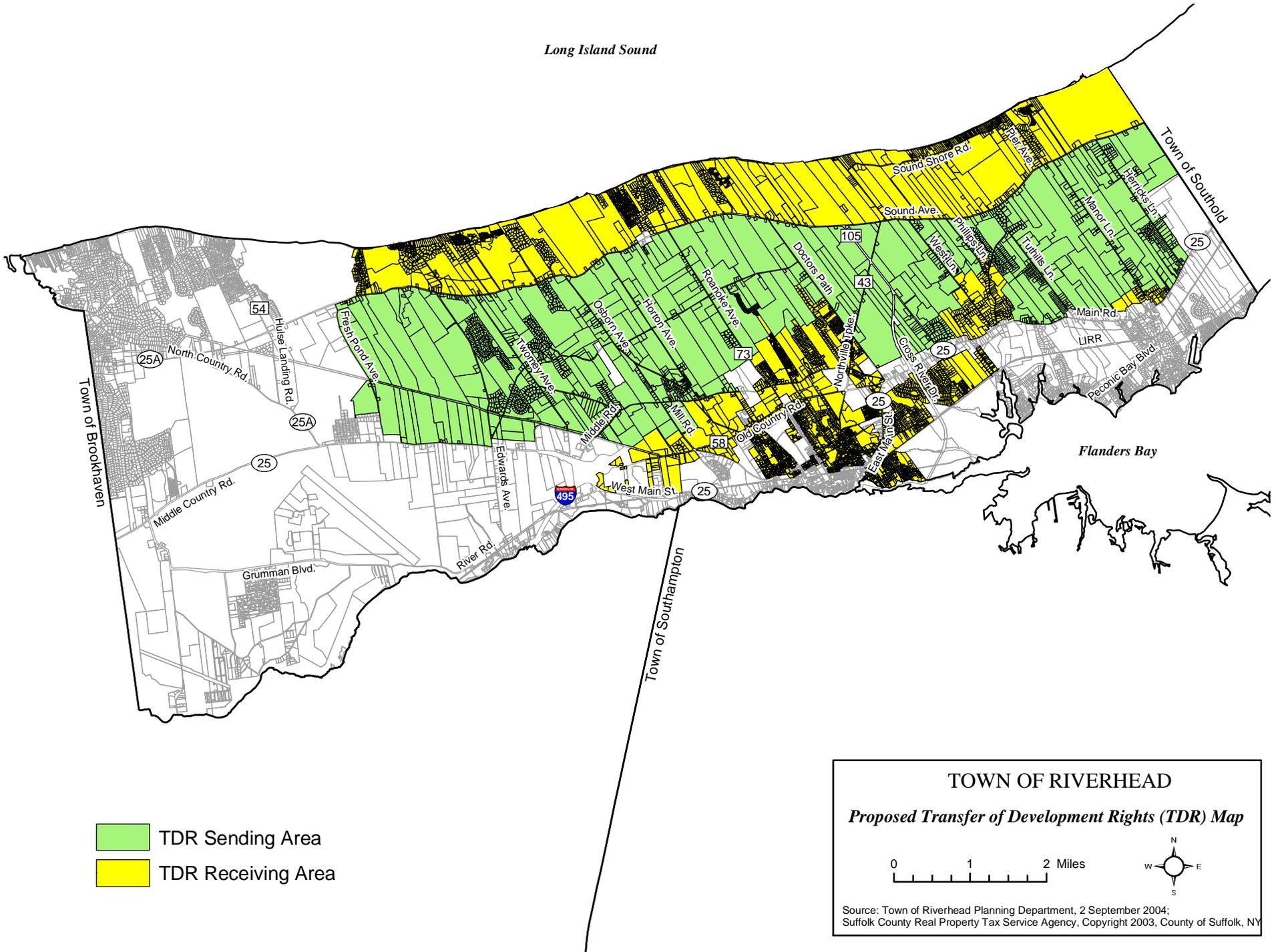


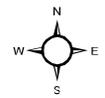
Long Island Sound



-  TDR Sending Area
-  TDR Receiving Area

TOWN OF RIVERHEAD
Proposed Transfer of Development Rights (TDR) Map

0 1 2 Miles



Source: Town of Riverhead Planning Department, 2 September 2004;
Suffolk County Real Property Tax Service Agency, Copyright 2003, County of Suffolk, NY

Article XXXXVI, TRANSFER OF DEVELOPMENT RIGHTS LAW

§ 108-300. Legislative authority.

In accordance with § 261-a of the New York State Town Law and the Town of Riverhead Comprehensive Plan, the Riverhead Town Board hereby adopts the Town of Riverhead Transfer of Development Rights Law.

§ 108-301. Intent and purpose.

It is the intent and purpose of this Article to implement the land use policies set forth in the Town of Riverhead Comprehensive Plan with specific reference to the preservation of agricultural lands, the support of the existing agricultural industry, and the necessary and appropriate economic development of the community.

§ 108-302. Transfer of development rights map.

Pursuant to § 261-a subsection (2) (b) of the New York Town Law, the relevant sending and receiving districts of the Town of Riverhead TDR Law shall be those areas specifically mapped in accordance with the stated goals of the Town of Riverhead Comprehensive Plan adopted by the Riverhead Town Board by resolution dated 3 November 2003 or as further amended.

§ 108-303. Procedure for designating sending and receiving districts.

- A. Sending district. Prior to designation of a sending district, the Town Board shall determine:
- (1) That the land consists of agricultural use or prime agricultural soils or other natural features identified for protection.
 - (2) That the sending district is consistent with a comprehensive plan pursuant to § 272-a of the New York State Town Law.

- (3) That a generic environmental impact statement (GEIS) or supplemental environmental impact statement (SEIS), pursuant to Article 8 of the Environmental Conservation Law (ECL), has been prepared and that no material changes in circumstances have occurred since the adoption of the final GEIS or SEIS and its respective findings statement.
- B. Receiving district. Prior to the designation of receiving areas, the Town Board shall determine:
- (1) The effects of potential increased development which is possible under transfer of development rights, including the requirements that the receiving district contains adequate transportation, water supply, waste disposal and fire protection, that there will be no significant environmentally damaging consequences, that such increased development is compatible with the development otherwise permitted by any municipality or agency thereof having jurisdiction to approve permissible development within the district.
 - (2) That the receiving district is consistent with a comprehensive plan pursuant to § 272-a of the Town Law.
 - (3) That a generic environmental impact statement (GEIS) or supplemental environmental impact statement (SEIS), pursuant to Article 8 of the Environmental Conservation Law (ECL), has been prepared and that no material changes in circumstances have occurred since the adoption of the final GEIS or SEIS and its respective findings statement.

§ 108-304. Designation of sending districts.

Pursuant to § 108-303 of this article, the Town Board shall be authorized to establish specifically mapped in accordance with 261-a (2)(b). The following zoning use district is hereby designated as a sending district:

- (1) Agricultural Protection (APZ) Zoning Use District.

§ 108-305. Designation of receiving districts.

Pursuant to § 108-303 of this article, the following zoning use districts are hereby designated as receiving districts:

- (1) Residence A-80 (RA-80) Zoning Use District.
- (2) Residence A-40 (RA-40) Zoning Use District.
- (3) Hamlet Residential (HR) Zoning Use District.
- (4) Retirement Community (RC) Zoning Use District.
- (5) Destination Retail Center (DRC) Zoning Use District.
- (6) Business Center (BC) Zoning Use District.
- (7) Shopping Center (SC) Zoning Use District.

§ 108-306. Procedures for the severing and redemption of development rights.

A. Letter of Interpretation (LOI). The property owner or contract vendee shall make application to the Riverhead Planning Board for a letter of interpretation on a form to be supplied by the Planning Board together with:

- (2) Property survey;
- (3) Legal description of that portion of the property to be considered in the letter of interpretation.
- (4) Copy of deed;
- (5) Copy of tax bill;
- (6) Fee of \$500.

- (7) A letter indicating whether the preservation certificates are intended to be utilized for residential, commercial and/or industrial development.

Upon the submission of a complete application, the Planning Board will issue a letter of interpretation indicating the number of preservation credits which could ultimately be severed from the real property or a portion thereof.

The property owner has thirty (30) days from the date of the letter of interpretation to appeal the allocation of preservation credits identified in the letter of interpretation. A letter of interpretation shall expire one (1) year following its issuance.

B. Preservation credit certificate. Subsequent to receipt of a letter of interpretation, a property owner may request a preservation credit certificate from the Planning Board by submission of the following:

- (1) The letter of interpretation;
- (2) A title report extending back a minimum of thirty (30) days;
- (3) A completed preservation credit certificate application form to be supplied by the Planning Board.

Upon the recording of the agricultural easement in the Office of the County Clerk encumbering all or part of a sending parcel and the provision of evidence of same to the Planning Board, the Planning Board shall issue a preservation credit certificate certifying that the holder is entitled to a specific number of preservation credits. Fractional credits may be issued by the Planning Board.

§ 108-307. Allocation of preservation credits.

When an application for the allocation of preservation credits is made to the Planning Board, such board shall calculate the total number of credits upon the real property within a designated sending area using a development yield factor. Development yield is established by multiplying the gross area of the parcel by

the relevant development yield factor for the sending district. The development yield factor for all mapped sending areas shall be one (1) right per 43,560 square feet of real property.

§ 108-308. Limitations on allocations.

No allocation of preservation credits shall be made for the following:

- (1) Real property from which rights have been previously purchased or transferred.
- (2) Real property encumbered by easements, rights of way, or other encumbrances of record.
- (3) Real property improved with either residential or agricultural buildings, or other improvements including golf courses.

§ 108-309. Redemption of preservation credits.

Preservation credits are considered to be an interest in real property and may be used to increase the development yields within mapped receiving areas according to the procedures which shall be determined by the Town Board in accordance with the goals and objectives set forth in the Town of Riverhead Comprehensive Plan adopted on November 3, 2003.

A. **Residence A-80 (RA-80) Zoning Use District.** Preservation credits may be used to increase lot yield within the RA-80 Zoning Use District by a number at the discretion of the Planning Board. However, in no instance shall such lot yield exceed one (1) lot per 40,000 square feet subtracting for that land area required for infrastructure and public improvements. In its review and approval of subdivision within the RA-80 Zoning Use District utilizing preservation credits, the Planning Board shall condition the final map approval upon the redemption of the appropriate number of credits, with the signature and recording of the subdivision

predicated upon the redemption and retiring of the appropriate number of preservation credits.

B. **Residence A-40 (RA-40) Zoning Use District.** Preservation credits may be used to increase lot yield within the RA-40 Zoning Use District by a number at the discretion of the Planning Board. However, in no instance shall such lot yield exceed one (1) lot per 20,000 square feet subtracting for that land area required for infrastructure and public improvements. In its review and approval of subdivision within the RA-40 Zoning Use District utilizing preservation credits, the Planning Board shall condition the final map approval upon the redemption of the appropriate number of credits, with the signature and recording of the subdivision predicated upon the redemption and retiring of the appropriate number of preservation credits.

C. **Hamlet Residential (HR) Zoning Use District.** Preservation credits may be used to increase lot yield within the HR Zoning Use District by a number at the discretion of the Planning Board. However, in no instance shall such lot yield exceed one (1) lot per 40,000 square feet subtracting for that land area required for infrastructure and public improvements. In its review and approval of subdivision within the HR Zoning Use District utilizing preservation credits, the Planning Board shall condition the final map approval upon the redemption of the appropriate number of credits, with the signature and recording of the subdivision predicated upon the redemption and retiring of the appropriate number of preservation credits.

D. **Retirement Community (RRC) Zoning Use District.** Preservation credits may be used to increase the development yield associated with site plan applications made to the Town Board pursuant to Article XXIII of the Riverhead Zoning Ordinance. In its review and approval of such site plan applications, the Town Board may increase the allowable development yield at a rate of one (1) dwelling unit per preservation credit redeemed, not to exceed four (4) dwelling units per acre. In its review and approval of subdivision within the RRC Zoning Use District utilizing preservation credits, the Planning Board shall condition the

final map approval upon the redemption of the appropriate number of credits, with the signature and recording of the subdivision predicated upon the redemption and retiring of the appropriate number of preservation credits.

E. **Destination Retail Center (DRC) Zoning Use District.** Preservation credits may be used to increase the development yield associated with site plan applications made to the Town Board pursuant to Article XXVI of the Riverhead Zoning Ordinance. In its review and approval of such site plan applications, the Town Board may increase the allowable development yield at a rate of an additional 1,500 square feet of floor area per preservation credit redeemed to a maximum 0.3 floor area ratio.

F. **Business Center (BC) Zoning Use District.** Preservation credits may be used to increase the development yield associated with site plan applications made to the Town Board pursuant to Article XXVI of the Riverhead Zoning Ordinance. In its review and approval of such site plan applications, the Town Board may increase the allowable development yield at a rate of an additional 1,500 square feet of floor area per preservation credit redeemed to a maximum 0.3 floor area ratio.

G. **Shopping Center (SC) Zoning Use District.** Preservation credits may be used to increase the development yield associated with site plan applications made to the Town Board pursuant to Article XXVI of the Riverhead Zoning Ordinance. In its review and approval of such site plan applications, the Town Board may increase the allowable development yield at a rate of an additional 1,500 square feet of floor area per preservation credit redeemed to a maximum 0.3 floor area ratio.

§ 108-310. Administration.

The Planning Board shall be the sole administrator of the procedures and functions associated with this article. The Planning Board shall:

Transfer of Development Rights Code Revision

- (1) Issue letters of interpretation of preservation credits upon application and review;
- (2) Issue preservation credit certificates upon the recording of appropriate easements;
- (3) Retain and catalogue redeemed preservation credits in a Town-managed database;
- (4) Prepare and distribute an annual report providing statistics on TDR program activity;
- (5) Provide standard easement language.
- (6) Discontinue issuing Letters of Interpretation for residential TDR upon the determination that 500 LOI for residential development rights are outstanding.