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## SECTION V: TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM

### A. Summary

This section specifies the local legal, administrative, managerial and financial techniques by which the LWRP is to be carried out by the Town of Mamaroneck and Village of Larchmont.

Part B, Local Laws and Regulations Pertinent to the LWRP describes legislative means in both municipalities, including local laws and regulations that existed prior to the adoption of the LWRP that are used in implementing the Program, and amendments to those laws and new laws that were enacted as a result of the LWRP planning process (amendments and new laws are indicated with an asterisk). For each item listed, an explanation is given of its application to particular LWRP Policies.

Part C, Local Law to Establish the Coastal Zone Management Commission delineates the management structure, the Coastal Zone Management Commission, which was created to monitor and coordinate the implementation of the LWRP under the joint authority of the two municipal governments.

Part D, Other Laws and Directives Which Serve to Implement the LWRP includes the Mamaroneck-Larchmont Master Plan, which serve to implement the LWRP.

Part E, Financial Resources Necessary to Implement the LWRP discusses the financial resources that will be provided locally or sought elsewhere to implement special projects and other actions with financial implications as well as the costs of day-to-day management.

Part F describes local, New York State and Federal consistency in relation to the LWRP.

### B. Local Laws and Regulations Pertinent to the LWRP. (Laws passed specifically to implement the LWRP are indicated with an asterisk.)

#### 1. Architectural Review

a. Town Local Law No.7, 1990 creates a Board of Architectural Review with power to grant or deny permits "to encourage quality exterior building design and good appearance and to relate such design and appearance to the sites and surroundings of structures" for commercial properties. Town zoning law, Chapter 89, requires application to the Town Board for special use permits to change architectural design or landscaping in specified respects.

b. Village Code created a Board of Architectural Review in 1975 with power to deny permits for building or alteration to commercial or residential properties that

would, if granted, result in monotonous similarity, visual offensiveness or discord, or impair enjoyment or value of property.

c. Application: Scenic values (Policy 25).

2. Coastal Zone Management Commission (CZMC)\*. Also see Part C.

Town Local Law No. 4, 1986 Chapter 15A and Village Local Law No. 4, 1986 Chapter 253, both enacted on June 30, created a bi-municipal Coastal Zone Management Commission to coordinate and monitor the implementation of the LWRP.

3. Conservation Area Regulations

Town Law, Chapters 16 and 17, creates a Conservation Advisory Commission (CAC) on which the Town and the Villages of Larchmont and Mamaroneck are represented, designates certain Conservation Areas under the CAC's supervision, and directs that these be maintained in their natural state. A resolution adopted in September 1983 dedicated these areas as permanent parkland.

a. Application: Policies 7/7A, 14, 19, 20, 21 and 25.

4. Consistency\*

The consistency law, adopted on June 30 as Town Local Law No. 5, 1986 and Village Local Law No. 5, 1986 Chapter 292, requires that local government actions, including granting of permits, be consistent to maximum extent practicable with the policies and purposes of the LWRP, and establishes procedures to assure such consistency.

a. Application: All Policies.

5. Critical Environmental Areas

a. Several environmentally vulnerable areas were designated as Critical Environmental Areas (CEA) by the Town and Village as defined under Policy 7A. Under the State Environmental Quality Review Act (see below), any "unlisted" action in, or substantially contiguous to, a CEA must be treated as a "Type I" action, requiring special scrutiny for environmental effects.

Town Local Law No. 8, 1986 adopted on June 30 amended the Environmental Quality Review law Chapter 23 to name three CEA. In 1989, two of these areas were renamed by the Town so that the names were more descriptive of the areas comprised:

1. The Premium River-Pine Brook Wetlands Complex (formerly The Premium Salt Marsh Complex);
  2. The East Creek-Hommocks Area (formerly The Hommocks Salt Marsh Complex);
  3. The Larchmont Reservoir-Sheldrake-Leatherstocking Freshwater Wetland Complex.
    - b. Larchmont Local Law No. 7, 1986, Chapter 254 Article I, adopted on June 30 refers to the Village portion of the first two CEA as the Pine Brook-Premium Border and the Hommocks Border.
    - c. The 900 foot above-ground section of East Creek, which runs approximately along the Town-Village border, was added by the Town as Local Law No.4, 1987, Chapter 23, and by the Village as Local Law No. 3, 1987 making this area part of The East Creek-Hommocks Area CEA.
    - d. Application: Policies 7/7A, 11, 14, 44, 44A.
6. Dog Waste
- a. Town Law, Chapter 6, Article II, requires dog-walkers to immediately remove feces and forbids putting feces in storm drains.
  - b. Village Law No. 5, 1981 is similar.
  - c. Application: Policy 39A.
7. Dumping\*
- a. Town Local Law No. 6, 1987, Chapter 22, was enacted because "of a growing problem of dumping rubbish and discarded materials on various properties of the Town, including several park and recreation areas...."
  - b. Village Code, Chapter 255, makes similar provisions. All dumping must take place in a Village designated area.
  - c. Application: Policy 39A
8. Flood Damage Prevention Laws and Map
- a. In accordance with Federal mandate, the Town updated its Flood Damage Prevention Law (Local Law No.3, 1988), which sets construction controls on

building in flood plain areas, and adds a section pertaining to building requirements in the State designated Coastal High Hazard Areas. Upon recommendation of the CZMC, the new law contains language allowing for extension of the flood plain if new conditions and new studies show that such extension is merited. The Federal Emergency Management Agency (FEMA) published new Flood Insurance Rate Maps for the Unincorporated Town in September 1989 (Local Law No. 5, 1989, Chapter 28).

b. Similarly, the Village updated its Flood Damage Prevention Law, Local Law No. 2, 1987, Chapter 266. This law sets the same building standards, as contained in the Town law for construction in flood plain areas, and is based on the Village's Federal Flood Insurance Rate Map of 1984.

c. Application: Policies 5, 11 and 14; also 7/7A, 44.

#### 9. Freshwater Wetlands Laws

\*a. The Town adopted a Freshwater Wetlands and Watercourses Protection Law, Local Law No. 7, 1986, Chapter 88, which preserves and protects locally mapped wetlands of less than 12.4 acres. That law was amended by Local Law No. 5, 1988 so that an application for a freshwater wetlands permit is made to the Building Inspector rather than the Town Clerk. However, the power to grant such permits remained with the Planning Board subject to the approval of the Consulting or Town Engineer.

b. Village Code is outdated by recent amendments to State law and requires revision.

c. Application: Policies 7/7A, 13, 14, 44, 44A.

#### 10. Incinerators

Town Local Law No. 3, 1992 protects public health and safety by prohibiting burning in incinerators.

Village apartments no longer have incinerators.

Application: Policy 30.

## 11. Larchmont Reservoir

Village Law No. 4, 1984 dedicates in perpetuity the Larchmont Reservoir property to public uses such as conservation area, wildlife, preserve, nature study area, reservoir, standby water supply, flood control, education area, and other compatible uses.

Application: Policies 7/7A, 14, 19, 21, 38, 44, 44A.

## 12. Litter

a. Town Law, Chapter 30, (Garbage and Rubbish) prohibits littering on public property and on private property adjacent to public places.

b. Village Code, Chapter 147, also prohibits littering on public and private property.

c. Application: Policy 39A.

## 13. Parks

Town Law, Chapter 55, prohibits littering or inflicting harm on wildlife, birds or plants in Town parks.

Application: Policies 7/7A, 25, 39A.

## 14. Satellite Earth Stations

a. Village Law No. 7, 1984 sets standards for size, position, color, etc. of satellite earth stations (dish antennae) and requires special permit for such devices exceeding 18" diameter. Purpose is to prevent eyesores.

b. Town zoning ordinance with limits on size and height of structures can apply to dish antennas.

c. Application: Policy 25.

## 15. Sewers

a. Town Law, Chapter 60 (Plumbing Code): Article VIII requires that liquid wastes from any plumbing system be discharged into public sewers; Article XII prohibits any connection with any storm water drain or with any stream or watercourse within the Town for the removal of sewage from any premises; and prohibits surface water from the ground, or from the cellar or roof of any

building, to enter any pipe or drain that discharges into any fixture or trap connected with the public sewer; Article XIV mandates that such drainage shall be discharged into a storm drain.

b. Village Code forbids connection of roof leaders, water drainage pipes or storm water drains to the sanitary sewer system and requires that those so connected shall be disconnected and drainage rearranged as directed by the Village Engineer.

c. Application: Policy 33A.

## 16. Signs

a. Town Law, Chapter 14, Article XIX (building code) regulates appearance of signs in commercial areas, and Local Law No. 7, 1990 directs that the Board of Architectural Review give its approval. Signs are forbidden in residential areas with some exceptions. Chapter 3 prohibits posting of bills, placards, etc. on public property.

b. Village Code regulates appearance of signs in commercial districts subject to Board of Architectural Review approval, and forbids most signs in residential areas.

c. Application: Policy 25.

## 17. Site Plan Approval

a. Town Local Law No. 3, 1984 requires that a plan for any proposed development and use of land be submitted to the Planning Board demonstrating that such action is consistent with standards of traffic, parking, screening and landscaping, environmental quality, drainage and sewage disposal, as set forth in the law, and is in harmonious relationship with adjacent uses.

\*b. Town Local Law No.6, 1986 (Chapter 66A) amended Local Law No. 3-1984 to set new limits on stormwater runoff from new development "so that there will be no measurable increase in erosion or flooding". Generally, on sites of 10,000 square feet or more, overflow from the site is to be limited to zero increase in the rate of runoff.

c. Village Code (Chapter 283) requires applicants for building permits to submit detailed site plans to the Planning Commission, and sets criteria for approval including drainage, preservation of natural features, screening and landscaping, etc.

\*d. Village Local Law No.6, 1986 amended Chapter 283 and similarly controlled and regulated the rate of runoff in new development.

e. Application: Policies 5, 11 and 14.

18. State Environmental Quality Review (SEQR) Laws

a. Town Local Law No. 4, 1985, Chapter 23, which repealed and replaced the original local State Environmental Quality Review law of 1977, provided for environmental quality review under procedures laid down in the State SEQR law of actions that may significantly affect the environment. The Town law was again revised in 1989 and became the Mamaroneck Environmental Quality Review law (MEQR), Local Law No. 4, 1989. The amendment helped to better define those actions subject to consistency review.

b. Village Code included a SEQR law adopted in 1976. This law was updated when the Village adopted the New York State SEQR regulations promulgated in 1987-88.

c. Application: As supplement to State EQR law, Town law provides local criteria for processing permit applications for projects that could produce runoff, siltation, pollution, etc. damaging to natural or built environment. (Policies 7/7A, 11, 14, 18, 23, 25, 30, 44, 44A, among others.)

19. Subdivision Regulations

Town and Village regulations for approval of subdivision plats, issued by the Planning Board, require developers to (among other things) provide for drainage, water, sewerage, traffic, parks and playgrounds.

a. Application: Same as for zoning laws below.

20. Surface Water, Erosion and Sediment Control\*

a. Town Local Law No. 8, 1992 safeguards persons, protects property, prevents damage to the environment and promotes public welfare by guiding, regulating and controlling the design, construction, use and maintenance of any development or other activity which disturbs or breaks the topsoil or results in movement of earth.

b. The Village, as of this date, has not adopted a similar law (see Section IV at 5 b(2) and requires use of Westchester County Best Management Practices through its Site Plan review process.



c. Application: Policy 37

21. Trees, Protection of

a. Town Law No. 10, 1985 (Chapter 76) prohibits destruction of any tree above specified size without a permit; creates a Tree Preservation Commission with power to grant permits under specified criteria and procedures. This law was twice amended (Local Law No. 6, 1990 and again in 1991) to clarify the purpose and intent of the law.

The Village adopted its Street and Park Trees Local Law No. 8 in 1981, and amended it by adding penalties for offenses for tree removal by enacting Local Law No. 5, 1988.

b. Application: Policies 7/7A, 14, 25, 37.

22. Zoning

a. Town law, Chapter 89, establishes land use and density controls in specified zones in accordance with a comprehensive plan to guide the growth and development of the Unincorporated Area, and prescribes rules and procedures regarding nonconforming uses, variances, appeals, etc. Village Code, Chapter 295, establishes comparable zoning patterns and procedures for the Village.

\*b. Concurrent with its approval of the LWRP, the Town amended its Zoning Law in 1986 to require larger building lot sizes in two areas:

(1). lot size in the Hommocks Middle School area was increased from R-7.5 to R-30 in order to conform to adjacent land uses and to afford protection to the Hommocks Marsh against adverse development. In 1988, a portion of this area along Rock Ridge Road was restored to its former R-7.5 status since the higher zoning had made all properties there nonconforming.

(2). Zoning of the private residential areas on the Town portions of the coastline, Hommocks Peninsula and Premium Point, was raised from R-30 to R-50 in order to preserve the scenic low density character of the coastline, and minimize impact on local ecosystems.

\*c. The Village amended its Zoning Law with Local Law #3-1991. (A detailed history of this law can be found in the fourth and fifth Annual Reports. This law created a new Waterfront District (W) with R-50 zoning (minimum lot size 50,000 square feet) encompassing all properties fronting directly on the open water of Long Island Sound and Larchmont Harbor. The W District extends

from Cedar Island west to the edge of the Premium Mill Pond and includes the Larchmont Yacht Club, the Larchmont Shore Club and Manor Park. Notable amendments include "no structure shall be located within 100 feet of the water's edge" and reduced lot coverage by principle structures, paved or impermeable surfaces.

On the club properties (Larchmont Yacht Club, Larchmont Shore Club, Manor Park), only clubs are permitted as a matter of right, but single family homes may be developed by special permit from the Village Board. Lots for such homes may be as small as 30,000 square feet if the number of homes is no more than would be allowed under the R-50 rule, and if this would better preserve the natural and scenic qualities of the site.

d. Application: Essential to land use controls in Section IV-A and to the policies to which they relate regarding flood control, protection of habitats and wetlands, scenic values, especially 7/7A, 11, 14, 25, 44, 44A.

### C. Local Law to Establish the CZMC

#### 1. Background:

Design of an effective management structure for the implementation of this Program had to take into account its bi-municipal character, as well as the fact that no municipal or intermunicipal body existed with the overall responsibility for the wide range of activities covered by the Policies in Section III and the actions in Sections IV and V. Physical activities affecting the Coastal Zone are dealt with primarily by the municipal engineers and public works departments of the two municipalities, supported by various committees responsible for recreation, parks and trees, beautification, etc. Land use and related functions are primarily the responsibility of the two municipalities' respective Planning Boards and Zoning Boards, each functioning within its own municipal boundaries. The conservation areas, water quality monitoring, and protection of the freshwater wetlands are the responsibility of the Townwide Conservation Advisory Commission assisted by the Town Conservation Department. All these bodies, as their duties require, work in cooperation with local nongovernmental groups (see list in Section II) and with the local schools.

Since no part of this pattern fitted the unique requirements of LWRP planning, a Coastal Zone Management Committee (CZMC) was created by the Village of Larchmont in September 1982 to undertake the drafting of an LWRP under a State planning grant. Soon after, the Town of Mamaroneck also received an LWRP planning grant. Recognizing the extensive interdependence of the two areas, the Town and the Village thereupon began working together. The Town Council appointed several Town residents to the CZMC, including a co-chairman. Under the authority of both municipal

governments, the CZMC undertook to draft a single LWRP for the Village of Larchmont and the Unincorporated Area of the Town.

In its drafting work the Committee and its planning consultant conferred with many of the bodies mentioned above. Moreover, its membership included chairmen or members of a number of them, notably the Village Planning Commission and Zoning Board and the Conservation Advisory Commission. Thus the Committee developed a unique overview of the problems and possibilities facing the two municipalities in their shared Coastal Zone. This overview function is extremely important and was provided for in the implementation phase in order to facilitate coordination between two neighboring municipalities working together in a single Program.

## 2. Commission Composition:

a. Appointment: Five members are appointed by the Village of Larchmont and five by the Town of Mamaroneck. The chairman, to serve a one-year term, is appointed jointly by the Supervisor of the Town and the Mayor of the Village. The other ten members are appointed for a term of three years and are eligible for reappointment.

b. Qualifications: Each member serving on appointment by the Village must be a resident of the Village, and each member serving on appointment by the Town must be a resident of the Unincorporated Area of the Town. Members will be chosen for their demonstrated knowledge, ability, and readiness to serve the Commission in the functions described below, and with due regard to maintaining among the membership a range of special aptitudes and expertise relevant to the Commission's work.

c. Functions and powers: The Commission's basic task is to monitor and coordinate the implementation of the LWRP, its Policies and projects, including physical, legislative, regulatory, administrative, and other actions included in the Program. In pursuance of this task the Commission:

- (1) Advises the municipal governments on implementation priorities, work assignments, timetables, and budgetary requirements of the Program.
- (2) Consults with the appropriate departments and professional staffs of the two municipalities concerning the matters in subparagraph (1) obtaining reports from them as necessary to assure implementation of the Program and consistency of local actions with it.

- (3) Maintains liaison with related municipal bodies (including but not limited to the Planning Board/Commission, the Zoning Board of Appeals and the Conservation Advisory Commission) and with concerned nongovernmental bodies in order to further the implementation of the LWRP.
- (4) Monitors in timely fashion the planned actions of State and Federal agencies within the Coastal Zone in order to assure consistency of such actions with the LWRP, and recommend appropriate action where necessary.
- (5) Provides to any board, commission, or other agency of the Town or Village (including, but not limited to, the Planning Board/Commission and the Zoning Board of Appeals), in such manner as may be prescribed by law, its opinion as to whether and in what respect, a proposed action by, or subject to the permission of, such body, may be inconsistent with the policies of the LWRP.
- (6) Subject to the approval of the municipal governments, makes application for funding from State, Federal, or other sources to finance projects under the LWRP.
- (7) Develops and maintains liaison with neighboring municipalities and with State and County agencies concerned with a view to strengthening and developing cooperation in, and common management of, shared drainage basins for flood and pollution control and other purposes.
- (8) Makes an annual report to the municipal governments on progress achieved and problems encountered during the year, and recommending such actions as the Commission considers necessary for the further implementation of the LWRP.
- (9) Makes or prepares such reports and communications concerning the Program to the Department of State and other agencies of the State of New York, by or on behalf of the municipal governments, as may be appropriate or required.
- (10) Performs such other functions regarding the Coastal Zone as the Village Board and the Town Board may assign to it from time to time.

d. Other provisions:

- (1) Members of the CZMC serve without compensation. They are entitled to reimbursement for necessary expenditures in the performance of their work, subject to budgetary limitations.
- (2) The Commission may engage such professional and clerical help and purchase such supplies and services as are necessary for its work, subject to prior budgetary approval by the two municipalities.
- (3) The Commission meets not less than once a month except in December. Its meetings are open to the public. It keeps and distributes minutes of its proceedings. A majority of its members constitute a quorum.

### 3. Municipal Governments:

To assure timely and coordinated implementation of the Program at the local government level, the two municipal governments coordinate their policies and actions as necessary, taking into account the advice and recommendations of the Commission. For this purpose each municipal government appoints a liaison trustee or council member to work with the Commission. The liaison members serve as channels for guidance to the CZMC from their respective governments. They consult as appropriate with each other, and with their respective governments, on the work of the Commission, the implementation of the Program, and any questions arising in that connection that may require action by or guidance from one or both governments or coordination between the two governments.

## D. Other Laws and Directives Which Serve to Implement the LWRP

### 1. Comprehensive Master Plans

It should be noted that Comprehensive Master Plans were written for the Village and the Unincorporated Area in 1966 and reviewed in 1976. Among subjects in that document relevant to the LWRP are open space and recreation areas. The plans have never been adopted formally by either municipal government, but recommendations in them have been drawn on in decisions on land use, parking, traffic, etc. In 1986, the Town and Village began to update their Master Plan in stages. Phase I, completed in September 1986, dealt with the eastern portion of the Town and Village. Phase II, completed in October 1987, dealt with the Boston Post Road. Traffic, engineering and parking studies were included in the updates.

## 2. County Critical Environmental Areas

In 1989, Westchester County enacted a law designating certain areas that are critical under the State Environmental Quality Review law, but do not lie wholly within one municipality, and areas that might impact on County Property as **Critical Environmental Areas (CEA)**, thereby entitling them to some measure of legal protection against adverse actions in or near them. The County adopted a "cultural boundary" which is mainly a line mapped from the Boston Post Road to Long Island Sound. The Premium River-Pine Brook Wetlands Complex and the Larchmont Reservoir-James G. Johnson, Jr. Conservancy were also designated County CEAs.

## 3. New York State & Federal Regulations

### a. Coastal Erosion Hazard Area

The Coastal Erosion Management Program of the New York State Department of Environmental Conservation (DEC) completed in 1991 Coastal Erosion Hazard Area maps for the Town and Village, which are on file in the respective municipal offices. Both municipalities chose not to enact local Coastal Erosion Hazard Area laws. Therefore, the State law, which is basically a permitting process, will be enforced by the DEC. The law regulates the construction of new homes, modifications and additions to existing buildings, installation of above-ground and in-ground swimming pools, construction and restoration of erosion protection structures such as seawalls, the excavation or dredging of beach material and other actions within the mapped area.

### b. Tidal Wetlands

(1). Actions involving Tidal Wetlands are regulated by NYS law (Chapter 25) administered by the DEC. The DEC must provide a map of tidal wetlands and provide applications for the granting of permits. The law regulates the wetlands and the adjacent area extending 300 feet landward of the most landward edge of the tidal wetlands. Principal structures must be set back 75 feet from the edge of wetlands, and septic tanks must be at least 100 feet landward from the wetlands edge. The law regulates draining, dredging, any form of dumping or filling, any pollution and anything which may substantially alter or impair the function of the wetland. Civil and criminal penalties may be imposed.

(2). The Environmental Protection Agency and the U.S. Army Corps of Engineers have concurrent jurisdiction over the dredge and fill of the waters of the United States. The Fish and Wildlife Service is an important advisor to these agencies as is the Department of Agriculture,

Soil and Conservation Service. Federal wetlands permits are reviewed by the State DOS, and must be approved for consistency with the State's coastal policies.

c. Significant Habitats

New York State mapped, narrated and designated habitats included for protection in New York State's federally-approved Coastal Management Program as provided for under 19 NYCRR 602. There are seven designated Significant Coastal Fish and Wildlife Habitats in Westchester County. The Premium River-Pine Brook Wetlands Complex is one of these (see Policy 7).

d. Stream Protection Act

This law prohibits any person from changing, modifying or disturbing the course of any channel or bed of any stream without obtaining a permit from DEC. The law also requires a permit for any dam, dock, dredging or filling in any navigable waters or adjacent marshes or wetlands.

e. Reauthorization of Federal Coastal Zone Act

When the Federal Coastal Zone Act was reauthorized in 1990, Section 6217 was added to require all States with coastal management programs (CMP) to establish coastal nonpoint source programs which must be approved by the EPA and NOAA. Once these programs are approved, they will automatically be incorporated into each State's coastal management and nonpoint source programs. Programs approved in 1996 must be fully implemented by January 1999, and additional measures implemented by January 2004 when the efficacy of the original 1999 program implementations have been evaluated. Recommendations made in these documents will also impact the administration of local CMP as well as require changes in regulation of nonpoint source pollutants flowing into the Sound.

f. Long Island Sound Regional CMP

The Department of State is preparing its first regional Coastal Management Program (CMP) to address the needs and priorities of Long Island Sound (LIS), including the shorelines of Westchester, the Bronx, Queens, Nassau and Suffolk Counties. When completed, this LIS CMP will replace the New York State CMP for this area. The regional program will build on programs now being written for the Sound, and

Local Waterfront Revitalization Programs already accepted. An initial draft of the LIS CMP was circulated in 1994.

E. Financial Resources Necessary to Implement the LWRP

Funding for most projects will come from the budget of the Coastal Zone Management Commission. The CZMC and the two governments will work together to pursue funding from other levels of government and other sources when necessary.

F. Local, State and Federal Compliance

1. Local: The Coastal Zone Management Commission will be primarily responsible for ensuring compliance with and implementation of LWRP policies. It will inform all agencies, boards, commissions, and officials of the two municipalities, as well as relevant nongovernmental organizations whose work may be affected by the LWRP policies, concerning the requirements of the policies affecting them; and it will confer with them to determine what new actions, if any, are necessary in order to assure fulfillment of such requirements. Problems or questions that arise from these discussions will be referred as appropriate to the Town or Village government for decision or action.

2. State: For State agencies' consistency with the LWRP, the municipalities will rely primarily on the consistency procedures laid down on pages 14-16 of "Guidelines for Local Waterfront Revitalization Programs" (Department of State, Albany, October 1982). The Coastal Zone Management Commission will evaluate promptly all proposed State actions of which it receives notice or of which it becomes aware and will give timely notice to the Secretary of State and the concerned agency of any potential conflicts between such actions and the LWRP.

3. Federal: For Federal agencies' consistency with the LWRP, the municipalities will rely primarily on the principles and procedures described in "State of New York Coastal Management Program and Final Environmental Impact Statement," U.S. Department of Commerce, August 1982, pages II-9-II and 12, in which the Department of State, State of New York, declares that it "will consult with other State agencies and local governments before providing its official comment on all Federal actions and that the basis for all consistency review will specifically include "local waterfront revitalization programs." The Coastal Zone Management Commission, on being informed by the Department of State of any Federal action likely to affect the LWRP, will promptly evaluate and comment on the likely effect of such action.

In this connection, note is taken of the provision of Department of State Regulation 600.4, regarding initial review of actions by State agencies under Article 42 of the Executive Law, that "for purposes of this part, planning or rulemaking actions which affect land or water in the coastal area shall be deemed to be located therein." (Emphasis added.) Because of the topography of the Westchester Sound shore, actions inland and



upstream, beyond the coastal area of the two municipalities, can seriously affect land and water in this coastal area. Consequently, such proposed actions by State agencies, when likely to produce such an effect, should be made known to the Coastal Zone Management Commission in a timely fashion for its evaluation and comment.