

**TOWN OF HUNTINGTON  
TRANSFER OF DENSITY FLOW RIGHTS (TDFR)  
ADMINISTRATIVE PROGRAM**

Chapter 172 (Land Conservation), Article I (Transfer of Density Flow Rights) of Town Code enables implementation of a Transfer of Density Flow Rights (TDFR) Program to preserve open space by restoring the density permitted by existing zoning on properties affected by the Suffolk County Sanitary Code.

The TDFR Program contains criteria and review processes for Planning Board administration of private party transfers of privately-held density flow rights and public benefit distribution of publicly-held density flow rights. It identifies the preferred characteristics of potential sending and receiving sites. It defines a three tiered application review that involves a Letter of Interpretation, Density Flow Rights Certificate, and Redemption/Transfer Authorization/Registry. The proposed TDFR Program will enable some development in accordance with existing zoning classifications and consistent with SCDHS Transfer of Development Rights Standards on a receiving property, while conserving a sending site as natural open space. An overview/outline of the administrative program defined in Chapter 172 follows.

**3 Major Components administered by the Planning Board/Dept. of Planning & Environment**

Letter of Interpretation (LOI)  
Density Flow Rights Certificate (DFRC)  
Redemption/Transfer Authorization/Registry

**Private Party Transfers (Consistency review – 60 days to LOI)**

A. Letter of Interpretation (Sending site review)

1. Application is made for LOI from Planning Board through Dept. of Planning & Environment to determine potential rights to transfer – decide if application is complete
2. Staff review ensues (up to 60 days)
  - a. determine if application follows rules for TDFR
  - b. establish if SEQRA review is required
  - c. verify quantity of flow rights/credit for transfer
  - d. review and photo document site in the field
  - e. submit draft flow rights yield determination to SCDHS for verification
  - f. prepare recommendation to Planning Board (support or not)
3. Planning Board considers staff report and requests additional information or renders decision by resolution that approves a specific LOI (with or without conditions).
4. Director of Planning and Environment transmits LOI\* to applicant.
5. Property owner has 30 days from date of LOI to appeal allocation.

\*LOI expires two years following issuance, but is tolled by any pending Town application review. There is no obligation to proceed with transfer.

B. Density Flow Rights Certificate (DFRC)

1. Application is made for DFRC to transfer rights to a specified site.
2. As statutory requirements are met (e.g., filing of deed or conservation easement to secure open space at sending site), Planning Board issues density flow rights certificate.

C. Redemption/Transfer authorization (Receiving site review)

1. Request is made to redeem flow rights/authorize transfer (within 2 years from LOI issuance).
2. Planning Board approves by resolution.
3. Transfer is registered with Dept. of Planning and Environment; Assessor & Engineering Dept. are notified.

\*The above components may be considered simultaneously if there is a requested direct transfer.

**Public Benefit Transfers (Consistency & Benevolence review – 120+ days)**

- A. 1. Application is made for LOI from Planning Board through Dept. of Planning & Environment – decide if application is complete.
2. Staff review ensues (up to 60 days)
  - a. determine if application follows rules for TDFR and criteria for public benefit transfers
  - b. establish if SEQRA review is required
  - c. verify quantity of flow rights/credit for transfer
  - d. review and photo document site in the field
  - e. submit draft flow rights yield determination to SCDHS for verification
  - f. confirm that purpose is compatible with public benefit criteria and Comprehensive Plan goals
  - g. prepare recommendation to Planning Board (support or not)
3. Planning Board considers staff report and, if feasible, refers/ recommends application by resolution to the Town Board (up to 60 days).
4. Town Board determines whether to allow public benefit credits to be used.
5. If affirmative resolution is adopted, Planning Board orders certified independent appraisal and considers quantifiable benefits (dollar for dollar offsets) of proposed project.
6. Planning Board submits recommended fee to Town Board for review and determination.
7. Once Town Board affirms fee, Director of Planning and Environment issues the LOI\*\* specifying the fee and stating value of rights and associated offsets that are a condition of the LOI.

\*\*LOI expires two years following issuance, but may be extended for two-year periods at Planning Board discretion not more than twice. After 6 years the density flow rights can be availed to another public benefit project.

**B. Density Flow Rights Certificate**

1. Application is made for DFRC to transfer rights to a specified site.
2. As statutory requirements are met, particularly payment/guarantee (on terms acceptable to the Town Attorney) of required fee to Density Rights Bank, Planning Board issues density flow rights certificate.

**C. Redemption/Transfer authorization (Receiving site review)**

1. Request is made to redeem flow rights/authorize transfer.
  2. Planning Board approves by resolution.
  3. Transfer is registered with Dept. of Planning and Environment; Assessor & Engineering Dept are notified.
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