

SECTION III. WATERFRONT REVITALIZATION PROGRAM POLICIES

DEVELOPMENT POLICIES

POLICY 1 RESTORE, REVITALIZE AND REDEVELOP DETERIORATED AND UNDERUTILIZED WATERFRONT AREAS FOR COMMERCIAL AND INDUSTRIAL, CULTURAL, RECREATIONAL AND OTHER COMPATIBLE USES.

POLICY 1A REVITALIZE GREENPORT'S WATERFRONT AREA BY REDEVELOPING DETERIORATED/UNDERUTILIZED PROPERTIES AND BUILDINGS FOR APPROPRIATE COMMERCIAL AND RECREATIONAL USES.

Explanation of Policy

Greenport's economic and social vitality depends significantly on: 1) the type of redevelopment and rehabilitation in the waterfront area; and 2) the maintenance and appropriate expansion of water-dependent uses in the waterfront area (See Map 4, Existing Land Use). The Village derives its character, identity and economy from its relationship to the surrounding waterfront environment, which extends from Young's Point along Stirling Basin and Greenport Harbor southwest to Fanning Point. Due to its location on a deep water channel, which provides access to the Atlantic Ocean through Gardiner's Bay, Greenport has served as Eastern Long Island's major port. Since the 1830's, it has primarily been the whaling, fishing and shipping/boating industries that have provided the Village with its economic base, employing thousands on its waterfront. The Village's economic base still depends on the water-dependent industries of fishing and shipping/boating.

In recent years, tourism and the second home industry have increased significantly in the Village. Both these industries contribute significantly to the Village's economy and are a desired commodity; however, future development on the Greenport waterfront shall be carefully sited to ensure that Greenport's waterfront heritage is not lost. Greenport's heritage as a waterfront community, relying on its direct association with the sea, shall be reinforced and preserved.

Deteriorated/underutilized properties in Greenport are located in the following waterfront areas:

Waterfront Area 1

This area extends from Young's Point along Stirling Basin to S.T. Preston and Son, Inc. The only deteriorated property is the Barstow site.

Waterfront Area 2

This area includes S.T. Preston and Son, Inc. along Greenport Harbor to and inclusive of the Long Island Railroad property. This area includes the following deteriorated/underutilized sites: Mitchell and the vacant portion of Bohack.

Waterfront Area 3

This area extends from just south of the the Long Island Railroad property along Greenport Harbor to the west of Fanning Point. The only underutilized/deteriorated property is the Mobil site. This site is designated for park and open space use; however residential use is a permitted use for the site.

The range of acceptable water-dependent and water-enhanced uses allowed on the waterfront and on underutilized/deteriorated properties, excluding the Mobil Site, are presented in Policy 2.

POLICY 1B REVITALIZE GREENPORT'S CENTRAL BUSINESS DISTRICT BY RESTORING UNDERUTILIZED PROPERTIES AND BUILDINGS FOR APPROPRIATE RETAIL COMMERCIAL AND OTHER COMPATIBLE USES.

Explanation of Policy

The Village CBD consists primarily of the retail activity that takes place in and about Front and Main Streets. The existing and permitted uses in the CBD are retail stores, personal service shops, offices, restaurants, hotels, and public and semi-public facilities. Revitalization in this retail area will be accomplished through a comprehensive program of infill development, facade rehabilitation, and streetscape improvements. A Central Business District Design Plan shall be developed with standards and guidelines to regulate the character of the revitalization activity.

Since the center of retail and waterfront activity in the Village is concentrated in the CBD and the adjacent Waterfront Area 2, the quality and coordination of land development in these two areas is of particular importance if the Village is going to maintain and improve upon its economic vitality and visual attractiveness. An important objective of this revitalization effort involving these two areas is the provision of a pedestrian walkway system from Front Street through properties in the CBD and adjacent Waterfront Area 2 to a waterside harborwalk. This pedestrian system will provide convenient public access to and from the CBD and adjacent Waterfront Area 2, and visually appealing open space and needed visual access to the Greenport waterfront. (See Policy 20A).

Development Standards and Guidelines

The following development standards and guidelines shall be adhered to for all development in the waterfront and CBD:

- Parking. Adequate off-street parking shall be provided for all uses. Parking areas shall be sufficiently drained so as to contain all drainage on site and to prevent ponding. Whenever feasible, parking areas shall be placed at the rear of buildings and/or screened by plantings so as not to be highly visible from the waterfront and Village streets.
- Access. Vehicular ingress and egress, interior traffic circulation, parking space arrangement, loading facilities and pedestrian walkways shall be planned and built so as to promote safety and efficiency. Wherever possible, public access shall be provided to the Village's waterfront to the maximum extent practicable.

- Physical compatibility. In order to foster and maintain the small scale seaside character of the Village, all new developments and structures shall not exceed 2 stories or 35 feet in building height, and the building lot coverage shall not exceed 40% of the lot. A minimum front yard of 6 feet is required. If the subject lot is not within 25 feet of a residence district boundary no minimum setback is required. If one is provided it must be a minimum of 10 feet.
- Preservation of land for water-dependent uses. Water-dependent uses shall have priority over water-enhanced uses.
- Visual considerations. Adjacent and upland views of the water shall be improved, and at a minimum, development activities must not affect existing views in an insensitive manner. Structures shall be clustered or oriented to retain views, save open space, and provide spatial organization to development.
- Landscaping. Screening with trees or other plantings may be required for parking and other disturbed areas which are created. A landscaping plan demonstrating that suitable vegetation will be planted and nurtured may be required. Such a plan shall become a part of the approved site plan. The original landform of a site should be maintained or restored, except when changes screen unattractive elements and/or add appropriate interest.
- Protection of residential areas. When the site is located adjacent to residences or a residence district, appropriate buffer landscaping, natural screening and fencing are to be provided in order to protect neighborhood tranquility, community character, and property values. A minimum side yard and rear yard setback of 10 feet is required for lots within 25 feet of a residence district boundary.
- Lights. Lighting facilities and lighted signs shall be placed and shielded in such a manner as not to cause direct light to shine on other properties, and shall not be permitted to create a hazard on a public street.
- Water supply and waste disposal. All development shall be served by the Village's public water supply and sewage system. On site solid waste disposal containers shall be adequately screened from view.

POLICY 2 FACILITATE THE SITING OF WATER-DEPENDENT FACILITIES ON OR ADJACENT TO COASTAL WATERS.

Explanation of Policy

The traditional method of land allocation, i.e., the real estate market, with or without local land use controls, offers little assurance that uses which require waterfront sites will, in fact, have access to coastal waters. To ensure that water-dependent uses can continue to be accommodated within the Village, government agencies will avoid undertaking, funding, or approving non-water-dependent uses when such uses would preempt the reasonably foreseeable development of water-dependent uses; furthermore, government agencies will utilize appropriate existing programs to encourage water-dependent activities.

The following uses and facilities are considered as water-dependent:

- Uses which depend on the utilization of resources found in coastal waters (for example: fishing);
- Recreational activities which depend on access to coastal waters (for example: swimming, fishing, boating, wildlife viewing);

- Uses involved in the sea/land transfer of goods (for example: docks, loading areas, short-term storage facilities);
- Structures needed for navigational purposes (for example: navigational devices, lighthouses);
- Flood and erosion protection structures (for example: breakwaters, bulkheads);
- Facilities needed to store and service boats and ships (for example: marinas, boat repair, boat construction yards);
- Uses requiring large quantities of water for processing (for example: fish processing plants);
- Scientific/educational activities which, by their nature, require access to coastal waters (for example: certain meteorological and oceanographic activities); and
- Support facilities which are necessary for the successful functioning of permitted water-dependent uses (for example: first aid stations, short-term storage facilities). Though these uses must be near the given water-dependent use they should, as much as possible, be sited inland from the water-dependent use rather than on the shore.

In addition to water-dependent uses, uses which are enhanced by a waterfront location should be encouraged to locate, although not at the expense of water-dependent uses, along the shore. A water-enhanced use is defined as a use that has no critical dependence on obtaining a waterfront location, but the profitability of the use and/or the enjoyment level of the users would be increased significantly if the use were adjacent to or had visual access to the waterfront.

If there is no immediate demand for a water-dependent use in a given area but a future demand is reasonably foreseeable, temporary non-water-dependent uses should be considered preferable to a non-water-dependent use which involves an irreversible, or nearly irreversible commitment of land. Passive recreational facilities, outdoor storage areas, and non-permanent structures are uses or facilities which would likely be considered as "temporary" non-water dependent uses.

In Greenport, water-dependent and water-enhanced uses are allowed within the following locations of the three waterfront areas:

Waterfront Area 1

Along the entire waterfront area except the following areas: the Sandy Beach Sandspit which is developed with residences; the cemetery located on the east side of Stirling Basin; and two small shoreline areas, developed with residences, located north of Carpenter Avenue and south of the Bay Avenue. Eleven (11) major water-dependent firms are located in this waterfront area.

Waterfront Area 2

Along the entire waterfront area. Four (4) major water-dependent firms, plus the LIRR commercial fishing dock, are located in this waterfront area.

Waterfront Area 3

Only at the tip of Fanning Point on the west and east side of Fifty Street Park. No major water-dependent firms are currently located in this waterfront area.

The following water-dependent and water-enhanced uses are allowed within the three waterfront area.

Permitted Uses

- (1) Public and private yacht clubs, marinas, and docking facilities.
- (2) Municipal parks and facilities.
- (3) Boat launching facilities.
- (4) Tour boats, commercial, charter, and party fishing boats.
- (5) Boat sales, rental, service, repair, and storage.
- (6) Shipbuilding yards including facilities for building, repairing, and maintaining boat engines and other marine equipment.
- (7) Manufacture of items related or incidental to the operations associated with boat building.
- (8) Fish and shellfish processing plants.
- (9) Retail sale of equipment, goods, supplies, materials, tools, and parts used in connection with boating and fishing.
- (10) Retail and wholesale of seafood products.
- (11) Retail fuel storage and sales solely for boats.
- (12) Boating instruction schools.
- (13) Oceanographic, or marine-related, scientific research and equipment manufacture and testing.
- (14) Maritime museums.
- (15) Aquaculture facilities, including fish rearing and fish release facilities.

Permitted Accessory Uses

Customary accessory uses, including off-street parking and loading facilities and offices related to the principal permitted use.

Permanent Over Water Structures

Provided that a permanent structure existed prior to October 12, 1988, existing year round non-conforming uses may be allowed to occupy a permanently enclosed structure on a deck, dock pier, or wharf, or any other over water structure.

Conditional uses

- (1) Motels and hotels which may include conference facilities.
- (2) Eating and drinking establishments.
- (3) Retail sale and manufacturing of retail products.
- (4) Marine related business offices (except as provided for under permitted accessory uses) which handle matters principally related

to the design, manufacture, service, storage, purchase, sale, and lease and insurance of boats and related marine equipment; fishing and other marine harvesting; and fish processing.

- (5) Hospitals for human health care.

Standards for Conditional Uses

Where the subject property abuts the water, conditional uses shall be permitted when established in conjunction with a permitted use or uses and in accordance with the following conditions:

- (1) Conditional uses and related accessory uses shall not exceed more than 70% of the allowed lot coverage.
- (2) Any conditional use shall cease if the permitted use or uses on the subject property are discontinued.
- (3) Such use or combination of conditional uses shall not be permitted over surface waters, except in accord with the following conditions:
 - (a) the adjacent upland property shall be within the Waterfront Commercial District;
 - (b) such use and related accessory use shall be located on and occupy an existing pier on the effective date of this law;
 - (c) such use and related accessory use shall not displace an existing permitted use or uses;
 - (d) such use and related accessory uses shall not cover more than 50% of the over water deck, dock, pier, or wharf, or any other over water structure upon which it is located and shall be located upon the most landward portion of the structure;
 - (e) the waterward portion of the structure shall be designated public accessway or water dependent use;
 - (f) such uses and related accessory uses are summer seasonal (May through October) and shall not be contained in a permanently enclosed structure;
 - (g) the site of such use and related accessory uses provides public access on a year round basis to and on the site as an extension as part of a designated public accessway no less than eight (8) feet in width.
- (4) Consideration shall be given to the quality and extent of views from the adjacent public streets through the property to the water as well as the design and relationship of development to the waterfront as viewed from the water.

Where the subject property does not abut the water, conditional uses shall be permitted when established in accord with condition (4) above.

POLICY 3 THE STATE COASTAL POLICY REGARDING MAJOR PORTS IS NOT APPLICABLE TO THE VILLAGE OF GREENPORT

POLICY 4 STRENGTHEN THE ECONOMIC BASE OF SMALL HARBOR AREAS BY ENCOURAGING THE DEVELOPMENT AND ENHANCEMENT OF THOSE TRADITIONAL USES AND ACTIVITIES WHICH HAVE PROVIDED SUCH AREAS WITH THEIR UNIQUE MARITIME

IDENTITY.

Explanation of Policy

The Village of Greenport is an outstanding example of an historic small harbor with a maritime identity. During the nineteenth century whaling and shipbuilding provided the Village with its economic base. The shellfish and finfish industries prospered in the early twentieth century after the whaling industry has declined. A revival of the shipbuilding industry

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Standards for Conditional Uses

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- (3) Such use or combination of conditional uses shall not be permitted over surface waters, except in accord with the following conditions:
 - (a) the adjacent upland property shall be within the Waterfront Commercial District;
 - (b) such use and related accessory use shall be located on and occupy an existing pier on the effective date of this law;
 - (c) such use and related accessory use shall not displace an existing permitted use or uses;
 - (d) such use and related accessory uses shall not cover more than 50% of the over water deck, dock, pier, or wharf, or any other over water structure upon which it is located and shall be located upon the most landward portion of the structure;
 - (e) the waterward portion of the structure shall be designated public accessway or water dependent use;
 - (f) such uses and related accessory uses are summer seasonal (May through October) and shall not be contained in a permanently enclosed structure;
 - (g) the site of such use and related accessory uses provides public access on a year round basis to and on the site as an extension as part of a designated public accessway no less than eight (8) feet in width.
- (4) Consideration shall be given to the quality and extent of views from the adjacent public streets through the property to the water as well as the design and relationship of development to the waterfront as viewed from the water.

Where the subject property does not abut the water, conditional uses shall be permitted when established in accord with condition (4) above.

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POLICY 4 STRENGTHEN THE ECONOMIC BASE OF SMALL HARBOR AREAS BY ENCOURAGING THE DEVELOPMENT AND ENHANCEMENT OF THOSE TRADITIONAL USES AND ACTIVITIES WHICH HAVE PROVIDED SUCH AREAS WITH THEIR UNIQUE MARITIME

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Explanation of Policy

The Village of Greenport is an outstanding example of an historic small harbor with a maritime identity. During the nineteenth century whaling and shipbuilding provided the Village with its economic base. The shellfish and finfish industries prospered in the early twentieth century after the whaling industry has declined. A revival of the shipbuilding industry

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POLICY 6 EXPEDITE PERMIT PROCEDURES IN ORDER TO FACILITATE THE SITING OF DEVELOPMENT ACTIVITIES AT SUITABLE LOCATIONS.

For development of permitted water-dependent uses and permitted water-enhanced uses at deteriorated and/or underutilized sites within the Village's waterfront commercial areas, the Village will make every reasonable effort to coordinate and expedite local permit procedures and regulatory activities as long as the integrity of the regulatory objectives is not jeopardized. The Village's efforts in expediting permit procedures are part of a much larger system for regulatory development which also includes County, State and Federal government agencies. Regulatory programs and procedures should be coordinated and synchronized between all levels of government and, if necessary, legislative and/or programmatic changes will be recommended from the local level.

FISH AND WILDLIFE POLICIES

POLICY 7 THE STATE COASTAL POLICY REGARDING THE PROTECTION OF SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS IS NOT APPLICABLE TO THE VILLAGE OF GREENPORT.

POLICY 8 PROTECT FISH AND WILDLIFE RESOURCES IN THE COASTAL AREA FROM THE INTRODUCTION OF HAZARDOUS WASTES AND OTHER POLLUTANTS WHICH BIO-ACCUMULATE IN THE FOOD CHAIN OR WHICH CAUSE SIGNIFICANT SUBLETHAL OR LETHAL EFFECT ON THOSE RESOURCES.

Explanation of Policy

Hazardous wastes are unwanted by-products of the manufacturing processes and are generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in the Environmental Conservation Law (Section 27-0901(3)) as "a waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed." A list of hazardous wastes has been adopted by DEC (6NYCRR, Part 371).

The handling (storage, transport, treatment and disposal) of the materials included on this list is being strictly regulated in New York State to prevent their entry or introduction into the environment, particularly into the State's air, land and waters. Such controls should effectively minimize possible contamination of and accumulation in the State's coastal fish and wildlife resources at levels that cause mortality or create physiological or behavioral disorders. Other pollutants are those conventional wastes, generated from point and non-point sources, and not identified as hazardous wastes but controlled through other State's laws.

POLICY 9 EXPAND RECREATIONAL USE OF FISH AND WILDLIFE RESOURCES IN COASTAL AREAS BY INCREASING ACCESS TO EXISTING RESOURCES, SUPPLEMENTING EXISTING STOCKS, AND DEVELOPING NEW RESOURCES.

SUCH EFFORTS SHALL BE MADE IN A MANNER WHICH ENSURES THE PROTECTION OF RENEWABLE FISH AND WILDLIFE RESOURCES AND CONSIDERS OTHER ACTIVITIES DEPENDENT ON THEM.

Explanation of Policy

Recreational uses of coastal fish and wildlife resources include consumptive uses such as fishing and hunting, and non-consumptive uses such as wildlife photography, bird watching, and nature study.

Recreational fishing is a major activity in the Village of Greenport. The public fish from boats, piers, and bulkheads along the shoreline. The recent increase in seasonal residents and vacationers has resulted in increased demand for dock space for recreational boats. Some of this demand may be met by the redevelopment of the Mitchell property (Policy 1).

Recreational use of existing publicly- and privately-owned waterfront areas for on-shore recreational fishing and the passive enjoyment of waterfowl and other wildlife resources can be improved through the development of the harborwalk (Policy 20A) and street-end parks (Policy 20).

The following guidelines should be considered by State and Federal agencies as they determine the consistency of their proposed action with the above policy.

- Consideration should be made by Federal and State agencies as to whether an action will impede existing or future utilization of the State's recreational fish and wildlife resources.
- Efforts to increase access to recreational fish and wildlife resources should not lead to overutilization of that resource or cause impairment of the habitat. Sometimes such impairment can be more subtle than actual physical damage to the habitat. For example, increased human presence can deter animals from using the habitat area.
- The impacts of increasing access to recreational fish and wildlife resources should be determined on a case-by-case basis.
- Any public or private sector initiatives to supplement existing stocks (e.g., stocking a stream with fish reared in a hatchery) or develop new resources (e.g., creating private fee-hunting or fee-fishing facilities) must be done in accord with existing State law.

POLICY 10 FURTHER DEVELOP COMMERCIAL FINFISH, SHELLFISH AND CRUSTACEAN RESOURCES IN THE COASTAL AREA BY: (i) ENCOURAGING THE CONSTRUCTION OF NEW, OR IMPROVEMENT OF EXISTING ON-SHORE COMMERCIAL FISHING FACILITIES; (ii) INCREASING MARKETING OF THE STATE'S SEAFOOD PRODUCTS; and (iii) MAINTAINING ADEQUATE STOCKS AND EXPANDING AQUACULTURE FACILITIES. SUCH EFFORTS SHALL BE IN A MANNER WHICH ENSURES THE PROTECTION OF SUCH RENEWABLE FISH RESOURCES AND CONSIDERS OTHER ACTIVITIES DEPENDENT ON THEM.

POLICY 10A ENCOURAGE THE DEVELOPMENT OF NEW, OR EXPANDED COMMERCIAL FISHING FACILITIES IN GREENPORT, AND PROTECT EXISTING COMMERCIAL FISHING FACILITIES FROM ENCROACHMENT BY POTENTIALLY CONFLICTING LAND USES.

Explanation of Policy

Due to Greenport's natural deep water harbor which can easily accommodate large fishing vessels, its commercial fishing heritage, and strategic location with respect to fishing grounds and coastal market areas, Greenport is an important part of New York's commercial fishing industry. All of Greenport's commercial fishing facilities are privately-owned and operated, with the exception of the publicly-owned commercial fishing dock at the LIRR property. See Section II, D for a list and description of commercial fishing facilities in the Village.

In recent years, there has been an increase in demand for recreational marina and dock space, waterfront high-density residential use, and water-enhanced uses geared to the tourist industry, such as restaurants, hotels and retail shops. In order to reduce the encroachment of water-enhanced uses on water-dependent uses, only water-enhanced uses of a compatible nature shall be conditionally permitted in the Village's waterfront commercial area. (See Policies 1, 2 and 4).

In order to provide for the development of new or expanded commercial fishing facilities in Greenport the following shall occur:

- Redevelopment of the Barstow shipyard site to provide commercial fishing support services.
- The development of a fishing dock for use by locally operated commercial fishing vessels.

The following guidelines should be considered by government agencies as they determine the consistency of their proposed action with the above policies and specific plan recommendations listed:

- A public agency's commercial fishing development initiative should not pre-empt or displace private sector initiative.
- A public agency's efforts to expand existing or create new on-shore commercial fishing support facilities should be directed towards unmet development needs rather than merely displacing existing commercial fishing activities from a nearby port. This may be accomplished by taking into consideration existing State or regional commercial fishing development plans.
- Consideration should be made by State and Federal agencies whether an action will impede existing utilization or future development of the State's commercial fishing resources.
- Commercial fishing development efforts should be made in a manner which ensures the maintenance and protection of the renewable fishery resources.

FLOOD AND EROSION POLICIES

POLICY 11 BUILDINGS AND OTHER STRUCTURES WILL BE SITED IN THE COASTAL AREA SO AS TO MINIMIZE DAMAGE TO PROPERTY AND THE ENDANGERING OF HUMAN LIVES CAUSED BY FLOODING AND EROSION.

Within flood hazard areas (See Map 3, Natural Characteristics), the following standards for construction and siting of development shall apply:

- All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and in the case of sanitary sewage systems shall be designed to minimize or eliminate discharge from the system into flood waters.
- On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- All subdivision proposals shall be consistent with the need to minimize flood damage.
- All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less).
- New residential construction and substantial improvements to any residential structure shall have the lowest floor, including basement, elevated to or above base flood level elevation.
- New non-residential construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or
 - be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

- have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- be certified by a registered professional engineer or architect that the standards of this subsection are satisfied.

In Coastal High Hazard Areas (Zones V4, V5 and V7), where special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash occur, (See Map 3, Natural Characteristics), the following standards shall apply:

- All structures shall be located landward of the reach of mean high tide.
- All buildings and structures shall be elevated so that the lowest portion of the structural members of the lowest floor is located no lower than the base flood elevation level, with all space below the lowest floor's supporting member open so as not to impede the flow of water, except for breakaway walls.
- All buildings and structures shall be securely anchored on pilings or columns.
- Pilings or columns used as structural support shall be designed and anchored so as to withstand all applied loads of the base flood flow.
- There shall be no fill used for structural support.
- Any alteration, repair, reconstruction or improvement to a structure shall not enclose the space below the lowest floor unless breakaway walls are used.
- Breakaway walls shall be allowed below the base flood elevation provided they are not a part of the structural support of the building and are designed so as to breakaway, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are to be used.
- If breakaway walls are utilized, such enclosed space shall not be used for human habitation.
- Prior to construction, plans for any structure that will have breakaway walls must be submitted to the Building Inspector for approval.

POLICY 12 ACTIVITIES OR DEVELOPMENT IN THE COASTAL AREA WILL BE UNDERTAKEN SO AS TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION BY PROTECTING NATURAL PROTECTIVE FEATURES INCLUDING BEACHES, DUNES, BARRIER ISLANDS AND BLUFFS. PRIMARY DUNES WILL BE PROTECTED FROM ALL ENCROACHMENTS THAT COULD IMPAIR THEIR NATURAL PROTECTIVE CAPACITY.

Explanation of Policy

Natural protective features help safeguard coastal lands and property from damage, as well as reduce the danger to human life, resulting from flooding and erosion. Excavation of coastal features, improperly designed structures, inadequate site planning, or other similar actions which fail to recognize their fragile nature and high protective values, lead to the weakening or destruction of these landforms.

Beach areas and sand dunes are the only significant natural protective features found along the Greenport waterfront. The alteration of sand dunes, which would increase potential flood damage, is prohibited. Since much of Greenport's waterfront area is developed with bulkheads, non-contiguous, relatively small areas of beach are found in the waterfront area. (See Section II, for a more in-depth description of Village beach areas). Beaches are unsuitable for commercial or residential development due to the unstable and dynamic nature of beach soils. Since disturbance of beach soils by development can adversely affect their protective capacity, residential and commercial development is prohibited on beach areas in the Village. Activities or development in close proximity to Village beach areas shall ensure that all potential adverse impacts are minimized. The planting of maritime shrubs and beach grass is encouraged on beach areas in the Village to help stabilize these areas, particularly the beach area of Sandy Beach and the adjacent beach areas located on the basin side of Beach Lane. Existing maritime shrubs and beach grass shall not be removed from any beach area in the Village. See Policy 33.

POLICY 13 THE STATE COASTAL POLICY REGARDING THE PROTECTION OF EROSION PROTECTIVE FEATURES IS NOT APPLICABLE TO THE VILLAGE OF GREENPORT.

POLICY 13A THE CONSTRUCTION OR RECONSTRUCTION OF DOCKS, SEAWALLS, REVETMENTS, BULKHEADS, BREAKWATERS, AND OTHER SHORELINE STRUCTURES SHALL BE UNDERTAKEN IN A MANNER WHICH WILL, TO THE MAXIMUM EXTENT PRACTICABLE, PROTECT AGAINST OR WITHSTAND THE DESTRUCTIVE FORCES OF WAVE ACTION AND ICE MOVEMENT FOR A THIRTY YEAR PERIOD.

Explanation of Policy

Significant portions of the Village's shoreline are developed with bulkheads and docks to provide docking convenience for ships using the harbor.

Today, approximately two thirds of the Village's shoreline is bulkheaded and in many instances docks protrude from the bulkheaded shoreline. This is particularly true in the Waterfront Areas 1 and 2 where the shoreline is intensively developed with waterfront commercial uses. Shoreline sites that are the least developed with bulkheads are located on the southeast side of Stirling Basin and along isolated segments of Waterfront Area 3.

Bulkheading of remaining undeveloped shoreline areas in the Village is strongly discouraged. When the need to bulkhead a shoreline area in the Village is necessary the bulkhead shall:

- be placed landward of any existing beach areas, maritime shrubland, or beach grass that may exist;
- be properly designed and constructed to minimize or prevent damage to public or private property;
- be designed and constructed according to generally accepted engineering principles, which have demonstrated success, or where sufficient data is not currently available, a likelihood of success in controlling long-term erosion on the immediate site for at least 30 years.

The construction, modification or restoration of docks, seawalls, revetments, bulkheads, breakwaters and other shoreline structures are subject to the following requirements:

1. They must be designed and constructed according to generally accepted engineering principles.
2. A long term maintenance replacement program must be provided, which includes specifications for normal maintenance of degradable materials and periodic replacement of removable materials.
3. All materials used in such structures must be durable and capable of withstanding wave impacts, ice movement, weathering, and other effects of storm conditions for thirty years or must be replaced as necessary.

See Policy 17.

POLICY 14 ACTIVITIES AND DEVELOPMENT INCLUDING THE CONSTRUCTION OR RECONSTRUCTION OF EROSION PROTECTION STRUCTURES, SHALL BE UNDERTAKEN SO THAT THERE WILL BE NO MEASURABLE INCREASE IN EROSION OR FLOODING AT THE SITE OF SUCH ACTIVITIES OR DEVELOPMENT, OR AT OTHER LOCATIONS.

Explanation of Policy

Erosion and flooding are processes which occur naturally. However, by his actions, man can increase the severity and adverse effects of those processes, causing damage to, or loss of property, and endangering human lives. Those actions include: the use of erosion protection structures such as groins, or the use of impermeable docks which block the littoral transport of sediment to adjacent shorelands, thus increasing their rate of recession; the failure to observe proper drainage or land restoration practices, thereby causing run-off and erosion and weakening of shorelands; and the placing of structures in identified floodways so that the base flood level is increased causing damage in otherwise hazard-free areas.

In order to reduce losses from flooding and erosion all development and land use activity in the Village of Greenport shall:

- not pose a threat to the public's health, safety, and welfare by having the potential to increase damage caused by flooding and/or erosion;
- not significantly alter coastal hazard areas or alter beach areas,

tidal wetlands, freshwater wetlands, water courses, and drainage swales found in the Village's waterfront area so that their ability to accommodate and channel storm water runoff and flood waters is decreased;

- fill, grade or dredge, to any extent which may increase flood damage; or
- create flood barriers which will unnaturally divert flood waters or increase flood hazards in other areas.

See Policies 11, 12, 33 and 44.

POLICY 15 MINING, EXCAVATION OR DREDGING IN COASTAL WATERS SHALL NOT SIGNIFICANTLY INTERFERE WITH THE NATURAL COASTAL PROCESSES WHICH SUPPLY BEACH MATERIALS TO LAND ADJACENT TO SUCH WATERS AND SHALL BE UNDERTAKEN IN A MANNER WHICH WILL NOT CAUSE AN INCREASE IN EROSION OF SUCH LAND.

Explanation of Policy

Coastal processes, including the movement of beach materials by water, and any mining, excavation or dredging in nearshore or offshore waters which changes the supply and net flow of such materials can deprive shorelands of their natural regenerative powers. Such mining, excavation, and dredging should be accomplished in a manner so as not to cause a reduction of supply, and thus an increase of erosion, to such shorelands. Offshore mining is a future alternative option to landmining for sand and gravel deposits which are needed to support building and other industry.

In the Village of Greenport there is little natural beach material found along the Village's shoreline due to the heavily bulkheaded nature of its waterfront area. Small quantities of beach material are being supplied to the adjacent coastal areas from the Village waterfront, via natural processes.

Dredge spoil removed from the two Village locations where dredging will occur, Stirling Basin and the dock at the Long Island Railroad property, will be used for beach nourishment. The disposal site is the back side of the inlet adjacent to Beach Lane.

In addition, the following conditions must be met during dredging to assure that the Village's man-made and natural shoreline will not be undermined:

- the natural angle of repose for area sediments will not be oversteeped;
- dredging adjacent to bulkheads will be undertaken so that the depth of the area to be dredged does not exceed the toe of the bulkhead, and the bulkhead will not be undermined or weakened in any manner;
- dredging activity shall not alter the natural movement or flow of harbor waters in a manner that will increase the erosion potential of Village shoreline areas.

See Policy 35.

POLICY 16 PUBLIC FUNDS SHALL ONLY BE USED FOR EROSION PROTECTIVE STRUCTURES WHERE NECESSARY TO PROTECT HUMAN LIFE, AND NEW DEVELOPMENT WHICH REQUIRES A LOCATION WITHIN OR ADJACENT TO AN EROSION HAZARD AREA TO BE ABLE TO FUNCTION, OR EXISTING DEVELOPMENT; AND ONLY WHERE THE PUBLIC BENEFITS OUTWEIGH THE LONG TERM MONETARY AND OTHER COSTS INCLUDING THE POTENTIAL FOR INCREASING EROSION AND ADVERSE EFFECTS ON NATURAL PROTECTIVE FEATURES.

Explanation of Policy

Public funds are used for a variety of purposes on the Village's shoreline. This policy recognizes the public need for the protection of human life and existing investment in development or new development which requires a location in proximity to the coastal area or in adjacent waters to be able to function. However, it also recognizes the adverse impacts of such activities and development on the rate of erosion and on natural protective features and requires that careful analysis be made of such benefits and long-term costs prior to spending public funds.

POLICY 17 WHENEVER POSSIBLE, USE NON-STRUCTURAL MEASURES TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION. SUCH MEASURES SHALL INCLUDE: (i) THE SET BACK OF BUILDINGS AND STRUCTURES; (ii) THE PLANTING OF VEGETATION AND THE INSTALLATION OF SAND FENCING AND DRAINING; (iii) THE RESHAPING OF BLUFFS; AND (iv) THE FLOOD-PROOFING OF BUILDINGS OR THEIR ELEVATION ABOVE THE BASE FLOOD LEVEL.

Explanation of Policy

This policy recognizes both the potential adverse impacts of flooding and erosion upon development and upon natural protective features in the coastal area, as well as the costs of protection against those hazards which structural measures entail.

This policy shall apply to the planning, siting, and design of proposed activities and development, including measures to protect existing activities and development. To ascertain consistency with the policy, it must be determined if any one, or a combination of, non-structural measures would afford the degree of protection appropriate both to the character and purpose of the activity or development, and to the hazard. If non-structural measures are determined to offer sufficient protection, then consistency with this policy would require the use of such measures wherever possible.

In determining whether or not non-structural measures to protect against erosion or flooding will afford the degree of protection appropriate, an analysis, and if necessary, other materials such as plans or sketches of the activity or development, of the site and of the alternative protection measures should be prepared to allow an assessment to be made.

See Policies 11, 12, 13, 14, and 15.

GENERAL POLICY

POLICY 18 TO SAFEGUARD THE VITAL ECONOMIC, SOCIAL AND ENVIRONMENTAL INTEREST OF THE STATE AND ITS CITIZENS, PROPOSED MAJOR ACTIONS IN THE COASTAL AREA MUST GIVE FULL CONSIDERATION TO THOSE INTERESTS, AND TO THE SAFEGUARDS WHICH THE STATE HAS ESTABLISHED TO PROTECT VALUABLE COASTAL RESOURCE AREAS.

Explanation of Policy

Proposed major actions may be undertaken in the coastal area if they will not significantly impair valuable coastal waters and resources, thus frustrating the achievement of the purposes of the safeguards which the State has established to protect those waters and resources. Proposed actions must take into account the social, economic and environmental interests of the State and its citizens in such matters that would affect natural resources, water levels and flows, shoreline damage, hydro-electric power generation, and recreation.

PUBLIC ACCESS POLICIES

POLICY 19 PROTECT, MAINTAIN, AND INCREASE THE LEVEL AND TYPES OF ACCESS TO PUBLIC WATER-RELATED RECREATION RESOURCES AND FACILITIES SO THAT THESE RESOURCES AND FACILITIES MAY BE FULLY UTILIZED BY ALL THE PUBLIC IN ACCORDANCE WITH REASONABLY ANTICIPATED PUBLIC RECREATION NEEDS AND THE PROTECTION OF HISTORIC AND NATURAL RESOURCES. IN PROVIDING SUCH ACCESS, PRIORITY SHALL BE GIVEN TO PUBLIC BEACHES, BOATING FACILITIES, FISHING AREAS AND WATERFRONT PARKS.

Explanation of Policy

The three publicly-owned waterfront recreational facilities within the Village are Fifth Street Park, Sandy Beach, and the Village/Town boat launching facility. The Village's Fifth Street Park is located in Waterfront Area 3 just west of Fanning Point; Sandy Beach is located in Waterfront Area 1 west of Young's Point; and the boat launch is located on the east side of Stirling Basin also in Waterfront Area 1. Transportation modes used to gain access to these waterfront recreational facilities include motor driven vehicles, bicycles, watercraft and foot. Access to these facilities by Village residents via existing Village streets and adjacent waterways is sufficient and shall be maintained. The existing level of public access to these facilities shall not be diminished. It is recognized, however, that opportunities for public access to and recreational use of the publicly-owned foreshore can be significantly improved, as discussed in Policy 20.

The following guidelines will be used in determining the consistency of a proposed action with this policy:

1. The existing access to public water-related recreation resources and facilities shall not be reduced, nor shall the possibility of

increasing access in the future from adjacent or proximate public lands or facilities to public water-related recreation resources and facilities be eliminated, unless in the latter case, estimates of future use of these resources and facilities are too low to justify maintaining or providing increased public access.

The following is an explanation of the terms used in the above guidelines:

- a. Access - the ability and right of the public to reach and use public coastal lands and waters.
- b. Public water-related recreation resources or facilities - all public lands or facilities that are suitable for passive or active recreation that requires either water or a waterfront location or is enhanced by a waterfront location.
- c. Public lands or facilities - lands or facilities held by State or local government in fee simple or less-than-fee simple ownership and to which the public has access or could have access, including underwater lands and the foreshore.
- d. A reduction in the existing level of public access--includes but is not limited to the following:
 - (1) The number of parking spaces at a public water-related recreation resource or facility is significantly reduced.
 - (2) The service level of public transportation to a public water-related recreation resource or facility is significantly reduced during peak season use and such reduction cannot be reasonably justified in terms of meeting systemwide objectives.
 - (3) Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
 - (4) There are substantial increases in the following: already existing special fares (not including regular fares in any instance) of public transportation to a public water-related recreation resource or facility, except where the public body having jurisdiction over such fares determines that such substantial fare increases are necessary; and/or admission fees to such a resource or facility, and an analysis shows that such increases will significantly reduce usage by individuals or families with incomes below the State government established poverty level.
- e. An elimination of the possibility of increasing public access in the future includes, but is not limited to the following:
 - (1) Construction of public facilities which physically prevent the provision, except at great expense, of convenient public access to public water-related recreation resources and facilities.

- (2) Sale, lease, or other transfer of public lands that could provide public access to a public water-related recreation resource or facility.
 - (3) Construction of private facilities which physically prevent the provision of convenient public access to public water-related recreation resources or facilities from public lands and facilities.
2. Any proposed project to increase public access to public water-related recreation resources and facilities shall be analyzed according to the following factors:
 - a. The level of access to be provided should be in accord with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with this policy.
 - b. The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resource or facility. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with this policy.
3. The public-sector will not undertake or fund any project which increases access to a water-related resource or facility that is not open to all members of the public.

POLICY 20 ACCESS TO THE PUBLICLY-OWNED FORESHORE AND TO LANDS IMMEDIATELY ADJACENT TO THE FORESHORE OR THE WATER'S EDGE THAT ARE PUBLICLY OWNED SHALL BE PROVIDED, AND IT SHOULD BE PROVIDED IN A MANNER COMPATIBLE WITH ADJOINING USES. SUCH LANDS SHALL BE RETAINED IN PUBLIC OWNERSHIP.

Explanation of Policy

While such publicly-owned lands referenced in this policy shall be retained in public ownership, traditional sales of easements on lands underwater to adjacent onshore property owners are consistent with this policy, provided such easements do not substantially interfere with continued public use of the public lands on which the easement is granted. Also, public use of such publicly-owned underwater lands and lands immediately adjacent to the shore shall be discouraged where such use would be inappropriate for reasons of public safety, military security, or the protection of fragile coastal resources.

The following guidelines will be used in determining the consistency of a proposed action with this policy:

1. Existing access from adjacent or proximate public lands or facilities to the existing public coastal lands and/or waters shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or nearby public lands or facilities to public coastal

lands and/or waters be eliminated, unless such actions are demonstrated to be of overriding regional or Statewide public benefit, or in the latter case, estimates of future use of these lands and waters are too low to justify maintaining or providing increased access.

2. The existing level of public access within public coastal lands or waters shall not be reduced or eliminated.
3. Public access from the nearest public roadway to the shoreline and along the coast shall be provided by new land use or development, except where (a) it is inconsistent with public safety, military security, or the protection of identified fragile coastal resources; (b) adequate access exists within one-half mile; or (c) agriculture would be adversely affected. Such access shall not be required to be open to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.
4. The public-sector will not undertake or fund any project which increases access to a water-related resource or facility that is not open to all members of the public.
5. Proposals for increased public access to coastal lands and waters shall be analyzed according to the following factors:
 - a. The level of access to be provided should be in accord with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.
 - b. The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resource. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.

In Greenport, in order to provide access opportunities and to enhance the recreational use of the publicly-owned foreshore, modest improvements will be made to the following small waterfront areas located within Village-owned rights-of-way or on privately-owned property located between Village rights-of-way and the waterfront. Each site is of very limited size and not suitable for residential or commercial development. These sites shall be developed into mini waterfront parks for passive recreational activities, since they are unsuitable for intensive recreational activity. Improvements to these areas will include benches, viewing platforms, plaques containing notes of historical significance, refined pedestrian walkways to the waterfront and landscaping.

These sites are located in the following locations:

Waterfront Area 1

1. at the east end of Bay Avenue
2. the narrow section of land between Stirling Street and Stirling Harbor (privately-owned)

3. at the end of Stirling Place at the head of Stirling Basin;

Waterfront Area 2

4. at the east end of Wiggins Street (privately-owned)

Waterfront Area 3

5. at the LIRR site immediately south of the existing fishing dock

6. at the south end of Fifth Street and the area immediately to the east of Fanning Point.

In addition, public access as well as passive recreational activities will be provided for at the Mobil site (see Policy 21A).

POLICY 20A ACCESS TO THE PUBLICLY OWNED FORESHORE AND TO LANDS IMMEDIATELY ADJACENT TO THE FORESHORE OR THE WATER'S EDGE SHALL BE PROVIDED THROUGH THE CREATION OF A HARBORWALK IN WATERFRONT AREA 2.

Explanation of Policy

Increased public access shall be provided to the maximum extent practicable through private and publicly-owned land in the Village, for numerous activities and pursuits which require only minimal facilities for their enjoyment. Such activities include: fishing from a pier, deck or beach; walking along the waterfront; gaining access to vantage points from which to view the water or activities taking place in the harbor; birdwatching; and photography.

All waterfront development within Waterfront Area 2 (from and inclusive of S.T. Preston and Son, Inc., to and inclusive of the Long Island Rail Road property) shall be required, as law permits, to provide public access to the foreshore through the creation of a harborwalk. The walkway is to be constructed along the water's edge in an east-west direction from S.T. Preston and Son, Inc. to the LIRR property.

The harborwalk will become part of the overall pedestrian walkway system that will connect and provide convenient access to the Village's active waterfront, business area, and historic landmarks for the interest and enjoyment of the Village residents and visitors.

POLICY 21 WATER-DEPENDENT AND WATER-ENHANCED RECREATION WILL BE ENCOURAGED AND FACILITATED, AND WILL BE GIVEN PRIORITY OVER NON-WATER RELATED USES ALONG THE COAST, PROVIDED IT IS CONSISTENT WITH THE PRESERVATION AND ENHANCEMENT OF OTHER COASTAL RESOURCES AND TAKES INTO ACCOUNT DEMAND FOR SUCH FACILITIES. IN FACILITATING SUCH ACTIVITIES, PRIORITY SHALL BE GIVEN TO AREAS WHERE ACCESS TO THE RECREATION OPPORTUNITIES OF THE COAST CAN BE PROVIDED BY NEW OR EXISTING PUBLIC TRANSPORTATION SERVICES AND TO THOSE AREAS WHERE THE USE OF THE SHORE IS SEVERELY RESTRICTED BY EXISTING DEVELOPMENT.

Explanation of Policy

Water-related recreation includes water-dependent activities such as boating, swimming, and fishing, as well as certain activities which are enhanced by a coastal location and increase the general public's access to the coast, such as a pedestrian walkway system and scenic overlooks that take advantage of coastal scenery.

Provided the development of water-related recreation is consistent with the preservation and enhancement of such important coastal resources as existing traditional and/or desired anticipated uses associated with commercial fishing and ship related industries, fish and wildlife habitats, aesthetically significant areas, historic and cultural resources, and provided demand exists, water-related recreation use is to be increased. Such use shall have a higher priority than any non-water-dependent use, including non water-related recreation use. In addition water-dependent recreation use shall have a higher priority over water-enhanced recreation use in areas near or adjacent to the shore. Determining a priority among water-dependent uses other than those listed above, will require a case by case analysis.

The siting or design of new public development in a manner which would result in a barrier to the recreational use of a major portion of the Village's shore should be avoided as much as practicable.

Among the types of water-dependent recreation, provision of adequate boating services to meet future demand is to be encouraged. The siting of boating facilities must be consistent with preservation and enhancement of other coastal resources and with their capacity to accommodate demand. The provision of new public boating facilities is essential in meeting this demand, but such public actions should avoid competition with private boating development. Boating facilities will, as appropriate, include parking, park-like surroundings, toilet facilities, and pumpout facilities.

Private commercial waterfront recreational facilities such as marinas and yacht clubs are concentrated in Waterfront Areas 1 and 2. See Section II, for a list of private firms which provide water-dependent recreational facilities along the Village's waterfront. Recreational water-dependent uses and facilities that exist and are permitted in these areas include: yacht clubs; boat launching facilities; marinas; and dockage for charter fishing and other recreational vessels.

See Policies 1, 2, 4 and 10.

POLICY 21A REDEVELOP THE MOBIL SITE FOR PUBLIC WATERFRONT RECREATIONAL USE.

Explanation of Policy

The Village will pursue acquisition of this 2.6 acre site and convert it to a municipal waterfront park for passive recreational purposes. Use of this site for passive recreation would complement the Village's Fifth Street Park, which is used intensively for active recreation use and to a lesser degree for passive recreation. The Mobil site has the potential to

provide water-oriented recreational opportunities such as boat launching, on-shore fishing, viewing waterfowl and other wildlife, viewing scenic Shelter Island Sound, and viewing commercial and recreational vessels entering and exiting Greenport Harbor. Conversion of this site to a water-oriented municipal recreational facility would significantly enhance the Village's waterfront recreational resources and opportunities for the public to gain access to the waterfront. The development of this site as a municipal park would be far more compatible with existing adjacent uses than the reuse of this site for commercial or industrial purposes.

Should the Village not be able to obtain this property for park purposes and it is eventually developed for another use, public access to and/or along the waterfront of this parcel shall, as law permits, be secured.

POLICY 22 DEVELOPMENT, WHEN LOCATED ADJACENT TO THE SHORE, WILL PROVIDE FOR WATER-RELATED RECREATION, AS A MULTIPLE USE, WHENEVER SUCH RECREATIONAL USE IS APPROPRIATE IN LIGHT OF REASONABLY ANTICIPATED DEMAND FOR SUCH ACTIVITIES AND THE PRIMARY PURPOSE OF THE DEVELOPMENT.

Explanation of Policy

Certain developments present practical opportunities for providing recreation facilities as an additional use of the site or facility. Therefore, whenever developments are located adjacent to the shore, they should to the fullest extent permitted by existing law provide for some form of water-related recreation use unless there are compelling reasons why any form of such recreation would not be compatible with the development, or a reasonable demand for public use cannot be foreseen.

Uses which are appropriate in the Village of Greenport coastal area and which can provide opportunities for water-related recreation as a multiple use include parks, maritime commercial uses and mixed use projects.

Prior to taking action relative to any development, State agencies should consult with the Village to determine appropriate recreation uses. The agency should provide the Village with the opportunity to participate in project planning.

Appropriate recreation uses which do not require any substantial additional construction shall be provided at the expense of the project sponsor provided the cost does not exceed 2% of total project cost.

In determining whether compelling reasons exist which would make inadvisable recreation as a multiple use, safety considerations should reflect a recognition that some risk is acceptable in the use of recreational facilities.

Whenever a proposed development would be consistent with CMP policies and the development could, through the provision of recreation and other multiple uses, significantly increase public use of the shore, then such development should be encouraged to locate adjacent to the shore.

See Policies 19, 20 and 21.

HISTORIC AND SCENIC RESOURCES POLICIES

POLICY 23 PROTECT, ENHANCE AND RESTORE STRUCTURES, DISTRICTS, AREAS OR SITES THAT ARE OF SIGNIFICANCE IN THE HISTORY, ARCHITECTURE, ARCHEOLOGY OR CULTURE OF THE STATE, ITS COMMUNITIES, OR THE NATION.

Explanation of Policy

Among the most valuable of Greenport's man-made resources are those structures or areas which are of historic, archeological, or cultural significance. The protection of these structures must involve a recognition of their importance by all agencies and the ability to identify and describe them. Protection must include concern not just with specific sites but with areas of significance, and with the area around specific sites. The policy is not to be construed as a passive mandate but must include effective efforts when appropriate to restore or revitalize through adaptive reuse. While the program is concerned with the preservation of all such resources within the coastal boundary, it will actively promote the preservation of historic and cultural resources which have a coastal relationship.

The structures, districts, areas or sites that are of significance in the history, architecture, archeology or culture of Greenport, the State or the Nation comprise the following resources:

1. A resource on, nominated to be on, or determined eligible to be on the National or State Registers of Historic Places.
2. An archeological resource which is on the State Department of Education's inventory of archeological sites or the Office of Parks, Recreation and Historic Preservation's Archeological Site File.
3. A local landmark, park, or locally designated historic district that is located within the boundary of an approved local waterfront revitalization program.

Greenport's heritage as a nineteenth-century coastal fishing and trading center is discernible today because its built environment is fairly well preserved. Many Federal, Greek revival, and Victorian style buildings can be found throughout the Village. The existence of this well preserved, rich architectural and historic past is the primary reason why tourism has increased significantly in the Village in recent years.

Among the numerous resources of architectural and historic importance, one area, the Greenport Village Historic District, is on the National Register of Historic Places. See Section II, Inventory and Analysis, for a more in-depth discussion of the Village's historic district.

The Greenport Village Historic District includes the following areas:

- Main Street between the harbor on the south and the intersection of Washington and Bridge Streets on the north;

- First Street between the properties at 411 and 422 First Street and Webb Street;
- Carpenter Street between its intersection with Bay Avenue and its dead end on the north;
- Broad Street between Main Street on the east and First Street on the west;
- Ludlam Place, Central Avenue and Bay Avenue between Carpenter Street on the west and the harbor on the east; and
- Stirling Street between its intersection with Main Street on the west and the properties at 160 and 165 Sterling Street on the east.

In the near future, in cooperation with the N.Y.S. Office of Parks, Recreation, and Historic Preservation, additional historic resources outside of the historic district may be identified for nomination to the State and Federal Registers.

The following guidelines and standards apply to construction activity within the Greenport Village Historic District:

- no person shall carry out any exterior alteration, restoration, reconstruction, demolition, new construction or moving of a landmark or structure which would adversely affect the appearance and cohesiveness of the district;
- properties which contribute to the character of the historic district shall be retained, with their historic features altered as little as possible;
- any alteration of existing properties shall be compatible with its historic character, as well as with the surrounding district; and
- new construction shall be compatible with the district in which it is located.

In applying the principle of compatibility, the following factors will be considered:

- the general design, character and appropriateness of the proposed alteration or new construction;
- the scale of proposed alteration or new construction in relation to the property itself, surrounding properties, and the neighborhood;
- texture, materials, and color and their relation to similar features of other properties in the neighborhood;
- visual compatibility with surrounding properties, including proportion of the property's front facade, proportion and arrangement of windows and other openings within the facade, roof shape, and the rhythm of spacing of properties on streets, including setbacks; and

-- the importance of historic, architectural or other features to the significance of the property.

Changes to interior spaces, or to architectural features that are not visible from a public street or alley, unless they are open to the public, or publicly-owned or funded, are not subject to the standards and guidelines cited above.

Two one-mile square sites shown on the New York State Historic Preservation Office Site File Map, and one, one-mile diameter site shown on the New York State Archeological Site Locations Overlay Map, are sites within or near the Village of Greenport having the potential of being archeologically significant. These figures are centered on points of high archeological sensitivity at locations of known archeological sites. Sites of archeological sensitivity may also exist outside the boundaries of these figures. Whether a proposed project is located within or outside these figures, a field reconnaissance survey, conducted under the guidelines of the New York State Education Department, will be done before an assessment of a projects potential impact on archeological resources is determined. In addition, the State Office of Parks, Recreation, and Historic Preservation will also be contacted to determine whether significant archeological resources are present at the site and what measures are necessary to preserve these resources. All practicable means shall be used to preserve significant archeological resources.

This policy shall not be construed to prevent the construction, reconstruction, alteration, or demolition of any building, structure, earthwork, or component thereof of a recognized historic, cultural or archeological resource which has been officially certified as being imminently dangerous to life or public health. Nor shall the policy be construed to prevent the ordinary maintenance, repair, or proper restoration, according to the U.S. Department of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, of any buildings, structure, site or earthwork, or component thereof of a recognized historic, cultural or archeological resource which does not involve a significant change to the resource, as defined above.

POLICY 24 THE STATE COASTAL POLICY REGARDING SCENIC RESOURCES OF STATEWIDE SIGNIFICANCE IS NOT APPLICABLE TO THE VILLAGE OF GREENPORT.

POLICY 25 PROTECT, RESTORE OR ENHANCE NATURAL AND MAN-MADE RESOURCES WHICH ARE NOT IDENTIFIED AS BEING OF STATEWIDE SIGNIFICANCE BUT WHICH CONTRIBUTE TO THE OVERALL SCENIC QUALITY OF THE COASTAL AREA.

Explanation of Policy

The visual characteristics of the Village's coastal area vary widely. The blend of its rugged, bulkheaded shoreline, with pockets of natural beach and maritime vegetation, historic waterfront commercial and residential settlements, combined with varied and spectacular views of Stirling Basin, Greenport Harbor, and Shelter Island Sound make the

Village's shoreline a unique and valuable waterfront resource of high visual quality. In order for the Village to realize the full potential of its waterfront as a scenic resource, visually degrading conditions found in the three waterfront areas and in the CBD shall be removed.

Flashing, mobile, directly illuminated or reflecting cloth or flyer signs shall not be erected, affixed, or maintained in the Village, and the source of any exterior illumination shall not be visible across property lines. In addition, marquees shall not be erected over any public street or sidewalk in the Village.

Specific waterfront sites which contain deteriorated structures include the Barstow shipyard site, the Mitchell property, and the Mobil site. Generally, these sites contain abandoned or derelict structures that are in a state of disrepair.

In order to remove unslightly conditions in the Village's CBD, which include, but are not limited to, overhead electrical and telephone lines, deteriorated building facades, inadequate landscaping, etc., the Village will implement revitalization and redevelopment efforts according to the standards and guidelines of the CBD design plan mentioned in Policy 1B.

In addition, the Village's Historic District furthers the goal of improved scenic quality in the Village by serving to preserve and protect the small harbor character and architecturally rich resources of the Village.

See Policies 1A, 1B and 23.

POLICY 26 THE STATE COASTAL POLICY REGARDING THE PROTECTION OF AGRICULTURAL LANDS IS NOT APPLICABLE TO THE VILLAGE OF GREENPORT.

ENERGY AND ICE MANAGEMENT POLICIES

POLICY 27 DECISIONS ON THE SITING AND CONSTRUCTION OF MAJOR ENERGY FACILITIES IN THE COASTAL AREA WILL BE BASED ON PUBLIC ENERGY NEEDS, COMPATIBILITY OF SUCH FACILITIES WITH THE ENVIRONMENT, AND THE FACILITY'S NEED FOR A SHOREFRONT LOCATION.

Explanation of Policy

Demand for energy in New York will increase, although at a rate slower than previously predicted. The State expects to meet these energy demands through a combination of conservation measures; traditional and alternative technologies; and use of various fuels, including coal, in greater proportion.

A determination of public need for energy is the first step in the process for siting any new facilities. The directives for determining this need are set forth in the New York State Energy Law. With respect to transmission lines and steam electric generating facilities, Articles VII and VIII of the State's Public Service Law require additional forecasts and

establish the basis for determining the compatibility of location. The policies derived from the siting regulations under these Articles are entirely consistent with the general coastal zone policies derived from other laws, particularly the regulations promulgated pursuant to the Waterfront Revitalization and Coastal Resources Act. That Act is used for the purposes of ensuring consistency with the State Coastal Management Program and this Local Waterfront Revitalization Program.

In consultation with the Village of Greenport, the Department of State will comment of the State Energy Office policies and planning reports as may exist; present testimony for the record during relevant certification proceedings under Articles VII and VIII of the PSL; and use the State SEQRA and DOS regulations to ensure that decisions on other proposed energy facilities (other than transmission facilities and steam electric generating plants) which would impact the waterfront area are made consistent with the policies and purposes of the Village of Greenport Local Waterfront Revitalization Program.

The siting and construction of a major energy facility in the Village of Greenport is inappropriate because the Village's coastal area is not a suitable location for such a facility based on the following: The Village's entire land mass consists of only one square mile; the Village is nearly fully developed with many small scale residential, retail commercial and water-dependent uses many of which are historically significant; only a few scattered small lots represent opportunities for development; the Village owns and operates its own power facility which provides electricity to Village residents; and the Village's character and heritage is one that relies on its direct association with the sea and its commercial waterfront. The construction of a major power facility would cause irreparable damage to the Village's environment and economy.

POLICY 28 THE STATE COASTAL POLICY REGARDING ICE MANAGEMENT IS NOT APPLICABLE TO THE VILLAGE OF GREENPORT.

POLICY 29 ENCOURAGE THE DEVELOPMENT OF ENERGY RESOURCES ON THE OUTER CONTINENTAL SHELF, IN LAKE ERIE AND OTHER WATER BODIES, AND ENSURE THE ENVIRONMENTAL SAFETY OF SUCH ACTIVITIES.

Explanation of Policy

The State recognizes the need to develop new indigenous energy sources. It also recognizes that such development may endanger the environment. Among the various energy sources being examined are those which may be found on the Outer Continental Shelf (OCS).

Matters pertaining to the OCS are the responsibility of the Department of Environmental Conservation. In 1977, the Department, in cooperation with regional and local agencies, completed a study which identified potential sites along the marine coast for on-shore OCS facilities. To

date, these sites have not been developed for this purpose. The Department, also, actively participates in the OCS planning process by reviewing and voicing the State's concerns about Federal OCS oil and gas lease sales and plans. In its review of these proposed sales and plans, the Department considers a number of factors such as the effects upon navigational safety in the established traffic lanes leading into and from New York Harbor; the impacts upon important finfish, shellfish and wildlife populations and their spawning activities, impacts upon public recreational resources and opportunities along the marine coast; the potential for hazards; impacts upon biological communities; and water quality.

WATER AND AIR RESOURCES POLICIES

POLICY 30 MUNICIPAL, INDUSTRIAL, AND COMMERCIAL DISCHARGE OF POLLUTANTS INCLUDING BUT NOT LIMITED TO, TOXIC AND HAZARDOUS SUBSTANCES, INTO COASTAL WATERS WILL CONFORM TO STATE AND NATIONAL WATER QUALITY STANDARDS.

Explanation of Policy

Municipal, industrial and commercial discharges include not only "end-of-the pipe" discharges into surface and groundwater, but also plant site runoff, leaching, spillage, sludge and other waste disposal, and drainage from raw material storage sites. Also, the regulated industrial discharges are both those which directly empty into receiving coastal waters and those which pass through municipal treatment systems before reaching the State's waterways.

The Village's secondary sewage treatment facility is located on Moore's Lane within the Village, but effluent from the plant, after it is chlorinated, is discharged into Long Island Sound. The end of the pipe discharge from the treatment system is located north of the Village in the Town of Southold. This system serves all residential and commercial establishments within the Village of Greenport. Due to the lack of industry in the Village, other than commercial fish processing facilities, the majority of the sewage treated at the plant is human waste from residential and commercial uses. No commercial establishment discharges its waste into Stirling Basin or Shelter Island Sound, nor shall any such discharges be permitted in the future.

POLICY 31 STATE COASTAL AREA POLICIES AND PURPOSES OF APPROVED LOCAL WATERFRONT REVITALIZATION PROGRAMS WILL BE CONSIDERED WHILE REVIEWING COASTAL WATER CLASSIFICATIONS AND WHILE MODIFYING WATER QUALITY STANDARDS; HOWEVER, THOSE WATERS ALREADY OVERBURDENED WITH CONTAMINANTS WILL BE RECOGNIZED AS BEING A DEVELOPMENT CONSTRAINT.

Explanation of Policy

The State has classified its coastal and other waters in accordance with the considerations of best usage in the interest of the public and has adopted water quality standards for each class of waters. These

classifications and standards are reviewable at least every three years for possible revision or amendment. Local Waterfront Revitalization Programs and State coastal management policies shall be factored into the review process for coastal waters. However, such consideration shall not affect any water pollution control requirement established by the State pursuant to the Federal Clean Water Act.

Current classifications of fresh and saline waters in Greenport are given in Section II. The freshwater and saltwater "D" classification for the freshwater and tidal portions of Moore's Drain, and the freshwater "D" classification for Silver Lake are consistent with existing and proposed land and water uses. The saline waterbodies of Stirling Basin and Shelter Island Sound are classified as "SA" which permits shellfishing for market purposes and primary contact recreation. Both Stirling Basin and that portion of Shelter Island Sound within the legal jurisdiction of the Village of Greenport, also known as Greenport Harbor, have been closed to shellfishing since the early 1960's, except for a short period in the 1970's when shellfishing was allowed on an experimental basis. Sources of pollution which are believed to be major contributors to the closing of Stirling Basin and Greenport Harbor for shellfishing include but are not limited to: stormwater runoff from Village roads and developed waterfront area properties; and debris from waterfront area land uses and recreation and commercial vessels. The SA classification for Stirling Basin and Greenport Harbor is consistent with existing and proposed land and water uses.

POLICY 32 THE STATE COASTAL POLICY REGARDING THE USE OF ALTERNATIVE SANITARY WASTE SYSTEMS IS NOT APPLICABLE TO THE VILLAGE OF GREENPORT.

POLICY 33 BEST MANAGEMENT PRACTICES WILL BE USED TO ENSURE THE CONTROL OF STORMWATER RUNOFF AND COMBINED SEWER OVERFLOWS DRAINING INTO COASTAL WATERS.

Explanation of Policy

Best management practices include both structural and non-structural methods of preventing or mitigating pollution caused by stormwater runoff. Stormwater runoff in the Village collects in street gutters and flows directly into Village wetlands and surface waterbodies.

The Village sewer system is a separate, closed system not affected by the flow of stormwater runoff. At present, the development of a municipal stormwater collection system to better control stormwater runoff and to lessen the impact on surface water quality is desired but not economically feasible.

To reduce the amount of stormwater runoff and pollutants entering coastal waters, the following non-structural and structural approaches shall be employed:

- reduced use of road salt and improved street cleaning will be encouraged;
- for all new commercial development, stormwater shall be contained on site;

- during the construction period of a site development, stormwater runoff generated by development activity will be retained on-site to reduce site erosion and excessive sediments from entering coastal waters;
- disturbed soils that are exposed during the construction period of site development shall be covered with a mulch in order to reduce the erosion potential of the exposed soil from the forces of rain and wind;
- in no case shall stormwater be diverted to another property during site preparation or after development has been completed.

POLICY 34 DISCHARGE OF WASTE MATERIALS INTO COASTAL WATERS FROM VESSELS WILL BE LIMITED SO AS TO PROTECT SIGNIFICANT FISH AND WILDLIFE HABITATS, RECREATIONAL AREAS AND WATER SUPPLY AREAS.

Explanation of Policy

The discharge of sewage, garbage, rubbish, and other solid and liquid materials from watercraft and marinas into the State's waters is regulated. Priority will be given to the enforcement of this law in areas such as shellfish beds and other significant habitats, beaches, and public water supply intakes, which need protection from contamination by vessel wastes. Also, specific effluent standards for marine toilets have been promulgated by the Department of Environmental Conservation (6NYCRR, Part 657).

The dumping of oil, refuse, garbage, untreated sewage, or waste is prohibited in Village waters. To further the intent of this policy, pumpout facilities are required at new marinas or expansions of existing marinas within the coastal area of the Village. Pumpout facilities must also be installed at all marinas within three (3) years from the approval date of Greenport's Local Waterfront Revitalization Program.

POLICY 35 DREDGING AND DREDGE SPOIL DISPOSAL IN COASTAL WATERS WILL BE UNDERTAKEN IN A MANNER THAT MEETS EXISTING STATE DREDGING PERMIT REQUIREMENTS, AND PROTECTS SIGNIFICANT FISH AND WILDLIFE HABITATS, SCENIC RESOURCES, NATURAL PROTECTIVE FEATURES, IMPORTANT AGRICULTURAL LANDS, AND WETLANDS.

Explanation of Policy

Dredging often proves to be essential for waterfront revitalization and development, maintaining navigation channels at sufficient depths, pollutant removal and meeting other coastal management needs. Such dredging projects, however, may adversely affect water quality, fish and wildlife habitats, wetlands and other important coastal resources. Often these adverse effects can be minimized through careful design and timing of the dredging operation and proper siting of the dredge spoil disposal site. Dredging permits will be granted if it has been satisfactorily demonstrated that these anticipated adverse effects have been reduced to levels which satisfy State dredging permit standards set forth in regulations developed pursuant to Environmental Conservation Law (Articles 15, 24, 25 and 34), and are consistent with the policies of this program which pertain to the protection of coastal resources.

Two locations in the Village require dredging on a periodic basis. One location is the Federal navigation channel in Stirling Basin and the other location is the commercial fishing dock at the LIRR property. Since the Federal Navigation Channel in Stirling Basin was completed in 1939, it has been dredged three times. The last time, 1976, 12,000 cubic yards were dredged to allow recreation boats and commercial fishing vessels to pass through the channel to existing marinas and commercial fishing facilities along the shore of Stirling Basin. In 1983, 41,700 cubic yards were dredged from the underwater lands in the vicinity of the commercial fishing dock in order to provide adequate water depth for commercial fishing vessels. In the past, material dredged from the waters of Greenport have consisted mainly of sand and/or gravel and have been suitable for beach nourishment. When dredging is proposed in Greenport, the following guidelines shall be used in determining dredge spoil deposition.

- Village beach areas suitable for beach nourishment will be given priority consideration over other potential beach areas outside of the Village which are suitable for beach nourishment.
- Dredge spoil for beach nourishment shall be of suitable quality.
- Dredge spoil shall be deposited in such a manner which does not result in the introduction or reintroduction of dredge material into Stirling Basin or the underwater lands near the commercial fishing dock. When dredging is conducted near the Village's shoreline or within Village waters the standards as listed in Policy 15 shall be met.

POLICY 36 ACTIVITIES RELATED TO THE SHIPMENT AND STORAGE OF PETROLEUM AND OTHER HAZARDOUS MATERIALS WILL BE CONDUCTED IN A MANNER THAT WILL PREVENT OR AT LEAST MINIMIZE SPILLS INTO COASTAL WATERS; ALL PRACTICABLE EFFORTS WILL BE UNDERTAKEN TO EXPEDITE THE CLEANUP OF SUCH DISCHARGES; AND RESTITUTION FOR DAMAGES WILL BE REQUIRED WHEN THESE SPILLS OCCUR.

Explanation of Policy

See Policy 39 for definition of hazardous wastes.

This policy shall apply not only to commercial storage and distribution facilities but also to residential and other users of petroleum products, radio-active and other toxic or hazardous wastes. Spills, seepage or other accidents which occur on or adjacent to coastal waters or which, by virtue of natural or man-made drainage facilities, eventually reach coastal waters, are included under this policy.

All government agencies shall act vigorously under the applicable laws and regulations (including the New York State Petroleum Bulk Storage Act of 1983 and regulations issued thereunder) to prevent or control such discharges, to minimize drainage from them, and to obtain full and prompt compensation for the damage and cost caused by them. To this end the Village will seek the cooperation of neighboring municipalities and of the State and County authorities concerned.

POLICY 37 BEST MANAGEMENT PRACTICES WILL BE UTILIZED TO MINIMIZE THE NON-POINT DISCHARGE OF EXCESS NUTRIENTS, ORGANICS AND ERODED SOILS INTO COASTAL WATERS.

Explanation of Policy

Best management practices used to reduce these sources of pollution could include, but are not limited to, encouraging organic gardening and best management principles, soil erosion control practices, and surface drainage control techniques.

In the residential areas of the Village, primary sources of pollution which contribute to the non-point discharge of excess nutrients and organics into coastal waters are usually connected with products used to maintain lawns and gardens. The use of pesticides, herbicides and organic compounds which can degrade surface and groundwater quality will be discouraged through public education programs and by encouraging the use of landscape materials native to Long Island.

Standards used to reduce or eliminate eroded soils into coastal waters are listed in Policy 33.

POLICY 38 THE QUALITY AND QUANTITY OF SURFACE WATER AND GROUNDWATER SUPPLIES, WILL BE CONSERVED AND PROTECTED, PARTICULARLY WHERE SUCH WATERS CONSTITUTE THE PRIMARY OR SOLE SOURCE OF WATER SUPPLY.

Explanation of Policy

Surface and groundwater are the principle sources of drinking water in the State, and therefore must be protected. Since Long Island's groundwater supply has been designated a "sole source aquifer", all actions must be reviewed relative to their impacts on Long Island's groundwater resources.

The Village has encountered problems with contamination of its water supply from agricultural chemicals, primarily nitrates and pesticides, and from saltwater intrusion. Contamination of its water supply is due in large part to the practice of agriculture, the largest land use in the surrounding Town of Southold. With continued assistance from the County, State, and Federal agencies, every effort will be made to provide potable water from the Village's municipal water supply system to Village residents, and if the current practice continues, to others in the outlying area of the Town of Southold who rely on the Village's water system for water needs.

The Village and the Town of Southold will maintain ongoing communication about their groundwater problems and needs and will coordinate their actions so groundwater resources are managed most effectively. (The Village and the Town are conducting comprehensive water quality and quantity studies in order to evaluate options with regard to meeting future water supply needs.)

POLICY 39 THE TRANSPORT, STORAGE, TREATMENT AND DISPOSAL OF SOLID WASTES, PARTICULARLY HAZARDOUS WASTES, WITHIN COASTAL AREAS WILL BE CONDUCTED IN SUCH A MANNER SO AS TO PROTECT GROUNDWATER AND SURFACE WATER SUPPLIES, SIGNIFICANT FISH AND WILDLIFE HABITATS, RECREATION AREAS, IMPORTANT AGRICULTURAL LANDS AND SCENIC RESOURCES.

Explanation of Policy

The definitions of terms "solid wastes" and "solid wastes management facilities" are taken from New York's Solid Waste Management Act (Environmental Conservation Law, Article 27). Solid wastes include sludges from air or water pollution control facilities, demolition and construction debris and industrial and commercial wastes.

Hazardous wastes are unwanted by-products of manufacturing processes generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law (Section 27-0901.3) as "a waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed." A list of hazardous wastes has been adopted by DEC (6NYCRR, Part 371).

Examples of solid waste management facilities include resource recovery facilities, sanitary landfills and solid waste reduction facilities. Although a fundamental problem associated with the disposal and treatment of solid wastes is the contamination of water resources, other related problems may include: filling of wetlands and littoral areas, atmospheric loading, and degradation of scenic resources.

POLICY 40 THE STATE COASTAL POLICY REGARDING EFFLUENT DISCHARGED FROM ELECTRIC GENERATING AND INDUSTRIAL FACILITIES IS NOT APPLICABLE TO THE VILLAGE OF GREENPORT.

POLICY 41 LAND USE OR DEVELOPMENT IN THE COASTAL AREA WILL NOT CAUSE NATIONAL OR STATE AIR QUALITY STANDARDS TO BE VIOLATED.

Explanation of Policy

The Village's Local Waterfront Revitalization Program incorporates the air quality policies and programs developed for the State by the Department of Environmental Conservation pursuant to the Clean Air Act and State laws on air quality. The requirements of the Clean Air Act are the minimum air quality control requirements applicable within the waterfront area.

Program decisions with regard to specific sites for major new or expanded energy, transportation, or commercial facilities will reflect an assessment of their compliance with the air quality requirements of the State Implementation Plan.

POLICY 42 COASTAL MANAGEMENT POLICIES WILL BE CONSIDERED IF THE STATE RECLASSIFIES LAND AREAS PURSUANT TO THE PREVENTION OF SIGNIFICANT DETERIORATION REGULATIONS OF THE FEDERAL CLEAN AIR ACT.

Explanation of Policy

The policies of this program concerning proposed land and water uses and the protection and preservation of coastal resources will be taken into account prior to any action to change prevention of significant deterioration land classifications in the coastal region or adjacent areas.

POLICY 43 LAND USE OR DEVELOPMENT IN THE COASTAL AREA MUST NOT CAUSE THE GENERATION OF SIGNIFICANT AMOUNTS OF THE ACID RAIN PRECURSORS: NITRATES AND SULFATES.

Explanation of Policy

The Village's Local Waterfront Revitalization Program incorporates the State's policies on acid rain. As such, this program assists in the State's efforts to control acid rain. These efforts to control acid rain will enhance the continued viability of coastal fisheries, wildlife, scenic and water resources.

POLICY 44 PRESERVE AND PROTECT TIDAL AND FRESHWATER WETLANDS AND PRESERVE THE BENEFITS DERIVED FROM THESE AREAS.

Explanation of Policy

Tidal wetlands include the following ecological zones: coastal fresh marsh; intertidal marsh; coastal shoals, bars and flats; littoral zone; high marsh or salt meadow; and formerly connected tidal wetlands. These tidal wetland areas are officially delineated on the Department of Environmental Conservation's Tidal Wetlands Inventory Map.

Freshwater wetlands include marshes, swamps, bogs and flats supporting aquatic and semi-aquatic vegetation and other wetlands so defined in the New York State Freshwater Wetlands Act and the New York State Protection of Waters Act. Village freshwater wetlands are located within Moore's Woods and include: Silver Lake and the freshwater wetlands immediately adjacent and contiguous to the Lake, and the non-tidal portion of Moore's Drain. Tidal wetlands within the Village include the tidal portion of Moore's Drain and the wetlands found in isolated locations along the shoreline of Stirling Basin and Greenport Harbor. See Map 3, Natural Characteristics, for the approximate location of these wetland areas.

The following actions are prohibited unless a written permit is issued by the Village.

- To place or deposit debris, fill or materials, including structures, into, within, or upon any freshwater or tidal wetland.
- To dig, dredge, or in any other way alter, or remove any material from any submerged land, or freshwater or tidal wetland.

All uses and operations approved by the Village shall be conducted in a manner that will cause the least possible damage to, encroachment on, or interference with any tidal and freshwater wetland.

The Department of Environmental Conservation shall be notified of proposed actions within 100 feet of any freshwater wetland and within 300 feet of any tidal wetland in order to assess the impact of the proposed action on the freshwater or tidal wetland.