Village of Lloyd Harbor Local Waterfront Revitalization Program

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Adopted:

Village of Lloyd Harbor Board of Trustees, October 16, 1995

Approved:

NYS Secretary of State Alexander F. Treadwell, May 27, 1997

Concurred:

U.S. Office of Ocean and Coastal Resource Management, July 10, 1997

Waterfront Revitalization This Local Program (LWRP) has been adopted and approved in accordance with provisions of the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42) and its implementing regulations (6 NYCRR 601). Federal concurrence on the incorporation of this Local Waterfront Revitalization Program into the New York State Coastal Management Program as a routine program change has been obtained in accordance with provisions of the U.S. Coastal Zone Management Act of 1972 (P.L. 92-583), as amended, and its implementing regulations (15 CFR 923).

The preparation of this program was financially aided by a federal grant from the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management, under the Coastal Zone Management Act of 1972, as amended. Federal Grant No. NA-82-AA-D-CZ068.

The New York State Coastal Management Program and the preparation of Local Waterfront Revitalization Programs are administered by the New York State Department of State, Division of Coastal Resources, 41 State Street, Albany, New York 12231.



UNITED STATES DEPARTMENT OF COMMERCE National Oceanic and Atmospheric Administration NATIONAL OCEAN SERVICE OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT Silver Spring, Maryland 20910

JUL 10 97

George Stafford Director Division of Coastal Resources and Waterfront Revitalization 41 State Street Albany, New York 12231

Dear Mr. Stafford:

The Office of Ocean and Coastal Resource Management concurs with your request to incorporate the Village of Lloyd Harbor Local Waterfront Revitalization Program (LWRP) into the New York State Coastal Management Program as a Routine Program Change (RPC). We received comments from two Federal agencies, neither one objecting to incorporating the LWRP as a RPC. This approval assumes you will make no further changes to the document in addition to the ones submitted.

In accordance with the Coastal Management Regulations, 15 CFR 923.84, Federal Consistency will apply to the Village of Lloyd Harbor after you publish notice of our approval.

Sincerely, and frev R. Benoit

Director



Approval

Pursuant to the findings of fact and conclusions of law set forth above, the VILLAGE OF LLOYD HARBOR LOCAL WATERFRONT REVITALIZATION PROGRAM is hereby APPROVED as meeting the requirements of the New York State Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42) and its implementing regulations. Such LWRP is therefore entitled to recognition as an approved LWRP pursuant to law and shall be afforded all benefits afforded thereby.

alexander F. Treadwell

Alexander F. Treadwell Secretary of State New York State Department of State

_ 199.7 May 27

Date

Incorporated Village of Lloyd Harbor

Suffolk County, New York



VILLAGE OFFICES 32 MIDDLE HOLLOW ROAD HUNTINGTON, NEW YORK 11743 407-549-8893 Fax (516) 549-8879

Richardson Pratt, Jr. Mayor

Kristi King Clerk-Treasurer

September 18, 1996

Honorable Alexander F. Treadwell Secretary of State New York State Department of State 162 Washington Avenue Albany, NY 12231-0001

Dear Secretary Treadwell:

The Village of Lloyd Harbor Board of Trustees formally adopted the Village's Local Waterfront Revitalization Program on October 16, 1995. This action was taken after having completed all environmental review procedures in accordance with the State Environmental Quality Review Act (SEQRA) and having addressed review comments received pursuant to Article 42 of the New York State Executive Law. Attached is a copy of the resolution passed by the Lloyd Harbor Village Board in adopting the LWRP and the SEQRA Findings Statement.

As the Mayor for the Village of Lloyd Harbor and on behalf of the entire Village, I respectfully request your consideration and approval of the Lloyd Harbor Local Waterfront Revitalization Program pursuant to Article 42 of the New York State Executive law.

Sincerely,

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Richardson Pratt Jr. Mayor

WHEREAS, on September 19, 1994, pursuant to Article 8 of the State Environmental Quality Review Act (SEQRA), the Board of Trustees of the Incorporated Village of Lloyd Harbor (Board) declared itself lead agency and classified the action of adopting the Local Waterfront Revitalization Program (LWRP) to be a Type I action; and

WHEREAS, on September 19, 1994, the Village declared its intention to prepare a Draft Generic Environmental Impact Statement (DGEIS); and

WHEREAS, seventy-five copies of the LWRP were sent to the Department of State for review by State agencies; and

WHEREAS, on October 17, 1994, the Board issued a Positive Declaration pursuant to the State Environmental Quality Review Act since the action of adopting an LWRP would have an environmental impact on the coastal resources and uses within the Village and directed the Village attorney to file the document with the appropriate agencies; and

WHEREAS, on November 21, 1994, a public hearing was held by the Board for the purpose of receiving public comments on the DGEIS, to be included in the Final Generic Environmental Impact Statement (FGEIS), along with other comments from State and Federal agencies, and

WHEREAS, on June 19, 1995, a Findings Statement for the Village of Lloyd Harbor LWRP was adopted by unanimous resolution in which the Board serving as lead agency determined that the adoption of the LWRP would have a significantly beneficial impact upon the coastal environment and upon the Village and would contribute to the health and welfare of the Village residents thus beginning the ten-day comment period required to complete the SEQRA process; and

WHEREAS, on October 16, 1995, Local Law 2-1995 was adopted by a unanimous vote by the Board, such law entitled The Incorporated Village of Lloyd Harbor Waterfront Consistency Review Law, Article XII of Chapter 8, Administrative Code.

Now therefore, BE IT RESOLVED, that the Board of Trustees of the Village of Lloyd Harbor does hereby adopt in accordance with Article 42 of the Executive Law of the State of New York, the Local Waterfront Revitalization Program for the purposes stated in Local Law 2-1995 contained herein to take effect immediately.

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SECTION I

Local Waterfront Revitalization Area Boundary

LWRA BOUNDARY

A description of the Local Waterfront Revitalization Area (LWRA) boundary is as follows:

Running from west to east, the LWRA begins at the intersection of the Village boundary with the mean high water line on the shoreline of Cold Spring Harbor, just south of Snake Hill Road. The line follows the Village boundary east until intersecting with the mean high water line on the shoreline of Huntington Harbor, at the northeast corner of the Coindre Hall property.

The LWRA continues from the termination of the inland boundary in a northerly direction through Huntington Harbor to Lighthouse Point. Thence, the line proceeds northward on a straight line across the mouth of Lloyd Harbor to the easternmost point on East Beach. The line thence continues northward and westward along the mean high water line on Huntington Bay and Long Island Sound. The line thence continues southward along the mean high water line on Oyster Bay. The LWRA thence crosses the mouth of The Sand Hole, on a line that extends from the westernmost point of the northerly sand spit to the northernmost point of the southerly spit. The line thence continues southward along the mean high water line on Oyster Bay and Cold Spring Harbor, extending offshore into Cold Spring Harbor to follow the Village boundary where said boundary deviates from the mean high water line. The offshore line terminates at the point of beginning of the upland boundary line, at the southwest corner of the Village's corporate limits.



MAP SOURCE: NEW YORK STATE DEPARTMENT TRANSPORTATION, URBAN' AREA SERIES, 1991

FIGURE 1-1

LOCAL WATERFRONT **REVITALIZATION AREA BOUNDARY**

CASHIN ASSOCIATES, P.C.

SECTION II

Inventory and Analysis

2.1 ORIENTATION AND COMMUNITY PROFILE

2.1.1 GEOGRAPHIC ORIENTATION

14 A.

The Incorporated Village of Lloyd Harbor is located on the north shore of Long Island, New York, in the extreme northwestern portion of Suffolk County (Figure 2-1). The Village is divided by Lloyd Harbor into two areas, Lloyd Neck to the north of the harbor and West Neck (on the mainland) to the south of the harbor. The two regions of the Village are connected by a narrow isthmus, which carries the West Neck Road causeway and separates Lloyd Harbor from the Oyster Bay/Cold Spring Harbor Complex.

NOTE: in order to avoid confusion, throughout this LWRP the term "Lloyd Harbor" refers to the water body, while the land area is always referred to as "the Village of.." or "the Incorporated Village of..".

The Village is bounded on the north by Long Island Sound, on the south by unincorporated communities in the Town of Huntington, on the west by the Oyster Bay/Cold Spring Harbor Complex (which is situated mostly within the Town of Oyster Bay in Nassau County), and on the east by Huntington Bay and the portion of Huntington Harbor in the Town of Huntington. The inland boundaries of the LWRA enclose approximately 9.3 square miles of land area. The water-side portion of the LWRA comprises Lloyd Harbor, the north westernmost portion of Huntington Harbor (including Lefferts-Van Wyck Mill Tidal Pond), The Sand Hole (in the northwest corner of Lloyd Neck), and small areas along the eastern shore of Cold Spring Harbor. The shoreline of the Local Waterfront Revitalization Area (LWRA) measures roughly 22 miles in length (Figure 2-2).

2.1.2 HISTORIC DEVELOPMENT

The earliest residents of the lands that now encompass the Village of Lloyd Harbor were families of Matinecock Indians. Wigwam settlements were found in proximity to the harbors of Long Island Sound; at Cold Spring Harbor and 'Kantanomocke' (Ketowomoke) at Huntington Harbor. The sea provided the bulk of their nourishment; hunting and farming supplemented their sustenance. Dugout canoes and foot travel were the sole means of transportation for the area's Native American ancestors. Indian trails became the earliest routes used by white settlers arriving in the region.

By 1626 the Dutch West India Company had purchased Manhattan Island from the Indians, naming it New Amsterdam. Thereafter, Dutch settlements expanded to the western areas of Long Island, with eastern Long Island as an alluring wilderness for English settlers who crossed Long Island Sound from Connecticut, to establish homesteads as early as 1640.

On April 2, 1653, the first land purchase was negotiated with the Matinecock Indians for an area of land that bordered from Cold Spring Harbor in the west, to Northport Harbor in the east, and from Long Island Sound south, to what was later named Old Country Road. From 1653 to 1656, additional purchases were negotiated with the Matinecocks which secured Lloyd's Neck (in 1654) and the Eastern Purchase on July 30, 1656, extending settlers' holdings east from Northport Harbor to the Nissequogue River in Smithtown.

In 1664, British control of Manhattan Island and Long Island found Huntington under the jurisdiction of the Duke of York. A copy of the Duke's Laws, still preserved in the Town's first volume of court records, describes Huntington as part of the `East Riding of Yorkshire', based upon the division of the County of Yorkshire, England. On November 30, 1666, the Duke of York's representative, Governor Richard Nicolls, issued a patent defining Huntington's territory and boundaries. In November of 1683, Governor Thomas Dongan arrived from England and a representative assembly was convened in New York City. That body repealed some of the Duke's Laws in the 'Charter of Liberties and Privileges' and granted legislative powers to the New York colony. This colony was divided into twelve counties that included the establishment of Kings, Queens, and Suffolk counties on Long Island. Five years later, the Town of Huntington received a new charter from the Governor which established a body of nine trustees, and although their responsibilities would change, this early group of town officials was the predecessor of the current Town Board.

The land and the sea were the foundation of the early settlers livelihoods. This historical development is evident in their labor and industry. Townsfolk made do with a few meager possessions and fashioned simple tools and furniture. Various agricultural crops were sowed, and orchards of apple, pear and peach trees were introduced. Cattle, sheep, horses, pigs, ducks and geese were raised in the early years, with deer still in abundance until the mid-Eighteenth century. Residents were skilled in trades and shared their common knowledge by assisting neighbors with carpentry, smithing, masonry and other assorted crafts. By 1675, Long Island's ports were exporting corn, wheat, fish, timber, horses, and whale oil.

When George Washington visited Huntington in 1790, the Town's census was reported at 2,000 persons, and by 1810, the population stood at 4,424. Huntington's inhabitants found employment in a variety of occupations. From the Seventeenth Century, clay was worked at West Neck and in time, brickyards were established at West Neck. Stoneware was fashioned at Huntington Harbor in pottery works owned and operated by a succession of entrepreneurs; the most renowned were the Brown Brothers.

The Village was formally incorporated on August 16, 1926. The main impetus behind incorporation was the resident's desire to maintain control over future development through the adoption of a zoning plan that would preserve the rural character and protect the community from urban encroachment.

According to the 1990 census, the population of the Village of Lloyd Harbor was 3,343 persons. This is a two percent decrease since 1980, when the total Village population was reported at 3,405 persons. The estimated average household size in 1990 was 3.0 persons per household.

The present day development pattern in the Village can generally be characterized as a wellestablished, rural residential community situated in a heavily vegetated, rolling landscape. This character will not change significantly in the future, since the inventory of additional, undeveloped land is sparse and the Village zoning requires minimum two-acre lots.

2.2 NATURAL RESOURCES AND FEATURES

2.2.1 SURFACE GEOLOGY AND TOPOGRAPHY

A. GEOLOGICAL AND TOPOGRAPHIC SETTING

The Village of Lloyd Harbor is situated on the Harbor Hill terminal moraine, which is a glacial ridge that marks the southward advance of the Wisconsin ice sheet. In general, the topography of the LWRA is hilly, with the harbors (i.e., Cold Spring, Lloyd, and Huntington Harbors) occupying the low areas between the hills. The landscape also includes headlands, beaches, wetlands, and bluffs.

Land slopes in many portions of the LWRA are very steep, exceeding 50 percent in some locations. The steepest slopes are found immediately adjacent to coastal waters, especially along the bluffs on the Village's westerly shoreline. Maximum elevation in the

LWRA is approximately 180 feet above sea level near the southwest corner of West Neck. Lloyd Neck attains a maximum elevation of approximately 140 feet above sea level in the central portion of Caumsett State Park.

The generally steep slopes that occur throughout the LWRA are prone to erosion when disturbed by development activities. Sediment-laden runoff from eroded slopes causes water quality degradation of receiving waters (freshwater ponds and coastal waters).

No large streams are located in the LWRA. However, a small stream system drains most of the West Neck area and flows into Lefferts-Van Wyck Mill Tidal Pond (also called Lefferts Mill Pond or Mill Tidal Pond), which discharges to upper Huntington Harbor. Another small stream system drains into Lloyd Harbor from the south, through two ponds located on the Friends World College property. Other small streams drain the western portion of Lloyd Neck into a system of ponds and wetlands.

Like most of Long Island's north shore, the LWRA is characterized mainly by bluffs, especially along the western and northern shores of Lloyd Neck. Tidal wetlands predominate in sheltered harbor areas, particularly inner Lloyd Harbor, western Huntington Harbor, and the coves and lowlands along the Village's western shore. Dunes are absent in the LWRA. See Figure 2-1 for the location of these natural shoreline features.

Bluffs are steep-faced cliffs of unconsolidated sediment, which, in general, are subject to ongoing erosion caused mainly by storm waves and also by stormwater runoff. The landward recession of bluffed sections of shoreline often creates problems for land uses located immediately upland and, depending on the rate of shoreline retreat, can threaten structures located on these lands. Importantly, however, sediment that is eroded from bluff faces usually serves as an important source of sand to neighboring beaches. Thus, measures that may be implemented to moderate bluff erosion can have an unintended adverse impact at an adjacent beach.

Surface sediment deposits in the LWRA are mainly unconsolidated sands and gravels of glacial origin, which have developed a thin veneer of soil in most areas. Beneath the glacial formation is the Magothy formation, which consists primarily of undifferentiated till (a heterogeneous mixture of clay, sand, boulders and rock fragments) and outwash (stratified and semi-stratified sand and gravel). Below the Magothy lies the Raritan clay, which consists of clay and silt, with interbedded layers of sand. Along the north shore, the extent of the Raritan clay member varies from zero to 170 feet in thickness. The

Lloyd sand member of the Raritan formation, which lies below the Raritan Clay and sits atop the weathered bedrock surface, consists of fine to coarse sand and gravel interspersed with some thick layers of clay and silt. The bedrock underlying the unconsolidated deposits is composed of crystalline metamorphic and igneous rocks, with a surface slope of about 80 feet per mile dipping to the south. The bedrock surface forms the floor of the groundwater reservoir.

B. <u>SOILS</u>

In general, soils in the LWRA are similar to those found throughout Long Island and are relatively young geologically. Soil associations are landscapes having distinctive general soil properties. Each association is named for the major soils it contains, and normally consists of one or more major soil type and at least one minor soil type.

Based upon information obtained in the Soil Survey of Suffolk County, New York (U.S. Soil Conservation Service, April 1975), the two major soil associations found in the LWRA are:

<u>Carver-Plymouth-Riverhead (C-P-R) Association</u> - These soils are deep, rolling, excessively drained and well-drained, coarse textured and moderately course textured soils on moraines.

The C-P-R Association stretches along the entire length of the north shore of Suffolk County and comprises most of the Village of Lloyd Harbor. The surface, subsurface and subsoil layers of the Carver and Plymouth soils are sand, with a sand and gravel substratum; these two soils generally characterize the steeper portions of ridges and in rolling areas. Riverhead soils have their surface and subsoil layers of sandy loam with the substratum of sand and gravel; this soil generally characterizes upland flats or gently rolling areas.

Other soil types of the C-P-R Association include well-drained Haven soils and welldrained to moderately well-drained Montauk, Raynham and Wareham soils. Haven and Montauk soils occupy upland flats while Raynham and Wareham soils are found adjacent to beaches or tidal marshes.

The general trend for soils of the C-P-R Association is for their land use in housing and recreation. The sandy texture and steep slopes makes much of the soils unsuitable for agricultural uses. These soils pose development constraints in areas of steep slopes.

<u>Montauk-Haven-Riverhead (M-H-R) Association</u> - These soils are deep, nearly level to strongly sloping, well-drained to moderately well-drained, moderately coarse textured and medium textured soils on moraines.

The M-H-R Association is found in discontinuous areas in western Suffolk County and between the north and south forks on Long Island's east end. Within the LWRA, the M-H-R Association is found in two northward penetrating lobes: one that runs along the western shore of Huntington Harbor, and a second lobe located just east of Cold Spring Harbor. This association is characterized by rolling hills and soil slopes ranging from nearly level to strongly sloping.

The soils of the M-H-R Association are well-drained to moderately well-drained. The surface layer of Montauk soils is silt loam or fine sandy loam with the subsoil of loam or fine sandy loam. The surface layer of Haven soils is loam, and the subsoil is loam or silt loam. The Riverhead soil's surface layer and subsoil are sandy loam. Minor soil types in the M-H-R Association include well-drained Carver soils; poorly drained Plymouth, Montauk, Walpole, and Atsion soils; and very poorly drained Berryland soils.

Most of the cleared areas in the western portion of the M-H-R Association are used for housing. These soils are well-suited to farming, but the more sloping areas are subject to potentially severe erosion, which is a development constraint. In general, soil types within a soil association having a 15 percent or greater slope will experience moderate to severe erosion hazards and are limited as to their land use capabilities. Other factors which tend to limit land use capability include: shallow depth to seasonal high water table (i.e., areas in which grade elevation is less than four feet above the groundwater table will be prone to basement flooding and/or septic waste disposal problems); flooding (i.e., areas which are subject to flooding by high waters will be less suitable for habitation); and soil permeability (i.e., groundwater pollution problems will tend to occur in areas which have highly permeable soils that are used for subsurface sewage disposal).

2.2.2 SURFACE WATER RESOURCES

A. INTRODUCTION

A variety of surface water resources are found within the LWRA. These range from scattered freshwater ponds, to Lefferts Mill Tidal Pond, to Lloyd, Huntington, and Cold Spring. Harbors. Lloyd and Huntington Harbors are components of the

Huntington/Northport Bay Complex, which is connected to Long Island Sound through Huntington Bay. Cold Spring Harbor is part of the Oyster Bay/Cold Spring Harbor Complex, which is connected to Long Island Sound through Oyster Bay.

The marine surface waters within the LWRA are used for numerous, often conflicting activities. Ensuring the appropriate use of these waters is of vital importance to natural resource values and the economic vitality of the waterfront area and, therefore, is a primary focus of this LWRP.

Importantly, the proper management of coastal water uses requires the preparation of a Comprehensive Harbor Management Plan. The Village already has a harbor use plan (Article 12), which regulates anchoring and mooring, vessel speed and operation, and waterskiing and other recreational activities (see Section V). This LWRP addresses the major harbor management issues of concern to the Village, and implements many of the applicable LWRP policies within the Village's coastal waters and adjacent sensitive areas. However, since the Village's coastal waters are components of larger systems (i.e., the Huntington/Northport Bay and Oyster Bay/Cold Spring Harbor Complexes), a more refined and Comprehensive Harbor Management Plan implemented on an inter-municipal level would be desirable, particularly with respect to water quality issues and problems. It should be noted that the Village of Lloyd Harbor had previously been involved in the preparation of a joint LWRP with the Town of Huntington and the Town's other three incorporated villages (Asharoken, Huntington Bay, and Northport), but decided to proceed independently with its own plan (i.e., the present document) due to delays in the advancement of the joint LWRP.

The following sections present an inventory of the surface water resources within the LWRA. Subsection B identifies surface waters within the LWRA. Subsection C discusses general water quality in the LWRA. Water quality and related regulations are described in Subsection D. Surface water conditions within the LWRA are discussed in Subsection E. Issues regarding waterway usage by vessels are discussed in Section 2.3.6. The inventory of land-side facilities that support surface water activities, and related issues, is contained in Sections 2.3.1 through 2.3.5.

B. IDENTIFICATION OF SURFACE WATER BODIES WITHIN THE LWRA

The boundaries of the Village of Lloyd Harbor encompass all of Lloyd Harbor and a portion of northwestern Huntington Harbor. Both of these harbors are part of the greater Huntington/Northport Bay Complex, which is the largest harbor and bay complex on the

north shore of Long Island. The western shoreline of the LWRA lies on the Cold Spring Harbor/Oyster Bay Harbor Complex, and includes a small portion of southeastern Cold Spring Harbor. Long Island Sound is located to the north of the Village. Each of these water bodies is discussed in terms of water quality characteristics in Subsection E.

Small freshwater ponds and streams are scattered throughout the LWRA. Some of these ponds are tributary to marine waters, particularly at the heads of the harbors (e.g., the pond system on the Fiske Bird Sanctuary property outlets via a small stream to Lefferts Mill Tidal Pond and thence to Huntington Harbor). Other ponds have no direct surface connection to coastal waters (e.g., Fresh Pond in Lloyd Neck). Such ponds are typically groundwater exposed in "kettle holes" or other low lying areas.

C. GENERAL WATER QUALITY PROBLEMS IN THE LWRA

The range of activities for which a given body of surface water can be used is dependent on the level of contamination within the water column and the bottom sediments. In particular, the presence of certain contaminants above specified levels will preclude the use of a water body for certain activities that require a high level of water quality (e.g., shellfish harvesting and swimming).

Water quality is measured in terms of a large number of variables, including microorganisms (e.g., total coliform and fecal coliform bacteria, viruses, etc.), nutrients (e.g., nitrogen, phosphorus, etc.), organic compounds (e.g., polychlorinated biphenals, polyaromatic hydrocarbons, pesticides, herbicides, etc.), and inorganic constituents (e.g., metals). The levels of bacterial contamination are generally the most important water quality factors in estuarine waters. Fecal coliforms originate in the intestinal tracts of warm-blooded animals, which also serve as a primary source of certain pathogenic bacteria and viruses (e.g., hepatitis virus). Although it is these pathogens that are of concern with regard to potential human health consequences, the current methods for the detection of these microbes are time consuming and tedious. In contrast, the measurement of coliform levels is relatively straightforward. Consequently, the presence of elevated fecal coliform levels in surface waters is a widely used indicator of the possible presence of pathogenic micro-organisms.

Nutrient concentrations are also of concern, especially where elevated nutrient loading leads to increased phytoplankton growth. After these microscopic plants die and sink to the bottom, the subsequent decay of accumulated organic matter can cause depressed oxygen concentrations (a condition that is commonly referred to as hypoxia). Long Island

Sound has exhibited hypoxia for a number of years. The Federally funded Long Island Sound study and its resulting Comprehensive Conservation and Management Plan, and the State's Long Island Sound Coastal Management Program, address this issue in detail.

Contamination by metals and organic compounds is a problem in industrialized coastal areas. Agricultural lands contribute elevated loadings of pesticides, herbicides, fertilizers, and related chemicals to surface waters. However, these constituents tend to bind to sediment particles and, therefore, do not generally exist in a free state within the water column. As a result, metals and organic compounds are most likely to be found in elevated concentrations in the bottom sediments of poorly flushed urbanized water bodies.

Contaminants that adversely affect surface water quality originate from many sources. These sources can be grouped into two general categories: non-point sources and point sources. A point source is any input that emanates from a discrete, easily identifiable location, such as a pipe outfall. A non-point source is a diffuse input over a large area, such as direct precipitation or groundwater inflow. The distinction between these two categories is not always obvious. Stormwater runoff, for example, may start as a nonpoint source derived from a large area. However, if runoff is collected and discharged to receiving waters via an outfall pipe, this is a point source.

The principal sources of bacterial loading to surface waters generally include stormwater runoff, wastes from waterfowl, wastewater treatment plant effluent, and wastewater discharges from boats. According to the Long Island 208 Study (Long Island Regional Planning Board, 1974), stormwater runoff is the principal source of pollution to coastal waters in the LWRA. Other studies indicate that waterfowl wastes are generally the second most important source of coliform bacteria in the greater Huntington/Northport Bay Complex.

The following factors contribute to the relatively high fraction of contaminant loadings to LWRA surface waters from stormwater runoff.

- In many portions of the LWRA and vicinity, runoff flows directly to surface waters (rather than being recharged to groundwater, or passed through settling basins). This stormwater receives little filtering of contaminants prior to discharge.
- Development increases the rate of runoff from a given parcel of land. Essentially 100 percent of the precipitation onto a paved surface becomes runoff (minus a small amount lost through evaporation), which is three to four times higher than

the typical runoff rate for areas covered with native vegetation. The replacement of native vegetation with areas of turf, which often occurs with residential development, also results in a significant increase in the runoff rate.

• Topography is generally very hilly within the LWRA. This steeply sloped landscape, which generally pitches toward coastal waters, produces a higher rate of runoff than in areas that are more gently sloped.

The surface waters within the LWRA, including the freshwater pond systems that drain into Huntington Harbor, are heavily utilized by waterfowl. Fecal wastes from these birds and wildlife populations in the adjacent upland area contribute significantly to the overall coliform levels in the receiving waters. This problem is exacerbated by recreational feeding of waterfowl, resulting in increased year-round population levels and interrupted seasonal migratory patterns.

Waste discharges from vessels are a major concern in harbor areas, such as Lloyd and Huntington Harbors, and The Sand Hole at the northwest corner of Lloyd Neck. These areas are heavily utilized for recreational boating, mooring, and anchoring on a seasonal basis. Elevated coliform levels can result where large congregations of moored or anchored vessels discharge sanitary wastes into the surrounding water. This is of particular concern in The Sand Hole, especially during summer holiday weekends (i.e., Memorial Day, July 4th, and Labor Day). Although boat concentrations in Lloyd Harbor are typically lower than occur in The Sand Hole, potential coliform impacts from vessel waste discharges are still of concern in the former embayment due to the significant shellfish resources located there.

A municipal sewage treatment plant (STP) operated by the Town of Huntington discharges effluent directly into lower Huntington Harbor. A STP that served the Cold Spring Harbor Laboratory and which discharged effluent to lower Cold Spring Harbor has recently discontinued operation, and sanitary wastewater from the Lab is presently conveyed to the Nassau County sewer system for treatment at the Cedar Creek STP in Seaford and effluent discharge to the Atlantic Ocean. Although the Huntington STP is located outside the boundaries of the LWRA, mention is warranted here because of this facility's impact on receiving waters. Further discussion is provided in the Subsection E below.

In addition to the contaminant sources discussed above, unauthorized releases of hazardous materials (e.g., petroleum products) from industrial facilities and vessels will

cause degradation of water quality. These problems are of relatively minor importance in the LWRA because such uses do not occur in the Village, nor are they permitted under the zoning code.

The recently released Comprehensive Conservation and Management Plan (CCMP) for the Long Island Sound Study indicates that the most pressing problem on a Sound-wide basis is hypoxia. Hypoxia, which is a deficiency in the level of dissolved oxygen, particularly in the lower portion of the water column, is triggered primarily by the introduction of nitrogen compounds from human activities in the adjacent coastal area. Nitrogen enrichment spurs algal blooms which, in turn, causes oxygen to be consumed when the algae die. Although the CCMP identifies point sources (especially sewage treatment outfalls) as the main source of nitrogen to the Sound, non-point source inputs derived from land development activities are also important. These issues are also fully discussed in the Long Island Sound regional Coastal Management Program.

In general, the Village of Lloyd Harbor does not contribute significantly to hypoxia in the Sound because:

- 1) The entire Village utilizes subsurface sewage disposal systems and, therefore, does not contribute to the nitrogen load discharged to the Sound in sewage treatment plant effluent.
- 2) The Village is comprised entirely of large tracts of open land and low density residential development. This limits the amount of nitrogen delivered to coastal waters in stormwater runoff, since a larger percentage of the land area is preserved in its natural state. This also limits nitrogen loadings in groundwater underflow derived from subsurface sewage disposal systems and fertilizer application.

D. WATER QUALITY STANDARDS AND RELATED CRITERIA

Water quality is monitored within the LWRA and adjacent waters on a regular basis by the New York State Department of Environmental Conservation (NYSDEC), Bureau of Shellfisheries and the Suffolk County Department of Health Services (SCDHS) Office of Ecology. NYSDEC's monitoring program has been directed at delineating those coastal waters that are suitable for the harvesting of shellfish for human consumption in terms of measured coliform levels and potential coliform releases from certain uses (such as STPs, marinas, anchorages, and mooring areas). The SCDHS has been mostly concerned with ensuring that the waters off public bathing beaches meet public health requirements, again in terms of coliform bacteria concentrations. NYSDEC has also periodically monitored fresh surface waters.

New York State Shellfish Harvesting Criteria

New York State has classified all of the marine waters within the LWRA "SA". The assigned use standard for these SA waters is shellfish harvesting for direct human consumption.

A SA classification does not always reflect existing water quality conditions. Certain water bodies which have been classified SA consistently fail to meet the SA coliform standards. In these cases, the SA designation is used by the State to set discharge standards aimed at improving water quality, with the ultimate goal being that conformance with the SA criteria will eventually be attained and the area of certified shellfish beds will be expanded.

Waters which cannot consistently meet SA criteria include Huntington Harbor (including the portion of the upper harbor within the LWRA), a small area of Huntington Bay in the vicinity of Huntington Harbor (which extends west of Lighthouse Point, into Lloyd Harbor), and lower Cold Spring Harbor (extending as far north as the Cold Spring Harbor Beach Club, in the southwest corner of the LWRA). All three of these areas are closed to shellfishing, either year-round or seasonally. The closure period depends on a number of factors, including: the overall degree of water quality degradation, as determined by the laboratory analysis of water samples; the frequency at which data can be collected to define seasonal variations in water quality; and the presence of boats, which represent a potential source of concentrated coliforms that is not amenable to standard analytical techniques. Areas of boat congregation are decertified on a seasonal basis as a precautionary measure.

Point Source Discharge Standards

Point source discharges to surface waters are regulated by State Pollution Discharge Elimination System (SPDES) permits, which set specific water quality standards and establish a compliance schedule for each discharge. Although there are no regulated point sources that discharge directly to LWRA waters, there is one such discharge to adjacent waters: the Town of Huntington STP, with outfall in lower Huntington Harbor (as noted previously, the Cold Spring Harbor Laboratory STP, with outfall in Inner Cold Spring Harbor, recently discontinued operation). See Subsection E below for further discussion.

Suffolk County Bathing Beach Criteria

When the fecal coliform level of the waters at any bathing beach exceeds acceptable limits, the beach is closed for swimming. Beaches, as well as shellfish growing areas, are also closed for certain emergency situations, such as an STP malfunction that releases inadequately treated effluent to receiving waters. As discussed in further detail in Subsection E, one of the beaches that has been subject to lengthy closures in recent years is Gold Star Battalion Beach in Huntington Harbor, which is situated just outside the LWRA boundary.

E. SURFACE WATER QUALITY ISSUES AND PROBLEMS

Long Island Sound

All of the LWRA's tidal bays and inlets are flushed by Long Island Sound waters, and approximately four miles of the LWRA's shoreline touches directly on Long Island Sound (between Lloyd Point and East Fort Point). The main source of contamination to Long Island Sound from the LWRA is tidal mixing with the waters of the Huntington/Northport Bay Complex. As previously discussed, the harbors within the bay complex receive a substantial input of pollutants, both from point sources and non-point sources. The ebb tide carries these waters into the Sound, where contaminants are dispersed by mixing.

Land use within the LWRA draining directly to Long Island Sound is primarily very low density residential development and low intensity recreational space. This, combined with the tidal dilution of waters discharged from the bay complex, results in generally high water quality of the portion of the Sound adjacent to the LWRA; these waters are open year-round to permit shellfish harvesting.

Cold Spring Harbor

Cold Spring Harbor covers approximately 1,400 acres between Cove Neck and West Neck, and has typical depths that vary widely between 6 and 20 feet. Although most of this harbor is situated within the Town of Oyster Bay, a small area along the harbor's eastern shore is within the LWRA.

The present shellfishing closure area in Cold Spring Harbor, first established by NYSDEC in 1975, extends as far north as the Village of Lloyd Harbor's southerly boundary. Prior to that date, the closure area had been confined to bottom lands located below Cold Spring

Beach, approximately 3,000 feet to the south of the Village boundary. Although this northward shifting of the closure line reflects a deterioration of water quality, the situation has apparently been stable since the mid 1970s. Furthermore, water quality in Cold Spring Harbor has not progressively deteriorated in the manner that has occurred within Huntington, Centerport, and Northport Harbors.

The majority of contaminants discharged to Cold Spring Harbor are derived from lands at the southern end of the harbor, outside the Village's boundaries. Consequently, the range of opportunities for mitigating these problems is rather limited in this LWRP. However, certain proposed or potential actions involving State agencies could be used to address water quality problems in Cold Spring Harbor. In particular, improvements could be made to the stormwater control system along the east side of Route 25A to provide pretreatment prior to discharge to the harbor. This work should be tied into any roadway reconstruction that the NYS Department of Transportation undertakes in this area.

The implementation of best management practices to control stormwater runoff (e.g., upgrading stormwater collection facilities to reduce sedimentation prior to discharge) would mitigate water quality impacts to Cold Spring Harbor. However, best management practices must be applied on an inter-municipal basis in order to be effective, especially with regard to necessary actions by the Town of Huntington, and the Town of Oyster Bay and its Incorporated Villages of Laurel Hollow and Cove Neck. The Village of Lloyd Harbor has jurisdiction over only a small portion of the contributing area and, therefore, by itself cannot implement an effective program for maintaining and improving the water quality of Cold Spring Harbor.

"The Sand Hole", which is located at the northwest corner of Lloyd Neck, connects to upper Oyster Bay. This embayment receives excessively high seasonal usage on weekends as an anchorage for recreational water craft, which may cause locally elevated coliform levels during the summer months. It is estimated by the Lloyd Harbor Village Harbor Master that as many as 300 boats are anchored on holiday weekends, with camping on the beach area. An investigation should be conducted to determine if the level of boat usage threatens this area with conditional (or seasonal) decertification for shellfishing. If decertification is imminent, appropriate restrictions should be adopted to ensure that the sanitary quality of the shellfish stock in this area is maintained.

Llovd Harbor

Lloyd Harbor, which covers approximately 630 acres at an average depth of five feet, is a western arm of Huntington Bay. The harbor's drainage area, which lies entirely within the Village of Lloyd Harbor, covers approximately 2.7-square miles of land that consists almost entirely of very low density residential development and open space. Most of the stormwater flow from the watershed discharges to the narrow, inner portion of the harbor. The sparse development pattern of the harbor's watershed limits the volume of stormwater and associated contaminants entering the harbor.

The West Neck area on the south shore of Lloyd Harbor has recently been developed with homes on two-acre minimum lots. A large percentage of the lot areas consist of steep slopes which have been cleared for lawns. Such extensive clearing of native vegetation in close proximity to the shore increases runoff volume and associated contaminants (e.g., coliform bacteria, lawn chemicals and fertilizers) to Lloyd Harbor. Future development should be contingent upon strict compliance with best management practices.

Soil erosion and sediment control is of particular concern on the private properties of Lloyd Neck. Although much of the area is zoned for large-lot residential use, the Village of Lloyd Harbor has set no restrictions on the maximum percentage of lot clearance or turf area allowed. This can result in moderate to severe erosion, and surface water quality degradation caused by sediment-laden runoff, especially on lots with slopes in excess of six percent. The clearing of two or more adjacent lots compounds the problem, especially when coupled with the fact that most developments lack stormwater control systems. Furthermore, when such systems are present, they are not generally designed to handle larger storms or may not be outfitted with sediment traps or detention ponds to reduce sediment loads to receiving water bodies. To mitigate these conditions, the Village of Lloyd Harbor could: enlist the assistance of the Suffolk County Soil and Water Conservation District to develop construction guidelines; develop a Village Soil Erosion and Sediment Control Law; integrate special standards for erosion and sediment control into their Building Code; and/or develop a local ordinance to cover all of these concerns.

Recreational and commercial shellfish harvesting are important in Lloyd Harbor. The head of the harbor experiences restricted circulation which can lead to depressed oxygen levels, particularly during the summer. However, the entire harbor has generally remained open to shellfish harvesting on a year-round basis (except for areas that are closed for bay management programs).

The Town of Huntington has established a bay management area in the northeastern corner of Lloyd Harbor, in the area between the East Beach sand spit and the main body of Lloyd Neck. These bottom lands are used as a transplant site for shellfish that are removed from various uncertified waters within the bay complex, particularly Huntington and Northport Harbors. Under this program, transplanted shellfish are allowed a period of time to become naturally cleansed of micro-organism contamination before the area is opened to harvesting. The benefits of this location include: relative ease of surveillance to prevent illegal harvesting during the closure period; as well as a benthic environment that is similar (in terms of sediment characteristics) to the areas from which the shellfish are removed, which is conducive to survival. Continued use of this area for the transplant program is dependent upon the maintenance of high water quality. Efforts for water quality preservation should include the implementation of best management practices for all new development in the harbor's watershed, in addition to the recent designation of Lloyd and Huntington Harbors as a Federal no-discharge zone.

A Federal no-discharge zone designation was issued jointly for Lloyd and Huntington Harbors, on the basis of a determination by the EPA that there are sufficient vessel waste facilities to serve boat populations in these waters. In order to advance the management objectives of this action, the State should also officially designate Lloyd and Huntington Harbors as a no-discharge zone.

Due to the protection afforded by the East Beach sand spit extending southward from Lloyd Neck at the harbor's mouth, the eastern end of Lloyd Harbor serves as a popular recreational anchorage during the summer months. Seasonal moorings are scattered throughout the outer portion of the harbor. Since there are no pumpout facilities in Lloyd Harbor, nor are there any current plans for the construction of such facilities in that area, the viability of the Lloyd Harbor portion of the no-discharge zone is integrally tied to the efficacy of the pumpout stations present in Huntington Harbor. In particular, the recently installed pumpout at Castle Cove Marina in the northwest corner of Huntington Harbor will be vital to the success of the no-discharge requirement in Lloyd Harbor. Appropriate boater education (e.g., signs, flyers, etc.) is also needed to ensure maximum use of the pumpout facilities and compliance with the no-discharge zone requirements.

In the past, the maintenance of Town-operated pumpout facilities has sometimes been lacking. However, the Town recently has demonstrated a commitment to ensuring that adequate pumpout capabilities are provided, by means of the recently completed rehabilitation of two existing facilities in Huntington Harbor (at Halesite and Mill Dam Marinas), and the construction of new facilities in Cold Spring Harbor (at Powles Marine) and upper Huntington Harbor (at Castle Cove Marina). The Town also plans to increase the frequency with which the pumpout holding tanks are emptied, so that shut-downs due to the tanks being full are minimized. In order for the no-discharge program to be effective, this level of commitment must continue, which entails the continued operation and proper maintenance of existing facilities and the construction of new pumpout stations as needed using Clean Vessel Act funding provided by the State.

Other actions that are important to maintaining and improving water quality in Lloyd Harbor include the implementation of best management practices throughout the Village. Measures such as reducing the amount of fertilizers and pesticides applied to lawns and gardens, cleaning up pet wastes, reducing the amount of de-icing salts and sand used on roadways, regulating the disposal of waste motor oil, and other similar practices can result in long-term water quality improvements to both freshwater bodies and tidal waters.

Huntington Harbor

Huntington Harbor covers approximately 340 acres with an average depth of 12 feet. Approximately 75 acres at the western end of the harbor (and an additional area of underwater land covering approximately 16 acres in Lefferts Mill Tidal Pond) lie within the Village of Lloyd Harbor.

Huntington Harbor is the most heavily used water body in the Huntington/ Northport Bay Complex, in terms of both recreational and commercial vessel traffic, and waterfront usage. However, for the most part, these intense land and water uses are located in the unincorporated areas, outside the Village of Lloyd Harbor. As with Cold Spring Harbor, therefore, the majority of issues, problems and opportunities that apply to Huntington Harbor do not pertain directly to this LWRP.

Due to the large input of both point and non-point source contaminants, all of Huntington Harbor (and a small area that extends into Huntington Bay) is closed to shellfish harvesting. However, a valuable standing stock of hard clams remains on the harbor bottom that contributes larvae to the bay complex. This spawner stock should be maintained.

The historical position of the shellfish harvesting closure line in Huntington Harbor indicates a progressive deterioration of water quality, due to coliforms derived from stormwater runoff, waterfowl wastes, malfunctioning sanitary systems, and from seasonal discharges from vessels to a lesser degree. Prior to 1970, the closure area comprised only

the southernmost reach of the harbor. In 1970, the closure line was shifted to a midharbor position. In 1975, the remaining portion of the harbor was closed to shellfish harvesting. In 1984, the closure area was further expanded to include a small portion of Huntington Bay and Lloyd Harbor.

The upper half of Huntington Harbor has been used recently for conditional shellfish harvesting during the winter season. Under this program, harvesting is allowed when specific rainfall and coliform conditions are met. Shellfish from Huntington Harbor have also been harvested for transplanting to the Town's bay management area in Lloyd Harbor for subsequent harvesting after purging themselves of pollutants in Lloyd Harbor's clean water.

Water quality degradation that has caused the closure of shellfish beds and beaches is the result of a number of factors, with stormwater runoff being the major source of contamination (boat sewage discharge and the STP effluent are also important contaminant sources). The implementation of area-wide best management practices will decrease stormwater-derived coliform loadings.

Fresh Surface Waters

The fresh surface waters within the LWRA include several small ponds and streams, all of which are exposed portions of the water table. Most of the ponds in the LWRA exhibit nutrient enrichment, particularly those which lack or have inadequate outlets. Pollutants enter the ponds through subsurface inflow, surface runoff, and from waterfowl. Since waterfowl are major contributors of nutrients and fecal coliform in many of the ponds in the LWRA and adjacent areas, public education measures should be implemented to reduce waterfowl feeding.

Leaching from septic systems can also be a source of nutrient loading and contamination. However, there is no evidence that this a problem within the LWRA.

Pollution loadings resulting from runoff from developed areas are significant after heavy rains, when contaminants that have accumulated on the streets and in other impermeable areas wash into ponds and streams. Regular street sweeping reduces these loadings. The Village engages in street sweeping at a frequency of approximately every two weeks, except during the winter. However, this operation involves only those roadways that are under the Village's jurisdiction. Many roadways in the Village are privately owned, and generally are not swept on a regular basis.

Many of the freshwater ponds and adjacent areas in the LWRA are important habitat for many species of wildlife, particularly waterfowl. Freshwater ponds provide recreation and open space areas, and add to the aesthetic appearance of the area. Some of the LWRA's ponds are located within parks, preserves and wildlife sanctuaries and are thus partly protected from the input of pollutants from nearby residential areas.

A brief description of some of the larger, more significant freshwater ponds in the LWRA follows:

- Several spring-fed ponds are present within the Fiske Bird Sanctuary, which drain into Lefferts Mill Tidal Pond (and eastward to Huntington Harbor). These ponds have experienced siltation since they were first created as the result of the construction of spillways. This natural infilling of the ponds has reduced their stormwater retention capacity and, as a result, has dramatically diminished their capability to act as sediment traps. A study should be undertaken to determine the feasibility and potential environmental impacts/benefits of dredging these ponds.
- Two ponds located on the Friends World College property on the south shore of Lloyd Harbor receive direct overland runoff from adjacent roadways. These ponds, which discharge to the harbor, have experienced reduced sediment removal capacity due to siltation and should be included in the aforementioned study to determine the feasibility of maintenance dredging.
- Fresh Pond is located in Caumsett State Park on Lloyd Neck. Covering approximately six acres with a wooded and fringing marsh shoreline, this is an example of a virtually unpolluted freshwater pond. All reasonable efforts should be taken to ensure that this pond retains its pristine characteristics.
- Mallard Pond is located near Whitewood Point on the south of Mallard Drive. This pond drains a sparsely populated area to the west of Caumsett State Park, and has no overland outlet to coastal waters.

2.2.3 WETLANDS

Wetlands within the LWRA are classified as either tidal or freshwater. The depth of water and the predominance of certain vegetative indicator species distinguish different types and classes of wetlands.

A. TIDAL WETLANDS

Tidal wetlands constitute one of the most biologically productive natural ecosystems. They serve as nurseries for fish and shellfish, are vital to marine food production, and provide valuable wildlife habitat. Tidal wetlands also serve several other functions including flood and storm control, pollutant removal and ecosystem cleansing, and control of sedimentation.

Tidal wetlands have been inventoried and mapped by the New York State Department of Environmental Conservation (NYSDEC). Tidal wetland boundaries were officially adopted in 1977 when the State's Tidal Wetlands Regulations (6 NYCRR Part 606, adopted pursuant to Article 25 of the Environmental Conservation Law) went into effect. Tidal wetlands consist of six major ecological zones, listed below:

- High marsh or salt meadow: Designated as HM on NYSDEC inventory maps. This is the uppermost tidal wetland zone usually dominated by salt meadow cordgrass (Spartina patens), and saltgrass (Distichlis spicata). This zone is periodically flooded by spring and storm tides, and is often vegetated by low vigor smooth cordgrass (Spartina alterniflora) and seaside lavender (Limonium carolinianum). The upper limits of this zone often include black grass (Juncus gerardi), marsh elder (Iva frutescens), and groundsel bush (Baccharis halimifolia).
- Intertidal marsh: Designated as IM on NYSDEC inventory maps. This vegetated zone lies generally between the average high and low tidal elevation, and is usually dominated by smooth cordgrass (Sparting alterniflora).
- Coastal shoals, bars and mudflats: Designated as SM on NYSDEC inventory maps. This zone includes areas that are exposed at low tide or covered by water to a maximum depth of one foot, and typically are not vegetated.
- Formerly connected tidal wetlands: Designated as FC on NYSDEC inventory maps. This zone includes wetlands which have been partially blocked from receiving normal tidal flows due to the construction of man-made facilities such as dikes or roadways. The original vegetative community generally dominates, although this zone may also support a stand of common reed (<u>Phragmites communis</u>). In low lying areas where daily tidal exchange has been cut off, some of these zones are experiencing a transition, and support vegetation indicative of freshwater wetlands.

- Coastal fresh marsh: Designated as FM on NYSDEC inventory maps. This zone is found primarily at the tidal/freshwater interface of stream systems where freshwater inflow dominates other tidal zones. Brackish and freshwater species typically dominate this zone including big cordgrass (Spartina cynosuroides), prairie cordgrass (Spartina pectinata) and narrow-leaved cattail (Typha angustifolia). This zone is one of the most highly productive and important for filtration of silt and organic materials from surface waters.
- Littoral Zone: Designated as LZ on NYSDEC inventory maps. This is a zone of open water which includes shallow bay bottoms with a maximum depth of six feet below mean low water. This is a productive zone, valuable to waterfowl, fisheries, and shellfish.

Tidal wetlands in the LWRA are shown on Figure 2-1.

B. FRESHWATER WETLANDS

Freshwater wetlands are not mapped or classified by NYSDEC into different ecological zones. However, vegetative cover types are used to distinguish between freshwater wetlands and other areas. The presence of several vegetative species are fairly good indicators of the occurrence of freshwater wetlands, including: wetland trees such as red maple (Acer rubrum), willows (Salix spp.), swamp white oak (Quercus bicolor), silver maple (Acer saccharinnum) and sour-gum (Nyssa sylvatica); wetland shrubs including dogwoods (Cornus spp.), Alder (Alnus spp.), sweet pepperbush (Clethra alnifolia), spicebush (Lindera benzoin), and highbush blueberry (Vaccinium corymbosum); wet meadow species such as rushes (Juncus spp.) and sedges (Carex spp.); and various emergent and submerged plants including cattails (Typha spp.), bulrushes (Scirpus spp.), common reed (Phragmites communis), loosestrife (Lythrum spp.), pondweeds (Potamogeton spp.) and water smartweed (Polygonum amphibium).

Pursuant to the Freshwater Wetlands Act (Article 24 of the Environmental Conservation Law) NYSDEC inventoried freshwater wetlands and developed regulations controlling activities in all designated freshwater wetlands greater than 12.4 acres in size, and those of less than 12.4 acres in size which were determined to be of local importance. The locations of all State-designated freshwater wetlands within the LWRA (as identified on NYSDEC's June 1989 tentative maps) are shown on Figure 2-1. In addition, the United State's Fish and Wildlife Service National Wetlands Inventory map, Lloyd Harbor 7.5 minute quadrangle, depicts all wetlands one acre in size and larger with cover type

information. This map serves as a planning tool in regard to future actions affecting the LWRP area.

2.2.4 UPLANDS

The wooded upland areas within the LWRA consist primarily of a mixed oak-hickory forest cover type. The dominant tree species include: northern red oak, black oak, scarlet oak, white oak, chestnut oak, pignut hickory, mockernot hickory, flowering dogwood, black cherry, and sassafras. On highly mesic, undisturbed sites (such as found at the Coindre Hall property bordering Huntington Harbor) along stream banks and bordering freshwater wetland areas, tulip tree, beech, red maple, yellow birch, sweetgum, and sugar maple appear in greater numbers. Disturbed, sandy locations are dominated by black locust, gray birch, bigtooth aspen, and eastern red cedar.

2.2.5 NEW YORK STATE DESIGNATED SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS

Three Significant Coastal Fish and Wildlife Habitats wholly or partly within the LWRA have been designated pursuant to Article 42 of the Executive Law and its implementing regulations (19 NYCRR Part 602): Cold Spring Harbor, Lloyd Point, and Lloyd Harbor. The location of each habitat area is depicted on Figure 2-7.

A. COLD SPRING HARBOR

Location and Habitat Description

Cold Spring Harbor is located on the north shore at the border of Nassau and Suffolk Counties, in the Towns of Oyster Bay and Huntington; a small area lies within the boundaries of the Village of Lloyd Harbor. The harbor is approximately 2,500 acres in size. The fish and wildlife habitat consists of the open water and wetland areas in the bay, extending out to Whitewood Point on the east and Centre Island on the west, excluding portions contained in the Oyster Bay National Wildlife Refuge (approximately 1000 acres). Most of Cold Spring Harbor ranges from 6 to 20 feet in depth with some points greater than 70 feet. The southern portion of the harbor is generally less than 6 feet deep, and contains tidal mudflats, salt marsh and sand islands. The tidal range in the harbor averages approximately 7 feet. The area is bordered by residential development, forested headlands, and extensive recreational boating facilities (especially near Cold Spring Beach). Only a few areas of undeveloped salt marsh remain in the area, including St. John's Marsh, located at the southern end of the harbor.

Fish and Wildlife Values

Cold Spring Harbor is one of several major embayments on Long Island's north shore. This coastal bay is important to fish and wildlife throughout the year. Cold Spring Harbor is one of the five most important waterfowl wintering areas (from November through March) on the north shore. Mid-winter aerial surveys of waterfowl abundance for the ten-year period 1975-1984 indicate average concentrations of over 1,100 birds in the bay each year (3,135 in peak year) including approximately 660 scaup (3,075 in peak year), along with lesser numbers of mallard, Canada goose, common goldeneye, bufflehead, oldsquaw and red-breasted merganser. Waterfowl use of the bay during winter is influenced in part by the extent of ice cover each year. Concentrations of waterfowl also occur in Cold Spring Harbor during spring and fall migrations, occurring from March through April and October through November, respectively.

In addition to waterfowl use, Cold Spring Harbor is a productive area for marine finfish and shellfish. The harbor serves as a nursery and feeding area (generally from April to November) for numerous species of finfish that include in part, striped bass, porgy (scup), bluefish, summer flounder, Atlantic silverside, menhaden, winter flounder and blackfish. This area is also one of the few on Long Island where smelt spawning runs (in mid-March) are known to occur. As a result of the abundant fisheries resources in the bay, and its proximity to the metropolitan New York area, Cold Spring Harbor receives heavy recreational fishing pressure of regional significance. Cold Spring Harbor is also valuable as a hard-shelled clam producing area. The northern portion of the harbor is certified for commercial shellfishing. St. John's Marsh, which is an excellent example of estuarine fish and wildlife habitat, has been used for environmental education and research activities of county-level significance.

B. LLOYD POINT

Location and Habitat Description

Lloyd Point is located at the northwest tip of Lloyd Neck. The northern portion of this habitat includes bluffs and the western end contains wetland vegetation. The habitat also contains a protected bay (locally referred to as "The Sand Hole"), tidal mud-flats and a

narrow sand peninsula. This fish and wildlife habitat encompasses nearly 175 acres, much of which is located within an undeveloped portion of Caumsett State Park. The remainder is bordered by undeveloped land and several private residences.

Fish and Wildlife Values

Lloyd Point is an excellent example of an undeveloped coastal wetland ecosystem, containing a diversity of fish and wildlife habitats. This area includes one of the least disturbed salt marshes on the north shore of Long Island. One pair of osprey (a threatened species in New York) nested nearby at Caumsett State Park in 1983 and 1984, and may utilize the shallow bay for feeding. In the mid to late 1970s, least terns (an endangered species in New York) nested on the sand spit which extends southward from the top of Lloyd Point. Although least terns did not nest there from 1982 to 1984, Lloyd Point is important as a potential nesting site. Least terns and common terns (a threatened species in New York) were observed in the area in late May 1984, but may have been eliminated by human disturbance or predators. Other probable or confirmed breeding bird species in this area include wood duck, Canada goose, mallard, clapper rail, piping plover (an endangered species in New York), horned lark, marsh wren and red-winged blackbird. The protected bay, mud flats and salt marsh areas at Lloyd Point serve as valuable feeding areas throughout the year for many wetland bird species, including waterfowl, herons, egrets, gulls, terns, plovers and sandpipers. In addition to its ecological values, the Lloyd Point marsh is important for estuarine research and education on Long Island. The marsh is used by Caumsett State Park for nature tours and by both the Queens College Center for Environmental Teaching and Research, and the Nassau County Board of Cooperative Educational Services (BOCES) for their residential environmental education programs. Bird watching and recreational fishing are important uses at the local level. Lloyd Point also supports a shore-based sportfishery which is available on a permit basis in Caumsett State Park.

C. <u>LLOYD HARBOR</u>

Location and Habitat Description

Lloyd Harbor is located south of Lloyd Neck, between Cold Spring Harbor and Huntington Bay. Lloyd Harbor is approximately 800 acres in size. This fish and wildlife habitat consists of salt marsh, mud-flats, and open water area in the harbor, extending out to East Beach on the north side and to the mouth of Huntington Harbor on the south. Beach and bluff areas are also found in this habitat. Lloyd Harbor is primarily less than 8 feet deep at mean low water and has a tidal range of approximately 7 feet. The bay is bordered by sparse residential development and developed wooded slopes. The harbor is utilized on a seasonal basis for recreational boating and provides a valuable year-round area for commercial shellfisheries.

Fish and Wildlife Values

Lloyd Harbor is one of several relatively large, shallow, coastal wetland ecosystems on Long Island's north shore. Consequently, the harbor is an important fish and wildlife habitat throughout the year. It is a valuable waterfowl wintering area (from November through March) on the north shore of Suffolk County. Mid-winter aerial surveys of waterfowl abundance for the ten-year period 1975 through 1984, indicated that the average annual concentration of birds in the harbor is approximately 380 (910 in a peak year), including approximately 180 scaup (900 in a peak year) and 160 black ducks (320 in a peak year), along with lesser numbers of mallard, Canada goose, common goldeneye, bufflehead and red-breasted merganser. Waterfowl use of the bay during the winter is partially influenced by the extent of ice cover. Concentrations of waterfowl also occur in Lloyd Harbor during spring and fall migrations, occurring from March through April and October through November, respectively. In addition to waterfowl use, Lloyd Harbor is used extensively as a feeding area by osprey (a threatened species in New York), herons, egrets and other wading birds throughout much of the year. During the mid-1970s, least terns (an endangered species in New York) were reported nesting on East Beach; this area is still a valuable potential nesting site. The harbor serves as a nursery and feeding area (generally from April through November) for various marine finfish, including but not limited to: striped bass, porgy (scup), bluefish, Atlantic silverside, menhaden, winter flounder and blackfish. Concentrations of hard-shelled clams, blue mussels, soft-shelled clams and oysters that occur in the harbor, provide both a commercial as well as a recreational shellfishery for local residents. The Lloyd Harbor habitat may also be an important nesting and feeding habitat for the Kemp's Ridley sea turtle (an endangered species in New York) and terrapin, especially during the late summer or fall. More documentation is needed on the use of this area by Kemp's Ridley, as well as other, sea turtle species.

2.2.6 LOCALLY IMPORTANT COASTAL FISH AND WILDLIFE HABITATS

Lefferts Mill Tidal Pond, a brackish water impoundment located at the northwestern end of Huntington Harbor which is owned and managed by the Nature Conservancy as a preserve,
is a locally important habitat within the LWRA. A stone-reinforced embankment and two sluiceways currently separate this Mill Pond from the harbor waters. The Van Wyck-Lefferts Mill, which was constructed during the 1790s, is a local historic landmark that straddles the dam. The Nature Conservancy (which has owned the Mill Cove Waterfowl Sanctuary since 1972) has recently completed reinforcement work on the Mill Dam.

Nearly the entire perimeter of the Mill Pond is surrounded by private residences. The Nature Conservancy owns the underwater lands of the mill pond to the mean high water line and protects this resource by prohibiting boating on the pond. Public access to the pond via water is presently limited to small boats which may approach the Mill Dam from Huntington Harbor. Land access is limited to a narrow right-of-way that traverses the side and back yard of a private residence.

Lefferts Mill Tidal Pond provides valuable habitat for a large diversity of wading birds and waterfowl. Both resident and migratory bird species use the pond and upland vicinity for roosting, loafing, and feeding areas. The pond and fringing wetland areas also serve as a nursery for finfish.

2.2.7 FLOODING AND EROSION

A. FLOOD ZONE BOUNDARIES

The LWRA contains flood zones designated by the Federal Emergency Management Agency (FEMA). Flood hazards in the LWRA are due almost entirely to the potential for low-lying coastal areas to be inundated by surging seawater during storms. Flooding due to the accumulation of stormwater drainage is a much less significant problem.

FEMA has developed Flood Insurance Rate Maps (FIRMs) that delineate flood-prone areas as flood zones. There are several categories of flood zones, based on the degree of susceptibility to flood damage. Four general flood zones exist within the LWRA, as summarized below:

• V zone (i.e., high velocity zone, also called the coastal high hazard area) - that area of land that would be subject to breaking waves of three feet or greater height, in addition to still water flooding, during the 100-year storm event

- A zone (also called the area of special flood hazard) that area that would primarily experience still water flooding, without significant wave activity, during the 100-year storm
- B zone areas between the limits of the 100-year flood and the 500-year flood; or certain areas subject to 100-year flooding with average water depths of less than one foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood
- C zone areas of minimal flooding

Figure 2-2 depicts the 100-year floodplain (i.e., the V and A zones). V zones are narrow bands along the northern and western shores of Lloyd Neck. A zones are in low-lying areas landward of the V zone and in the inner portions of the harbors. Small areas of B zone are also present within the LWRA, but are not shown in Figure 2-2 due to scale limitations of the map. Most of the upland in the LWRA is designated as C zone.

B. GENERAL ASPECTS OF COASTAL EROSION

The Long Island Sound shoreline is a dynamic environment. The sandy sediment along the shore is constantly moving under the influence of waves, tides, and winds. Beaches are subject to the greatest variability and are dependent upon a supply of sand in order to exist and function as natural protective features. Seasonal cycles in geologic forces alter the beach from a typical broad, gently sloping "summer" profile to a typical steeper, narrower "winter" profile, and back again. Storms generally carry beach material offshore, while periods of calmer weather tend to return sand to the beach.

Deviations from the "typical" conditions described above can alter the cyclic pattern of change along the shoreline. For example, a severe summer storm (e.g., hurricane or tropical storm) can prevent the beach from accumulating sand and forming a wide berm. This situation would make the beach more susceptible to erosion the following winter. Similarly, a series of successive severe winter storms would likely cause the beach width to be reduced beyond its normal winter profile. In these cases, where the extent of erosion exceeds the normal seasonal shifts in the position of the shoreline, the areas that lie landward of the beach (especially the dunes and bluffs) are exposed to erosive forces and can supply sand to adjacent beaches.

Besides the onshore-offshore movement of sand caused by seasonal and episodic forces, beaches are subject to gradual change due to the action of waves and tides. The primary consequence of these daily forces is the net movement of sand in a direction parallel to the shoreline. This long-shore transport of sand (also called littoral drift) is caused by a long-term average direction of wave approach that is not perpendicular to the shoreline. On the north shore of Long Island, long-term littoral drift generally flows in a west-to-east direction. However, many stretches of shoreline are characterized by an east-to-west direction, depending on the orientation of the shoreline and other conditions. For example, the sand spit at East Beach was created by the eastward longshore transport of sediment from the headlands on Lloyd Neck (see Figure 2-1).

In general, bluffs lie upland of the beach zone throughout the LWRA. Bluffs are composed of loose sediment (typically unsorted sands, gravels, and boulders), and are formed as the result of erosion of the seaward edge of glacial deposits. Bluffs are present on the shores of Lloyd Neck that face the Sound and Oyster Bay, with the latter area containing the highest bluffs (see Figure 2-1).

Bluffs are integrally tied to the beach zone in terms of the movement of sediment. A wide beach provides an effective buffer against storm waves and mitigates the erosion of adjacent bluffs. It is important to recognize, however, that actively eroding bluffs are a source of sand nourishment to beaches located in down-drift areas. Structural activities that are undertaken to prevent bluff erosion and to protect structures (such as houses and other buildings) that are situated landward of the bluff, may have significant effects on adjacent beaches. If such structural measures are fully successful in stemming bluff erosion, down-drift beaches may be starved of sand and thus erode over the long term. Jetties and groins, which extend perpendicular to the shoreline and trap sand moving in the littoral drift system, can also cause erosional problems at down-drift beaches due to sand starvation.

Because of the potential for coastal protective structures to have unintended adverse effects on the sediment supply to adjacent beaches, such structures should generally be used only where non-structural measures (e.g., beach nourishment, restoration of bluff vegetation, etc.) are shown to be impractical. Permit applications for shoreline structures should be carefully evaluated by the reviewing agency to ensure that the potential impacts to the beaches are weighed against the benefits derived from the protection of upland development. Furthermore, where shoreline structures are shown to be an appropriate solution to erosional problems, efforts should be made to see that structural protection is applied uniformly along the shoreline, since intermittent structures can exacerbate erosion at adjacent shoreline segments which lack these devices.

C. COASTAL EROSION HAZARD AREA

V-Zones are often included within Coastal Erosion Hazard Areas (CEHAs). CEHAs have been designated by NYSDEC pursuant to Article 34 of the New York State Environmental Conservation Law. Lands that lie within the CEHA either are subject to an average long-term recession (erosion) rate of at least one foot per year, or are characterized by the presence of natural protective features (i.e., beaches, dunes, shoals, bars, spits, barrier islands, bluffs, wetlands, nearshore areas, and associated natural protective vegetation). Development and the siting of structures, including erosion protection structures, is regulated in CEHAs to preserve natural protective features and their natural protective benefits, and to safeguard adjacent development and human life. Erosion control structures may reduce or destroy the erosion protection afforded natural protective features and adjacent lands, and may decrease the reserves of sand available to replenish storm losses through natural processes.

The CEHA within the Village of Lloyd Harbor has been designated and delineated on maps based on the existence of natural protective features. These maps are identified as the New York State Department of Environmental Conservation Coastal Erosion Hazard Area Maps, Village of Lloyd Harbor, Suffolk County, 1-6. The CEHA includes areas that lie immediately adjacent to the Long Island Sound, Oyster Bay, and Huntington Bay shorelines of Lloyd Neck, as shown in Figure 2-2. The natural protective features along this shoreline consist primarily of bluffs and adjacent beaches and nearshore areas, but also include some sand spits (e.g., the barriers across The Sand Hole at Lloyd Point, and the East Beach spit extending southward from Target Rock).

In 1989, the Village of Lloyd Harbor adopted a local Coastal Erosion Hazard Area Management Law (Article 21 of the Zoning Code), by which the Village assumes the responsibility and authority to implement and administer a coastal erosion management program within its boundaries, pursuant to Article 34 of the New York State Environmental Conservation Law. This local law:

• regulates new construction and the placement of structures in areas subject to coastal erosion and flooding, in order to place them a safe distance from areas of active erosion and the impacts of coastal storms;

- restricts public investment in services, facilities, and activities which are likely to encourage new permanent development in erosion hazard areas; and
- regulates the construction of erosion protection structures in coastal areas subject to serious erosion, so as to assure that when the construction of such devices is justified, their construction and operation will minimize or prevent damage or destruction to man-made property, natural protective features, and other natural resources.

D. FLOODING AND EROSION ISSUES AND CONCERNS WITHIN THE LWRA

Lloyd Neck is connected to the mainland (at West Neck) by a narrow isthmus, which is approximately 2,500 feet long and 200 feet wide. Quarrystone has been placed on the west side of the isthmus, along the Cold Spring Harbor shoreline, as an erosion protection measure. As a result, the causeway of West Neck Road suffers negligible erosion. During severe storms, the causeway is overwashed by waves and has been flooded on occasion, cutting off Lloyd Neck from the mainland.

Serious beach erosion has occurred south of the causeway, resulting in the loss of sand from the Lloyd Neck Bath Club (a private facility), the Town and Village beaches (West Neck Beach and Lloyd Harbor Village Park), and the shoreline segment to the south. This erosion problem has intensified in recent years. Efforts (i.e., the placement of rip rap boulders) have been made to stabilize this area; however, some erosion continues to occur. An evaluation should be made of options for mitigating this erosion problem, including an assessment of the feasibility and efficiency of widening the beach.

The northerly shore of Lloyd Neck is a CEHA. Ongoing erosion in this area is evidenced by the presence of active bluffs, which range in height from 10 to 100 feet. A large portion of the erosion-prone shoreline segments on Lloyd Neck are situated within Caumsett State Park and, therefore do not directly threaten upland development. The erosion of some areas of bluff within the park has been exacerbated by pedestrian traffic, which destroys stabilizing vegetation, creates pathways for the concentrated flow of runoff down the bluff face, and causes gully erosion.

The approximately 50-foot high bluffs that front the development along Seacrest Drive, which lies immediately north of Target Rock National Wildlife Refuge, have experienced continuing erosion. Recent storms, particularly the Halloween 1991 and December 1992 northeasters, have reduced the buffer between the bluff face and the adjacent homes to

approximately 100 feet from the original setback distance of 125 feet. Much of the sediment that is eroded from these bluffs is carried in a southward direction around East Fort Point to the accreting spit at East Beach. Bluff erosion is also prevalent at East Fort Point.

At Lloyd Point, littoral drift is from east to west, rounding the Point and then flowing southward. Accretion occurs to the south of Lloyd Point, where a sand spit creates a small embayment (i.e., The Sand Hole).

Bluffs are also present in the vicinity of Whitewood Point, on the western shore of Lloyd Neck. However, this area is sheltered from the forces of the most erosive storm waves (i.e., those generated by the northeast winds of winter storms) and, consequently, is less susceptible to erosion than the north-facing portion of Lloyd Neck.

2.2.8 SCENIC AND VISUAL RESOURCES

The visual quality of the coastal area is a significant resource which plays a vital part in attracting residents and visitors to the waterfront. The positive scenic qualities and values of coastal resources within the Village enhance the user's experience. Maintaining the visual quality of coastal resources is, therefore, a priority. Although no scenic resources of Statewide importance have been identified in the LWRA, the aesthetic significance of the existing visual resources to the Village can not be understated.

Generally, views of the natural coastline are positive, and evoke feelings of serenity, tranquility, and harmony. Positive visual aspects are uncluttered and congruous with existing natural amenities. Positive elements include lush, vegetated marsh areas, thick tree canopies, thriving fish and wildlife populations, and man-made structures which conform with natural shoreline and coastal features, and do not degrade visual quality by creating contrasting line, texture or mass. Conversely, negative visual aspects appear cluttered or haphazard, obtrusive, and incongruous with the natural coastal setting. Negative elements include visual pollution, overcrowding, neglected or deteriorating structures, and land uses that degrade or create discord with the natural environment, blocking or degrading views of the shoreline from the land or from across the water.

Visual quality is subjective by nature and, therefore, requires a brief description of those elements or features which either enhance or detract from the visual quality of the coastal landscape. The Village of Lloyd Harbor provides vistas which are among the most scenic in

northwest Suffolk County. In West Neck, there are few direct public access areas from which to view Cold Spring Harbor to the west, Lloyd Harbor to the north, or portions of Huntington Harbor to the east. These water areas are, however, viewed by adjacent private property owners. Public access to the shoreline is available at West Neck Beach (a Town facility) adjacent to Cold Spring Harbor. From this vantage point, a commanding view of the harbor, as well as of Cove Neck, Centre Island and Oyster Bay Harbor, is available.

Preservation of greenspace adjoining Lloyd Harbor Village Park would substantially benefit local wildlife, maintain the wooded visual quality of the area, and provide a natural vegetative buffer up-gradient from the two ponds located in this park. Black-crowned night herons roost in the treetops on the east side of these ponds (coincident with the undeveloped right-of-way owned by the State). Although no nesting of this species was reported in the area to date, it is likely that this area provides habitat for a heron rookery. Presently, the Village leases a portion of this ± 27.6 -acre property from the State, at a cost of one dollar per year for a term of nine years ending in 2002, for use as passive parkland and a nature preserve. The Cold Spring Harbor Laboratory also leases a portion of this property, at a cost of \$2,500 per year for a term ending in 2000, for use in corn breeding studies; this site is considered to be ideal for such investigations due to its isolation from other pollen sources. The Village is presently involved in negotiations for the permanent acquisition of this property from New York State for the continuation of the current uses. These negotiations involve the State Department of Parks, The Long Island State Park Commission, and the State Legislature.

Roadways within West Neck wind through wooded, well-maintained residential areas. West Neck Road traverses the length of West Neck from West Neck Beach to State Route 25A (Main Street) in downtown Huntington hamlet. The southern end of West Neck Road (situated outside the Village) has been designated by the Town as an historic and scenic roadway and is a scenic resource of local importance.

West Neck is connected with Lloyd Neck by a causeway that runs in a north-south direction. This causeway provides an expansive, unobstructed view of both Cold Spring Harbor to the west, and Lloyd Harbor and its associated tidal wetlands to the east. Views in this area are excellent.

The major roadway leading into Lloyd Neck from the causeway is Lloyd Harbor Road. This roadway runs adjacent to Lloyd Harbor and provides picturesque views of the area and the wooded hillside on the south side of this waterway.

Target Rock National Wildlife Refuge and Caumsett State Park are resources of local, regional, state and national importance, providing excellent views of surrounding waters and upland areas. Target Rock National Wildlife Refuge provides panoramic views of Huntington Bay, with Eatons Neck in the distance. Caumsett State Park contains a wide variety of habitats (including bluffs, beaches, tidal wetlands, a freshwater lake, open fields and mature woodlands) which provide pleasing and interesting views. The park and refuge also provide excellent views of Long Island Sound to the north, with the Connecticut shoreline visible (approximately 10 miles distant) on clear days.

Views from the Lefferts-Van Wyck Mill Dam, located at the northwestern end of Huntington Harbor, are particularly scenic. The Mill Pond area offers excellent opportunities for birdwatchers. However, access to this site by land is effectively non-existent. Visual and physical access to this area is restricted to boaters and adjacent homeowners. Land-side visitors would have to park their cars along the street in a private residential area, and walk across private property to reach the Mill Dam. An agreement might be made between the Village of Lloyd Harbor and Suffolk County to dock a small skiff (tour boat) at the Coindre Hall boathouse located to the east or, alternatively, arrangements could be made with the Town of Huntington for a skiff originating at Gold Star Battalion Beach.

Views within and from the Coindre Hall property (a county park), located on the Village's eastern boundary line, include a wide variety of features. The entire waterfront of this property, as well as the boathouse and part of the mansion, are within the Village. Behind the mansion on top of the hill, visitors view acres of open, rolling meadows on the estate. Looking towards the north beyond the meadows, visitors can view the boathouse on the property and Huntington Harbor beyond, framed by mature woodlands to the east and west. Views from the boathouse looking back toward the mansion establish a rather bucolic setting, with the grand mansion perched on top of the hillside over one-quarter mile away, overlooking the estate. The view looking north from the Coindre Hall shorefront encompasses a panorama of northern Huntington Harbor and should be preserved.

From a water-side vantage, particularly scenic views are available in the vicinity of the Lefferts-Van Wyck Mill and Dam. The summertime congestion of boats in lower Huntington Harbor is barely visible at a great distance from this point. A large number and variety of waterfowl congregate on the pond during the fall and winter months. The Mill Dam is a scenic and historic resource of local importance.

2.3 LAND AND WATER USES

2.3.1 PREEXISTING LAND AND WATER USES AND PREEXISTING ZONING

The Village of Lloyd Harbor is characterized by rolling terrain with vast areas of woodlands, a rural landscape, and extensive areas of shoreline containing beaches, bluffs and fringing wetlands. The primary land uses in the Village are low-density residential development (one unit or less per acre), open space and recreation, and some institutional uses (Figure 2-3). With the exception of a large nursery and landscaping business located in the northeast corner of West Neck, on Southdown Road, there are no commercial or industrial uses in the Village. The commercial needs of Village residents are met by goods and services available in the Cold Spring Harbor and Huntington hamlet downtown areas and other areas outside the Village.

Nearly all of the land in the Village of Lloyd Harbor is zoned A-1 Residence, which requires a minimum lot size of two acres (Figure 2-4). Other zoning districts in the Village include the Public Beach District, which encompasses the West Neck Town Beach property; and two Flood Plain Districts, which encompass the lands designated by the Federal Emergency Management Agency (FEMA) as areas subject to flooding (see Section 2.2.7). Development is regulated in these flood zones by requiring buildings to be elevated and floodproofed.

Residential development covers much of the West Neck section of the Village. The northwestern section of West Neck contains two large public park facilities (as noted above), the Lloyd Neck Bath Club (a private recreational facility), a Roman Catholic Seminary (Seminary of the Immaculate Conception), the former Friends World College facility, and vast areas of open space containing both wetlands and woodlands. The southwestern tip of West Neck contains a part of the Cold Spring Harbor Beach Club. In addition to the recreational facilities noted above, there are a small number of private homeowner's association beaches scattered along the shoreline, and a large area of undeveloped open space (Jennings Field) which is utilized as passive parkland by the Village.

Institutional uses in the West Neck area include the Roman Catholic Seminary of the Immaculate Conception, a few school district properties and municipal properties, and an adjunct facility of the Cold Spring Harbor Laboratory (Banbury Center). All of these uses are situated within the A-1 zoning district and require a special use permit from the Village Board of Trustees.

The Seminary of the Immaculate Conception (formerly Rosemary Farms) is located on property in West Neck, near the head of Lloyd Harbor. This land, which is zoned A-1

Residence, has been proposed for subdivision. The entire northern end of this property, within 500 feet of the shoreline, is characterized by wooded, steeply sloped areas. The Village of Lloyd Harbor may wish to prepare a conceptual plan to guide the future development of this property, in an effort to retain the vegetation on steep slopes, control soil erosion during construction, and to preserve as much open space and as many of the historic structures and landforms on the property (e.g. the stone archways and amphitheater area) as possible.

Three parcels of approximately 43.6-acres, of undeveloped open space in a State-owned rightof-way is located directly south and east of Lloyd Harbor Village Park. This property is bounded by West Neck Road to the east, West View Drive to the south, and Cold Spring Harbor to the west. As discussed in Section 2.2.8, the Village has entered into a lease for a portion of this property as a means of preserving the extent of natural woodlands that surrounds the Village Park, and to prevent this area from being developed in the future. The Cold Spring Harbor Laboratory leases a 106.05 acre State owned right-of-way northeast of the Village Park. This land is used for corn breeding investigations. However, since this property is zoned A-1 Residence, and the terms of the current leases expire by 2002, the potential exists for an as-of-right residential development if the State were to sell this property in the future. Though generally, it is policy of the Office of Parks Recreation and Historic Preservation not to dispose of parkland, but to enter into term agreements, to permit specific uses while retaining ownership and control for general public recreation, park and nature purposes.

The Lloyd Neck peninsula contains residential development and open space and recreational uses. Caumsett State Park, which encompasses 1,500 acres, is a State-owned park used for passive recreation and environmental education. The Target Rock National Wildlife Refuge is located at the east end of the peninsula. Other open space areas include a 39-acre property owned by the Nature Conservancy in the southwest corner of Lloyd Neck and areas of fringing wetlands and upland thicket located along the shoreline of Lloyd Harbor.

Extensive tidal marshes are located at the western end of Lloyd Harbor, consisting of a nearly continuous band of wetland vegetation on both the north and south shorelines. The entire harbor is a designated Significant Coastal Fish and Wildlife Habitat, as discussed in Section 2.2.5.C. The Village has made considerable strides in protecting the wetlands and surface water quality of this harbor, by prohibiting the construction of permanent docks, restricting moorings, and establishing and encouraging shorefront properties to establish conservation easements within the Village. The removal of vegetative cover and the topping of trees is prohibited within a conservation easement established along the shoreline of the Friends World College property, on the south side of the harbor.

Water uses in the Village's coastal waters consist of recreational boating, fishing, and commercial and recreational shellfish harvesting, primarily in Lloyd Harbor. Other areas popular for boating include The Sand Hole (located at the northwestern corner of Lloyd Neck) and Cold Spring Harbor. It is important to note that the Village's coastal waters contain no commercial marine facilities.

The Sand Hole is a popular boating spot during the summer season, where boaters "raft-up" (i.e., tie together at anchor for extended periods of time). The lack of nearby pump-out facilities increases the potential for vessel wastes to be discharged into these waters, creating a water quality problem during periods of peak boater activity. In addition to impacting surface water quality, concentrations of human activity can also disrupt wildlife populations utilizing the area, especially waterfowl and beach-nesting shorebirds. As discussed in Section 2.2.5.B, Lloyd Point is a State-designated Significant Coastal Fish and Wildlife Habitat. Two State-listed endangered species (piping plover and least tern) and two State-listed threatened species (osprey and common tern) either nest or feed within this cove and the adjacent area. The Atlantic coast population of piping plover is also federally listed as a threatened species. Stepped-up enforcement by the State of New York, posting, and whenever possible, education on the importance of these resources and the dangers of disturbances are necessary to minimize human impacts, as well as to discourage the discharge of marine toilets within the cove.

Publicly-owned lands represent a vital resource to local residents. These lands range from institutional uses and active recreational facilities, to passive parks and preserves. In all, 3.1 square miles, or approximately one-third of the Village's 9.3-square mile land area, are held in public ownership, including the 2.2 square miles that comprise Caumsett State Park. See Table 2-1 at the end of this section of the LWRP report for a listing of public lands in the LWRA. Figure 2-5 depicts the location of these lands.

2.3.2 WATER-DEPENDENT AND WATER-ENHANCED USES

Water-dependent uses contribute significantly to the long-term economic vitality and public enjoyment of coastal areas. A water-dependent use is a use that requires a location on, in, or directly adjacent to the water in order to function or exist. A water-enhanced use does not require a location on or adjacent to the water in order to function or exist, but derives certain benefit from a waterfront location, such as an increased enjoyment level of the users. There are several facilities along the shoreline of upper Cold Spring Harbor which serve as sites for water-dependent uses (e.g., swimming, access for sculls and other small boats, etc.): Cold Spring Harbor Beach Club, Lloyd Harbor Village Beach and Park, West Neck Town Beach, and the Lloyd Neck Bath Club. The latter three are clustered together along the harbor shoreline at the northwestern corner of West Neck. Along the south shore of Lloyd Harbor, the Sagamore Rowing Club leases the Boat House on the Friends World College property. There are no water-enhanced uses in this area. The remainder of the area is zoned and developed for residential use.

Private waterfront recreational facilities that permit shoreline access to local residents are the primary sites for water-dependent uses in the Lloyd Neck area. These include many homeowner associations and private docks and beaches.

Caumsett State Park is the site of a number of a water-dependent uses on Lloyd Neck. This facility covers approximately 1,500 acres in central Lloyd Neck, and provides abundant opportunities for the passive enjoyment of scenic coastal resources, as well as certain active recreational pursuits (such as surf fishing).

Coindre Hall contains active docking facilities on Huntington Harbor, which are periodically used for access to the water by the Sagamore Rowing Club; such uses of the shorefront are water-dependent. The upland portion of the property is presently used by the County for cultural arts purposes, which is a water-enhanced use. See Section 2.3.3 for a more detailed discussion of Coindre Hall.

Although the Mobil Oil Terminal on Cold Spring Harbor is situated just south of the Village boundary (and therefore, outside the LWRA), its proximity to the Village merits special attention here. This oil terminal is a water-dependent facility, because site operations depend on the dock-side transfer of petroleum products. However, strictly speaking, oil terminals are not water-dependent uses, since oil deliveries can be made to an offshore platform and piped to inland locations. Recognizing that such siting alternatives exist, and given the potential for environmental impacts to sensitive ecological resources in Cold Spring Harbor which may result from the transfer and storage of petroleum products at this waterfront location, the Long Island Sound Coastal Management Program recommends that the Mobil Oil Terminal be phased out of use.

2.3.3 UNDERUTILIZED, DETERIORATED, AND ABANDONED USES

The land use patterns and character of the Village of Lloyd Harbor have been well-established. There are few deteriorated, underutilized or abandoned properties. Those identified in the waterfront area are described as follows:

A. COINDRE HALL

Coindre Hall is a 12.6-acre property located on the western shoreline of Huntington Harbor. This parcel is bisected by the municipal boundary between the Town of Huntington and the Incorporated Village of Lloyd Harbor. The site is owned by Suffolk County and currently operated as the Harbor Arts Center.

Coindre Hall is the former George McKesson Brown Estate, and still contains the large estate-house and waterfront boathouse and dock facility. These structures are locally designated historic resources. The Sagamore Rowing Club has worked out an arrangement with the County to periodically utilize the boat dock for training purposes.

The facilities at Coindre Hall are presently not utilized to their full potential, and are in need of revitalization. As discussed in Sections 2.2.4 and 2.2.8, this site offers excellent viewsheds (which include panoramas of Huntington Harbor, a woodland area, a pond and freshwater wetland system located adjacent to the shorefront, and a rolling, on-site hillside), and contains areas of unique vegetation. Unfortunately, the estate buildings are in need of costly repairs and maintenance, which has imposed a financial hardship on the County.

Due to its waterfront location, and the natural and structural amenities contained on-site, the Coindre Hall property has the potential for adaptive re-use for a variety of public and quasi-public uses or could be revitalized with appropriate institutional or cultural uses, such as a marine educational facility. A number of proposals have been considered for this site, including an annex to the Heckscher Museum (which has its main facility in downtown Huntington), but no concrete plans have been confirmed. Due to the character of the property, its ecological significance, and its waterfront location, residential development is not considered suitable.

Because of the environmental constraints and important features discussed previously, a cultural and/or institutional facility similar to the present use would be the most appropriate re-use of the Coindre Hall property. However, the current zoning of this land

is R-80 (2-acre) residential. Therefore, the recommended redevelopment would require a special use permit or zone change approval, as well as appropriate public hearings, involving both the Village of Lloyd Harbor and the Town of Huntington.

The Village and Town should work together to ensure that the future utilization of the Coindre Hall site is compatible with surrounding land uses, and is no more intensive than current uses, requiring mostly the restoration of existing facilities and limited new development. Furthermore, 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 in any redevelopment scheme. In the event the upland portion of the site is developed with a use that does not involve the continued use of the boathouse and dock, these facilities should be restored and arrangements should be made to lease this portion of the property to a public or private organization who would make full use of the facility as a water-dependent use.

B. LEFFERTS-VAN WYCK MILL DAM

As noted in Section 2.2.8, the Lefferts-Van Wyck Mill Dam, located at the western end of Huntington Harbor, offers scenic views and opportunities for birdwatching. However, visual and physical access to this area (which is owned by the Nature Conservancy) is restricted to private boaters and adjacent homeowners. The Village of Lloyd Harbor and various historical societies have considered alternative improvement plans for this facility. Actions to improve the utilization of this scenic and historic resource might include the establishment of a boat shuttle, originating at Gold Star Battalion Beach or Coindre Hall, which would improve water-side access into this area.

Some work has been undertaken on the restoration of the mill building, using grant money and matching funds from the State. However, additional funds are needed to complete the project. The Nature Conservancy has expressed the desire to transfer this property to other parties.

2.3.4 PUBLIC ACCESS AND RECREATION

The shorefront throughout the LWRA contains a variety of water-dependent and water-related recreational facilities which provide excellent opportunities for public access to the harbors

and bays. Both passive and active recreational facilities have become a primary resource in this area. Many of the facilities were identified in Section 2.3.2.

Parklands in the LWRA fall under the jurisdiction of the U.S. Government, the State, the Incorporated Village of Lloyd Harbor, and the Town of Huntington. In addition, there are a large number of beach and park facilities located throughout the LWRA that are maintained by private homeowner and community associations, providing a means of shoreline access for association members.

A. STATE PARK FACILITIES

Caumsett State Park

Caumsett State Park is the only State park facility located in the Township of Huntington. Caumsett State Park occupies the former Marshall Field estate property, which encompasses approximately 1,500 acres on Lloyd Neck. This facility is utilized for passive recreational activities including walking and hiking, bird watching, nature study, surf fishing, bicycling, and picnicking. The park also contains equestrian facilities, with designated trails for horseback riding. The former estate-house on the property is licensed by Queens College for its Center for Environmental Teaching and Research. The park is open year-round, offering a number of seasonal programs throughout the year. A minimal fee is charged for vehicle parking; pedestrians and bicyclists are admitted free-of-charge.

B. VILLAGE PARK FACILITIES

Lloyd Harbor Village Beach Park

Lloyd Harbor Village Beach Park is located on the western shoreline of the Village, directly south of the West Neck Town beach site. This Village beach fronts on Cold Spring Harbor, offering excellent views. Facilities include a harbor beachfront, a boat ramp and boat storage area, picnic area, tennis courts, restrooms, and parking. The park is open from Memorial Day through Labor Day, and restricted to use by Village residents only. The beach is well-utilized during the summer season.

C. TOWN OF HUNTINGTON PARK FACILITIES

West Neck Beach Park

West Neck Beach is a Town-owned facility located in the Incorporated Village of Lloyd Harbor. This 29.3-acre property fronts on Cold Spring Harbor, directly north of the Lloyd Harbor Village Park. West Neck Park contains a beachfront, a building with restrooms, and a parking area. The property also contains extensive areas of tidal wetlands. West Neck Beach is one of the most actively used beach facilities in the Town.

The Town of Huntington and the Village of Lloyd Harbor have an agreement covering the use of West Neck Beach, which, among other provisions, restricts vehicular access to private vehicles; bus access is expressly prohibited.

D. BOAT RAMPS

The Village of Lloyd Harbor LWRA contains one boat launching ramp, at Lloyd Harbor Village Park. Public boat launching facilities are located in proximity to the Village, as follows: Cold Spring Harbor, west of Harbor Road; and Mill Dam on Huntington Harbor.

E. <u>RECREATIONAL FISHING</u>

Recreational fishing is an important activity along the north shore of Long Island. Within the LWRA, surfcasting and shore-based fishing are popular on the Sound-front at Caumsett State Park. Fishing also occurs extensively throughout local coastal waters from recreational boats launched from local ramps or private docks. Transient boaters also frequent the area for fishing and other activities.

Species of fish typically caught in Long Island Sound, and the Huntington/Northport Bay Complex include: snappers, bluefish, tautog, fluke, flounder, stripped bass, weakfish, porgies, Atlantic mackerel, eels, and bait fish. Recreational shellfishing also occurs in LWRA waters. Clams, oysters and mussels are the primary species of shellfish sought by local recreational shellfishermen.

F. PUBLIC TRUST LANDS

Town of Huntington Patent History

In 1664, under English colonial rule, Charles II of England granted to the Duke of York absolute control of lands that stretched from northern Maine to Delaware including all of Long Island. Imposition of English rule over the colonies of the "New World" included the Town of Huntington as it existed at that time. Colonel Nicolls, the Duke of York's Deputy Governor, demanded that each Town within the Duke's control submit evidence of ownership of their lands both private and public. Such proof of ownership would then constitute the boundary lines of each Town while recognizing them as legitimate entities. Legitimacy was conferred by way of written instruments known as "Patents".

Huntington received its first Patent, the Nicolls Patent, on November 30, 1666. This document "ratified and confirmed the first purchase from the Indians in 1653, the eastern purchase of 1656, and the acquisition of nine necks of Land bordering on the Great South Bay after 1657"; at that time, the Town of Huntington included the land that presently comprises the Town of Babylon. The Nicolls Patent recognized the boundaries of lands both private and public which constituted the Town of Huntington in 1666.

The second Patent issued to Huntington was the Dongan Patent of August 2, 1688. This document created and ratified the governmental powers of all the Towns under the control of the Duke of York. Huntington's Patent, or charter, names nine "freeholders" who represented the Town in the negotiations and granted to them all the land delineated in the Nicolls Patent.

The Dongan Patent first introduced the concept that the lands described in the Nicolls Patent were held in "trust" for the people of the Town of Huntington and that the Trustees had the power "to grant and dispose of lands in the name of the Town".

Huntington's third and final patent, the Fletcher Patent, was given on October 5, 1694. This Patent repeated the terms of the Dongan Patent, reaffirming the Town's ownership of its lands while authorizing the Trustees to purchase additional lands still remaining in the hands of the indigenous peoples.

In 1776, the newly established State of New York chose to retain its colonial past. It retained many of its colonial laws by reaffirming their validity in the first and subsequent state constitutions. The colonial charters, grants and patents were fully preserved. For this reason, those "original" lands, including all of the underwater public lands, remain titled in the name of the Board of Trustees and are held in trust for the people and taxpayers of the Town of Huntington.

As far back as 1894, the courts have held that ownership of the lands described in Huntington's three Patents are in the name of the Board of Trustees and held in trust for the benefit of the people and taxpayers. Today, this concept is known as "The Public Trust Doctrine".

Discussion of the Public Trust Doctrine

The original concept of the "Public Trust Doctrine", as defined under English common law, dictates that certain lands and waters were vitally important to the public for purposes of fishing and navigation and that private ownership should not be permitted. The State of New York, in recognizing the colonial Patents given to the Town of Huntington, granted to Huntington's Trustees the duty and obligation of enforcing the trust doctrine on lands titled in their name in trust for the people of Huntington. During colonial times, the English view was that lands subject to the ebb and flow of the tide were public trust lands. Throughout New York State and in historic Towns like Huntington, those waters and the lands that lie beneath them are public trust properties with ownership in the name of the Board of Trustees in trust for the people and taxpayers of the respective Town.

As noted above, the public rights that have historically been associated with the Public Trust Doctrine are the rights of the public to navigate upon, fish from and direct commerce through these waters. Subsequently, additional rights became incorporated into the Public Trust Doctrine, including the rights to swim in these waters and to pass along the shoreline for the purpose of enjoying the scenic resources. These public rights are balanced with the littoral rights of private waterfront landowners who may access these waters for recreation and may construct docks and piers to facilitate such access. These public rights (or the "jus publicum") have now been recognized in New York State and many other States as superior to the rights of private individuals (or the "jus privatum"). However, the Public Trust Doctrine does not grant the public the right to utilize private lands along the shore that are above the high water level, nor does the doctrine grant the right for the public to cross private lands to gain access to trust lands.

The Board of Trustees' control of underwater lands titled in its name is subject to the riparian rights of private individuals who own waterfront property and who have the right to access and use the waters adjacent to their private property. In general, the littoral owner has the right to build a dock, or "wharf out" to a point of navigability subject to reasonable regulations to preserve the public's right of passage, use, safety, and scenic views.

If underwater lands were conveyed to private ownership prior to 1777 when New York State became one of thirteen states of the United States, they would not be considered Public Trust properties. In limited instances, the Incorporated Villages of Lloyd Harbor and Asharoken claim such ownership and, therefore, the Village Trustees may hold those underwater lands for the benefit of the people of the respective Village. But aside from these few exceptions, the Huntington Town Board of Trustees regulates the underwater lands throughout all the harbors and has done so for over 250 years.

The public right of access to Public Trust lands and waters, is one of "lateral access". That is, there is no public right to cross private property to reach public waters or the lands beneath them through "perpendicular access". In New York, as in all States, the public's rights are to lateral access along the foreshore between the mean high water and the low water lines during low tide and access to the surface waters covering such underwater lands. Such access is afforded through the marinas, beaches, and waterfront parkland of the Town and Villages.

In some instances the public is unable to walk along the foreshore simply because there is none. Years ago the shoreline of the harbors in the LWRA was bulkheaded and adjacent waters were dredged to facilitate the growing desire and need for recreational boating. In such cases the development of the foreshore eliminated the ability of the public to walk along the land between the high and low water lines. This is especially evident in lower Huntington Harbor.

2.3.5 COMMERCIAL FISHERIES

There are a number of problems or potential problems that exist with respect to the commercial fisheries industry within the Town of Huntington and its Incorporated Villages. Although a comprehensive harbor management plan is needed to fully analyze these issues, it is useful here to define the problems and summarize potential solutions. This information will serve as a framework for the portion of the harbor management plan that is devoted to commercial fisheries management.

A. IDENTIFICATION OF THE COMMERCIAL FISHERIES RESOURCE

Commercial fishing activity within the Huntington/Northport Bay Complex consists predominantly of shellfish harvesting, including hard clams (<u>Mercenaria mercenaria</u>), oysters (<u>Crassostrea virginica</u>), blue mussels (<u>Mytilus edulus</u>), and soft shell clams (<u>Mya arenaria</u>). There is also a significant offshore commercial fishery for lobsters (<u>Homarus americanus</u>) which is accessed utilizing shore-based support facilities in the bay complex.

The most important fisheries resources in terms of the dollar value of the catch landed in the bay complex is as follows: 1) hard clams, 2) lobsters, and 3) oysters. Hard clams are the only resource of any real significance in the LWRA.

Most of the coastal waters in the bay complex are productive or potentially productive shellfish growing areas, especially for hard clams. However, water quality degradation and other factors have directly impacted the continued viability of hard clams and other shellfish resources, as well as other marine species. As discussed in Section 2.2.1 (Surface Water Resources), Cold Spring and Huntington Harbors have abundant shellfish fauna. Both of these harbors have areas that are closed to harvesting due to chronically elevated levels of coliform bacteria. Where water quality permits, harbors may be opened on a conditional basis to permit harvesting.

B. <u>COMMERCIAL SHELLFISH STOCK MANAGEMENT</u>

Commercial shellfishing is an important water-dependent activity which directly supports many local residents and businesses. In addition the commercial baymen ply a trade that has historical and current significance to Long Island's economy and identity.

Recent trends indicate that the industry is rebounding in Huntington Township after a period of decline. In 1989, approximately 500 commercial fishermen had Town permits to harvest shellfish. This reflects a steady increase from 64 commercial permits in 1981. During recent years, the number of commercial shellfish permits issued by the Town declined to slightly more than 300. In order to prevent over-harvesting of the shellfish resource, which occurred during the 1960s when there were approximately 1,000 baymen working these waters, the Town will limit the number of commercial permits to 400. In addition, the annual fee for all shellfishing permits will be doubled (regular commercial permits will increase from \$75 to \$150, and junior and senior permits will increase from \$25 to \$50). One-half of the new fee will be set aside in a dedicated fund that will be devoted exclusively to bay management programs (e.g., spawner placement, seeding, etc.).

The Huntington/Northport Bay Complex supplies most of the hard clams harvested on Long Island's north shore, and is second only to Great South Bay in terms of catch on all of Long Island. Overharvesting and the illegal removal of seed clams led to a decline of the hard clam fishery during the 1970s and 1980s. Closures of productive areas due to bacterial contamination also contributed to the decline in numbers of shellfish harvested during that period, and continues to be a problem today.

Commercial shellfish landings from Huntington underwater lands have been documented by NYSDEC. From 1946 to 1964, the total landings for hard clams were 1,686,454 bushels (for an average of 43,242 bushels/year) and from 1966 to 1986 decreased significantly to 436,953 bushels (for an average of 20,807 bushels/year). Total landings of hard clams in 1986 was 45,000 bushels.

In response to the decline in hard clam stocks, the Town continues to focus their efforts developing and implementing effective management projects to help the shellfish industry, through:

- transplants of hard clams from uncertified underwater lands in Hempstead Harbor, Little Neck Bay, and Cold Spring Harbor to certified Town of Huntington underwater lands;
- transplants of hard clams from uncertified areas in the Huntington Bay Complex to management areas located in certified waters within the bay complex (especially in Lloyd Harbor);
- conditional winter openings in Cold Spring, Huntington, Centerport, and Northport Harbors;
- 4) grow-out of hard clam seed and planting on Town-owned underwater lands;
- 5) creation of hard clam management areas in certified areas to provide areas that are closed during the fall and opened in the winter for seasonal harvesting;
- placement of mature spawner clams on Town underwater lands (in 1993, spawners were placed in small bay management areas in Lloyd Harbor and Duck Island Harbor);
- cleansing of uncertified stock (depuration) in Peconic Bay for relay to certified areas in Town underwater lands;
- 8) starfish "mopping" as a means of predator control;
- transplanting certified stock from Long Island Oyster Farms leased grounds to Town management areas; and
- 10) development of spawner stock sanctuaries to foster natural recruitment.

Declining shellfish stocks in certified areas have increased the temptation for the poaching of shellfish populations from uncertified areas, which are generally located in the most accessible portions of the bay complex (i.e., in shallow water close to shore) and comprise the most densely populated shellfish beds (due to the prohibition on harvesting). Although poaching is not a serious problem in the bay complex at the present time, any further depletion of shellfish stock in certified areas or any expansion of uncertified areas could lead to illegal harvesting, resulting in the possibility of shellfish-related illness due

to the marketing of tainted product taken from uncertified beds. If such illness outbreaks do occur, the marketability of shellfish from the bay complex will suffer significantly due to the imposition of sanctions by the Interstate Shellfish Sanitation Commission, which is charged with ensuring that the shellfish sanitation programs in individual states meet uniform minimum standards. These significant consequences provide the impetus for the Village and Town to take actions to ensure that further water quality degradation does not occur in the bay complex (e.g. imposition of best management practices for land development, implementation of programs to minimize boat sewage discharges, and exerting influence to effect improvements to area sewage treatment plants) and actions that reduce the incentive for poaching (especially relay programs to deplete shellfish stock in uncertified areas).

C. COMMERCIAL FISHING ACCESS AND SUPPORT SERVICES/FACILITIES

The provision of sites on the waterfront for baymen to access the commercial fishery resource (i.e., vessel mooring areas, and sites to load equipment and unload product) has become a problem issue for the Town of Huntington. Presently, there are several locations throughout the LWRA from which commercial fishermen can access their vessels. These include: Prices Bend, on the south side of Eatons Neck; West Shore Road, on Huntington Harbor; Halesite Town Dock (south float), in Huntington Harbor; Centershore Road, just north of Mill Dam Road, in Centerport Harbor; Cow Harbor Park, in Northport Harbor (formerly owned by Long Island Oyster Company).

Despite the existence of various locations throughout the bay complex which presently serve as access points to and from the water for commercial fishermen, all of these sites are less than ideal for this purpose. In general, the site-specific deficiencies pertain to: dock space, staging and offloading areas, ice houses and processing facilities, parking, and gear storage space. The Town is investigating the possible expansion of commercial access to alleviate the burden on existing facilities and to site a facility which provides off-loading and staging capabilities. The Town's investigative efforts have focused on the West Shore Road area in mid-Huntington Harbor. No sites within the Village of Lloyd Harbor are currently under consideration for use to supplement commercial fishing access.

2.3.6 VESSEL USAGE OF WATERWAYS WITHIN THE LWRA

As noted in Section 2.2.1, the coastal waters within the LWRA are heavily used by both recreational and commercial watercraft. The high intensity of use has caused conflicts and

problems with respect to waterway usage (including boat dockage, mooring and anchorage, as well as navigation). Many of these issues are discussed below. Issues related to commercial fishing are addressed separately in Section 2.3.5.

A. JURISDICTION

Jurisdiction with respect to over-water vessel uses within the LWRA is divided between the Village of Lloyd Harbor and the Town of Huntington. The Village has the exclusive authority to regulate the over-water use of vessels upon the waters within the Village, and within 1,500 feet of the Village shore (if the Village boundary coincides with the mean high water line). This gives the Villages the capacity to control mooring and anchoring, vessel speed, the use of personal watercraft, and recreational activities such as water skiing and wind surfing.

The Town of Huntington regulates the over-water use of vessels upon waters within its boundaries and up to 1,500 from the Town's shore, but not including areas within the Village or within 1,500 feet of the Village's shoreline. Additionally, since the Town owns the underwater land within its boundaries, the Town has the right to regulate all activities that entail the use of these bottom lands, but has limited authority over the bottom lands it owns which are within the Incorporated Villages.

B. <u>NAVIGATION</u>

Waterway hazards and obstructions within navigable waters include rocks (especially off East Fort Point on Lloyd Neck), and submerged and visible wrecks (including Huntington Harbor). Abandoned vessels are also hazards to navigation, and removal is difficult since they are generally not registered, which makes it difficult to trace the owner so that the costs of removal may be assigned to the responsible party. "Winter staking" by boaters attempting to secure mooring space for the upcoming boating season, particularly in Huntington Harbor, creates navigation hazards in the form of submerged or broken stakes. Floating debris (consisting of timbers, logs, pilings, etc.) is often generated as a result of storms and tides, or ice damage to structures. The Town Division of Harbors and Waterways (in the Department of Environmental Control) is generally responsible for removing navigation hazards within Town waters and usually performs this task in Village waters at the Village's request.

Navigation hazards also include shoals and bars within or in close proximity to navigation channels, particularly within the harbors, and excessively long docks. In the past, the U.S.

Coast Guard maintained channel markings in Huntington Harbor and Huntington Bay. However, the responsibility of placement and maintenance of private navigation aids presently lies with the Town and Village. The Village places and maintains all navigational aids in LWRA waters, except those placed by the U.S. Coast Guard (i.e., at the entrance to Lloyd Harbor and in the Huntington Harbor channel).

C. <u>DREDGING</u>

Dredging in the Village and Town is regulated by the U.S. Army Corps of Engineers (ACOE) and NYSDEC. Dredging activity taking place on Town-owned underwater lands, including areas within the 1,500-foot area of Village jurisdiction, is also regulated by the Town pursuant to Chapter 137 of the Town Code (Marine Conservation Law) and by the Village pursuant to Capter 109 (Excavations) of the Village Code.

Dredging of public channels and mooring areas in Huntington has been performed in the past by the ACOE, the Suffolk County Department of Public Works (SCDPW) and by sand mining concerns under agreement with the Town. The ACOE dredged the Federal channel into the mouth of Huntington Harbor in about 1950. The SCDPW dredged local channels and mooring areas in several harbors under the Town's jurisdiction (i.e., Cold Spring and Huntington Harbor) during the 1960s. Private sand mining concerns dredged sand in portions of Huntington Harbor in the 1960s. Despite the fact that the channels through Huntington Harbor have not been dredged in more than 20 years, and it does not appear that maintenance dredging will be necessary in the short-term, some dredging will eventually be needed (especially in the lower harbor reaches, outside the Village of Lloyd Harbor LWRA).

If a public need for dredging is identified, the Town would request that Suffolk County undertake the work or, if a Federal Channel is involved (such as the channels leading into the mouth of Huntington Harbor), ACOE assistance may be requested. In either case, the Town may be required to assist in the project cost or to provide a suitable upland disposal site for the spoil. The Town may also opt to fund public dredging projects within its jurisdiction if monetary aid from the SCDPW or the ACOE is not forthcoming, although this would often render the project economically prohibitive. County policy dictates that public funds be used for dredging only in those channels which permit access to public facilities or for which some other well-defined public benefit has been demonstrated (e.g., to provide vessel access to shoreside commercial fishing facilities). The County's policy is to not fund dredging projects that serve privately-owned recreational facilities. A major economic constraint on dredging projects within the Huntington/ Northport Bay Complex is the lack of suitable nearshore upland disposal sites for dredge spoil that may contain a large percentage of organic material, fine-grained particles, or toxic compounds such as petroleum hydrocarbons. The lack of such sites is the result of saturation of shoreline development, as well as the regulatory constraints in sensitive or high value natural resource areas. This situation creates the need to formulate alternatives for spoil disposal, such as trucking or barging to distant disposal sites, which entail greatly increased project costs. However, in cases where the dredge spoil consists of a large fraction of sand, beneficial uses for this material are relatively easy to find. A number of beaches have suffered recent erosion, for which suitable dredge spoil could provide some degree of mitigation (particularly West Neck Beach near the Lloyd Neck causeway, within the LWRA). Dredged sand could be utilized for this purpose with first priority given to public areas closest to the project site that are experiencing shoreline erosion.

Large tidal wetland areas were destroyed by the placement of spoil at the head of Huntington Harbor during dredging operations through the early 1960s. However, with the enactment of the New York State Tidal Wetlands Act, and the Town's Marine Conservation Law, the loss of vegetated tidal wetlands resulting from dredging and spoil disposal has been virtually eliminated.

One of the major components of the Comprehensive Harbor Management Plan for the bay complex should be an analysis of dredging needs and disposal options. Dredging needs should be evaluated not only in terms of the navigability of existing channels, but also with respect to the degree to which each channel serves for access to public or commercial fishing facilities. Disposal options should be prioritized so that spoil is used for beneficial purposes whenever possible. Where beneficial spoil applications are not feasible (due to contamination, logistical problems, or other reasons), the most environmentally sound and economical disposal option should be used. Available disposal sites should also be identified as part of the Harbor Management Plan.

D. VESSEL USE RESTRICTIONS

The Village of Lloyd Harbor regulates vessel activities (i.e., anchoring, moorings, docking, and vessel speed, etc.) within its jurisdiction by means of Article 12 of the Village Code. The Village has recently resumed control over vessel uses within the portion of the Village's jurisdictional area in Huntington Harbor; previously, this authority had been informally ceded to the Town. A Village-issued permit is required to utilize a mooring, dock or anchor within any portion of the LWRA. The Village of Lloyd Harbor

has appointed a Harbor Master to enforce laws in Village jurisdiction. The Town Harbor Master enforces all regulation of shellfishing within Village waters. Village and Town Harbor Masters and Bay Constables may enforce all State and local laws regulating vessel uses. The Suffolk County Police Marine Bureau also enforces State and local laws in Village and Town jurisdiction.

The Village has developed a water use plan for Lloyd Harbor, which is shown in Figure 4-2. The following are the major provisions of that plan:

- A special permit is required to moor or anchor a vessel over 16 feet long, or to operate under power, within the inner harbor.
- Water skiing is allowed in the northwest corner of the outer harbor, where no permit is required.
- Except in areas specifically designated for water skiing, the vessel speed limit is 5 knots.
- Transient anchorage is restricted to an area at the mouth of the harbor, to the south of the channel. No permit is needed for the use of this anchorage area.
- Anchoring and mooring is prohibited within the channel and the water skiing area.
- Overnight rafting is limited to three boats on a mooring or anchor.

The five knot speed limit applies within all of the Village's portion of Huntington Harbor.

In recent years, efforts to control "boating while intoxicated" (BWI) incidents have become increasingly more resolute. Although penalties even for first offenders have been toughened, this problem has become a more significant concern due to the intensified activities of waterfront nightclubs on Huntington Harbor.

2.3.7 HISTORIC RESOURCES

A. IDENTIFICATION OF HISTORIC RESOURCES

The Town of Huntington was established in 1653 and is rich in historic resources, which include numerous buildings, monuments, cemeteries, and other sites and landmarks that have been designated as historically significant. Some of these important historic resources, as described below, are located in the Village of Lloyd Harbor.

A number of the historic resources located in the Village have been listed on the State and National Register of Historic Places. The State and National Registers of Historic Places are the official lists of buildings, structures, districts, objects and sites significant in the history, architecture, archeology and culture of New York and the nation. The same eligibility criteria are used for the State and National Registers. All sites, structures, etc. in New York State that are listed on the National Register are concurrently listed on the State Register.

The National Historic Preservation Act of 1966 (amended in 1980 by Public Law 89-665) and the New York State Historic Preservation Act of 1980 (Chapter 354, Laws of 1980) are the legal basis for the National and State Register programs. In New York, these programs are administered by the Commissioner of Parks, Recreation and Historic Preservation, who is also the State Historic Preservation Officer. At the Federal level, the program is administered by the National Park Service.

State nominations for listing on the National Register are submitted to the National Park Service. Nomination proposals may be submitted by the staff of the State Office of Historic Preservation, a municipal official, an historic preservation board or commission, or a member of the general public (Part 427 - State Register of Historic Places) for review by the State Board for Historic Preservation. Listing of a property on the State Register by the Commissioner of the Office of Parks Recreation and Historic Preservation is usually concurrent with nomination to the National Register. The Commissioner, who is the State Historic Preservation Officer for purposes of the National Historic Preservation Act program submits nominations for the National Register. The State Historic Preservation Office keeps a survey log book of all properties submitted for its review.

The State Board of Historic Preservation will evaluate a nomination to determine if the eligibility criteria are satisfied. If it is determined that said criteria are met, the Board will make a recommendation to the State Historic Preservation Officer for approval of the nomination. Historic designations in the waterfront area that are found on these listings include historic districts (of which there are none in the Village of Lloyd Harbor) and individual structures (of which there are five within the Village). These are listed as follows:

Street Address	Historic Name		
Browns Road	George McKeesson Brown Estate (Coindre Hall)		
Lloyd Harbor Road	Joseph Lloyd Manor House		
Lloyd Harbor Road	Henry Lloyd Manor House (Caumsett State Park)		
Fort Hill Drive	Wood Estate (Fort Franklin)		
Mill Pond	Lefferts/Van Wyck Mill Dam		

Additionally, Friends World College on Plover Lane has been determined to be eligible for listing on both the National and State Registers.

B. PROTECTION AND PRESERVATION OF HISTORIC RESOURCES

As previously discussed, the Village contains a number of historic resources that are listed on the State and National Registers of Historic Places. A number of benefits apply to properties that are listed under the State and National Register Programs. These include:

- registered properties and properties determined eligible for the State and National Registers receive a measure of protection from the effects of Federal and/or State agency sponsored or assisted projects through a notice, review and consultation process;
- owners of depreciable, certified properties may take a 25 percent Federal income tax credit for the costs of certified, substantial rehabilitation as provided for under the Economic Recovery Tax Act of 1981 (P.L. 97-34);
- registered properties also receive priority consideration from Federal and State agencies in space rental or leasing (Public Buildings Cooperative Use Act of 1976 and New York State Historic Preservation Act of 1980, Section 4b); and
- owners of registered properties may apply for 50 percent matching grants-in-aid for preservation work, subject to available funding.

One of the weaknesses of the Federal program is that there are no restrictions placed on private owners of registered properties. Private property owners can sell, alter or dispose of their property as they wish. The only penalty to an owner who demolishes a certified registered property is that the costs of demolition cannot be deducted from his/her Federal income tax (Economic Recovery Tax Act, 1981).

In addition to the National and State Registers of Historic Places, the Town of Huntington has enacted an Historic Districts, Building, and Landmarks Law (Chapter 198 of the Town Code). This law establishes an Historic Preservation Commission and sets procedures for this Commission to follow in assisting the Town to preserve, protect and perpetuate the character of historic sites and structures. In response to Chapter 198, and based on the recommendations of the Commission, the Town Board has approved the designation of a number of building and structures as locally significant historic landmarks. The Village of Lloyd Harbor does not presently have a similar historic preservation law.

In the absence of a local historic preservation law, the Village does not have the authority to fully prevent the destruction or alteration of historic resources, or adjacent structures that might impact these resources. Therefore, it is recommended that the Village enact historic preservation legislation, modeled on Town Law 198, that will preserve and protect the character of significant historic resources identified within their municipal boundaries.

2.4 SUMMARY OF PRIMARY ISSUES, PROBLEMS, AND OPPORTUNITIES

The following sections are categorized by topic, and subdivided into separate issues/problems and opportunities under each topic.

2.4.1 WATER QUALITY

Issues and Problems

• There are two major water quality impairment categories: point sources and non-point sources. Point sources include stormwater runoff from drainage systems and the Huntington and Northport sewage treatment plants. Non-point sources include street runoff and the pollutants carried therein, such as petroleum, sediment, coliform, etc. Waterfowl wastes and vessel wastes are also considered to be non-point sources. There is a need to improve and protect water quality in the LWRA by enhancing measures to control contaminant loadings.

- This LWRP focuses on measures that the Village can implement to achieve highest use level (i.e., shellfishing and primary contact recreation) in Lloyd, Cold Spring, and Huntington Harbors. However, the sources of water quality impairment, particularly in Cold Spring and Huntington Harbor, extend beyond the Village boundary. Therefore, coordinated, inter-municipal planning efforts are needed to effectively address water quality issues and problems, especially with respect to watershed-wide programs for stormwater management and the implementation of best management practices. The need exists for technical and financial assistance from the State and Federal government to accomplish this objective.
- The Village is generally characterized by a rolling topography. The disturbance of natural vegetation on sloped land during site development can cause erosion, which increases the transport of contaminants to adjacent surface waters. Enhanced sediment control measures are needed to mitigate this problem.
- The replacement of native vegetation with impervious surfaces and areas of turf during site development results in a significant increase in the runoff rate and associated contaminant loadings to receiving waters. This results in water quality impairments and the need for control measures. Wherever practicable, stormwater generated in areas of new development should be recharged to the ground via either individual leaching systems or common off-site facilities (e.g., recharge basins).
- Freshwater ponds which outlet to coastal waters act as natural sediment traps. However, the very nature of the sedimentation process causes these ponds to silt up, which diminishes their sediment removal capabilities and the resulting benefit provided in terms of the water quality of the receiving waters. A study is needed to determine which ponds in the LWRA have experienced excessive siltation, and to assess whether dredging is feasible in light of environmental considerations.
- Waterfowl wastes are a significant source of coliform contamination throughout the LWRA and adjacent areas. This problem is exacerbated by the introduction of artificial food sources, namely the feeding of waterfowl by humans. Therefore, any efforts to enhance public access to areas within the LWRA having waterfowl populations (e.g., at Lefferts Tidal Mill Pond) should include appropriate measures to control the artificial feeding of waterfowl.

2.4.2 WETLANDS AND HABITATS

Issues and Problems

- The coastal waters of the LWRA contain significant habitats and important shellfish and finfisheries. Some habitat areas, including the bird nesting colonies at Lloyd Point, are being adversely affected by human activities. The habitat value of this area, as well as the LWRA's other marine ecological resources, depend on increased public education and enforcement.
- Significant Coastal Fish and Wildlife Habitats of State-wide importance have been identified and their values and benefits as habitats have been measured. All of the shoreline area in the Village has been designated as critical environmental areas (CEAs). A CEA designation would automatically require a Type I classification under the SEQRA, which would require an in-depth environmental review for any action involving these lands. Lefferts Mill Tidal Pond is a resource of local importance which possesses habitat value, and should also be evaluated for potential CEA designation.

2.4.3 HARBOR SILTING

Issues and Problems

Recent observations have noted a substantial deposit of silt/mud or sand on the bottom of Lloyd Harbor, particularly in the inner harbor. Since 1976 it is estimated that over 450,000 tons of material have been deposited, just in the inner harbor. Many years ago, culverts under Lloyd Harbor Road, at the south end of the causeway, connected the west end of Lloyd Harbor with a drainage way leading to Cold Spring Harbor. These culverts were subsequently filled in after they collapsed. It is not known if the siltation is a result of stagnant or reduced velocity tidal flow resulting from the lack of these culverts, but further study is warranted.

2.4.4 COASTAL EROSION AND FLOODING

Issues and Problems

- Much of the shoreline in the LWRA contains steep bluffs, which are active erosional features. Artificial measures to control the rate of bluff recession reduces the natural supply of sand to down-drift beaches, and can thereby cause accelerated erosion along adjacent shoreline segments, especially segments which lack structural protection. Consequently, erosion control structures should be used only where non-structural measures are shown to be impractical. Where such structures are determined to be appropriate, efforts should be made to apply them uniformly along the shoreline.
- Beach erosion is occurring at certain public facilities, including West Neck Town Beach, Lloyd Harbor Village Park, Caumsett State Park, and Target Rock National Wildlife Refuge. A study should be conducted to assess the seriousness of this coastal erosion problem within the LWRA. A priority list and strategy for mitigation should be formulated. Priorities should be established on the basis of public need and other applicable criteria. Where beach nourishment is the preferred mitigation option, these projects should be coordinated with dredging operations. Clean dredge spoil from the mouth of Huntington Harbor should be used for nourishment, dune rebuilding, etc.
- The erosion of the bluffs at Caumsett State Park has been accelerated by pedestrian traffic. Measures are needed to mitigate this problem.

2.4.5 SCENIC AND VISUAL RESOURCES

Opportunities

- Lefferts-Van Wyck Mill Dam is an important scenic resource that is essentially closed off to land-side access to the general public due to its location among private residences. Water-side access is presently limited to private vessels. The opportunity exists to open public access at this site by arranging to provide water-side access by means of a skiff based at the Coindre Hall property or at Gold Star Battalion Beach.
- The opportunity exists to enhance and preserve visual resources along the Village's shoreline by preventing the installation of docks and other coastal structures that would adversely affect those resources.

2.4.6 LAND USE

Issues and Problems

• The Village of Lloyd Harbor could prepare a conceptual plan for the future subdivision of the Immaculate Conception Seminary property to determine the level of development that would be appropriate for this parcel and to guide this development in an effort to retain vegetation on slopes, control soil erosion during construction, and preserve open space and historic structures and landforms.

Opportunities

• There is an opportunity to preserve the undeveloped State-owned right-of-way located southeast of Lloyd Harbor Village Park. This land is presently used by the Village for passive recreation and a nature preserve under a short-term lease with the State. A portion of the property is used by the Cold Spring Harbor Laboratory for corn breeding investigations under a separate short-term lease. The Village should pursue efforts to acquire this land from the State to continue the current, low intensity uses. Furthermore, the zoning of these parcels is changed from A-1 Residence to Public Open Space, in order to promote the objective of preservation in perpetuity. Similarly, other publicly-owned properties are rezoned for recreation and conservation uses, as listed in Table 5-1 at the end of Section V (see Section 5.2.B).

2.4.7 DETERIORATED, UNDERUTILIZED, AND ABANDONED SITES

Opportunities

• Coindre Hall is a unique facility but is deteriorated, underutilized and in need of revitalization. No other sites of this character and quality in the LWRA present a similar opportunity for revitalization, so efforts are warranted to effectively utilize this property for public benefit. The upland portion of this site should be redeveloped with cultural uses through an adaptive reuse plan. There is also an opportunity to use the waterfront portion of the property for water-dependent purposes, such as a marine education facility or a waterfront park. The significant ecological characteristics of the site should be preserved and protected under any redevelopment plan.

2.4.8 PUBLIC ACCESS, RECREATION AND PUBLIC TRUST

Issues and Problems

• The Town, by colonial grant and patent, owns much underwater land, and, in some cases, there have been limited conveyances of these lands to private interests. The Town has done a study of Trustee lands in the past, and there is a need to update and expand this study by conducting a comprehensive review of formerly Town-owned underwater lands. This study would be used for refinements to an amended, Comprehensive Harbor Management Plan in the future.

Opportunities

• The opportunity exists for expanded public access to be provided at Lefferts Tidal Mill Dam. This objective could be achieved by means of a skiff based at the dock on the Coindre Hall property or at Gold Star Battalion Beach.

2.4.9 COMMERCIAL FISHING AND SHELLFISHING

Issues and Problems

 "The Sand Hole" receives excessively high seasonal usage on weekends as an anchorage for recreational water craft, which may cause locally elevated coliform levels during the summer months. An investigation should be conducted to determine if the level of boat usage threatens this area with conditional (or seasonal) decertification for shellfishing. If decertification is imminent, appropriate restrictions should be adopted to ensure that the sanitary quality of the shellfish stock in this area is maintained.

Opportunities

• Vessel mooring and anchorage areas adversely affect the availability of shellfish beds, due to potential water quality degradation caused by discharges of boat sewage. Efforts are needed to ensure that the Village's coastal waters, particularly Lloyd Harbor, remain available for both shellfishing and recreational use. Effective implementation of the no-discharge zone requirements in Huntington and Lloyd Harbors, scheduled to commence in June 1995 pending State legislative approval, will represent a major opportunity to achieve this objective. Appropriate boater education (e.g., signs, flyers, etc.) is needed to

ensure maximum use of the pumpout facilities and compliance with the no-discharge zone requirements.

2.4.10 VESSEL USAGE OF WATERWAYS

Issues and Problems

- Comprehensive harbor management planning is needed to address a number of issues on an inter-municipal basis, including:
- Boat Wastes A Federal vessel waste no-discharge zone has been established in Lloyd and Huntington Harbors. Adoption of this designation at the State level is needed. The ultimate goal should be to extend the no-discharge zone to the entire Huntington/Northport Bay Complex and the Oyster Bay/Cold Spring Harbor Complex.

<u>Dredging</u> - a comprehensive analysis of the need for dredging, including: the identification of areas that may need dredging in the near future; identification of areas that may need dredging over the longer term; evaluation of dredging priorities, based on established public benefit criteria; and identification of suitable disposal sites, particularly those which involve beneficial use of the spoil

2.4.11 HISTORIC RESOURCES

Opportunities

• There are numerous historic resources found in the Village; however, presently there is no local law that protects these resources. The opportunity exists for the Village to preserve and protect the character of significant historic resources identified within its municipal boundaries, through the enactment of historic preservation legislation.

Table 2-1

Incorporated Village of Lloyd Harbor - District 0403

Publicly-Owned Lands

Listed below are the publicly-owned lands in the Village of Lloyd Harbor LWRA. The number preceding each listing refers to the respective parcel number on Figure 2-5.

Tax Map Description

<u>Ownership</u>	Sec-Block-Lot	<u>Acreage</u>	Description
1) State of New York	001-02-1	10.9	Lloyd Point wetlands
2) State of New York	001-03-1	2.0	Lloyd Point wetlands
2) State of New York	001-03-2	12.4	Lloyd Point wetlands
2) State of New York	001-03-4	2.9	Lloyd Point wetlands
3) State of New York	002-01-1.1	1413.3	Caumsett State Park
4) Town of Huntington	002-01-3	0.08	Cemetery in Caumsett State Park
5) United States	004-02-4	78.00	Target Rock National Wildlife Refuge
5) United States	004-02-7	1.88	Target Rock National Wildlife Refuge
6) Nature Conservancy	006-02-35.1	15.7	Preserve
6) Nature Conservancy	006-03-20.3	23.1	Preserve
6a) U.F. School Dist. #2	007-01-37	20.02	Vacant school property
7) Village of Lloyd Harbor	008-01-22	25.1	Finch Marsh
8) Village of Lloyd Harbor	008-02-24,25	0.3	Vacant land on Lloyd Harbor
9) Village of Lloyd Harbor	008-03-4	43.9	East Beach
Table 2-1 (continued)Incorporated Village of Lloyd HarborPublicly-Owned Lands

Ownership	Sec-Block-Lot	<u>Acreage</u>	Description
11) Village. of Lloyd Harbor	009-02-2.1	2.9	Vacant land on west side of West Neck Road causeway
12) Village of Lloyd Harbor	009-02-6.1	20.3	Wetland at head of Lloyd Harbor
13) State of New York	010-01-1	106.05	Right-of-way
14) Town of Huntington	012-02-1	29.3	West Neck Beach Town Park
15) Village of Lloyd Harbor	012-02-14	37.2	Lloyd Harbor Village Park
16) State of New York	012-02-15	27.6	Right-of-way
16) State of New York	012-02-17	9.6	Right-of-way
17) Village of Lloyd Harbor	012-02-16	2.0	Pistol range site
18) S.C.W.A.	013-02-1	5.8	Pump-Station
19) State of New York	013-02-8	6.37	Right-of-way
20) U.F. School Dist. #2	013-03-28	12.2	School property
21) Village of Lloyd Harbor	013-04-22	2.02	Fiske Bird Sanctuary
21) Village of Lloyd Harbor	013-04-29	5.22	Fiske Bird Sanctuary
22) Village of Lloyd Harbor	013-04-35	2.15	Police Station
23) Nature Conservancy	014-02-16	15.79	Lefferts Mill Pond Preserve
24) County of Suffolk	014-02-73	18.1	Coindre Hall
25) Village of Lloyd Harbor	016-01-66	2.0	Village Hall
26) Village of Lloyd Harbor	017-03-2	27.05	Jennings Field
TOTAL ACREAGE		 1984.03	



TRANSPORTATION, URBAN AREA SERIES, 1991

CASHIN ASSOCIATES, P.C.

FIGURE 2-1 NATURA

NATURAL FEATURES





MAP SOURCE: NEW YORK STATE DEPARTMENT TRANSPORTATION, URBAN AREA SERIES, 1991

CASHIN ASSOCIATES, P.C.

FIGURE 2-3

PREEXISTING LAND USE







FIGURE 2-4





TRANSPORTATION, URBAN AREA SERIES, 1991 TOWN OF HUNTINGTON TAX MAPS, 1993

CASHIN ASSOCIATES, P.C.

FIGURE 2-5

PUBLIC LANDS





FIGURE 2-7

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:

Policy #	Category	Subject Area
1	Development Policies	Waterfront Devitation
1 2	Development Policies	Water Dependent Lices
2		Major Ports
<u>з</u>		Major Folts Small Harbors
4		Sinan Harbors
5		Public Services
7	Fish and Wildlife	Significant Habitats
8	Policies	Pollutants
9		Recreational Resources
10		Commercial Fisheries
		······································
11	Flooding and Erosion	Siting of Structures
12	Policies	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	Water-Related Recreation Resources
20		
21 22	Recreation Policies	Water-Dependent/Enhanced Recreation Resources Multiple Use Development

Policy #	Category	Subject Area
23	Historic and Visual	Historic Preservation
24	Resources Policies	Statewide Scenic Resources
25		Local Scenic Resources
26	Agricultural Lands Policy	Agricultural Lands Conservation
27	Energy and Ice	Energy Facilities Siting and Construction
28	Management Policies	Ice Management Practices
29	-	Energy Resources Development
30	Water and Air	State and National Water Quality Standards
31	Resources Policies	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 waterdependent 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 waterenhanced 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. <u>Competition for space</u>: 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. <u>In-place facilities and services</u>: 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. <u>Access to navigational channels</u>: 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. <u>Compatibility with adjacent uses and the protection of other coastal resources</u>: Waterdependent 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. <u>Preference to deteriorated or underutilized sites</u>: 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 <u>not</u> 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 <u>not</u> 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 reentering 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 overutilization of that resource or cause impairment of the habitat. Sometimes such impairment can be more subtle than actual physical damage to the habitat. For example, increased human presence can deter animals from using the habitat area.
- 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 feehunting 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 resistent 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. <u>Beaches</u>

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. <u>Bluffs</u>

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. <u>Nearshore Areas</u>

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. <u>Dunes</u>

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 predevelopment 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 off 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 waterrelated 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 waterrelated 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 waterrelated 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 nonwater-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 waterrelated 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:

<u>Quality</u>. 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.

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

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

<u>Public Recognition</u>. 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 SEQR 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, duel 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 <u>Reducing the Impacts of Stormwater Runoff from New Development</u> (April 1992), the USDA/Soil Conservation Services's <u>New York State Guidelines for Urban Erosion and Sediment</u> <u>Control</u> (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 <u>not</u> 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 or 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.

SECTION IV

Land and Water Uses and Proposed Projects

4.1 ADOPTED LAND USES

The specific land uses for the LWRA are depicted in Figure 4-1 and are outlined below.

The Village of Lloyd Harbor consists almost entirely of low density residential development and public open space/recreation facilities, with the latter use encompassed mostly by the 1,500 acres in Caumsett State Park. Some institutional and public utility uses are also present. In general, these uses should remain.

The Seminary of the Immaculate Conception (formerly Rosemary Farms) presently contains large areas of open space, but is zoned for low density residential development. Development of this property, if it occurs, should be undertaken in a manner that preserves as much open space as possible.

The Coindre Hall property straddles the boundary between the Village of Lloyd Harbor and the Town of Huntington. The County-owned site is currently operated as the Harbor Arts Center, but is underutilized and deteriorated. A cultural and/or institutional facility similar to the present use, and one which preserves and protects the significant ecological characteristics of the site to the greatest extent possible, would be the most appropriate re-use of this property (pending review of any specific proposal by both the Village of Lloyd Harbor and the Town of Huntington). Residential development is not considered appropriate for this land, despite the current residential zoning. The waterfront portion of the property should be continued as a marine-related use in any redevelopment scheme.

Presently, the Village leases from New York State ± 27.6 -acres of a former right-of-way adjacent to Lloyd Harbor Village Park for use as passive parkland and a nature preserve. The Cold Spring Harbor Laboratory also leases 106 acres of this right-of-way for use in corn breeding investigations. These uses should continue.

The Mobil Oil terminal, which is a non-conforming use in a R-80 Residence zone, is situated just outside the LWRA boundary. This facility is the only industrial use in close proximity to the Village. The Long Island Sound Coastal Management Program recommends that the

present petroleum storage and transfer operations be discontinued due to the potential for environmental impacts to result from such use. Although the Village has no direct control over the future use of this parcel, the Village would support a decision to discontinue the present use and to redevelop this property with water-dependent uses that are less threatening to the environment.

4.2 ADOPTED WATER USES

The coastal waters in the LWRA presently have a variety of uses, including wildlife habitat, commercial and recreational fishing, recreational boating, swimming, and passive recreation. In general, it is proposed that the existing uses continue. It is important to note, however, that many of the LWRP's policies and implementation measures are aimed at improving coastal water quality, with the ultimate goal being the expansion of the total area that is available for shellfish harvesting. The current water use plan for Lloyd Harbor is presented in Figure 4-2.

4.3 **PROPOSED PROJECTS**

The following is a summary of the projects that would implement and advance this LWRP. Subsection A enumerates projects that apply directly to the Village of Lloyd Harbor LWRA. Subsection B lists additional projects which apply to areas outside of the LWRA, but which would serve to advance the policies and objectives of this LWRP, particularly with respect to coastal water quality enhancement.

A. VILLAGE OF LLOYD HARBOR LWRA PROJECTS

Proposed Land Acquisition

• An application for the extension of the current license should be submitted to the N.Y.S. Office of Parks, Recreation and Historic Preservation for the continuation of general recreation, park and nature preserve purposes. In order to ensure that the ±27.6-acre property adjacent to Lloyd Harbor Village Park continues to be used as passive parkland and a nature preserve, the Village should pursue the acquisition of this land from the State when the Office of Parks Recreation and Historic Preservation makes the determination that there will not be future need to develop the parkway extension, or to retain these lands for other park use.

Proposed New Facilities

• A public or private marine education center would enhance the utilization of the LWRA's environmental resources for public educational purposes. Such a facility could be incorporated into the redevelopment of the Coindre Hall property.

Proposed Improvements to Existing Facilities

• Public access to Lefferts-Van Wyck Mill Dam can be improved through the operation of a public skiff based at the Coindre Hall property or Gold Star Battalion Beach.

Proposed Environmental/Planning Studies

- The Village of Lloyd Harbor could establish development criteria for the Seminary of the Immaculate Conception (formerly Rosemary Farms) property aimed at retaining vegetation on slopes, controlling soil erosion during construction, and preserving open space and historic structures and landforms.
- A study should be undertaken to identify the freshwater ponds in the LWRA that have experienced excessive siltation, and to assess whether dredging of these ponds (to restore sediment removal capabilities) is feasible in light of environmental considerations.
- A study should be undertaken to identify the causes of siltation at the head of Lloyd Harbor. This study should address the impacts of the collapsed and closed former hydraulic connection to Cold Spring Harbor and should formulate a suitable mitigation plan for correcting this problem.
- A study should be conducted to assess the seriousness of the coastal erosion problem at public facilities within the LWRA, and a strategy for mitigation should be formulated. Priorities for action should be established on the basis of public need and other appropriate criteria.
- A study should be conducted of "The Sand Hole" and Lloyd Point to investigate the underwater land ownership, levels of boat use, environmental impacts of boat use and associated activities, and propose solutions and mitigation of those impacts. This study should involve consultation with the Office of Parks Recreation and Historic Preservation and other interested federal, state and local agencies.
Proposed Public Education Programs

- Public education should be enhanced with respect to the impacts of human disturbance of the shorebird nesting colonies at Lloyd Neck and other vulnerable habitats. This program should be combined with increased efforts at roping off sensitive areas as well as intensified enforcement.
- Public education efforts should be augmented with respect to the water quality impacts of improper disposal of household hazardous wastes and vessel wastes, excessive application of fertilizer and turf chemicals, and the feeding of waterfowl.
- The Village should establish an organized program aimed at promoting the educational use of the LWRA's passive parks and preserves. This program should focus on upland and freshwater systems, as well as coastal areas and the marine environment. The implementation of this program would involve coordination and consultation with the agencies that administer local parks, and enlisting the participation of local schools, community groups, and other interested organizations.

New York State Projects

- New York State Park officials should implement a program to minimize the amount of foot traffic on the bluffs at Caumsett State Park. This program should include signs, fencing, stairways, and other suitable measures.
- New York State should officially designate Lloyd and Huntington Harbors as a nodischarge zone, and should undertake appropriate actions to ensure that this designation is properly implemented and maintained. Consistent with the State's Clean Vessel Act plan, the entire Huntington/Northport Bay Complex and the Oyster Bay/Cold Spring Harbor Complex should be designated as no-discharge zones.



CASHIN ASSOCIATES, P.C.

FIGURE 4-1

ADOPTED LAND USE



SECTION V

Techniques for Implementation of the Program

5.1 PREEXISTING LOCAL LAWS AND REGULATIONS

A. INCORPORATED VILLAGE OF LLOYD HARBOR

The Village of Lloyd Harbor has adopted a number of local laws and regulations that implement the policies of the LWRP, summarized as follows:

Article 9 of the Village Code (Village Park) establishes a Recreation Commission appointed by the Board of Trustees to administer the Village Park; requires a Village sticker for vehicular access to the Village Park (stickers limited to bona fide Village residents, property owners of two or more acres within the Village, full-time Village employees, and organized groups on special occasions as may be authorized by the mayor or chairman of the Recreation Commission)

Article 12 of the Village Code (Waterways) regulates vessel use, anchoring and mooring in Village waters (see Section 2.3.6.D for further details); prohibits the dumping or discharge of oil, garbage, or refuse of any kind into Village waters or onto Village beach areas.

Article 19 of the Village Code (Freshwater Wetlands) regulates activities within freshwater wetlands and adjacent areas within 100 feet of the wetlands.

The Village Zoning Law regulates all land use and development within the Village, including docks and other structures. Pertinent articles in the Zoning Law are enumerated below:

 Article IV (Area, Perimeter, Frontage, Height, Setback and Drainage Requirements) - establishes requirements for various aspects of the size and bulk of construction in relation to lot size, provides limits on total lot coverage, establishes standards for construction on sloped lands; eliminates wetlands and floodplains from the land area used in computing lot yield, establishes a mechanism to encourage the transfer of development rights from properties located within the floodplain

- Article VII (Regulation of Flood Plain District I and Flood Plain District II) regulates development within coastal flood plains, based on the regulations promulgated by the Federal Emergency Management Agency
- Article VIII (Permit Review) Establishes the Village Planning Board as the review agency for determining if a proposed new structure would be excessively similar or dissimilar in appearance and exterior design to existing structures or would be improperly sited on the lot, thus protecting the rural visual character of the Village
- Article XII (Excavations and Dumping) requires a Village permit for excavation, dredging, and dumping
- Article XIII (Cutting of Trees) regulates the cutting of mature trees and trees in sensitive areas
- Article XXI (Coastal Erosion Hazard Area Management) adopted pursuant to Article 34 of the New York State Environmental Conservation Law, regulates development within the coastal erosion hazard area, and establishes standards and procedures for such construction to minimize damage to structures from coastal flooding and erosion and to protect natural protective features (including bluffs)
- Article XXII (as amended by Local Law 1-1992) establishes two coastal overlay districts (COD-1 and COD-2), and regulates the construction and repair of docks

Special Requirements for Slope Lands (Sections 4.10 through 4.14 of the Zoning Law) establishes standards for the protection of steep slopes, defined as lands with horizontal dimensions of at least 25 feet by 25 feet having a slope of 15 percent or greater. Lot yield for parcels containing steep slopes is reduced by specified factors, requiring that the minimal lot size on slope lands exceed the normal two acres (i.e., each acre of land with 15 to 25 percent slopes counts for only one-half acre in calculating yield; each acre of bluffs and land with slopes greater than 25 percent counts for only one-quarter acre in calculating yield), provided that a building site having a minimum contiguous area of 20,000 square feet be available on each lot. A Village permit is required for any construction on steep slope lands.

Designation of Critical Environmental Areas (Village Board of Trustees Resolution Adopted 2/18/86) designates as CEAs all New York State-designated tidal wetlands and all lands within 200 feet of the tidal wetland boundaries

B. Town of Huntington Laws and Regulations

Certain laws and regulations enacted by the Town of Huntington affect activities on Townowned underwater lands within the Village of Lloyd Harbor. These include the following:

Chapter 137 of the Town Code (Marine Conservation) was established to protect, preserve and maintain the Town watercourses, coastal shorelines, tidal marshes and watersheds. The Marine Conservation Law regulates the removal or deposition of soils or other natural substrates, liquid wastes or chemicals in any watercourse, wetland or upland areas within the Town; and regulates the construction of dams, docks, piers, wharfs or other structures in or across underwater lands owned by the Town, and the alteration of any watercourse in the Town. Recently enacted provisions of this ordinance (effective September 1992) specifies the following: any new or expanded marina facility must provide a pumpout station for the removal of sanitary wastes from boat holding tanks; any marina facility which dispenses fuel, oil, lubricants, etc. must maintain adequate material for the collection and absorption of spilled petroleum products; the installation of pilings shall be conducted in a manner which minimizes turbidity from the resuspension of bottom sediments; and docks are limited to 100 feet in length.

Chapter 166 of the Town Code (Shellfish) regulates the taking of shellfish resources from Town-owned underwater lands, and includes the following primary provisions:

- a permit is required for the taking of any shellfish from Town-owned underwater lands
- regulates the manner of taking and handling shellfish
- regulates the areas and times in which shellfish harvesting may occur
- establishes minimum sizes for the taking of shellfish
- authorizes the Town Board to establish areas of bay bottom for shellfish management projects
- establishes procedures for the leasing and use of Town-owned leased underwater lands for shellfishing
- regulates wholesale commercial buying and selling of shellfish harvested from Town-owned underwater lands

5.2 ADOPTED LOCAL LAWS AND AMENDMENTS TO LOCAL LAWS AND REGULATIONS NECESSARY TO IMPLEMENT THE LWRP

The following is a description of the amendments to the Village laws and regulations which were necessary to implement this LWRP.

A. ADOPTION OF A CONSISTENCY REVIEW LAW

The Village of Lloyd Harbor adopted a local coastal consistency review law. This law is incorporated into the current SEQRA review process. To provide information necessary for the consistency evaluation, each applicant involved in a Type I or unlisted action within the coastal zone is required to submit a completed coastal assessment form. See Section 5.5 for more details on the administrative process that will be used by the Village to implement this review process.

B. AMENDMENTS TO THE VILLAGE ZONING ORDINANCE

The zoning law of the Village was amended to implement this LWRP. The amendments are described below.

Conservation Recreation District - A Conservation Recreation District was established for environmentally sensitive lands and important public recreation areas. The permitted uses in this zoning district include those uses allowed in the Parkland Overlay and the Estuarine Districts (which were included within the Conservation Recreation zoning district - see below), as well as more active forms of public recreation, such as: bathing beaches, sports facilities, picnic areas, playgrounds, museums, etc. Permitted accessory uses include parking areas, garages for municipal equipment and vehicle storage, etc. A requirement for a special use permit was applied to uses that have the potential for causing environmental impacts.

Parkland Overlay District - A Parkland Overlay District was established to preserve and protect lands that have unique or important natural resources or characteristics. The only permitted uses in this overlay district are conservation and low intensity, passive recreation (e.g., hiking trails, bird watching platforms, benches, etc.) and minimal accessory uses (e.g., parking lots, restrooms, nature centers, etc.) that support the primary use of the area as a passive parkland or nature preserve.

Estuarine District - An Estuarine District was created to encompass all underwater lands (below mean high water) within the LWRA. In the past, zoning of these lands was R-1 Residence, which is not appropriate for surface waters and underwater lands. The Estuarine zoning classification limits uses to vessel uses and navigation, boat moorings, docks, piers, swimming, fishing, and similar uses in surface waters and underwater lands. The narrative text of the new law is accompanied by a harbor management map that regulates uses below mean high water, thereby furthering the harbor management objectives of this LWRP.

C. EXCAVATION, EROSION AND SEDIMENT CONTROL LAW

An Excavation, Erosion and Sediment Control Law was adopted to regulate non-point source pollution from development. The law includes the following standards:

- Existing vegetation should be preserved to the maximum extent practicable.
- The removal of existing vegetation should be undertaken in a manner that minimizes the area of soil exposed to erosion and the duration of exposure during and after development.
- Turf areas should be minimized.
- Temporary stabilizing vegetation should be planted in disturbed areas that will be exposed for a period of one month or more.
- Permanent vegetation should be planted and structures should be erected as soon as possible after ground disturbance.
- Suitable management practices (e.g., mulching, silt fences, hay bales, diversion berms, vegetated channels, sediment traps, sedimentation basins, etc.) should be used to prevent untreated runoff from flowing off-site.
- Stormwater runoff should be retained and recharged on-site for all development projects, except where this is not practicable and other suitable management measures or practices are available.

D. DESIGNATION OF CRITICAL ENVIRONMENTAL AREAS

Upland areas and coastal waters lying outside the limits of NYSDEC-designated tidal wetlands in the three State-designated Significant Coastal Fish and Wildlife Habitats in the LWRA (i.e., Lloyd Point, Lloyd Harbor, and Cold Spring Harbor) were designated as critical environmental areas by the Village so that all unlisted actions within or contiguous to these areas will automatically be classified as Type I actions for the purpose of

environmental quality review pursuant to SEQRA. NYSDEC-designated tidal wetland areas throughout the Village, including these three Habitats, were previously designated as critical environmental areas pursuant to a Village Board resolution in February 1986.

The Village also designated locally important habitats as critical environmental areas, in the same manner as above for the Significant Coastal Fish and Wildlife Habitats. Lefferts Mill Tidal Pond merits inclusion on the Village's initial list of locally important habitats.

E. HISTORIC PRESERVATION LAW

A law should be adopted by the Village to establish a procedure for officially designating historic structures and sites, and to regulate actions that may affect designated historic resources.

5.3 ZONING CHANGES ADOPTED TO IMPLEMENT THE LWRP

In addition to the amendments to the zoning law described above, zoning changes for specific properties were required to implement this LWRP. The adopted zoning is listed in Table 5-1 and is shown in Map 5-1.

All lands that are acquired within the Village by public agencies subsequent to the adoption of this LWRP should promptly be evaluated for rezoning to Conservation/Recreation district. Newly acquired properties that possess important environmental features which merit preservation should be included in the Parkland overlay district.

5.4 OTHER PUBLIC AND PRIVATE ACTIONS NECESSARY TO IMPLEMENT THE LWRP

A number of public and private projects have been identified that would advance the policies and objectives of the LWRP. These projects are described in Section 4.3.

5.5 MANAGEMENT STRUCTURE NECESSARY TO IMPLEMENT THE LWRP

LWRP consistency review was appended to the environmental review process that is conducted within the Village under the requirements of SEQRA. A determination of consistency shall be included in each Negative declaration and statement of SEQRA findings issued by the Village subsequent to the adoption of this LWRP.

The Village may **not** issue a negative SEQRA declaration or a finding of no significant impact for any action that is determined to be inconsistent with this LWRP. No action that is determined to be inconsistent with this LWRP may be directly undertaken, funded, or approved by the Village.

The Village or private applicant can propose modifications for any action that is determined to be inconsistent with this LWRP. If the reviewing agency deems that the modifications are sufficient to result in LWRP consistency, said modifications shall become conditions to project approval. All such conditions shall be incorporated into the Conditioned Negative Declaration or the Statement of SEQRA Findings, whichever applies.

Initial information for each proposed action subject to consistency review shall be obtained by means of the completed Coastal Consistency Assessment Form (CCAF), which will be an addendum to the long Environmental Assessment Form (EAF). Additional information can be obtained by specific requests made to the applicant by the reviewing agency, similar to the process that presently applies during the SEQRA review.

Note that an "action", as defined herein, is identical to the term as it is applied under SEQRA, and includes: any project directly undertaken or funded by the Village; any project requiring the issuance of a permit or approval by the Village; any planning activity by a Village agency that commits the Village to a future course of action; and any municipal rules, regulations and policy making decisions.

A. VILLAGE AGENCY INVOLVEMENT

The responsibility for conducting SEQRA reviews within the Village presently lies with the respective lead agency, which may include the Board of Trustees, Planning Board, Environmental Review Board (ERB), Zoning Board of Appeals, Building Department, and Harbor Control Commission, depending on the nature of a given action. Henceforth, the ERB shall assume the responsibility of conducting all SEQRA reviews within the Village, and shall make recommendations to the applicable lead agency. The lead agency in any given action shall retain ultimate responsibility for rendering any actual decisions pursuant to SEQRA, based on the recommendations rendered by the ERB. The following is a list of lead agency responsibilities for actions that involve the Village:

- Village Board of Trustees issues final determination/findings for all actions involving Village Board of Trustees approval (e.g., applications for zoning changes, special use permits, allocation of Village funds, adoption of planning documents and policy statements, amendments to Village law, etc.)
- Village Planning Board issues final determination/findings for all subdivision applications
- *Village Environmental Review Board* issues final determination/ findings for all coastal related matters
- Zoning Board of Appeals issues final determination/findings for all zoning variances
- *Village Building Department* issues final determination/findings for all building permit applications
- Harbor Control Commission issues permits on Harbor uses

B. LWRP CONSISTENCY REVIEW PROCEDURES

The ERB shall assume responsibility for conducting LWRP consistency reviews of actions within the LWRA, in accordance with the procedures that are outlined below:

- The action shall be classified by the appropriate Village agency according to SEQRA. Type II and exempt actions are not subject to LWRP consistency review.
- 2) Since the LWRA corresponds to the Village boundary, all Type I and unlisted actions are subject to LWRP consistency review.
- 3) The ERB shall require the completion of a CCAF, in addition to a long EAF as may be required, for each action subject to LWRP consistency review. For any action involving a private development application, the applicant shall be required to prepare the EAF/CCAF. The ERB shall prepare the EAF/CCAF for any direct action by the Village.

- 4) Upon receipt of the EAF/CCAF submission, the ERB shall determine if the documentation constitutes a complete statement for the purpose of determining consistency with the LWRP. The ERB may request any additional material necessary to complete the review.
- 5) If it is determined that there are other involved agencies that must review the materials, a copy of the EAF/CCAF, the application, and any supporting material shall be forwarded to each such involved agency. Additional copies shall be forwarded to interested parties, as deemed appropriate by the ERB.
- 6) The ERB shall make a consistency determination based upon its review of the EAF/CCAF and any input received from other involved and interested agencies.
- 7) The ERB shall maintain a file for each action made the subject of a consistency determination. This file shall be made available for public inspection upon request, subject to the requirements of the Freedom of Information Law.

Procedures to Review State Actions for Consistency with the LWRP

1. Notification Procedure

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- a) When a State agency is considering an action in the LWRA, the State agency shall notify the Mayor ("the Mayor") of the Incorporated Village of Lloyd Harbor ("the Village").
- b) Notification of a proposed action by a State agency:
 - shall fully describe the nature and location of the action;
 - shall be accomplished by use of either the State Clearinghouse, other existing State agency notification procedures, or through any alternative procedure agreed upon by the State agency and local government; and
 - shall be provided to the Mayor as early in the planning stages of action as possible, but in any event, at least 30 days prior to the agency's decision on the action.

c) If the proposed action will require the preparation of a draft environmental impact statement, the filing of this draft document with the Mayor will serve as the State agency's notification to the local government.

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2. Local Government Review Procedure

- a) Upon receipt of notification from a State agency, the Village will be responsible for reviewing the proposed action for consistency with the policies and purposes of the Village's approved LWRP.
- b) If the Village cannot identify any conflicts between the proposed action and the applicable policies and purposes of the approved LWRP, the Village should inform the State agency in writing of its finding. Upon receipt of the findings, the State agency may proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
- c) If the State agency does not receive written notification of the Village's findings within the established review period, the State agency may then presume that the proposed action does not conflict with the policies and purposes of the Village's approved LWRP.
- d) If the State agency does receive written notification that the proposed action conflicts with the policies and/or purposes of the Village's approved LWRP, the State agency shall not proceed with the action for a period of 90 days or until the identified conflicts have been resolved, whichever is earlier. A copy of the identified conflicts will be forwarded by the Village to the Secretary of State at the time that the State agency is notified. When notifying the State agency, the Village must identify the specific policies and purposes of the LWRP with which the proposed action conflicts.

3. Resolution of Conflicts

In accordance with procedural guidelines issued by the Department of State (DOS), the following procedure will apply whenever the Village has notified the Secretary of State and State agency that a proposed action conflicts with the policies and purposes of its approved LWRP.

- a) Upon receipt of notification from the Village that a proposed action conflicts with its approved LWRP, the State agency should contact the Mayor to discuss the content of the identified conflicts and the means for resolving them. A meeting of State agency and Village representatives may be necessary to discuss and resolve the identified conflicts. This discussion should take place within 30 days of the receipt of a conflict notification from the Village.
- b) If the discussion between the Village and the State agency results in the resolution of the identified conflicts, the State agency can then proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600. The Village will notify the State agency in writing, with a copy forwarded to the Secretary of State, that all of the identified conflicts have been resolved.
- c) If the consultation between the Village and the State agency does not lead to the resolution of the identified conflicts, either party may request, in writing, the assistance of the Secretary of State to resolve any or all of the identified conflicts. This request must be received by the Secretary of State within 15 days following the discussion between the Village and the State agency. The party requesting the assistance of the Secretary of State will forward a copy of their request to the other party.
- d) Within 30 days following the receipt of a request for assistance, the Secretary of State or a DOS official or employee designated by the Secretary will discuss the identified conflicts and circumstances preventing their resolution with appropriate representatives from the State agency and the Village.
- e) If agreement among all parties cannot be reached during this discussion, the Secretary shall notify both parties within 15 days of his/her findings and recommendations.
- f) The State agency shall not proceed with the proposed action until either the Secretary's findings and recommendations have been received, or 90 days from the date a notification of a conflict was received from the Village, whichever is earlier.

Procedures for the Review of Federal Actions for Consistency with the LWRP

1. Permits and Licenses

- a) The DOS will acknowledge the receipt of an applicant's consistency certification and application materials, and at that time forward a copy of the submitted documentation to the Mayor.
- b) Within 30 days of receiving such information, the Village will contact the assigned DOS reviewer to discuss the need to request additional information for review purposes and any possible problems pertaining to the consistency of a proposed action with local coastal policies.
- c) When the DOS and the Village agree that additional information is necessary, the DOS shall request the applicant to provide the information. A copy of this information shall be provided to the Village upon receipt by the State.
- d) Within 30 days of receiving the requested additional information or discussing the potential problems of the proposed action with the DOS reviewer (whichever is later), the Village will notify DOS of the reason(s) why the action may be inconsistent or consistent with Village coastal policies.
- e) After such notification, the Village will submit written comments and recommendations on the proposed action to the DOS before or at the conclusion of the official comment period. If such comments and recommendations are not forwarded to DOS by the end of the public comment period, DOS will presume that the Village has "no opinion" on the consistency of the proposed action with Village coastal policies.
- f) If the DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the Village, DOS will contact the Mayor to discuss any differences of opinion prior to issuing a letter of "concurrence" or "objections" to the applicant.
- g) A copy of DOS "concurrence" or "objections" letter will be forwarded to the Mayor.
- 2. Direct Actions
 - a) After acknowledging the receipt of a consistency determination and supporting documentation from a Federal agency, DOS will forward copies of the

determination and supporting documentation and any other descriptive information on the proposed direct action to the Mayor and other interested parties.

- b) This notification will state the date by which all comments and recommendations must be submitted to DOS and will identify the assigned DOS reviewer.
- c) The review period will last approximately 25 days. If comments and recommendations are not received by the end of the established review period, DOS will presume that the Village has "no opinion" on the consistency on the proposed direct Federal agency action with Village coastal policies.
- d) If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the Village, DOS will contact the Mayor to discuss any differences of opinion or questions prior to agreeing or disagreeing with the Federal agency's consistency determination on the proposed direct action.
- e) A copy of DOS agreement or disagreement letter to the Federal agency will be forwarded to the Mayor.
- 3. Financial Assistance
 - a) DOS will request information on a proposed financial assistance action from the applicant (State or Village agency) for consistency review purposes. A copy of this letter will be forwarded to the Mayor and will serve as notification that the proposed action may be subject to review.
 - b) If the applicant is a Village agency, the Mayor will contact the agency and request copies of any application documentation for consistency review purposes. If the proposed action has already been reviewed by the Village for consistency with the LWRP, the Mayor will notify the DOS of the outcome of the review.
 - c) The Village will acknowledge receipt of the requested information and send a copy to the DOS.
 - d) If the applicant is a State agency, DOS will request the agency to provide a copy of the application documentation to the Mayor.

- e) The DOS will acknowledge the receipt of the requested information and provide a copy of this acknowledgement to the Mayor.
- f) The review period will conclude 30 days after the date of the Village's or DOS' letter of acknowledgement.
- g) The Village must submit comments and recommendations on the proposed action to the DOS within 20 days from the start of the review period. If comments and recommendations are not received within that 20 day period, DOS will assume that the Village has "no opinion" on the consistency of the proposed financial assistance action with Village coastal policies.
- h) If the DOS does not fully concur with or has any questions on the comments and recommendations submitted by the Village, the DOS will contact the Mayor to discuss any differences of opinion prior to agreeing or objecting to the Federal agency's consistency determination on the proposed financial assistance or action.
- i) A copy of the DOS no objection or objection letter to the applicant will be forwarded to the Mayor.

5.6 FINANCIAL RESOURCES NECESSARY TO IMPLEMENT THE LWRP

A. PROPOSED NEW FACILITIES

	Establishment of a marine education center	\$
	Establishment of a skiff at Gold Star Battalion Beach to provide public water-side access to Lefferts Mill Dam	\$
B.	PROPOSED ENVIRONMENTAL/PLANNING STUDIES	
	Lloyd Harbor siltation investigation	\$
	Pond siltation investigation	\$

C. Proposed Public Education Programs

Enhanced education regarding household hazardous wastes and vessel wastes, excessive application of fertilizer and turf chemicals, and the feeding of waterfowl	\$
Enhanced education regarding shorebird nesting colonies, increased efforts at roping off sensitive areas, and intensified enforcement	\$
Promotion of the educational use of the LWRA's passive parks and preserves	\$

5.7 SUMMARY CHART OF ACTIONS WHICH IMPLEMENT LWRP POLICIES

Table 5-2 summarizes the LWRP policies that are implemented or enforced by each of the actions described in Sections 5.1 through 5.3

Table 5-1

ZONING

Property Description	Public Parcel Number (1)	Preexisting Zone	Adopted Zone	Tax Map Designation (Section-Block-Lot)
2				
Caumsett State Park	3	A-1 Residence	Cons/Rec (PP)	002-01-1.1
Caumsett Cemetary	4	A-1 Residence	Cons/Rec (PP)	002-01-3
Coindre Hall (part)	24	A-1 Residence	Cons/Rec	014-02-73
Cold Spring Harbor School Dist.	6a	A-1 Residence	Cons/Rec (PP)	0134-03-28
East Beach	9,10	A-1 Residence	Cons/Rec (PP)	008-03-4,5
Finch Marsh	7	A-1 Residence	Cons/Rec (PP)	008-01-22
Fiske Bird Sanctuary	21,22	A-1 Residence	Cons/Rec (PP)	013-04-22,29
Fiddlers Green Beach	N/A	A-1 Residence	Cons/Rec	003-02-1
Jennings Field	26	A-1 Residence	Cons/Rec (PP)	017-03-2
Lloyd Harbor Village Beach/Park	15	A-1 Residence	Cons/Rec	012-02-14
Lloyd Harbor Village misc. lands	8,11	A-1 Residence	Cons/Rec (PP)	008-02-24,25;
				009-02-2.1
Lloyd Harbor Village wetlands	12	A-1 Residence	Cons/Rec (PP)	009-02-6.1
Lloyd Point wetlands	1,2	A-1 Residence	Cons/Rec (PP)	001-02-1;
-		•		001-03-1,2,4
Lefferts Mill Pond Preserve	23	A-1 Residence	Cons/Rec (PP)	014-02-16
Nature Conservancy preserve	6	A-1 Residence	Cons/Rec (PP)	006-02-35.1;
				006-03-20.3
N.Y. State Right-of-Way	13,16,19	A-1 Residence	Cons/Rec (PP)	010-01-1;
	• •			012-02-17;
				013-02-8
Target Rock N.W.R.	5	A-1 Residence	Cons/Rec (PP)	004-02-4,7
	· · · · · · · · · · · · · · · · · · ·	NOTES		

= Conservation Recreation District Cons/Rec

Cons/Rec (PP) = Conservation Recreation District, Parkland Overlay (1) = number from Table 2-1 and Map 2-5 (Publicly-owned lands) (*I*) N/A

= not applicable, parcel is privately owned

Table 5-2

SUMMARY OF POLICY IMPLEMENTATION

	Development Fish and Wildlife					Ţ	Flooding and Erosion						Gen eral	Public Access		R	Recreati on		Historic Scenic		Ene	Water and Air Resources															
		2	4	5	4	7	B 9	1	1	1 2	1 1	1	1	17	18	19	20	2		2	2	2	2	2	3	3	3	3	3	3	3	3 :	3 3 8 9	4	4	4	4 4
Existing Zoning Law					1000																								+					\square		1-	
Conservation/Recreation Dist.		ļ																																			
Parkland Overlay					S. P. Salar														1																	T	
Estuarine Overlay					100 Y					\perp																											
Waterways Law				_																								di Distante e									
Shellfish Law (Town)																																					\square
Coastal Erosion/Flooding Law																																					\square
Steep Slopes Law																																3					
Historic Preservation Law																												Ţ			Τ					-	\square
Sediment/Erosion Constrol Law																																		\square			
Land Acquisition																														T	Τ					-	
New/Improved Facilities		4.00 1.00			1.4.5			99 19																			Ţ	T									
Environmental/Planning Studies								*										ð.							B											1	
Public Education						And a second																													T		
No-Discharge Zone																															T				\uparrow		_

NOTE: Policies 3, 24, 26, and 28 are not applicable to the LWRA

In addition to the mechanisms listed above for implementing individual policies of the LWRP, all 40 applicable LWRP policies are implemented by the environmental quality review procedures (as applied in the Village pursuant to the State Environmental Quality Review Act) and the LWRP consistency review process (as described in Section 5.5).



SECTION VI

State and Federal Actions and Programs Likely to Affect Implementation

State and Federal actions will affect and be affected by the implementation of the LWRP. Under State law and the Federal Coastal Zone Management Act, certain State and federal actions within or affecting the local waterfront area must be "consistent" or "consistent to the maximum extent practicable" with the enforceable policies and purposes of the Village of Lloyd Harbor LWRP. This consistency requirement makes the LWRP a unique, intergovernmental mechanism for setting policy and making decisions and help to prevent detrimental actions from occurring and future options from being needlessly foreclosed. At the same time, active participation on the part of State and federal agencies is also likely to be necessary to implement specific provisions of the LWRP.

The first part of this section identifies the actions and programs of State and federal agencies which should be undertaken in a manner consistent with the Village of Lloyd Harbor LWRP. This is a generic list of actions and programs, as identified by the NYS Department of State; therefore, some of the actions and programs listed may not be relevant to this LWRP. Pursuant to the State Waterfront Revitalization of Coastal Resources and Inland Waterways Act (Executive Law, Article 42), the Secretary of State individually and separately notifies affected State agencies of those agency actions and programs which are to be undertaken in a manner consistent with approved LWRPs. Similarly, federal agency actions and programs subject to consistency requirements are identified in the manner prescribed by the U.S. Coastal Zone Management Act and its implementing regulations. The lists of State and federal actions and programs included herein are informational only and do not represent or substitute for the required identification and notification procedures. The current official lists of actions subject to State and federal consistency requirements may be obtained from the NYS Department of State.

The second part of this section is a more focused and descriptive list of State and federal agency actions which are necessary for further implementation of the LWRP. It is recognized that a State or federal agency's ability to undertake such actions is subject to a variety of factors and considerations; that the consistency provisions referred to above, may not apply; and that the consistency requirements cannot be used to require a State or federal agency to undertake an action it could not undertake pursuant to other provisions of law. Reference should be made to Section IV and Section V of this document, which also discuss State and federal assistance required to implement this LWRP.

A. State and Federal Actions and Programs Which Should Be Undertaken In A Manner Consistent with the LWRP

1. STATE AGENCIES

OFFICE FOR THE AGING

1.00 Funding and/or approval programs for the establishment of new or expanded facilities providing various services for the elderly.

DEPARTMENT OF AGRICULTURE AND MARKETS

- 1.00 Agricultural Districts Program
- 2.00 Rural Development Program
- 3.00 Farm Worker Services Program
- 4.00 Permit and Approval Programs:
 - 4.01 Custom Slaughters/Processor Permit
 - 4.02 Processing Plant License
 - 4.03 Refrigerated Warehouse and/or Locker Plant License

DIVISION OF ALCOHOLIC BEVERAGE CONTROL/STATE LIQUOR AUTHORITY

- 1.00 Permit and Approval Programs:
 - 1.01 Ball Park Stadium License
 - 1.02 Bottle Club License
 - 1.03 Bottling Permits
 - 1.04 Brewer's Licenses and Permits
 - 1.05 Brewer's Retail Beer License
 - 1.06 Catering Establishment Liquor License
 - 1.07 Cider Producer's and Wholesaler's Licenses

- 1.08 Club Beer, Liquor, and Wine Licenses
- 1.09 Distiller's Licenses
- 1.10 Drug Store, Eating Place, and Grocery Store Beer Licenses
- 1.11 Farm Winery and Winery Licenses
- 1.12 Hotel Beer, Wine, and Liquor Licenses
- 1.13 Industrial Alcohol Manufacturer's Permits
- 1.14 Liquor Store License
- 1.15 On-Premises Liquor License
- 1.16 Plenary Permit (Miscellaneous Annual)
- 1.17 Summer Beer and Liquor License
- 1.18 Tavern/Restaurant and Restaurant Wine Licenses
- 1.19 Vessel Beer and Liquor Licenses
- 1.20 Warehouse Permit
- 1.21 Wine Store License
- 1.22 Winter Beer and Liquor Licenses
- 1.23 Wholesale Beer, Wine, and Liquor Licenses

DIVISION OF ALCOHOLISM AND ALCOHOL ABUSE

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
 - 2.01 Certificate of approval (Substance Abuse Services Program)
- 3.00 Permit and approval:
 - 3.01 Letter Approval for Certificate of Need
 - 3.02 Operating Certificate (Alcoholism Facility)
 - 3.03 Operating Certificate (Community Residence)
 - 3.04 Operating Certificate (Outpatient Facility)
 - 3.05 Operating Certificate (Sobering-Up Station)

COUNCIL ON THE ARTS

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Architecture and environmental arts program

DEPARTMENT OF BANKING

- 1.00 Permit and approval programs:
 - 1.01 Authorization Certificate (Bank Branch)
 - 1.02 Authorization Certificate (Bank Change of Location)
 - 1.03 Authorization Certificate (Bank Charter)
 - 1.04 Authorization Certificate (Credit Union Change of Location)
 - 1.05 Authorization Certificate (Credit Union Charter)
 - 1.06 Authorization Certificate (Credit Union Station)
 - 1.07 Authorization Certificate (Foreign Banking Corporation Change of Location)
 - 1.08 Authorization Certificate (Foreign Banking Corporation Public Accommodations Office)
 - 1.09 Authorization Certificate (Investment Company Branch)
 - 1.10 Authorization Certificate (Investment Company Change of Location)
 - 1.11 Authorization Certificate (Investment Company Charter)
 - 1.12 Authorization Certificate (Licensed Lender Change of Location)
 - 1.13 Authorization Certificate (Mutual Trust Company Charter)
 - 1.14 Authorization Certificate (Private Banker Charter)
 - 1.15 Authorization Certificate (Public Accommodations Office Banks)
 - 1.16 Authorization Certificate (Safe Deposit Company Branch)
 - 1.17 Authorization Certificate (Safe Deposit Company Change of Location)
 - 1.18 Authorization Certificate (Safe Deposit Company Charter)
 - 1.19 Authorization Certificate (Savings Bank Charter)
 - 1.20 Authorization Certificate (Savings Bank De Novo Branch Office)
 - 1.21 Authorization Certificate (Savings Bank Public Accommodations Office)
 - 1.22 Authorization Certificate (Savings and Loan Association Branch)
 - 1.23 Authorization Certificate (Savings and Loan Association Change of Location)
 - 1.24 Authorization Certificate (Savings and Loan Association Charter)
 - 1.25 Authorization Certificate (Subsidiary Trust Company Charter)

- 1.26 Authorization Certificate (Trust Company Branch)
- 1.27 Authorization Certificate (Trust Company Change of Location)
- 1.28 Authorization Certificate (Trust Company Charter)
- 1.29 Authorization Certificate (Trust Company Public Accommodations Office)
- 1.30 Authorization to Establish a Life Insurance Agency
- 1.31 License as a Licensed Lender
- 1.32 License for a Foreign Banking Corporation Branch

NEW YORK STATE BRIDGE AUTHORITY [regional agency]

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Authority.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition.

DEPARTMENT OF CORRECTIONAL SERVICES

1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

DORMITORY AUTHORITY OF THE STATE OF NEW YORK

- 1.00 Financing of higher education and health care facilities.
- 2.00 Planning and design services assistance program.

DEPARTMENT OF ECONOMIC DEVELOPMENT

- 1.00 Preparation or revision of statewide or specific plans to address State economic development needs.
- 2.00 Allocation of the state tax-free bonding reserve.

EDUCATION DEPARTMENT

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and Approval Programs:
 - 2.01 Certificate of Incorporation (Regents Charter)
 - 2.02 Private Business School Registration
 - 2.03 Private School License
 - 2.04 Registered Manufacturer of Drugs and/or Devices
 - 2.05 Registered Pharmacy Certificate
 - 2.06 Registered Wholesaler of Drugs and/or Devices
 - 2.07 Registered Wholesaler-Repacker of Drugs and/or Devices
 - 2.08 Storekeeper's Certificate

ENERGY PLANNING BOARD AND ENERGY OFFICE

1.00 Preparation and revision of the State Energy Master Plan.

NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY

1.00 Issuance of revenue bonds to finance pollution abatement modifications in powergeneration facilities and various energy projects.

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of lands under the jurisdiction of the Department.
- 2.00 Classification of Waters Program; classification of land areas under the Clean Air Act.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

- 4.00 Financial assistance/grant programs:
 - 4.01 Capital projects for limiting air pollution
 - 4.02 Cleanup of toxic waste dumps
 - 4.03 Flood control, beach erosion and other water resource projects
 - 4.04 Operating aid to municipal wastewater treatment facilities
 - 4.05 Resource recovery and solid waste management capital projects
 - 4.06 Wastewater treatment facilities
- 5.00 Funding assistance for issuance of permits and other regulatory activities (New York City only).
- 6.00 Implementation of the Environmental Quality Bond Act of 1972, including:
 - (a) Water Quality Improvement Projects
 - (b) Land Preservation and Improvement Projects including Wetland Preservation and Restoration Projects, Unique Area Preservation Projects, Metropolitan Parks Projects, Open Space Preservation Projects and Waterways Projects.
- 7.00 Marine Finfish and Shellfish Programs.
- 8.00 New York Harbor Drift Removal Project.
- 9.00 Permit and approval programs:

Air Resources

- 9.01 Certificate of Approval for Air Pollution Episode Action Plan
- 9.02 Certificate of Compliance for Tax Relief Air Pollution Control Facility
- 9.03 Certificate to Operate: Stationary Combustion Installation; Incinerator; Process, Exhaust or Ventilation System
- 9.04 Permit for Burial of Radioactive Material
- 9.05 Permit for Discharge of Radioactive Material to Sanitary Sewer
- 9.06 Permit for Restricted Burning
- 9.07 Permit to Construct: A Stationary Combustion Installation; Incinerator; Indirect Source of Air Contamination; Process, Exhaust or Ventilation System

Construction Management

9.08 Approval of Plans and Specifications for Wastewater Treatment Facilities

Fish and Wildlife

- 9.09 Certificate to Possess and Sell Hatchery Trout in New York State
- 9.10 Commercial Inland Fisheries Licenses
- 9.11 Fishing Preserve License
- 9.12 Fur Breeder's License
- 9.13 Game Dealer's License
- 9.14 Licenses to Breed Domestic Game Animals
- 9.15 License to Possess and Sell Live Game
- 9.16 Permit to Import, Transport and/or Export under Section 184.1 (11-0511)
- 9.17 Permit to Raise and Sell Trout
- 9.18 Private Bass Hatchery Permit
- 9.19 Shooting Preserve Licenses
- 9.20 Taxidermy License
- 9.21 Permit Article 15, (Protection of Water) Dredge or Deposit material in a Waterway
- 9.22 Permit Article 15, (Protection of Water) Stream Bed or Bank Disturbances
- 9.23 Permit Article 24, (Freshwater Wetlands)

Hazardous Substances

- 9.24 Permit to Use Chemicals for the Control or Elimination of Aquatic Insects
- 9.25 Permit to Use Chemicals for the Control or Elimination of Aquatic Vegetation
- 9.26 Permit to Use Chemicals for the Control or Extermination of Undesirable Fish

Lands and Forest

- 9.27 Certificate of Environmental Safety (Liquid Natural Gas and Liquid Petroleum Gas)
- 9.28 Floating Object Permit
- 9.29 Marine Regatta Permit

9.30 Navigation Aid Permit

Marine Resources

- 9.31 Digger's Permit (Shellfish)
- 9.32 License of Menhaden Fishing Vessel
- 9.33 License for Non-Resident Food Fishing Vessel
- 9.34 Non-Resident Lobster Permit
- 9.35 Marine Hatchery and/or Off-Bottom Culture Shellfish Permits
- 9.36 Permits to Take Blue-Claw Crabs
- 9.37 Permit to Use Pond or Trap Net
- 9.38 Resident Commercial Lobster Permit
- 9.39 Shellfish Bed Permit
- 9.40 Shellfish Shipper's Permits
- 9.41 Special Permit to take Surf Clams from Waters other than the Atlantic Ocean
- 9.42 Permit Article 25, (Tidal Wetlands)

Mineral Resources

- 9.43 Mining Permit
- 9.44 Permit to Plug and Abandon (a non-commercial, oil, gas or solution mining well)
- 9.45 Underground Storage Permit (Gas)
- 9.46 Well Drilling Permit (Oil, Gas, and Solution Salt Mining)

Solid Wastes

- 9.47 Permit to Construct and/or Operate a Solid Waste Management Facility
- 9.48 Septic Tank Cleaner and Industrial Waste Collector Permit

Water Resources

9.49 Approval of Plans for Wastewater Disposal Systems

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- 9.50 Certificate of Approval of Realty Subdivision Plans
- 9.51 Certificate of Compliance (Industrial Wastewater Treatment Facility)
- 9.52 Letters of Certification for Major Onshore Petroleum Facility Oil Spill Prevention and Control Plan
- 9.53 Permit Article 36, (Construction in Flood Hazard Areas)
- 9.54 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
- 9.55 State Pollutant Discharge Elimination System (SPDES) Permit
- 9.56 Approval Drainage Improvement District
- 9.57 Approval Water (Diversions for) Power
- 9.58 Approval of Well System and Permit to Operate
- 9.59 Permit Article 15, (Protection of Water) Dam
- 9.60 Permit Article 15, Title 15 (Water Supply)
- 9.61 River Improvement District Approvals
- 9.62 River Regulatory District Approvals
- 9.63 Well Drilling Certificate of Registration
- 9.64 401 Water Quality Certification
- 10.00 Preparation and revision of Air Pollution State Implementation Plan.
- 11.00 Preparation and revision of Continuous Executive Program Plan.
- 12.00 Preparation and revision of Statewide Environmental Plan.
- 13.00 Protection of Natural and Man-made Beauty Program.
- 14.00 Urban Fisheries Program.
- 15.00 Urban Forestry Program.
- 16.00 Urban Wildlife Program.

ENVIRONMENTAL FACILITIES CORPORATION

1.00 Financing program for pollution control facilities for industrial firms and small businesses.

FACILITIES DEVELOPMENT CORPORATION

1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

OFFICE OF GENERAL SERVICES

- 1.00 Administration of the Public Lands Law for acquisition and disposition of lands, grants of land and grants or easement of land under water, issuance of licenses for removal of materials from lands under water, and oil and gas leases for exploration and development.
- 2.00 Administration of Article 4-B, Public Buildings Law, in regard to the protection and management of State historic and cultural properties and State uses of buildings of historic, architectural or cultural significance.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition.

DEPARTMENT OF HEALTH

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
 - 2.01 Approval of Completed Works for Public Water Supply Improvements
 - 2.02 Approval of Plans for Public Water Supply Improvements
 - 2.03 Certificate of Need (Health Related Facility except Hospitals)
 - 2.04 Certificate of Need (Hospitals)
 - 2.05 Operating Certificate (Diagnostic and Treatment Center)
 - 2.06 Operating Certificate (Health Related Facility)
 - 2.07 Operating Certificate (Hospice)
 - 2.08 Operating Certificate (Hospital)
 - 2.09 Operating Certificate (Nursing Home)
 - 2.10 Permit to Operate a Children's Overnight or Day Camp
 - 2.11 Permit to Operate a Migrant Labor Camp

- 2.12 Permit to Operate as a Retail Frozen Dessert Manufacturer
- 2.13 Permit to Operate a Service Food Establishment
- 2.14 Permit to Operate a Temporary Residence/Mass Gathering
- 2.15 Permit to Operate or Maintain a Swimming Pool or Public Bathing Beach
- 2.16 Permit to Operate Sanitary Facilities for Realty Subdivisions
- 2.17 Shared Health Facility Registration Certificate

DIVISION OF HOUSING AND COMMUNITY RENEWAL AND ITS SUBSIDIARIES AND AFFILIATES

- 1.00 Facilities construction, rehabilitation, expansion, or demolition.
- 2.00 Financial Assistance/Grant Program:
 - 2.01 Federal Housing Assistance Payments Programs (Section 8 Programs)
 - 2.02 Housing Development Fund Programs
 - 2.03 Neighborhood Preservation Companies Program
 - 2.04 Public Housing Programs
 - 2.05 Rural Initiatives Grant Program
 - 2.06 Rural Preservation Companies Program
 - 2.07 Rural Rental Assistance Program
 - 2.08 Special Needs Demonstration Projects
 - 2.09 Urban Initiatives Grant Program
 - 2.10 Urban Renewal Programs
- 3.00 Preparation and implementation of plans to address housing and community renewal needs.

HOUSING FINANCE AGENCY

1.00 Funding programs for the construction, rehabilitation, or expansion of facilities.

INTERSTATE SANITATION COMMISSION [regional agency]

1.00 Adoption and enforcement of air and water pollution standards within the Interstate Sanitation District.

JOB DEVELOPMENT AUTHORITY

1.00 Financing assistance programs for commercial and industrial facilities.

MEDICAL CARE FACILITIES FINANCING AGENCY

1.00 Financing of medical care facilities.

OFFICE OF MENTAL HEALTH

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and Approval Programs:
 - 2.01 Operating Certificate (Community Residence)
 - 2.02 Operating Certificate (Family Care Homes)
 - 2.03 Operating Certificate (Inpatient Facility)
 - 2.04 Operating Certificate (Outpatient Facility)

OFFICE OF MENTAL RETARDATION AND DEVELOPMENT DISABILITIES

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permits and approval programs:
 - 2.01 Establishment and Construction Prior Approval
 - 2.02 Operating Certificate Community Residence
 - 2.03 Outpatient Facility Operating Certificate

METROPOLITAN TRANSPORTATION AUTHORITY [regional agency]

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Increases in special fares for transportation services to public water-related recreation resources or facilities.

DIVISION OF MILITARY AND NAVAL AFFAIRS

1.00 Preparation and Implementation of the State Disaster Preparedness Plan.

NATURAL HERITAGE TRUST

1.00 Funding program for natural heritage institutions.

OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION (including Regional State Park Commissions)

- 1.00 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the Office.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 3.00 Funding program for recreational boating, safety and enforcement.
- 4.00 Funding program for State and local historic preservation projects.
- 5.00 Land and Water Conservation Fund programs.
- 6.00 Nomination of properties to the Federal and/or State Register of Historic Places.
- 7.00 Permit and approval programs:

- 7.01 Floating Objects Permit
- 7.02 Marine Regatta Permit
- 7.03 Navigation Aide Permit
- 7.04 Posting of Signs Outside State Parks
- 8.00 Preparation and revision of the Statewide Comprehensive Outdoor Recreation Plan and the Statewide Comprehensive Historic Preservation Plan and other plans for public access, recreation, historic preservation or related purposes.
- 9.00 Recreation Services Program
- 10.00 Urban Cultural Parks Program

POWER AUTHORITY OF THE STATE OF NEW YORK

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Authority.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition.

NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION

- 1.00 Corporation for Innovation Development Program
- 2.00 Center for Advanced Technology Program

DEPARTMENT OF SOCIAL SERVICES

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Homeless Housing and Assistance Program
- 3.00 Permit and approval programs:
- 3.01 Certificate of Incorporation (Adult Residential Care Facilities)
- 3.02 Operating Certificate (Children's Services)
- 3.03 Operating Certificate (Enriched Housing Program)
- 3.04 Operating Certificate (Home for Adults)
- 3.05 Operating Certificate (Proprietary Home)
- 3.06 Operating Certificate (Public Home)
- 3.07 Operating Certificate (Special Care Home)
- 3.08 Permit to Operate a Day Care Center

DEPARTMENT OF STATE

- 1.00 Appalachian Regional Development Program
- 2.00 Coastal Management Program
- 3.00 Community Services Block Grant Program
- 4.00 Permit and Approval Programs:
 - 4.01 Billiard Room License
 - 4.02 Cemetery Operator
 - 4.03 Uniform Fire Prevention and Building Code

STATE UNIVERSITY CONSTRUCTION FUND

1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

STATE UNIVERSITY OF NEW YORK

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the University.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition.

DEPARTMENT OF TRANSPORTATION

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Department.
- 2.00 Construction, rehabilitation, expansion, or demolition of facilities, including but not limited to:
 - (a) Highways and parkways
 - (b) Bridges on the State highways system
 - (c) Highway and parkway maintenance facilities
 - (d) Rail facilities
- 3.00 Financial assistance/grant programs:
 - 3.01 Funding programs for construction/reconstruction and reconditioning/preservation of municipal streets and highways (excluding routine maintenance and minor rehabilitation)
 - 3.02 Funding programs for development of the ports of Albany, Buffalo, Oswego, Ogdensburg and New York
 - 3.03 Funding programs for rehabilitation and replacement of municipal bridges
 - 3.04 Subsidies program for marginal branch lines abandoned by Conrail
 - 3.05 Subsidies program for passenger rail service
- 4.00 Permits and approval programs:
 - 4.01 Approval of applications for airport improvements (construction projects)
 - 4.02 Approval of municipal applications for Section 18 Rural and Small Urban Transit Assistance Grants (construction projects)
 - 4.03 Approval of municipal or regional transportation authority applications for funds for design, construction and rehabilitation of omnibus maintenance and storage facilities
 - 4.04 Approval of municipal or regional transportation authority applications for funds for design and construction of rapid transit facilities
 - 4.05 Certificate of Convenience and Necessity to Operate a Railroad
 - 4.06 Highway Work Permits
 - 4.07 License to Operate Major Petroleum Facilities

- 4.08 Outdoor Advertising Permit (for off-premises advertising signs adjacent to interstate and primary highway)
- 4.09 Real Property Division Permit for Use of State-Owned Property
- 5.00 Preparation or revision of the Statewide Master Plan for Transportation and sub-area or special plans and studies related to the transportation needs of the State.
- 6.00 Water Operation and Maintenance Program Activities related to the containment of petroleum spills and development of an emergency oil-spill control network.

URBAN DEVELOPMENT CORPORATION AND ITS SUBSIDIARIES AND AFFILIATES

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Corporation.
- 2.00 Construction, rehabilitation, expansion, or demolition of residential, commercial, industrial, and civic facilities and the funding of such activities, including but not limited to actions under the following programs:
 - (a) Tax-Exempt Financing Program
 - (b) Lease Collateral Program
 - (c) Lease Financial Program
 - (d) Targeted Investment Program
 - (e) Industrial Buildings Recycling Program
- 3.00 Administration of special projects.
- 4.00 Administration of State-funded capital grant programs

DIVISION OF YOUTH

1.00 Facilities construction, rehabilitation, expansion, or demolition and the funding or approval of such activities.

2. FEDERAL AGENCIES

DIRECT FEDERAL ACTIVITIES AND DEVELOPMENT PROJECTS

DEPARTMENT OF COMMERCE

National Marine Fisheries Services

1.00 Fisheries Management Plans

DEPARTMENT OF DEFENSE

Army Corps of Engineers

- 1.00 Proposed authorizations for dredging, channel improvements, breakwaters, other navigational works, or erosion control structures, beach replenishment, dams or flood control works, ice management practices and activities, and other projects with potential to impact coastal lands and waters.
- 2.00 Land acquisition for spoil disposal or other purposes.
- 3.00 Selection of open water disposal sites.

Army, Navy and Air Force

- 4.00 Location, design, and acquisition of new or expanded defense installations (active or reserve status, including associated housing, transportation or other facilities).
- 5.00 Plans, procedures and facilities for landing or storage use zones.
- 6.00 Establishment of impact, compatibility or restricted use zones.

DEPARTMENT OF ENERGY

1.00 Prohibition orders.

VI-19

GENERAL SERVICES ADMINISTRATION

- 1.00 Acquisition, location and design of proposed Federal Government property or buildings, whether leased or owned by the Federal Government.
- 2.00 Disposition of Federal surplus lands and structures.

DEPARTMENT OF INTERIOR

Fish and Wildlife Service

1.00 Management of National Wildlife refuges and proposed acquisitions.

Mineral Management Service

2.00 OCS lease sale activities including tract selection, lease sale stipulations, etc.

National Park Service

3.00 National Park and Seashore management and proposed acquisitions.

DEPARTMENT OF TRANSPORTATION

Amtrak, Conrail

1.00 Expansions, curtailments, new construction, upgrading or abandonments of railroad facilities or services, in or affecting the State's coastal area.

Coast Guard

- 2.00 Location and design, construction or enlargement of Coast Guard stations, bases, and lighthouses.
- 3.00 Location, placement or removal of navigation devices which are not part of the routine operations under the Aids to Navigation Program (ATON).

4.00 Expansion, abandonment, designation or anchorages, lightening areas or shipping lanes and ice management practices and activities.

Federal Aviation Administration

5.00 Location and design, construction, maintenance, and demolition of Federal aids to air navigation.

Federal Highway Administration

6.00 Highway construction.

St. Lawrence Seaway Development Corporation

7.00 Acquisition, location, design, improvement and construction of new and existing facilities for the operation of the Seaway, including traffic safety, traffic control and length of navigation season.

FEDERAL LICENSES AND PERMITS

DEPARTMENT OF DEFENSE

Army Corps of Engineers

- 1.00 Construction of dams, dikes or ditches across navigable waters, or obstruction or alteration of navigable waters required under Section 9 and 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401, 403).
- 2.00 Establishment of harbor lines pursuant to Section 11 of the Rivers and Harbors Act of 1899 (33 U.S.C. 404, 405).
- Occupation of seawall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the U.S. pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408).

- 4.00 Approval of plans for improvements made at private expense under USACE supervision pursuant to the Rivers and Harbors Act of 1902 (33 U.S.C. 565).
- 5.00 Disposal of dredged spoils into the waters of the U.S., pursuant to the Clean Water Act, Section 404 (33 U.S.C. 1344).
- 6.00 All actions for which permits are required pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
- 7.00 Construction of artificial islands and fixed structures in Long Island Sound pursuant to Section 4(f) of the River and Harbors Act of 1912 (33 U.S.C.).

DEPARTMENT OF ENERGY

Economic Regulatory Commission

- 1.00 Regulation of gas pipelines, and licensing of import or export of natural gas pursuant to the Natural Gas Act (15 U.S.C. 717) and the Energy Reorganization Act of 1974.
- 2.00 Exemptions from prohibition orders.

Federal Energy Regulatory Commission

- 3.00 Licenses for non-Federal hydroelectric projects and primary transmission lines under Sections 3 (11), 4(e) and 15 of the Federal Power Act (16 U.S.C. 796(11), 797(11) and 808).
- 4.00 Orders for interconnection of electric transmission facilities under Section 202(b) of the Federal Power Act (15 U.S.C. 824a(b)).
- 5.00 Certificates for the construction and operation of interstate natural gas pipeline facilities, including both pipelines and terminal facilities under Section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)).
- 6.00 Permission and approval for the abandonment of natural gas pipeline facilities under Section 7(b) of the Natural Gas Act (15 U.S.C. 717f(b)).

ENVIRONMENTAL PROTECTION AGENCY

- 1.00 NPDES permits and other permits for Federal installations, dis-charges in contiguous zones and ocean waters, sludge runoff and aquaculture permits pursuant to Section 401, 402, 403, 405, and 318 of the Federal Water Pollution Control Act of 1972 (33 U.S.C. 1341, 1342, 1343, and 1328).
- 2.00 Permits pursuant to the Resources Recovery and Conservation Act of 1976.
- 3.00 Permits pursuant to the underground injection control program under Section 1424 of the Safe Water Drinking Water Act (42 U.S.C. 300h-c).
- 4.00 Permits pursuant to the Clean Air Act of 1976 (42 U.S.C. 1857).

DEPARTMENT OF INTERIOR

Fish and Wildlife Services

1.00 Endangered species permits pursuant to the Endangered Species Act (16 U.S.C. 153(a)).

Mineral Management Service

- 2.00 Permits to drill, rights of use and easements for construction and maintenance of pipelines, gathering and flow lines and associated structures pursuant to 43 U.S.C. 1334, exploration and development plans, and any other permits or authorizations granted for activities described in detail in OCS exploration, development, and production plans.
- 3.00 Permits required for pipelines crossing federal lands, including OCS lands, and associated activities pursuant to the OCS Lands Act (43 U.S.C. 1334) and 43 U.S.C. 931(c) and 20 U.S.C. 185.

INTERSTATE COMMERCE COMMISSION

1.00 Authority to abandon railway lines (to the extent that the abandonment involves removal of trackage and disposition of right-of-way); authority to construct railroads; authority to construct coal slurry pipelines.

NUCLEAR REGULATORY COMMISSION

1.00 Licensing and certification of the siting, construction and operation of nuclear power plants pursuant to Atomic Energy Act of 1954, Title II of the Energy Reorganization Act of 1974 and the National Environmental Policy Act of 1969.

DEPARTMENT OF TRANSPORTATION

Coast Guard

- 1.00 Construction or modification of bridges, causeways or pipelines over navigable waters pursuant to 49 U.S.C. 1455.
- 2.00 Permits for Deepwater Ports pursuant to the Deepwater Ports Act of 1974 (33 U.S.C. 1501).

Federal Aviation Administration

3.00 Permits and licenses for construction, operation or alteration of airports.

FEDERAL ASSISTANCE*

DEPARTMENT OF AGRICULTURE

- 10.068 Rural Clean Water Program
- 10.409 Irrigation, Drainage, and Other Soil and Water Conservation Loans
- 10.410 Low to Moderate Income Housing Loans
- 10.411 Rural Housing Site Loans
- 10.413 Recreation Facility Loans

10.414 Resource Conservation and Development Loans

- 10.415 Rural Rental Housing Loans
- 10.416 Soil and Water Loans
- 10.418 Water and Waste Disposal Systems for Rural Communities
- 10.419 Watershed Protection and Flood Prevention Loans
- 10.422 Business and Industrial Loans
- 10.423 Community Facilities Loans
- 10.424 Industrial Development Grants
- 10.426 Area Development Assistance Planning Grants
- 10.429 Above Moderate Income Housing Loans
- 10.430 Energy Impacted Area Development Assistance Program
- 10.901 Resource Conservation and Development
- 10.902 Soil and Water Conservation
- 10.904 Watershed Protection and Flood Prevention
- 10.906 River Basin Surveys and Investigations

DEPARTMENT OF COMMERCE

- 11.300 Economic Development Grants and Loans for Public Works and Development Facilities
- 11.301 Economic Development Business Development Assistance
- 11.302 Economic Development Support for Planning Organizations
- 11.304 Economic Development State and Local Economic Development Planning
- 11.305 Economic Development State and Local Economic Development Planning
- 11.307 Special Economic Development and Adjustment Assistance Program Long Term Economic Deterioration
- 11.308 Grants to States for Supplemental and Basic Funding of Titles I, II, III, IV, and V Activities
- 11.405 Anadromous and Great Lakes Fisheries Conservation
- 11.407 Commercial Fisheries Research and Development
- 11.417 Sea Grant Support
- 11.427 Fisheries Development and Utilization Research and Demonstration Grants and Cooperative Agreements Program
- 11.501 Development and Promotion of Ports and Intermodal Transportation
- 11.509 Development and Promotion of Domestic Waterborne Transport Systems

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

- 14.112 Mortgage Insurance Construction or Substantial Rehabilitation of Condominium Projects
- 14.115 Mortgage Insurance Development of Sales Type Cooperative Projects
- 14.117 Mortgage Insurance Homes
- 14.124 Mortgage Insurance Investor Sponsored Cooperative Housing
- 14.125 Mortgage Insurance Land Development and New Communities
- 14.126 Mortgage Insurance Management Type Cooperative Projects
- 14.127 Mortgage Insurance Mobile Home Parks
- 14.218 Community Development Block Grants/Entitlement Grants
- 14.219 Community Development Block Grants/Small Cities Program
- 14.221 Urban Development Action Grants
- 14.223 Indian Community Development Block Grant Program

DEPARTMENT OF INTERIOR

- 15.400 Outdoor Recreation Acquisition, Development and Planning
- 15.402 Outdoor Recreation Technical Assistance
- 15.403 Disposal of Federal Surplus Real Property for Parks, Recreation, and Historic Monuments
- 15.411 Historic Preservation Grants-In-Aid
- 15.417 Urban Park and Recreation Recovery Program
- 15.600 Anadromous Fish Conservation
- 15.605 Fish Restoration
- 15.611 Wildlife Restoration
- 15.613 Marine Mammal Grant Program
- 15.802 Minerals Discovery Loan Program
- 15.950 National Water Research and Development Program
- 15.951 Water Resources Research and Technology Assistance to State Institutes
- 15.952 Water Research and Technology Matching Funds to State Institutes

DEPARTMENT OF TRANSPORTATION

- 20.102 Airport Development Aid Program
- 20.103 Airport Planning Grant Program

20.205 Highway Research, Planning, and Construction
20.309 Railroad Rehabilitation and Improvement - Guarantee of Obligation
20.310 Railroad Rehabilitation and Improvement - Redeemable Preference Shares
20.506 Urban Mass Transportation Demonstration Grants
20.509 Public Transportation for Rural and Small Urban Areas

GENERAL SERVICES ADMINISTRATION

39.002 Disposal of Federal Surplus Real Property

COMMUNITY SERVICES ADMINISTRATION

49.002 Community Action

49.011 Community Economic Development

49.013 State Economic Opportunity Offices

49.017 Rural Development Loan Fund

49.018 Housing and Community Development (Rural Housing)

SMALL BUSINESS ADMINISTRATION

59.012 Small Business Loans
59.013 State and Local Development Company Loans
59.024 Water Pollution Control Loans
59.025 Air Pollution Control Loans
59.031 Small Business Pollution Control Financing Guarantee

ENVIRONMENTAL PROTECTION AGENCY

66.001 Air Pollution Control Program Grants
66.418 Construction Grants for Wastewater Treatment Works
66.426 Water Pollution Control - State and Area-wide Water Quality Management Planning Agency
66.451 Solid and Hazardous Waste Management Program Support Grants
66.452 Solid Waste Management Demonstration Grants

- 66.600 Environmental Protection Consolidated Grants Program Support Comprehensive Environmental Response, Compensation and Liability (Super Fund)
- Numbers refer to the Catalog of Federal Domestic Assistance Programs, 1980 and its two subsequent updates.

B. STATE AND FEDERAL PROGRAMS NECESSARY TO FURTHER THE LWRP

1. State Actions and Programs Necessary to Further the LWRP

a. Office of General Services (OGS)

1. Prior to any development occurring in the water or on the immediate waterfront, OGS should be consulted for a determination of the State's interest in underwater or formerly underwater lands, and for authorization to use and occupy these lands.

b. Office of Parks, Recreation and Historic Preservation

1. Provide financial assistance (EPF funding) for the acquisition of lands for park use to help preserve wildlife habitats and provide access to the waterfront.

c. Department of Environmental Conservation

- 1. Any proposed activity, including dredging and construction, in or adjacent to any waterway and/or wetland areas must secure the appropriate freshwater and tidal wetlands permit from the DEC to ensure that proper protection measures for wetlands have been taken. This action must be coordinated with the State and local policies.
- 2. For those projects targeted at reducing erosion and improving flood control measures, funding from outside sources would be needed to further the goals and objectives of the LWRP.
- d. Council on the Arts

1. Grant funding assistance for programs related to the education of the public in the natural sciences, historic resources and associated projects.

e. Office of Parks, Recreation and Historic Preservation

1. Provision of assistance for the nomination of historic structures to the National Register of Historic Places and/or the Building Structures Inventory and the preservation of historic structures, as well as the provision of legal protection and funding.

f. Department of State

- 1. Provision of technical assistance and implementation funding for local studies and projects as recommended in the LWRP.
- 2. Designation of Lloyd Harbor as a No Discharge Zone, as recommended in the LWRP.

2. Federal Actions and Programs

- a. Department of Housing and Urban Development Community Development Block Grant Program
 - 1. Continue to allocate Community Development Block Grant (CD) funds to the Suffolk Urban County Consortium for community development activities in said consortium which includes Lloyd Harbor. CD funds can assist in carrying out economic development and rehabilitation activities in the Village of Lloyd Harbor.

b. Department of Interior

1. Through the Office of Ocean and Coastal Resource Management, assist the Village of Lloyd Harbor with the restoration of fish and other coastal resources.

APPENDIX A

COASTAL OVERLAY DISTRICTS ARTICLE XVII [Added 4-20-1992 by L.L. No. 1-1992]

Sec. 205-102. Findings; purpose.

- A. Findings.
 - (1) The Village Board of Trustees hereby finds that for ecological, public enjoyment, public navigation, aesthetic, visual and public health, safety and welfare reasons, the coastal areas of the Village of Lloyd Harbor must be protected.
 - (2) As recreational boating has grown in popularity, there has been a concomitant and increasing demand for dock and mooring facilities, both public and private. The Village of Lloyd Harbor has not been exempt from this trend. The village contains no commercial docking facilities; however, the increase in residential development along its shoreline has led to an increase in the number of applications for the construction of private docks.
 - (3) The harbor of Lloyd Harbor and Lloyd Point are State of New York designated significant coastal fish and wildlife habitats. All of the shoreline of Lloyd Harbor has also been designated a critical environmental area (CEA) by the Village of Lloyd Harbor in accordance with the New York State Environmental Quality Review Act (SEQRA). [See Sec. 8-0101 et seq. of the Environmental Conservation Law.]
 - (4) Docks located in open water (and any boats moored to such docks) are exposed to increased damage from severe storms, thus creating pressure to establish docks and piers in protected waters such as the harbor of Lloyd Harbor. Inlets are more protected from storms but are often tidal habitats for birds, fish and other wildlife. Development in small harbor areas often impacts and degrades the very resources upon which this development depends. The water quality in such harbors deteriorates, the bird, fish and other wildlife habitats are thereby adversely impacted and the wildlife is therefore threatened. Locating docks (and boats) in these areas can cause significant damage to habitats and wildlife.
 - (5) In addition to the other significant values of wildlife habitat areas, habitat areas and waterfront areas, in general, have significant value for their scenic qualities. A

proliferation of docks and their associated boats causes overcrowding of waterfronts and waterbodies and can result in visual pollution, depending upon the number, location, size, height, length and design of the docks.

- (6) Docks which are long enough to reach water of sufficient depth for large boats can be hazardous to navigation if they encroach upon a navigational channel or if they draw boats into shoals because of their presence. Long docks can also be an impediment to the enjoyment of recreational boaters and anglers who desire to navigate along the shoreline. Docks acting as barriers along the water's edge also keep pedestrians from enjoying the waterfront. The desire for the construction of docks and other structures must be weighed against the environmental value and sensitivity of the waterfront and against the rights of the boating public to navigate, the rights of the community and public to walk along the foreshore and the rights of the community and general public to be protected from visual pollution. The Board of Trustees finds that private rights should not supersede those of the public and that an appropriate balance must be achieved between property owner desires to access the water and the protection of the public trust relating to the enjoyment of waters and foreshore in the village.
- B. It is for these reasons that the Village of Lloyd Harbor hereby creates the Coastal Overlay District-1 (COD-1) and Coastal Overlay District-2 (COD-2).

Sec. 205-103. Creation; location.

- A. There are hereby created two (2) overlay districts, respectively known as the "Coastal Overlay District-1 (COD-1)" and the "Coastal Overlay District-2 (COD-2)". These overlay districts shall be in addition to the existing underlying zoning which they overlay, and the regulations of these overlay districts shall supersede any inconsistent or less restrictive regulations of the existing underlying zoning.
- B. The respective locations of the COD-1 and COD-2 Districts are as shown on the Village Zoning Map. The landward boundary of the COD-1 and COD-2 Districts shall be forty (40) feet inland of the mean high-water line and seaward to the jurisdictional boundaries of the village.

Sec. 205-104. Coastal Overlay District-1 (COD-1).

- A. The COD-1 District essentially encompasses relatively small or narrow waterbodies and lands immediately adjacent thereto. Because of the small or narrow configuration of these waterbodies, construction of shoreline structures, such as docks, piers, bulkhead or revetments, in areas not previously disturbed by such development (i.e., natural beach, tidal flats, adjacent woodlands or salt marsh) may have a significant adverse impact upon the environment.
- B. For these reasons and those reasons specified in Sec. 205-102 above, there shall be no new structures or buildings or the enlargement or alteration of any existing structures or buildings, as defined by this chapter located in the Coastal Overlay District-1, except that:
 - Private docks may be located in the COD-1 upon the review and approval from the Environmental Review Board (ERB) and the issuance of a building permit by the Building Inspector if the ERB determines that such structures will not provoke any of the adverse effects enumerated in Sec. 205-102 and subsection A herein and if the ERB further determines that the dock would meet all of the following conditions:
 - a. In order to minimize visual impact, the dock shall be of the floating variety only and shall only be permitted in those locations where the rising and lowering of such floating dock will not have a significant adverse impact upon vegetation, wildlife, or wildlife habitat, including fish and fisheries resources.
 - b. The dock shall be of length, size and height which has no significant adverse impact upon the environment from a visual perspective or otherwise; shall be of a length which does not impede the navigation of vessels; and shall be of a length which, in no case, exceeds seventy-five (75) linear feet seaward from the mean high water line.
 - c. In no case shall the seaward end of the dock, extend beyond the point where the mean low water depth at such point exceeds two (2) feet.
 - d. The width of the dock shall not exceed six (6) feet. Such measurement shall include all appurtenances, appendages to the dock, including vertical supports.
 - e. The dock shall not impede the ability of the public to walk along the foreshore.

- f. The dock shall be removed from the water during the months from November through March.
- 2. After approval by the ERB:
 - a. The enlargement of existing docks and buildings which have been specifically approved by the Board of Trustees prior to the enactment hereof may be permitted.
 - b. The construction, enlargement, alteration or repair of an erosion protection structure located in the coastal erosion hazard area may be permitted.

Sec. 205-105. Coastal Overlay District 2 (COD-2).

For the purposes specified in Sec. 205-102 above, there shall be no new structures or buildings or the enlargement or alteration of any existing structures or buildings, as defined by this chapter, located in the Coastal Overlay District-2, except that private docks, seawalls, retaining walls and jetties may be located in the COD-2 District upon the review and approval from the ERB and the issuance of a building permit by the Building Inspector if the ERB determines that such structures will not provoke any of the adverse impacts enumerated in Sections 205-102 and 205-104 herein and further determines that any dock meets all of the following conditions:

- A. In order to minimize visual impact, the dock shall be of the floating variety in those locations where the rising and lowering of such floating dock will not have significant adverse impact upon vegetation, wildlife or wildlife habitat, including fish and fisheries resources. In locations where a floating dock would have such significant adverse impact, the dock shall be of the fixed-pier-type, with or without an accessory float, and shall be constructed in such a manner so that the float, if any shall not rest upon the bottom lands.
- B. The total length of the dock shall not be more than one hundred (100) linear feet, and in no case shall the seaward end of the dock or any accessory float extend beyond the point where the mean low-water depth at such point exceeds three (3) feet.
- C. The width of the dock, including vertical supports, shall not exceed (6) feet, and the size of any accessory float shall not exceed one hundred and fifty (150) square feet.
- D. The dock shall not impede the ability of the public to walk along the foreshore.

E. All floating docks and floating components of docks shall be removed from the water during the months November through March.

Sec. 205-106. Replacement and repair of existing docks.

No replacement or substantial repair shall be made to any legally existing docks in the COD-1 or COD-2 District unless the building permit application is reviewed and approved pursuant to Article VIII. The term "substantial repair" shall mean the installation or replacement of more than one-fourth (1/4) of the pilings of the dock, but shall not be construed to mean the replacement and securing of existing rails and deck boards or the painting and ordinary maintenance for such dock.

APPENDIX B

WATERFRONT CONSISTENCY REVIEW LAW

GENERAL PROVISIONS

I. **Title:**

This law will be known as the Incorporated Village of Lloyd Harbor ("Village") Waterfront Consistency Review Law, Article XII of Chapter 8, Administrative Code.

II. Authority and Purpose:

- A. This local law is adopted under the authority of the Municipal Home Rule Law and the Waterfront Revitalization and Coastal Resources Act of the State of New York (*Article 42 of the Executive Law*).
- B. The purpose of this local law is to provide a framework for agencies of the Village to consider the policies and purposes contained in the Local Waterfront Revitalization Program when reviewing applications for actions or direct agency actions located in the coastal area; and to ensure that such actions and direct action are consistent with the said policies and purposes.
- C. It is the intention of the Village that the preservation, enhancement and utilization of the natural and manmade resources of the unique coastal area of the Village take place in a coordinated and comprehensive manner to ensure a proper balance between natural resources and the need to accommodate population growth and economic development. Accordingly, this local law is intended to achieve such a balance, permitting the beneficial use of coastal resources while preventing: loss of living estuarine resources and wildlife; diminution of open space area or public access to the waterfront; erosion of shoreline; impairment of scenic beauty; losses due to flooding, erosion and sedimentation; or permanent adverse changes to ecological systems.
- D. The provisions of this local law shall only apply while there is in existence a Village Local Waterfront Revitalization Program which has been adopted in accordance with Article 42 of the Executive Law of the State of New York.

III. **Definitions:**

- A. "Actions" mean either Type I or unlisted actions as defined in SEQRA regulations (6 N.Y.C.R.R. 617.2) which are undertaken by an agency and which include:
 - 1. Projects or physical activities, such as construction or other activities that may affect the environment by changing the use, appearance or condition of any natural resource or structure, that:
 - a. are directly undertaken by an agency; or
 - b. involve funding by an agency; or
 - c. require one or more new or modified approvals from an agency or agencies;
 - 2. Agency planning and policy making activities that may affect the environment and commit the agency to a definite course of future decisions;
 - 3. Adoption of agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect the environment; and
 - 4. Any combinations of the above.
- B. "Agency" means any board, agency, department, office, other body, or officer of the Village.
- C. "Board" means the Board of Trustees or any board of the Village which has been designated by the Board of Trustees to be responsible for administering the provisions of this Article.
- D. "Coastal area" means that portion of New York State coastal waters and adjacent shorelands as defined in Article 42 of the Executive Law which is located within the boundaries of the Village, as shown on the Coastal Area map on file in the office of the Secretary of State and as delineated in the Village of Lloyd Harbor Local Waterfront Revitalization Program.
- E. "Coastal Assessment Form (CAF)" means the form, contained in Appendix A, used by an agency to assist it in determining the consistency of an action with the Local Waterfront Revitalization Program.

- F. "*Consistent*" means that the action will fully comply with the LWRP policy standards and conditions and, whenever practicable, will advance one or more of them.
- G. "Direct Actions" mean actions planned and proposed for implementation by an agency, such as, but not limited to a capital project, rule making, procedure making and policy making.
- H. "Local Waterfront Revitalization Program (LWRP)" means the Local Waterfront Revitalization Program of the Village, approved by the Secretary of State pursuant to the Waterfront Revitalization and Coastal Resources Act (*Executive Law, Article 42*), a copy of which is on file in the Office of the Clerk of the Village.

IV. Consistency Determination:

Each Board, having jurisdiction over an application, shall conduct LWRP consistency reviews of actions within the LWRA, in accordance with the procedures outlined in this Article.

V. Review of Actions:

- A. Whenever a proposed action is located in the Village's Coastal Area, the Board shall, prior to approving, funding or undertaking the action, make a determination that it is consistent with the LWRP policy standards and conditions set forth in Section E herein.
- B. Whenever the Board receives an application for approval or funding of an action or as early as possible in the agency's formulation of a direct action to be located in the Coastal Area, the applicant, or in the case of a direct action, the agency, shall prepare a Coastal Assessment Form (CAF) to assist with the consistency review.
- C. The Board shall make the determination of consistency based on the CAF and such other information as is deemed to be necessary in its determination. The Board shall have the authority, in its finding of consistency, to impose practicable and reasonable conditions on an action to ensure that it is carried out in accordance with this Article.
- D. Actions to be undertaken within the Coastal Area shall be evaluated for consistency in accordance with the following LWRP policy standards and conditions, which are derived from and further explained and described in Section III of the Village's LWRP, a copy of which is on file in the Village Clerk's office and available for inspection during normal business hours. Agencies which undertake direct actions shall also consult with Section

IV of the LWRP in making their consistency determination. The action shall be consistent with the following policies, as applicable:

- 1. Revitalize deteriorated and underutilized waterfront areas (Policy 1).
- 2. Retain and promote recreational water-dependent uses (Policy 2).
- 3. Develop the State's major ports (*Policy 3*).
- 4. Strengthen economic base of smaller harbor areas by encouraging traditional uses and activities (*Policy 4*).
- 5. Ensure that development occurs where adequate public infrastructure is available to reduce health and pollution hazards (*Policy 5*).
- 6. Streamline development permit procedures (*Policy 6*).
- 7. Protect significant locally important fish and wildlife habitats from human disruption and chemical contamination (*Policies 7,8*).
- 8. Maintain and expand commercial fishing facilities to promote commercial and recreational fishing opportunities (*Policies 9, 10*).
- 9. Minimize flooding and erosion hazards through non-structural means, carefullyselected, long-term structural measures and appropriate siting of structures (*Policies 11*, 12, 13, 14, 16, 17, 28).
- 10. Safeguard economic, social and environmental interests in the coastal area when major actions are undertaken (*Policy 18*).
- 11. Maintain and improve public access to the shoreline and to water-related recreational facilities while protecting the environment (*Policies 2, 19, 20, 21, 22*).
- 12. Protect and restore historic and archeological resources (Policy 23).
- 13. Protect and upgrade scenic resources (Policy 25).
- 14. Conserve and protect agricultural lands (Policy 26).

- 15. Site and construct energy facilities in a manner which will be compatible with the environment and contingent upon the need for a waterfront or water location (*Policies* 27, 29, 40).
- 16. Prevent ice management practices which could damage significant fish and wildlife and their habitats (*Policy 28*).
- 17. Protect surface and groundwaters from direct and indirect discharge of pollutants and from overuse (*Policies 30, 31, 32, 33, 34, 35, 36, 37, 38*).
- 18. Perform dredging and dredge spoil disposal in a manner protective of natural resources (*Policies 15, 35*).
- 19. Handle and dispose of hazardous wastes and effluents in a manner which will not adversely affect the environment nor expand existing landfills (*Policy 39*).
- 20. Protect air quality (Policies 41, 42, 43).
- 21. Protect tidal and freshwater wetlands (Policy 44).
- E. If the Board determines that the action would not be consistent with one or more of the LWRP policy standards and conditions, such action shall not be undertaken unless the Board makes a written finding with respect to the proposed action that:
 - 1. No reasonable alternatives exist which would permit the action to be undertaken in a manner which will not substantially hinder the achievement of such LWRP policy standards and conditions;
 - 2. The action would be undertaken in a manner which will minimize all adverse effects on such LWRP policy standards and conditions;
 - 3. The action will advance one ore more of the other LWRP policy standards and conditions; and
 - 4. The action will result in an overriding Village, regional or State-wide public benefit.

Such a finding shall constitute a determination that the action is consistent with the LWRP policy standards and conditions.

F. Each Board shall maintain a file for each action made the subject of a consistency determination. Such files shall be made available for public inspection upon request.

VI. Enforcement:

The Village Building Inspector shall be responsible for enforcing this Article. No work or activity on a project in the Coastal Area which is subject to review under this Article shall be commenced or undertaken until the Village Building Inspector has been presented with a written determination from the Board that the action is consistent with the Village's LWRP policy standards and conditions. In the event that an activity is not being performed in accordance with this Article or any conditions imposed thereunder, the Village Building Inspector shall issue a stop work order and all work shall immediately cease. No further work or activity shall be undertaken on the project so long as a stop work order is in effect.

VII. Violations:

- A. A person who violates any of the provision of, or who fails to comply with any condition imposed by, this Article shall have committed a violation, punishable by a fine not exceeding five hundred dollars for a conviction of a first offense and punishable by a fine of one thousand dollars for a conviction of a second or subsequent offense. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional violation.
- B. The Village Attorney is authorized and directed to institute any and all actions and proceedings necessary to enforce this local law. Any civil penalty shall be in addition to and not in lieu of any criminal prosecution and penalty.

VIII. Severability:

The provisions of this local law are severable. If any provision of this local law is found invalid, such finding shall not affect the validity of this local law as a whole or any part or provision hereof other than the provision so found to be invalid.

IX. Effective Date:

This local law took effect immediately upon the adoption of the Village's Local Waterfront Revitalization Program (LWRP).