§ 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.