University of Cincinnati

Date: 5/12/2011

I, Nicholas A Dickerson, hereby submit this original work as part of the requirements for the degree of Master of Community Planning in Community Planning.

It is entitled:
Planning During Demographic Change: A case study of Southold, New York

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Planning During Demographic Change: A case study of Southold, New York

A thesis submitted to the Graduate School of the University of Cincinnati in partial fulfillment of the requirements for the degree of Master of Community Planning in the School of Planning of the College of Design, Architecture Art and Planning

by

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June 2011

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Abstract:
How do planners plan when the state of the community is in a demographic flux? This study examines the challenge of planning in a community undergoing perceptible demographic change by conducting a case study analysis of a rural town on Long Island, New York. Located seventy miles from the eastern border of New York City, Southold Town has transitioned from a fishing and potato farming economy to a vacation community whose economy is focused around grape growing and wine production in less than forty years. This transition, and other factors causing in migration, have brought newcomers, different ideas and lifestyles into the community, some of which have been viewed unfavorably by locals as long-time residents and young people are priced out of the community. The town, in the interests of maintaining a certain community aesthetic, has blocked sprawl-based residential development and “Big Box” Retail after examples of each caused the town to fear the entrance of a suburban lifestyle. The Town is currently working on a comprehensive plan, Southold 2020 to ensure the preservation of its farmland, open spaces, and the specific quality of life believed to be essential to Southold’s economic survival. Through interviews with local stakeholders, observations of the Town’s Planning Department, and research into local publications, this study explores how Southold has handled and perceived the demographic change that is currently taking place. It examines several key themes found during the research, and includes conclusions and takeaways for practitioners.
Acknowledgements:
This work would not have been possible without the tremendous help and support of many people. Dr. Zapata, if I had not walked into your office that one morning to discuss a potential grant idea I most certainly would not have had the opportunity to conduct this research. Thank you for putting up with all of my seemingly urgent emails on each step of the process, and for teaching me how to conduct research and write a thesis. Dr. Ellison, thank you for taking time out of your busy schedule to serve on my thesis committee. Your knowledge and insights into historic instances of class struggles really helped to put the final product together. To the Planners at Southold Town who let me personally observe how planners are dealing with demographic change, thank you and good luck in continuing to plan for demographic change. Toni Booth, thank you for combing through all of your files to find me anything and everything on the subjects of growth, development and change in Southold, and then making room in your office so that I could read through all of it. To everyone who participated in the interviews, thank you so much for taking the time to talk to me, your insights made this project possible. Tim, if I had not “borrowed” your copy of The End of the Hamptons I would not have had the inspiration to adapt the premise of continuous demographic change to the North Fork. Sorry for the wear and tear on the book, I owe ya buddy. And finally to Kendra, thank you for always putting up with my ranting and raving about this project and assuring me that it will get finished. If your family had not decided to create the first English settlement at Southold (while also bringing my family along as indentured servants) I would never have had such a unique topic to research. I appreciate your help, patience, and support--you’re the best.
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1. **Problem Statement:**

Difficulties arise when a new group moves into the area that is perceived as “different” from the established community. These differences can vary, but often include income, race, religion or ethnicity. Responses to demographic change may be expressed by anxiety or even hostility and can be expressed through policy, planning, or other actions. Over the last fifty years, particularly in the last twenty, the Town of Southold, New York has been experiencing demographic changes in relation to class and race. Nearby towns have experienced similar changes and have reacted in a number of different exclusionary ways to try to prevent the newcomer’s entry into the area, including “Clothesline Laws,” upzoning (and rezoning), selective enforcement of building laws, building regulations, as well as violence.

Southold has reacted to rapid development through construction moratoria, strict controls on residential subdivisions, size and design standards directed towards “Big Box” development, as well as new legislation aimed at managing a changing economic base. Southold is currently in the process of writing its *Southold 2020* Comprehensive Plan, which could have an impact in how these relations are managed. In a country that is growing increasingly diverse, planning for changing communities in an equitable manner will be an important skill for the planner. Research on reactionary policies coupled with the ongoing comprehensive planning process will help to see how planners plan during periods of demographic change.
2. Research Questions:
A community undergoing noticeable demographic change presents challenges for the planner.

How does a community plan during times of demographic change in an inclusionary manner?

To answer this research question, it will be necessary to answer several questions. How do planners work to incorporate the needs of both newcomers and those more established? Which planning tools and techniques will be suited for such a purpose to keep up with demographic changes over time?
3. Literature Review

The literature on planning and demographic change focus on three key areas: the maintenance of the current order, the conflicting values and responses that arise from change, and the collective solutions that surface as a result of the change. Simply put, these topics address the ideas and questions of who has “right[s] to the city” (to use the phrase by Lefebvre 1996). For the purposes of this analysis, examination of demographic change will be bounded to “Right to the City” and “Legal Measures Limiting Change.”

Planning literature exists on demographic change but less so about planning response in smaller cities and rural towns. In the studies that have looked at smaller communities, researchers have noted the limited research on the topic as a reason to advance the topic and discussion (Ghose 2004, 530, Miraftab and McConnell 2008, 347, Larsen, et al. 2007, 424). Due to the existing limitations of demographic change research that focuses exclusively on the smaller-community setting, literature that focuses on demographic change and the planning process in larger settings will be included to provide additional background.

3.1. Right to the City

Early studies of demographic change and the planning response appeared in the 1960s through the works of two scholars, planner John Friedmann and sociologist Henri Lefebvre. Friedman examined the changing nature of cities, concluding that economic development and community leaders direct the “cultural transformation” that takes place (Friedmann 1961, 102-103). Lefebvre addresses the needs for, and values of, places for social gathering, concluding, “The right to the city cannot be conceived of as a simple visiting right or as a return to traditional cities. It can only be formulated as a transformed and renewed right to urban life” (Lefebvre 1996, 158). Simply put, the city is to be used by everyone.
Lefebvre’s “Right to the City” thesis has remained a popular topic of planning and sociological discourse (Harwood 2005, Mitchell 2003). One area of literature focuses on the problems of how planning practices can specifically target, and exclude certain members of society (Mitchell 2003, Dolgon 2005, Harwood 2005). Mitchell (2003) explored the rights of the homeless in public spaces, and how cities have restricted these rights. Harwood (2005) invoked this theory in her study of those rights in relation to land usage, exploring concepts of community demographic change and value conflicts. Spain discusses how “Community identities eventually change in response to the struggle and negotiation accompanying a reallocation of resources; seldom do communities retain their former resource distributions and identities” (1993, 156). The city becomes an ever-changing entity, and these changes affect each resident differently.

Authors who discuss other examples of demographic change, such as arrival of immigrants or changes in the ethnic makeup of a community do not place specific terms to the change, instead discussing the change of newcomers itself (Hou and Kinoshita 2007, Miraftab and McConnell 2008, Harwood 2005, Kelsey 1998, Salamon 2003, Myers 2001, Innes and Booher 1999). Researchers have divided residents by their time of settlement into the community, using “Been-Heres Versus Come-Heres” (Spain 1993), and other such divisions, found mostly used in analysis of small community and rural area demographic change (Salamon 2003, Larsen, et al. 2007, Ghose 2004, Brown-Saracino 2007). This division of people into new and old allows researchers to find differences between the two groups in a community.

Defining what constitutes a “community” is difficult given the varying opinions. Blakely and Snyder’s examination of gated communities provided a definition of community that exemplifies an area that is unfamiliar with change, and claimed that a community must have a
“Shared territory,” “Shared values,” “Shared public realm,” “Shared support structures,” and a “Shared destiny” (Blakely and Snyder 1997, 33). While Blakely and Snyder’s definition was geared towards gated communities, it provided a suitable meaning for a small city or rural town that is relatively small in population size and insulated from regular changes to its demographics. Alternatively, identity of community does not necessarily naturally follow the self-contained homogeneous example found in small towns or gated communities. Joseph’s critique of community contended that similar ideas of community are fabricated to produce a certain economic aesthetic, so that people “are available for insertion into a particular slot in the hierarchy of capitalist exploitation” (2002, 29). Further exploitation of existing community members by new residents to impose their values can manifest itself through design standards and change in the local business regime, legal measures, or selective preservation (Dolgon 2005, Ghose 2004, Brown-Saracino 2007, Kelsey 1998). While these examples may not all actively seek to exclude, the actions taken may still alienate existing residents from a community.

Two threads about demographic change include gentrification and in-migration into a community. While in-migration alone could refer to any influx of people into a community, authors have stressed that gentrification comes from people who are young (Spain 1993, 168), or “White, middle-to-upper class citizens motivated by lifestyle preferences” (Ghose 2004, 530). In another example, the Ghose study referred to demographic change around the city of Missoula, Montana as “rural gentrification” (2004, 528). Newcomers who then establish themselves inside a town may then desire to prevent the introduction of others into the community, to help maintain the authenticity of the community as they remember it. Dolgon’s research detailed the current and historic character of the Hamptons, and discussed a similar desire of the residents:

More notable, though, was how the power and permanency of these most recent changes in the land encouraged a strong environmental movement dedicated to the preservation of open space and planning for controlled growth. New coalitions formed to protect the local ecology.
Similarly, both old and new migrants began promoting the importance of conserving and celebrating “traditional” cultures; in fact, this new “local” identity would offer a vitriolic response to the onset of increased middle-class tourism and weekend residents. While the “original” white native families remained entrenched in their positions, second-generation immigrants would now jostle to become “local,” trying to distinguish themselves from the new and more “crude” waves of “city people” who brought a more “frenetic” and intrusive sense of metropolitan life. (Dolgon 2005, 42)

This desire to preserve a community’s “authenticity” is something observed by others as well. Brown-Saracino documented the preservation of the previous inhabitants, the “old timer” in Chicago and Cape Cod, “They are attracted to those who have traditionally resided in a locale, who have publicly visible traditions and rely on customary labor practices and extended family” (2007, 451). The conflicting viewpoints between newcomers and old-timers can lead to problems when deciding on the “right” vision for that community.

Alternatively, the introduction of “different” newcomers to the existing community can lead to questions regarding that community’s identity and how its residents perceive its character (Low 2003, Spain 1993, Larsen, et al. 2007, Ghose 2004). Studies have measured the perception of community members to demographic change (Larsen, et al. 2007), as well as how government officials perceive change when directing funds towards services (Kelsey 1998). Other problems arise from perceived segregation and integration in the community (Hopkins 2010). Sometimes neither segregation nor integration will happen, as gentrification prevents locals from living in their own towns (Brown-Saracino 2007, 440, Spain 1993, 158, Ghose 2004, 541). These measurements of perspective and perception into demographic change help to provide a more personal look in explaining the actions taken by people and government officials.

Traditionally the practice of planning has referred to the actions of government to advance policy on the urban, rural, and community level. This includes planning departments as well as other government agencies that conduct planning practices regarding land use, managing community affairs, economic development, environmental protection, and management of other
activities in town. Myers claimed that planning “is to meet the needs of residents in communities more effectively” (2001, 383). On the small town level, Miraftab and McConnell provided a different definition, “Mediating between the interests and needs of residents and the local development process often goes on in formal channels among engineers, bureaucrats and politicians; planning agencies may be non-existent” (2008, 345). While this discussion specifically mentions that planning agencies may be non-existent, the practice of mediating between different government actors, local professionals, and elected officials through these established “formal channels” provides a good example of what will be referred to as the planning process. Not only is government planning responsible for assisting with the day-to-day decisions, but also it is necessary for providing recommendations and insights into longer-term, comprehensive planning decisions.

On the other side, literature suggested that problems exist in the unpreparedness or even unwillingness of planners in their dealings with demographic change, recommending that these planners will need to reexamine their goals and priorities (Miraftab and McConnell 2008, Sandercock 2004). In one case, an influx of immigrant workers from Latin America and East Africa settled in a largely white rural town in Illinois where local officials are unable to adequately adjust and handle the needs of these newcomers (Miraftab and McConnell 2008). Harwood (2005) focused on the land use decisions made by local governments that suggest discrimination against newcomer minority populations. For these reasons, the existing definition of planning may not be adequate. Tauxe defined contemporary American planning as “Procedures work to enforce dominant organizational, ideological, and discursive forms and to marginalize and disempower others” (1995, 472). This planning definition seems to appear in many demographic change case studies. Dolgon (2005) detailed the demographic shifts that
have occurred in the area, focusing on the present treatment of the local Latino and Native American populations by the largely affluent white population.

Other selected literature discusses the attempts at inclusion of all groups into the planning process (Grant 2009, Myers 2001, Hopkins 2010, Qadeer 1997, Innes and Booher 1999). Within this group, there are differences in which inclusion is studied and achieved. Basic inclusionary planning of bringing all parties into the planning discussion has been presented as one option (Qadeer 1997, Innes and Booher 1999). Another response to confronting demographic change is the idea of using community visioning and scenario planning to empower community members with the options and examples of directions that their neighborhood, town, or city may eventually follow (Grant, 2009; Myers, 2001; Hopkins & Zapata, 2007). Hopkins and Zapata offered the concept of “Scenario Planning” as a way to envision a community’s future, which allowed people to examine the issues facing the area and develop multiple plans that would permit planners to proactively respond to new challenges (2007). This form of planning would open up the planning discussion to more people, as Myers’ discussion on scenario planning concluded, “There is no need to choose the one right story; rather, what is required is to be conversant with the many stories within which planning issues are embedded. The future is being forged out of the competition among many conflicting voices” (Myers 2001, 395). Such options suggest the “planning process” has the potential to occupy a wide spectrum compared to the Tauxe definition of centralized tyranny.

In other cases, researchers have noted that there has been a movement away from traditional municipal-based planning avenues (Hou and Kinoshita 2007, Miraftab and McConnell 2008). Referring to planning in this way allows for instances of planning done outside this realm to follow the “informal” planning definition set forth by researchers Hou and
Kinoshita, who defined “informal” planning as when people meet outside of a formal setting and instead focus on education, walking tours, consensus, and relaxed conversation (2007, 303). In one case of demographic change involving immigrants, planners relied on such “informal” practices to encourage input from people who may be concerned with issues of legality (Miraftab and McConnell 2008, 355). This also includes the idea of multiculturalism and pluralistic planning (Qadeer 1997), consensus building planning processes (Innes and Booher 1999), as well as changing the entire process of planning for a “cultural change in planners’ modes of thinking and practice” (Sandercocck 2004, 133). These measures demonstrate another form of planning in communities where traditional planning measures must be supplemented or replaced to handle a fluid community dynamic.

3.2. Legal Measures Limiting Change

The creative use of the zoning code has been one way planners have tried to shape their communities. In 1926, the US Supreme Court’s decision on *Village of Euclid v. Ambler Realty Co.* (1926) established the legal precedent that political subdivisions could establish zoning to protect their police powers of protecting the health, safety, and welfare of its citizens. While these zoning powers were used to protect people from noxious industries like those in Euclid, zoning has been implemented in ways to prevent the introduction of low-income people as well as businesses viewed as undesirable to the community, specifically “big box”-style retail units and corporate fast-food franchises. When communities perceive threats to their way of life, planners and other officials have utilized zoning and other legal measures to protect their image of community (Harwood 2005, Danielson 1976).

3.2.1. Single Family and Large Lot Zoning

Single-family zoning has been used with the literal meaning of the term, to allow housing for only related individuals. The *Village of Belle Terre v. Boraas* (1974) ensured that
communities could “…lay out zones where family values, youth values, and the blessings of quiet seclusion, and clean air make the area a sanctuary for people” and allow communities to restrict housing to single family occupancy. While this case permitted the right for communities to restrict the types of people that can move into a community, it does not appear that this ruling has stopped people from challenging such ordinances. A series of cases to come out of Louisiana in the last ten years demonstrate this, as St. Bernard Parish fought to ensure that all rentals were restricted to blood relatives, what opponents believed to be a way of ensuring that the community remain white following Hurricane Katrina (Greater New Orleans Fair Housing Action Center). Land use policies that restrict who can live in certain communities appears to still be a contentious issue, and these examples show that there is no clear answer to the problem.

Large lot zoning, the practice of minimizing housing density, has been another issue of contention. Zoning laws that reduce density have been viewed as forms of discrimination, as seen in the Southern Burlington County NAACP v. Township of Mount Laurel (New Jersey Supreme Court 1975) as well as a taking, such as in another New Jersey case, Bailes v. Township of East Brunswick (NJ Superior Court 2005). While both of these cases deal with matters occurring in New Jersey, the issues of exclusion and development limitations appear throughout the nation.

In the case of Mount Laurel, the Court had found that the Township had to change its land use policies, through “…appropriate zoning ordinance amendments and whatever additional action encouraging the fulfillment of its fair share of the regional need for low and moderate income housing…” (Atlantic Reporter, 2d Series 1975). The Mount Laurel decision resulted in a number of cases that resulted in a revisiting of this case, popularly known as Mount Laurel II.
(Southern Burlington County NAACP v. Township of Mount Laurel (New Jersey Supreme Court 1983)), where justices concluded:

The provision of decent housing for the poor is not a function of this Court. Our only role is to see to it that zoning does not prevent it, but rather provides a realistic opportunity for its construction as required by New Jersey’s Constitution. The actual construction of that housing will continue to depend, in a much larger degree, on the economy, on private enterprise, and on the actions of the other branches of government at the national, state and local level. We intend here only to make sure that if the poor remain locked into urban slums, it will not be because we failed to enforce the Constitution. (1983 N.J. Lexis 2344 1983)

Despite the almost ten year difference between the cases, the repeated calls for inclusion by the Court suggest that the failure of Mount Laurel Township to pursue inclusionary measures was clearly not in the best interests of the state.

In the Bailes v. Township of East Brunswick case heard before New Jersey’s Superior Court in 2005, the Township had tried to limit new development through large lot zoning of its remaining agricultural lands. The Superior Court did not approve of East Brunswick’s actions, concluding:

In sum, the downzoning of plaintiffs’ properties to permit only one unit per six acres or, where a cluster option may be used, one unit per three-and-a-half acres, is not required by environmental constraints on development. Moreover, it is not reasonably designed to preserve farmland or open space and does not reflect reasonable consideration of existing development in the area of plaintiffs properties. Therefore, this downzoning places an unfair burden upon plaintiffs and is not reasonably calculated to serve any legitimate zoning purpose. (2005 N.J. Super. LEXIS 282 2005)

The argument offered by the justices that this zoning measure was not intended for the preservation of farming, but perhaps for the limited intrusion of further development can be inferred from East Brunswick’s website, over five years after the court decision. The first paragraph of the website’s “About East Brunswick” section states:

East Brunswick has a multitude of housing choices on the eastern side of town, with single family homes, townhouses, condominium and apartment complexes. The western side is the sparsely developed 6.7 square mile Rural Preservation Zone. Most homes in East Brunswick are single-family residences. Current real estate values for single family homes range from $150,000 to over $1,000,000 for a custom home with tennis court and pool. (Town of East Brunswick, New Jersey)
While the town acknowledges the existence of multi-unit housing, more emphasis seems to be placed on the single-family homes and the “custom” $1,000,000 homes.

Efforts to limit residential development have not always been stopped in the courts, however. In similar litigation in New York, *Suffolk Housing Services v. Town of Brookhaven* (Court of Appeals of New York 1987) found that local zoning was not exclusionary, and in one of the amicus curiae’s written by a neighboring township, Oyster Bay, went so far as to state, “Adoption of the *Mount Laurel II* zoning standard is unwarranted and impractical. Its application would deprive municipalities of the flexibility needed to address the complex economic and environmental problems confronting them” (1987 N.Y. LEXIS 16833 1987).

While the protection from development may have the noble guise of the preservation of farmland or some other form of community preservation, the legal problems associated with discrimination, or limiting the developmental rights of a landowner can and has resulted in problematic litigation.

### 3.2.2. Exclusion of Big Box by Design and Size

Communities have feared the introduction of corporate “big box” stores because of their detrimental effects on local retail stores through their ability to purchase goods at a lower price, placing the local retail stores at a competitive disadvantage. Big box stores rarely fit into a walking landscape, and are more suited for automobile traffic, resulting in empty historic commercial centers and more traffic around these larger retail stores. Planners and community members in many communities have fought the introduction of this form of retail to protect local businesses.

Fights to prevent the introduction of corporate retail have been documented across the country, and researchers have used these studies to see why and how the municipality or the
Several studies have pointed out that it is important to have laws in place before a permit application is pending before a government planning body. One study documented the frustration of the residents, who believed that the planners just let the permitting application go through without a fight; the response from the planners explained that if the store satisfied all the existing zoning rules and regulations, then there was nothing that could be done (Buttars 2004, 40). While simple, the argument offered by these planners, that the big box retail store had followed all of the necessary rules and regulations, presents a very important legal point. What the public may not have understood was that changing the zoning laws after an application for development has been submitted, runs the risk of being challenged on ex post facto grounds, one of the rights protected by the Constitution of the United States. Simply put, the government cannot prosecute someone for an action in which no laws prohibited said action. In this case, the town could legally not deny the request of the big box store from building in the area when no laws prohibited such a store from entering the area. In addition, denying the permit based on the fact that the municipality did not want a big box store, as opposed to other retail, may also threaten the Fourteenth Amendment rights of the big box developers of being equally protected under law. While the planners in the above story could probably have found other legal pathways to slow down the permitting process, if the big box developers had clearly demonstrated that they had satisfied all of the legal requirements, then it would be difficult (and costly) for the planners to deny the application.

Placing legal impediments to deter big box businesses is an approach that some communities have used. One study that surveyed twenty-three communities with big box laws found that several legal measures have been used, including “Design review and design standards,” “Parking and parking lot landscaping” regulations, outdoor storage regulations,
inclusion of community amenities, “Pedestrian and bicycle access,” “Square-footage limitations,” and “Adaptive reuse requirements” (Evans-Cowley 2008, 334-337). Creation of laws that call for various requirements such as those detailed in the Evans-Cowley study can either entice big box to conform to a desired community character, they can cause a developer to rethink a decision to locate in a community, or if the developer is looking for a fight, can search for legal channels to dispute the local municipality’s right to enact such laws.

While laws that prohibit the entry of big box retail into a community may scare some developers from introducing new projects, they may not always work. In a law review article that focused on the square footage laws designed to exclude big box retail, the authors questioned the constitutionality of such laws (Denning and Lary 2005). Their contention focused on the use of the federal Commerce Clause of the Constitution, and how such laws may not hold up if they make their way to court, claiming:

> The [dormant Commerce Clause doctrine’s] strict scrutiny standard requires that the state or local government bear the burden of proof on two issues: (1) that the legislation has a legitimate purpose, unrelated to economic protectionism and (2) no less discriminatory means for its enforcement are available. If either is absent, then the law is invalid. (Denning and Lary 2005, 936)

In their conclusion, the authors offer advice to those wanting to enact such legislation, without inviting challenges based on the commerce clause, citing the negative traffic, environmental, and aesthetic effects that can result from the installation of a big box retail store as possible regulations (Denning and Lary 2005, 953). From both of these studies, it seems that the most successful way to prohibit such retail is through the establishment of a wide variety of codes that protect a community’s health, safety and welfare, instead of a law that specifically, or implicitly, says that the community does not want Big box within its borders.

Other communities have prevented the intrusion of more than big box, however, and have found other ways to preserve a distinct commercial identity. The vacation island of Nantucket,
Massachusetts instituted a set of laws that forbid the institution of chain retail, what they refer to as “formula” establishments (Town of Nantucket 2009, 55). Nantucket’s formula laws were created for the purposes of preserving a local community character. According to their town plan:

To preserve the historic character of Main Street, a warrant article was passed at the 2005 Annual Town Meeting that limited formula businesses (more commonly known as chain stores) in the downtown. This was an initiative to keep the downtown distinctive from other tourist destinations and to maintain the sense of place that Nantucket is known for. (Town of Nantucket 2009, 55)

Nantucket’s desire to maintain a “distinctive” downtown with a “sense of place” presents an innovative approach to other planners and policymakers, by instituting these formula laws in certain parts of a given municipality, a community may be able to reduce the intrusion of corporate retail into areas of historic character.

Zoning can help local governments protect the health, safety, and welfare of their communities. The legal challenges to zoning have demonstrated that this power is not absolute. Zoning specifically directed at challenging a single element, for example big box, may not succeed in keeping out large scale corporate retail after legal action by developers and land rights groups. Planners and policymakers cannot zone their way out of all perceived threats, and must utilize zoning as one of many tools to direct and shape a community.

3.3. Conclusions and Direction for Further Research

Despite the present coverage by the literature on demographic change and the planning process, several areas exist that can warrant further research. As demographic change may be viewed with anxiety or hostility through policy, planning, or other actions, it would be interesting to see what has, or has not, already been done that has been viewed as hostile or controlling to certain groups. When a small community experiences an influx of different groups of people, how do planners work to incorporate their needs?
Demographic change and scale is addressed by Miraftab and McConnell in their analysis of a rural town undergoing change:

The new demographic realities of the United States generally, but particularly the strong immigrant growth—predominantly Latino but also Asian and African—in small towns and micropolitan areas means that we need to think ‘outside the box’—that is, to think beyond large cities with pre-existing planning structures, processes, and practices. (2008, 345)

How can a small city or town effectively think ‘outside the box’ and manage the many perceptions of community, public space, and land use? Can demographic change and the planning response be analyzed in the context of a single political boundary, or do the actions of nearby cities, towns and counties also play a role? Which planning tools and techniques will be suited for such a purpose to keep up with demographic changes over time? The examination of these questions in the context other small towns undergoing a series of rapid demographic changes may help to further this conversation.
4. Methodology

As the literature has demonstrated, research into changing communities has been extensive in both scope and scale. This has enabled a firm set of ideas and methods to be established by researchers in how to go about studying demographic change. This section will discuss the selected methodology for this study: the reasons to pursue a case study research project, the selection of the case study site, the data collected, and the data analysis methodology. Examining previous research on community responses to demographic change allowed this study to incorporate many of these methods and establish a proper case study research project.

Demographic change has been explored in planning through case study research that looks into different spatial and temporal scales, geographies, perceptions, and demographic divisions. The spatial perspective has been one way that researchers have analyzed the topic of demographic change, referring to the different reactions to change from a city (Ghose 2004), neighborhood (Hou and Kinoshita 2007), county (Tauxe 1995, Harwood 2005), or town for a case study (Miraftab and McConnell 2008, Salamon 2003, Larsen, et al. 2007). Some of these case studies compared the effects of demographic change on neighboring communities, whether it was the individual towns that comprise The Hamptons (Dolgon 2005), interactions between city and county government on land use (Ghose 2004), or how three different municipalities in Orange County, California treated the arrival of newcomers (Harwood 2005). Other studies examined predictive modeling as a way to observe demographic change. Myers focused on immigrant populations as a theory for adapting planning practices to fit the needs of different people, while Hopkins examined immigrant populations as a way of presenting quantitative methods of prediction where there will be problems between new immigrants and residents (Myers 2001, D. J. Hopkins 2010).
The duration of the research period and chosen research location varied in each study. Temporal analysis of case study communities ranged from research that covered a single event, such as the denial of a liquor license by the Anaheim, California’s planning department for a Spanish grocery store (Harwood 2005), to the history of demographic change in the high income New York Hamptons community since the first English settlement in the seventeenth century (Dolgon 2005). Geographically, these studies largely covered areas in the American Southwest (Myers 2001, Harwood 2005) and Midwest (Miraftab and McConnell 2008, Salamon 2003), with a few others focusing on change in other areas of the country (Dolgon 2005, Brown-Saracino 2007, Spain 1993, Tauxe 1995, Ghose 2004, Larsen, et al. 2007, Kelsey 1998). The many areas covered provided a number of different insights into the actions and attitudes of newcomers, locals, and planners during periods of demographic change.

McConnell 2008); another followed several towns and covered the introduction of both foreign immigrants as well as low and high income outsiders (Salamon 2003); and one followed a small area where immigrants and gentrifying high-income individuals have both entered (Dolgon 2005). The topics and methods covered in this section provide a basis for which to direct further study on community change in small communities.

The data and variables used to analyze and interpret demographic change all followed similar characteristics. The dominant source of data from these studies came from qualitative analysis including interviews; research of local media, including advertisements, radio, newspapers; observational research; documents from public meetings; questionnaires; and in the case of the Larsen study, photography. Most of the studies covered employed the use of interviews to gain different perspectives, as well as the examination of local media to provide insight through the advertisements, articles, and other personal perspectives (Ghose 2004, Miraftab and McConnell 2008). This approach can incorporate the local information and establish a personal perspective, while connecting it to the existing body of academic literature on demographic change.

Strict use of quantitative analysis is less common, but rather used as a means to bolster qualitative results (Myers 2001, 394). Census data can show trends in housing, income, ethnicity and racial background, which are all helpful in interpreting qualitative data. Information and other parameters from the United States Census Bureau appear to be the most common form of quantitative data used in studying demographic change (Myers 2001, Ghose 2004, Spain 1993, Miraftab and McConnell 2008, Harwood 2005, Harwood 2005, D. J. Hopkins 2010, Salamon 2003).
4.1. Case Study Research

In order to answer the research question of how do planners plan during periods of demographic change, this study utilized the case study research approach. Yin argued the case study to be the preferred means of methodology when the researcher asks “how” and “why” questions (2009, 9). This study asked these “how” questions, investigating how planners incorporate (or ignore) the needs of newcomers. In order to understand peoples’ perception of demographic change, what has been done, and how it has been handled, the case study approach provided the tools and techniques to answer these questions.

Using Yin’s research design criteria (2009, 40), the study had to satisfy Yin’s four tests of validity. “Construct Validity” required “multiple sources of evidence” (Yin 2009, 41). For the purposes of this study, personal knowledge, interviews, websites, and examination of the existing plans, maps, and laws in Southold were analyzed to provide a well-rounded picture of the community. This helped build the “story” that exists in each community, as Yin mentioned how documents can provide a good source of information in terms of facts and details, while interviews help fill in the blanks (2009, 102).

The use of “Explanation Building” in the analysis satisfied the second test on “Internal Validity” (Yin 2009, 41). This part of the study looked at the demographic changes to see what connections exist between the perceptions of the interviewees and the actual plans, personal observations, and laws that were written. “External Validity” (Yin 2009, 43) was satisfied through the ability to connect the demographic change phenomena in Southold to existing ideas and cases.

Finally, to satisfy the “Reliability” test, Yin recommended “The general way of approaching the reliability problem is to make as many steps as operational as possible and to conduct research as if someone were always looking over your shoulder” (2009, 45). The entire
methodology regarding the site selection, content analysis, rationale for interview question choice, and the final analysis of the plans, websites, and interviews were recorded to ensure that this process was rendered, to use Yin’s words, “as operational as possible.”

4.2. Why Southold?

**Figure 1. Land use map of Southold, 2007 (Source: Suffolk County Planning Department)**

The primary reason for choosing the Town of Southold (Figure 1) for this study stems from my personal experience of living in the town and witnessing rapid changes to the town’s demographics and economic base over a brief time span. Southold is located within close proximity to the affluent Hamptons destination, and has experienced an increase in tourism and second homebuyer residents. It is facing development pressures from the west, as suburbanization from New York City continues eastward. Its agricultural economy has transitioned from potatoes to wine grapes, which in turn has created an economy that supports
wine, including restaurants, bed and breakfasts, and wine-based tours. Winemaking has required the need for service employees to work in both the production of wine as well as in these satellite industries. During this period, Southold has faced pressures to develop homes and businesses, both of which it has tried to curb through legislation aimed at preventing “sprawl” development. Southold is also currently in the process of writing its first Comprehensive Plan in over twenty years. The many changes taking place in Southold provide a unique look at demographic change, displaying examples of gentrification as well as in-migration of immigrant peoples. The complexity of the changes in Southold allow for this study to follow what Yin would describe as a “revelatory” single case study design (Yin 2009, 48-49). Southold’s rapid perceived demographic change presents an opportunity to further the academic conversation on changing communities and how to better plan for them.

Due to an internship experience with Southold’s Planning Department during the 2010 summer quarter, I witnessed firsthand Southold’s planning process. This internship experience provided information that would not be accessible from published records and websites. The presence inside the planning office provided recorded observations of the planning activities conducted, and the way topics were being discussed. In addition to the recorded observations, I established relationships with Town officials, allowing me to conduct interviews with these people at the conclusion of the internship. These interviews were supplemented with interviews with local stakeholders, such as business owners, community organizers, and area non-profits. The information from these interviews supplemented the data collected from local published reports, Town documents, local publications and websites. These local findings were then analyzed to see how they relate and fit in with the existing body of published literature.
In addition to the internship experience, my connection to Southold town goes back to the mid-seventeenth century, when my ancestors were among the first European settlers to the area. Excluding the period of time where the Dickerson’s and other settlers were forced to leave Southold due to British occupation during the American Revolution, my family has maintained a nearly continuous presence in the town. My family was involved in farming up until the latter half of the twentieth century, and I also spent several summers working at one of the local vineyards giving tours on local agricultural history and wine production. I lived full-time in Southold for 19 years before attending college and graduate school. My experiences in Southold provided me the ability to understand the subtleties of the language used in the interviews and enhanced interview connection, as well as observe firsthand many of the debates in town regarding land use development and the encroaching demographic changes to the area.

4.3. Data Collected

Due to the research schedule, the data collection and analysis phases of the study were altered to manage the available field time in Southold. Specific topics covered for the final research were not exactly known until first-hand observations were conducted in Southold, allowing preliminary research to inform final case selection. Following initial observation, the research topics were narrowed and the interview protocol was designed. After the creation of the interview protocol, the Institutional Review Board (IRB) was contacted to see if the study would fall under the category of “Human Research.” On July 21, 2010, the IRB determined that this study did not meet the definition of human research, and that the study could proceed (Appendix A).

In order to gain a broad perspective on how change was perceived in Southold, I prepared a list of potential interview candidates from the fields of Planning, Government, Business, Agriculture, Environment, and other non-profit and community groups. To increase the diversity
of perspectives, people who fell into more than one topic field were placed at a higher priority for interviewing, such as a government official who was also a business owner, or a non-profit representative who also managed a farm. Utilizing the snowball technique, other people were added to this contact list as a result of recommendations by those already interviewed.

Interviews of local officials, community organizers, area non-profits, and business owners answered questions that could not be found in public hearing transcripts or newspapers. These interviews took place near the end of the research period, to allow the interview questions to be designed around the collected research. These questions clarified questions that arose during the research process, obtained opinion into current actions and events, as well as solicited ideas for future change. These interviews were semi-structured, allowing me the freedom to tailor the line of questioning for each interviewee depending on their expertise (Appendix B). The semi-structured nature of the interviews also allowed me to appropriately manage the questions asked, depending on where the interviewee took the conversation.

Potential interview candidates were approached in person, by email, or by phone to set up a one-hour period to talk. Seventeen people and organizations were originally contacted with the expectation that not everyone would be able to find time. Most of those contacted expressed an interest in finding a time to talk, however finding a time that could fit into the period of time that I was in Southold, and fit into others’ busy meeting schedules made it difficult for some to set up times to talk. The interview period that lasted between mid-August and mid-September, 2010. During this period, thirteen people were interviewed, and two were interviewed via phone following my return to the University of Cincinnati (Table 1). The interview with the local environmental group, the North Fork Environmental Council, was conducted with the entire board of directors, and so that interview was treated as a focus group.
<table>
<thead>
<tr>
<th>Position</th>
<th>&quot;Name&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planner</td>
<td>Margaret Carroll</td>
</tr>
<tr>
<td>Planner</td>
<td>Ben Mapes</td>
</tr>
<tr>
<td>Planning Board</td>
<td>Dan Tuthill</td>
</tr>
<tr>
<td>Planning Board</td>
<td>Bob Taylor</td>
</tr>
<tr>
<td>Peconic Land Trust Staff Member</td>
<td>Michael Robinson</td>
</tr>
<tr>
<td>Town Employee</td>
<td>Patricia Kessler</td>
</tr>
<tr>
<td>Town Board Member</td>
<td>Ryan Walker</td>
</tr>
<tr>
<td>North Fork Environmental Council (NFEC)</td>
<td>(Multiple People)</td>
</tr>
<tr>
<td>Vineyard Owner</td>
<td>Stefano Anelich</td>
</tr>
<tr>
<td>Attorney</td>
<td>Steven Brennan</td>
</tr>
<tr>
<td>Farmer</td>
<td>Dan Devine</td>
</tr>
<tr>
<td>Community Activist</td>
<td>Hank Miller</td>
</tr>
</tbody>
</table>

Table 1. List of Interview Participants

Many of the interview requests took some time before people could find a mutually convenient date because of the time of year. One example of this involved the vineyard owner, Stefano Anelich, where I worked with his secretary for a month to find an hour window during the harvest season to talk with him. This time is also peak season for many local businesses as well as a time where I found many people off on vacation. Southold was also under threat of an approaching Hurricane, Earl, during one week in September, which made it difficult for people to commit to a set time. With the exception of four people, a local businessman who had recently moved out of state (the sole non-response to a request), a community planner for Fishers Island (conflicting schedules prohibited any meeting until later in the research process), the local professor who led Southold’s early comprehensive planning efforts (sidetracked by Hurricane Earl, and probably the start of the academic year) and the director of another local environmental organization (was out of the office or in meetings for most of the interview period), I interviewed thirteen of the seventeen people I contacted.

Certain participants were apprehensive about my research, and asked if it would be published locally, inferring that it would be better if their insights were not published locally. There was some concern voiced from several people of how I would be using this information,
and how it would be presented. Due to Southold’s small size, I understood the concern that someone’s candid thoughts could cause some local controversy. Pseudonyms were assigned to protect the identities of each of the participants, and their occupations were generalized. To further assuage these concerns, I informed everyone that they would be able to see the research before anything was published, so they could make any corrections or retractions on information attributed to them. This would also enable them to add further insights, if appropriate. During the correction and retraction period, one participant asked to not be involved in the study, and all references to the participant were removed.

Interviews lasted anywhere from thirty minutes to an hour and a half, depending on the interviewee’s schedule and their willingness to talk. Handwritten notes were taken during each interview, and were typed shortly afterwards to ensure clarity. Following each interview, I compiled these notes into a spreadsheet that showed the major themes and ideas discussed. The spreadsheet revealed common themes and trends amongst the interviewees. All participants were thanked for their time and insights with a mailed “Thank You” card.

Following the field collection phase of the study, the findings from the interviews were then analyzed to narrow the study’s focus. The information collected from these historical documents, town documents, local news organizations, and planning office observations all helped to identify past and present trends and examples where Southold Town has undergone change. The additional examination of the people involved in each of these processes show if these problems are linked to demographic change, class change, or a difference between old and new residents. Similar to the historical analysis, 2005-2009 ACS Census Estimates were used to quantify present-day examples of change. 2010 Census Data was not used in the analysis due to its late release. Following the data collection, analysis was conducted to yield findings and
conclusions that will provide recommendations and specific takeaways for practitioners in future planning.

In addition to the interviews, observation of everyday discussion in the Southold Town Planning Department provided background information into which topics were of present concern to the Town. My internship with the Southold Town Planning Department allowed me to observe the planning practice from a perspective that would not be found in printed records. These observations provided insight into what issues were being discussed in the planning office, but also how they were being discussed. Special attention was given topics that were known indicators of demographic change and conflict, from personal experience and the local newspaper. Observation was not limited to these topics, however, and other workplace discussions on topics of demographic change were noted. This information would help to guide the direction of the research and line of questioning for the interviews.

To relate the interviews to the themes found, background history of Southold Town came from secondary source literature found at the local library system and from the archives of the Southold Town Historian. Research into demographic changes, problems encountered, and the planning responses came from primary sources in Southold Town, including town documents, town codes, newspapers, memoirs, as well as the websites of involved stakeholder groups. Important town documents include the minutes taken during Town Hall meetings, which are also videotaped and available on the Town’s website. The information from these meetings shows what topics are covered, and how both the town board and the general public cover them. This information covers most of the meetings held between 2005 and the present. Research into Southold Town’s building and zoning codes provided the reference information necessary to
qualify examples of resistance to change. The recommendations outlined in prior plans and reports commissioned by the Town of Southold contained further reference information.

Newspapers and blogs from the Southold area provided information into the past and present events shaping Southold. Currently one published newspaper The Suffolk Times, exists in town. The Long Island-based Newsday and the national New York Times contain information on local issues large enough to receive attention outside of town. The benefit of using these local newspapers, blogs, and the public commentary that appear with each of these sources will help to show how the public reacts in each case.

4.4. Analysis
The analysis of the collected data followed the case study analysis techniques outlined by both Yin and Stake. Basic analysis of the interview proceedings utilized Stake’s correspondence and pattern finding technique to show similarities between people’s responses (1995, 78-85). This analysis examined similarities on responses from the participants to show if similar perceptions of change exist between residents labeled as “newcomers,” “locals,” “business person,” “non-profit” and any other labels as needed. Using this method, notes from each interview were highlighted according to key terms that signify a perception of change.

Important to the study was the analysis of how people talked about various subjects. Through the interviews and observations, I listened to how people talked about, and referred to, certain people, actions and other items of interest. My ability to interpret what was discussed in the interviews was aided by my Southold upbringing, which allowed me to understand what was said, and how it was being said, as things could not always be taken literally. For example, a simple conversation regarding the preservation of Southold’s “rural quality of life” or the environmental protection of its “pristine environmental habitats” may have referred less to the protection of farming and the environment, and more towards fighting the development of
housing sprawl, “Big Box” retail, and other aspects of a lifestyle perceived as “suburban.” The analysis of the data took these comments into account, noted where they happen, and examined the results beyond the literal observed responses.

The use of quantitative census data to highlight the perceived changes happening in Southold highlighted another Yin method for analyzing case study research, where “…the quantitative data may be critical in explaining or otherwise testing your case study’s key propositions” (2009, 133). The use of past and present census data to show the actual changes in the community, versus the perceived changes reported by the interview participants was important to the central research questions.

The data collected from newspapers, town hall proceedings, and even interviews all follow some form of chronological pattern that helped analyze how responses have been made towards demographic change. This multifaceted data collection method of using historical evidence, newspaper reports and opinions, interviews, and personal observations built the case for planning during periods of demographic change, because it followed Yin’s “triangulation” technique (2009, 114-115).

Iterative data analysis took place over the entire course of the study. The data analysis began with an informal overview of the demographic changes personally witnessed in Southold Town to decide which issues were relevant to the central case study questions, and which ones could be realistically answered during the study period. A second overview was drafted after one month of interning with Southold’s Planning Department to show the major demographic change issues facing Southold Town observed through office observation and on-the-ground observation. This overview further focused the research and enabled the final revisions to be made to the interview questions. The information obtained in the interviews provided a basis on
which direction to focus the research. Themes resulting from the interviews are discussed in further detail in the latter case and analysis chapters (Table 2). The research questions were examined using the frame of demographic change, and the planning response.

<table>
<thead>
<tr>
<th>Concepts/Themes</th>
<th>Indicators</th>
<th>Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Protection of Community</td>
<td>Policies/cases to preserve, Comprehensive Plan Drafts</td>
<td>Big Box Laws, Subdivision Code, Formula Food Regulation, Hamlet Growth Policies, Convenience Store Policies, Rezoning to Limit Growth, Design Standards</td>
</tr>
<tr>
<td>Hostility</td>
<td>Crime, Policies</td>
<td>Language (both covert and overt), Fishers Island Ferry Admission Policies and Fares</td>
</tr>
<tr>
<td>Class Struggle</td>
<td>Newcomers and Population Numbers (Historical and Present ACS Data)</td>
<td>Coded language</td>
</tr>
<tr>
<td>Perception to change vs. Reality</td>
<td>Population Figures and Changes, Interviews, Books</td>
<td>Median Income, Race/Ethnicity, Political Interests, Activities Available (ie High School Sports)</td>
</tr>
<tr>
<td>Planning/Expectations of the Planner</td>
<td>Interviews, Policies, Office Observations</td>
<td>Language (both covert and overt)</td>
</tr>
<tr>
<td>Fear of the Outside</td>
<td>Interviews, newspapers</td>
<td>Language, policies</td>
</tr>
<tr>
<td>Planning Outside of Government</td>
<td>Interviews, cases</td>
<td>Work of immigrant communities, unions, environmental groups, land trusts</td>
</tr>
<tr>
<td>Perceived Economic Change</td>
<td>Interviews, observations</td>
<td>Change in agriculture, change in retail</td>
</tr>
<tr>
<td>Coping With Technological Change</td>
<td>Interviews</td>
<td>Problems installing cellular towers and its impact on the landscape, Neon Light Displays</td>
</tr>
<tr>
<td>Different Needs of the Community</td>
<td>Interviews</td>
<td>Economic needs vs. environmental protection</td>
</tr>
<tr>
<td>Perception of &quot;Community&quot;</td>
<td>Interviews, Books</td>
<td>Language (both covert and overt) from &quot;Natives&quot; and &quot;Newcomers,&quot; Immigrants from Latin America</td>
</tr>
</tbody>
</table>

Table 2. Central concepts/themes found for analysis

4.5. Central Themes Found

Planners and politicians have stressed the importance of the upcoming *Southold 2020* Comprehensive Plan in protecting the identity of the community. Discovered in the observation of the planning office discussions, preserving and protecting the community character of Southold is an important priority. Analysis examined the many demographic changes taking place in Southold, and how its residents perceive them, exploring the town’s interest in maintaining a specific community identity, and the measures taken, from a short- and long-term

30
planning perspective. The analysis assessed the limitations and opportunities of the comprehensive plan through analysis of the discussions on the plan, information obtained from key participants, as well as through content analysis of available sections of *Southold 2020*.

Table two shows eleven different concepts and themes of how Southold has dealt with demographic change (Table 2). Different indicators measured each theme. Preliminary questioning in the interviews asked participants what changes they have seen, personally and professionally during their time in Southold to see what was perceived as change. Major themes found in the interviews show that the residents of Southold certainly perceive demographic change occurring in town, through the increases in tourism, traffic, people, economy and diversity. There has been a push from numerous parties to focus on Southold’s community identity as a farming and maritime community to fight demographic change. This has been seen in policy decisions and the rhetoric of the subjects interviewed. Not mutually exclusive, these eleven topics overlap and begin to explain how planners plan for demographic change into two main categories under the umbrella of the protection of community: “The Right To The City: Who is “Local”?” and “Institutionalizing Exclusion.”

4.5.1. **The Right To The City: Who is “Local”?**

The first section of analysis will look at the changing demographics to Southold, and the obstacles in the way of responding to these changes. The many distinctively different demographic groups demanding different goods and services create a difficult situation when it is combined with the fact that Southold wants minimal development. In addition, the changing nature of work in Southold is creating a need for a different labor pool, that is centered around low-income service jobs. Despite the need for these jobs, limited affordable housing exists, and residents and elected officials are hesitant to increase its affordable housing stock.
4.5.2. *Institutionalizing Exclusion*

In its efforts to retain its small-town community character, Southold has implemented a number of laws designed to limit the amount of suburban-style development from taking place. “Big-Box” retail laws that dictate the design elements and floor area ratios of commercial structures, “Formula Food” laws that limit the locations where franchised fast-food operations can take place, and limitations to the residential subdivision of land have all been enacted in order to preserve the community character of Southold. This section examines these policies and their possible legal challenges on the grounds of personal and economic exclusion.

Beyond legal measures of exclusion, Southold has demonstrated passive and other unofficial measures of exclusion. The island hamlet of Southold, Fishers Island makes it difficult for outsiders and those without vehicles to reach the island through limited options for lodging and the high cost of transportation to the Island. The local Hispanic population has rapidly expanded over the last forty years, yet their presence in Town affairs is virtually invisible.

Interest groups, planners and government officials also believe that proper planning will help prevent Southold from “reactionary planning.” The current comprehensive planning process is being done to address the changing needs of the community, while also ensuring the protection of the existing community character. While this is taking place, planning is taking place through other outlets in the community, through non-profit organizations, inter-personal relationships, as well as through the changing local economy.
5. The Background of Southold, New York

The Town of Southold, New York is located at the far eastern end of Long Island in Suffolk County (Figure 2). Founded in the 1640s by English settlers, Southold maintains that it is the oldest English town in New York State (Booth, A Brief Account of Southold's History). Unlike most other states, New York’s form of local government is divided based on the Town, and all land outside of a city or a tribal reservation is divided into Towns (Figure 3). According to the New York State’s Local Government Handbook:

Town governments now, however, have long been recognized as primary units of local government. They possess authority to provide virtually the full complement of municipal services. By statutory and constitutional adjustments, towns are flexible units that can function as rural or as highly urbanized general purpose units of government, depending on local needs. (State of New York Department of State 2009, 59)
Inside Southold, there exists one incorporated Village, Greenport that is largely independent from Southold, save for a shared police force. In addition, Southold is divided into the hamlets of Laurel, Mattituck, Cutchogue, New Suffolk, Peconic, Southold, Greenport West, East Marion, Orient, and Fishers Island (Figure 4). While the state does not recognize “hamlets” as a political subdivision (State of New York Department of State 2009, 67), they contain their own business districts, post offices, fire departments, telephone numbers, and are also used to divide school districts.

Figure 3. Town of Southold in relation to neighboring "East End" Townships (Source: Suffolk County GIS)
Southold’s varied geographical features make it difficult to compare it to other areas of similar size. The majority of Southold’s land area is located on one of Long Island’s two “Forks,” the peninsulas located on the far eastern side of the island, and is thus surrounded on three sides by water (Figure 4). Fishers Island, while geographically closer to Connecticut than mainland Southold, has been part of Southold since 1879, following a reexamination of boundaries by New York and Connecticut (Booth, Fishers Island). In addition, Southold also has jurisdiction over the privately owned islands of North Dumpling and Robins, as well as Plum Island, Great Gull, Little Gull, South Dumpling, and Flat Hammock. Most of these islands are uninhabited, and have been used for lighthouse sites and bird sanctuaries. The Department of Homeland Security operated Plum Island, a former army base and animal disease research facility.
However the facility is currently slated for decommission, presenting planners with the challenge of deciding how to use the island.

Located on the eastern end of Long Island, New York, the Town of Southold avoided the majority of suburban-style “sprawl” development that has taken place in many other parts of the New York metropolitan area. Located seventy miles from the New York City limits, or an hour and a half ferry ride from New London, Connecticut, Southold was historically isolated from urban living. Transportation connections to the area were limited, the Long Island Expressway’s easternmost terminus reached Riverhead, the town neighboring Southold, and the several proposed bridges linking Eastern Long Island to Connecticut never materialized.

When suburban development began nearing the East End in the 1960s, local government officials proposed seceding from Suffolk County to form Peconic County. Despite long time popular support from residents, Peconic County never materialized (Dolgon, 2005). Dolgon’s analysis of the secession movement credited outside politics for the failure, mentioning that final approval would have to go before the state, and other lawmakers feared this would allow for other secession movements to take place, such as with Staten Island’s desire to leave New York City (Dolgon, 2005, 115). Despite these setbacks, the East End towns of Suffolk County have developed other measures to limit unwanted commercial and residential development.

Transportation into Southold is limited by its capacity and available options. Two main roads, State Route 25 and County Road 48 enter Southold from the west. A ferry terminal in the Village of Greenport provides transportation south to Shelter Island and the Hamptons. Another ferry terminal in the hamlet of Orient offers service to New England. Train and bus service provide mass transit alternatives into Southold, however service is limited. The Long Island Rail Road has a branch that extends into the Village of Greenport with weekday service four times a
day, and a County Bus Line that provides service to the mainland’s easternmost hamlet of Orient with the exception of Sunday. High end motor coach service from Southold into New York City is offered daily by a private bus company, the Hampton Jitney.

Southold’s economy was historically based upon fishing and farming, with smaller industries in whaling, shipbuilding, brick making, and other products. Unfortunately, due to pollution and warming of the water bodies, as well as increased regulation, commercial lobstering and fishing declined in Southold. Farmers saw competition from larger farms outside of Long Island, and also began facing development pressures as land values rose. Several farmers experimented with the cultivation of wine grapes in the early 1970s. Seeing that the climate, soil, and sun exposure resembled winemaking areas in France, farmers and entrepreneurs from outside of town began turning potato fields over to grape production. As of 2010, there were at least 29 vineyards in Southold Town alone. Other farmers experimented with “agritainment,” featuring hayrides, U-Pick produce, corn mazes, music, and other events to draw people to the farms, and sell their produce directly to customers. Local vineyards have also utilized this idea by featuring bands, weddings, art shows, book signings, and other ways of enticing tourists from the rest of Long Island and the surrounding New York Metropolitan area. These industries have helped turn Southold into a tourism-based economy, where many of the other industries (landscaping, construction, restaurants) have blossomed from this success.

While Southold has been a popular tourist destination for almost two hundred years (Booth, A Brief Account of Southold's History), earlier tourism was different in that it was “generational,” meaning that families traveled there because their parents had done the same (Walker 2010).

5.1. Demographic Change

Over the last forty years, Southold has experienced an increase in its total population as well as a shift in its population demographics. The population has seen increases to its retired
and advanced-age population, Hispanic population, and year-round population. This was not the first demographic shift witnessed in Southold. Although founded by the English (and their African slaves), immigrants from Germany, Italy, and Ireland later came to Southold, followed by Russia, Poland and Lithuania, with groups also from Greece, France, Portugal and Puerto Rico (Booth, A Brief Account of Southold's History). While Booth’s history accounts for this variety of foreign born individuals, these numbers do not appear to account for a large segment of the population of Suffolk County beyond those from Ireland, Russia, Germany, Italy, and Austria (US Census Bureau). Around the Second World War, people began retiring to Southold, a phenomenon still witnessed today (Booth, A Brief Account of Southold's History). Despite these earlier influxes, observations from those interviewed acknowledged that an observed change in the diversity of people has taken place in recent years (Kessler, Walker 2010).

From a residential and economic perspective, Southold is composed of a number of different groups, year-round residents, seasonal residents, seasonal workers, and tourists. In talking with residents however, many other divisions exist. These divisions vary widely in interpretation, and can depend on who is creating the divisions. There are “locals,” which has many different interpretations, including people who were born and raised in Southold, people who have lived in Southold for a number of years, people who have vacationed in the area since childhood, can trace their ancestry back several generations, or even those who can prove ancestry to the area since its founding. There are “summer people,” which can refer to anyone who shows up in the summer, including visiting tourists and second homeowners. There are “migrants,” “Mexicans” or “Guatemalans” which can include both the year-round Hispanic residents as well as seasonal workers that come from a number of countries in Latin America, and not necessarily Mexico or Guatemala. People from Long Island, but not Southold, may be
referred to as being from “Up Island,” an ill-defined suburban mass located anywhere between New York City and Southold. These many differences in the community require different needs in terms of goods and services, creating a challenge for planners and policymakers to find ways of accommodating the needs while minimizing development of land.

These development pressures can also be seen as a result of the influx of people into the town. While tourism has certainly brought more people to Southold, many people are also buying second homes in town. According to one Comp Plan meeting, it appears that many people are buying second homes, and using them later as a primary residence following their retirement. It also appears that there has been less purchasing of homes for families for primary usage. This suggests that the economy will not only need to cater towards tourists in the future, but also to a much older demographic.

In the early part of the 2000’s, a perceived surge in home construction resulted in the creation of the new subdivision code. Prior to the adoption of the subdivision code, Southold had placed a moratorium the construction of housing subdivisions as solutions to curb development were explored by landowners, elected officials, and planners. In one proposal that was supported by the North Fork Environmental Council (a local environmental group), the vineyard owners, and one of the town’s major political parties, all remaining farmlands would be rezoned from two acres to five acres, with the idea that this would immediately “preserve” 80% of these lands, to prevent rampant development from suburbanizing Southold. Despite the wide support of upzoning by these groups, traditional farmers, the Peconic Land Trust, and the other major political party came out against the measure. The push to increase zoning from two acres to five was later defeated when farmers came out against the measure.
Another recent phenomenon has been the perceived influx of people moving out to Southold in new homes or their previously vacation homes as a result of the 9/11 Terrorist Attacks (Table 3). Planners and local business owners alike have discussed this theme; people fearing another attack moved to a location that promised a quieter and more secure lifestyle (Mapes, Devine 2010; informal conversation, 2010). Unlike historical instances of outmigration from cities, the fear of international terrorism introduces a new planning paradigm worthy of examination in future research. While observations suggest an increase in the number of houses to appear after 2001, Census data shows that this increase was not as dramatic as previous housing surges in Southold (Table 3). However, the perception of more people “moving” into town may be a result of people converting existing seasonal residences to permanent residences because the number of single housing units has doubled in the past forty years (Table 3) while the increase in population has not followed proportionately (Table 4).

### Table 3. Single housing units in Southold (Source: SocialExplorer)

<table>
<thead>
<tr>
<th>Census Year</th>
<th>Percentage of Single Units</th>
<th>Number of Single Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970</td>
<td>93.6%</td>
<td>5,843</td>
</tr>
<tr>
<td>1990</td>
<td>93.2%</td>
<td>11,075</td>
</tr>
<tr>
<td>2000</td>
<td>94.8%</td>
<td>12,032</td>
</tr>
<tr>
<td>2005-2009 ACS</td>
<td>94.8%</td>
<td>13,012</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Census Year</th>
<th>Southold Population</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970</td>
<td>14,023</td>
<td>No Data</td>
</tr>
<tr>
<td>1990</td>
<td>17,801</td>
<td>3,778</td>
</tr>
<tr>
<td>2000</td>
<td>18,551</td>
<td>750</td>
</tr>
<tr>
<td>2005-2009 ACS</td>
<td>20,043</td>
<td>1,492</td>
</tr>
</tbody>
</table>

Table 4. Population change in Southold, 1970-2009 (Source: SocialExplorer)

<table>
<thead>
<tr>
<th>Census Year</th>
<th>Hispanic Population</th>
<th>Numerical Difference from Previous Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970</td>
<td>48</td>
<td>No Data</td>
</tr>
<tr>
<td>1990</td>
<td>297</td>
<td>249</td>
</tr>
<tr>
<td>2000</td>
<td>629</td>
<td>332</td>
</tr>
<tr>
<td>2005-2009 ACS</td>
<td>521</td>
<td>-108</td>
</tr>
</tbody>
</table>

Table 5. Hispanic population in Southold, 1970-2009 (Source: SocialExplorer)
In addition, the creation of businesses based a tourist-service economy, as well as construction and maintenance of homes has also created a demand for low-income workers. Answering this demand for service-based labor has also come from the introduction of immigrants from Latin America. According to U.S. Census Data, the overall population of Southold went from 14,023 in 1970 to 20,043 in the last 2005-2009 ACS Estimate, an increase of 32%. Over the same period of time, the increase in the local Hispanic population jumped 985%, starting at 48 people in 1970 (.34% of the population) and increasing to an estimated 521 (2.59% of the population) in the 2005-2009 ACS Estimate (Table 5). This change is especially visible during the summer months, when long lines of bicycles traveling to work are seen along the major roadways in Southold. This dramatic increase over the last forty years has resulted in problems with the majority white population, as seen in numerous angry letters in the local papers:

Kudos to County Executive Steve Levy for attempting to do something about all the illegal aliens here in Suffolk. It appears that too many people aren't sure what illegal means. It simply means against the law. I recently read that there are 15 million undocumented Mexicans here in the U.S. If that many can slip by unnoticed, then terrorists with explosive devices can easily get through. Our government is letting us down and not protecting us properly, with the exception of Mr. Levy. There are other issues also with these people. They are not required by law to be immunized in their countries for infectious diseases. They can bring TB, hepatitis and many other contagious diseases too numerous to mention, into our country. They work on our local farms and handle our produce, work in restaurants and handle the food we eat. Anyone who hires these people should be sure they are here legally and can pass a strict medical exam. Few have medical insurance and go to our local clinics for free or for very low-cost care. This infuriates me as I am a senior struggling to get along and my taxes pay for their medical care among other things. Now they want the right to have a driver's license even though they are here illegally. What's next, the right to vote and Social Security? They also have the nerve to want shelters built where they wait for work, plus bathrooms. If we are not careful and do something to control this situation, the citizens here on Long Island will soon be the minority.
Carol Collins, *Suffolk Times*, November 25, 2004 (Collins 2004)

Many of these angry letters follow this line of argument, the perceived increase in other services required to help these immigrants, such English language instruction in schools.
Due to Southold’s aging population, a week does not go by without angry letters regarding the school system, however. Without large industry to balance the tax base, Southold residents experience higher property taxes to fund their schools, libraries and other services. In recent years, school administrators have had to carefully “sell” the annual school budgets to the voting population, as older residents have taken issue with high property taxes on services they do not require, leading to friction between residents on who must pay for services.

Southold has experienced a large shift in the age of its population. In terms of age, Southold’s population is growing increasingly older. Southold’s 1970 population was almost evenly balanced between the under 18, 18-54, and 55 and over populations (Figure 5). While the 18-54 demographic has remained steady between 39 and 43 percent of the population, the young population has dropped from 29 to 19 percent, and the older population has climbed from 32 to 41 percent. An aging population brings different needs to a community than that of a young population, whether it is recreational opportunities, medical services, or types of retail.
Southold has also become a relatively high-income community. According to the 2006-2008 American Community Survey estimates produced by the US Census Bureau, Southold’s economic figures are much higher than the national average, with a median family income of $83,223 (national average is $63,211) and a median housing value of $576,400 (national average is $192,400) (US Census Bureau). This may be attributed to Southold’s geographic constraints, with its location on a narrow peninsula of land, only a finite amount of buildable land exists. Unlike other communities and conventional planning theory, where housing prices decline inverse to proximity to the center city, construction on the periphery (in this case, along the beaches) is highly valuable. The changing age, nativity, and income demographics in town will almost certainly call for different goods and services.
5.2. Introduction of Outside Business

Not all businesses have been desired, however. In the early 1990s, McDonalds announced that it intended to build a restaurant in Southold Town. Public outcry from citizens, politicians, and the local environmental group, the North Fork Environmental Council fought its construction. The director of the North Fork Environmental Council, Warren Goldstein cited a number of reasons for this battle in a letter to the *Suffolk Times* to rally residents, claiming “This is your chance to speak out for the character of the town you want to live in, for the kind of businesses that will enhance the town’s rural and maritime heritage, for the image you want to present at the gateway to Southold Town” (Goldstein 1991). While the Town did not have any laws in place to prevent the development of a McDonalds, they utilized a number of planning tools to make it undesirable for the McDonalds to want to locate in the town: the restaurant could not have a drive-up window, it had to be set back from the highway, and there could be limitations to the display of the restaurant’s signature “Golden Arches.” McDonalds acquiesced to the restrictions and built anyway, and Southold quickly revamped its codes to limit the development of fast food in Southold to shopping centers. As many of these restaurants tend to build stand-alone structures, no further fast food restaurant has made its way into town (besides a Starbucks, Subway, and Dunkin’ Donuts that chose to locate inside the Mattituck and Southold shopping plazas).

When the Mattituck bowling alley was sold to a developer to turn it into a CVS Pharmacy ten years after the McDonalds debate, local businesses, residents and politicians again protested. Again, the CVS Prevailed in building its Mattituck location, but a second proposed location in Southold failed, when planners and elected officials reworked the Town’s code to prevent the construction of large-scale buildings not used for agricultural purposes. This code also prevented buildings of certain construction materials as well as ones based on designs found in other
locations. Recently, when a 7-11 and a Sears applied for permits to build in town, Southold responded with a corridor study in the Mattituck hamlet to examine where businesses could be located.

5.3. Present Day Conflicts
The latest battle has been over Southold’s own success with its wineries. Local laws prohibit wineries from serving meals that could allow them to outcompete local restaurants. This law has been circumvented through the permitting of outside caterers on winery grounds for weddings and other special events. Recently, local restaurant owners have voiced further concern about food at wineries, claiming the practice is becoming more commonplace. If a “special event” is being held every day at a vineyard, requiring a catering staff, then is it really a “special event”? Others have voiced concerns about the noise and traffic. Some vineyards are staying open later at night and feature musical acts, causing friction with local homeowners, bars, and others. During Southold’s 2010 summer season, one vineyard put on a “NOFO Rock and Folk Fest” that irked local businesses and homeowners, citing noise and traffic concerns. Following the town’s permitting of the show, local officials became aware of a memo that claimed that there would be greater numbers of people and vendors than originally permitted.

Fearing that a Woodstock-like festival would occur, the town tried to amend the permit, resulting in a lawsuit that ruled in favor of the concert promoters. After the concert, local officials have announced that stricter laws would be considered, which was followed by the passage of the “Dark Skies” legislation that limits outdoor lighting. The town also began exploring the institution of a noise ordinance.

In its recent history, Southold has made repeated efforts to stave off “suburban” style development that characterizes many other Long Island towns. This fear has manifested itself in the town’s aversion to sidewalks (sidewalks are considered suburban), to the development of
housing. Southold has fought development of high-density housing on many occasions. In the 1970s, a vacant shopping center became a proposed location for Section 8 housing that focused on the elderly. After immense public outcry resulted in a special meeting of the Planning Board, planners recommended that this project not go forward (Southold Town Planning Board 1976). These recommendations have held in place, as this site has become an operations center for Capital One Bank.

Since then, several affordable housing developments have been put into place, but most have been constructed as single-family homes near hamlet centers. While this could be seen as a NIMBY attack against low-income individuals that could harm neighboring property values, there have been repeated instances where developers have proposed high-density luxury housing, only to be stopped by residents and local officials. The most current example is the proposed “Heritage at Cutchogue,” which has resulted in an attack campaign consisting of angry letters to the editor, bumper stickers, and road signs.

The easternmost part of town, Fishers Island, is located closer to Connecticut and Rhode Island than it is New York and the rest of Southold. Half of the island is private and is protected by a guardhouse that prevents outsiders from entering. Unlike the rest of Southold that thrives on tourism, Fishers Island is a retreat for the elite. According to one real estate site that features housing on Fishers Island, housing prices start at over a half million dollars, and range upwards to “Contact for Details” (Mystic Isle Realty). Tourism is strongly discouraged, as evident by the two hotel rooms available for use on the island. Due to the constant rise in the cost of living, year-round residents are finding it more and more difficult to survive on the island. Storeowners are not always able to survive through the winters, the local schools are importing students from Connecticut to keep from failing, and community planners are discussing the need to plan for
when there are no more year-round residents. Each morning ferries to the island carry contractors, landscapers, and other service people to work on the island, only to leave each night. While this case is more extreme from that mainland Southold, the existing commute of labor into Southold and the policies enacted to limit people and development share many similarities.

Another ongoing debate has been over the introduction of public water to the town. Prior to the availability of public water, development had been stymied due to poor water quality, whether it is the saltwater intrusion of groundwater on waterfront properties, or the negative effects of pesticides from generations of farming. When water lines began to make their way through the town, a number of debates began. The first was a failed push to upzone undeveloped properties from two acres to five. Local planners, officials, and environmental groups saw this as a way to immediately preserve 80% of all open space. Seeing the upzoning as an attack on their personal equity holdings, local farmers came out against the proposal. A proposed transfer of development rights program was put into place (although rarely used, according to one planner), and currently the push from local officials has been to concentrate development around hamlet centers.

The water debate recently reappeared when waterlines were proposed for the town’s eastern hamlet of Orient. Orient has had problems with well water due to saltwater intrusion and the leaching of farm chemicals into the groundwater. In an effort to curb this problem, the County’s water authority had planned to extend water mains into the hamlet. This triggered an immense backlash against the town and county by Orient residents, who feared that the extension of water into the hamlet would result in greater development. One flyer made to rally residents against public water detailed threats of high-density development and even a convention center that could appear if the water authority installed these pipes. According to one planner, this issue
is about public health and not encouraging development (Mapes 2010). Southold town has historically had to deal with its farming legacy through filter systems that reduce nitrates and the potato pesticide Temik, which along with many other pesticides found in the groundwater, may or may not have been the cause of a large number of cancer cases in the area.

In addition to the planning department, Southold Town has a department of land preservation. According to one town employee, Patricia Kessler, this department was separated from the planning department so as not to give the impression that Southold’s planning department had a strong bias towards land preservation over development (Kessler 2010).

Southold and other nearby towns have a program in place that taxes real estate transfers at two percent. This money can be used to purchase the development rights to lands targeted for development. Southold uses this money to purchase farmland and other critical areas to preserve the town’s rural character.

This debate of “preserving the rural character” has taken two different paths, one of an environmental-based land and landscape preservation, and one of a social-based property rights and personal independence. Interest groups and people in Southold are divided on this issue, and debates have sprung up in recent years regarding development on waterfront properties. Groups such as the North Fork Environmental Council have fought the installation of docks, bulkheads, and other structures on the public lands and beaches, while other groups such as the SoutholdVOICE have fought for the property owner’s right to do so in an environmentally minded fashion.

5.4. Planning and Comprehensive Planning in Southold

Southold suffers from the same planning problems as many other localities. Plans are written, and then are placed on the shelf with little implementation or action taken. Planning in Southold is a relatively new phenomenon. To respond to land development happening in the
town, a planning board was created in the late 1950s. In the late 1970s, the Town hired a part-
time planning consultant from Rhode Island to handle planning concerns (Kessler 2010). By the
late 1980s, the Town hired its own planner and established the planning department.
Comprehensive plans have been written twice in the Town’s history, once in 1967, and the
second in 1985. A third one, Southold 2020 is in the process of being written. The US/UK
Countryside Stewardship Exchange Planning Study, commissioned by the National Park Service,
Town of Southold, and the British Countryside Commission for England and Wales received
much positive acclaim from the local media in the early 1990s seems to also have made its way
to obscurity. However, one planning board official involved in the project mentioned that over
time, most of the goals outlined in the US/UK Countryside Stewardship Exchange Planning
Study made their way into becoming law (Tuthill 2010).

According to planner Ben Mapes, politics can get in the way of long term planning in
Southold, as the rotation of elected officials impedes progress when different skill sets, interests,
and involvement of these officials change with each administration. This results in the
commission of different studies and plans to match these skills and interests (Mapes 2010). The
frustration by the public about these many studies with little action can be seen in the local
weekly paper, where residents have complained about the many dollars spent on studies with
little action taken.

Due to the Town’s limited finances, and the limited number of planners in the planning
department (as of March 2011, there were currently two planners on staff, down from four in
2010), the planners are using over thirty pre-existing plans and studies to form the basis of the
new Comprehensive Plan. Each chapter of the plan is being written with these studies in mind
by a member of the comprehensive planning committee, which consists of two planners, the
town’s special project’s coordinator, the town attorneys, the planning board and the town board. Other town employees are also contributing to chapters of the Plan. In areas where there is no local expertise, such as transportation and economics, the Town has brought in outside planning consultants.

An ongoing tension exists between maintaining Southold’s “small town quality of life” and providing the goods and services needed by its residents, exists as a challenge to planners. A community whose demographics are seeing a change in income, ethnicity, and age will probably exhibit different spending habits than the people whose livelihoods were based around farming and fishing. Planners are challenged to preserve land, maintain farming and fishing as viable economies, and limit suburban development, while also welcoming these newcomers. By limiting developable space, existing stores and houses are being purchased by those with more money and converted to suit their needs. One local delicatessen has been converted to a high-end gourmet supermarkets, another became a luxury real estate office. Food trucks have appeared along the roads in town, catering to contractors by serving more traditional lunch fare. These changes have introduced unforeseen changes to Southold’s economy, and how planners must utilize their powers of land use and zoning.
6. Findings and Analysis: The Protection of Community Identity

I was a bayman like my father was before
Can't make a living as a bayman anymore
There ain't much future for a man who works the sea
But there ain't no island left for islanders like me

*Ellen:* All I want to know, I just want to know one simple thing. When do I get to become an islander?
*Councilwoman:* Ellen, never! Never! You're not born here -- you're not an islander.
  -“Jaws” (1975)

“There will be much more pressure from the new Legislature to make the North Fork into a series of parks and playgrounds for the millions at the other end of Suffolk County where, because of lack of planning, the bucolic bliss has been replaced by urban mess.”
  - *The Suffolk Times*, January 2, 1970; Editorial page 2

Fears of Southold losing its identity stretch back to its original founding by English settlers in the mid-seventeenth century. A desire for personal freedom, contrasted with a strong governing body, has been an ongoing theme in Southold. The first Europeans to settle in Southold did so to escape religious persecution in England; however, the new community that they created in Southold followed Mosaic Code, known more commonly as the Ten Commandments as its rule of law (Booth, *A Brief Account of Southold's History*). The protection of Southold through restrictive commercial and residential building codes from the perceived and real threats of development, as well as the inter-personal struggles between classes in town create a number of challenges for planners and policymakers.

The threat of Southold losing its rural and maritime character guides many of the planning decisions for planners and elected officials. Through interviews, observations, and even conversations in the planning office, the desire to protect Southold’s community character is certainly a pressing issue in the town. Suburban development in neighboring towns on Long Island has made many people appreciate the rural character of Southold, and policies have been enacted to preserve this character. Beyond the planning practices of limiting residential sprawl
and corporate retail, the personal satisfaction of being considered a member of the community is another theme found. Local pride, and pride in living in the town are important in shaping Southold’s community identity. Residents and officials have worked to prevent the loss of this identity.

6.1. The Right To The City: Who is “Local”?

The different groups of people to enter Southold over the years has created numerous divisions based upon class, duration of time living in Town, as well as ethnic background, to name a few. These divisions have affected interpersonal relations between people as well as businesses. These groups have offered different visions of what makes Southold unique. This section examines the differences between the people and businesses of Southold, and how these divisions have created the conflicts that planners, community leaders, and government officials have had to manage.

6.1.1. Interpersonal Divisions: Who Can Claim Residency?

The distinction of being considered a “local,” separating oneself from “outsiders” is a very clear phenomenon in Southold. The language used in this debate has expressed itself in several areas. In 2006, a local publisher began producing “North Fork Native: Born Here” bumper stickers for sale (Figure 6). Another area businessman, Russ L’HommeDieu published a book, entitled How to Know You’re a Local – North Fork Edition, which is marketed by the Southold Historical Society as “A humorous look at North Fork life, author Russ L’HommeDieu pokes fun at just about every quirk that makes living here so special” (Southold Historical Society). In L’HommeDieu’s book, people can score just how “local” they really are, awarding the most points to those whose ancestors came to Southold with the founding party of English
settlers in the seventeenth century (L'HommeDieu 2002). Here, the distinction of being considered a local starts with one’s location of birth.

Figure 6. Display, and discussion of, local nativity (Source: The Suffolk Times 2006)

The publisher of the bumper sticker told The Suffolk Times, “It’s tongue in cheek, really” (Duffy 2006); this “tongue in cheek” gesture was not universally received as such by the public, indicated by one letter to the editor in the local paper:

It was interesting to read the letter from the Anti-Bias Task Force defending Southolders (“All created equal,” Aug. 23), lest anyone think there is significant anti-immigrant bias here. After making a careful and slow U-turn in front of the Southold Post Office a few weeks ago, I was set upon by the citizen militia in the form of a woman who angrily demanded to know if I was from New York City. After responding yes, and that my wife and I are 10-year summer residents, she rolled her eyes dramatically and stalked off to her car with its “North Fork Native bumper sticker. A man who witnessed this exchange did his impotent best to give me a hard stare. We left before the riot. All I can conclude is that if the locals feel this way about citizen physicians from New York City whose ancestors came to America in the 1800s, they must really hate the current immigrants. Either way, this bias makes no economic sense for the North Fork. Without
immigrants from New York City and Central America, there’d be no one to buy the overpriced houses or pick the overpriced vegetables. (Lanes 2007)

This tension between “locals” and “newcomers” goes beyond bumper stickers and angry letters to the editor, however. Animosity between these two parties appears to be very clear.

Published books that have spread beyond the boundaries of Southold have detailed this division through expressive language. Nelson DeMille, a fiction author from Long Island made the observation,

Well, the summer was officially over, but the fall season had a lot going on for the residents and for the smaller number of tourists. I always suspected there was a big party held each November, open to locals only, and it was called, ‘The North Fork Residents Say Good Riddance to the Fucking Tourists Festival.’ (DeMille 1997, 240)

Vineyard owner Louisa Thomas Hargrave noted the division between “local” and “newcomer” in her writings, by portraying the businesses and people in town as out of touch with modern society. According to Hargrave, the available shopping options were limited:

In 1973 the village of Cutchogue consisted of a single block of stores. There was a post office, a dingy pharmacy, a “variety” store with inventory that hadn’t been touched since the 1930s, and a small grocery store that smelled of rancid kielbasa. What the town lacked for shopping, it made up for in churches. (Hargrave 2003, 24)

While newcomers and existing residents may all enjoy Southold’s small town character, to include goods beyond an outdated “variety store” or a grocery store selling “rancid kielbasa” requires increased development to cater to the needs new as well as established residents.

Besides the division between permanent and seasonal residents, another division occurs between permanent residents, and when they settled in the area. Former teacher and community activist, Hank Miller mentioned that when he first moved here in the 1970s, he felt he was treated like a second class citizen, when others would interject into conversation that they “knew” the area differently because he (and his ancestors, for that matter) had not been raised in
Southold (Miller 2010). Informal conversations with other residents revealed how they were unable to find jobs in the area because their last names were unfamiliar to potential employers.

While the introduction of newcomers to a small town may cause unease amongst the native population, tensions are not improved when newcomers have treated the locals as backwards. Town employee Patricia Kessler recalled how in the 1980s, during a wave of new building construction, high-income people from Manhattan would use their money and lawyers to muscle development in Southold (Kessler 2010). In another case, newcomers have found themselves isolated in the town, as the “small town” atmosphere did not have the social amenities needed for everyday living. Vineyard owner Hargrave sent her children to private school in the Hamptons, as opposed to a local public school:

Part of what was going on with this schooling fantasy of mine was that I was still deeply interested in education, and I wanted to be involved in a school where I could have some input. Another part was that I was looking for friends with whom I might have more in common than my old farming neighbors. (Hargrave 2003, 159)

Language, whether as explicit as that of DeMille’s or subtler like that of Hargrave’s, provides examples of the feelings expressed by both locals and newcomers.

Many of these “newcomers” have become commonplace since the jump in population from the 1970s and attitudes towards newcomers has begun to change. Hank Miller noted that the nativism he encountered in 1970s Southold has decreased over the years, with the influx of many seasonal residents establishing permanent residency (Miller 2010). Town employee Patricia Kessler confirmed this observation when she discussed how the “offseason” has become shorter and shorter as second homeowners have transitioned to living full-time in Southold, or continuing to visit in the late fall and early spring, causing these “newcomers” to be seen as being more commonplace (Kessler 2010). Kessler and Walker both discussed the growing diversity in the town, how there is a greater variety of “different” people living and visiting
Southold (Kessler, Walker 2010). In Walker’s observations, he recalled the establishment of a local Italian American Club as one such example (Walker 2010). The increase in tourism and population has reduced this conflict however, as almost all of the interviewees mentioned an observed increase in cultural, ethnic, and lifestyle diversity.

6.1.2. Economic Identity: The Right to Southold’s Economy

Hargrave’s book especially sets the stage for another demographic conflict in the town, taking the newcomers and locals division one step further, to a division taking place in Southold’s agricultural economy in the transition of farmland to grapevines. The language used during interviews with a local farmer and a local vineyard owner made this distinction clear. Dan Devine, a farmer in the traditional sense, cited the recent introduction of “west end ideas” into the community, which he explained included everything from the introduction of lacrosse in the local public school, to more serious threats, such as a more authoritarian land ethic that values protection of open space at the expense of personal land rights (Devine 2010). Devine claimed that these newcomers had little respect for others’ property rights. During this discussion, Devine mentioned the proposal to upzone the farmland in town from two acres to five. He believed that if the town had gone forward with increasing the zoning on farmland, family farms would have been destroyed, because farmers would have been unable to afford to continue farming, much less afford to pass the farms on to their children (Devine 2010).

In contrast to the farmer, vineyard owner Stefano Anelich acknowledged this shift in the local economy and community character, but has viewed this transition in a more positive light. A newcomer to Southold himself, Anelich believed that while Southold was once a “static farming community” (his words), the introduction of wineries to the area has introduced something very different to the area, which he referred to as “the romance of the vine” (Anelich 2010). He believed that wine has introduced a new culture to the North Fork, and new people to
appreciate this culture, citing how wine inspires poetry, has an erotic and snobby quality to it, in contrast to “a potato.” In Anelich’s opinion, the introduction of this new culture has introduced an entirely new economy, based around gourmet restaurants, as well as the reuse and rehabilitation of historic farmhouses as bed and breakfasts. He even believed that this new economy has helped farmers by to sell their produce directly to tourists through farmstands and other value-added products, which he believes has helped to preserve farming for the area.

Farms and vineyards have different aims and operations, yet they are governed mostly the same way under agricultural zoning guidelines. In one instance where they are different, however, is in the production and manufacture of their final product. While vineyards can harvest grapes, ferment grape juice into wine, and then bottle and sell the wine on site, farmers are unable to create such value-added products. One farmer mentioned how he has had to rent industrial-zoned property to turn his harvest into a higher-value product, something that is not an issue for wineries (Devine 2010). Attorney Steven Brennan noted that the laws governing vineyards, such as occupancy levels, date back to the 1970s and 1980s when considerably less people were visiting the North Fork for wine-related purposes (Brennan 2010). Many of these vineyards at the time were similar to small farm stands that sold a limited amount of product, not catering to hundreds of tourists, holding rock concerts, and catering events. For farmers and local businesses and restaurants, the activities that can take place on vineyard property places these other businesses at an economic disadvantage.

6.1.3. Finding a Place to Live: The Needs of the Working Class

Mentioned earlier, the average age of the population in Southold is increasing, as second homebuyers have retired to their vacation homes (Figure 5). The situation is exacerbated when it is combined with the increasing housing values that deter first-time homebuyers, and the lack of educated employment in the area, creating a situation that heavily favors older people with more
disposable income. While the Town Board Member Ryan Walker and Community Activist Hank Miller mentioned that having a high-income and often highly educated retired population has benefitted Southold in terms of increased civic engagement in the community, they both mention the problems associated with the exodus of young people and families from Southold (Walker, Miller 2010). In the case of Southold, the term “working class” takes on a second meaning: people who are of working age. Educated young people from Southold cannot find working opportunities in the area, and those working in low-skilled jobs in Southold cannot find housing. The push for preservation and a changing economy that favors wine production and a high-end tourist economy has limited the affordable housing opportunities in town for first-time homebuyers and/or low-income individuals.

The apparent line by elected officials is that instead of creating affordable housing in Southold, the town should focus its efforts on creating opportunities for educated employment, which would allow young people to afford housing in Town. Town Board member, Ryan Walker attributed the problem of affordability to a lack of meaningful employment in town, admitting that besides the local hospital and school system, few large outlets for educated employment exist (Walker 2010). The Suffolk Times echoed this sentiment in an editorial entitled, “Affordables, or just better jobs?” when they concluded:

So where does that leave the 20- and 30-somethings who grew up here and want to work here, make a home here and raise their families here?
There are no easy or obvious answers, but it is clear that local government must reconsider the roles it plays in the lives of those who are most likely to leave the North Fork for a better life elsewhere. As economic circumstances have changed rapidly and dramatically, it’s no longer enough to push for more housing projects; we’ve got housing aplenty in the “affordable” range. The trick is finding ways to keep our kids here and helping them get into those homes. We won’t solve new problems with old thinking. (Times Review 2011)

Community activist Hank Miller explained how his three daughters left Southold for college, and only one was able to return due to the limited opportunities for educated young people (Miller
During a comprehensive planning meeting regarding demographics, planners noted how people who will vacation in the area, and later retire to these houses purchase the majority of new housing in Southold. They mentioned that discussions with local realtors revealed how very few families are buying houses in Southold to raise families. With a population increasing in age, a need exists for a labor force for those jobs deemed less “meaningful.”

While people fill the jobs of pouring wine, waiting tables, and grooming lawns, the pay is not enough to afford housing in town. Young people working in the area live with their parents, and those who work in this new economy either commute into the town or rely on another earner in the family. Others have noted how the nature of farming has changed, that the notion of the “family farm” has started to disappear, and so there has been a need for outside employment on farms (Devine, Walker 2010). According to one real estate website that showcases housing in Southold, even in the present economy as of January 17, 2011, the least expensive houses start at $250,000 (Lewis & Nickles, Ltd. Real Estate). According to Town Board member, Ryan Walker, unless someone is inheriting a spot in a family firm, or is starting an independent professional practice, the availability of jobs to afford such housing is not currently present (Walker 2010).

The most notable group to fill the need for service employment has been from the Latino community. According to early Census 2010 reports, the area has seen a dramatic increase in this group of people since 2000, with Southold’s population nearly doubling in size (US Census Bureau). The nearby town of Riverhead noted this occurrence in a recent news article when they reported how their Hispanic population increased by 77% over the last ten years, making them almost 14% of the total population (Gannon 2011). Many Latinos live in apartments provided by farmers and others in need of employees. Due to the questionable legal status of some of these
individuals, it may be more difficult for them to secure legal housing, whether it is an apartment or a house.

For the people who work in Southold but are unable to afford a residence in town, few transportation options exist. The two main roads into town, State Route 25 and County Road 48 become crowded during the busy summer and fall months when greater numbers of visitors are in the area. These roads are also not friendly to bicycle and pedestrian traffic, as road shoulders can be limited in places and road speed limits can present a danger. For those wishing to use the public transportation system, rail service is offered only several times each day and not available on weekends. The bus service runs more frequently, but also does not run on Sundays. When the greatest numbers of visitors to Southold arrive on the weekends, it would seem that having mass transit options available for low-skilled labor would be a necessity. Instead, the only regular transit option in town on the weekends is the Hampton Jitney, a motor coach service that travels between New York City and the East End; however, due to cost of riding and the lack of stops between Southold and New York City, this service caters mainly to tourists.

6.1.4. Conclusions

The introduction of a wider variety of people into Southold in recent years introduces new social dynamics into the area. These changing social dynamics do more than just create humorous bumper stickers, expressive writers, and social clubs; they create divisions that have introduced new challenges to planners and policymakers. The following section will examine the other effects resulting from a changing population: requiring different housing and services, how does Southold accommodate or exclude new residents and new businesses during times of demographic change?
6.2. Institutionalizing Exclusion

Southold’s ability to maintain a distinctive community character seems to play a role in its ability to attract people to the area. This romance over the “local” does not simply stop at bumper stickers and books; however, it also translates into policy and business. Interviews with participants made it clear that there was a desire to maintain a distinctive community character that separated Southold from the surrounding communities. Planner Margaret Carroll, moved to Southold because she believed it had a distinctive community character, one that did not have an “Anytown, USA” feel (Carroll 2010). She also cited the neighboring town of Riverhead, that has recently seen its historical downtown go vacant at the expense of suburban style residential development and big-box retail, which was echoed by others who were interviewed (Carroll, Mapes, Miller 2010). Another response, from another town official, Patricia Kessler, said that the town pursued land preservation and limits to development so that the town would “not end up like other places” (Kessler 2010). One member of the planning board, Bob Taylor, pointed out that Southold “would die out if this place looked like Nassau [County],” referring to the other county on Long Island, located adjacent to New York City (Taylor 2010). These concerns of ending up like “everywhere else” have impacted the day-to-day and long-term planning efforts of Southold.

Fears of development destroying a certain community ideal are not a recent phenomenon in Southold. A 1970 study by Southampton College professor J.P. Sullivan, the author describes the changing face of Southold’s character, in its move from its maritime and agriculture-based economies to that of tourism:

Tourism has brought many changes to the landscape of Southold. Commercial facilities have multiplied and expanded to serve the tourist trade. Many tourists, particularly retired persons, have become permanent town residents, and increased residential development has created a need for increased municipal services. The tourists and newer permanent residents are the first ripples of a tide of urban development which has swept the western and central thirds of Long Island
during the present century. This tide is likely to crest in eastern Long Island during the next
decade or two. (Sullivan 1970, 1)

Southold’s Town Board has enacted a series of laws designed to restrict the types of residential
and commercial development that take place in order to protect the town from suburban-style
development seen in other parts of Long Island. The desire to protect Southold from outside
influences, in this case unrestrained commercial and residential development, has been a priority
for planners, policymakers, and residents inside Southold Town.

Southold’s “Vision Statement” to guide the future decisions of the Town in its upcoming
comprehensive plan addresses the character and needs of the town. This vision statement
declares:

The Town of Southold is a community of extraordinary history and beauty. Residents and
visitors benefit from its diverse hamlets surrounded by pastoral landscapes and expansive natural
resources. Our citizens cherish Southold’s small-town quality of life and wish to preserve what
we currently value while planning for a productive and viable future.

Future planning shall be compatible with existing community character while supporting and
addressing the challenges of continued land preservation, maintaining a vibrant local economy,
creating efficient transportation, promoting a diverse housing stock, expanding recreational
opportunities and protecting natural resources. (Town of Southold 2010)

These depictions of Southold as an idyllic pastoral landscape in 2010 do not appear to differ
from the opening editorial in the 1970 issue of The Suffolk Times, as well as the desire to
continue this lifestyle through the preservation of land and the “small-town quality of life.”

While Southold’s planning focuses on the preservation of the past, planners face a
number of threats that have resulted from changes in demographics, technology, and personal
attitudes. Attorney from the region, Steven Brennan mentioned how people want to live in
Southold because of its “rural” character and the freedoms synonymous with such a designation,
but then are willing to push for laws that restrict the freedoms of others. Brennan cited examples
of people moving to a house with a view of a preserved vineyard, but then would complain when
the vineyard hosted a concert, or sprayed the vines with pesticides. He acknowledged that the increasingly litigious nature of people to push for their needs as a reason Southold has had to enact laws that limit light or sound pollution at night (Brennan 2010).

A recurring belief in Southold is that proper planning and preparation in day-to-day decisions as well as through the comprehensive plan can reduce the external threats to Southold’s character. Ryan Walker’s platform when he campaigned for a position on the Town Board was that Southold needs to stop these periodic “brushfires” that appear, which he explained to be unexpected developments that threaten the community character. Planning in Southold has often recently taken the position that any sudden changes in development, whether it is residential or commercial, are “Brushfires” (Walker 2010) that are in need of extinguishing. However, planning efforts to stem development in Southold appear almost regularly, as Southold has commissioned over thirty plans or studies in the last thirty years.

Studies have been conducted, legislation has been written, residential and commercial developments have been stalled, and plans have been drawn to limit suburban-style development and encourage a more “traditional”-style of hamlet-centered cluster development that protects farms and open spaces. To summarize Southold’s planning efforts, one op-ed article in the Long Island edition of Newsday, aptly entitled “Southold: Seeking Future With a Past” the author makes the claim, “If Southold is to preserve its agricultural and maritime economy and protect its specialness, it must take immediate action. Only prevention will work, for there will be no cure once the place is lost” (Zweig 1994, A27). Nearly twenty years later, this attitude is still reflected in the goals and strategies behind planning in Southold.

6.2.1. Active Exclusion

Similar to other communities trying to protect their community character from outside disturbances, Southold has exercised its zoning powers to limit the amount of suburban-style
commercial and residential development. Using the zoning code as a means to protect the community from what it considers negatively as “suburban” influences may present problems for the town, however.

6.2.1.1. Newcomers and the Preservation of a Historic Identity

The ten other interview participants offered a markedly different approach to the land and preservation of community. At least six of these participants had vacationed or knew about this area as children, and later moved to Southold as a full time resident. These six people, Taylor, Robinson, Walker, Kessler, Mapes, and Miller all cited an interest in moving to the community due to its unique character (Taylor, Robinson, Walker, Kessler, Mapes, Miller 2010). Many of these people, especially Taylor, Robinson, Walker, Kessler, and Mapes, have taken active roles in outside organizations or local government to protect and preserve land and the community character of Southold. This drive to preserve based upon a nostalgic childhood vision similarly echoes Brown-Saracino in her analysis of selective preservation:

The presence of those whose ancestors settled a place, who embody a “traditional” culture, are part of a multi-generational local family, and continue their ancestors’ trades, lends preservationists a sense of stability and tradition. By preserving old-timers, they seek to maintain the historically enduring “character” of their place of residence; to live in a place where tradition and its practitioners define that character, where tradition balances independence, and in which traditional families and their traditions are sheltered from gentrification. (Brown-Saracino 2007, 455)

Through the creation of a “Community Character” chapter in the upcoming Comprehensive Plan, the many studies that focused on the preservation of Southold’s historic hamlet centers, as well as the language used in planning documents, websites, and in everyday conversation indicates the existence of a drive to preserve certain historic images and ideals. As discussed here, the protection of a community identity varies from group to group. For farmers, it means preservation of their way of life, an independent lifestyle and land to pass on to their children. For those who can trace their roots back to Southold’s founding, it means preserving
Southold’s connections with its past. For those who vacation in Southold, it means preserving a small town aesthetic.

Dan Devine noted the idea that newly-introduced “west end ideas” were changing the political landscape of Southold through a land ethic that mandated preservation over personal land rights. While one voice would question the validity of the statement, it is worth noting that of the twelve people interviewed, only two were actually born in Southold. Of those two, Dan Devine mentioned the growing problems in the area that were a result of intrusive, or misguided, government and was also the most critical of the different newcomers who have arrived in town (Devine 2010). The other person, Dan Tuthill, praised the changing economy as a way of preserving the town’s open spaces and community character before suburbanization could take place (Tuthill 2010).

6.2.1.2. Limiting Residential Development

Southold’s zoning code has similar restrictions. Southold permits a complicated set of provisions that allows accessory apartments. Homeowners are allowed to rent out one apartment inside their own dwelling, provided this apartment was permitted before January 1, 2004 (Town of Southold, New York, §280-13A(6l) ). For those individuals wanting to rent to people in apartments created after January 1, 2004, the option available, as a permitted use by special exception through the Board of Appeals, “One accessory apartment in a lawfully existing detached accessory garage, barn or storage building…” but these also need to have been constructed before January 1, 2008 (Town of Southold, New York, §280-13B(13) ). After this is permitted, a property owner can only rent to a tenant who is a “family member,” or is listed on the Town’s Affordable Housing Registry (Town of Southold, New York n.d., §280-13B(13j)). According to Southold’s code definitions, “Family Member” refers to “The spouse, domestic partner, child, grandchild, stepchild, parent, aunt, uncle, niece, nephew, brother or sister of the
owne or of the owner’s spouse or domestic partner” (Town of Southold, New York, §280-4B). Applicants considered for the Affordable Housing Registry are chosen from a list that gives priority to those who have lived or worked in Southold for certain periods of time (Town of Southold 2010). While the inclusion of accessory apartments in Southold is presented as an option, the limits to the number of apartments, the buildings permitted for rental, and who is eligible to rent appear to present barriers to inclusion of lower income individuals.

The present single-family residential development zoning in Southold ranges from housing built at “Hamlet Density” of one half acre to “R-400 Residential Low-Density” of ten acres (Town of Southold Zoning Board of Appeals 2005). In the early 2000s, residents and planners perceived a large increase in the number of housing subdivisions being built in Southold. Ben Mapes, Dan Devine, and Hank Miller noted this perceived surge in people living in Southold was a result of the exodus of New York City residents following the September 11 terrorist attacks, where people either moved out to Southold or turned their vacation homes in Southold into year-round residences (Mapes, Devine, Miller 2010). While people may have moved out to Southold to escape the dangers of New York city after 9/11, Census estimates suggest that this surge in housing was not incredibly dramatic, compared to the increase between 1970 and 1990 (Table 5).

In response to the apparent surge in housing growth, Southold rewrote its subdivision code. The Town of Southold’s subdivision code enables developers to the option of developing their property as either a “Conservation” or “Standard” Subdivision (Town of Southold, New York n.d., §240-10B). The conservation subdivision requires that the developer preserve a calculated proportion of the land. If the developer wants to build more lots than is permitted in the Conservation Subdivision, the developer is required to include land under an “Affordable
housing requirement.” This requires developers to dedicate twenty percent of their lots to
“Moderate Income” housing, or pay the town $207,200 per “Moderate Income” lot to the Town’s
affordable housing fund (Office of the Town Clerk, Southold Town Board Regular Meeting
2010). According to the town’s legal definitions, “Moderate Income” is defined as:

A family registered with the Town of Southold Housing Registry whose aggregate annual income,
including the total of all current annual income of all family members (excluding the earnings of
working family members under age 18) from any source whatsoever at the time of application for
the purchase or lease of an affordable housing unit or the purchase of an unimproved affordable
lot, does not exceed 120% of the HUD median income for the County of Suffolk. (Town of

Despite the wording, the fact that Southold’s “Affordable housing requirement” targets people
with moderate incomes who can earn more money than the County’s median of $72,500 (Town
of Southold 2010) cannot possibly be considered “inclusionary” nor “affordable.” People
working in the local tourist economy whose salaries by the season, dependent upon the weather,
“off the books” and thus ineligible for health and retirement benefits, may still not be able to
afford to live in Southold. This raises the question of whether or not Southold’s subdivision
codes can pass a Mount Laurel test by providing a “fair share” of actual affordable housing, or if
these measures instead resemble what happened in Bailes v. Township of East Brunswick, when
the Township tried to limit encroaching suburban development through large-lot upzoning of the
remaining farmlands.

When it comes to the inclusion of affordable housing in Southold, the problems that arise
are not unique to the Town. Neighbors protest new developments, citing the effects on
surrounding property values, environmental degradation, and increased traffic, similar to
Danielson’s observed that this aversion is a result of “Concern with overcrowded schools, traffic
congestion, overloaded sewerage facilities, increased local tax burdens, and other standard
suburban arguments against higher densities and multiple-family dwellings are commonly
advanced by opponents of subsidized housing” (Danielson 1976, 85). Elected town officials take these arguments into account in their decisions, as seen in their dialogue during a July 2010 open-house town meeting at one of the local libraries (Southold Library, July 2010). Town officials discussed that instead of increasing the Town’s affordable housing stock, Southold should instead focus its efforts in developing industry that supports higher-paid employment. One official referred to the greater need for “meaningful” employment as a solution to the problems faced with housing in Southold. Another official, a Town Councilman, claimed that he did not believe the town did not necessarily have the need to do so, explaining that he had to work his way back to purchasing a home in his hometown of Southold. While this attitude may help curb the development of what may be viewed as unsightly housing that damages Southold’s small town character, it does not address the issues of increased traffic from the existing workforce commuting to work, nor does it consider rights of inclusion into the community.

Limiting the amount of affordable and high-density residential construction in Southold does not necessarily start with the elected officials, however. Discussions with planners, elected officials, and appointed officials have mentioned that rules governing development have come from the citizens themselves. The phenomenon of fearing urban or suburban influence is not unique to Southold in any way, however. Danielson makes the same observation:

“Local officials often have been caught in the middle in such struggles. Most are sensitive to constituency concerns about the adverse impact of apartments on the local community, concerns that are easily translated into intense political pressures aimed at supporters of multi-family developments. At the same time, suburban officials are more likely than their constituents to perceive the financial attractions of apartments. (1976, 56)

Ironically, Danielson’s 1976 analysis refers to several suburban communities on Long Island whose dialogue about “escaping the city” echoes the reasons cited by interview participants of why they decided to settle in Southold, except they were escaping those very suburban communities. Southold’s efforts to limit residential development have come at a price; by
restricting the amount of lots and housing units in an already desirable location, the price of housing in town will continue to rise.

6.2.1.3. Blocking Big Box and Corporate Retail

The Town of Southold enacted several sets of laws to restrict corporate retail in its community, including “Formula Food” laws in 1994 (§280-4B), as well as a set of “Big box” laws in 2006 (§280-45B, §280-48A) (Town of Southold, New York). The laws established by Southold try to target a number of characteristics exhibited by corporate retail and fast food. The Formula Food laws made introduction of fast food restaurants difficult in the town, limiting their location to shopping centers and prohibiting free-standing structures to any business that had “A restaurant business required by contractual or other arrangements to offer standardized menus, ingredients, food preparation, décor, external façade or uniforms.” (Town of Southold, New York, §280-4 and §280-48). Southold’s single freestanding fast food restaurant, a McDonalds, was allowed prior to these laws and was governed by rules limiting its design and prohibited the use of a drive through. Save for the wood-carved street sign and the small McDonalds flag, there is little to indicate to passersby that a McDonalds is located in town (Figure 7).
The big box laws established square footage limitations on retail business, limiting structures to a maximum of 15,000 square feet (Town of Southold, New York, §280-48). In addition to the square footage size requirements, these laws also target the design and building materials as ways of preventing designs typically associated with big box development. Design limitations include the provision that, “A standardized building mass shall be prohibited. For purposes of this subsection, the term “standardized” shall include an array of architectural elements, layout, design, logos or similar exterior features that have been applied to four or more retail buildings nationwide” (Town of Southold, New York n.d., §280-48A(2a)). The code further regulates these buildings that are over 4,000 square feet with a large number of design guidelines that seem to spell out typical big box design, prohibiting gray concrete exteriors, more than 30% of parking in the front of the store, or facades that do not cater to “human scale” (ibid). Ben Mapes discussed these guidelines as a way of preventing big box from entering the community, as many corporate retail outlets will have pre-made plans to simplify the development process (Mapes 2010). If corporate retail still wants to relocate into Southold, then it must conform to design guidelines that help blend it into the local landscape. Finally, the town also requires that the developer create a “Market and Municipal Impact Study” that outlines how the store will economically benefit the community through eleven different economic criteria (ibid). However, other businesses, such as wineries, funeral homes, or nurseries do not need to follow such design guidelines.

Southold’s regulations against corporate big box and fast food certainly cover a number of design and layout characteristics that are typical of these businesses; however, these regulations do little to follow the Denning and Lary guidelines, discussed in Chapter 3.2.2, to prevent a legal challenge based on the Commerce Clause of the United States Constitution.
From another legal standpoint, it may be possible to argue that these laws could run into other constitutional challenges. The big box regulations include more than just a regulation on the size of the retail structure; however, these regulations only apply to buildings that are over a certain square footage (Town of Southold, New York, §280-48A(2)). While these regulations are different from many of the popular takings cases heard before the courts, it may be possible to use the precedents established by the court to argue against many of Southold’s regulations. In the *Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency, Inc.* (2002) that involved the building moratorium around Lake Tahoe, the opinion of the Court written by United States Supreme Court Justice Stevens argued that it was better to spread the burden rather than specifically target a property. The question here then becomes whether or not these regulations against big box and formula food are a specific targeting of one specific type of business? The laws all appear to target design features on a single type of business rather than characteristics that help protect the well-being of the residents of the community. The design requirements may not necessarily fall under a form of a taking, but the fact that these laws require the application of certain design elements on certain sized business properties may fall into a questionably gray legal area.

Many of these policies of exclusion still exist in different municipalities, limiting who can live or what businesses can operate in a given community. The various legal challenges that have taken place against these laws demonstrate that their constitutionality is questionable. The laws that exclude businesses or people have been challenged on a number of different legal grounds, and many have been defeated. Applicable local governments may be given a certain degree of enforcing the police powers of protecting the health, safety, and welfare of its residents; however the actual determination of who are the “residents” and how the “welfare”
should be protected will probably continue to be debated in communities and the courts. While Southold’s subdivision and zoning laws currently restrict the amount of housing and types of business, their ability to stand up to future legal challenges will not be known until they are challenged.

6.2.1.4. Fishers Island, and the Protection of its Residents From Outsiders

Other efforts to curb the influx of outsiders have come from the active efforts of residents and businesses to enter parts of Southold. Southold’s distant island hamlet of Fishers Island is only accessible by a complicated combination of transportation media. To get from mainland Southold to Fishers Island, one must first depart via a vehicle ferry from the eastern tip of Southold to New London, Connecticut. The ferry arrives in New London an hour and a half later, whereby passengers must exit the ferry, travel to a separate dock in New London, and then spend another thirty minutes on a boat to get to Fishers Island. Besides the obvious geographic exclusion that Fishers Island has from the rest of mainland Southold, the residents have set up several barriers to those interested in visiting the island.

More than half of the island is private, and so those wishing to cross the island must pass a guardhouse that ensures that those entering have a legitimate reason for doing so. The one exception here is the Fishers Island bike path, which is accessible only to those who can demonstrate Southold residency (Schultz 2010). While the reporter takes time to mention all of the rules and regulations on the path, as well as includes a quote from a Fishers Island resident warning that there are no tourist-related amenities on the private side of the island, she does not mention another catch to the use of this bike path, the costs of riding a bicycle onto the island from mainland Southold. According to the Fishers Island ferry service, the cost to transport a vehicle from New London to the Island in the “Peak Season,” May 14-September 15 is $45, and a bicycle or motorcycle costs $44 (Fishers Island Ferry District). In the “Off Peak” season, the
cost of a vehicle is reduced to $31, while the cost of a bicycle or motorcycle remains $44. This would suggest that those only spending their summers on the island do not feel comfortable leaving their multi-million dollar properties alone while “outsiders” ride their bicycles nearby.

The Long Island-based planning firm Nelson, Pope and Voorhis, also noted this when they were conducting their economic development study of Southold Town for the upcoming comprehensive plan. During an interview with the head of the Fishers Island Ferry District, the ferry company financially overseen by the Town of Southold, a question was asked about these price differences. According to the report, the Ferry District official was quoted to say, “Don’t encourage motorcycles and bicycles on Island—roads are bad, and the island is private anyway, so riders would need a sticker to access the Island—only Island and Town residents can purchase the sticker” (Nelson Pope & Voorhis, LLC 2010, I-49). The desire to prevent a change in the character of Fishers’ Island, seems here to bypass the laws regarding businesses and housing, and instead goes straight to excluding the people. Without people knowing of the island, they cannot build houses, and without people visiting the island, no entrepreneur will decide to add businesses to cater to these visitors.

6.2.2. Outside Pressures to Preserve a Community Character

As a means to protect against future suburban-style development, the local environmental group, the North Fork Environmental Council lobbied the Town Board to begin the process of rewriting a new comprehensive plan for the Town of Southold. The North Fork Environmental Council mentioned that they would like to see a detail-oriented comprehensive plan: one that outlines specific numbers in terms of open space preservation will remedy the problems facing Southold. Without these numbers, they believed that the plan would end up like the one that was conducted in the neighboring town of Riverhead, where they ironically noted that it instead became a document that was at the “whimsy of elected officials and interest groups.” They
believe that specifics will force the town to follow those numbers (NFEC 2010). Hank Miller noted this when he said how activists tend to demand that politicians follow the letter of the law in terms of planning decisions to ensure that specifics are met and government officials cannot waver (Miller 2010).

Believing that land preservation through such measures and adherence to percentages has been an oft-utilized approach one interest group, the North Fork Environmental Council, considering their prior support of a five-acre upzoning proposal. According to Michael Robinson of the Peconic Land Trust, government officials saw upzoning as a “silver bullet” solution to development in Southold; with one piece of legislation, these officials in Southold could say that they preserved 80% of undeveloped farmland. He cautioned that when the government rushes into a certain planning decision, even with the best of intentions, it can lead to negative unintended consequences (Robinson 2010). Robinson, as well as others, believed that upzoning to five acres would have destroyed farming in Southold. By requiring five acre building density with clustering, Southold would have lost the idea of preserving a “working landscape” (Robinson 2010).

The Peconic Land Trust has worked to achieve planning objectives in Southold, in the areas of land preservation and the preservation of historic farms. Michael Robinson explained how farmers do not want to give up farming and are trying to keep farms in their families. Robinson believes that to preserve these “working landscapes,” a delicate balance between the aforementioned zoning and regulation, working landscapes, and voluntary preservation efforts is required. According to Robinson, the existing preservation efforts by state, county, and local governments, as well as through voluntary conservation efforts of organizations such as the Peconic Land Trust would ensure that Southold would not end up overdeveloped as much as
Western Suffolk County had been, and that anything said otherwise was designed to scare the public into further regulation (Robinson 2010), such as scene depicted in a fundraising flier released by the North Fork Environmental Council (Figure 8).

During the interview with the North Fork Environmental Council, the members did not want to talk about their lobbying efforts during this time period, saying that it was the previous board of directors that wanted to upzone. Nevertheless, the board was still critical of the farmers who came out against the measure. While the Council was no longer in favor of increasing the zoning to five acres, they were in favor of what they referred to as “density neutral” development, where high-density development would be confined to certain areas, and in exchange the remaining lands would either be upzoned or preserved (NFEC Board 2010).

Other groups have worked to preserve other aspects of small town life, such as the freedom from government intervention. Wise-use land rights groups, such as SoutholdVOICE, “promotes awareness of issues affecting shoreline and marine resources to further cooperation between responsible use, regulatory protection, and the rights of riparian owners for the ultimate benefit of our community” (SoutholdVOICE). As seen in the mission statement, SoutholdVOICE tries to balance environmental protection, with property rights, and so any actions that may be seen as detrimental to their recreational opportunities or property values has led them to become a player in many environmental, waterfront-property-based issues in town.
Uncontrolled growth.
Bumper to bumper traffic. Suburban sprawl.

Coming soon to Southold Town.

Why are we facing this risk? Because despite two and a half years of moratoriums, numerous and costly planning and empty campaign promises, the Town Board has failed to adopt specific preservation and density-reduction goals as part of a comprehensive plan.

At the same time, the Town Board has enacted legislation that will increase the number of new housing units in some areas (our hamlets) without a guarantee of preserving enough open space and farmland to offset those additional housing units. How many more housing units can Southold withstand before we become just another Long Island suburb?

North Fork Environmental Council is calling on the Town Board to officially adopt preservation and density reduction goals, and monitor these goals. And to take action if they are not met.

Here's what you can do to help save what's left. We are collecting petitions to present to the Town Board to let them know how you feel - that you the taxpayers, demand action. Let your voice be heard. Let them know you care about your town, your environment, your future and the quality of life on the North Fork.

Clip and send to the North Fork Environmental Council today.

☐ SAVE WHAT'S LEFT!
I want the Southold Town Board to fulfill their promise to enact legislation that will protect our open spaces, farmlands, wetlands, waterways and quality of life.

Name ______________________________
Address ____________________________
City __________________ State _______ Zip.
Tel (___) ___________ e-mail __________

Signature ____________________________

Paid for by North Fork Environmental Council, Michael J. Domino, President

Figure 8. Fundraising flier for the North Fork Environmental Council (Source: North Fork Environmental Council)
6.2.3. Passive Exclusion

Exclusion does not always include what policies Southold enacts, but what is not done for some people. In one planning meeting, during a discussion of the most up-to-date census figures and demographics, several officials were surprised that there did not appear to be much of a Latino presence in the numbers, despite the perceived increase in population and tenure of residency. Such invisibility may protect the community from discrimination, but it may hinder proper planning efforts to foster inclusion. The Census bureau has an electronic “Toolkit For Reaching Immigrants” to assuage fears that participation will not be disclosed to other government agencies (US Census Bureau 2010). Unfortunately for the Latino community however, not participating in the Census makes it difficult for officials to better incorporate Latinos into the greater Southold Community. These figures also follow the observed amount of discussion of their needs in the planning office; planning for this group did not appear to be a commonplace issue. While they may not be seen by the Census to be given the proper support, they are certainly not an invisible presence in the community.

To support this group of people, much of the assistance has come from outside government. Informal support channels exist within and around Southold. In a discussion with Community Activist, Hank Miller, he talked about the local Latino community, and the almost hidden economy and support networks that they have created, noting independent mechanics, clothing merchants, and repair people, who make their business through word of mouth. Hank Miller discussed how the previous summer, he was asked by the local Latino soccer commissioner to act as a mediator with town officials in securing permission to use the public recreation fields for soccer, as well as requesting a police presence at one game when tensions between Guatemalan and El Salvadorian groups were elevated (Miller 2010). As long as these separate channels exist for the immigrant and Latino population, it is difficult to make the claim
that these people are welcomed as part of the Southold community. The failure of the Latino community to comfortably enter the community may be a result of Latino fears of increased persecution if made visible. When letters to the editor in the local papers suggest a strong animosity towards the Latino population, it is understandable why they choose to remain largely hidden in the community.

6.2.4. Conclusions
The institutional practices that have limited commercial, residential, and personal entry into Southold follow many of the same elements outlined in the academic “right to the city” narrative such as the limited business zoning options, housing options, and outreach to newcomers, respectively. Southold’s laws and policies attempt to preserve its small town character through restrictions on development. Southold wants to maintain its small town character. By limiting residential sprawl development, planners believe they can keep Southold from resembling the suburban towns that characterize other parts of Long Island. Limiting corporate retail also helps prevent the image of suburbia, but also helps to protect local businesses from uneven competition that has damaged other Long Island downtowns.

These laws have helped to prevent the introduction of feared big box stores in Southold, however these stringent zoning laws have also managed to prohibit the introduction of businesses that the town would have welcomed. Town Board member, Ryan Walker discussed this problem, citing how a laser-tag facility, which would have provided an entertainment outlet for young people in town, found Southold’s zoning too restrictive and decided not to locate in the area. In another example, Walker mentioned a local artist, under the current zoning, would be prohibited from constructing his work in the same place that he displays and sells his finished products (Walker 2010). Protection of an ideal image of an historic farming and fishing community has its limits; when these protections go too far, it becomes difficult to incorporate
necessary new businesses and residents. The following section will examine the planning practices managing the many conflicts facing Southold Town.

6.3. Conclusions in Protecting Southold’s Community Identity

Preventing the outbreak of such “Brushfires” may be unavoidable at times. Planners have seen problems, such as an increase in building permits, and revised the subdivision codes before sprawl-development could take place. Studies have been conducted and published that focus on the future of development, business, wetlands, and the vineyards. Planning Board member Dan Tuthill mentioned that people would not approve of additional regulations until a problem tangibly appeared, such as the introduction of a fast food restaurant or high-density housing development (Tuthill 2010).

Reactive planning is sometimes unavoidable. Planners cannot always be ready for everything. Many Southold planners and officials mentioned that changing technologies would force planners to reexamine the rules and regulations in place (Tuthill, Mapes, Kessler 2010). While Southold may try to maintain a historical character, new technologies, such as the increase in cellular phone usage, requires different infrastructure that would be impossible to plan for in advance. Thirty years ago, planners would not have known that they would need laws that governed cellular telephone towers. Changing technologies and other unseen changes prompted Ben Mapes to say that Southold cannot simply rely on the comprehensive plan to accomplish everything, but instead must be combined with proactive management and a constant updating of the laws in Southold (Mapes 2010).

Proactive management in planning has not been the case with Southold. A changing economy, shifting from agriculture and “quiet” tourism to high-end tourism, based on vineyards, inns, and restaurants has forced planners to reexamine its set of laws that were geared towards
the previous economic regime. The focus on preserving the past has impacted economic and social equity, with regards to the laws treating businesses, farms, vineyards, and housing. While the laws regarding corporate retail and residential development have curbed suburban-style strip development in Southold, the conflicts between the new and old have not disappeared.
7. Conclusions: Southold’s Challenges and Opportunities

The central narrative in Southold revolves around the protection of community. Finding solutions to protect Southold’s community character, while balancing the needs of locals and newcomers alike, presents a difficult situation to planners and policymakers. Increasing numbers of permanent residents and changing demographics call for new types of retail and services; while this is taking place, planners, policymakers, and residents struggle to address community concerns while trying to maintain a static community identity. Interviews, plans, studies, and the language used to refer to Southold all seem to value Southold’s low density, agricultural and maricultural-themed existence. Planners and policymakers have tried to limit developments outside the historic hamlet centers, to preserve Southold’s identity.

Not all planning efforts in Southold have been exclusionary and based around NIMBYism. Planners and elected officials are trying to maintain a certain aesthetic in Southold to protect its tourist-based economy. Communities need an economic base to survive; this base will change from place to place, but planners and elected officials will work to protect, preserve, and enhance this economic base for the financial benefit of the community. Planners and planning board members have mentioned that if this were to change and Southold were to develop, people would no longer come to Southold, eliminating their tourist-centered economic base.

While there is agreement that Southold’s community character is the major economic base for the area, Southold’s limited developable area creates a number of conflicts between those who want to “have their slice of heaven,” and those who believe that further development will actually bring about Garret Hardin’s “Tragedy of the Commons,” the idea that more stress placed on the common interest by all will eventually lead to its destruction (Hardin 1968). In
Southold’s case, the continued construction of wineries, restaurants, retail and other businesses, as well as an increased demand for houses, in an area whose tourism derives from its rural character, may find diminishing returns to this economic base. While increased development of new wineries, restaurants and retail may work to help to boost Southold’s tax base, and reduce the burden on its residents may appear to be a logical counterargument, the general consensus of the residents and planners is to maintain Southold’s current community character. A growing year-round population that is demographically different from the preexisting population will require different goods and services, presenting a serious future challenge to planners and elected officials.

The quotes of residents, contractors, and community leaders noted by Michael Danielson in 1976 focus on several Long Island towns that grew as a result of suburban outmigration from New York City. Ironically, many of those quotes sound similar to those heard in Southold today about those very towns, and why people left them for Southold. Southold must push to follow a different course than that of these other communities, because their methods of exclusion only made them become the communities that drove people to Southold. If Southold’s identity is the economic driver in attracting residents and visitors, then the town needs to learn how to grapple with its issues and future development in a way that does not detract from this ideal, while finding ways not to exclude others from residential opportunities.

Southold’s character is divided between newcomers and old-timers, locals and tourists, immigrants and citizens, creating a wide variety of different needs and ideas of what make Southold unique. The salient issues facing Southold twenty years ago are the same today, even though the people out here may be different. If the demographic changes that have taken place have not altered the overall vision for Southold’s future, then maybe Southold can still find a
way to maintain its community character and still include those who may not be able to afford to live in the town. It may be possible to embrace change without detracting from a central community identity. Southold should consider the use of scenario planning their planning process. Creating several plausible scenarios based around Southold’s economy could help the community to realize what it is they want, and how they can continue to further Southold’s identity. Southold is relying on over thirty plans and studies that date back to the early 1980s to help write its newest comprehensive plan. If Southold wants to take a proactive approach to planning, learn from the shortcomings of earlier plans, and allow for the containment of “brushfires” as well as fostering and accommodating for technological and demographic changes, then Southold needs to move beyond the ideas of the past. Instead of planning for a community where it is believed farming, fishing, and “mom ‘n’ pop” stores drive the economy, Southold needs to think about where the future may direct technology, demographics, and the economy.

State, county, local and private preservation efforts guarantee that Southold will never be developed into the suburban image of Long Island. If this is the case, then Southold can control its future planning with a given constant, that future development will take place where planners have set lands aside. Planners can then utilize the scenario planning approach to show the plausible scenarios that take place without jumping to gloom and doom visions of endless cul-de-sac’s and Super Wal-Marts, and instead focus on the easiest way to incorporate new residents, new businesses, and affordable options for lower-income individuals.

Troubles that have arisen from Southold’s growth and popularity requires a close examination and revision of the laws that govern farms, vineyards, and local businesses to reduce the amount of unfair double standards, while pragmatically planning for future scenarios where
businesses may require different legal boundaries. One example is how a farmer cannot currently harvest, manufacture, and market his value-added produce on the same site. These examples show how under present zoning, creativity and small-business growth can be stifled. If Southold is trying to concentrate development around its “Halo Zones,” perimeters around its historic hamlet centers, in order to prevent sprawl-development, then perhaps future planning should avoid the limitations of use, and focus planning on density and design, as seen with communities who are adopting form-based codes. Such a framework would allow for the easier introduction of small businesses and affordable housing, without drawing the ire of residents and elected officials who believe that development will damage the local community character. The form-based codes approach would allow a variety of businesses to run in Southold that answer the needs of its residents while avoiding many of the “brushfires” that seem to impact Southold.

Planners in the 1980s may not have been able to plan for the introduction of cellphone towers if the planners were only planning for what they currently knew. If planners want to be able to “fight brushfires” or employ “proactive management” they need to cede the fact that they cannot plan for specific items (cellphone towers, docks for mega yachts, vineyards or potato chip companies), and instead find ways to regulate density to follow the community character. Southold may be able to reduce costs and shorten the time it takes to create a comprehensive plan by relying on previous studies; however, this still keeps the focus on the “brushfire” planning paradigm.

A change in the way planners plan for the future of Southold could allow for the incorporation of new businesses as well as holding on to people who want to live in the town but do not have the means to do so. In addition to the suggestions discussed in the interviews and in the editorial above regarding the creation of meaningful employment in Southold, the need for
meaningful housing must be considered for those working in the new economy, even if their employment is not considered “meaningful.” While town officials may not currently desire the creation of new affordable housing, there is still a large pool of employees that either must commute into Southold and increase the traffic demand on the road, or live in illegal and/or over-capacity rental units. Southold needs to increase its focus on new ways to increase its stock of affordable housing options without threatening the community identity from which it draws its economic development.

Southold does not need to construct cookie-cutter affordable houses in a cul-de-sac’ed “suburban-style” development. Instead, it should continue to relax its accessory apartment guidelines to allow for increased, yet responsible, rentership in existing houses. This does not mean that enterprising homeowners should cash in on the tourism trade by offering weekly rentals for tourists to hold parties and disrupt the existing residents, nor does it mean renting a one-bedroom unit to ten seasonal farm workers. Instead, this should be better geared towards those working in town in need of an apartment that they can afford during the busy summer months as well as during the off-season.

Another solution could include a revised inclusionary subdivision code that provides affordable housing to those making below Suffolk County’s median income. Renters are stigmatized and people should not be stopped from owning their own home, or be forced to commute into Southold for work due to policies set to serve only the most affluent. One elected councilman made this very point during a July 2010 hamlet meeting, when he questioned the need for more affordable housing and said how he worked hard to afford to come back and live in Southold.
Plenty of older residents and those living on fixed-incomes are currently finding it difficult to live in Southold due to the high property taxes; could solutions exist that allow these people to rent out empty rooms to lessen their tax burden? Removing the requirements that the apartment must be located in an accessory dwelling will allow these individuals to continue to afford living in Southold, reasonably incorporate workers and reduce the traffic “trade parade” into the town, while also avoiding an increase in residential building density.

If Southold values its historic community character, then maybe housing options exist that can be drawn from its history. Historical photos of the town show many large buildings that were used as boarding houses, hotels, and for industry (shipbuilding, brickmaking, as well as for the cleaning and packing of fish, shellfish, and land-based produce). While many of these buildings have since disappeared, Southold could encourage the construction of multi-unit housing that resembles one of these large structures. Similar to the adaptive reuse practices done in big cities and other communities, where old factories are turned into loft-style apartments, but while avoiding the high costs of renovation and remediation, Southold could construct buildings that harken to its historic industrial past. They could be constructed in or around the hamlet centers, or if the appropriateness of the construction dictates, near a different site. These units could be sold at both at market and below market rates, allowing for the town to recoup its investment, and allow the town to find housing for those seeking meaningful employment, as well as those in need of affordable housing.

The combination of Southold’s demographics, history, and geography create a difficult planning environment for planners. Southold only has a finite amount of land to house people, conduct business, and preserve scenic landscapes. Increased people to the area will result in problems that planners must address. The rural mentality that stresses increased personal
freedoms, while at the same time creating laws to ensure that Southold looks “rural” will continue to place people at odds with one another. Planners and policymakers have continued to try addressing these problems by commissioning countless plans and studies. In thirty years, over thirty studies and plans have been written, why have they not worked to assuage the fears of suburban development? In order to solve these problems, planners and policymakers should consider new and innovative planning methods to ensure the protection of Southold’s community character.

7.1. Practitioner Takeaways

Despite the challenges that Southold currently faces with planning for a changing community, plenty of opportunities exist where Southold can continue to preserve its rural and historic community character while accommodating the needs of newcomers. The following is a list of suggestions that planners, policymakers, and community members can consider as Southold 2020 moves forward.

- **Exclusion does not work:** If a developer has the money and the legal resources to bring in a business that Southold does not favor, it will make its way into town. Limiting affordable housing will increase the traffic entering Southold and place further strain on the roads. Southold has a good opportunity to learn from the mistakes of the towns to the west; exclusion did not achieve the ends that they desired. Planners, policymakers, and residents may want to consider different avenues of planning that can preserve the town’s unique rural and maritime character while providing for a wider variety of people and businesses.

- **Planners must look beyond past planning efforts:** Southold is trying to reduce the financial costs and implementation time with the Southold 2020 comprehensive plan by
taking from over thirty previous plans and studies. If perceived “brushfires” keep occurring in town, maybe these plans should not form the basis of the next plan.

- **Strict and outdated zoning will lead to problems:** Southold needs to resolve and update the inherent problems in its zoning code that lead to unwanted development or restrict the ability of businesses to operate on a level field.
  - *Business deterred:* If businesses cannot locate to Southold that would benefit the local economy, measures need to be taken to incorporate new businesses that would fit in with the local landscape. Planners and policymakers need to be mindful of the unintended consequences that exclusionary planning can create.
  - *Loopholes will continue to introduce problems:* McDonalds and CVS drugstore both made their way into Southold before planners had a chance to rewrite their zoning code. A developer will look for these loopholes before submitting an application before the Town, allowing for easy (and legal) passage of unwanted development.

- **Strong vision of a certain community character:** Southold values its historic community character. Planners and policymakers should pursue planning measures that will work to preserve this character, instead of focusing on planning regimes that have continued to spawn “brushfires.”
  - *Form based codes:* By regulating density instead of use, Southold can limit sprawl development and also encourage more businesses to the area. Artists can then construct their work and sell it in the same building and farmers can grow their produce and create value-added products on their own land, because they will be doing so in buildings that match the desired landscape density of the area.
High density development can be concentrated in the hamlet centers with lower
densities permitted elsewhere.

- **Scenario Planning**: Southold has a strong community vision that values its
  historic, small town character. Southold could pursue scenario planning to have
  plans in place that can better handle “brushfire” development, but also allow
  residents to envision how the policy decisions of today can impact the future of
  Southold. Instead of scrambling to add new rules to govern changing economic,
technological, or residential change in Southold, the town can have these
  contingency plans in place to address these changes. Residents and businesses
  may not want additional laws if no threat exists, however, scenarios can show the
  public what can happen if certain laws are put into place or not.

- **High demand for meaningful jobs and affordable housing**: Southold is losing its
  young people because affordable housing and educated employment do not exist in the
  area. In addition, those working in low-skilled industries do not have access to safe, legal,
  and affordable housing. If Southold wants to retain its young people and reduce the
  traffic of labor into the town, then it needs to consider innovative ways of creating new
  housing.

- **Encourage new construction that mimics past**: Southold values its past. If
  planners look at pictures of historic Southold, they will find plenty examples of
  high-density development from historic boarding houses, shipbuilding and brick
  building facilities, as well as other large structures. These developments can be
  constructed to resemble these historic structures, instead of resembling traditional
  affordable housing developments that stigmatizes residents and frustrates
neighbors. These developments can be rented at both market and affordable rates to ensure a return on investment. The demand for housing in Southold will allow these developments to be financially lucrative.

- **Encourage young people to settle in area**: By encouraging affordable housing for first-time homebuyers, as well as a revamped zoning code to encourage new businesses, Southold will not solely become a retirement destination. The mix of demographics will allow for a more balanced community that can better respond to the needs of all residents.

Southold has come a long way from its European founding by a small group of English religious pilgrims. No longer buffered from New York City by a wide expanse of farms and immense Gilded Age estates, Southold is now home to a wide variety of people, businesses, and ideas. Despite these changes, the desire to maintain Southold as a semi-rural community appears to be just as strong. If Southold would like to maintain this community vision, and avoid the encroaching suburban sprawl, important decisions need to be made. Planners, policy makers, and residents can decide to continue planning for exclusion by limiting housing, businesses, and even people into the community. While this may appear to be the seemingly easier and politically safer approach, they can instead use the current comprehensive planning process as an opportunity to introduce innovative planning measures that can work to include newcomers and businesses while maintaining its unique community character.
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—. Southold town, Suffolk County, New York. 


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Appendix

July 21, 2010

Nicholas Dickerson
PO Box 288
Mattituck, NY 11952

RE: “Planning in the Face of Demographic Change”

Dear Mr. Dickerson:

The University of Cincinnati Institutional Review Board – Social and Behavioral Sciences (UC IRB-S) has reviewed the information you provided and has determined that your project does NOT meet the regulatory criteria for human subject research that requires review by the IRB because either

It does not meet the definition of “research” in 45 CFR 46.102(d):
Research means a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge.

AND/OR

It does not meet the definition of “human subject” in 45 CFR 46.102(c):
Human subject means a living individual about whom an investigator (whether professional or student) conducting research obtains (1) Data through intervention or interaction with the individual, or (2) Identifiable private information.

Enclosed you will find the signed Determining Human Research form.

Thank you for sending the materials necessary to make this determination. If you have any questions, please feel free to contact me.

Sincerely,

Julie Waltz Gerlach BSN, MPH, CIP
Chair, UC IRB-S

Appendix A. Letter of Exemption from IRB
<table>
<thead>
<tr>
<th>Interviews</th>
<th>General</th>
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<tbody>
<tr>
<td><strong>Background</strong></td>
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<tr>
<td>Town/Hamlet where you currently reside?</td>
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<tr>
<td>Were you born here?</td>
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<tr>
<td>How long have you lived in Southold?</td>
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<tr>
<td>Tell me about yourself</td>
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<tr>
<td>What is your position with (SOMETHING)?</td>
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<td>How would you describe yourself in the context of the North Fork?</td>
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<td><strong>General Change:</strong></td>
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<tr>
<td>What changes have you seen in this town since…?</td>
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<tr>
<td>Where have you seen (SOMETHING)?</td>
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<tr>
<td>Can you tell me about your involvement with (SOMETHING)?</td>
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<tr>
<td>Why did you get involved with (SOMETHING)</td>
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<tr>
<td>Why do you feel that (SOMETHING) is important?</td>
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<tr>
<td>Who (what groups) else has worked on this issue?</td>
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<tr>
<td>Do you see the upcoming Comprehensive Plan/Corridor Study addressing this concern?</td>
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<tr>
<td>What would you like to see the Comprehensive Plan/Corridor Study do to address this concern?</td>
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<td><strong>Planner/Politician</strong></td>
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<td>Why was Southold 2020 needed? Was it required?</td>
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<td>Why does the planning department feel pressured to react to issues such as Big Box, Formula Food, NoFo Rock Show?</td>
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<tr>
<td>Why do you continue to react to these developments?</td>
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<tr>
<td>Can you ideally accomplish your goals through the comprehensive planning process?</td>
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<tr>
<td>What has changed in the last xx years since the last Plan?</td>
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<tr>
<td>What are the biggest issues facing Southold Town?</td>
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<td>How long have those issues been around?</td>
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<tr>
<td><strong>Past Events</strong></td>
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<tr>
<td>Can you tell me about Southold's building guidelines?</td>
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<tr>
<td>Businesses are forbidden to build structures with certain materials, or designed in a way that exists in four or more locations, when did this arise, and why?</td>
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<tr>
<td>How has this affected the town?</td>
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<tr>
<td>Were these measures done as a result of an incoming business, or from a long-term planning aim to preserve a certain aesthetic?</td>
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<tr>
<td>Handy Pantry, McDonalds, CVS….tell me more…</td>
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<tr>
<td><strong>Interest Group</strong></td>
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<td>Why did your group begin?</td>
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<tr>
<td>Was there a need for (ANSWER TO PREVIOUS QUESTION)?</td>
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</tbody>
</table>

Appendix B. Interview Questions Used For Semi-Structured Interviews