3.6.2. SOUTHOLD, NY

<table>
<thead>
<tr>
<th>Population Density</th>
<th>409/ sq. mi.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Form of Government</td>
<td>Town</td>
</tr>
<tr>
<td>Category</td>
<td>Seasonal Soundfront</td>
</tr>
<tr>
<td>CRS Rating</td>
<td>Not Participants</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Median Household Income</th>
<th>Median Per Capita Income</th>
<th>% Owner Occupied</th>
<th>Population</th>
<th>2000-2010 Pop Growth Rate</th>
<th>% White</th>
<th>% Hispanic</th>
<th>% Minority</th>
<th>% Seasonal Housing</th>
</tr>
</thead>
<tbody>
<tr>
<td>64260</td>
<td>37127</td>
<td>46.9</td>
<td>21968</td>
<td>0.65</td>
<td>90.0</td>
<td>11%</td>
<td>15.2%</td>
<td>35.7</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Adaptations</th>
<th>Status</th>
<th>Incorporates CC</th>
<th>Type</th>
<th>Impact</th>
<th>Standard Costs</th>
<th>Funding Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Preservation Fund (2% Real Estate Transfer Tax) for land conservation</td>
<td>Implemented</td>
<td>No</td>
<td>Prevention</td>
<td>Mandatory</td>
<td>Unique</td>
<td>High (&lt; $1,000,000)</td>
</tr>
<tr>
<td>Comprehensive Plan - Incorporates Climate Change</td>
<td>Completed</td>
<td>Yes</td>
<td>Procedural</td>
<td>Reclamation</td>
<td>Unique</td>
<td>Low (&lt; $10,000)</td>
</tr>
<tr>
<td>Freeboard - 2 Ft.</td>
<td>Implemented</td>
<td>No - Symptoms</td>
<td>Planning, Building</td>
<td>Mandatory</td>
<td>Unique</td>
<td>Medium (&lt; $100,000)</td>
</tr>
<tr>
<td>Local Waterfront Revitalization Plan</td>
<td>Implemented</td>
<td>No</td>
<td>Procedural</td>
<td>Mandatory</td>
<td>Unique</td>
<td>High (&lt; $1,000,000)</td>
</tr>
<tr>
<td>NOAA Coastal Services Center Roadmap Project</td>
<td>In Progress</td>
<td>No</td>
<td>Procedural</td>
<td>Reclamation</td>
<td>Unique</td>
<td>Low (&lt; $10,000)</td>
</tr>
<tr>
<td>Transfer of Development Rights</td>
<td>Implemented</td>
<td>No - Symptoms</td>
<td>Planning</td>
<td>Permissive</td>
<td>Unique</td>
<td>Very Low (&lt; $1,000)</td>
</tr>
</tbody>
</table>

**Contacts**

Mark Terry, Principal Planner, LWRP Coordinator -
(631) 765-1938 mark.terry@town.southold.ny.us
Heather Lanza, Director of Planning
Settled in 1640, the town of Southold is located on Long Island's north fork, which is a peninsula at the far eastern tip of the island. Comprising 163 linear miles of coastline, it is surrounded by water on three sides—the Long Island Sound on the north, the Peconic Bay on the south, and the Atlantic Ocean off its eastern flank; the town has no exposed oceanic shore. The only land border is on its west, the town of Riverhead. The town is long and narrow, only 3 miles in width on average and is 21 miles in length.

The topography is generally gently sloping, but the Long Island Sound shoreline is comprised of many steep bluffs and wooded hills. Significant interior portions of the peninsula are in agricultural production, particularly in viticulture. A number of historic towns dot the peninsula, surrounded by farms, extensive waterfronts and estuaries. Approximately 35% of the housing stock is estimated to be second homes. The town’s economy is based in agriculture, maritime industries, and tourism and recreation. The Town of Southold contains 22% of Suffolk County’s remaining agricultural acreage. As part of its aggressive land preservation efforts, the town has purchased development rights to support agriculture as well as its natural landscape, and has purchased over 1,360 acres of farmland alone.

Served mainly by one two-lane state highway and the Long Island Railroad, no controlled access highways exist in the town. As in New England, the town governance form does not describe an incorporated municipality, but rather a large area of incorporated and unincorporated territory. Within the town are nine unincorporated hamlets—Cutchogue, East Marion, Fishers Island, Laurel, Mattituck, New Suffolk, Orient, Peconic, and Southold—and the Village of Greenport.

The census reported a population of 21,968, which is predicted to increase 30% by 2050 (Suffolk County Comprehensive Plan 2035, p 2). In the height of the summer season, the population is estimated to double. 36% of housing was reported as seasonal. (Southold, N.Y., Local Waterfront Revitalization Plan (LWRP), Sec. IA-13 (p.44))

**Coastal Issues**

Although Southold sits surrounded by water at the tip of an island, it is in an enviable position compared to many other North Atlantic towns. The fact that Long Island is a terminal moraine is a distinct
advantage in allowing it sufficient acreage free from flooding risk, particularly for sound-facing shores, because of the high bluffs along much of its shore.

Nevertheless Southold is facing increasing vulnerability to coastal storms. The FEMA V-zone area in the Town of Southold extends along the entire coastline with the exception of a 7-mile stretch between Cedar Beach Point and Pipes Cove, as well as Cutchogue Harbor.

The A-zone includes all creeks, ponds, and wetlands extending between 200 and 1,000 feet inland from the edge of these areas. Many single-family homes are located in the flood zones. "Most of the Southold's flood-prone areas are located along the Peconic Estuary shoreline and its numerous creeks and inlets, although there are several areas of the Town's Long Island Sound shoreline that are susceptible to flooding" (LWRP. p.235).

Long Island is affected by both nor'easters and tropical storms. Most of the storms with significant impacts in Southold are non-tropical in nature, in particular because the town has no south-facing ocean shoreline. The town's most exposed face is northward, and is most affected by prolonged north-northwest winds that tend to follow the passage of low-pressure systems that produce large waves and wind setup along the north shore.

Geologically, the north shore is highly subject to irreparable erosive processes. Recovery is fairly slow along the Long Island Sound shoreline because there are few long period swells to move sand from deeper water onto the beach. For the same reason, erosion of bluffs, which were created by glacial deposit, are essentially irreversible. Structural solutions to counter erosion are ultimately of little value, and options such as beach replenishment are of little help and have generally not been used extensively.

However, like the south fork of Long Island, Southold's long history of strict land use controls and sophisticated land purchase scheme have combined to significantly limit development, and potential damage, on its shores. There are no high-rise buildings and strict setback laws prohibit extensive new development. This allows the town to maintain large areas of ecological function and to rely on maintaining wetland and dune buffers as significant protection from climate-induced hazards. Town Planner Mark Terry critiqued FEMA regulations as actually increasing vulnerability since they allow construction in flood zones as long as the building meets engineering and architectural
design standards, whereas the town could afford greater resilience by requiring buildings to be out of the hazard zone through setbacks and site design. Planning, rather than engineering, is the dominant resiliency technique here.

**ADAPTATIONS**

**Local Waterfront Revitalization Plan**
The Local Waterfront Revitalization Planning process (LWRP) is New York State's implementation of the Federal Coastal Zone Management Act of 1972. It is worth profiling in the case of New York State and particularly in the Town of Southold for the extensiveness and uniqueness of its plan.

New York's law is codified in the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Art. 42 Executive Law). It authorizes local communities to prepare a comprehensive plan for waterfront issues. The Town of Southold has one of the most extensive plans completed by a locality under the CZMA and takes the process to another level by having a full-time staff member as the LWRP coordinator. The town completed its most recent LWRP in 2005. The 874-page plan, the most thorough coastal planning document of any we came across in this project, includes analysis comprising detailed geological, historical, economic, planning, and legal inventory. Analysis is completed in land use and development patterns; public access and recreation; natural, historic, scenic, and archaeological resources; and development constraints including detailed flood risk analysis, assessment of coastal landforms, and processes. Furthermore, a specific detailed analysis in all of the above subfields is completed for each of 10 "reaches"—a stretch of shoreline between two easily distinguishable landmarks.

In Southold and in New York State, the LWRP is not just a set of recommendations. It is an enforceable set of policies implemented through Chapter 95 of the town code. The Waterfront Consistency Review process, required under state law of any town with an adopted LWRP, reviews actions in the coastal area for consistency with the LWRP and coordinates review with the New York Department of State regarding federal and state actions. All projects must undergo Waterfront Consistency Review, except for specifically designated exempt actions.

Project applicants must submit a Coastal Assessment Form similar to an Environmental Assessment form in Environmental Review under the federal National Environmental Policy Act or New York's similar State Environmental Quality Review Act. The town-designated agency (similar to the responsible agency under NEPA) makes the determination of consistency based on the submitted form and the LWRP coordinator's recommendation. If the action is inconsistent, the applicant may need to modify their project or the project might be denied entirely.

Southold's exemplary implementation of the LWRP process has a long history. Salkin (2005) highlighted the town's 1985 plan, which, she reports, allowed the town to "use the LWRP as a means of enacting a new comprehensive plan." Moreover, the plan does not just regulate local activities. Because LWRPs become amendments to the state's program, they by law must be followed by the local, state, and federal government.
Although the LWRP was completed in 2005—and is therefore unlikely to concern itself with the specific issues of sea level rise and climate change—it was used by Southold to positively effect coastal policy, protect its shoreline, and preserve its natural environment, making its program an example of a first-line coastal climate adaptation.

Southold - Local Waterfront Revitalization Plan

Waterfront Consistency Review Evaluation Policies

Policy 1 - Foster a pattern of development in the town of Southold that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a coastal location, and minimizes adverse effects of development.

Policy 2 - Preserve historic resources of the Town of Southold

Policy 3 - Enhance visual quality and protect scenic resources throughout the Town of Southold

Policy 4 - Minimize the loss of life, structures and natural resources from flooding and erosion

Policy 5 - Protect and improve water quality and supply in the Town of Southold

Policy 6 - Protect and restore the quality and function of the Town of Southold ecosystem

Policy 7 - Protect and improve air quality in the Town of Southold

Policy 8 - Minimize environmental degradation in the Town of Southold and hazardous substances and wastes

Policy 9 - Provide for public access to and recreational use of coastal waters, public lands, and public resources of the Town of Southold

Policy 10 - Protect the Town’s water dependent uses and promote siting of new water-dependent uses in suitable locations

Policy 11 - Promote sustainable use of living marine resources

Policy 12 - Protect agricultural lands

Policy 13 - Promote appropriate use and development of energy and mineral resources

Comprehensive Plan/Coastal Resilience Tool

The town of Southold is now in the process of updating its comprehensive plan and expects to complete it by mid-2013. The Nature Conservancy has partnered with the town to participate in the plan and to incorporate information generated from its Coastal Resilience tool (www.coastalresilience.org). "The Coastal Resilience Tool allows decision-makers in coastal Long Island (and Connecticut) to explore different sea level rise and storm surge scenarios; analyze the potential impacts on communities and critical infrastructure like roads and schools; and develop solutions to address these realities" (The Nature Conservancy 2011). The tool,
which is available online and covers all of Long Island, will allow Southold to explore different flooding scenarios from sea level rise and storm surge, analyze the impacts, and incorporate the data into the comprehensive plan update.

Other partners have been involved in Southold's planning for climate risks. Besides The Nature Conservancy, the Association of State Floodplain Managers and NOAA Coastal Services Center held a workshop to introduce data and information available through the Digital Coast as well as a participatory process for assessing and planning for hazards and coastal resilience.

**Community Preservation Fund (2% transfer tax)**
In 1998, New York State passed the the Peconic Bay Region Community Preservation Act, which authorized the Town of Southold, along with the four other towns in the Peconic Bay region, to establish a fund to preserve sensitive lands financed by a special 2% real estate transfer tax on sales of certain property within each town. Use of the funds was limited to objectives in the Community Preservation Project Plan that furthered the preservation of:

- Open space and agricultural lands
- Parks, nature preserves, and recreation areas
- Lands of exceptional scenic value
- Freshwater and saltwater marshes and wetlands
- Aquifer recharge areas
- Undeveloped beach lands or shorelines
- Wildlife refuges with significant biological diversity
- Unique or threatened ecological areas
- Natural free-flowing rivers or river areas
- Historic places and properties whether listed on the New York State Register of Historic Places or protected by municipal law
- Any of the aforementioned types in the furtherance of a greenbelt

The plan sets the list of eligible priorities, describes mechanisms for protection, and determines which properties should be given highest priority. The unique source of monies has been used to "preserve and protect privately owned real estate assets in a way that benefits the community as well as the owner" (Southold, N.Y., 2008 Community Preservation Project Plan). Of ecologically sensitive lands, farmlands, wetlands, and vulnerable coastal properties. Different tools are available to the town to accommodate the unique circumstances of each property. Conservation easements and purchase of development rights are commonly used, as well as tax-exempt installment sales, bargain sales, like kind exchanges, charitable remainder trusts, and land donation. The direct cost to the town is minimal; by August 2008, the most recent published data available, the fund had raised $54 million and had protected 1,480 acres in 87 individual acquisitions.

**Transfer of Development Rights Program**
Initially passed into law in 2005, the Town of Southold fully implemented a town-wide TDR program in April 2008.

The intent of the law as stated in Ch. 117 of the town code was established as follows:
The Town’s goals include the 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...
(Southold, N.Y. Town Code, Ch. 117)

TDR is designed to meet multiple supportive goals leading to a more sustainable community, one significant component of which is greater coastal resilience, and to do so at very low cost to the public. TDR "provide(s) a means to expand programs which provide for land preservation ... and to leverage funds through alternative preservation tools that do not require public expenditures" (Southold, N.Y., n.d., TDR Program Planning Report, p 16).

Unique among TDR programs, in Southold the entire town is either a sending or receiving district. Any zone not a receiving district is a sending district, and receiving districts are designated only in or adjacent to historic hamlets and villages, (called “hamlet locus districts” HALOs in the code), many of which are near a transit stop. This both mitigates carbon emissions and increases resiliency by transferring development rights to less vulnerable locations. By law, the town board considers whether the project in the receiving district is compatible with existing and planned development and does not cause significant environmental damage.

The town considers factors such as:
- Infrastructure such as roads, utilities, and water supply currently exist.
- Residential density proximate to the hamlets strengthens the business environment.
- Residential density in the HALOs provides opportunity for alternative transportation such as walking and bicycle travel.
- Use of TDRs in the HALOs may promote beneficial investment and redevelopment.
- Use of TDRs in the HALOs will provide alternative forms of housing to single-family detached development, thus increasing housing stock providing potentially more affordable housing of various types (p.4)

The town uses TDR as one component of an overall strategy to develop in a sustainable, resilient manner. It also continues to use purchase of land, purchase of development rights, and conservation subdivision design to achieve these goals.

As of September 2009 the Town had severed flow credits from four or five open space parcels purchased by the Town. About 30 flow credits were deposited in the town’s TDR bank as result. Unfortunately, in the three years since the program was adopted, no multi-family housing units have been permitted, indicating that the density levels promised in the HALOs have yet to be realized.

**Flood Hazard Law**
In conformance with FEMA regulations, the town adopted Chapter 148 of the town code— the Flood Damage Prevention Law. The law follows FEMA model ordinances and includes a requirement for buildings to be elevated to at least 2 feet above the base flood elevation.