

COUNTY OF SUFFOLK



STEVE LEVY  
SUFFOLK COUNTY EXECUTIVE

SUFFOLK COUNTY DEPARTMENT  
OF HEALTH SERVICES  
DIVISION OF ENVIRONMENTAL QUALITY

# **TRANSFER OF DEVELOPMENT RIGHTS STANDARDS**

BRIAN L. HARPER, M.D., M.P.H.  
COMMISSIONER OF HEALTH SERVICES

VITO MINEI, P.E.  
DIRECTOR OF ENVIRONMENTAL QUALITY

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# STANDARDS FOR ARTICLE 6

## TRANSFER OF DEVELOPMENT RIGHTS

### General

Article 6, Sections 760-605.C, 760-605.D, 760-607.E and 760-607.F, include provisions to permit the use of transfer of development rights (TDR) that comply with specific criteria.

Article 6 establishes eight Groundwater Management Zones with specific permitted densities in order to protect the integrity of the groundwater where wastewater is discharged through on-site disposal systems. In sewerred areas, Article 6 provides no density requirements as long as a sewage treatment plant is provided. Therefore, any number of TDR credits could be transferred into a sewerred area; it remains a local planning and zoning decision as to the acceptable numbers.

In areas without sanitary sewers, on-site systems will be permitted in accordance with the following development density criteria:

#### A. TDR – Central Pine Barrens Comprehensive Land Use Plan

The following standards apply when transfers are made using Pine Barrens Credits, pursuant to Environmental Conservation Law Article 57 and the Central Pine Barrens Comprehensive Land Use Plan. Projects involving transfers of development rights that meet the criteria below will not be required to obtain a variance from the Suffolk County Department of Health Services Board of Review.

The table below summarizes the minimum allowable lot sizes (square feet) in receiving zones:

	<u>Groundwater Management Zone</u>							
	<u>I</u>	<u>II</u>	<u>III</u>	<u>IV</u>	<u>V</u>	<u>VI</u>	<u>VII</u>	<u>VIII</u>
Minimum Lot Size	20,000	20,000	20,000	20,000	40,000	40,000	20,000	20,000

1. Transfers within Zone III for single-family residential subdivisions or developments and construction projects must have a minimum lot size of 20,000 square feet or equivalent. Public water must be provided to the TDR receiving sites and, where necessary, to downgradient areas that may be impacted by the TDR development project. The department will determine the extent of public water extension required.
2. Transfers permitted between Groundwater Management Zones:
  - a. From Zone III to Zones I, II, IV, VII, VIII – Single-family residential subdivisions or developments and construction projects in these five receiving zones must have a minimum lot size of 20,000 square feet or equivalent. Public water must be provided to the TDR receiving sites and, where necessary, downgradient areas that may be

impacted by the TDR development project. The department will determine the extent of public water extension required.

- b. From Zone III to Zones V and VI – Single-family residential subdivisions or developments and construction projects in these zones must have a minimum lot size of 40,000 square feet or equivalent.

#### B. TDR – Within the Same Groundwater Management Zone (Other Than Pine Barrens Plan)

The following standards apply when transfers are made between two properties within the same Groundwater Management Zone; these standards are not applicable where transfers are made using Pine Barrens Credits. Transfers of development rights that meet all of the following criteria will not be required to obtain a variance from the Suffolk County Department of Health Services Board of Review:

- TDR proposals must conform to a land use management plan, or portion thereof, approved by a town or village, which has been reviewed in conformance with SEQRA requirements, and which establish, on a technical/scientific basis, that such plan is in harmony with the intent of Article 6.
- The land-use plan must contain measures to limit nitrogen loading to groundwaters by placing restrictions on the use of fertilizers or by other appropriate means.
- TDR credits must be determined based upon a yield map or other documentation of the sending area acceptable to the Suffolk County Department of Health Services.
- The applicant must specify how the sending parcels for which transfer credits are being requested will be protected from future development (e.g., by dedication to county, town nature preserve, Nature Conservancy), and shall provide sufficient documentation.
- If the parcel for which transfer credits are being requested is going to be donated, then the applicant must contact the Suffolk County Department of Planning to obtain information on appropriate areas that may be suitable for the transfer program. If suitable sites are found, then the applicant must give the property, at no cost to the County, other municipality or non-profit private group (e.g., Nature Conservancy), with the restriction that the property be left as open space or nature preserve. Approval of the TDR sending site will be at the sole discretion of the Suffolk County Departments of Planning and Health Services.
- The applicant must pay all costs associated with obtaining necessary approvals and deed transfers, including, but not limited to, legal land title searches, title insurance, payment of outstanding property taxes, and environmental audits.
- The sending parcel for which transfer credits are being requested must be located in the same township as the receiving site to be developed.

- The maximum allowable sanitary discharge at the site to be developed (receiving area) must be limited to no more than two times Article 6 limits.
- Sanitary systems must conform to all department design standards with regard to sizing, separation distances, etc.
- Public water service must be provided to the TDR receiving sites and, where necessary, downgradient areas which may be impacted by the TDR development project. The department will determine the extent of public water extension required.
- The project must be in compliance with all village, town, state, and federal environmental or other regulations.

#### Variance or Waiver

An application for a variance or waiver of these standards will be considered under the criteria set forth in Suffolk County Sanitary Code Section 760-609.

#### APPROVAL BY THE COMMISSIONER OF HEALTH SERVICES

In accordance with Article 2 and Article 6 of the Suffolk County Sanitary Code, the foregoing are the standards of the Suffolk County Department of Health Services for Transfer of Development Rights. These standards are effective September 30, 1995.

Mary E. Hibberd, M.D., M.P.H.  
Commissioner of Health Services  
Suffolk County

2/23/04