structure or land or, if the ordinance or rule divides uses into classes, a change from one class of use designated in an ordinance or rule to a use in another class so designated;

(b) a material increase in the intensity of use of land or environmental impacts as a result thereof;

(c) commencement of mining, excavation or material alteration of grade or vegetation on a parcel of land excluding environmental restoration activities;

(d) material alteration of a shore, bank or flood plain of a river, stream, lake, pond, or artificial body of water;

(e) re-establishment of a use which has been abandoned for one year;

(f) departure from the normal use for which development permission has been granted, or material failure to comply with the conditions of an ordinance, rule or order granting the development permission under which the development was commenced or is continued.

The following operations or uses do not constitute development for the purposes of this title:

(i) public improvements undertaken for the health, safety or welfare of the public. Such public improvements shall be consistent with the goals and objectives of this title, and shall include, but not be limited to, maintenance of an existing road or railroad track;

(ii) work by any utility not involving substantial engineering redesign for the purpose of inspection, maintenance or renewal on established utility rights-of-way or the likes, and any work pertaining to water supply for the residents of Suffolk county;

(iii) work for the maintenance, renewal, replacement, reconstruction, improvement, or alteration of any existing structure or additions to an existing residence or residential property owned by an association formed for the common interest in real property;

(iv) the use of any structure or land devoted to dwelling uses for any purposes customarily incidental and otherwise lawful;

(v) the use of any land for the purpose of agriculture or horticulture;

(vi) work by a utility performed for the purpose of public health, safety, or welfare and consistent with the goals and objectives of this title;

(vii) existing or expanded recreational use consistent with the purposes of this title including scouting activities, the maintenance or expansion of facilities associated with or necessary for such scouting activities including, but not limited to, the addition, modification, expansion or replacement of structures necessary for such activities and such clearing as may be reasonably required for the maintenance or expansion of scouting activities;

(viii) a change in use of land or structure from a use within a class specified in an ordinance or rule to another use in the same class;

(ix) residential development on any subdivision, residential clustered development, land division or site plan which has received preliminary or final approval on or before June first, nineteen hundred ninety-three, providing the lots to be built upon conform to the lot area requirements of the current zoning, are subject to the three year exemption contained in section two hundred sixty-five-a of the town law, or are subject to an exemption from an upzoning adopted by a town board;

(x) in the core preservation area, construction of one single family home and customary accessory uses thereto on those parcels identified in the comprehensive land use plan adopted by the commission in June of

nineteen hundred ninety-five and as amended on February twenty-first, two thousand one;

(xi) in the compatible growth area, construction of single family homes and customary accessory uses thereto on any lot held on June 1, 1993 in ownership singly and separately from adjacent lots;

(xii) in the compatible growth area, continuation of existing non-conforming uses, and activities permitted by special permit or special exception, including renewals of said special permits or exceptions;

(xiii) in the compatible growth area, land divisions or subdivisions in the compatible growth area consisting of five or fewer residential lots which conform to the lot area requirement of the existing zoning for the subject parcel;

(xiv) in the compatible growth area, renovations, reconstructions, additions or extensions to existing commercial or industrial uses providing the addition or extension conforms to the uses permitted in the zoning district in which said parcel is located and which does not increase existing square footage by more than twenty-five percent; or

(xv) in the core preservation area, the state or public corporation projects on parcels identified in the comprehensive land use plan adopted by the commission in June of nineteen hundred ninety-five, as amended on February twenty-first, two thousand one and October twentieth, two thousand four.

Development as designated in an ordinance, rule, or development permit includes all other development customarily associated with it unless otherwise specified.

14. "Agriculture" or "horticulture" shall mean any production of plants or animals useful to man, including but not limited to: forage or sod crops; grains and feed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, and including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds including wineries; vegetables; nursery, floral, ornamental and greenhouse products and farmstands for selling products raised or produced on site and other associated structures required for their production.

§ 57-0109. Establishment of Long Island Pine Barrens maritime reserve;
core preservation area and compatible growth area.

1. The region encompassing and distinguished by the Peconic Bay system, lands which gather and transmit precipitation as either groundwater or runoff into the Peconic Bay system, lands characterized by the growth of pitch pine, dwarf pine and/or scrub oak pine barrens including lands currently under the review and jurisdiction of the Suffolk county Pine Barrens review commission and lands used in traditional patterns for agriculture, finfishing, shellfishing and tourism and made up of all lands and waters located in the towns of Riverhead, Southold, Shelter Island, Southampton and East Hampton and the portion of the town of Brookhaven east of a north south line defined by extending County Road 83 to the northern most and southern most extension to their respective water boundaries of Brookhaven town and the town's incorporated villages is hereby established and designated to be the Long Island Pine Barrens Maritime reserve.

2. Within the reserve and within forty-five days of the effective date of this subdivision, the commission shall file with the secretary of state the maps of the Central Pine Barrens area classifying and depicting the core preservation area as defined, which comprises the largest essentially intact areas of undeveloped pine barrens ecology, and the compatible growth area where appropriate patterns of development and regional growth shall be permitted and shall file a certified copy thereof with the county clerk of Suffolk county and the clerk of each town or village whose boundaries are included within the Central Pine Barrens area. Notice of the filing and availability of such map shall be published at least twice in the paper of general circulation in the county of Suffolk. An affected property owner may petition the commission for precise delineation or adjustment of boundary as it applies to the affected property. The commission shall have discretionary powers to modify the boundaries of the core preservation area by up to three hundred feet as circumstances warrant after notification to the affected property owner or owners, except no boundary defined by a state or county highway or navigable waterway shall be modified to extend beyond such highway or waterway.

§ 57-0111. Long Island Pine Barrens maritime reserve council.

1. There is hereby established, within the department, a Long Island Pine Barrens maritime reserve council to help local governments and the state coordinate the efforts of all municipal, county, state and federal agencies involved in the management of the preserve and to oversee and prepare a comprehensive intergovernmental management plan for the Long Island Pine Barrens maritime reserve that the state and local governments may adopt.

2. The council shall be composed of seventeen voting members. The governor shall appoint three members. The county executive of the county of Suffolk, with the advice and consent of the county legislature, shall appoint four members. The town supervisors of the towns of Riverhead, Southold, Shelter Island, Southampton, East Hampton and Brookhaven shall each appoint one member. The commissioner or his or her designee, the commissioner of parks, recreation and historic preservation or his or her designee, the secretary of state or his or her designee for purposes of matters related to coastal resources and the commissioner of economic development or his or her designee for purposes of tourism shall serve as ex-officio members. All members, except ex-officio members shall be residents of the county of Suffolk and shall have demonstrated expertise in the functional areas to be addressed by the commission. All initial appointments shall be made within sixty days of the effective date of this title.

3. Members of the council shall serve for a term of two years or thereafter until a successor is appointed. A chairperson shall be designated by the governor. The council shall elect a vice-chairperson and such other officers as it may determine are necessary for the conduct of its duties.

4. Ten members of the council shall constitute a quorum.

5. The members of the council shall serve without compensation.

§ 57-0113. Duties of the council.

The council shall have the following powers and duties:

1. to conduct scientific and environmental studies;
2. to review and approve proposed dedications of lands to the Long Island Pine Barrens maritime preserve and recommend additional dedications to such maritime preserve;
3. to utilize to the extent feasible, the staff and facilities of state agencies, subject to the approval of the director of the budget, and local agencies to carry out the provisions of this title;
4. to hold public hearings;
5. to contract within amounts appropriated for or otherwise available for professional and technical assistance or advice;
6. to meet not less than once every two months and to encourage the attendance at such meetings of representatives of local governments and interested parties affected by the deliberations of the council;
7. to send copies of the minutes of each meeting to each town and village within the Long Island Pine Barrens maritime reserve, the members of the assembly and senators representing such area and any other interested party upon request;
8. to encourage individuals, corporations, associations and public entities to protect and preserve the unique resources of the reserve including the preserve; and
9. to contract for and to accept assistance, including but not limited to gifts, easements or loans of funds or real property or personal property from the federal government or any agency or instrumentality thereof, or from any agency or instrumentality of the state, or from any other public or private source and to comply, subject to the provisions of this title, with the terms and conditions thereof, subject to the approval of the division of the budget. Notwithstanding the provisions of section eleven of the state finance law, the commission may accept gifts, grants, devises and bequests, whether conditional or unconditional, with the approval of the director of the budget.

§ 57-0115. Comprehensive management plan.

1. The council shall, after holding public hearings, prepare and adopt a comprehensive management plan for the Long Island Pine Barrens maritime reserve, which the state and local governments may adopt. Such plan shall include, but not be limited to:

a. a statement of the public values of the area, including their educational, ecological and hydrological values, together with the general goals and policies which will best protect and enhance such values;

b. a map of the area, delineating the boundaries of the Long Island Pine Barrens maritime reserve;

c. a brief and general historical overview regarding the lands of the Long Island Pine Barrens maritime reserve;

d. an inventory of all public lands and lands available for public use within the Long Island Pine Barrens maritime reserve specifying use, facilities for public use, and the management agency with jurisdiction over the property;

e. management guidelines for the preservation, recreational and educational use of resources of the Long Island Pine Barrens maritime reserve;

f. management guidelines for protecting and supporting indigenous economic activities like agriculture, fishing, recreation and tourism;

g. a plan for protection and management for dedicated land in the Long Island Pine Barrens preserve including:

(1) A survey or inventory of the following, together with the establishment of management priorities therefor:

(i) natural plant and wildlife resources;

(ii) historic resources;

(iii) erosion control needs and stream protection;

(iv) trails, trail development and use; and

(v) other recreational uses.

(2) Recommendations for the enforcement of laws pertaining to public use activities, which can be implemented by rules and regulations for the administration and use of lands dedicated to the preserve.

(3) Recommendations for acquisition of open space suitable for dedication in the preserve.

(4) Recommendations for institutional arrangements to coordinate management of dedicated land held by separate owners;

h. a local participation plan, which describes how local citizens, officials and members of the tourism, agricultural and fishing industries will participate in the planning and implementation of the management program and which contains a statement identifying support for such program by the participating local governments; and

i. a financial statement estimating the necessary costs and potential funding sources to carry out recommendations in the study over a five year period and the benefits therefrom.

2. A draft plan shall be prepared and made available to the public and the local governments within the Long Island Pine Barrens maritime reserve prior to adopting the plan. The council shall hold public hearings at different locations within the Long Island Pine Barrens maritime reserve. There shall be two public hearings on the draft plan and there shall also be a public hearing on the completed plan before the plan is submitted to the commissioner.

§ 57-0117. Dedications to the Long Island Pine Barrens preserve;
legislative protection.

1. The commissioner shall maintain a record of the boundaries of the lands which have been dedicated to the Long Island Pine Barrens preserve in text and depicted on a map.

2. Land owned by the state within the Long Island Pine Barrens maritime reserve may be dedicated to be part of the Long Island Pine Barrens preserve by the action of the commissioner or the commissioner of parks, recreation and historic preservation, or by action of the legislature.

3. Land owned by a local government within the Long Island Pine Barrens maritime reserve may be dedicated to the Long Island Pine Barrens preserve by the action of its local legislative body.

4. Land owned by private individuals within the Long Island Pine Barrens maritime reserve may be dedicated to be part of the Long Island Pine Barrens preserve by the execution of a conservation easement.

5. Land in the core preservation area which come in the public domain shall be deemed to be dedicated to the Long Island Pine Barrens Preserve.

6. Except for the core preservation area which shall be deemed to be dedicated to the preserve, the council shall review and must approve each dedication of land to the preserve.

7. No publicly owned real property, dedicated to the Long Island Pine Barrens preserve, shall be alienated except by law enacted by two successive regular sessions of the legislature, but easements for public water supply purposes may be maintained consistent with local ordinances.

8. The council shall have no authority to manage any private land unless such land has been voluntarily dedicated pursuant to this title or the owner has executed a voluntary written agreement with the council authorizing the specific management actions taken.

9. Nothing contained in this title shall affect any previous dedication of state land to the State Nature and Historic preserve. Any state land dedicated to the Long Island Pine Barrens preserve may also be dedicated to the State Nature and Historic preserve.

§ 57-0119. Central Pine Barrens joint planning and policy commission.

1. It is hereby found, determined and declared that the Long Island Central Pine Barrens area is a major resource area of statewide significance where the hydrological and ecological integrity is endangered; that a public entity representative of town, county and state government is necessary and appropriate to plan, manage and oversee land use within the Central Pine Barrens area of Long Island Pine Barrens Maritime reserve in the public interest for present and future generations; and that the Central Pine Barrens joint planning and policy commission created by this section and its purposes are in all respects for the benefit of the people of the state of New York and are a public purpose.

2. There is hereby established, the Central Pine Barrens joint planning and policy commission to consist of five voting members: one member appointed by the governor who will serve at the pleasure of the governor and four ex officio members who are the county executive of Suffolk county, the supervisor of the town of Brookhaven, the supervisor of the town of Riverhead and the supervisor of the town of Southampton. Each ex officio member may appoint a designated representative, by official authority filed with the commission, to exercise his or her powers and perform his or her duties, including the right to vote, on the commission. The commission shall elect one of its members as chairperson. Four members shall constitute a quorum for the transaction of any business or the exercise of any power or function of the commission. An affirmative vote of three or more members shall be required to pass a resolution or otherwise exercise any functions or powers of the commission, except the adoption of the plan which requires a unanimous vote of the commission.

3. The commission shall hold its initial meeting within thirty days of enactment of this section, following public notice by the county executive.

4. Every state agency and public corporation having jurisdiction of land or water within the Central Pine Barrens area or of programs relating to the purposes and goals of this title shall, to the fullest extent practicable, offer full cooperation and assistance to the commission in carrying out the provisions of this title.

5. Every local or regional agency with activities relating to the Central Pine Barrens area may offer assistance to the commission in carrying out the provisions of this title.

6. The commission shall have the power:

(a) To prepare, adopt, enforce and ensure implementation of the comprehensive land use plan, with the advice of the advisory committee;

(b) To sue and be sued;

(c) To make and execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions under this title;

(d) To establish and maintain such facilities as may be necessary for the transacting of its business;

(e) To appoint an executive officer, officers, agents, employees, and prescribe their duties and qualifications and fix their compensation;

(f) To utilize to the extent feasible the staff and facilities of existing state and county agencies, pursuant to an agreement to be made by the state or by the county of Suffolk;

(g) To hold hearings in the exercise of its powers, functions and duties provided for by this title;

(h) To contract for professional and technical assistance and advice;

(i) To contract for and to accept any assistance, including but not limited to gifts, grants or loans of funds or of property from the federal government or any agency or instrumentality thereof, or from any agency or instrumentality of the state, or from any other public or private source and to comply, subject to the provisions of this title,

with the terms and conditions thereof;

(j) To establish regulations, values, and standards which may include a system of bonuses and incentives in order to purchase, sell, hold and trade development rights as defined in paragraph a of subdivision one of section two hundred sixty-one-a of the town law; such transfers may cross municipal and special district boundaries;

(k) To adopt, amend and repeal, after public hearing (except in the case of rules and regulations that relate to the organization or internal management of the agency), such rules and regulations, consistent with this title, as it deems necessary to administer this title, and to do any and all things necessary or appropriate to carry out the purposes and policies of this title and exercise powers granted by law;

(k-1) To purchase the maximum insurance, practicable and affordable from revenues in the Pine Barrens fund pursuant to section ninety-seven-o of the state finance law, from any duly authorized insurer in this state, against any liability subject to indemnity pursuant to subdivision six of section 57-0123 of this chapter;

(k-2) To acquire, hold lands and interest in land, and utilize the power of eminent domain within available funds in the Pine Barrens fund pursuant to section ninety-seven-o of the state finance law or made available by local, county, or state government;

(l) To provide scientific and technical assistance or to make grants to municipalities, towns and the county for revisions of local master plans, or the relevant ordinances designed to bring such plans and ordinances into conformance with the comprehensive land use plan prepared and adopted by the commission. The commission may make such grants from any funds which may be appropriated or otherwise made available to it for such purpose;

(m) To establish and maintain an education and outreach program relating to the commission's work;

(n) To convene conferences, seminars, meetings, technical sessions on its own or in coordination with federal, state, county, town or private organizations as deemed necessary relative to its responsibilities;

(o) To report periodically to the governor and the legislature on the conduct of its activities not less than once a year, furnishing a copy of each such report to the legislative bodies of Suffolk county and the towns and villages in whole or in part within the Central Pine Barrens area;

(p) To assist local, county and state government in prioritization and negotiation with private landowners whose property is restricted by the land use plan, to evaluate the impact of any restrictions and develop a package of benefits; and

(q) To have and exercise such other incidental and usual powers as are necessary and appropriate to carry out its duties.

7. The commission shall within six months of the first meeting of the commission:

(a) Inventory all private parcels within the core preservation area.

(b) Upon completion of the inventory, notify property owners and assign and calculate the development yield for each property located in the core preservation area. Development yield may be calculated in accordance with such factors as area, floor area, floor area ratios, density, height limitations or other criteria that will effectively quantify a value for establishing development rights in a reasonable and uniform manner that will carry out the objectives of this title.

8. The commission shall within twelve months of the first meeting of the commission:

(a) Identify receiving districts within and without the Central Pine Barrens sufficient to receive and transfer of rights and values of the core preservation area and for the continuation of an adequate program of development rights or development values.

(b) Consider the fiscal impact of the established transfer of development rights and values system.

9. There is hereby created a Central Pine Barrens advisory committee to actively assist and advise the commission in the preparation, adoption and implementation of the Central Pine Barrens comprehensive land use plan. The committee shall consist of not more than twenty-eight members which shall include representatives of environmental groups, economic development and real estate interests, farmers, water suppliers, civic groups, planners, biologists, water quality scientists and recreational interests. The members of the committee shall serve without compensation. The initial members of the advisory committee shall include a representative of the Long Island Association, Long Island Builders Institute, Association For A Better Long Island, Long Island Board of Realtors, Long Island Farm Bureau, Suffolk County Water Authority, SUNY at Stony Brook, Regional Plan Association, Long Island Pine Barrens Society, Group For The South Fork, The Nature Conservancy, North Fork Environmental Council, Open Space Council, Long Island Greenbelt Trail Conference, Environmental Defense Fund, Eastern Suffolk Board of Realtors, Southampton Alliance, South Fork Promotion Committee or their successors and interests, a member from the Long Island regional planning board, two members from the New York state legislative commission on water resource needs of Long Island and a civic representative from each of the towns of Southampton, Brookhaven and Riverhead designated by the supervisor thereof. The committee may be expanded as necessary to incorporate other interests in the development and preservation of the Central Pine Barrens preserve. Each member shall serve at the pleasure of the entity which designated it. The committee by a majority vote shall elect a chairperson. The commission shall meet periodically with the advisory committee, make available working draft and other documents, and shall provide services to the advisory committee as are necessary and appropriate to carry out its functions under this title.

§ 57-0121. Central Pine Barrens comprehensive land use plan; interim regulations.

1. As soon as practicable and within twelve months of the effective date of this section, the commission shall, after consultation with the advisory committee, prepare or cause to be prepared a draft comprehensive land use plan and generic environmental impact statement thereon which shall be part of the plan for the Central Pine Barrens area. The land use plan shall be designed to preserve the Pine Barrens ecology and to ensure the high quality of groundwater within the Central Pine Barrens area and to balance the public and private interests in development and in protection of the Pine Barrens ecology consistent with the objectives of the land use plan. Where local plans exist, the commission shall evaluate and incorporate such plans as is appropriate in the land use plan.

2. The land use plan for the Central Pine Barrens area shall be designed to:

(a) protect, preserve and enhance the functional integrity of the Pine Barrens ecosystem and the significant natural resources, including plant and animal populations and communities, thereof;

(b) protect the quality of surface water and groundwater;

(c) discourage piecemeal and scattered development;

(d) promote active and passive recreational and environmental educational uses that are consistent with the land use plan; and

(e) accommodate development, in a manner consistent with the long term integrity of the Pine Barrens ecosystem and to ensure that the pattern of development is compact, efficient and orderly.

3. The land use 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:

(a) preserving the Pine Barrens area in their natural state thereby insuring the continuation of Pine Barrens environments which contain the unique and significant ecologic, hydrogeologic and other resources representative of such environments;

(b) promoting compatible agricultural, horticultural and open space recreational uses within the framework of maintaining a Pine Barrens environment and minimizing the impact of such activities thereon;

(c) prohibiting or redirecting new construction or development;

(d) accommodating specific Pine Barrens management practices, such as prescribed burning, necessary to maintain the special ecology of the preservation area;

(e) protecting and preserving the quality of surface and groundwaters; and

(f) coordinating and providing for the acquisition of private land interests as appropriate and consistent with available funds.

4. The land use plan with respect to the compatible growth areas shall be designed to:

(a) preserve and maintain the essential character of the existing Pine Barrens environment, including plant and animal species indigenous thereto and habitats therefor;

(b) protect the quality of surface and groundwaters;

(c) discourage piecemeal and scattered development;

(d) encourage appropriate patterns of compatible residential, commercial, agricultural, and industrial development in order to accommodate regional growth influences in an orderly way while protecting the Pine Barrens environment from the individual and cumulative adverse impacts thereof;

(e) accommodate a portion of development redirected from the preservation area. Such development may be redirected across municipal boundaries; and

(f) allow appropriate growth consistent with the natural resource

goals pursuant to this title.

5. Preparation of the land use plan shall be based on the following planning studies and reports:

(a) Previously undertaken and current groundwater and ecological studies pertaining to the reserve, generally, and the Central Pine Barrens area, specifically;

(b) General planning studies of the reserve, generally, and the Central Pine Barrens area, specifically, including but not limited to:

(i) population and population distribution;

(ii) amount, type, intensity, and general location of commerce, industry and agricultural production;

(iii) amount, type, quality, and general location of housing;

(iv) general location and extent of existing or currently planned major transportation, utility, and community facilities;

(v) amount, general location, and interrelationship of different categories of land use;

(vi) areas, sites, or structures of historical, archaeological, architectural, or scenic significance;

(vii) natural resources, including air, water, open spaces, forests, soils, rivers, wetlands and other waters, shorelines, fisheries, wildlife, vegetation, threatened species, and minerals; and

(viii) any other matter found to be important to preservation and future development.

(c) Scientific research prepared for other hydrological or ecological areas analogous to the reserve, generally, and the Central Pine Barrens area specifically. Such studies and reports may include, but are not limited to those undertaken by the New Jersey Pinelands commission or Cape Code commission.

(d) Public improvement studies including but not limited to the area or subareas within the Central Pine Barrens area or outside such area having an aggregation of sites with development potential to facilitate application of transfer of development rights that could create the need for new public improvements and/or public improvement expansions;

(e) Advisory committee recommendations or reports.

6. The land use plan shall provide for, address and include but not be limited to the following:

(a) Statements of objectives, policies and standards as they pertain to the purposes of this title and the land use plan.

(b) A map depicting the core preservation area.

(c) A map depicting compatible growth areas in the Central Pine Barrens area where orderly and environmentally compatible development can be encouraged and to which development potential within the preserve may be transferred.

(d) A phased public improvement element for providing the public facilities necessary for carrying out the goals for the core preservation and compatible growth areas.

(e) 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.

(f) 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 and methodologies and standards for procedural equity and appropriate values in establishing rights and values consistent with the provisions of section two hundred sixty-one-a of the town law.

(g) Identification of land suitable for agricultural use and necessary and appropriate strategies to protect land capable of agricultural production.

(h) Development criteria and performance standards.

(i) An intergovernmental coordination and consistency component establishing the ways in which state and local programs and policies may best be coordinated to promote the goals and implement the policies of the land use plan.

(j) A financial component analyzing the public and private costs of developing and implementing the land use plan which shall include:

(i) detailed costs including those for infrastructure improvements, acquisition of fee simple or other interests in lands for preservation or recreation purposes, compensation guarantees, general administrative costs and any anticipated extraordinary or continuing costs; and

(ii) the source of revenue for covering such costs, including, but not limited to, grants, donations and loans from local, state and federal departments and agencies and from the private sector.

(k) A program for state, county and local governmental implementation of the comprehensive land use plan and the various elements thereof in a manner that will insure the continued, uniform, and consistent protection of the Pine Barrens ecosystem and development objectives including:

(i) minimum standards for the adoption, as required in this title, of municipal and county plans, codes and ordinances concerning the development and use of land including, but not limited to, standards for minimum lot sizes, site clearance and wetland setbacks, appropriate population and densities and regulated or prohibited uses for specific portions of the Pine Barrens area and procedures for determining hardship consistent with the purposes and provisions of this title;

(ii) guidelines and standards for review of projects of regional significance which because of scale of intensity of use or location are likely to impede implementation of the land use plan; and

(iii) guidelines for consistency with the land use plan by state, county and local agencies.

(l) Professional staffing requirements necessary to carry out the land use plan.

(m) Land protection mechanisms, including, but not limited to, acquisition, conservation easements, rights and values transfers, purchase of development rights, donations and clustering, planned unit development, land trusts, exchanges between privately and publicly owned lands, or other zoning activities consistent with the provisions of this title.

(n) Provisions for use of best management practices, in all natural resource-dependent commercial and industrial activities, including agriculture, horticulture and related activities.

(o) Provisions for restoration of natural and cultural resources where such resources have been damaged, lost, or otherwise impaired. Such work shall address restoration of Pine Barrens habitats, stream and shore revitalization, historic structures, traditional industries demonstration programs, and strengthening of community character which will be consistent with the provisions of the comprehensive management plan pursuant to section 57-0115 of this title.

(p) Provisions for cumulative impact analyses, both environmental and economic, for the effects of development, preservation, financial policies and related factors upon the Central Pine Barrens area, its private and public open space, its residents and constituents, school and other special districts, and other pertinent aspects or demographic sectors.

(q) Recommendations for further legislation at the state, county, and local levels as may be necessary to fully implement the provisions of this title.

(r) Provisions for management and stewardship of natural and cultural resources which shall include coordination by owners of public lands which will be consistent with the provisions of the comprehensive management plan pursuant to section 57-0115 of this title.

(s) Provisions for appropriate and relevant scientific research relating to the species, ecological communities and processes, natural landscape features, and surface and groundwater resources of the Central Pine Barrens necessary to ensure and enhance the long-term management of the preserve. Such research may be addressed in a cooperative effort with the state university of New York at Stony Brook through its biological research station, established by the department of ecology and evolution.

(t) Provisions for fire management for controlled, prescribed burning, and responses to unanticipated fires. This shall include coordination among the department and local fire departments.

(u) Description of developments of regional significance.

The land use plan shall also, as funds permit, provide for a follow-up plan to be undertaken by the commission for a partnership infrastructure and sustainable development plan for the reserve. Based on the land use plan and the comprehensive management plan, such follow up plan shall be designed to (i) coordinate the activities of all governmental entities in the provision of infrastructure necessary to support orderly development in the compatible growth areas and support of sustainable development in the reserve outside of the preserve; and (ii) coordinate and focus investment in sustainable development efforts.

7. Notwithstanding any provision contrary to any other provisions of article eight of this chapter, the commission shall be the lead agency for the generic environmental impact statement which is part of the land use plan. Such generic environmental impact statement shall be prepared in accordance with the provisions of article eight of this chapter.

8. In order to effectuate the purposes and provisions of this title, no person, public corporation or the state shall undertake or otherwise engage in development within the Central Pine Barrens area prior to approval and implementation of the land use plan except as provided by this section. No amendments to the existing town or village zoning laws, ordinances or regulations affecting development within the Central Pine Barrens area shall take effect prior to the approval of the land use plan as provided in this chapter except that a town may as part of a zoning ordinance adopted pursuant to article sixteen of the town law or by local law pursuant to other enabling law, provide for a planned unit development or planned development district ordinance for a development for which the designated lead agency, on or before June first, nineteen hundred ninety-three, accepted a draft environmental impact statement or draft generic environmental impact statement under article eight of this chapter. The provisions of this section shall not apply to development in the compatible growth area for which:

(a) the designated lead agency, on or before June first, nineteen hundred ninety-three, accepted a draft environmental impact statement or draft generic environmental impact statement or issued a conditioned negative declaration or a negative declaration under article eight of this chapter, or

(b) all required municipal and state permits and approvals were issued on or before June first, nineteen hundred ninety-three (except that a building permit need not have been issued by said date), or

(c) The designated lead agency, after June first, nineteen hundred ninety-three and prior to ninety days immediately following adoption of this section or as extended at the discretion of the commission in its interim rules and regulations adopted pursuant to section nine herein, issues on an active application a conditioned negative declaration or a negative declaration under article eight of this chapter and which does conform to the use and lot area requirements of the zoning in effect in

the relevant municipality on June first, nineteen hundred ninety-three, and does not necessitate a use variance. Notwithstanding the foregoing, in the event a commissioner within thirty days of receiving notice of said issuance requests review of the action by the full commission, the development shall be subject to the interim rules and regulations and reviewed as provided for in section nine herein.

In the event that an event referred to herein (acceptance of a draft environmental impact statement or draft generic environmental impact statement; issuance of a conditioned negative declaration or negative declaration; or issuance of a required permit or approval) is annulled or vacated by a court of competent jurisdiction and such judicial action has not been reversed by a superior court, then, for purposes of this section, such event shall be deemed not to have taken place.

Notwithstanding any other provision of law, any development which includes land within the core preservation area for which the designated lead agency, on or before June first, nineteen hundred ninety-three, accepted a draft environmental impact statement or draft generic environmental impact statement shall not require a supplemental draft or generic environmental impact statement under article eight of this chapter solely because such development includes land within the core preservation area.

9. Within three months of the effective date of this section, the commission shall publish interim goals and standards for development and for hardship before the land use plan is implemented in compatible growth areas identified in the map. The commission may vary the procedures and time periods for compliance with article eight of this chapter as necessary and appropriate to comply with the three month deadline of this subdivision. Upon such publication, development may proceed in such compatible growth areas subject to existing laws, regulations and approval procedures and subject to the review and approval of the commission. Any person, the state or a public corporation applying for development in such compatible growth areas who has received all necessary local and state approvals may petition the commission for approval of the development. Within thirty days of an application being received, the commission shall provide the applicant and any other interested party an opportunity to be heard. Notice of such hearing shall be published in a newspaper having a general circulation in the Central Pine Barrens area, and notice of such hearing shall also be given by registered mail to the chief administrative officer of each town and village within whose boundary any proposed development is located. If the proposed development is consistent with the commission's interim goals and standards, the commission shall approve the development and may include conditions for approval. If the applicant seeks an exemption based upon a demonstration of hardship, the commission may approve development in the compatible growth area upon the finding that such interim goals and standards caused an unnecessary hardship. In making such finding the commission shall consider the criteria for a use variance pursuant to section two hundred sixty-seven-b of the town law. The commission must make a decision within one hundred twenty days of receipt of a complete application. If the commission fails to make a decision within one hundred twenty days, the development shall be deemed to be approved by the commission, unless extended by mutual agreement of the applicant and commission.

10. Any person, the state or a public corporation upon a showing of hardship caused by the provisions of subdivision eight of this section on development in the core preservation area, may apply to the commission for a permit exempting such applicant from such subdivision eight in connection with any proposed development in the core preservation area. Such application for an exemption pursuant to the demonstration of hardship within the core preservation area shall be approved only if the person satisfies the following conditions and

extraordinary hardship or compelling public need is determined to have been established under the following standards or for development by the state or a public corporation or proposed for land owned by the state or a public corporation compelling public need is determined to have been established under the following standards:

(a) The particular physical surroundings, shape or topographical conditions of the specific property involved would result in an extraordinary hardship, as distinguished from a mere inconvenience, if the provisions of this act are literally enforced. A person shall be deemed to have established the existence of extraordinary hardship only if he or she demonstrates, based on specific facts, that the subject property does not have any beneficial use if used for its present use or developed as authorized by the provisions of this title, and that this inability to have a beneficial use results from unique circumstances peculiar to the subject property which:

(i) Do not apply to or affect other property in the immediate vicinity;

(ii) Relate to or arise out of the characteristics of the subject property rather than the personal situation of the applicant; or

(iii) Are not the result of any action or inaction by the applicant or the owner or his or her predecessors in title including any transfer of contiguous lands which were in common ownership on or after June 1, 1993.

(b) A person, the state or a public corporation shall be deemed to have established compelling public need if the applicant demonstrates, based on specific facts, one of the following:

(i) The proposed development will serve an essential health or safety need of the municipalities in the Central Pine Barrens such that the public health and safety require the requested waiver, that the public benefits from the proposed use are of a character that overrides the importance of the protection of the core preservation area as established in this title, that the proposed use is required to serve existing needs of the residents, and that no feasible alternatives exist outside the core preservation area to meet the established public need and that no better alternatives exist within the county; or

(ii) The proposed development constitutes an adaptive reuse of an historic resource designated by the commission and said reuse is the minimum relief necessary to ensure the integrity and continued protection of the designated historic resource and further that the designated historic resource's integrity and continued protection cannot be maintained without the granting of a permit.

(c) An application for a permit in the core preservation area shall be approved only if it is determined that the following additional standards also are met:

(i) The granting of the permit will not be materially detrimental or injurious to other property or improvements in the area in which the subject property is located, increase the danger of fire, endanger public safety or result in substantial impairment of the resources of the core preservation area;

(ii) The waiver will not be inconsistent with the purposes, objectives or the general spirit and intent of this title; or

(iii) The waiver is the minimum relief necessary to relieve the extraordinary hardship, which may include the granting of a residential development right to other lands in the compatible growth area that may be transferred or clustered to those lands to satisfy the compelling public need.

Any waiver or exemption granted under the provisions of this part shall only be considered an exemption or waiver of the particular standard of this title which the commission waived. It shall not constitute an approval of the entire development proposal. Nor shall it constitute a waiver from any requirements contained within any local,

county or state law or ordinance.

Within thirty days of the application being received, the commission shall provide the applicant and any other interested party an opportunity to be heard. Notice of any public hearing conducted in connection with an application for such a permit shall be published in a newspaper of general circulation in the Central Pine Barrens area. If the proposed development is not contrary to the policy or any provision of this title and meets the standards of extraordinary hardship or public need herein, and the commission so finds, it may issue a permit allowing the development or such development subject to appropriate conditions or modifications to occur, provided that permission may be revoked by the commission if its terms are violated, and provided further that any such hardship permit issued by the commission shall be in addition to, and not in lieu of, such permit or permits as may be required by any state agency or municipality within whose boundary such development is located. 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 article eight of this chapter is one hundred twenty 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 article eight of this chapter is sixty days from issuance of a findings statement by the commission pursuant to article eight of this chapter. 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 extended by mutual agreement of the applicant and commission.

11. In preparation of the land use plan, the commission shall:

(a) consult with appropriate officials of any regional, state or federal agency which has jurisdiction over lands and waters within the Central Pine Barrens area;

(b) consult with the officials of any municipality which has jurisdiction over lands and waters within the Central Pine Barrens area;

(c) consult with interested professional, scientific and citizens' organizations; and

(d) consult with citizens' committees.

12. Following consultation with the advisory committee and within the twelve month period established therefor, the commission shall publish the draft land use plan. Within three months of such publication, the commission shall hold public informational meetings in the towns of Brookhaven, Riverhead and Southampton and at least one public hearing within the Central Pine Barrens area. During this period the commission shall receive and review comments on the draft land use plan-generic environmental impact statement from state and local governments and the public and within three months, the commission shall recommend a revised comprehensive land use plan pursuant to this title to the respective town boards of such towns for their ratification and adoption. Within two months of the commission recommending the plan to the respective town boards, the town boards shall perform a comprehensive review of the plan and shall provide final comments to the commission. The commission at its discretion may modify the plan as requested by the town representatives. After modifying the plan as necessary, the commission shall prepare a draft supplemental generic environmental impact statement and a final generic environmental impact statement, and the towns and commission shall adopt the necessary statement of findings pursuant to article eight of this chapter. Ratification and adoption of the plan by the town boards of Brookhaven, Riverhead, and Southampton shall represent commitment to implementation of the provisions contained therein. Upon ratification and adoption by such three towns, the commission itself will formally adopt the plan-generic environmental impact statement and its provisions shall be in full force. Adoption by

the commission shall only be upon the signature of the governor, county executive of Suffolk county, supervisor of the town of Brookhaven, supervisor of the town of Riverhead and supervisor of the town of Southampton.

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.

§ 57-0123. Implementation of the Central Pine Barrens comprehensive land use plan.

1. Within three months after the land use plan has been adopted by the commission, each town board and village board with jurisdiction within the Central Pine Barrens area shall adopt and amend as necessary land use and zoning regulations, by local law or ordinance, rule or regulation to conform their land use regulations to the land use plan. Such action shall not be subject to the provisions of article eight of this chapter if it is in conformance with the conditions and thresholds of the land use plan. At least thirty days before adoption thereof, the town or village board shall submit the proposed regulations to the commission for its review and approval. Within ten days of receipt of such proposed regulations, the commission shall review and approve such proposed regulations, or if it does not approve them, return them with comments on what needs to be done to make them approvable. For each jurisdiction, the land use plan shall be deemed to be implemented upon adoption by the town or village board of approved land use regulations. The interim regulation provisions of subdivisions eight, nine, and ten of section 57-0121 of this title shall remain in effect for each town or village until it has adopted approved land use regulations to conform to the adopted comprehensive management plan. Within villages that were incorporated on or before June 30, 1993, whose land use and zoning regulations are approved by the commission consistent with the land use plan pursuant to section 57-0121 of this title, development which conforms to such land use and zoning regulations and does not have significant adverse impacts on the goals of the land use plan shall not be subject to review by the commission. After town or village land use regulations have been approved and upon a finding that a town or village has changed such regulations in a manner substantially inconsistent with the land use plan or has administered its approved land use regulations in a manner substantially inconsistent with the land use plan, the commission shall withdraw approval of such land use regulations and the provisions of subdivisions eight, nine and ten of section 57-0121 of this title shall be reinstated. Such withdrawal of approval shall be made not before fourteen days after the commission holds a public hearing in the affected town or village on the proposed withdrawal. Notice of such hearing shall be published in a newspaper having general circulation in the Central Pine Barrens area and notice of such hearing shall also be given by registered mail to the affected supervisor or mayor.

2. (a) The commission shall have jurisdiction to review and approve all proposed development in critical resource areas and developments of regional significance as identified in the land use plan and proposed developments found by the commission after petition by a commissioner to have significant adverse impact on the land use plan. Any commissioner may petition the commission to assert review jurisdiction over a proposed development outside of a critical resource area or which is other than a project of regional significance which has a significant adverse impact on the goals of the land use plan. If the commissioner by majority vote asserts jurisdiction, such project or action shall be subject to review by the commission. For the purposes of review and identification of projects coming under the jurisdiction of the commission by virtue of critical resource area or area of regional impact or at the request of any commission member, the commission shall designate the responsible planning entity or staff for the purposes of advising the commission with respect to such applications or projects. To the fullest extent possible, the commission shall consolidate and coordinate its review with the appropriate local government. A person, the state or a public corporation proposing development in a critical resource area or development of regional significance shall apply to the commission for approval of the development. Applications shall be made

to the commission on forms and in such manner as the land use plan and commission shall designate.

(b) The commission must make a decision within one hundred twenty days of the receipt of a complete application. If the commission fails to make a decision within one hundred twenty days, the development shall be deemed to be approved by the commission, unless extended by mutual agreement of the applicant and the commission. The commission must make a decision within one hundred twenty days of asserting jurisdiction over a project that is before the commission based on the petition by a commissioner. If the commission fails to make a decision within one hundred twenty days of the date of asserting jurisdiction, the development shall be deemed to be approved by the commission, unless extended by mutual agreement of the applicant and the commission.

3. (a) Subsequent to the adoption of the land use plan, the provisions of any other law, ordinance, rule or regulation to the contrary notwithstanding, no application for development within the Central Pine Barrens area shall be approved by any municipality or county or agency thereof or the commission, and no state approval, certificate, license, consent, permit, or financial assistance for the construction of any structure or the disturbance of any land within such area shall be granted, unless such approval or grant conforms to the provisions of such land use plan; provided, however, that the commission by majority vote is hereby authorized to waive strict compliance with such plan or with any element or standard contained therein, for an application for development of any person, upon finding that such waiver is necessary to alleviate hardship for proposed development in the core preservation area according to the conditions and finding of extraordinary hardship or compelling public need pursuant to subdivision ten of section 57-0121 of this title, or for an application for development by the state or public corporation or proposed for land owned by the state or public corporation finding that such waiver is necessary to alleviate hardship for proposed development in the core preservation area according to the conditions and finding of compelling public need pursuant to subdivision ten of section 57-0121 of this title, and every application is consistent with the purposes and provisions of this article and would not result in substantial impairment of the resources of the Central Pine Barrens area.

(b) The commission by majority vote is also authorized to waive strict compliance with such plan or with any element or standard contained therein, upon finding that such waiver is necessary to alleviate hardship for development proposed by any person, the state or a public corporation in the compatible growth area according to the conditions and findings of hardship pursuant to subdivision nine of section 57-0121 of this title, is consistent with the purposes and provisions of this title and would not result in substantial impairment of the resources of the Central Pine Barrens area.

(c) The commission must make a decision within the time periods established pursuant to subdivision ten of section 57-0121 of this title. 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 extended by mutual agreement of the applicant and the commission. The aforesaid time period and the processing and review of an application shall be suspended by the commission with notice to the applicant where a proceeding pursuant to section 57-0136 of this title is pending against the applicant with respect to the property at issue or otherwise arising out of the ownership or use of such property.

4. Notwithstanding any inconsistent provisions in article eight of this chapter and within towns and villages with approved land use regulations, actions wholly within the Central Pine Barrens area in conformance with the conditions and thresholds of the land use plan and the generic environmental impact statement thereof shall require no

further environmental impact statement with respect to impacts addressed in such generic environmental impact statement. Further project-specific compliance with article eight of this chapter may be required. Upon ratification by the towns and adoption of the land use plan by the commission, the consistency provisions of article fifty-five are no longer required.

5. Notwithstanding any other provision of law, any state agency may provide in implementing a ranking system for allocating funds for infrastructure, land acquisition, farmland preservation or park assistance projects a preference not to exceed the equivalent of an advantage of five percent for such projects which are identified in a land use plan.

6. For the county of Suffolk, and each town or village implementing regulations wholly within the Central Pine Barrens area approved by the commission, there may be defense by and shall be indemnity from the state in the event of legal actions or proceedings brought against any such municipalities or their agents, servants, officials or employees that may result from the municipal acquisition of land consistent with the land use plan or comprehensive management plan or the adoption or implementation of any land use control including, but not limited to, the provisions of a zoning law, ordinance, or regulation consistent with this title or required by the minimum standards and criteria of the land use plan. Indemnity shall not apply to any such claim in which a final court determination results in a finding of intentional wrongdoing, recklessness, or an unlawful discriminatory practice including the finding that the land use control was intended to exclude a particular group or individual, or gross negligence on the part of such municipality or its agents, servants, officials, or employees. Actions or proceedings brought under subdivisions two, two-a, three-b, four, paragraphs (a) and (b) of subdivision five and subdivisions six, seven, fourteen, and eighteen of section two hundred ninety-six of the executive law and 42 U.S.C. 55 1981, 1983, 1988 shall be indemnified by the state only so far as the grievance alleged in such action or proceeding was the result of an act consistent with this title or the plan.

(a) Such indemnity shall apply only to the extent that any such claim exceeds any insurance coverage obtained by the commission from revenues in the Pine Barrens fund.

(b) Such indemnity shall be conditioned upon (i) delivery by the governing body or its agent against whom the legal action or proceeding was commenced to the attorney general or an assistant attorney general at an office of the department of law in the state the original or a copy of any summons, complaint, process, notice, demand or pleading within fifteen days after such document is served upon such governing body or its agent, and (ii) the full cooperation of the governing body or its agents against whom the action or proceeding was commenced in the defense of such action or proceeding and in defense of any action or proceeding against the state based upon the same act or omission, and in the prosecution of any appeal.

(c) There shall be no indemnity in the event of a settlement between or among the parties to such legal action or proceeding in those instances in which the attorney general is not providing the defense for the governing body or its agents, unless such settlement is approved by the commission with the concurrence of the attorney general.

7. Notwithstanding any other provision of law to the contrary and in addition to any existing authority therefor, a town or village in implementing regulations approved by the commission and acting in furtherance of the land use plan may enter into an agreement to condition a zoning amendment.

§ 57-0125. Addition of towns.

1. The legislature finds that in order to facilitate regional planning for Long Island, local governments within the reserve but located outside of the Central Pine Barrens area may similarly benefit from the planning effort undertaken by the commission. Therefore, after the completion, ratification, and adoption of the comprehensive land use plan and upon application to the commission, the towns of East Hampton, Shelter Island, and Southold may elect, by duly adopted resolution of their town boards, to join the commission or establish a similar planning effort for those areas outside the Central Pine Barrens area and within the reserve that warrant and would benefit from such regional efforts consistent with the goals and objectives of this title.

2. All benefits and obligations which accrue to municipalities which participate with the commission shall be afforded to the municipalities of the South and North Fork which elect to voluntarily participate in this process, subject to the obligations of this title. Such benefits may include funding for the development and implementation of regional plans. The provisions of this title with respect to the interim provisions shall not apply. To the extent feasible, towns electing to develop and implement such regional plans consistent with this title, shall utilize the commission and its supportive structure.

3. Upon completion, ratification, and adoption of the comprehensive land use plan, and an expressed interest on the part of the towns of East Hampton, Shelter Island, or Southold, the commission shall establish criteria for participating in this process. Such criteria may not include the imposition of a moratorium or restriction of development as a requirement for participation.

§ 57-0127. Cooperation of state and municipal agencies.

The council may request and shall be provided with such cooperation, assistance, services and data, from any department, agency, advisory board, task force, commission, bureau or any other agency having jurisdiction over land or water within the Long Island Pine Barrens maritime reserve, as are necessary to carry out the council's function pursuant to this title. The council shall coordinate its actions with the region 1 regional advisory committee, established by section 49-0209 of this chapter. Every state agency is authorized to provide, within amounts appropriated therefor and subject to the approval of the director of the budget, such assistance and services as the council may request.

§ 57-0129. Acceptance of monies.

The council may accept any grant or appropriation from federal, state and municipal sources and any gift for use to carry out the provisions of this title. Such monies shall be expended by the council to carry out the provisions of this title, except that such expenditures shall not exceed the grants, appropriations and gifts received by the council.

§ 57-0131. Limitations on regulation of hunting, fishing and recreation activities; nonregulation of federal conservation activities.

Nothing in this title shall be interpreted to authorize the regulation of hunting, shellfishing, fishing, trapping, possession of wildlife or other recreational activities in the Long Island Pine Barrens maritime reserve, except as otherwise provided by law. This title shall not apply to any action undertaken by any federal agency or federal department in fulfillment of its obligations or duties pursuant to any federal law, federal regulation, federal agency policy, or federal management activity relating to wildlife, game or nongame species management, habitat protection, or migratory species protection.

§ 57-0133. Affect on other laws.

Except as otherwise provided in the provisions of this title, this title shall not affect:

1. the police powers, local planning powers, zoning powers or authority to regulate land uses by villages and towns within the Long Island Pine Barrens maritime reserve; or
2. the police power of the state to regulate any activity carried upon any lands, in the Long Island Pine Barrens maritime reserve; or
3. the authority of any state or public agency in the management of any state or public lands in the Long Island Pine Barrens maritime reserve.

§ 57-0135. Judicial review.

Any person aggrieved by a final determination by any governing body acting under this title, may within thirty days from the date of such determination seek judicial review pursuant to article seventy-eight of the civil practice law and rules in the supreme court. The commission shall be a party to any such proceeding. In the event that the court finds that the determination of such governing body constitutes the equivalent of taking without just compensation, the commission may set aside the determination of such governing body, or if the land so regulated otherwise meets the goals and objectives of this title and if the commission or the governing body has sufficient funds therefor, the commission or the governing body may acquire such land or interest in lands as have been taken, proceeding under the power of eminent domain. All issues in any proceeding under the power of eminent domain shall have preference over all other civil actions or proceedings.

§ 57-0136. Penalties and enforcement.

1. Violations. (a) All of the rights and remedies provided for in this section are in addition to all of the rights and remedies available to the villages and towns located within the "Central Pine Barrens Area" as specifically defined in subdivision ten of section 57-0107 of this title. All of the rights and remedies provided for in this section are in addition to all of the rights and remedies available to the attorney general as provided for in state law.

(b) With respect to any land use conduct within the Central Pine Barrens Area that violates any provision of an applicable village or town law, the responsibility for enforcement of such violation shall lie with the applicable village or town in the first instance as provided for in the laws of the respective town or village. The applicable village or town shall provide written notice to the commission of all such enforcement efforts. In the event the applicable village or town does not commence an enforcement action within sixty days from the receipt of a written notice to the applicable village or town of any land use conduct within the Central Pine Barrens Area that may violate any provision of an applicable village or town law, the commission, or the attorney general at the request of the commission or upon his or her own initiative, may institute enforcement action for such violation as set forth in subdivisions two, three and four of this section.

(c) With regard to any violation of this title, the land use plan adopted by the commission, any regulation promulgated by the commission, or any order, determination or permit condition issued by the commission, there shall be independent jurisdiction among the village or town in which such violation occurred or is occurring to investigate and prosecute such violation as set forth in subdivisions two, three and four of this section. The commission or the attorney general at the request of the commission or upon the attorney general's own initiative shall also have independent jurisdiction to investigate and prosecute such violation as set forth in subdivisions two, three and four of this section.

The party initiating such a prosecution shall consult with the other governmental entities named in this section before initiating such an action, except in a case involving a threat of irreparable harm or imminent violation or repeated violations of this title, the land use plan adopted by the commission, any regulation promulgated by the commission, or any order, determination or permit condition issued by the commission.

(d) With regard to any land use conduct within the Central Pine Barrens Area that is a violation of the applicable village or town law in addition to being a violation of the specific requirements of this title, the land use plan adopted by the commission, or the terms or conditions of any order, permit or determination issued by the commission, the commission, or the attorney general at the request of the village or town, may jointly institute with the village and town an enforcement action as set forth in subdivisions two, three and four of this section. In such event, any penalties or fines collected shall be deposited with the applicable village or town to be maintained in a segregated account to be used exclusively for the acquisition of real property or transferable development rights interests or capital projects associated with enhancement and/or restoration of the natural resources and ecosystems located within the Central Pine Barrens Area.

2. Civil penalties. (a) For a violation that takes place in the "core preservation area" as defined in subdivision eleven of section 57-0107 of this title, any person who violates any provision of this title, the land use plan adopted by the commission, any regulation promulgated by the commission, or the terms or conditions of any order, permit, or determination issued by the commission pursuant to this title shall be liable for a civil penalty of not more than twenty-five thousand dollars

for each violation and an additional civil penalty of not more than one thousand dollars for each day that such violation continues.

(b) For a violation that takes place in the "compatible growth area" as defined in subdivision twelve of section 57-0107 of this title, any person who violates any provision of this title, the land use plan adopted by the commission, any regulation promulgated by the commission, or the terms or conditions of any order, permit, or determination issued by the commission pursuant to this title shall be liable for a civil penalty of not more than ten thousand dollars for each violation and an additional civil penalty of not more than one thousand dollars for each day that such violation continues.

3. Criminal penalties. (a) For a violation that takes place in the "core preservation area" as defined in subdivision eleven of section 57-0107 of this title, any person who willfully or intentionally violates any provision of this title, the land use plan adopted by the commission, any regulation promulgated by the commission, or the terms or conditions of any order, permit, or determination issued by the commission pursuant to this title shall be guilty of a misdemeanor punishable by a fine of not more than twenty-five thousand dollars for each violation and an additional fine of not more than one thousand dollars for each day that such violation continues.

(b) For a violation that takes place in the "compatible growth area" as defined in subdivision twelve of section 57-0107 of this title, any person who willfully or intentionally violates any provision of this title, the land use plan adopted by the commission, any regulation promulgated by the commission, or the terms or conditions of any order, permit, or determination issued by the commission pursuant to this title shall be guilty of a misdemeanor punishable by a fine of not more than ten thousand dollars for each violation and an additional fine of not more than one thousand dollars for each day that such violation continues.

4. Additional remedies. Alternatively, or in addition to an action seeking civil penalties or criminal fines or imprisonment as provided by subdivisions two and three of this section, the commission, or the attorney general may institute any appropriate action or proceeding to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of this title, the land use plan adopted by the commission, any regulation promulgated by the commission, or the terms or conditions of any order, permit, or determination issued by the commission pursuant to this title. The court in which the action or proceeding is brought may order the person responsible for the violation to take such affirmative measures as are necessary to correct or remediate the violation. Such an action or proceeding may also seek restitution for any such violation.

§ 57-0137. Severability.

The provisions of this title shall be severable and if any portion thereof or the applicability thereof to any person or circumstances shall be held invalid, the remainder of this title and the application thereof shall not be affected thereby.

Source: [New York State Legislature website.](#)