

Sprawling Success

The Peconic Bay Community Preservation Fund, and its roots in Nantucket

By **KARL GROSSMAN**

It has become key to saving eastern Long Island from the sprawl that has overtaken so much of the western portion of the island. It's the Peconic Bay Community

Preservation Fund (CPF) that began in 1999 and reached a stupendous \$1 billion mark earlier this year in funds raised.

That money has gone to acquire open space and other environmentally sensitive land on eastern Long Island as well as saving farmland and for historic preservation purposes. At a time of declining or non-existent fiscal support from other levels of government for these purposes, CPF has made all the difference for eastern Long Island.

It is modeled after a 2 percent buyer-paid real estate transfer tax created on Nantucket by a native Long Islander, Bill Klein — who, raised in Syosset on western Long Island, knew that sprawl well. "It's clear that conservation could not have kept pace with development here without the CPF," says New York State Assemblyman Fred W. Thiele Jr. of Sag Harbor, a leader in the creation and implementation of CPF.

I was unaware of CPF's links to

Nantucket and Bill Klein until a visit this summer to the island 30 miles out in the Atlantic off Cape Cod. With our sailboat or, a good deal less adventurously, by ferry, I've been to most of the islands east of Long Island — Block Island, Fishers Island, Cuttyhunk, Plum Island, Martha's Vineyard. But I'd never been to Nantucket, and it is some beautiful place! And I was so impressed to hear on a bus tour that half of this exquisite island, three-and-half-by-14 miles in size, is preserved.

Much of that has to do with donations of land or money to acquire property to several private organizations, but much of it, too, is a result of the island's buyer-paid 2 percent real estate transfer tax earmarked for buying and saving open space.

Vaguely I recalled, the CPF on Long Island — also based on a buyer-paid 2 percent real estate transfer tax — had a Nantucket connection.

Yes, absolutely, confirmed Thiele. The Long Island program is directly based on the Nantucket program.

The connection starts with a visit by former East Hampton Town Supervisor Judith Hope to Nantucket in 1984. She had flown to Nantucket with her pilot husband Tom Twomey, both ardent environmentalists.

On Nantucket she read about "this wonderful concept of a 2 percent transfer tax to preserve open space. We were very impressed," recounts Hope. "I brought it to the town board." And she asked Thiele, the East Hampton Town Planning Board attorney as well as town attorney of adjoining Southampton Town, to look into its applicability to Long Island.

Meanwhile, then-East Hampton Councilman Randy Parsons had also read, independently, about the Nantucket program. The East Hampton town board authorized a visit to Nantucket by Parsons, East Hampton town planner Tom Thorsen and Peter Garnham, a real estate broker. Some real estate interests were uneasy about the 2 percent notion, although Garnham believed the fears unfounded. Three decades later, Garnham, of Amagansett, now a garden writer and farmer, says: "There was nothing for the real estate industry to be concerned about. And CPF fulfills a huge need."

They met on Nantucket with its planning director, Bill Klein — the



The 2 percent real estate transfer tax has saved 10,000 acres on the East End so far, Grossman notes. The concept was first applied in the 1980s on the island of Nantucket (depicted in Theodore Robinson's painting "Nantucket, 1882," below).



Long Island native who originated the program.

Three decades later, Parsons, an East Hampton resident now with The Nature Conservancy of Long Island, comments: "Without the CPF and a dedicated fund for preservation, we would have had a different outcome. So thank you, Nantucket!"

Klein, now retired in Chicago — also with a home on Nantucket, he happily relates — tells of first going to Nantucket in 1974 to become its planner. "I was the first planner they ever hired."

His early interest in planning was very Long Island-motivated. He speaks of having grown up in Syosset in Nassau County in the 1950s and seeing that section of Long Island enveloped in sprawl and coming to the conclusion about that development: "This

isn't working."

He completed an internship at the Nassau County Planning Commission, and after graduating Colgate, received a master's degree in regional planning from Penn State.

Further informing his understanding of the need for preservation was his father's younger brother, John V.N. Klein, who as the environmentally-committed county executive of Suffolk County created the Suffolk County Farmland Preservation Program. Begun in 1974, it's based on the purchase of development rights from owners of farmland. They receive the difference between what their land is worth as farmland and suburban subdivision and in return it remains in agriculture in perpetuity. It was a first-in-the-nation concept and has been emulated across the country.

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Before coming to Nantucket, Bill Klein had worked for five years as a planner in State College, Pa. And there he learned about the half-to-1 percent real estate transfer tax set as a “local option” and used for general government revenue purposes by some Pennsylvania communities.

With Nantucket on fire with development when he arrived, he asked: Could a similar transfer tax be created for Nantucket but its proceeds devoted to land preservation?

He recalls many family dinners with his Uncle John at which “we’d chat about growth on Long Island” and what could be done to counter development sprawl. A central point, he said, was that “if you are really serious about preserving the rural character and guiding growth around existing villages, and stopping it cold elsewhere, you would have to strike out and do wild and crazy things.”

Island was getting approval from the New York State Assembly. “The statewide real estate lobby had come out against it in full force. It was a long and difficult struggle,” notes Hope. But in the 1990s she became New York State Democratic chair and personally interceded with longtime State Assembly Speaker Sheldon Silver, well-known for his tight grip on the movement of all legislation. “It was the only thing I asked him for in my life,” recounts Hope. “I told him it could be a great legacy for you to be involved in saving thousands of acres of open space on eastern Long Island.”

So the measure got to the Assembly floor, with sponsors led by Assemblymen Thiele and Tom DiNapoli of Great Neck Plaza, chair of the Assembly’s Environmental Conservation Committee (now state comptroller) — and it passed. It earlier passed the State Senate with



The 1990s measure creating a 2 percent real estate transfer tax for the East End was sponsored in the Assembly by Assemblymen Fred W. Thiele Jr. of Sag Harbor (left) and Thomas P. DiNapoli of Great Neck (now New York State comptroller, right).



the 2 percent transfer tax “has had profound and beneficial consequences for eastern Long Island.”

It’s saved 10,000 acres so far.

Klein notes that in addition to coming to Long Island, versions of the Nantucket plan have been adopted in places including Martha’s Vineyard, Block Island

where it “has had application, it’s been dynamite.”

Surely, it’s a preservation initiative that should be adopted all over the U.S.

LaValle comments that “the Community Preservation is a mechanism that has enabled us to protect the East End’s environmental treasures. The CPF has been a tremendous success in preserving the lands and natural resources that are critically important for Long Island.”

John V.N. Klein, Suffolk County executive between 1972 and 1979, now in retirement in Virginia, says his nephew, by originating the transfer tax, succeeding in getting it approved by the Massachusetts Legislature and the people of Nantucket, and getting it implemented, is responsible for “quite an achievement.”

It sure has been a great and important achievement — for Nantucket and beyond, including for eastern Long Island.

On Nantucket, Jim Lentowski, director of the Nantucket Conservation Foundation, says the

program has been “well-supported over the years” by the people of Nantucket. Through it, \$286 million has been raised to save open space on Nantucket.

After 17 years as planning director on Nantucket, Klein joined the Chicago-based American Planning Association (APA) as its director of research and advisory services. Until he retired in 2013, for 22 years he brought his brilliant perspective on planning to fellow planners across the U.S. and headed many major APA research projects.

Karl Grossman is professor of journalism at the State University of New York/College at Old Westbury and host of the nationally-aired television program *Enviro Close-Up*.

When Klein came to Nantucket ... and saw that ‘there was really a kind of emergency going on’ — a development explosion — he determined: ‘We had to come up with a wild and crazy scheme.’ This was a 2 percent real estate transfer tax with proceeds dedicated to acquiring and preserving land.

So when a 27-year-old Klein came to Nantucket as its first planner and saw that “there was really a kind of emergency going on” — a development explosion — he determined: “We had to come up with a wild and crazy scheme.” This was a 2 percent real estate transfer tax with proceeds dedicated to acquiring and preserving land.

For this to become a reality, however, was “a daunting task.” A “consensus-building process” was embarked on that included, in 1982, a three-day symposium on how Nantucket was “going to look like in 20 years.” Among those brought to Nantucket to speak at the symposium was his Uncle John V.N. Klein.

A “special act” had to be passed by the Massachusetts Legislature. “Mike Dukakis was governor and he was strongly in favor,” recounted Klein. “One reason was that he and Kitty got married on Nantucket and he had a warm and fuzzy feeling about the island.”

The tax was approved with “near unanimity” by folks on Nantucket, he went on, and took effect in 1984, the year that Hope, visiting Nantucket with Twomey, read about it and brought the concept back to Long Island.

A huge roadblock before it could become a reality on Long

Senator Kenneth LaValle of Port Jefferson its sponsor. Successful referendums were then held in each of the five East End towns of Suffolk.

“All things came together at a magic moment,” says Hope. And

and Little Compton, R.I. He said through the years he has given “talks around the United States” about the plan. But “getting their legislators to commit” to the concept was “mind-boggling.” Still,



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