



TDR PROGRAM PLANNING REPORT AND DSGEIS SUMMARY

Summary of Proposed Action

The proposed project is the creation of a Transfer of Development Rights (“TDR”) Program for the Town of Southold. A Draft Supplemental Generic Environmental Impact Statement (“DSGEIS”) has been prepared for the Southold Town Board as lead agency, to analyze the potential impacts of an amendment to the Southold Town Code to implement a voluntary TDR program (the “proposed action”) to permit and facilitate private transactions that would shift development from agricultural lands in the Town (“sending areas”) to locate new residential units in defined hamlet areas (hamlet locus, or “HALO” zones referred to as “receiving areas”). The program would not increase net density, as 1 transferred credit is proposed to equal 1 receiving credit. Once transferred, the development potential of a sending parcel would be completely extinguished. A variety of unit types would be considered in hamlet areas; this would be change the resulting demographics depending upon unit type since fewer large homes would be built in rural areas and logically, any unit types received in the hamlets would include smaller and/or multiple-family units. In addition, the proposed action would include a “cap” on the number of units that can be received in the HALO zones to maintain a careful balance of existing community character and ensure compliance with density limitations of the Suffolk County Department of Health Services (“SCDHS”). The proposed action considers implementation of an important planning and program tool described and recommended in the numerous planning studies undertaken within the Town over the past 20 years.

Objectives of the Project

The Town’s “objectives” in this case, are the previously stated Town goals:

- To preserve land including farmland, open space and recreational landscapes
- To preserve the rural, cultural and historic character of the hamlets and surrounding countryside.
- To preserve the Town’s remaining natural environment; to prevent further deterioration of the Town’s natural resources and to restore the Town’s degraded natural resources back to their previous quality.
- To preserve and promote a range of housing and business opportunities that supports a socio-economically diverse community.
- To increase transportation efficiency and to create attractive alternatives to automobile travel, while preserving the scenic and historic attributes of roadways in the Town.

How the TDR Program Works

The program involves designation of sending zones which primarily include larger farm parcels in the rural areas of the Town where there is a goal of preservation. Parcels would be eligible for recognition of a number of credits related to their size and potential development yield based on their zoning. Applicants would file for recognition of credits associated with their parcel, and the assigned credits would be a salable commodity.

Areas associated with the HALO of each of Southold’s hamlets would be designated as overall receiving zones. The zoning districts within the HALO boundaries would be modified through a TDR program local law that would identify the means by which credits could be redeemed in



exchange for increased utilization of parcels in accordance with guidelines established for individual zoning districts within the HALO's.

TDR credits would be exchanged privately and exchanges between buyer and seller could be facilitated by the real estate market, as well as by the Town through a listing of TDR credits issued, which would be researched by landowners, developers and investors seeking to pursue development in the HALO's in conformance with the credit redemption options.

The cost of TDR credits will be market based. It is expected that the Town's continuing PDR program will provide a benchmark for TDR credit value, but the ultimate cost will be determined between buyer and seller based on supply and demand. The value of TDR's is established by creating potential for redemption of TDR credits in connection with land use and development that brings a return on investment to a landowner, developer or investor.

To participate, a sending area landowner would contact the Town, make application on forms to be provided, obtain a TDR credit certificate, and seek a private purchaser for the credits. A receiving area landowner would contact the Town, make application for a land use development in conformance with one or more of the options available to achieve density increase using TDR's and process the application with the applicable Board.

TDR's can be used on receiving area properties for the purpose of increasing density of Single Family Homes, Two-Family Homes, Multiple Family Dwellings, Detached Accessory Dwelling Units, and potentially for Planned Development District projects at such time in the future when the Town Board enacts a PDD local law.

Potential Adverse and Beneficial Impacts

There are six (6) key factors which are expected to significantly limit the potential for impacts with respect to new development in hamlet areas, noted as follows:

1. The proposed action is voluntary on the part of both landowners that choose to sell development rights from sending parcels and those that wish to advance a land use project involving purchase and redemption of development credits in a receiving area.
2. The proposed action is to create legislation that would establish a TDR program in the Town of Southold; the action does not authorize actual land use, as any development which would use transferred credits would be subject to individual site plan and/or subdivision review for the specific land use application that would involve the redemption of transferred credits. As a result, further review would occur on a site-specific, project-specific basis. This document is a Supplement to a Generic EIS that identified this program as potentially beneficial, and as is required under SEQRA, analyzes the potential impacts associated with the creation of this legislation. The analysis is by necessity generic and can not anticipate all site-specific or project-specific impacts. Each future action which proposes to redeem transferred credits must be evaluated in terms of conformance to the Statement of Findings that will be generated on the Supplemental GEIS record, and a decision made if the project is consistent with the Findings and/or if there are potential impacts which have not been adequately addressed.
3. There is a limit on the amount of new residential development which would be received in the hamlets, primarily as a function of the need to comply with Article 6 of the Suffolk County Sanitary Code and as a result of the Hamlet Development Model and resulting limitations.



4. Hamlet growth will be monitored through program implementation to ensure that open space remains in hamlet areas, and development occurs in a manner that is consistent with design goals of the Town.
5. Development will take the form of small incremental increases as a result of the various options for redemption of credits in receiving zones, specifically, options include:
 - Single Family Homes through limited density increases of new subdivisions;
 - Two-Family Homes through creation of such homes where appropriate;
 - Multiple Family Dwellings where appropriate and subject to Town Board change of zone.
 - Detached Accessory Dwelling Units associated with existing homes, and
 - Mixed use or flexible zoning developments under potential future Planned Development District
6. Purchase of development rights and outright land purchase programs will continue, thus continuing to reduce density and potential impacts of land development primarily outside of hamlet areas.

A summary of potential adverse and beneficial impacts is included in **Table 1** at the end of this summary. It should be noted that this proposed action does not propose any development, construction or growth; it has been formulated specifically to control the amount and pattern of future growth expected in the Town. In this sense, the prospect that the Town will experience growth is inevitable – it is the control of this growth and how it is accomplished that is the thrust of the TDR program. The proposed action is simply intended to channel expected growth into appropriate areas while reducing the amount of this growth in areas which the Town Board, based upon numerous prior plans and studies, proposes to preserve and protect, and to minimize the potential impacts of this growth on the environment.

Obviously, relocation of growth to hamlets and commercial centers will increase the amount of and need for infrastructure improvements in these areas, if such are not already present or prove inadequate. These improvements include sanitary, water supply and drainage systems, roadway improvements, increased community services capacities (solid waste handling, energy supply, public transportation, parking, etc.). In addition, increased populations may increase the potential for changes in need for and types of commercial businesses, particularly if these population changes include shifts in age and/or income distribution.

The proposed Town Board action would provide an increased level of protection for agricultural land and open space and the rural qualities of the Town associated with these uses, while maintaining the capability of these privately-held properties to provide a reasonable economic return. Residential units would be available for development as transferred development rights or credits, to be used in designated receiving areas.

In consideration of the foregoing, it may be concluded that the proposed action is not expected to result in a significant adverse change in the growth potential in the Town and that changes would be beneficial as a result of better conformance to land use plans and location of growth in more appropriate locations.

Summary of Mitigation

The summary of impacts includes the identification of six (6) factors that present a potential for mitigation of potential adverse impacts. These provide mitigation that is inherent in the TDR program. Two tables summarizing potential impacts as well as mitigation measures are included as **Tables 1** and **2**.



Alternatives Considered

The following alternatives are considered in detail in the DSGEIS:

1. No Action - assumes that the proposed action is not implemented.
2. Density Transfer Incentive - assumes that development credits are increased when transferred to a receiving area.
3. Use of Open Space as Sending Areas – assumes that farmland combined with open space (non-agricultural and/or wooded lands) or open space alone are established as sending areas.
4. Non-Residential Credit Redemption - assumes that development credits can be redeemed for non-residential use.
5. TDR Bank – assumes the Town establishes a method for purchase and re-sale of transfer credits.

Next Steps and Approval Process

The Town Board has received and approved the TDR Program Planning Report for the purpose of commencing review under the State Environmental Quality Review Act (“SEQRA”). This DSGEIS for the TDR program provides an opportunity for further review by the Town Board, the public and involved agencies. The DSGEIS will be the subject of a public hearing and comment period, and all substantive comments on the DSGEIS will be addressed in a Final SGEIS. After completion of a FSGEIS, a 10-day public consideration period must pass, after which the Town may issue a Statement of Findings which would form the basis for a decision on the TDR program. In addition to compliance with SEQRA, completion of this process ensures that involved agencies, parties of interest and the public have an opportunity to comment on and provide input into the TDR program, and further ensures that the Town Board has the benefit of this input in the decision-making process.

The Town Board will consider the SGEIS record and Statement of Findings on the TDR program prior to any decisions on legislative changes, policy or Town management/implementation associated with the proposed action. The Town Board is the primary and, in effect, the only board that has approval authority to implement the program. As necessary, the Board will direct preparation of legislation by the Town Attorney and follow proper hearing, notice and filing requirements prior to enacting legislation. This document is intended to comply with the SEQRA requirements as administered by the Town Board of the Town of Southold.

In conclusion, Southold Town has been progressive and successful in planning efforts to preserve farmland and maintain the character and quality of the Town. The Town has considered TDR as a useful tool to help achieve planning goals. The TDR program differs from other preservation programs in that it would not eliminate development potential, but would shift the location of development to appropriate locations in the Town which have been identified through previous studies. The program also differs in that expenditure of public funds is not necessary. The use of TDR credits would therefore preserve farmland and locate an equivalent density to the yield of a parcel in a hamlet area where infrastructure exists. This allows public funds to go farther in achieving total preservation goals through continued use of PDR. This form of development would also achieve a greater level of sustainability since it would promote various forms of residential development (not only single family homes) in areas where residents may live, work or seek recreation using multiple forms of transportation (walking, biking, car pooling, public transportation).



Table 1 - SUMMARY OF ANTICIPATED IMPACTS

Resource	Beneficial Impacts	Potential Adverse Impacts
Geological Resources	<ul style="list-style-type: none"> • Would preserve existing farmland on Sending sites, and eliminate development potential from these properties. • Would retain agricultural soils on existing farmland parcels. 	<ul style="list-style-type: none"> • Would result in clearing and grading in HALO areas for development resulting from density shift.
Water Resources	<ul style="list-style-type: none"> • Would eliminate increase in groundwater withdrawals in rural areas. • Would eliminate discharge of sanitary effluent in sending areas. 	<ul style="list-style-type: none"> • Would use public water supply in HALO areas and not in sending area locations. • Would locally increase nitrogen load in HALO areas through transfer conforming to Article 6, with reduced load in sending areas.
Ecological Resources	<ul style="list-style-type: none"> • Would eliminate clearing of natural vegetation and habitat loss in rural areas. • Would enable preservation of existing agricultural land in large contiguous blocks, with less fragmentation of farmland open space. 	<ul style="list-style-type: none"> • Would decrease natural vegetation and habitat acreages in HALO areas for those parcels which currently possess such characteristics.
Transportation Resources	<ul style="list-style-type: none"> • Would minimize potential increase in traffic and congestion in rural areas. • Would place additional density in areas where road systems and infrastructure exists. • Would encourage pedestrian activity and use of alternative forms of transportation. 	<ul style="list-style-type: none"> • Would generate traffic in HALO areas with reduced traffic generation in sending areas; HALOs are more walkable and promote use of alternative transportation.
Land Use, Zoning & Plans	<ul style="list-style-type: none"> • Would maintain rural land use patterns. • Would provide for diversity of housing types in HALO areas, which would otherwise not be possible. • Would establish conditions to address affordable housing needs. • Would minimize potential for “sprawl” pattern of growth. • Would conform with land use plans. 	<ul style="list-style-type: none"> • No adverse impacts expected.
Community Services	<ul style="list-style-type: none"> • Would eliminate potential increase in rural development, with associated reduction in impacts to rural services. • Would eliminate need to expand or increase infrastructure services in rural areas. • Would protect watersheds and wellfields (existing and proposed). 	<ul style="list-style-type: none"> • Would result in need for community services and infrastructure in HALO areas, with reduced demand in sending areas; HALOs can more readily provide infrastructure.
Community Character	<ul style="list-style-type: none"> • Would maintain the existing high aesthetic quality of the hamlet areas. • Would strengthen consumer base for business interests in hamlets, adding to character and vitality of hamlets. • Would stimulate increase in social interaction, adding to fabric of community. 	<ul style="list-style-type: none"> • Would result in more development in HALO areas, with resultant reduction of development in sending areas; HALO development would be varied and potentially smaller in unit size.
Socio-Economics	<ul style="list-style-type: none"> • Would increase taxes generated in the Town. • Would stimulate establishment of new business in HALO areas. 	<ul style="list-style-type: none"> • Would necessitate costs to provide services to the HALO development.



Table 2 - SUMMARY OF MITIGATION MEASURES

Resource	Potential Adverse Impacts	Mitigation Measures
Geological Resources	<ul style="list-style-type: none"> • Would result in clearing and grading in HALO areas for development resulting from density shift. 	<ul style="list-style-type: none"> • No significant unique features exist; clearing and grading will be localized to specific project sites; site plan and subdivision review will minimize potential impacts.
Water Resources	<ul style="list-style-type: none"> • Would use public water supply in HALO areas and not in sending area locations. • Would locally increase nitrogen load in HALO areas through transfer conforming to Article 6, with reduced load in sending areas. 	<ul style="list-style-type: none"> • Public water will be supplied by the Suffolk County Water Authority in conformance with the approved water map; hamlet locations are identified as appropriate water supply areas. • A model was used to ensure that the average density of new development will not exceed Article 6 limitations based on 20,000 SF lots.
Ecological Resources	<ul style="list-style-type: none"> • Would decrease natural vegetation and habitat acreages in HALO areas for those parcels which currently possess such characteristics. 	<ul style="list-style-type: none"> • HALO areas generally are suitable for development due to the current land use pattern; current activity levels preclude the presence of unique or sensitive wildlife species; impacts would be localized to specific projects sites and site plan and subdivision review would be used to ensure that significant adverse impact will not occur.
Transportation Resources	<ul style="list-style-type: none"> • Would generate traffic in HALO areas with reduced traffic generation in sending areas; HALOs are more walkable and promote use of alternative transportation. 	<ul style="list-style-type: none"> • Though traffic would increase in some areas, it is noted that density is transferred from other locations within the hamlet and many of these trips would exist on area roads; development in hamlets is encouraged for walkability shared parking and trips and use of public transportation where available; individual land use proposals will be subject to site plan and subdivision review for site access geometry, sight distance and traffic impacts which can be mitigated once a problem is identified.
Land Use, Zoning & Plans	<ul style="list-style-type: none"> • No adverse impacts expected. 	<ul style="list-style-type: none"> • The proposal would implement the Towns intended land use pattern through zoning law measures in conformance with past land use plans and studies; land use can be monitored and adjustments made if found to be necessary.
Community Services	<ul style="list-style-type: none"> • Would result in need for community services and infrastructure in HALO areas, with reduced demand in sending areas; HALOs can more readily provide infrastructure. 	<ul style="list-style-type: none"> • Service providers would experience small incremental increases in demand over a long period of time and as a result, providers would have time to anticipate and serve community needs; it is noted that the TDR program anticipates equal density between transfer and receiving areas and would not increase density. • Existing infrastructure is more prevalent in the hamlet areas and therefore better able to accommodate localized land use projects which redeem development credits.
Community Character	<ul style="list-style-type: none"> • Would result in more development in HALO areas, with resultant reduction of development in sending areas; HALO development would be varied and potentially smaller in unit size. 	<ul style="list-style-type: none"> • Communities participated in planning during the hamlet study and in the fall of 2006 when the Hamlet Density Model was discussed; a limit on development that will be monitored will be used to control density and assist in addressing community character; community use will be subject to small incremental changes over time and as a result can accommodate reasonable use through equal density transfer.
Socio-Economics	<ul style="list-style-type: none"> • Would necessitate costs to provide services to the HALO development. 	<ul style="list-style-type: none"> • The program anticipates equal density with no increase in what is permitted under full build out Townwide; the TDR program is voluntary which is a mitigation in itself; the program provides options to landowners wishing to preserve agricultural use, and will be used to supplement the PDR program; increased service demand will be addressed by utility providers in accordance with their charters, these providers will regain costs through rates.

