

Suffolk County Transfer of Development Rights (TDR) Study
Development Rights Programs

Town	TDR Program	Purpose of Program	Unit	Sending Areas	Receiving Areas
Babylon					
Brookhaven	<i>Note: Former Art. XXIX, Transfer of Development Rights (TDR), was repealed 5-12-2016 by L.L. No. 10-2016, effective 5-25-2016.</i>				
	Pine Barrens Credit Program	redirecting development from the Core Preservation Area to eligible lots, parcels or assemblages located in receiving districts (§85-1).	Pine Barrens Credit (PBC) (§85-725)	Central Pine Barrens Core Preservation Area (§85-444)	All parcels of land located outside the Core Preservation Area and within the A Residential 1 and A Residential 2 Zoning Districts
East Hampton					
	Affordable Housing Credit Program	Promote and facilitate the creation of affordable housing by the private and public sectors, while enhancing the conservation of open space (§250-10).	Affordable Housing Credit (§250-20)	All areas of a parcel located within the Town of East Hampton shall qualify as a sending district, except: A.A farm as defined in § 134-2 of the Town Code (includes stock, dairy, poultry, fur-bearing animals, horse farm, fruit, vegetables, grain and truck farms, plantations, orchards, nurseries, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities) (§250-40- 20).	Neighborhood Business, Central Business, Affordable Housing Overlay District, Commercial Service, Commercial Industrial, Residentially zoned property if owned by the Town of East Hampton (§250-40-10).
Huntington					
	Transfer of Density Flow Rights	Preservation of natural open space, while encouraging responsible economic development (§172-1).	Density Flow Rights (§172-2)	Open Space (§172-2).	Hamlet centers, nodes and corridors as identified by the Comprehensive Plan (§172-2).
	Transfer of Permitted Development Rights	Protect the natural, scenic or agricultural qualities of open land; enhance sites and areas of special character or special historical, cultural, aesthetic or economic interest or value; enable and encourage flexibility of design and careful management of land in recognition of land as a basic and valuable natural resource; maintain overall balance between population capacity and ultimate commercial and business development (§198-118.2).	TDR (§198-118.2)	Natural land, farmland and historical land (§198-118.2)	Hamlet centers, nodes and corridors as identified by the Comprehensive Plan (§172-2).
Islip					
	Planned Landmark Preservation Overlay District (PLP)	Promote the education, culture, pleasure and economic and general welfare of the residents; to safeguard historic, aesthetic, scenic and cultural heritage so that they may provide continuity through physical evidence of the Town's evolution and historic beauty; Stabilize and improve property values and thereby protect the Town's tax revenues (§68-447).	TDR (§68-448)	Designated historic district or site (§ 68-447)	Appropriate locations in the Planned Landmark Preservation District (§ 68-448)
Riverhead					
	Tansfer of Development Rights	Protection of the lands located within the Agriculture Protection Zone (APZ), the preservation of agricultural lands, the support of the existing agricultural industry, and the necessary and appropriate economic development of the community (§301-201).	PBC/TDR (§301-3)	The land consists of agricultural use or prime agricultural soils or other natural features identified for protection; the sending district is consistent with a Comprehensive Plan; the rules and regulations promulgated pursuant to the State Environmental Quality Review Act (SEQRA) have been complied with (§301-203).	There will be no significant environmentally damaging consequences, and 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; the sending district is consistent with a Comprehensive Plan; the rules and regulations promulgated pursuant to the State Environmental Quality Review Act (SEQRA) have been complied with (§301-203).
	Community Preservation Fund	Protect and preserve open and undeveloped lands (§14-2 & §14-9).	TDR (§14-3)	Open & undeveloped land, agriculture & historic properties (§14-8)	Downtowns and appropriate commercial projects
Shelter Island					
	Community Preservation Fund	Implement a plan for the preservation of community character (§50-3A).	TDR (§50-3A.2)	Designated properties by the Town Board (§50-5C)	Designated properties by the Town Board (§50-5c)
Smithtown					
	Transfer of Density Flow Rights	Regulate the transfer of density flow rights and encourage the transfer of density flow rights from certain open spaces to the historic downtowns in order to facilitate the: preservation of open space or environmentally sensitive land, protection of the groundwater, preservation and enhancement of the Town's three historic central business districts; and creation of affordable housing units (§323 3).	c Density Flow Rights (§323-4) -	An area of the Town that is desirable to be preserved as open space as depicted on the § 323-5 Transfer of Density Flow Rights Map (§323-4)	An area of the Town that is desirable to be developed more intensively than areas outside the district including historic business districts/downtowns as depicted on the § 323-5 Transfer of Density Flow Rights Map (§323-4)
Southampton	Transfer of Development Rights Certificate Program	Preserve open lands and enable flexibility of design and careful management of land in recognition of land as a basic and valuable natural resource (§244-1).	TDR Development Right Certificate (§244-4)	Agricultural Overlay District, Aquifer Protection Overlay District, Central Pine Barrens Overlay District, or other environmentally sensitive lands per Town's CPF Project Plan (§244-1C).	Receiving sites recognized by Town Code, Comprehensive Plan, SC Sanitary Code and CPBP (§244-1B).
	Central Pine Barrens Overlay District	Protect, preserve and enhance the functional integrity of the Central Pine Barrens ecosystem and the significant natural resources including ground and surface waters (§330-215).	PBC (§330-217)	Central Pine Barrens Areas (Core & Compatible Growth Areas) (§330-221)	Approved receiving sites outside the core preservation area (e.g., Compatible Growth Areas or outside Central Pine Barrens area) (§330-221)
	Agricultural Overlay District	For the purposes of subdivision development in the Agricultural Overlay District, the residential development site portion of the entire tract shall be so delineated as to make available and to preserve intact the maximum possible land area for agricultural purposes (§330-47).	TDR (§330-49)	Open rural areas which constitute a highly significant agricultural and economic resource (§330-47).	Applicants for a planned residential development in the Agricultural Overlay District may transfer the residential development or capital value of the entire agricultural tract to an approved land area off said tract, even though the land is not contiguous to the agricultural tract. Such approved residential development site area shall be deemed to be an integral part of the agricultur tract in establishing the residential development or capital value of the entire agricultural tract and in computing the land's development capacity in terms of dwelling units (§330-49).
	Old Filed Map Overlay District	Assure the continued availability of the open space character of that significant area of the Town, to preserve its vital natural resources and to provide for its orderly growth and development, the Town Board has determined that it is necessary to establish a land tenure system based on development rights and the transfer thereof and a public improvement development program for such old filed maps. (§243-8b).	TDR (§243-8b)	All nonconforming lots within the Special Old Filed Map Overlay District (§330-521)	All lots within the Special Old Filed Map Overlay District with not less than 10,000 square feet with the exception of §330-156 (§330-521 & §330-54A)
	Special Old Filed Map District	Overdevelopment of substandard parcels having a lot area of less than 10,000 square feet on old filed maps south of Montauk Highway between the Shinnecock Canal on the east and the Brookhaven Town line on the west is likely to adversely affect the public health or safety by causing pollution of the groundwater reservoir, saltwater intrusion into the groundwater and/or excessive demand on the groundwater reservoir. The Town Board further finds that such adverse impacts cannot be successfully controlled by application of customary regulations and provisions. §(330-57e).	TDR (§330-57g)	Lots less then 10,000 square feet within the Special Old Filed Map Overlay District (§330-57g)	Lots with 20,000 or more square feet and within the Special Old Filed Map Overlay District (§330-57G). Lots less than 10,000 square feet require a special permit (§330-57G).
	Community Preservation Fund	Implement a plan for the preservation of community character (§140-3A).	TDR (§140-3A.2)	Designated properties by the Town Board (§140-5C)	Designated properties by the Town Board (§140-5C)

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Southold					
	Transfer of Sanitary Flow Credits	Preservation of open space, agricultural lands and recreational landscapes; preservation of the rural, cultural, and historic character of the hamlets and surrounding countryside; preservation of the natural environment and prevention of further deterioration of resources; preservation and promotion of a broad range of housing and business opportunities to support a socioeconomically diverse community; and increased transportation efficiency (§117-1).	Sanitary Flow Credit (§117-2)	Open space (§117-3).	An area of the Town that is desirable to be developed more intensively than areas outside the district. (§117-3.).
	Southold Community Preservation Fund	Preserve the Town's remaining natural, scenic and historic treasures (§17-2).	TDR (§17-6A 2&3)	Open space, farmland, historic land, and natural resources (§17-3).	Designated receiving sites recognized by the Town
Suffolk County					
	Suffolk County Sanitary Credits	Transfer of Sanitary Credits to allow increase in yield on receiving parcels in accordance with Article 6 of the SC Sanitary Code	Sanitary Credit (Article 6 SC Sanitary Code)	Undeveloped property in same Hydrogeologic Zone (as proposed development?)	Developable property in the same Hydrogeologic Zone
	Pine Barrens Credit Program	Preservation of 58,000 acre Core Pine Barrens habitat	PBC (Article 57 ECL)	Core Preservation Area	Projects in the Compatible Growth Area
	Suffolk County Workforce Housing Credit Program	Facilitate the creation of workforce housing	Workforce Housing Development Rights (WHDRL)	Purchased open space parcels	Bonafide Workforce Housing Development Projects

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