

Critical Wildlands and Groundwater Protection Plan and GEIS
Planning History Summary - FINAL **February 24, 2004**

1.0 SUMMARY

This report provides a review of the planning history for the Town of Southampton Critical Wildlands and Groundwater Protection Plan (the Plan) and summarizes the changes that have led to the current plan and its recommendations for implementation, including establishment of a Preservation Area District within the Town's Aquifer Protection Overlay District. To that end, some of the early initiatives to expand planning and policies for watershed protection to the lands east of the Shinnecock Canal are described as well as this Plan's public input and the public review process which originated back in 1999. Formulation of the Plan was based on input from a Technical Advisory Committee and a Citizen Advisory Committee, as well as extensive public review, input, and testimony received on the August 2002 and May 2003 drafts of the Plan and Draft Generic Environmental Impact Statement (GEIS) at eighteen public hearings. This process has culminated in a recommended plan that will be described in a Final Environmental Impact Statement (FEIS), which will include final text and map descriptions of the proposed Aquifer Protection Overlay District (APOD), the Preservation Area District, as well as a response to all comments received on both the August and May versions of Plan.

2.0 PLANNING HISTORY

SOUTH FORK PINE BARRENS INITIATIVE (1999)

The Town first established an Aquifer Protection Overlay District over watershed lands east of the Shinnecock including much of the study area (excepting the west Tuckahoe area) in 1986. In 1999 a regional planning effort was initiated to expand these protections in light of significantly increasing development pressure, the need to protect ecological features as well as groundwater and surface, and to conform with the objectives of Peconic Estuary Program, which at that time were being developed as part of the Peconic Estuary plan. This initiative explored the potential for expanding State, County and local protections beyond the Central Pine Barrens to areas east of the Shinnecock Canal through a potential amendment to the Long Island Pine Barrens Protection Act of 1993 (Article 57 of the New York State Environmental Conservation Law [ECL]).

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As part of this initiative, a Pine Barrens Advisory Committee was formed composed of local business, conservation, and civic organizations of the East End. The Advisory Committee began to draft potential legislation, to be known as the “Eastern Pine Barrens-Peconic Bay Protection Act” (the South Fork Pine Barrens Initiative), to create a regional comprehensive land use plan. The objectives were to protect drinking water quality, preserve the unique ecology, discourage piecemeal development, and accommodate development in a manner consistent with preserving the long term integrity of the Pine Barrens. The plan was to be modeled after the Central Pine Barrens Plan. Public informational meetings were held in February and March 2000.

TOWN BOARD RESOLUTION NO. 318 (March 2000)

In light of the significant differences between the Central Pine Barrens regulations and the land use management needs of the South Fork Pine Barrens, the Town Board decided not to support amending Article 57 for expanding the Pine Barrens jurisdiction, but chose to explore local strategies for land and groundwater protection. On March 24, 2000, the Board adopted Resolution No. 318, which rescinded support for amending of the Central Pine Barrens Act. Some of the reasons for this decision included:

- The Pine Barrens extension did not address the significantly different geographic, hydrogeologic, and land use conditions of the South Fork;
- Town studies of local groundwater conditions used for policy-formulation, zoning, and local legislation regarding groundwater protection, do not support the extension of the Central Pine Barrens Act from western Southampton to the South Fork;
- The New York State-funded Long Island Special Groundwater Protection Area (SGPA) plan which identified the South Fork SGPA provides a basis for policies to protect drinking water resources from degradation and/or contamination;
- The proposed Eastern Pine Barrens Law, under review by the Central Pine Barrens Advisory Committee, was in conflict with the home rule doctrine and usurped local control with the Central Pine Barrens Commission, and/or a proposed management preservation board, under which the local municipal government has little or no control.

Taking these concerns into consideration, it remained an objective of the Board to further the local goals of groundwater, surface water, and ecological features protection. Thus, the Board remained committed to its efforts to protect these resources and also mandated the following steps:

- Develop a comprehensive *Drinking Water Protection and Management Plan* for the study area;
- Accelerate the purchase of property critical for groundwater protection using funds currently available in Town-sponsored voluntary sale programs;
- Coordinate with the Suffolk County Water Authority (SCWA), the Suffolk County Department of Health Services (SCDHS), and the Suffolk County Planning Department (SCDPD) to ensure drinking water quality, identify sites for well fields, and to develop a regional wellhead protection program;
- Evaluate local land management techniques to delineate specific wellhead protection zones within the State-designated South Fork SGPA;

- Identify local management tools, including zoning overlay districts, to restrict and prohibit certain types of land use, create large-lot zoning, and to protect land through fee simple acquisition and acquisition of development rights;
- Coordinate with the Town Trustees to re-examine the Town's land use regulations aimed at enhancing the quality of surface waters; and
- Create a library of groundwater studies, to be used as a basis for policy formulation for groundwater and surface water management.

It was then determined that a Watershed Protection Working Committee consisting of representatives from Southampton and East Hampton, Suffolk County, and New York State be established immediately to initiate a work program that would serve as the basis for developing a comprehensive watershed protection plan, provide economic analysis to establish funding requirements for potential preservation zones, and coordinate regional implementation.

GROUNDWATER SUMMIT AND LOCAL COMMITMENTS (September 2000)

One of the first steps in the South Fork groundwater planning effort was a joint meeting known as the "Groundwater Summit 2000," held on September 20, 2000, by the Towns of Southampton and East Hampton. That summit provided an opportunity for the two towns to assess current protection efforts with respect to the deep aquifer recharge areas, as well as to provide a forum for various experts to discuss the status of the South Fork's drinking water quality and supply. The summit further provided an overview of current groundwater protection efforts including: zoning and land use restrictions in each town; groundwater hydrology of the South Fork of Long Island, including a review of the 208 Study and SGPA; current and future public water supply, demand, and planning; constructing a regional groundwater model, including deep water flow and contaminant transport modeling; surface water monitoring; examining the effects of pesticides and fertilizers on drinking water quality; and initiating a regional groundwater protection and management plan. In addition, in September 2000, the Southampton Town Board authorized a contract with the United States Geological Survey (USGS) to initiate a study entitled *Groundwater and Surface Water Resource Evaluation on the South Fork, Long Island, New York, Through Improved Water Resources Monitoring And Modeling*.

TOWN BOARD RESOLUTION NO. 1560 (December 2000)

In December 2000, the Town Board, endorsed a conceptual framework for developing a Critical Wildlands and Groundwater Protection Plan (CWGPP) for watershed lands within Southampton Town east for the Shinnecock Canal, as prepared by the Town's Department of Land Management. Based on this framework, the Board authorized the Department to initiate the process of developing a Plan for the purposes of identifying potential future code revisions and completing a GEIS, that would allow the plan to be reviewed by the public in accordance with the State Environmental Quality Review Act (SEQRA). It was mandated in the resolution that a Citizens Advisory Committee, a Technical Advisory Committee, and a Regional Groundwater Working Committee be formed to assist in creating the Plan. Representatives of these committees included members of the Town Board and staff, the SCDHS, the SCWA, and local not-for-profit groups, among others.

CWGPP AND GEIS (August 2002)

A Plan and GEIS were the prepared in furtherance of Resolution 1560 and were released as a single document in August 2002 entitled the *Town of Southampton Critical Wildlands and*

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Groundwater Protection Plan and Generic Environmental Impact Statement. Before developing the Plan and GEIS, goals were established in coordination with the TAC and CAC. It was the objective of this process to identify for the Plan the essential goals for watershed protection and the principles of groundwater, surface water, and ecological protection, that were to be achieved in an equitable manner across the watershed. To that end, the following goals were established for the Plan:

- Identify techniques for protecting and preserving critical wildlands, including undisturbed large blocks of natural communities and wildlife habitat that are of critical ecological importance as well as habitats for rare and endangered plants and wildlife.
- Protect groundwater and surface water resources from pollution and activities that threaten water quality due to land cover runoff, groundwater discharges, the use of pesticides, herbicides, fungicides, fertilizers, or the storage and use of hazardous wastes.
- Manage development in a manner consistent with the protection of the sole source aquifer, critical wildlands habitat, and scenic resources and traditional natural landscapes, with a focus on wellhead protection zones and surface water protection as well as the overall protection of the public health, safety, and welfare.
- Further the recommendations of the Town's Comprehensive Plan Update, the Peconic Estuary Program Comprehensive Conservation and Management Plan, and the South Fork Special Groundwater Protection Area, for the protection of critical wildlands, groundwater, and surface water.

REVISED CWGPP AND GEIS (May 2003)

After a series of public hearings held between September 2002 and May 2003 on the August 2002 Draft Plan, it was the decision of the Town Board to prepare a revised Plan and GEIS with the objective of responding to public comments on the August 2002 Plan, and to incorporate additional implementation techniques. Fundamental to these revisions was minimizing the regulatory actions that were part of the original draft and eliminating the upzoning proposal (from 5 acres to 10 acres). In addition, the revised Plan, issued in May 2003, mandated the preservation of key parcels in the proposed district (under the August 2002 Plan preservation was voluntary). Under this revised Plan, the map of sites recommended for preservation was amended (in addition the map was updated to reflect the Town's land purchases made during the course of the study) and preservation of those sites was mandatory.

For those parcels identified for preservation, there were three options for landowners: 1) fee simple purchase sale as public open space; 2) transfer of development rights (TDR); and 3) protection through conservation easements. Landowners could also sell or donate development rights to non-for-profit preservation entities (e.g., Peconic Land Trust, Nature Conservancy) from which they could derive tax benefits. There would also be an exemption for hardship cases that would be drafted into the proposed district regulations.

The analysis of the TDR option as a preservation tool was more detailed in the May 2003 Plan and GEIS. In addition to land preservation another benefit of the TDR program would be to create affordable housing in the receiving areas. It was the objective of the Plan that these goals could be achieved while meeting the objectives of groundwater, surface water, and habitat protection through the land preservation mandate and the development regulations (e.g., land clearing controls) of the Plan. Moreover, the Plan would protect public well heads (both existing and proposed), private drinking wells, and the watershed of the Peconic Estuary, with the specific objective of reducing nitrogen loading to the estuary.

2.0 CWGPP PLANNING PROCESS AND PUBLIC REVIEW

INTRODUCTION

Since the release of the August 2002 CWGPP there have been a total of eighteen public hearings that have covered the August 2002 and May 2003 versions of the Plan and GEIS. Over the course of the nearly eighteen months of public review, the Plan has evolved in a number of ways, some of which have been summarized above. What follows is a description of the evolution of the Plan through that public review process, beginning with the recommendations as presented in the August 2002 Plan and GEIS which are listed in Table 1 below. The recommendations that have changed since that time are highlighted in red and what follows is a description of those changes.

Based on the public input and review of the draft plan in the period between August 2002 and May 2003, the Town decided to re-evaluate some of the original land protection strategies proposed by the plan, including the proposed upzoning, changes in setback regulations, and the proposed permitting process (see the discussions below). Refinements were also made to the land use map to further prioritize lands targeted for protection, particularly with respect to creating contiguous blocks of open space, and protecting lands with greater ecological value. The Town map was also updated to reflect land acquisitions by the Town.

Table 1
 Critical Wildlands and Groundwater Protection Plan Summary of
 Recommendations Proposed as Part of the August 2002 Plan

Planning Objectives	Recommendations
Open Space Preservation	<p>Preserve as public land properties that provide the opportunity to protect:</p> <ul style="list-style-type: none"> • large blocks of unique and sensitive natural resources • wellhead protection zones • surface water watersheds • traditional scenic landscapes
Zoning Amendment	<p>Expand zoning protections including:</p> <ul style="list-style-type: none"> • lowering residential densities through zoning (e.g., upzoning) • prohibiting uses that present significant and irreparable adverse harm to groundwater or surface water quality • elimination of Light Industry zones • establishing a Special Critical Wildlands and Groundwater Protection Overlay Zoning District
Performance Standards and Monitoring	<p>Establish performance standards and monitoring practices to:</p> <ul style="list-style-type: none"> • protect groundwater and surface waters from potential sources of pollution • provide early detection of potential threats from non-conforming uses.
Site Design and Development Review to Reduce Impacts	<p>Expand site development standards and review practices to:</p> <ul style="list-style-type: none"> • provide stringent setbacks for the protection of natural features, groundwater, surface water, and scenic landscapes • reduce the individual and cumulative impacts of development • establish a Special Critical Wildlands and Groundwater Protection permit and review process
Regional Groundwater Management Planning	<p>Inventory and map known and potential groundwater contaminant sources to:</p> <ul style="list-style-type: none"> • develop a GIS database of groundwater conditions and pollution sources • ongoing monitoring of groundwater and surface waters conditions • coordinate with adjacent municipalities and the SCWA to develop comprehensive wellhead siting protection and pumping plans for the South Fork
Consistency with Peconic Estuary Program	<p>Implementation of Peconic Estuary Program policies regarding the protection of waters and Critical Natural Resources Areas including:</p> <ul style="list-style-type: none"> • attain a 25 percent reduction in nitrogen loading in the watershed
Wildlands Management and Research	<p>Encourage scientific research of the natural features to:</p> <ul style="list-style-type: none"> • expand the science and understanding of the regional and local importance of the critical wildlands ecosystems
Public Education and Awareness	<p>Expand public outreach programs to:</p> <ul style="list-style-type: none"> • facilitate knowledge and awareness of the environmental sensitivities of the watershed
<p>Note: The recommendations in red are those that have been modified since the August 2002 Plan. The modifications are described in the text below.</p>	

PROPOSED ZONING DISTRICT OVERLAY

The original area proposed for rezoning comprised about 11,425 acres in two parts, a west area of some 555 acres (in Tuckahoe) and a larger area to the east that covered some 10,870 acres. During the public review process consideration was given to combining these two areas into a single new zoning district. That proposal was dropped upon further evaluation of the land use conditions between the two areas given the extent of existing development as well as the existing zoning, which is primarily R-20 and smaller lot residential districts with some commercial districts as well. The land use and zoning conditions did not support merging the two areas. As a result, the Plan now calls for establishing two distinct Aquifer Protection Overlay Districts (APOD). A new western APOD would be established in Tuckahoe. The remainder of the existing APOD would be modified so as to delete those areas where the current “Agricultural Overlay District” overlaps with the APOD. Specifically, the east APOD is bounded principally by Majors Path Road, Noyac Road, Stony Hill Road, and Brick Kiln Road to the north and west, the municipal boundary with East Hampton to the east, and the “Agricultural Protection Overlay District” to the south. In addition, as part of this process, the southerly boundary of the proposed districts was adjusted to follow lot lines. The west APOD is defined by West Neck Road to the north, North Magee Street to the west, Sebonac Road to the south, and includes properties just to the east and fronting on Sandy Hollow Road.

The original Plan called for establishing a new “Critical Wildlands and Groundwater Protection Special Overlay District.” Within the district two areas were to be designated, a “Watershed Habitat Preservation Area,” which identified lands for mandatory protection, and a “Conservation Development Area,” where development and redevelopment could proceed subject to the environmental protection controls of the proposed special district. The Conservation Development Area is no longer part of the Plan. The proposed special preservation district would now be mapped as a “Preservation Area District” within the “Aquifer Protection Overlay District.”

PRESERVATION OF LANDS IN THE WATERSHED

One of the principal objectives of the Plan has always been the protection of the watershed’s water quality and ecology through the preservation of watershed lands, preferably as open space in perpetuity. This has been a major focus of the Plan because this preservation approach provides the highest level of watershed protection. Moreover, protection of lands also provides the multiple benefits of groundwater and drinking water protection, and surface water protection for the Peconic Estuary watershed, as well as creating large blocks of contiguous open space that provides ecological habitat and the community benefit of public open space.

The August 2002 Plan recommended accomplishing these objectives through a voluntary landowner preservation program that identified a number of techniques, including:

- Public acquisition of development rights (under a willing seller program) with funds from a variety of sources including Community Preservation Fund monies, State Funds (e.g., Environmental Protection Funds, primarily), and possible financial support from the Suffolk County Water Authority;
- Transfer of development rights;
- Mapping of conservation easements over protected portions of properties;
- Donation to non-for-profit groups; and

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- Tax incentives to encourage voluntary preservation and donation of privately held ecologically sensitive lands.

As stated above, the May 2003 Plan recommended that the TDR strategy be used in addition to the fee simple acquisition to preserve lands in the Preservation District Area. Moreover, these recommendations were made in the May version of the Plan with the dual objectives of providing mandatory land preservation and opportunities for affordable housing. Based on the comments received at the public hearings on the May 2003 Plan, while the proposed action includes TDR at a transfer ratio of 2 to 1, it no longer includes allowances for multi-family housing or affordable housing. It was determined that such objectives could be in conflict with the water resources and ecological preservation objectives of the Plan. It was determined that such objective could best be met through the Town's hamlet studies and initiatives for affordable housing. In addition, all TDR receiving sites under the proposed Plan would need to be located east of the Shinnecock Canal.

It has been an objective of the Plan from the start to identify wellhead protection zones as a way of targeting these areas for special protections. To this end, the wellhead contribution zones were to be mapped as part of the Source Water Assessment Program (SWAP) modeling of the SCDHS in conjunction with the New York State Department of Health (DOH). That modeling is yet to be completed and available to the public and interested agencies.

ZONING DISTRICT CHANGES

Residential Zoning Density

It was an overall objective of the Plan to reduce pollutant loadings and increase contiguous blocks of open space by reducing the developable density in the watershed through upzoning. To that end, the August 2002 plan proposed a number of zoning proposals to reduce residential density, among them: increasing minimum lot sizes in the CR-80 and CR-120 districts to CR-200; and increasing the minimum densities in the CR-200 districts to CR-400 (this would be a new zoning district in the Town and would be about a 10-acre zone equivalent). The latter zoning proposal affected the greatest amount of vacant land in the district. Overall projections under the rezoning proposal identified a potential reduction of 87 units in the CR-120 districts and 256 units in the land currently zoned CR-200, for a total of 343 units.

As a result of public input received at the public hearings that were held between August 2002 and May 2003, the upzoning recommendation was dropped, in favor the land preservation strategies that targeted large contiguous blocks of vacant lands for protection through fee simple acquisition, conservations easements, and TDR.

Light Industry Zones

There were two Light Industry (LI) Zoning districts within the boundaries of the original August 2002 Plan. With the modifications in the district boundaries, this was reduced to one LI District in the Sag Harbor area. It was proposed in the original Plan, and remains a recommendation of the Plan, that this LI-40 District be eliminated and replaced by a Village Business (VB) District.

Prohibited Uses, Activities, and Materials

Since the August 2002 draft, the CWGPP has identified a number of uses that were recommended to be prohibited within the proposed district. Among those uses are:

- Public and private landfills, solid waste handling facilities, junkyards, auto salvage yards, battery or oil recycling centers.
- Manufacturing uses, specifically those that involve the production or storage of paving, roofing, or other construction materials as well as petroleum-based coating and preserving materials.
- Fueling stations, vehicle service stations, and car washes.
- Dry cleaners or laundry services where the cleaning operations are performed on-site.
- Road salt stockpiles.
- Activities that require the use, treatment, generation, storage or disposal of hazardous wastes in greater than household quantities.
- Underground fuel storage tanks.
- Wood preservatives that contain formulations of chrome-copper-arsenate (CCA), pentachlorophenol, creosote, and related chemicals.
- Golf courses.

It remains a recommendation of the plan that these uses be prohibited within the proposed APOD Special District.

SITE DESIGN REGULATIONS TO REDUCE IMPACTS

CRITICAL WILDLANDS AND GROUNDWATER PROTECTION AREA PERMIT REVIEW

The August 2002 Plan proposed creating a new administrative environmental administrative review permitting process that would regulate development in the originally proposed CWGPP Special District. Among the actions proposed for permit review were:

- Regulating activities such as new structures or expansion of existing building footprints (primary and accessory structures) by more than 10 percent or more than a total of 500 square feet, on sites with a total land area of between 80,000 square feet and 400,000 square feet.
- Activities on any lot that is at least partly within a designated wellhead protection zone, or within 1,000 feet of a public water supply well including the installation of new septic systems.
- Activities on lands known to contain significant natural features such as freshwater wetlands, vernal pools or kettle holes, or habitats for rare or endangered species or unique natural communities.
- Clearing of natural vegetation that would eliminate between 500 square feet and 40,000 square feet of natural vegetative cover.
- Activities on lots that are adjacent on at least one property line to a site that is designated as open space or public trails.
- Disturbance of steep slopes through construction or clearing that would exceed more than 2,000 square feet on the Plan map.

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In addition to this administrative permit review, it was proposed that the Planning Board approval be required for certain activities, specifically activities that exceeded the above administrative review thresholds, or activities that sought variances (or relief) from the requirements of the CWGPP Special District regulations, or if the Chief Environmental Analyst determined that a proposed activity may have an adverse impact, thus requiring Planning Board review.

These elements of the Plan were reviewed as part of the public hearing process between August 2002 and May 2003. As a result of public input and comments, these recommendations were dropped from further consideration.

CLEARING RESTRICTIONS

It was also an objective of the proposed plan to tighten the site disturbance/clearing limitations for large lots with the new revised APOD. The original August 2002 proposal for clearing restrictions for large lot development are presented in Table 2, below.

Table 2
Summary Existing and Proposed Expanded Clearing
Restrictions: August 2002 Plan
(allowable area of lot disturbance)

Lot Size (square feet)	Existing Clearing Protections (Percentage of Site)	Proposed Clearing Protections (Percentage of Site)
60,001 to 90,000	35	30
90,001 to 140,000	25	20
140,001 to 200,000	20	15
200,001 or greater	15	10

As a result of the public hearings and review, the proposed tightening of the clearing restrictions proposals for the larger lots described above are no longer part of the Plan.

REAR YARD SETBACK PROTECTIONS

It was also part of the August Plan to reduce the amount of clearing that could occur on vacant lots through increased rear yard setbacks for residences on large lots, and to use these setbacks as a way to allow development on lots, while creating large contiguous blocks of open space. This would be accomplished by linking the preserved portions of the lots to other existing and proposed open spaces/preserved areas. The rear yard setbacks proposed in the original August 2002 plan are shown in Table 3, below. As a result of the public hearings and review, the proposed rear yard setback protections are no longer part of the Plan. The Plan now favors establishment of mandatory conservations easements over portions of certain road fronting lots to allow for potentially clustered development.

**Table 3
Existing and Proposed Yard Setbacks for Natural Vegetation Protection
at Lots Adjacent to Designated Open Spaces**

Lot Size (square feet)	Rear Yards		Front Yards	
	Existing (feet)	Proposed ⁽¹⁾	Existing (feet)	Proposed (feet)
200,001 or greater	100	75% of the average lot in depth	100	75
140,001 to 200,000	100	65% of the average lot in depth	80	60
90,001 to 140,000	100	55% of the average lot in depth	80	60

Note: ⁽¹⁾It is expected that most lots would increase the rear yard setbacks by several hundred feet from the existing regulations.

PROTECTION FOR VERNAL POOLS AND WETLANDS

In addition to the above recommendations, there were additional recommendations aimed at protecting kettle holes and vernal pools. The intent of these regulations was to expand protection efforts for reptile and amphibian species that use these areas for breeding or foraging. The proposed protections included a 100-foot no disturbance setback from all kettles and vernal pools and limited clearing setbacks at distances of up to 750 feet. Based on the comments received during the public hearing process, it has been decided that the land acquisition program and the existing wetland laws of the Town already provide sufficient protection for these habitats and the wildlife species that use them.

REGIONAL PLANNING

The Plan seeks to facilitate regional coordination in groundwater management. To that end, the Plan recommends ongoing coordination between the South Fork towns with respect to watershed protection, wellhead protection, and land preservation.

CODE ENFORCEMENT AND STAFFING

It has been an objective of the Plan to suggest ways to increase staffing and enforcement as part of this effort. During the public hearings on the DEIS (both the August and May versions) a number of commentors stated the need for heightened enforcement, not new regulations. The Plan continues to recommend that sufficient resources be dedicated towards staffing with respect to groundwater monitoring, enforcement, and public education.

WILDLANDS MANAGEMENT AND RESEARCH

The Plan continues to recommend facilitating wildlife research and management efforts. Recommendations of the Plan continue to encourage making public lands available to local and regional learning institutions for scientific research with the results of that research provided to the Town, as well as cooperative agreements between the Town and not-for-profit landholders to allow authorized scientific groups to provide comprehensive management and stewardship of sensitive habitats, to institute natural habitat restoration for public lands that have been impacted

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through degradation or clearing, and coordination with the Long Island Power Authority (LIPA) on the management of natural lands along transmission line corridors, particularly within the sensitive areas of Great Hills, Noyack Hills, and the Great Swamp.

PUBLIC EDUCATION AND AWARENESS

It remains an objective of the Plan to further land stewardship of wildlands, as well as to protect public health and safety, by minimizing contamination of the aquifer and the protection of natural resources from existing and future development that will occur in the APOD. To this end, public education and awareness campaigns can protect and manage the resources of the study area. Recommendations include: increasing public awareness as to the sensitivity of the area and how to reduce the impacts of typical household activities on groundwater and the key ecological habitats; promoting the use of native plants and restoration of privately held disturbed lands; and encouraging the regular cleaning of septic systems (once every 2 or 3 years). This could also include creating a “Homeowners’ Environmental Awareness Brochure,” that presents techniques for reducing household impacts.

PECONIC ESTUARY PROGRAM

The Peconic Estuary Program (PEP) is a regional initiative designed to protect, preserve, and manage the Peconic Bays and their watersheds. A focus of PEP is the protection of ground and surface water quality from the impacts of pathogens, toxins, nitrogen loading (a reduction of 25 percent) and other sources of water quality degradation, as well as the protection of the estuary’s living resources. The APOD is within the PEP management area. Recommendations that continue to be part of the Plan are to continue efforts to meet the goals and objectives of the PEP and implementing the PEP regional water resource management goals of achieving an overall 25 percent reduction in nutrient loadings to the Peconic Estuary.

OTHER RECOMMENDATIONS

The Plan contains a number of other implementation techniques as well, including:

- Sponsoring continued USGS monitoring of groundwater and surface water features focusing on:
 - areas of concern identified through this study, including the expansion of groundwater monitoring sites;
 - potential impacts on groundwater and surface water from MtBE;
 - monitoring seaward of the study area to identify any indications of potential impacts from saltwater intrusion;
 - mapping of groundwater data, including DEC spill records, and identifying other potential sources of pollution, chemical storage areas, monitoring wells, landfills, industrial uses, and golf courses;
- Providing local tax incentives for the removal and closure of underground storage tanks.
- Amortizing non-conforming activities that cause adverse groundwater impacts.
- Reclaiming sand mining and landfill sites.
- Requiring proper closure (capping and filling) of all decommissioned private water supply wells.

- Implementation of a golf course law to protect groundwater and surface water systems from the impacts of golf courses.

3.0 SUMMARY OF PROJECTED CONDITIONS WITH PLAN IMPLEMENTATION

As a result of the public review process there were a number of amendments to the proposed district, particularly with respect to identifying parcels already acquired by the Town and the parcels targeted for protection through the mapping of a Preservation Area District within the APOD. The parcels with the preservation area have been identified because they provide the greatest opportunity for creating contiguous blocks of open space and contain the most important lands for the protection of wellheads and ecological habitats, as well as those lands that provide the opportunity to expand public open space. As shown in Table 4, below, the proposed Preservation Area includes 2,794 acres of currently protected open space with another 1,229 acres designated for preservation. In total the proposed Preservation Area District covers about 4,536 acres (less 135 acres that are already roads within the preservation area), and includes about 32 acres of residential land, and 416 acres of recreational lands (golf courses).

The most significant revision from the August 2002 Plan to the May 2003 Plan is that the preservation of these lands is mandatory. Under this Plan, landowners have the following options:

- 1) fee simple sale for public open space;
- 2) transfer of development rights (TDR); and
- 3) protection by preservation easements.

Landowners could also sell or donate development rights to non-for-profit preservation entities (e.g., Peconic Land Trust, Nature Conservancy), from which they could also derive tax benefits. Other lands in the APOD could be developed in accordance with the current development controls (e.g. clearing restrictions) of the existing APOD. There would also be hardship provisions within the zoning text to of the proposed district.

It is anticipated that the goals of land preservation can be achieved based on a combination of acquisition and TDR. A mass valuation for the land acquisition program estimates the cost of the land in the Preservation Area District is \$150 million. It is anticipated that 75 percent of this land preservation cost could come from public sources of funding for acquisition (a combination of Town, State, and County funds) and the other 25 percent could come through TDR.

Under the proposed plan, the following land use conditions are projected for the Preservation Area District. These projections are based on the current acreages of preserved land, the acreage of lands projected for open space preservation, lands to be protected by easements, and recreational lands. Given the projected land use conditions in the Preservation Area District, and the overall objectives of the APOD and the Plan, it is anticipated that the recommended set of actions can allow the Town to meet the goals of groundwater and surface water protection, protection of ecological habitats, and the goals of the Peconic Estuary Program, with respect to reducing future nitrogen loadings and the preservation of critical natural resource areas.

Table 4
Projected Land Coverage in the Proposed Preservation Area District

Current Open Space	2,794 acres
Additional Land Recommended for Acquisition	1,229 acres
Recreation areas	416 acres
Conservation easements	65 acres
Existing residential development	32 acres
Total Preservation Area District	4,536 acres
Including Existing Roads	4,671 acres