

SECTION III

Local Waterfront Revitalization Program Policies

This section of the Village of Lloyd Harbor LWRP covers the 44 coastal policies that are contained in the State program. In all cases, the general policy statement and explanation has been retained to establish overall goals and objectives for the Village. Where a State policy needs to be expanded to address local conditions, the policy explanation contains appropriate elaboration. In some cases a new sub-policy (indicated by the letters A, B, C, etc.) has been formulated to establish new priorities or to tailor the policy to specific local conditions. The following is a summary list of the 44 policies:

<u>Policy #</u>	<u>Category</u>	<u>Subject Area</u>
1	Development Policies	Waterfront Revitalization
2		Water-Dependent Uses
3		Major Ports
4		Small Harbors
5		Public Services
6		Permit Procedures
7	Fish and Wildlife Policies	Significant Habitats
8		Pollutants
9		Recreational Resources
10		Commercial Fisheries
11	Flooding and Erosion Policies	Siting of Structures
12		Natural Protective Features
13		30-Year Erosion Control Structures
14		No Flooding or Erosion Increases
15		Natural Coastal Processes
16		Use of Public Funds
17		Non-Structural Control Measures
18	General Policy	Economic/Social/Environmental Interests
19	Public Access Policies	Water-Related Recreation Resources
20		Public Foreshore
21	Recreation Policies	Water-Dependent/Enhanced Recreation Resources
22		Multiple Use Development

<u>Policy #</u>	<u>Category</u>	<u>Subject Area</u>
23	Historic and Visual Resources Policies	Historic Preservation
24		Statewide Scenic Resources
25		Local Scenic Resources
26	Agricultural Lands Policy	Agricultural Lands Conservation
27	Energy and Ice Management Policies	Energy Facilities Siting and Construction
28		Ice Management Practices
29		Energy Resources Development
30	Water and Air Resources Policies	State and National Water Quality Standards
31		LWRP Policies/Constraints
32		Innovative Sanitary Waste Systems
33		Stormwater Runoff, Combined Sewers
34		Vessel Discharges
35		Dredging and Disposal
36		Hazardous Materials Spills
37		Non-Point Discharges
38		Surface and Groundwater Supplies
39		Solid Waste Management
40		Industrial Discharges
41		State and National Air Quality Standards
42		Clean Air Act - Reclassifications
43		Acid Rain
44		Tidal and Freshwater Wetlands

DEVELOPMENT POLICIES

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

POLICY 1A REDEVELOP AND REVITALIZE COINDRE HALL FOR CULTURAL, CONSERVATION, OPEN SPACE, AND WATER-DEPENDENT RECREATIONAL USES.

Explanation of Policy

State, Federal, and local agencies must ensure that their actions further the revitalization of urban waterfront areas. The transfer and purchase of property; the construction of a new office building, highway or park; the provision of tax incentives to businesses; and establishment of enterprise zones, are all examples of governmental means for spurring economic growth. When any such action, or similar action is proposed, it must be analyzed to determine if the action would contribute to or adversely affect a waterfront revitalization effort.

It must be recognized that revitalization of once dynamic waterfront areas is one of the most effective means of encouraging economic growth in the State, without consuming valuable open space outside of these waterfront areas. Waterfront redevelopment is also one of the most effective means of rejuvenating or at least stabilizing residential and commercial districts adjacent to the redevelopment area.

In responding to this policy, several other policies must be considered: (1) Uses requiring a location abutting the waterfront must be given priority in any redevelopment effort (Refer to Policy 2 for the means to effectuate this priority); (2) As explained in Policy 5, one reason for revitalizing previously dynamic waterfront areas is that the costs for providing basic services to such areas is frequently less than providing new services to areas not previously developed; and (3) The likelihood for successfully simplifying permit procedures and easing certain requirements (Policy 6) will be increased if a discrete area and not the entire urban waterfront is the focus for this effort. In turn, ease in obtaining permits should increase developers' interest to invest in these areas. Further, once this concentrated effort has succeeded, stabilization and revitalization of surrounding areas is more likely to occur.

The Incorporated Village of Lloyd Harbor, through this Local Waterfront Revitalization Program, has the primary responsibility for implementing this policy. This LWRP, although not limited to redevelopment, identifies areas that are suitable for redevelopment and establishes guidelines (as listed below) for undertaking such actions.

1. When a Federal, State, or local action is proposed to take place in the waterfront portion of the LWRA regarded as suitable for redevelopment, the following guidelines will be used:
 - a. Priority should be given to uses which are dependent on a location adjacent to the water (see Policy 2).
 - b. The action should enhance existing and anticipated uses.
 - c. The action should serve as a catalyst to private investment in the area.
 - d. The action should improve the condition of a site and, at a minimum, must not cause deterioration. For example, a building could not be abandoned without protecting it against vandalism and structural decline.
 - e. The action must lead to development which is compatible with the character of the area, with consideration given to scale, architectural style, density, and intensity of use.
 - f. The action should improve adjacent and upland views of the water, and, at a minimum, must not affect these views in an insensitive manner.
 - g. The action should include or improve the potential for multiple uses of the site.
 - h. The redevelopment of a deteriorated or underutilized site should minimize environmental impacts, and should improve environmental conditions compared to those which existed under the previous use.

Specific actions which would implement the objectives of this policy are described below.

The Coindre Hall property should be revitalized with an appropriate mix of cultural, recreational, and open space uses, pursuant to the completion of proper review procedures by the Village of Lloyd Harbor and the Town of Huntington. A cultural and /or institutional facility similar to the present use would be the most appropriate re-use of the Coindre Hall property. The future utilization of this site should be compatible with surrounding land uses. The significant ecological characteristics of the site should be preserved and protected to the greatest extent possible. The waterfront portion of the property should be continued as a marine-related use, perhaps tied into a marine education center on the upland portion of the property. Any redevelopment of this parcel should be undertaken in a manner that is sensitive to the scenic characteristics of the site, with respect to both internal views and views from the harbor.

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

POLICY 2B WATER-DEPENDENT USES ON OR ADJACENT TO LLOYD HARBOR SHALL BE COMPATIBLE WITH THE CONSERVATION AND PRESERVATION OF THIS HARBOR AS A SENSITIVE ENVIRONMENTAL RESOURCE AND HABITAT AREA.

Explanation of Policy

There is a finite amount of waterfront space suitable for development purposes. Consequently, while the demand for any given piece of property will fluctuate in response to varying economic and social conditions, on a statewide basis the only reasonable expectation is that long-term demand for waterfront space will intensify.

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 the State's coastal waters. To ensure that such "water-dependent" uses can continue to be accommodated within the State, Federal, State, and local agencies will avoid undertaking, funding, or approving non-water-dependent uses when such uses would pre-empt the reasonably foreseeable development of water-dependent uses. Furthermore, agencies will utilize appropriate existing programs to encourage water-dependent activities.

The following water-dependent uses and facilities are considered as compatible with the environmental and scenic qualities of the Village waterfront:

1. Recreational activities which depend on access to coastal waters (for example: swimming, fishing, boating, wildlife viewing);
2. Uses which depend on the utilization of resources found in coastal waters (for example: fishing and mariculture activities);
3. Scientific/educational activities which, by their nature, require access to coastal waters (for example: certain meteorological and oceanographic activities);
4. Structures needed for navigational purposes (for example: lighthouses);
5. Flood and erosion protection structures (for example: breakwaters, bulkheads);
6. Facilities needed to store and service boats and ships (for example: marinas, boat repair);
7. Support facilities which are necessary for the successful functioning of permitted water-dependent uses (for example: parking lots, 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 along the shore, though not at the expense of water-dependent uses. 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. A restaurant which uses good site design to take advantage of the waterfront view, while providing for public access is an example of a water-enhanced use.

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 or enhanced use which involves an irreversible or nearly irreversible commitment of land. Parking lots, passive recreational facilities, outdoor storage areas, and non-permanent structures are uses or facilities which would likely be considered as suitable "temporary" non-water-dependent uses.

In the actual choice of sites where water-dependent uses will be encouraged and facilitated, the following guidelines should be used:

1. Competition for space: Actual or potential competition for space should be indicated before any given site is promoted for water-dependent uses. The intent is to match water-dependent uses with suitable locations, and thereby reduce any conflicts between competing uses that might arise. Not every site suitable for development should be chosen as a water-dependent use area. The choice of a site should be made with some meaningful impact on the real estate market anticipated. The anticipated impact could either be one of increased protection to existing water-dependent activities or else the encouragement of water-dependent development.
2. In-place facilities and services: Most water-dependent uses, if they are to function effectively, will require basic public facilities and services. In selecting appropriate areas for water-dependent uses, consideration should be given to the following factors: the availability of public sewers, public water lines and adequate power supply; and access to public transportation, if a high number of person trips are to be generated.
3. Access to navigational channels: If commercial shipping, commercial fishing, or recreational boating are planned, the locality should consider setting aside a site, within a sheltered harbor, from which access to adequately sized navigation channels would be assured.
4. Compatibility with adjacent uses and the protection of other coastal resources: Water-dependent uses should be located so that they enhance, or at least do not detract from, the surrounding community. Consideration should also be given to such factors as the protection of nearby residential areas from odors, noise and traffic. Affirmative approaches should also

be employed so that water-dependent uses and adjacent uses can serve to complement one another.

5. Preference to deteriorated or underutilized sites: The promotion of water-dependent uses should serve to foster development as a result of the capital programming, permit expediting and other State and local actions. Nowhere is such a stimulus needed more than in those portions of the State's waterfront areas which are currently deteriorated or underutilized.

In promoting water-dependent uses, the following kinds of actions will be considered:

1. Favored treatment to water-dependent use areas with respect to capital programming. Particular priority should be given to the construction and maintenance of port facilities, roads, and public transportation within areas suitable for water-dependent uses.
2. When areas suitable for water-dependent uses are publicly owned, favored leasing arrangements should be given to water-dependent uses.
3. Where possible, consideration should be given to providing water-dependent uses with property tax abatements, loan guarantees, or loans at below market rates.
4. Federal, State, and local planning and economic development agencies should actively promote water-dependent uses. In addition, a list of sites available for non-water-dependent uses should be maintained in order to assist developers seeking alternative sites for their proposed projects.
5. Local, State, and Federal agencies should work together to streamline permitting procedures that may be burdensome to water-dependent uses. This effort should begin for specific uses in a particular area.
6. Local land use controls, especially the use of zoning districts exclusively for waterfront uses, can be an effective tool of local government in assuring adequate space for the development of water-dependent uses.

A number of water-dependent uses are situated in the LWRA. These include: several beaches and waterfront parks in upper Cold Spring Harbor; and a State park, and several private beaches and docks in Lloyd Neck. Those water-dependent uses that are publicly controlled will be encouraged to remain recreational uses. Special effort should be made to ensure that existing commercial water-dependent uses (none of which are located within the LWRA, but some are situated immediately outside the LWRA) are retained for water-dependent uses even if redevelopment occurs, provided that conformance with the previously listed guidelines can be achieved.

The confined area and natural resource significance of Lloyd Harbor limits the types of uses and the intensity of use appropriate to maintaining a good environmental balance. The existing level of water-dependent recreation in Lloyd Harbor imposes some stress upon the environment in terms of habitat disruption, increased erosion and siltation and pollution of the harbor waters. Further

expansion of existing recreational uses should be undertaken only if a negligible impact to the environment, scenic qualities and water quality can be demonstrated. The immediate harbor shoreline is composed primarily of tidal wetlands. The creation of new active water-dependent uses within or on the shore of Lloyd Harbor is inconsistent with the preservation of this rich habitat area, maintenance of water quality, retention of scenic resources, and local land use regulations.

POLICY 3 FURTHER DEVELOP THE STATE'S MAJOR PORTS OF ALBANY, BUFFALO, NEW YORK, OGDENSBURG, AND OSWEGO AS CENTERS OF COMMERCE AND INDUSTRY, AND ENCOURAGE THE SITING, IN THESE PORT AREAS, INCLUDING THOSE UNDER THE JURISDICTION OF STATE PUBLIC AUTHORITIES, OF LAND USE AND DEVELOPMENT WHICH IS ESSENTIAL TO, OR IN SUPPORT OF, THE WATERBORNE TRANSPORTATION OF CARGO AND PEOPLE.

Explanation of Policy

This policy is not applicable to the LWRA.

POLICY 4 STRENGTHEN THE ECONOMIC BASE OF SMALLER 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

Unlike the small harbors of Oyster Bay, Cold Spring, Huntington, Centerport and Northport (as well as Greenport and Freeport in other areas of Long Island) Lloyd Harbor exhibits none of the mixed marine uses which are characteristic of traditional and historic harbors. Lloyd Harbor has always been a non-commercial waterbody utilized primarily for recreational boating and shellfishing. It has never supported major docks, marinas or other such facilities or the traditional uses indicative of an active harbor or maritime center. Consequently, this policy does not apply.

POLICY 5 ENCOURAGE THE LOCATION OF DEVELOPMENT IN AREAS WHERE PUBLIC SERVICES AND FACILITIES ESSENTIAL TO SUCH DEVELOPMENT ARE ADEQUATE.

Explanation of Policy

By its construction, taxing, funding and regulatory powers, government has become a dominant force in shaping the course of development. Through these government actions, development in the coastal area will be encouraged to locate within, contiguous to, or in close proximity to, existing areas of concentrated development where infrastructure and public services are adequate.

The above policy is intended to accomplish the following:

- foster an orderly pattern of growth where outward expansion is occurring;
- increase the productivity of existing public services and moderate the need to provide new public services in outlying areas;
- preserve open space in sufficient amounts and where desirable;
- foster energy conservation by encouraging proximity between home, work, and leisure activities.

For any action that would result in large-scale development or an action which would facilitate or serve future development, a determination shall be made as to whether the action is within, contiguous to, or in close proximity to an area of concentrated development where infrastructure and public services are adequate. The following points shall be considered in assessing the adequacy of Lloyd Harbor's infrastructure and public services:

- a. Streets and highways serving the proposed site can safely accommodate the peak traffic generated by the proposed land development;
- b. The development's water needs (consumptive and fire fighting) can be met by the existing water supply system;
- c. An existing sewage disposal system can accommodate the wastes generated by the development;
- d. Energy needs of the proposed land development can be accommodated by existing utility systems;
- e. Stormwater runoff from the proposed site can be accommodated by on-site facilities (i.e., the action will not increase runoff delivered to surrounding properties on surface water bodies).
- f. Schools, police and fire protection, and health and social services are adequate to meet the needs of the population expected to live, work, shop, or conduct business in the area as a result of the development.

It is recognized that certain forms of development may and/or should occur at locations which are not within or near areas of concentrated development. Thus, this coastal development policy does not apply to the following types of development projects and activities.

1. Development which, by its nature, is enhanced by a non-urbanized setting (e.g., parks and campgrounds).
2. Development which, because of its isolated location and small scale, has little or no potential to generate and/or encourage further land development.
3. Rehabilitation or restoration of existing structures and facilities.

The Village of Lloyd Harbor traditionally has been developed with low-density residential uses with no significant commercial activities. The present pattern of development is of two-acre residential lots with structures set back from the road; this is supported by the zoning law. The low density pattern is not only traditional, it is necessitated by a lack of adequate infrastructure, including public sewerage, public water supply on Lloyd Neck, and collector roads. Soil conditions will not support more intensive placement of septic systems. In areas where depth to the seasonal high water table is less than three feet, septic systems should not be permitted due to the high probability of failure. Wetlands along Lloyd Harbor are areas which shall not be developed because they provide significant habitat and flood control benefits and mitigate surface water and non-point pollution.

Since there are no public sewers, and only the West Neck area of the Village is served by public water, development will be directed to areas where topography, geology and other environmental conditions are suitable.

In order to reduce the potential for degradation of surface and groundwater through malfunctioning septic systems, the slumping and erosion of steep slopes and bluffs, and the loss of habitat, all development will occur following the standards outlined in Policies 2, 7, 11, 12, 13, 14, 17, 32, 33 and 44.

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

Explanation of Policy

For specific types of development activities, and in areas suitable for such development, State agencies and local governments participating in the Waterfront Revitalization Program will make every effort to coordinate and synchronize existing permit procedures and regulatory programs, as long as the integrity of the regulations' objectives is not jeopardized. These procedures and programs will be coordinated within each agency. Also, efforts will be made to ensure that each agency's procedures are synchronized with other agencies' procedures at each level of government. Finally,

regulatory programs and procedures will be coordinated and synchronized between levels of government, and if necessary, legislative and/or programmatic changes will be recommended.

When proposing new regulations, an agency will determine the feasibility of incorporating the regulations within existing procedures, if this reduces the burden on a particular type of development and does not jeopardize the integrity of the regulations' objectives.

FISH AND WILDLIFE POLICIES

POLICY 7 SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS, AS IDENTIFIED ON THE COASTAL AREA MAP, SHALL BE PROTECTED, PRESERVED, AND WHERE PRACTICABLE, RESTORED SO AS TO MAINTAIN THEIR VIABILITY AS HABITATS.

POLICY 7A THE LLOYD POINT, LLOYD HARBOR, AND COLD SPRING HARBOR SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS SHALL BE PROTECTED, PRESERVED AND, WHERE PRACTICABLE, RESTORED SO AS TO MAINTAIN THEIR VIABILITY AS HABITATS.

POLICY 7B THE LEFFERTS-VAN WYCK TIDAL MILL POND LOCALLY IMPORTANT HABITAT SHALL BE PROTECTED, PRESERVED, AND WHERE PRACTICABLE, RESTORED SO AS TO MAINTAIN ITS VIABILITY AS A HABITAT.

Explanation of Policy

Habitat protection is recognized as fundamental to assuring the survival of fish and wildlife populations. Certain habitats are critical to the maintenance of a given population and, therefore, merit special protection. Such habitats exhibit one or more of the following characteristics: (1) are essential to the survival of a large portion of a particular fish or wildlife population (e.g., feeding grounds, nursery areas); (2) support populations of rare and endangered species; (3) are found at a very low frequency within a coastal region; (4) support fish and wildlife populations having significant commercial and/or recreational value; and (5) would be difficult or impossible to replace.

A **habitat impairment test** must be met in order to determine consistency with this policy, whether the proposed action is to occur within or outside the designated habitat.

The specific **habitat impairment test** that must be met is as follows:

In order to protect and preserve a significant habitat, land and water uses or development shall not be undertaken if such actions would:

- destroy the habitat; or

- significantly impair the viability of a habitat.

Habitat destruction is defined as the loss of fish or wildlife use through direct physical alteration, disturbance, or pollution of a designated area, or through the indirect effects of these actions on a designated area. Habitat destruction may be indicated by changes in vegetation, substrate, or hydrology, or increases in runoff, erosion, sedimentation, or pollutants.

Significant impairment is defined as reduction in vital resources (e.g., food, shelter, living space) or change in environmental conditions (e.g., temperature, substrate, salinity) beyond the tolerance range of an organism. Indicators of a significantly impaired habitat focus on ecological alterations and may include, but are not limited to, reduced carrying capacity, changes in community structure (food chain relationships, species diversity), reduced productivity and/or increased incidence of disease and mortality.

The **tolerance range** of an organism is not defined as the physiological range of conditions beyond which a species will not survive at all, but as the ecological range of conditions that supports the species' population or has the potential to support a restored population, where practical. Either the loss of individuals through an increase in emigration or an increase in death rate indicates that the tolerance range of an organism has been exceeded. An abrupt increase in death rate may occur as an environmental factor falls beyond a tolerance limit (a range has both upper and lower limits). Many environmental factors, however, do not have a sharply defined tolerance limit, but produce increasing emigration or death rates with increasing departure from conditions that are optimal for the species.

The range of variables which should be considered in applying the habitat impairment test include:

1. Physical variables, such as living space, circulation, flushing rates, tidal amplitude, turbidity, water temperature, depth (including loss of littoral zone), morphology, substrate type, vegetation, structure, erosion and sedimentation rates;
2. Biological variables, such as community structure, food chain relationships, species diversity, predator/prey relationships, population size, mortality rates, reproductive rates, meristic features, behavioral patterns and migratory patterns; and
3. Chemical variables, such as dissolved oxygen, carbon dioxide, acidity, dissolved solids, nutrients, organics, salinity, and pollutants (heavy metals, toxics and hazardous materials).

Each of the three habitats in the LWRA has unique characteristics which makes it important for fish and wildlife (see Section 2.2.5). Some of the habitats (i.e., Cold Spring Harbor and Lloyd Harbor) comprise mostly open water areas that serve as important nursery and feeding areas for a variety of fish species, and are also used extensively by waterfowl. Other habitats (i.e., Lloyd Point and part of Lloyd Harbor) contain extensive vegetated wetlands. These marshes serve as important nursery and feeding areas for numerous fish and wildlife. Some of the habitats (i.e., Lloyd Point) contain areas of sandy beach with adjacent mudflats and marshes. The beach areas at these locations are used as nesting sites by protected shorebirds (terns and plovers).

The LWRA's locally important habitat also has unique characteristics which make it important for fish and wildlife (see Section 2.2.6). Lefferts Mill Pond is a brackish impoundment off Huntington Harbor that provides valuable habitat for wading birds and waterfowl.

Because of their importance to fish and wildlife, these habitat areas should not be subject to disturbances that would adversely affect their viability as habitats or diminish their resource value. In order to protect and preserve the integrity of these habitats, the following guidelines shall apply to activities that would affect significant coastal fish and wildlife habitats in the LWRA:

1. Activities that would significantly degrade water quality or adversely affect biological productivity and viability shall not be undertaken.
2. Activities which introduce water-born pollutants into Lefferts-Van Wyck Tidal Mill Pond and Mill Cove and Lloyd and Cold Spring Harbors, such as chemical contaminants, petrochemicals, excessive turbidity or sedimentation, sewage discharges, solid wastes, and toxic materials shall be prohibited. All species of fish and wildlife may be affected by these pollutants. (see Policies 8, 30, 33, 34, 35, 36, 37, 40)
3. Dredging shall be limited to the maintenance of existing channels. No new dredging shall be undertaken within or adjacent to the habitat areas.
4. The timing and methods of dredging shall minimize impacts to habitat areas.
5. Dredge spoil shall be placed at a location that minimizes the chances of this material re-entering the channel. (see Policy 35)
6. Contaminated dredge spoil shall be placed at a location that minimizes impacts to habitat areas.
7. Clean dredge spoil shall be used, whenever possible, for habitat enhancement in nesting shorebird areas, or for beach nourishment. Spoil disposal for habitat enhancement shall be regulated and closely monitored to ensure optimal benefit to shore nesting birds.
8. Dredging shall be undertaken in a manner that does not alter tidal patterns or cause significant impairments to fish and wildlife populations.
9. Physical alteration of shore areas through channelization or construction and maintenance of shoreline structures, such as docks, piers, bulkheads, or revetments in areas not previously disturbed by development (i.e., vegetated wetlands, salt marsh, tidal flats or mudflats) may have a significant impact on fish and wildlife resources by changing the volume and rate of flow of water, increasing scouring or causing sedimentation, and shall be discouraged. In areas where structures are allowed, they shall be designed to minimize negative impacts.
10. The construction of shoreline structures in beach areas (within designated habitats) that have not previously been disturbed by development shall be regulated.

11. Any activity that causes a direct loss of habitat shall be prohibited.
12. Nesting birds are highly vulnerable to human disturbances. No action shall be undertaken which would increase the level of human presence or disturbance in habitat areas utilized by nesting shorebirds.
13. No action shall be undertaken which would significantly increase the presence of mammalian predators within or in the immediate vicinity of nesting shorebird colonies.
14. Excavation, filling or draining of salt marshes, tidal wetlands, tidal flats or beaches will result in a direct loss of valuable habitat and is prohibited. In cases where no alternative is present and an overriding regional public purpose makes it necessary to excavate, fill or drain part of a habitat area, the acreage and habitat qualities of the lost habitat area shall be replaced by reclamation of a degraded habitat or creation of new habitat of the same or equivalent characteristics at a ratio of 2:1 (see Policy 44).
15. Clear-cutting and removal of ground cover and uncontrolled grading increases the amount of surface water runoff, soil erosion and sediment deposition which can adversely effect wetlands and water quality. Within the principal drainage ways of the watersheds emptying into Cold Spring and Lloyd Harbors clear-cutting or removal which leaves bare soil exposed for any reason without appropriate stabilization and erosion control measures shall not be permitted (see Policies 14 and 37).

In addition to the State designated Significant Fish and Wildlife Habitats and locally important habitats, other areas within the LWRA possess habitat value that merits preservation. In particular, vast areas of vacant open meadows that are scattered throughout the LWRA (but which are found primarily in Caumsett State Park, Matheson Meadows on Lloyd Neck, the former Conklin Seminary in West Neck, and Coindre Hall overlooking Huntington Harbor) provide habitat for numerous wildlife species, including two avian species of concern in New York State. These meadow/old field habitats, which were once widespread on Long Island, but are presently uncommon, should be preserved and maintained to the maximum extent practicable.

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 manufacturing processes and are generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law [S27-0901(3)] as "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, or otherwise managed". A list of hazardous wastes (NYCRR Part 366) will be adopted by NYSDEC within 6 months after EPA formally adopts its list.

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 air, land and waters. Such controls should effectively minimize possible contamination of and bio-accumulation in the State's coastal fish and wildlife resources at levels that cause mortality or create physiological and 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 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.

POLICY 9A MAINTAIN THE STOCK OF SHELLFISH AND FINFISH FOR COMMERCIAL AND RECREATIONAL FISHING THROUGH SHELLFISH MANAGEMENT AND MARICULTURE PROGRAMS.

Explanation of Policy

Recreational uses of coastal fish and wildlife resources in Lloyd Harbor, Cold Spring Harbor, and other waters surrounding the Village of Lloyd Harbor include consumptive uses such as shellfish harvesting, finfishing and hunting, and non-consumptive uses such as wildlife photography, bird watching and nature study.

Any efforts to increase recreational use of these resources will be made in a manner which ensures the protection of fish and wildlife resources in marine and freshwater coastal areas and which takes into consideration other activities dependent on these resources. Also, such efforts must be done in accordance with existing State law and in keeping with sound management considerations. Such considerations include biology of the species, carrying capacity of the resources, public demand, costs and available technology.

The following additional guidelines should be considered by State, Federal and local agencies as they determine the consistency of a proposed action with the above policy:

1. Consideration should be given by local, Federal, and State agencies as to whether an action will impede existing or future utilization of the State's recreational fish and wildlife resources.
2. Efforts to increase access to recreational fish and wildlife resources should not lead to over-utilization 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.
3. The impacts of increasing access to recreational fish and wildlife resources should be determined on a case-by-case basis, consulting the significant habitat narrative and the guidelines set forth in Policy 7, and/or conferring with a trained fish and wildlife biologist.
4. Any public or private sector initiatives to supplement existing stocks (e.g., stocking a waterbody 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 and local law.
5. Current shellfish management programs should be continued and expanded to increase and supplement the availability of shellfish for commercial harvesting and recreational use, including:
 - a. conduct shellfish transplants;
 - b. conduct shellfish planting programs to enhance recreational and commercial fisheries (see Policy 10);
 - c. conduct relays of spawner shellfish stock;
 - d. encourage the creation of additional spawner sanctuaries;
 - e. continue state-sponsored conditional shellfish harvesting programs;
 - f. evaluate shellfish resources through stock assessment;
 - g. identify and protect shellfish spawning stocks; and
 - h. designate shellfish management areas.

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

Explanation of Policy

Commercial fishery development activities must occur within the context of sound fishery management principals developed and enforced within the State's waters by the NYSDEC and the management plans developed by the Regional Fisheries Management Councils (Mid-Atlantic and New England) and enforced by the U.S. National Marine Fisheries Service within the Fishery Conservation Zone. (The Fishery Conservation Zone is the area of coastal waters extending from the three-mile State waters boundary to the 200 mile offshore boundary of the U.S. waters. The Conservation Zone is authorized by the U.S. Fishery Conservation and Management Act of 1976.) Sound resource management considerations include optimum sustained yield levels developed for specific commercial fish species, harvest restrictions imposed by State and Federal governments, and the economic, political (uses conflicts), and technological constraints to utilizing these resources.

The following additional guidelines should be considered by local, State and Federal agencies as they determine the consistency of their proposed action with the policy:

1. A public agency's commercial fishing development initiative should not preempt or displace private sector initiatives.
2. 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.
3. Consideration should be made by State, Federal, and local agencies whether an action will impede existing utilization or future development of the state's commercial fishing resources.
4. Commercial fishing development efforts should be made in a manner which ensures the maintenance and protection of the renewable fishery resources.

There is an immediate need in the Huntington/Northport Bay Complex for year-round access to the shore for commercial fishermen to permit the loading and off-loading of equipment and catch. The shorefront in the Village of Lloyd Harbor LWRA does not offer suitable sites for the expansion of commercial fishing access. Lower Huntington Harbor and Northport Harbor (which areas are located outside the LWRA) should be investigated as priority locations to fill this need. The siting of additional waterfront facilities for commercial fishing access should not reduce the level of existing public water-related access or recreational activities.

To ensure the continued viability of shellfish resources in Town waters, management programs shall be implemented to augment existing stocks, and to increase the availability of harvestable shellfish. The types of activities that would accomplish this objective are presented in Policy 9.

FLOODING 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.

POLICY 11A NEW RESIDENTIAL CONSTRUCTION AND SUBSTANTIAL MODIFICATION TO EXISTING STRUCTURES ARE PROHIBITED WITHIN THE COASTAL HIGH HAZARD AREAS (V ZONES), AS DESIGNATED ON THE FLOOD INSURANCE RATE MAPS FOR THE VILLAGE OF LLOYD HARBOR.

POLICY 11B BUILDINGS AND OTHER STRUCTURES SHALL BE ALLOWED WITHIN SPECIAL FLOOD HAZARD AREA (A ZONES), BUT SHALL BE DESIGNED AND CONSTRUCTED SO AS TO MINIMIZE DAMAGES TO PROPERTY AND ENDANGERING OF HUMAN LIVES CAUSED BY FLOODING AND EROSION.

Explanation of Policy

The designated Special Flood Hazard Areas (A Zones) and Coastal High Hazard Areas (V Zones) as identified on the Flood Insurance Rate Maps for the Village of Lloyd Harbor, are described in detail in the Inventory and Analysis, and are shown on Figure 2-2. The general area of flood hazards includes all lands fronting on coastal waters in the LWRA. High velocity wave areas are located along the bluffs fronting Long Island Sound in Lloyd Neck.

In order to provide the highest level of flood hazard protection to residents of the Village, no new residential construction or substantial improvement to existing structures shall be permitted within the Coastal High Hazard Areas (V Zone). High velocity waves and the general instability of these areas increases the potential for loss of life, severe property damage and damage to other structures and resources. New structures placed on properties partly within a V Zone shall be located entirely outside the V Zone. Repair or improvement to existing structures which does not constitute "substantial improvement" according to the prevailing definition may be undertaken without contravening consistency with this policy provided that such action conforms with other applicable laws, regulations, and standards.

Special flood hazard areas (A Zones) are not normally subject to storm waves, but are susceptible to coastal flooding. In order to minimize flood damage and the endangerment of human life, the following standards for construction and siting of development shall apply within A Zones:

1. For new construction and "substantial" additions:

- a. each building and structure shall be elevated so that the lowest portion of the structural members of the lowest floor is located above the respective base flood elevation of the building site, with all space below the lowest floor's supporting member open so as not to impede the flow of water, except for breakaway walls. These areas shall not be used for human habitation;
 - b. all buildings or structures shall be securely anchored on pilings or columns used as structural support and shall be designed and anchored so as to withstand all applied loads of the base flood flow;
 - c. building materials and utility equipment shall be resistant to flood damage.
2. For utilities:
- a. all new, replacement and expanded water supply systems shall be designed to minimize or eliminate infiltration of flood water into the system;
 - b. all new, replacement and expanded sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
 - c. on-site sanitary sewage systems shall be located to avoid impairment to them or contamination from them during flooding;
 - d. new, replacement or expanded gas and electrical service shall be located and constructed to reduce flood damage.

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, BARRIERS AND BLUFFS. PRIMARY DUNES WILL BE PROTECTED FROM ALL ENCROACHMENTS THAT COULD IMPAIR THEIR NATURAL PROTECTIVE CAPACITY.

Explanation of Policy

Beaches, barrier islands, bluffs, nearshore areas, dunes, and other 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. Activities or development in, or in proximity to, natural protective features must ensure that all such adverse

effects are mitigated. Primary dunes shall be protected from all encroachments that could impair their natural productive capacity.

Within the ownership or jurisdiction of the Village of Lloyd Harbor, the following areas are specifically designated as important natural protective features which shall be protected from disturbance or encroachment by development or other incompatible land use activities (see Map 2-1).

West Shore of West Neck

- no State-designated natural protective features (there are some scattered stretches of beach, which are not designated)

Lloyd Neck

- bluffs and fronting beaches along most of the western and northern shores
- barrier spits at The Sand Hole

Lloyd Harbor

- barrier spit at East Beach

Huntington Harbor

- no State-designated natural protective features (there are some scattered stretches of beach, which are not designated)

The Village of Lloyd Harbor has adopted a local Coastal Erosion Hazard Area Law which gives the Village the authority to regulate activities in Coastal Erosion Hazard Areas (CEHAs). No person may engage in any activities in a CEHA, as depicted on the CEHA maps developed by NYSDEC and approved by the Village, without first obtaining a Coastal Erosion Management Permit.

Structural Hazard Areas, located within the Coastal Erosion Hazard Areas, are those lands located landward of natural protective features which have shorelines receding at a long term average recession rate of one foot or more per year. The following restrictions apply to regulated activities within Structural Hazard Areas:

1. A Coastal Erosion Management Permit is required for the installation of public service distribution, transmission, or collection systems for gas, electricity, water, or wastewater. Systems installed along the shoreline must be located landward of the shoreline structures.
2. The construction of non-movable structures or placement of major non-movable additions to existing structures is prohibited.

3. Permanent foundations may not be attached to movable structures, and any temporary foundations are to be removed at the time the structure is moved. Below grade footings will be allowed if satisfactory provisions are made for their removal.
4. No movable structure may be located closer to the landward limit of a bluff than 25 feet.
5. No movable structure may be placed or constructed such that according to accepted engineering practice, its weight places excessive groundloading on a bluff.
6. Plans for landward relocation of movable structures must be included with each application for a permit.

Movable structures which have been located within a Structural Hazard Area pursuant to a Coastal Erosion Management Permit must be removed before any part of the structure is within 10 feet of the receding edge. The owner of record, as shown on the latest assessment roll, is responsible for removing that structure and its foundation, unless a Removal Agreement was attached to the original Coastal Erosion Management Permit.

With the attachment of a Removal Agreement to the Coastal Erosion Management Permit, the signator is responsible for the landward relocation of movable structures. In the event the signator fails to relocate the movable structure within the time required, it then shall be the obligation of the owner of record to remove the structure within 30 days of notice to do so by the Village. Removal Agreements may only be made, with the approval of the Village at the time the permit is issued, when the owner of record and the owner of the structure are different.

7. Debris from structural damage which may occur as a result of sudden unanticipated bluff edge failure, dune migration, or wave or ice action must be removed within sixty (60) days of the damaging event, by the owner of the structure. In the event the owner of the structure shall default in said removal and the owner is different than the landowner of record, then the landowner of record shall remove the debris within thirty (30) days after the expiration of the 60-day period described above.

In the event that the removal of movable structures or the removal of debris is not completed as described above, the Village may contract to have the work performed after notice of intention to do so is mailed certified mail to the owner of the property at the address last shown on the Village assessment roll. The cost of the work, together with any administrative fees, such as attorneys or engineering fees, shall be made a special assessment against the offending property and shall be collected with the tax bill next due the Village. Upon the failure of the assessment to be timely paid, such assessment shall then become a lien against the property and collectible pursuant to the Real Property Tax Law.

8. Any grading, excavation, or other soil disturbance conducted within a Structural Hazard Area must not direct surface water runoff over a bluff face.

In order to ensure that the natural protective features which have been identified in the Village will be protected, the following standards will be applied to all development and land use activities proposed for beaches, dunes, bluffs and nearshore areas within the LWRA:

1. Beaches

Beaches buffer shorelands from erosion by dissipating wave energy that otherwise would be expended on the toes of bluffs or dunes. Beaches also act as a reservoir of sand and gravel for longshore transport, dune building, and offshore shoal and bar formation. Beaches are unsuitable for development due to their constantly changing topography and width. Interference by man can accelerate these natural processes. The following restrictions shall apply to beaches:

- a. Excavating, grading or mining which diminishes the erosion protection afforded by beaches is prohibited.
- b. Clean sand or gravel of an equivalent or slightly larger grain size is the only material which may be deposited within beach areas. Any deposition shall be done pursuant to a Coastal Erosion Management Permit, which may be issued only for expansion or stabilization of beaches.
- c. Restoration of existing structures on beaches that are damaged or destroyed by events not related to coastal flooding may only be undertaken pursuant to a Coastal Erosion Management Permit.
- d. All development, including construction, alteration, restoration, reconstruction of any structure or appurtenance, except an approved erosion protection structure, or the removal of any erosion protection structure or appurtenance, is prohibited on beaches unless otherwise specifically provided for pursuant to Article 21 of the Village Code.
- e. Active bird nesting and breeding areas shall not be disturbed unless such disturbance is pursuant to a specific wildlife management activity approved in writing by the New York State Department of Environmental Conservation.

2. Bluffs

Bluffs protect shorelands and coastal development by absorbing wave energy during periods of storm-induced high water. Importantly, bluffs are a source of depositional material for adjacent beaches. Bluffs are particularly fragile areas which are susceptible to erosion, sloughing and weakening from improper development, runoff and groundwater seepage. Development which requires grading, removal of vegetation, siting of buildings, roads or parking lots, will contribute additional stormwater to the area susceptible to erosion at the edge of the face of the bluff. Excessive runoff will eventually cause the bluff to slump and collapse. The following activities are prohibited on bluffs:

- a. Excavating or mining except when in conjunction with conditions stated in a Coastal Erosion Management Permit issued for minor alterations in construction of an erosion protection structure or for provision of shoreline access.
- b. The restrictions for Traffic Control, outlined under items a through c in section 4 (Dunes) of this policy, shall also apply to bluffs.
- c. All development, including, but not limited to, construction, alteration, reconstruction, restoration of a structure or appurtenance, except an approved erosion protection structure, unless specifically permitted under Article 21 of the Village Code.
- d. Disturbance of active bird nesting and breeding areas unless such disturbance is pursuant to a specific wildlife management activity approved in writing by the Department of Environmental Conservation.
- e. Soil disturbance that directs surface water runoff over a bluff face.

The following activities are specifically allowed:

- a. Minor alteration of a bluff performed in accordance with conditions stated in a Coastal Erosion Management Permit issued for new construction, modification or restoration of an erosion protection structure.
- b. Bluff cuts done in accordance with conditions stated in a Coastal Erosion Management Permit issued for the provision of shoreline access, where:
 - (i) Cut is made in a direction perpendicular to the shoreline.
 - (ii) Ramp slope does not exceed 1:6.
 - (iii) Side slopes do not exceed 1:3 unless terraced or otherwise structurally stabilized.
 - (iv) Side slopes and other disturbed non-roadway areas are stabilized with vegetation or other approved physical means.
 - (v) Completed roadways are stabilized and drainage provided for.
- c. New construction, modification or restoration of walkways or stairways done in accordance with conditions of a Coastal Erosion Management Permit.
- d. Non-major additions to existing structures may only be undertaken on bluffs pursuant to a Coastal Erosion Management Permit.

- e. The restoration of existing structures on bluffs that are damaged or destroyed by events not related to coastal flooding and erosion may only be undertaken pursuant to a Coastal Erosion Management Permit.

3. Nearshore Areas

Nearshore areas dissipate a substantial amount of wave energy before it is expended on beaches, bluffs or dunes by causing waves to collapse or break. Nearshore areas also function as reservoirs of sand and gravel, and other consolidated material, that is carried onto beaches. Sandbars, which are located in nearshore areas, control the orientation of incoming waves and promote the development of ice cap formations which help protect shorelines during winter storms. The roots of aquatic vegetation in nearshore areas bind fine-grained silts, clays, and organic matter to form a fairly cohesive bottom that resists erosion.

The following restrictions apply to regulated activities in nearshore areas:

- a. Excavating, grading, mining or dredging which diminishes the erosion protection afforded by nearshore areas is prohibited. However, dredging may be allowed for maintaining navigation channels, bypassing sand around natural and man-made obtrusions, or artificial beach nourishment, subject to the permit requirements of the CEHA regulations.
- b. Clean sand, or gravel of an equivalent or slightly larger grain size, is the only material which may be deposited within nearshore areas, subject to the permit requirements of the CEHA regulations.
- c. All development, including construction, alteration, restoration, reconstruction of any structure or appurtenance, except an approved erosion protection structure, or the removal of any erosion protection structure or appurtenance, is prohibited in nearshore areas unless otherwise specifically provided for by Article 21 of the Village Code.

4. Dunes

Dunes prevent overtopping and store sand for coastal processes. High, vegetated dunes provide a greater degree of protection than low, unvegetated ones. Dunes are of the greatest protective value during conditions of storm induced high water. Because dunes often protect some of the most biologically productive areas as well as developed coastal areas, their protective value is especially great. The key to maintaining a stable dune system is the establishment and maintenance of beachgrass or other vegetation on the dunes and assurance of a supply of nourishment sand to the dunes.

The following restrictions apply to regulated activities in dune areas:

- a. In primary dune areas:

- (i) Excavating, grading, or mining of primary dunes is prohibited.
 - (ii) Clean sand of a compatible type and size is the only material which may be deposited. Any deposition shall be done pursuant to a Coastal Erosion Management Permit.
 - (iii) All depositions must be vegetatively stabilized using species tolerant of the conditions at the site and must be placed so as to increase the size of, or restore a dune or former dune area.
 - (iv) Active bird nesting and breeding must not be disturbed unless such disturbance is pursuant to a specific wildlife management activity approved in writing by the NYS Department of Environmental Conservation.
 - (v) No additions to existing structures are allowed on primary dunes.
 - (vi) Restoration of existing structures on primary dunes that are damaged or destroyed by events not related to coastal flooding and erosion may only be undertaken pursuant to a Coastal Erosion Management Permit.
 - (vii) Stone revetments or other erosion protection structures compatible with primary dunes will only be allowed at the seaward toe of primary dunes, and must not interfere with the exchange of sand between primary dunes and their fronting beaches. Such revetments or other erosion protection structures shall be constructed, modified or restored pursuant to a Coastal Erosion Management Permit.
- b. In secondary dune areas:
- (i) All depositions must be of clean sand of a compatible type and size, and all grading must be performed so as to increase the size of, or restore a dune or former dune area.
 - (ii) Excavating, grading, or mining must not diminish the erosion protection afforded by the dune.
 - (iii) No additions to existing structures are allowed on secondary dunes.
 - (iv) Restoration of existing structures on secondary dunes that are damaged or destroyed by events not related to coastal flooding and erosion may only be undertaken pursuant to a Coastal Erosion Management Permit.
- c. All other activities and development, including, but not limited to, construction, alterations, restoration, reconstruction of a structure or appurtenance, except an

approved erosion protection structure, in dune areas are prohibited unless otherwise specifically provided for by this Article.

- d. Motorized and non-motorized traffic in dune areas must comply with the following restrictions:
 - (i) Motor vehicles must not travel on vegetation, must operate seaward of the debris line, and when no debris line exists must operate seaward of the seaward toe of the primary dune or bluff.
 - (ii) Motor vehicle traffic is prohibited on primary dunes or bluffs, except for officially designated crossing areas.
 - (iii) Pedestrian passage across primary dunes must utilize elevated walkways and stairways or other specially designed dune crossing structures.

POLICY 13 THE CONSTRUCTION OR RECONSTRUCTION OF EROSION PROTECTION STRUCTURES SHALL BE UNDERTAKEN ONLY IF THEY HAVE A REASONABLE PROBABILITY OF CONTROLLING EROSION FOR AT LEAST THIRTY YEARS AS DEMONSTRATED IN DESIGN AND CONSTRUCTION STANDARDS AND/OR ASSURED MAINTENANCE OR REPLACEMENT PROGRAMS.

POLICY 13A THE CONSTRUCTION OR RECONSTRUCTION OF EROSION PROTECTION STRUCTURES SHALL BE UNDERTAKEN ONLY IF THEY ARE DEMONSTRATED TO BE NECESSARY.

Explanation of Policy

The construction of erosion protection structures is expensive, often only partially effective over time, and may even be harmful to adjacent or nearby properties. However, in those instances where properly designed and constructed erosion protection structures will be likely to minimize or prevent damage or destruction to public or private property, natural protective features, and other natural resources, construction of erosion protection structures may be allowed. In Coastal Erosion Hazard Areas, the construction, modification, or restoration of erosion protection structures is subject to the following requirements:

1. All erosion protection structures must 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. The protective measures must have a reasonable probability of controlling erosion of the immediate site for at least 30 years.

2. A long-term maintenance program shall be included with every Coastal Erosion Management Permit application, which includes specifications for normal maintenance of degradable materials and periodic replacement of removable materials. To ensure compliance with the proposed maintenance program, a bond may be required.
3. All materials used in such structures must be durable and capable of withstanding inundation, wave impacts, weathering, and other effects of storm conditions. Individual component materials may have a working life of less than 30 years only when a maintenance program ensures that they will be regularly maintained and replaced as necessary to attain the required 30 years of erosion protection.
4. The construction, modification or restoration of erosion protection structures must: not be likely to cause any measurable increase in erosion at the development site or other locations; and must minimize, and if possible prevent, adverse effects to natural protective features, existing erosion protection structures, and natural resources such as Significant Fish and Wildlife Habitats.

The following are definitions of terms used in the above:

- a. "Erosion" means the loss or displacement of land along the coastline due to the action of waves, currents, tides, wind-driven water, waterborne ice, or other impacts of storms. It also means the loss or displacement of land due to the action of wind, runoff or surface waters, or groundwater seepage.
- b. "Erosion protection structure" means a structure specifically designed to reduce or prevent erosion such as a groin, jetty, seawall, revetment, bulkhead, breakwater, or artificial beach nourishment project.
- c. "Modification" means a change in size or design.
- d. "Reconstruction" means the reconstruction without modification of an erosion protection structure, the cost of which equals or exceeds fifty percent (50%) of the estimated full replacement cost of the structure at the time of reconstruction. Modifications may be allowed if they do not exceed pre-existing size limits and are intended to mitigate impacts to natural protective features and other natural resources.

Although erosion protection structures are constructed according to best engineering practices to minimize impact and ensure a reasonable lifespan, they still induce changes in natural coastal processes. These changes can include erosion, shifts in tidal activity, impacts on habitats and the like. The fragile nature and significance of the habitats in the LWRA require that any adverse effects, including those caused by erosion protection structures, be minimized and mitigated. Therefore, the use of erosion protection structures should be considered only after an evaluation of available non-structural measures in the context of an overall erosion management system for a site. Erosion control structures would qualify for consideration as being "necessary" only if it is

demonstrated that available non-structural measures would be impracticable and ineffective in controlling a significant existing erosion problem.

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 EACH ACTIVITY OR DEVELOPMENT, OR AT OTHER LOCATIONS.

Explanation of Policy

Erosion and flooding are processes which occur naturally. However, human intervention 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 following: 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 damage in otherwise hazard-free areas.

Proposed activities shall be evaluated on a site-by-site basis to determine whether they will either directly or indirectly lead to an increase in flooding or erosion. Any existing activities shall be severely restricted and/or prohibited, as applicable, to prevent further erosion or flooding. These activities include, but are not limited to, the use of bulkheading for solely cosmetic or aesthetic purposes, the construction of groins, jetties, piers and the like which causes the accretion of sand in the area of construction, but conversely causes erosion of the beach on the downdrift side of these structures.

The standards that shall apply to the construction, modification, or restoration of erosion protection structures are specified in Policy 13.

The tidal and freshwater wetlands and habitats of the Village of Lloyd Harbor are sensitive to sedimentation, and flooding can result from the destabilizing effect of disturbing steep slopes and natural drainageways. To maintain natural drainage functions, to reduce the volume of sedimentation and other pollutants entering the Lloyd Harbor Village habitats, and to promote development in stable areas, the following guidelines will be followed for development and land use activities within the Village, as well as the standard contained in Policy 33.

1. Stream channels, natural flood plains, and major drainage swales shall not be altered in a manner which decreases their ability to accommodate and channel stormwater runoff and flood waters. Disturbance of land includes activities such as alteration of slope, deposition of waste materials and removal of vegetation. If no practicable alternative to the location of the driveways, pathways and similar surfaces within these areas exists, such facilities shall be sited and constructed to minimize and mitigate the amount of velocity of stormwater entering the swale.

2. Natural vegetation and topography shall be retained to the greatest extent practicable on steep slopes to stabilize soils and reduce the volume of stormwater flow.
3. Development shall preserve salient natural features of a site, minimize grading and cut and fill operations, ensure conformity with natural topography, and retain natural vegetation and trees to the maximum extent practicable in order to create the least erosion potential and handle adequately the volume and rate of velocity of surface water runoff.
4. Natural drainage patterns shall be protected and incorporated into site design. Where natural drainage patterns are demonstrated to be adversely affecting a natural protective feature, drainage patterns may be altered in a manner which reduces the threat of the natural protective feature and does not create other flooding or erosion problems.
5. Site preparation, including stripping of vegetative cover and grading, shall be undertaken so that no individual building site is stripped of its vegetation cover more than thirty (30) days prior to commencement of construction.
6. Disturbed soils shall be stabilized and revegetated or seeded as soon as practicable. During the interim, erosion protection measures such as temporary vegetation, retention ponds, recharge basins, berming, silt traps and mulching shall be used to ensure that sedimentation is minimized and mitigated.
7. In no case shall stormwater be diverted to another property either during site preparation or after development.
8. Fill shall not encroach on natural watercourses, constructed channels, wetlands, or floodway areas. All fill shall be compacted at a final angle of repose which provides stability for the material, minimizes erosion and prevents settlement.
9. The amount and velocity of runoff from a site after development shall approximate its pre-development characteristics. However, if the site is adjacent to coastal waters, stormwater shall be contained on-site, to the maximum extent practicable, to prevent direct discharge of runoff into coastal waters.

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

This policy is not applicable to the Lloyd Harbor LWRP as there are no mining, excavation or dredging activities which occur in Village waters.

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 State's shorelines. 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 expending funds.

POLICY 17 NON-STRUCTURAL MEASURES TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION SHALL BE USED WHENEVER POSSIBLE. 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.

"Non-structural measures" shall include, but not be limited to:

1. Within coastal erosion hazard areas identified under Section 34-104, Coastal Erosion Hazard Areas Act (Article 34, Environmental Conservation Law), and subject to the permit requirements on all regulated activities and development established under that law, (a) the use of minimum setbacks as provided for in Section 34-108; (b) the retention of existing vegetation on natural protective features (see Policy 12); and (c) the strengthening of coastal landforms by the planting of appropriate vegetation on dunes and bluffs, the installation of sand fencing on dunes, the reshaping of bluffs to achieve an appropriate angle of repose so as to reduce the potential for slumping and to permit the planting of stabilization vegetation, and the installation of drainage systems on bluffs to reduce runoff and internal seepage of waters which erode or weaken these landforms.
2. Within identified flood hazard areas, (a) the avoidance of risk or damage from flooding by the siting of buildings outside the hazard area, and (b) the flood-proofing of buildings and/or their elevation above the base flood level.

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 this 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 the policy would require the use of such measures, whenever 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.

GENERAL POLICY

POLICY 18 TO SAFEGUARD THE VITAL ECONOMIC, SOCIAL AND ENVIRONMENTAL INTERESTS OF THE STATE AND OF 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, cultural, economic and environmental interests of the State and

their citizens in such matters that would affect natural resources, water levels and flows, shoreline damage, 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 IN ACCORDANCE WITH REASONABLY ANTICIPATED PUBLIC RECREATION NEEDS AND THE PROTECTION OF HISTORIC AND NATURAL RESOURCES

POLICY 19A EXPAND OR ENHANCE PUBLIC ACCESS AT THE FOLLOWING LOCATIONS: COINDRE HALL, LEFFERTS-VAN WYCK MILL DAM, AND WEST NECK BEACH.

Explanation of Policy

This policy calls for achieving balance among the following factors: the level of access to a resource or facility, the capacity of a resource or facility, and the protection of natural resources. The imbalance among these factors is the most significant in the urbanized areas. The particular water-related recreation resources and facilities which should receive priority for improved access are public beaches, boating facilities, fishing areas and waterfront parks.

Cold Spring Harbor, Lloyd Harbor, Long Island Sound, and other portions of the Huntington Bay and Harbor complex are major recreational resources for residents of the Village of Lloyd Harbor. The various recreational areas that provide access to these waterbodies are described in Section II (Inventory and Analysis). Though public enjoyment of these recreational resources is to be encouraged, the overriding concern is to ensure that they are not impaired through overuse or incompatible activity uses. For this reason, emphasis is placed on developing and promoting more passive access opportunities which will be designed to minimize impacts to water quality, habitats and scenic resources. The Village will not develop active recreation areas in the vicinity of Lloyd Harbor.

Lands acquired by the Village in the future which are suitable for passive recreational use shall be developed for public access in the following manner to minimize disruption of habitats and scenic value:

1. Any accessory parking areas will be surfaced and graded to prevent direct runoff from the site into waterbodies or wetlands. Surfacing material shall allow for percolation of stormwater.

2. Pedestrian and bicycle access will be promoted over vehicular access.
3. All walkways and paths shall be sited and designed to minimize disruption of wildlife and vegetative resources.
4. Sites shall be posted and monitored during breeding and nesting seasons to prevent disruption of birds.
5. Dogs and other pets shall be permitted within an area designated as a nature preserve only when accompanied by the owner or other responsible person who is in charge and control of the animal in accordance with local leash laws.

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

1. The existing access from adjacent or proximate public lands or facilities 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 future use of these lands and waters are too low to justify maintaining or providing increased public access or unless such actions are found to be necessary or beneficial by the public body having jurisdiction over such access as the result of a reasonable justification of the need to meet systematic objectives.

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:
 - (i) The number of parking spaces at a public water-related recreation resource or facility is significantly reduced.

- (ii) 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.

An elimination of the possibility of increasing public access in the future includes, but is not limited to, the following:

- 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.
 - Sale, lease, or other transfer of public lands that could provide public access to a public water-related recreation resource or facility.
 - 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 the policy.
 - b. The level of access to be provided should result in a degree of use which is within the physical capability of the resource or facility. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.
 - c. The level of access to be provided shall not cause significant impacts to important natural resources including wetlands, habitats, natural protective features, protected species, and commercially important species. If a significant impact would result, the proposed level of access to be provided shall be deemed inconsistent with this policy.
3. The State or Federal governments 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.
4. In their plans and programs for increasing public access to public water-related resources and facilities, State agencies shall give priority in the following order to projects located: within the boundaries of the Federal-Aid Metropolitan Urban Area and served by public transportation, within the boundaries of the Federal-Aid Metropolitan Urban Area but not served by public transportation; outside the defined Urban Area boundary and served by public transportation; and outside the defined Urban Area boundary but not served by public transportation.

Opportunities to expand public access exists at a number of locations within the LWRA, as follows:

1. Any redevelopment plan for Coindre Hall should include increased and/or enhanced public access to the waterfront portion of the property (e.g., marine education facility and/or waterfront park), subject to the completion of the necessary public review process involving both the Village of Lloyd Harbor and the Town of Huntington.
2. The Village of Lloyd Harbor should work toward enhancing the access to Lefferts-Van Wyck Mill Dam. Water-side access could be improved by arranging with Suffolk County to operate a small skiff from the adjacent Gold Star Battalion Beach, (which would require an agreement from the Town of Huntington) to conduct public tours of the Mill Dam.
3. Access to the recreational facilities at West Neck Beach could be enhanced by improving accommodations for bicyclists. Increasing the number of bicycle racks and improving the bicycle path along West Neck Road would both serve to implement this objective.

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 SHALL BE PROVIDED IN A MANNER COMPATIBLE WITH ADJOINING USES. SUCH LANDS SHALL BE RETAINED IN PUBLIC OWNERSHIP.

POLICY 20A PUBLIC ACCESS SHALL BE PROTECTED AND ENHANCED TO PUBLIC TRUST LANDS AND TO THE WATERS ABOVE SUCH LANDS.

Explanation of Policy

In coastal areas where development constraints have hampered or prevented the siting of recreation facilities providing specific water-related recreational activities, access to the publicly-owned lands of the coast at large should be provided for numerous activities and pursuits which require only minimal facilities for their enjoyment. Such access would provide for walking along a beach or waterfront, or to a vantage point from which to view the seashore. Similar activities requiring access would include bicycling, birdwatching, photography, nature study, beachcombing, and fishing.

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 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. A reduction in the existing level of public access includes, but is not limited to, the following:

- a. 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.
 - b. Pedestrian access is diminished or blocked completely by public or private development.
2. The existing level of public access within public coastal lands or waters shall not be reduced or eliminated. A reduction in the existing level of public access includes, but is not limited to, the following:
 - a. Access is reduced or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
 - b. Access is reduced or blocked completely by any public developments.
3. The State will not undertake or directly fund any project which increases access to a water-related resource or facility that is not open to all members of the public.
4. In their plans and programs for increasing public access, State agencies shall give priority in the following order to projects located: within the boundaries of the Federal-Aid Metropolitan Urban Area and served by public transportation; within the Federal-Aid Metropolitan Urban Area but not served by public transportation; outside the defined Urban Area boundary and served by public transportation; and outside the defined Urban Area boundary but not served by public transportation.
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 should result in a degree of use which is within the physical capability of the coastal lands or waters. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.
 - c. The level of access to be provided shall not cause significant impacts to important natural resources including wetlands, habitats, natural protective features, protected species, and commercially important species. If a significant impact would result,

the proposed level of access to be provided shall be deemed inconsistent with this policy.

The Public Trust Doctrine provides that lands under water and foreshore lands (i.e., lands subject to the ebb and flow of the tides) are held by the State of New York as sovereign in trust for the people who have certain rights in these lands. When the foreshore is covered by the tides, the public may use the water covering the foreshore and underwater lands for boating, bathing, fishing, recreation and other lawful purposes. When the tide is out, the public may pass over the foreshore as a means of access to reach the water for these purposes.

The title which the State holds to the seacoast and coastal underwater lands, and the power of disposition, is part of its sovereignty which cannot be surrendered, alienated or delegated, except for some public purpose or some reasonable use for the public benefit, and without impairing public rights in the lands and water remaining. Where colonial grants of trust lands have been made to the Town of Huntington, the Town also holds these lands in trust for use by the public, subject to the same public trust principles applicable to the State.

Inherent in the nature of public trust lands is that they support diversified and important ecosystems without which many public rights, including fishing, hunting, swimming and the like, would be impossible to enjoy. The public interest demands the preservation and conservation of this vital natural resource against pollution, overuse, destruction and infringement by others, whether public or private.

It is in the public interest that State, municipal and other governmental ownership of public trust lands be maintained and when possible recovered from private ownership. Where full public ownership no longer exists, any remaining rights of the public to use such lands should be preserved and protected for present or future enjoyment.

Occupation of public trust lands by littoral and riparian owners for purposes of gaining access to navigable waters shall be undertaken in a reasonable manner which does not unnecessarily interfere with the public's right of passage upon, and use of the waters overlying such lands, and other public trust purposes. Public access should be provided at the greatest level possible under public ownership of public trust lands and other adjacent public lands. Considerations of public safety, resource protection and the need for access in a given location may be utilized as factors in determining the level and types of access to be provided. Public use of publicly-owned foreshore and underwater lands and lands immediately adjacent to the shore shall be discouraged only where such use would be inappropriate for reasons of public safety, military security, or the protection of coastal resources.

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

1. Unnecessary obstruction and encroachment by a riparian or littoral land owner to the detriment of the public's right of access over and use of the foreshore and the waters above trust lands shall be avoided. If while reasonably exercising riparian or littoral rights, the

public's right of access along the foreshore or other trust lands is obstructed, the property owner shall afford a limited easement on the adjacent upland for the public to pass.

2. With the exception of projects undertaken in furtherance of the commerce of the State, riparian and littoral owners are not entitled to any use of public trust lands which is inconsistent with the right to obtain access for navigation, unreasonably interferes with public rights under the Public Trust Doctrine, or is non-water dependent. Uses of this type by riparian or littoral owners shall be deemed inconsistent with this policy.
3. Agencies having regulatory and planning jurisdiction over public trust lands should assure that any grants, funding, permits, licenses, or other approval actions involving private use of public trust lands contain conditions and restrictions necessary to protect public rights while enabling the limited purpose of the grant, approval, license, etc. to be realized. In addition, agencies shall, as trustees of public trust lands, endeavor to enforce available statutory and common law remedies for redress of any violation of public trust rights and for the recovery of public access to these lands.

Any action which unreasonably and unnecessarily limits or interferes with public trust rights such as commerce, navigation, fishing, and recreation, without having a significant overriding public benefit, shall be deemed inconsistent with this policy.

4. Filling of the foreshore and other public trust lands will be permitted only in limited circumstances. These are:
 - a. To advance public access goals in a manner which does not significantly affect other policies of this LWRP. Examples include fill necessary for the construction and maintenance of boat launches, public trailways and beaches and foreshore areas lost as a result of natural forces.
 - b. To restore wetlands and other habitat areas which have been destroyed by dredging and other human activities and by natural forces.
 - c. To construct, maintain and protect projects necessary for the public welfare and to promote the commerce of the State. Examples include filling necessary for proper construction of bridges or wharves and for the protection of public roadways. Bridge construction should include pedestrian and bicycle access both on the bridge as it crosses a waterbody, and across, under or around the bridge as it obstructs passage along the foreshore or other publicly-owned land. Bridge construction should also allow for continued enjoyment of the public right of navigation.
5. Activities which may affect foreshore or submerged lands presently or historically subject to the Public Trust Doctrine shall be permitted only if consistent with the public trust. Agencies in their actions shall not approve any action or project, including a land transaction, until all conflicts are resolved to make the action consistent with the public trust.

The following is an explanation of the terms used in this policy:

1. (See definitions under Policy 19 of "access", and "public lands or facilities".)
2. Foreshore refers to the area above the low tide line and below the high water line which is subject to the ebb and flow of the tides.
3. An elimination of the possibility of increasing public access in the future - includes, but is not limited to, the following:
 - a. Construction of public facilities which physically prevent the provision, except at great expense, of convenient public access to public coastal lands and/or waters.
 - b. Sale, lease, or other conveyance of public lands that could provide public access to public coastal lands and/or waters.
 - c. Construction of private facilities which physically prevent the provision of convenient public access to public coastal lands and/or waters from public lands and facilities.

RECREATIONAL POLICIES

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.

POLICY 21A PROTECT WATER-DEPENDENT RECREATIONAL USES, SUCH AS SWIMMING, SHELLFISHING AND FINFISHING, THAT REQUIRE A HIGH LEVEL OF WATER QUALITY BY CONTROLLING ACTIVITIES THAT INTRODUCE CONTAMINANTS INTO WATERS USED FOR SUCH RECREATION.

Explanation of Policy

Water-related recreation includes such obviously water-dependent activities 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 pedestrian and bicycle trails, picnic areas, scenic overlooks and passive recreation areas that take advantage of coastal scenery.

Provided the development of water-dependent recreation is consistent with the preservation and enhancement of such important coastal resources as fish and wildlife habitats, aesthetically significant areas, historic and cultural resources, and provided demand exists, water-related recreation development is to be increased and such uses shall have a higher priority than any non-water-dependent uses, including non-water-related recreation uses. In addition, water-dependent recreation uses shall have a higher priority over water-enhanced recreation use. Determining a priority among coastal dependent uses will require a case by case analysis, and shall apply the standards specified in Policy 2.

Among priority areas for increasing water-related recreation opportunities are those areas where the use of the shore is severely restricted by intensive land use or development.

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 a community's shore should be avoided as much as practicable.

Swimming and fishing (both finfishing and shellfishing) are also important water-dependent recreational activities. However, these activities require a high level of water quality (as compared to recreational boating, which is virtually unaffected by conditions of degraded water quality). High coliform loadings to coastal waters (which is derived mainly from stormwater runoff, but is also contributed by waterfowl populations, sewage treatment plant effluent, and boat sewage discharges) can lead to the closure of public bathing beaches and shellfish harvesting areas due to public health concerns. The discharge of hazardous chemicals to surface waters through stormwater and industrial outfalls, and spills can also degrade water quality to the point that certain recreational activities are precluded. In order to ensure the viability of water-dependent recreational uses that rely on high water quality, contaminant sources should be minimized. This can be accomplished through a variety of measures, including stormwater control (see Policy 33), enforceable restrictions on vessel waste discharges (see Policy 34), standards for controlling and responding to hazardous materials spills (see Policy 36), and non-point source mitigation (see Policy 37).

POLICY 22 DEVELOPMENT, WHEN LOCATED ADJACENT TO THE SHORE, WILL PROVIDE FOR WATER-RELATED RECREATION, WHENEVER SUCH USE IS COMPATIBLE WITH REASONABLY ANTICIPATED DEMAND FOR SUCH ACTIVITIES, AND IS COMPATIBLE WITH THE PRIMARY PURPOSE OF THE DEVELOPMENT.

POLICY 22A FUTURE DEVELOPMENT OF THE COINDRE HALL PROPERTY SHOULD INCLUDE APPROPRIATE WATER-RELATED RECREATIONAL USES.

Explanation of Policy

Many 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.

The types of development which can generally provide water-related recreation as a multiple use include, but are not limited to: parks, public institutions, residential developments, nature preserves, shopping centers, and office buildings.

Appropriate recreational 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 percent 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 recreation facilities.

The Coindre Hall property presents an opportunity for multiple use development that includes water-related recreation. This property contains a large upland area that can be developed for appropriate public institutional uses, and a waterfront that should be used for water-dependent recreation (e.g., a dock area for a marine education center and a waterfront walkway).

HISTORIC AND SCENIC RESOURCES POLICIES

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

Explanation of Policy

Among the most valuable of the State's man-made resources are those structures or areas which are of historic, archaeological, 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 active 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, archaeology of culture of the State, its communities, or the Nation comprise the following resources:

- (1) A resource which is in a Federal, State, or local park established, among other reasons, to protect and preserve the resource.
- (2) A resource which is on, nominated to be on, or determined eligible to be on the National or State Registers of Historic Places.
- (3) A resource which is on, or nominated to be on, the State Nature and Historic Preserve Trust.
- (4) An archaeological resource which is on the State Department of Education's inventory of archaeological sites.
- (5) A local landmark, park, or locally designated historic district which is located within the boundary of an approved local waterfront revitalization program.
- (6) A resource that is a significant component of an Urban Cultural Park.

All practicable means to protect structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the State, its communities or the Nation shall be deemed to include the consideration and adoption of any techniques, measures, or controls to prevent a significant adverse change to such significant structures, districts, areas or sites. A significant adverse change includes, but is not limited to:

1. Alteration of or addition to one or more of the architectural, structural, ornamental or functional features of a building, structure, or site that is a recognized historic, cultural, or archaeological resource, or component thereof. Such features are defined as encompassing the style and general arrangement of the exterior of a structure and any original or historically significant interior features including type, color and texture of building materials; entry ways and doors; fenestration; lighting fixtures; roofing; sculpture and carving; steps; rails; fencing; windows; vents and other openings; grillwork; signs; canopies; and other appurtenant fixtures and, in addition, all buildings, structures, outbuildings, walks, fences, steps, topographical features, earthworks, paving and signs located on the designated resource property. To the extent they are relevant, the U.S. Department of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" shall be adhered to.
2. Demolition or removal in full or part of a building, structure, or earthworks that is a recognized historic, cultural, or archaeological resource or component thereof, to include all those features described in (1) above plus any other appurtenant fixtures associated with a building, structure or earthwork.
3. All proposed actions within 500 feet of the perimeter of the property boundary of the historic, architectural, cultural, or archaeological resource and all actions within an historic district

that would be incompatible with the objective of preserving the quality and integrity of the resource. Primary considerations to be used in making judgement about compatibility should focus on the visual and locational relationship between the proposed action and the special character of the historic, cultural, or archaeological resource. Compatibility between the proposed action and the resource means that the general appearance of the resource should be reflected in the architectural style, design, material, scale, proportion, composition, mass, line, color, texture, detail, setback, landscaping and related items of the proposed actions. Within historic districts, this would include infrastructure improvements or changes, such as street and sidewalk paving, street furniture and lighting.

This policy shall not be construed to prevent the construction, reconstruction, alteration, or demolition of any building, structure, earthworks, or component thereof of a recognized historic, cultural or archaeological 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 building, structure, site or earthwork, or component thereof of a recognized historic, cultural or archaeological resource which does not involve a significant adverse change to the resource, as defined above.

Any current or future development within the LWRA shall maintain and enhance structures and sites of architectural, historical, archaeological or cultural significance to the Town and the Villages by integrating them into private development or as a public use, such as museum facilities or retail establishments.

As indicated in Section 2.3.7, "Historic Resources", there are a number of historic resources within the Village, all of which are individual sites located outside the boundaries of designated districts.

Public benefit as a result of the protection, preservation and use of these resources, whether in a residential area or an historic district or as a museum include:

- (1) fostering public awareness of the importance of these resources;
- (2) adding to the character of the community;
- (3) increasing property values;
- (4) educating the public; and
- (5) creating a sense of identity among the public

Pursuant to the U.S. Department of the Interior's Standards for Rehabilitation (36 CFR 67) on the preservation of historic properties, standards relating specifically to the alteration, demolition, removal, or relocation of structures within a National Register Historic District or considered of local significance include the following:

1. Every reasonable effort shall be made to provide a compatible use of a property that requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose in keeping with local zoning regulations.
2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature shall be avoided when possible.
3. All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historic basis and that seek to create an earlier appearance shall be discouraged.
4. Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure or site shall be treated with sensitivity.
5. Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure or site shall be treated with sensitivity.
6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical, or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
8. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.
9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
10. Wherever possible, new additions or alterations to structures shall be done in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

POLICY 24 PREVENT IMPAIRMENT OF SCENIC RESOURCES OF STATEWIDE SIGNIFICANCE AS IDENTIFIED ON THE COASTAL AREA MAP. IMPAIRMENT SHALL INCLUDE: (i) THE IRREVERSIBLE MODIFICATION OF GEOLOGIC FORMS, THE DESTRUCTION OR REMOVAL OF STRUCTURES, WHENEVER THE GEOLOGIC FORMS, VEGETATION OR STRUCTURES ARE SIGNIFICANT TO THE SCENIC QUALITY OF AN IDENTIFIED RESOURCE; AND (ii) THE ADDITION OF STRUCTURES WHICH BECAUSE OF SITING OR SCALE WILL REDUCE IDENTIFIED VIEWS OR WHICH BECAUSE OF SCALE, FORM, OR MATERIALS WILL DIMINISH THE SCENIC QUALITY OF AN IDENTIFIED RESOURCE.

Explanation of Policy

This policy is not applicable to the LWRP.

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.

POLICY 25A MAINTAIN AND ENHANCE VISUAL ACCESS TO IMPORTANT SCENIC RESOURCES BY PREVENTING VEGETATIVE GROWTH FROM INTERRUPTING SIGHT LINES AND BY DEVELOPING SPECIFIC PLANS FOR ENHANCING THE ENJOYMENT OF VISUAL RESOURCES AT SUITABLE LOCATIONS.

Explanation of Policy

The following general criteria shall be used in assessing coastal scenic resources:

Quality. The basic elements of design (i.e., two-dimensional line, three-dimensional form, texture and color) combine to create all high quality landscapes. The water, landforms, and man-made components of scenic coastal landscapes exhibit variety of line, form, texture and color. This variety is not, however, so great as to be chaotic. Scenic coastal landscapes also exhibit unity of components. This unity is not, however, so complete as to be monotonous. Often, high quality landscapes contain striking contrasts between lines, forms, textures and colors. Finally, high quality landscapes are generally free of discordant features, such as structures or other elements which are inappropriate in terms of siting, form, scale, and/or materials.

Uniqueness. The uniqueness of high quality landscapes is determined by the frequency of occurrence of similar resources in a region of the State or beyond.

Public Accessibility. A scenic resource of significance must be visually and, where appropriate, physically accessible to the public.

Public Recognition. Widespread recognition of a scenic resource is not a characteristic intrinsic to the resource. It does, however, demonstrate people's appreciation of the resource for its visual, as well as evocative, qualities. Public recognition serves to reinforce analytic conclusions about the significance of a resource.

When considering a proposed action, agencies shall first determine whether the action could significantly affect a coastal scenic resource. The following siting and facility-related guidelines are to be used to achieve this policy, recognizing that each development situation is unique and that the guidelines will have to be applied accordingly.

1. Siting structures and other development such as highways, power lines, and signs, back from shorelines or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore;
2. Clustering or orienting structures to retain views, save open space and provide visual organization to a development;
3. Incorporating sound, existing structures (especially historic buildings) into the overall development scheme;
4. Removing deteriorated and/or degrading elements;
5. Maintaining or restoring the original land form, except when changes screen unattractive elements and/or add appropriate interest;
6. Maintaining or adding vegetation to provide interest, encourage the presence of wildlife, blend structures into the site, and obscure unattractive elements, except when selective clearing removes unsightly, diseased or hazardous vegetation and when selective clearing creates views of coastal waters from appropriate locations;
7. Using appropriate materials, in addition to vegetation, to screen unattractive elements; and
8. Using appropriate scales, forms and materials to ensure that buildings and other structures are compatible with and add interest to the landscape.

The topography of the LWRA creates a diversity of natural scenic resources, ranging from wooded hills to the open waters and tidal marshes of Lloyd, Huntington, and Cold Spring Harbors. Numerous inland pond and stream systems also add to the positive visual character of the LWRA.

Efforts should be made to increase public awareness of the availability of these resources for passive recreational enjoyment.

AGRICULTURAL LANDS POLICY

POLICY 26 TO CONSERVE AND PROTECT AGRICULTURAL LANDS IN THE STATE'S COASTAL AREA, AN ACTION SHALL NOT RESULT IN A LOSS, NOR IMPAIR THE PRODUCTIVITY, OF IMPORTANT AGRICULTURAL LANDS, AS IDENTIFIED ON THE COASTAL AREA MAP, IF THAT. LOSS OR IMPAIRMENT WOULD ADVERSELY AFFECT THE VIABILITY OF AGRICULTURE IN AN AGRICULTURAL DISTRICT OR IF THERE IS NO AGRICULTURAL DISTRICT, IN THE AREA SURROUNDING SUCH LANDS.

Explanation of Policy

This policy is not applicable to the LWRA because there are no significant tracts of agricultural land in the Town.

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 rates lower 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 and natural gas in greater proportion.

A determination of public need for energy is the first step in the process for siting new facilities. The directives for determining this need are set forth in the New York State Energy Law. With respect to transmission lines, Article VII of the State's Public Service Law requires additional forecasts and establishes the basis for determining the compatibility of these facilities with the environment and the necessity for a shorefront location. With respect to electric generating facilities, environmental

impacts associated with siting and construction will be considered by one or more State agencies or, if in existence, an energy siting board. The policies derived from these proceedings are entirely consistent with the general coastal zone policies derived of Coastal Areas and Inland Waterways Act. That Act is used for the purposes of ensuring consistency with the Coastal Management Program and this Local Waterfront Revitalization Program.

The consultation with the Incorporated Village of Lloyd Harbor, the Department of State will comment on State Energy Office policies and planning reports as may exist; present testimony for the record during relevant certification proceedings under State Law; and use the State SEQRA and DOS regulations to ensure that decisions on other proposed energy facilities (other than those certified under the Public Service Law) which would impact the waterfront area are made consistent with coastal policies and purposes of this Local Waterfront Revitalization Program.

POLICY 28 ICE MANAGEMENT PRACTICES SHALL NOT DAMAGE SIGNIFICANT FISH AND WILDLIFE AND THEIR HABITATS, INCREASE SHORELINE EROSION OR FLOODING, OR INTERFERE WITH THE PRODUCTION OF HYDROELECTRIC POWER.

Explanation of Policy

This policy is not applicable to the LWRA because the Village does not undertake any ice management practices.

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

Explanation of Policy

The State and the Incorporated Village of Lloyd Harbor recognize the need to develop new indigenous energy resources. They also recognize 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) or in Lake Erie, both of which are outside the Village's jurisdiction.

The bays and harbors of the LWRA contain natural resources, including a number of significant wildlife habitats and a large shellfishery, and is surrounded by a large human population. These factors effectively prevent this area from being considered for the development of energy resources (assuming that any such resources exist). Therefore, this policy does not apply to the LWRA.

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.

POLICY 30A USES LIKELY TO RESULT IN THE DISCHARGE OF TOXIC AND HAZARDOUS SUBSTANCES ARE NOT PERMITTED IN THE WATERFRONT AREA.

Explanation of Policy

Municipal, industrial and commercial discharges include not only "end-of-the pipe" discharges into surface waters and groundwater but also plant site runoff, leaching, spillages, 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 State and local waterways.

Excessive pollution in coastal waterways poses a threat to public health, and to the viability and survival of finfish and shellfish; thereby affecting recreational and commercial fishing activities and the preservation of fish and wildlife habitats. Adherence to water quality standards, as per this policy, as well as those established in local, County, State and Federal laws will avoid excessive pollution levels.

State and Federal laws adequately govern pollutant discharge into coastal waters from existing facilities. The standards contained in applicable State and Federal regulations will be used to determine consistency with this policy for actions involving existing facilities. New facilities will be allowed only if it can be shown that effluent discharges generated by facility operations will not increase the loadings of toxic and hazardous substances to LWRA surface waters.

Effluent discharged into coastal waters from the municipal sewage treatment facilities located in Cold Spring and Huntington Harbors are governed by Federal and State regulations. Water quality standards have been established for a wide range of toxic substances. To maintain these standards, a SPDES permit limits effluent flow rates, loadings and concentrations of specific pollutants by such plants into receiving waters. Discharges from the aforementioned treatment facilities are currently within regulated limits. These plants shall continue to be monitored in the future on a regular basis, and the occurrence of any exceedence of a SPDES effluent limit shall result in prompt investigation of the cause of the problem and the implementation of appropriate mitigation.

The Town of Huntington has adopted an "Oil Spill Standard Operating Procedure" for responding to accidental releases of hazardous materials into the marine environment, including the waters of

the Village of Lloyd Harbor. This written procedure should be re-evaluated after each incident, and amended in a timely manner as necessary.

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

Pursuant to the Federal Clean Water Act of 1977 (PL 95-217), the State has classified its coastal and other waters in accordance with 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 in 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.

Water quality is critical to the use of the Village's coastal resources. Although the entire coastal water system in the LWRA is designated as SA waters, indicating that shellfish harvesting is the best use of these waters, water quality conditions no longer meet SA criteria in the lower portions of Huntington and Cold Spring Harbors due to impacts caused by various point and non-point pollution sources. Further degradation of these coastal waters would increase limitations on the continued use of marine and coastal resources. Of particular concern are the concentrations of coliform bacteria, which are used to determine if shellfish harvesting must be restricted or beaches must be closed to protect public health.

The major cause of water quality deterioration in the LWRA is non-point source contaminants contained in stormwater runoff. Improving the quality of coastal waters in areas where shellfish harvesting is restricted shall be a priority. Activities that would cause a decline in existing water quality shall be required to utilize the best available technology to minimize adverse impacts.

The quality of surface waters shall be maintained, and to the greatest extent possible, upgraded to meet SA criteria. A variety of techniques are available and should be implemented to reduce non-point source pollution including: containing all runoff on site; requiring natural buffers; minimizing the use of fertilizer-dependent vegetation; and creating new wetlands. See Policy 33 for a more detailed description of best management practices to decrease non-point source pollution of the LWRA's surface water resources.

POLICY 32 ENCOURAGE THE USE OF ALTERNATIVE AND INNOVATIVE SANITARY WASTE SYSTEMS IN SMALL COMMUNITIES WHERE THE COSTS OF CONVENTIONAL FACILITIES ARE UNREASONABLY HIGH, GIVEN THE SIZE OF THE EXISTING TAX BASE OF THESE COMMUNITIES.

Explanation of Policy

Alternative systems include individual septic tanks and other subsurface disposal systems, dual systems, small systems serving clusters of households or commercial users, and pressure or vacuum sewers. These types of systems are often more cost effective in smaller, less densely populated communities for which conventional facilities are too expensive.

The entire LWRA is situated outside the service area of the Huntington sewage treatment plant, and is served by conventional on-lot septic systems. In some areas where failing septic systems suspected of being a significant source of coliform loadings to adjacent surface waters, investigations should be conducted to determine the feasibility of implementing alternative sewage disposal systems (or connecting to existing sewage treatment plants, as an alternative). The first phase of that investigation should entail dye testing of existing systems in order to assess the rate of failure. Those systems which are revealed to be substandard through dye testing would be candidates for replacement with new systems, perhaps entailing the use of innovative technologies.

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

Explanation of Policy

Best management practices include both structural and non-structural methods of preventing or mitigating pollution caused by the discharge of stormwater runoff. At present, structural approaches to controlling stormwater runoff from existing development (e.g., construction of retention basins) are not economically feasible on a large scale. Although the amendments to the Federal Clean Water Act authorizes funding for structural projects to mitigate stormwater impact, non-structural approaches (e.g., street cleaning, preservation of vegetated buffers, controlling development on steep slopes, etc.) are preferred because of their wider application and lower implementation costs.

Recognizing that non-point source pollution is the primary cause of water quality degradation throughout the Huntington/Northport Bay complex, the Town and four Villages should take aggressive steps to implement a cooperative program to control stormwater runoff. Even before such an inter-municipal program is effected, however, the Village of Lloyd Harbor should strive to implement standards that include the following measures, as well as the standards contained in Policy 14:

1. On-site recharge is the preferred option for stormwater management.
2. There should be no direct discharge of stormwater runoff to surface waters, marshes, and wetlands. Stormwater pollutants should be attenuated by using holding ponds, sedimentation basins, perimeter berming, vegetated buffer areas and other measures that reduce flow velocity and increase storage time. Water discharge from these systems should be of acceptable quality before discharge into wetlands and surface waters. In addition, any filtering devices constructed as part of the drainage system must be adequately maintained in order to function properly.
3. During the construction period, disposal of stormwater runoff generated by development activity should be handled on-site. Baling, mulching, use of fibrous cover materials or similar measures should be used to contain soil erosion on the site.
4. All projects, regardless of the area of groundcover removal and/or grading, shall retain a natural vegetative buffer zone along waterbodies, including wetlands. If necessary, other forms of erosion control measures will also be included to prevent runoff from flowing directly into open waters.
5. Natural land features such as shallow depressions should be used, wherever possible, to collect stormwater on-site for recharge. Under no circumstances however shall such a feature be used if subsurface conditions cause a stagnant pool to develop.
6. Site designs should reduce impermeable paving by using gravel, crushed stone, and similar permeable surfaces wherever possible.
7. Reconstruction of Village roads should result in stabilized road shoulders which eliminate or mitigate current erosion problems. To the maximum extent practicable, vegetation should be used as a stabilizer and method of filtering and slowing stormwater flow from road pavement to adjacent surface waters.
8. The use of de-icing salts on roads should be reduced to the maximum extent possible.
9. Street sweeping should be conducted on a regular basis on all Village roads that drain to surface waters.
10. Development should be controlled on steep slopes.
11. A public education campaign should be conducted to provide information on how the actions of individual residents can affect surface water quality conditions. A guide similar to the "Bay Book" for Chesapeake Bay would be a means of accomplishing this objective.
12. Exposed slopes should be stabilized during and after construction to prevent the off-site transport of sediment.

13. A study should be conducted to identify existing outfalls in the LWRA that provide little or no filtering of contaminants prior to discharge. Such outfalls should be retrofitted with suitable sedimentation devices to mitigate water quality impacts.
14. A study should be conducted to determine the magnitude of the problem of illegal wastewater connections to stormwater outfalls, and appropriate corrective actions should be taken.
15. Measures should be implemented to minimize the coliform contribution to street runoff due to the presence of dog wastes on and adjacent to area roadways (e.g., enactment of dog curbing legislation, and public education and strengthened enforcement of same).

Additional measures should be implemented, as appropriate, based on standards that are contained in NYSDEC's Reducing the Impacts of Stormwater Runoff from New Development (April 1992), the USDA/Soil Conservation Services's New York State Guidelines for Urban Erosion and Sediment Control (1989), and non-point source management measures promulgated through New York State's Coastal Zone Management Program.

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.

POLICY 34A THE TOWN AND VILLAGES SHALL SEEK TO IMPLEMENT A NO-DISCHARGE ZONE IN THE ENTIRE HUNTINGTON/NORTHPORT BAY COMPLEX.

Explanation of Policy

The discharge of sewage, garbage, rubbish, and other solid and liquid materials from watercraft and marinas into the State's water 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 (6 NYCRR, Part 657).

Although wastewater discharges from boats contribute a relatively small portion of the overall coliform loadings discharged to the Huntington/Northport Bay Complex, such discharges can lead to seasonal closure of shellfish beds. The potential for boat sewage to cause significant impacts to the shellfish resource warrants the implementation of strong measures to prevent vessel wastes discharges into the harbor complex. Preexisting local ordinances prohibiting the release of boat sewage into the bay complex are ineffective because of the virtual impossibility of apprehending violators after the fact. In order to more effectively control this pollution source, a no-discharge zone

will be implemented in Lloyd and Huntington Harbors. Under this program, instead of having to observe illegal dischargers "in the act", enforcement officials would check vessel equipment for compliance with requirements designed to prevent overboard discharge. In order to ensure maximum effectiveness, the enforcement presence must be adequate and the penalty for non-compliance must have sufficient deterrent quality.

The success of the no-discharge program is also dependent upon the provision of pumpout facilities that are adequate in terms of capacity and location. It is expected that the recently installed Town facility at Castle Cove Marina near the mouth of Huntington Harbor will be adequate to serve boaters in Lloyd Harbor and upper Huntington Harbor.

Public education is an important aspect of an overall program to minimize vessel waste contamination of coastal waters. Therefore, the suitable signs should be deployed at prominent locations which announce the no discharge regulation, indicate the location of pumpout facilities, and describe the environmental damage and legal penalties that accompany the discharge of vessel wastes into the bay complex.

The ultimate goal for the control of vessel wastes in the LWRA is the inclusion of the entire Huntington/Northport Bay Complex, Cold Spring and The Sand Hole in the no-discharge zone. This measure should be implemented as soon as possible.

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 navigational 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 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 policies pertaining to the protection of coastal resources (State Coastal Management Policies 7, 15, 24, 26 and 44).

All proposed dredging projects in the LWRA will be evaluated on a case-by-case basis, with approval contingent upon an analysis of the anticipated benefits (in terms of increased navigability

and access, consequent economic benefits, and other pertinent factors) versus the potential environmental impacts (e.g., habitat disturbance, loss of wetlands, adverse changes in hydrology, increased shoaling at other locations, increases in shoreline erosion, etc.). Impact assessment pertains to the effects of spoil disposal, as well as the consequences of the dredging operation itself. Public funds shall not be used to perform dredging in any case where there is no current public need for the dredging. Thus, even in areas that have been subject to dredging in the past, public need must be re-examined prior to the assignment of public funds to any new project to perform maintenance dredging.

The method of dredge spoil disposal is a key consideration for any proposed dredging operation. Spoil that consists of uncontaminated sand and/or gravel should be used whenever possible for the nourishment of a public beach, habitat enhancement, or other beneficial purpose. Contaminated spoil shall be properly disposed of in conformance with applicable laws and regulations. Spoil disposal shall not directly decrease the area of tidal wetlands, and indirect impacts shall be anticipated (through the environmental review process) and avoided.

All dredging shall be performed during a time of year and utilizing a methodology that minimizes environmental impacts. All dredging shall also be conducted in a manner that minimizes the duration and frequency of dredging.

The spoil disposal site shall be carefully selected to avoid the reintroduction of material into the waterway. Additional measures (e.g., earthen berms, hay bales, and dewatering) shall be used as necessary to stabilize the spoil deposit and prevent its transport to surface waters or wetlands.

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

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 "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". The list of DEC defined hazardous waste is provided in 6 NYCRR Part 371.

Waterfront properties that are or have been used for the transfer or storage of hazardous materials (i.e., the Mobil Oil Terminal on Cold Spring Harbor, situated just outside the LWRP boundary) should be phased out to reduce the potential for spills or leaks into the local coastal waters. New uses of this type or the expansion of existing facilities should be prevented on waterfront properties. Facilities that handle hazardous substances (e.g., fuel docks and boat repair shops) should have sufficient supplies and equipment on hand to adequately respond to incidents which involve the accidental release of these substances.

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

POLICY 37A PUBLIC EDUCATION EFFORTS SHOULD BE UNDERTAKEN TO HELP ACHIEVE THE OBJECTIVES OF THIS PROGRAM, PARTICULARLY WITH RESPECT TO THE MINIMIZATION OF POINT SOURCE POLLUTANT DISCHARGES.

Explanation of Policy

Best management practices used to reduce these sources of pollution could include, but are not limited to, encouraging organic gardening and pest management in reference to chemical fertilizers and pesticides; soil erosion control; surface drainage control; and erosion control practices on construction projects as described under Policies 14 and 33.

In residential areas such sources of pollution are usually connected with lawn and garden maintenance. 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 which are native to Long Island. Best management practices designed to control stormwater runoff will also act to minimize surface water loadings of nutrients, organics, and eroded soils (see Policy 33).

Effective public education should be an integral component of any program to limiting non-point source contamination of surface waters. Particular effort should be devoted to minimizing the use of fertilizer and turf chemicals, the proper disposal of household hazardous wastes, the proper disposal of vessel wastes, and the impacts of waterfowl feeding. Education can be accomplished through flyers, pamphlets, signs, posters, and other similar means. Additionally, educational use of the LWRA's nature parks and preserves (conducted in cooperation with the respective agencies and organizations that administer these lands) should be incorporated into any public awareness program to increase citizen appreciation for the importance of these resources.

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

Explanation of Policy

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 aquifers. Measures and standards for groundwater protection shall include the following:

1. New developments of residential housing should be of low density in areas that are not served by municipal sewers and water supply.
2. All new subsurface sewage disposal systems shall conform with the standards of the Suffolk County Department of Health Services.
3. Subsurface industrial discharges shall comply with New York State standards, as specified through the State Pollution Discharges Elimination System (SPDES), and Suffolk County requirements.
4. Stormwater runoff generated by new development should be recharged on-site wherever possible, rather than allowing discharge to surface waters which results in a loss of water from the aquifer.
5. Groundwater pumpage in coastal areas shall not cause saltwater to intrude into the aquifer.
6. Suitable education programs should be implemented to encourage homeowners on properties served by older subsurface sewage disposal systems to undertake appropriate maintenance of those systems. This education effort should also focus on the consequences of improperly disposing hazardous wastes into household waste lines leading to septic systems.
7. All LWRA residents should be targeted for an education program that stresses the minimization of fertilizer use, proper disposal of household hazardous wastes, and other measures to protect groundwater quality, as well as measures to conserve water and thereby reduce groundwater pumpage.
8. Landscape design in new developments should stress maximal retention of native vegetation and the use of indigenous landscaping species, both of which do not require fertilizer or irrigation.

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 LAND, AND SCENIC RESOURCES.

Explanation of Policy

The definition of terms "solid wastes" and "solid waste 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 and are generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law (Section 27-0901[3]), as "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, disposed, transported or otherwise managed". A list of hazardous wastes (NYCRR Part 366) has been adopted by DEC (6 NYCRR 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.

Municipal solid wastes generated in the LWRA are delivered to the East Northport Resource Recovery facility, which is situated outside the coastal zone. Any new solid waste management facility that may be required in the future shall also be sited outside the coastal zone.

POLICY 40 EFFLUENT DISCHARGED FROM MAJOR STEAM ELECTRIC GENERATING AND INDUSTRIAL FACILITIES INTO COASTAL WATERS WILL NOT BE UNDULY INJURIOUS TO FISH AND WILDLIFE AND SHALL CONFORM TO STATE WATER QUALITY STANDARDS.

Explanation of Policy

A number of factors must be considered when reviewing a proposed site facility construction. One of these factors is that the facility "not discharge any effluent that will be unduly injurious to the propagation and protection of fish and wildlife, the industrial development of the State, the public health, and public enjoyment of the receiving waters". The effects of thermal discharges on water quality and aquatic organisms will be considered by State agencies or, if applicable, a siting board when evaluating an applicant's request to construct a new electric generating facility.

There are no industrial facilities in the LWRA.

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

New York's Coastal Management 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 coastal area.

To the extent possible, the State Implementation Plan will be consistent with coastal lands and water use policies. Conversely, coastal management guidelines and program decisions with regard to land and water use and any recommendations with regard to specific sites for major new or expanded industrial, energy, transportation, or commercial facilities will reflect an assessment of their compliance with the air quality requirements of the State Implementation Plan.

The Department of Environmental Conservation will allocate substantial resources to develop a regulatory and management program to identify and eliminate toxic discharges into the atmosphere. The State's Coastal Zone Management Program will assist in coordinating major toxic control programming efforts in the coastal regions and in supporting research on the multi-media nature of toxics and their economic and environmental effects on coastal resources.

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 the State and local coastal management programs concerning proposed land and water uses and the protection and preservation of special management areas will be taken into account prior to any action to change prevention of significant deterioration land classifications in coastal regions or adjacent areas. In addition, the Department of State will provide the Department of Environmental Conservation with recommendations for proposed prevention of significant deterioration land classification designations based upon State and local coastal management programs.

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

Explanation of Policy

The New York Coastal Management Program incorporates the State's policies on acid rain. As such, the Coastal Management Program will assist in the State's efforts to control acid rain. These efforts to control acid rain will enhance the continued viability of coastal fisheries, wildlife, agricultural, 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 NYS Freshwater Wetlands Act and the NYS Protection of Waters Act.

The benefits derived from the preservation of wetlands include, but are not limited to:

- habitat for wildlife and fish, including a substantial portion of the State's commercial fin and shellfish varieties; and contribution to associated aquatic food chains;
- erosion, flood and storm control;
- natural pollution treatment;

- groundwater protection (applicable to freshwater wetlands);
- recreational opportunities;
- educational and scientific opportunities; and
- aesthetic open space in many otherwise densely developed areas.

In evaluating development proposals within or adjacent to tidal or freshwater wetlands, the following standards and criteria shall be applied:

1. Stormwater runoff shall not be directly discharged into wetlands.
2. All wetland vegetation shall be maintained. Dredging and site construction should not disturb tidal wetlands either by direct removal of vegetation or substrate, or by the alteration of adjacent slopes that would undermine the stability of the substrate, or by altering hydrology in a manner that would adversely affect wetlands.
3. Pollutants shall not be discharged into wetlands.
4. No wetland buffer zone vegetation shall be disturbed by grading, erosion, sedimentation, or direct removal of vegetation. This wetland buffer zone extends a minimum of 100 feet from the upland boundary of a tidal or freshwater wetland.
5. There shall be no construction within 100 feet of the upland boundary of a freshwater or tidal wetland. This includes the introduction of impervious surfaces, roads, utility equipment, etc. An exception is made for a private dock, provided no other opportunity for water access exists on the lot, except through wetlands. Docks through tidal wetlands shall be constructed so that no portion of the walkway rests upon the wetland surface at low tide, and shall meet all other requirements specified in the State's implementing regulations.
6. If bulkheading is required for filled land or for soil stabilization adjacent to a wetland, the bulkhead should be located upland from the wetland, above the highest yearly tide level elevation. Bulkheads should not block the surface and subsurface flow of freshwater to the wetland.
7. No material shall be deposited onto a wetland.
8. No part of a septic system shall be located within one hundred fifty (150) feet of a wetland.
9. Unless a clear public need is demonstrated, no action may be undertaken which impairs any of the natural functions of a wetland or the benefits derived therefrom.