

**TOWN OF HUNTINGTON
TRANSFER OF DENSITY FLOW RIGHTS PROGRAM**



**FINAL
GENERIC ENVIRONMENTAL IMPACT STATEMENT**



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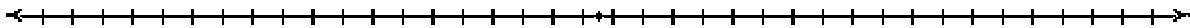


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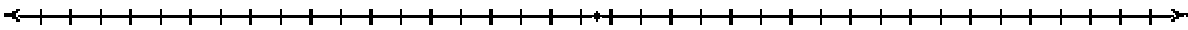
APPENDIX B - WRITTEN COMMENTS RECEIVED

SEQRA PROCESS SUMMARY

The application before the Town Board is to consider adding Chapter 172 (Land Conservation), Article I (Transfer of Density Flow Rights) to Town Code and to receive comments on a Draft Generic Environmental Impact Statement (DGEIS) thereon pursuant to SEQRA. The legislation will enable 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 legislation establishes 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. The proposed legislation 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.

This document is a Final Generic Environmental Impact Statement ("FGEIS") prepared in connection with the proposed Town Code amendment, in compliance with the New York State Environmental Quality Review Act ("SEQRA"). The DGEIS was accepted on November 13, 2007 and a simultaneous SEQRA and Town Code-required public hearings on that document and on the proposed Town Code amendment was held on December 4, 2007. The public comment period was open through December 14, 2007. SEQRA requires the preparation of a FGEIS within 45 days of the close of a SEQRA hearing to address any substantive comments and issues that may be raised during the public comment period. This document assembles comments presented at the hearing and during this public comment period and provides responses thereto.



Upon its acceptance by the Town Board this FGEIS (comprised also of the prior Town Board-adopted DGEIS) completes the record upon which findings shall be prepared and adopted within a 30-day period to complete the SEQRA process. On completion of the SEQRA process, the Town Board may render a decision on the proposed Code amendment.

COMMENTS AND RESPONSES PRESENTED

This section of the FGEIS lists the comments presented on the DFEIS and the responses to these comments. Each is numbered (with numbers continuing from those presented in the DFEIS) according to its category. The page number where the comment is located in the FEIS is noted for quick reference. Contained within the Appendices are:

- comments presented at the public hearing held on December 4, 2007 (Appendix A), and
- written comments submitted by agencies and the public (Appendix B).

A limited number of verbal comments were also received by the Department of Planning and Environment and these have been included as well.

OPEN SPACE

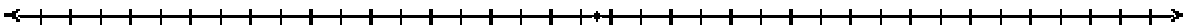
Comment OS-1: The definition provided for “**Passive Open Space**” in the proposed ordinance refers to “**lands acquired ...that...have been or will be maintained for conservation purposes...**” I do not agree with the use of the past tense in the definition. [J. Condon]

RESPONSE: The definition can be clarified by revising it to read: “lands maintained for conservation purposes.” It does need to reference how the land was secured or any tense.

Comment OS-2: “When the voters of the town previously approved bonding for the purchase of open space there was no mention of or provision for transfer of development rights. I hope that the current proposal for “Land Conservation” is not intended to be retroactive and applied to previous acquisitions of open space or parkland.” [J. Condon]

RESPONSE: The proposed program will not involve the transfer of development rights, which can allow a receiving property to exceed existing zoning. The proposed program involves density flow rights that only allow a receiving property to meet existing zoning as consistent with the SCDHS TDR Standards. The 1998 and 2003 Environmental Open Space referenda did not preclude the possibility of a transfer of density flow rights. The proposed Transfer of Density Flow Rights Program can achieve open space conservation consistent with the purpose and intent of the Environmental Open Space referenda. If the Town is acquiring property to be retained as passive open space, the new program will enable density flow rights to be held for future public benefit project assistance.

If passive use or undesignated lands that have already been acquired under other means are rededicated into a more protected class of parkland, such as park-preserve, then the Code change may enable the use of the density flow rights. Density flow rights can not be transferred from active use properties or in situations where lands were previously yielded.



The Town and its outside counsel are researching whether density flow rights can be extracted from lands already in Town ownership and direction will be provided to the Town Board before findings are adopted. The proposed Code change that defines the TDFR program guidelines will be amended if it is determined that lands already in Town ownership can not serve as sending sites.

Comment OS-3: “Funds previously approved for the purchase of open space should not be used to make purchases within this proposed law. If it is the Town Board’s intent to create a new market or revenue source for the sale of development rights on existing open space and parkland, I strongly object.” [J. Condon]

RESPONSE: Funds approved by the Town Board for the purchase of open space can only be used for such purpose—to set aside public parkland or to conserve lands through easement. The proposed Town Transfer of Density Flow Rights Program can only support projects of public benefit based on the criteria identified in the local law and would be subject to availability of credits. It will not create a new market to utilize rights from lands already in the Town inventory.

Comment OS-4: “The Town Board should not consider using such a tool to further intensity land use and detract from the quality of life in high-density areas. There is more than one issue involved in this proposal and those issues will have long-term effects on a number of communities. Perhaps a Generic Environmental Impact Statement would be appropriate.” [J. Condon]

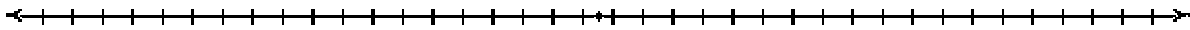
RESPONSE: The comments presented are receiving response in a Generic Environmental Impact Statement (GEIS). The high-density zoning classifications in the Town of Huntington are R-3M, R-RM, R-5, and R-7. Since the proposed Town program is to comply with the Suffolk County TDR Standards, it cannot affect high-density zoned property. It may facilitate some infill development on areas zoned for medium-density, such as R-10 and R-15, which require lot areas that presently exceed the Article 6 County Sanitary Code density provisions (20,000 square feet per lot). The proposed program only enables a landowner to achieve existing zoned density; therefore, it should not detract from the “quality of life in high-density areas.”

ADMINISTRATION

All of the comments included in this section were presented as verbal comments.

Comment A-1. “Projects that have already received the approval of the Suffolk County Department of Health Services, prior to the enactment of the Town Transfer of Density Flow Rights Program, should not be subject to the Town program requirements.” [R. Caputi, Esq.]

RESPONSE: The proposed legislation indicates: “This Local Law shall take effect immediately upon filing in the Offices of the Secretary of State of New York.” Thus, the effective date by operation of law shall be the date of filing with the New York Secretary of State following the enactment date of the adoption resolution. The implementation provisions shall not affect any projects that have received the approval of the SCDHS for Transfer of Density Flow Rights prior to that date.



Comment A-2. “The SCDHS bases its yield calculation on 75% of the land area, while the Town Program allows full use of the total land area. The discrepancy should be reviewed.” [W. Hilbert, SCDHS]

RESPONSE: While the Town Program will need to remain consistent with the SCDHS TDR Standards, an across the board reduction in potential yield may not provide incentive to a landowner to transfer their rights. The Town Program provides two methods for calculating yield, one of which is fully consistent with the SCDHS TDR Standards. All proposed transfers of density flow rights would be coordinated with and reviewed by the SCDHS prior to any formal Town action.

Comment A-3. “A two-family house requires 10,000 square feet of area in an R-5 zone. Would a transfer of density flow rights allow the construction of a new two-family home on a 10,000 square foot lot in an R-5 zone?” [M. Dischle]

RESPONSE: The SCDHS considers an accessory apartment, as allowed by Town Code, as a legal use consistent with a single-family dwelling. A two-family house would generate 600 gallons per day of wastewater, the full allowance for an acre in the Huntington groundwater management zones. Thus, the limit allowed by the SCDHS TDR Standards is double the density or 600 gallons per half-acre. With the transfer of a density flow credit, a two-family home could be constructed on no less than 20,000 square feet of site area.

MISCELLANEOUS

Comment M-1. “As a concerned citizen, I am requesting that in the future, and in most hearings – but especially on hearings where you are adopting a whole chapter into Town Code, which is several pages in length—that there be an explanation and demonstration by the Board like there is on special community projects or other hearings on very large decisions and Codes.” [M. Rendely]

RESPONSE: There was no formal presentation on the Proposed TDFR Program; however, the DGEIS and proposed ordinance were on the Town website for review since November 15, 2007, in addition to the formal posting in the local newspaper. The Town Program is consistent with the County TDR Program that has been in operation since 1995.

Comment M-2. “What I don’t understand is we are adopting this chapter, yet we, meaning our Town Board, is passing decisions and making plans and developments that are going to violate these very requirements; for example, that which is on Columbia Street. There is two parcels of property that is going to use taxpayer dollars to buy back the neighborhood by putting sixteen units on 0.9 acres. According to the Sanitation Code, the most that can be on 0.9 would be four units.” [M. Rendely]

RESPONSE: The comment is not relevant to the proposed program. The identified 0.9-acre property is located within the Huntington Sewer District, which enables it to exceed the density allowance of the County Sanitary Code.