

## **Section III. Local Waterfront Revitalization Program Policies**

### **Overview**

This section of LWRP presents the coastal management policies that shall apply to the Village of Ocean Beach Local Waterfront Revitalization Area (LWRA). These local policies follow the 13 amended policies that were issued by the New York State Department of State (NYS DOS) in June 1996, which have been refined from the original 44 State Coastal Policies. The sub-policies and policy explanations have been modified and expanded to reflect the unique conditions in the Village of Ocean Beach, and new sub-policies have been added as appropriate to address issues of special local importance. The local policies for the Village of Ocean Beach are organized under four headings: developed coast policies, natural coast policies, public coast policies, and working coast policies.

#### **General Policy**

Policy 1 Foster a pattern of development in the Village of Ocean Beach coastal area that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a coastal location, and minimizes adverse effects of development.

#### **Economic Development Policies**

Policy 2 Protect water-dependent uses, promote siting of new water-dependent uses in suitable locations, and support efficient harbor operation.

Policy 3 Protect agricultural lands.

Policy 4 Promote sustainable use of fish and wildlife resources.

#### **Waterfront Natural Resources Policies**

Policy 5 Protect and restore ecological resources, including significant fish and wildlife habitats, wetlands, and rare ecological communities.

Policy 6 Protect and improve water resources.

Policy 7 Minimize loss of life, structures, and natural resources from flooding and erosion.

#### **General Environmental Policies**

Policy 8 Protect and improve air quality.

Policy 9 Promote appropriate use and development of energy and mineral resources.

Policy 10 Minimize environmental degradation from solid waste and hazardous substances and waste.

#### **Recreation and Cultural Policies**

Policy 11 Improve public access to and use of public lands and waters.

Policy 12 Enhance visual quality and protect outstanding scenic resources.

Policy 13 Preserve historic resources.

## General Policy

### Policy 1

**Foster a pattern of development in the Village of Ocean Beach coastal area that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a coastal location, and minimizes adverse effects of development.**

The character of Ocean Beach is defined by the pattern of land development. The Village mostly consists of high density residential development. A significant commercial district, the largest on fire Island, consisting of shops, restaurants, hotels, and other businesses, is located on the bay-side. Various public and community facilities (e.g., sewage treatment and water supply systems, ferry terminal, Village Marina, community house, recreational and maintenance facilities, etc.) are found at various locations throughout the Village, primarily on the bay-side.

Ocean Beach is a year-round community which experiences a significant increase in residents during the summer. The number of daily visitors to the Village during the peak of the summer season can be five times the number of seasonal residents.

The Village is essentially fully developed at the present time, and the primary open space area comprises the oceanfront beach and dune. The limited acreage of open space in the Village lends special significance to this area, which provides ecological, scenic, recreational, and economic benefits to Village residents.

When storm damage occurs, at some point it will be necessary to get equipment in for demolition and reconstruction. For this reason lot line setbacks, road access, and easements should be maintained and building size should be limited.

Policy 1 will be implemented by the proposed improvements to the Village's water distribution and sanitary waste collection and treatment systems (maintenance of vital infrastructure), proposed restoration of the Community House and Windswept facility, proposed facade review and property maintenance investigations, proposed Business Improvement District, and continued monitoring of activities in the Business District.

#### **1.1 Concentrate development and redevelopment in order to revitalize deteriorated and underutilized areas and strengthen the traditional waterfront focus of the Village.**

The Village of Ocean Beach already is essentially fully developed, with very few remaining parcels of vacant land. Therefore, the focus of this policy is on redevelopment, rather than new development, including the restoration of the Community House and Windswept facilities.

New development should be located where infrastructure is adequate or can be upgraded to accommodate such development.

The following planning principles should be used to guide investment and preparation of development strategies and plans:

- Scale development to be appropriate to the setting.
- Design development to highlight existing resources, such as local history and important natural and man-made features, in order to reinforce community identity.
- Design the waterfront as a focus for activity that draws people to the coast.
- Balance community needs and market demands in making development choices.
- Recognize environmental constraints as limiting development.
- Restore environmental quality to degraded areas wherever practicable.

All development and uses should recognize the unique qualities of a coastal location by:

- designing buildings and development sites so as to optimize the beneficial use of the coastal location and associated coastal resources;
- minimizing consumption of waterfront lands and potential adverse impacts on natural resources
- limiting the alteration of segments of natural shoreline
- incorporating recreational activities, public access, open space, or related amenities, as appropriate to the use, to enhance the site and the surrounding community, and to increase visual and physical access to the coast
- attracting people to the coast, as appropriate to the use
- ensuring that design and siting of uses and structures complements the surrounding community and landscape
- using indigenous plants as components of landscape design to improve habitat and water quality, and to lessen water demand reinforcing community identity by highlighting local history and important natural and man-made features

### **1.2 Protect stable residential areas.**

Residential homes comprise the predominant land use in the Village, and it is the intent of this policy to maintain stable residential areas and allow for continued compatible residential and supporting development in and adjacent to such areas. Continued monitoring of activities in the Village's business district will implement this policy.

Avoid actions that would increase the number of people congregating in the Village's commercial district during periods of peak activity during the late night hours of summer weekends and holidays. Such actions would be undesirable, since they would adversely impact

residents' peaceful enjoyment of their properties, and would not be in the general best interests of the Village.

Continue to seek effective solutions to reduce conflicts between the Village's residential uses and activities occurring within the Village's business district. Recent actions by the Board of Trustees, such as the imposition of restrictions on the operation of the lateral ferry and water taxis during the late night hours of summer weekends and holidays, are expected to moderate the magnitude of the crowds in the Village during those peak periods. The Board of Trustees shall continue to monitor the situation and implement additional measures as appropriate to advance the goal of reducing conflicts between the Village's residential and commercial uses.

### **1.3 Maintain and enhance natural areas, recreation facilities, and open space.**

The intent of this policy is to protect natural areas, recreational facilities, and open space, which serve a crucial role in the quality of life that is enjoyed by Village residents and the recreational experience that is available to visitors.

Avoid loss of economic, environmental, and aesthetic values associated with natural areas, recreational facilities, and open space.

Maintain natural, recreational, and open space values including those associated with beach clubs and community association facilities.

### **1.4 Minimize adverse impacts of new development and redevelopment.**

It is expected that land use in the Village of Ocean Beach will evolve over time, as is generally true in most communities. To a certain degree, such change should be welcomed, since it maintains economic vitality. However, in order for such benefits to be meaningful on a community-wide basis, it is critically important to ensure that new development and redevelopment occurs in a manner that does not cause significant impacts to existing development.

Minimize potential adverse environmental, economic and land use impacts that would result from proposed development by applying the following standards:

- Avoid introduction of discordant features which would detract from the community by ensuring that new development and redevelopment is consistent with existing mass and distribution of structures, scale and intensity of use, architectural style, land use pattern, and other indicators of community character.
- Mitigate adverse impacts among existing incompatible uses by avoiding expansion of conflicting uses, promoting mixed-use development approaches which that reduce potential for conflict, mitigating potential conflicts by segregating incompatible uses, and providing buffers, or using other design measures to reduce conflict between incompatible uses.

- Protect the surrounding community from adverse impacts due to substantial introductions of or increases in odors, noise or traffic.
- Integrate the Village waterfront with inland areas by providing physical linkages between the waterfront and inland areas, matching new uses to community needs, particularly as related to demographic characteristics, and limiting actions that would preclude access to the waterfront.
- Minimize the potential for adverse impacts from types of development that individually may not result in a significant adverse environmental impact, but when taken together could lead to or induce subsequent significant adverse impacts.

### **Economic Development Policies**

#### **Policy 2**

##### **Protect water-dependent uses, promote siting of new water-dependent uses in suitable locations, and support efficient harbor operation.**

The character and appeal of the Village of Ocean Beach is strongly influenced by its coastal setting. A critical component of the established character of the Village is its water-dependent uses. A water-dependent use is one which requires a location on the waterfront in order to be viable, such as a marina, yacht club, boatyard, or coastal recreational facility (e.g., beach, boat ramp, fishing pier, waterfront parkland, etc.). Thus, in a very real sense, any action that diminishes the viability of water-dependent uses also reduces the community's connection to the water and, consequently, generally should be avoided.

The intent of this policy is to protect existing water-dependent commercial, industrial, and recreational uses and to promote their future siting in accordance with the reasonably expected demand for such uses. It is also the intent of this policy to foster orderly water use management to address the problems of conflict, congestion, and competition for space in the use of surface waters and underwater lands.

Policy 2 will be implemented by proposed improvements to the ferry boat terminal, Village Marina, and Wagon Park.

#### **2.1 Protect existing water-dependent uses.**

The water-dependent uses in the Village of Ocean Beach include the ferry terminal and the Village Marina. Because a waterfront location is a prerequisite for any water-dependent use, such uses should be given priority over non-water-dependent uses for siting along the shoreline. Any actions that would displace, or otherwise significantly impact or interfere with existing, functional water-dependent uses, should be avoided. Caution should be exercised, however, to ensure that the overall intensity of water-dependent uses is maintained at an appropriate level, so as to suitably complement the other uses in the Village and not to adversely alter the character of the area. An over-intensification of water-dependent uses along the Ocean Beach

shoreline would significantly alter the character of the community and, therefore, would not be desirable.

Provide suitable incentives to promote the continued viability of existing water-dependent uses in the Village.

### **2.2 Promote the siting of desirable new water-dependent uses, and expansion of existing water-dependent uses, at suitable locations.**

In general, new water-dependent uses should be located within areas that already contain concentrations of water-dependent commercial and/or recreational uses, and essential support facilities. A new water-dependent use should not be located in an undeveloped area unless there is a demonstrated demand for the use, there is a lack of suitable sites within a nearby developed area, the use has unique siting requirements that necessitate a particular site in an undeveloped area, the use is small-scale and has the principal purpose of providing access to a waterway, and the use is consistent with the character of the area.

Adverse impacts resulting from new and expanded water-dependent uses should be minimized by siting such uses where:

- the need for dredging is minimized
- water-side and land-side access, as well as upland space for parking and other facilities, is adequate
- the necessary infrastructure exists or is easily accessible, including adequate
- shoreline stabilization structures, roads, water supply, and public bathroom facilities
- the proposed new or expanded use is compatible with surface water quality classifications

New or expanded marinas also should:

- not encroach upon existing navigation channels, fairways, or channel buffer areas
- avoid or minimize adverse impacts to natural resources and existing neighborhoods

Locations that exhibit important natural resource values, such as wetlands and fish and wildlife habitats, should be avoided in siting new or expanded water-dependent uses.

### **2.3 Provide sufficient infrastructure for water-dependent uses.**

Protect and maintain existing public and private navigation lanes and channels at depths consistent with the needs of water-dependent uses.

Use suitable dredged material for beach nourishment, dune reconstruction, or other beneficial uses.

Avoid shore and water surface uses that would impede navigation.

**2.4 Encourage appropriate non-water dependent uses in the waterfront area to support and improve the economic viability of water-dependent uses.**

Water-enhanced uses do not require a location on or adjacent to the shoreline in order to function, but can add to public enjoyment and use of the water's edge, if properly designed and sited. Water-enhanced uses include restaurants, where clientele can enjoy waterfront vistas while dining. There are several restaurants on the Village's bay frontage (some of which serve a water-dependent function since they offer dockage for patrons). Such uses should be encouraged where they are compatible with surrounding development and make beneficial use of their coastal location by:

- attracting people to or near the waterfront and providing opportunities for access that is oriented to the coast
- providing public views to or from the water
- not interfering with the viability or operation of water-dependent uses
- not causing significant adverse impacts to community character and surrounding land and water resources

Uses that are not water-dependent or water-enhanced can be included as part of an integrated, mixed-use development plan for the waterfront, provided that said uses:

- are not sited directly on the water's edge or over the water,
- do not displace existing, functional water-dependent or water-enhanced uses, and
- are not incorporated into a development plan in lieu of appropriate, viable water-dependent and water-enhanced uses.

A use should be avoided on the waterfront if it:

- results in unnecessary and avoidable loss of coastal resources or access to coastal resources
- ignores the coastal setting through inappropriate design or orientation (e.g., a building that faces away from the waterfront or blocks views of the water from significant public vantage points)
- does not, by its nature, derive economic benefit from a waterfront location

**2.5 Promote the efficient management of surface waters and underwater lands.**

Surface waters are an important resource, which serve multiple purposes, including both commercial and recreational uses. Lack of effective water use management contributes to congestion and competition for space within harbors, surface waters, and underwater lands. As a result, natural resources can be degraded and communities are not able to take advantage of tourism and economic growth opportunities. The purpose of this policy is to ensure the

---

equitable allocation of limited surface water resources for the optimal benefit of all uses. The new Harbor Management Law will implement this policy.

Marinas, in-water structures, and surface water uses should not encroach upon navigation channels and fairways.

Uses which are not water-dependent, such as private decks and platforms, should not be allowed on or over surface waters. An over-water structure of this type may be considered for approval if said structure provides access to the general public.

Various water use zones should be established for uses such as docks, moorings, navigation channels, turning basins, and any special recreational use areas (bathing, water skiing, etc.).

The establishment of future water use zones and the siting of in-water structures should be undertaken in a manner that minimizes potential impacts on sensitive resources, such as wetlands and habitat areas.

Use of personal watercraft (commonly referred to by the trade name “Jet ski”) should be controlled within 1,500 feet of the Village shoreline to minimize environmental impacts.

### **Policy 3**

#### **Protect agricultural lands.**

This policy is not applicable to the Village of Ocean Beach, which lacks agricultural land.

### **Policy 4**

#### **Promote sustainable use of fish and wildlife resources.**

The living marine resources of the Great South Bay and Atlantic Ocean play an important role in the local and regional social and economic well-being. Commercial products provide high-protein food sources to consumers and are distributed throughout the state and nation, and to expanding international markets. In addition to the food value of local living marine resources, they have economic significance in the commercial development of value-added food stuffs, pharmaceuticals, cosmetics, and oils. These same resources provide recreational experiences and important accompanying economic activity.

Continued use of the living resources from the marine waters adjacent to the Village of Ocean Beach depends on maintaining long-term health and abundance of fishery populations and their habitats, and on ensuring that the resources are sustained in usable abundance and diversity for future generations. This requires the State’s active management of marine fisheries, protection and conservation of habitat, restoration of habitats in areas where they have been degraded, and maintenance of water quality at a level that will foster occurrence and abundance of living marine resources. Allocation and use of the available resources: must be consistent with the restoration and maintenance of healthy stocks and habitats; and must maximize the benefits of resource use so as to provide valuable recreational experiences and viable business opportunities for commercial and recreational fisheries.

### **4.1 Ensure the long-term maintenance and health of living marine resources.**

Ensure that commercial and recreational uses of living marine resources are managed in a manner that: results in sustained usable abundance and diversity of the marine resource; does not interfere with population and habitat maintenance and restoration efforts; uses best available scientific information in managing the resources; and minimizes waste and reduces discard mortality of marine fishery resources.

Ensure that the management of the state's trans-boundary and migratory species is consistent with interstate, state-federal, and inter-jurisdictional management plans.

Protect, manage, and restore sustainable populations of indigenous fish, wildlife species, and other living marine resources.

Foster occurrence and abundance of marine resources by: protecting spawning grounds, habitats, and water quality; and enhancing and restoring fish and shellfish habitat, particularly for anadromous fish, oysters, and hard clams.

### **4.2 Provide for commercial and recreational use of coastal fisheries.**

Promote programs to enhance and restore shellfish populations.

Maximize the benefits of marine resource use so as to provide a valuable recreational resource experience and viable business opportunities for commercial and recreational fisheries.

Where fishery conservation and management plans require actions that would result in resource allocation impacts, ensure equitable distribution of impacts among user groups, giving priority to existing fisheries in the state.

Protect the public health and the marketability of marine and fishery resources by maintaining and improving water quality.

Provide adequate infrastructure to meet recreational needs including appropriate fishing piers, dockage, parking, and livery services.

Conduct research to address information gaps regarding the environmental factors and management methods for shellfish populations, so as to mitigate potential adverse impacts to these populations related to harvesting activities.

## **Waterfront Natural Resources Policies**

### **Policy 5**

#### **Protect and restore ecological resources, including significant fish and wildlife habitats, wetlands, and rare ecological communities.**

The ecosystem in the Great South Bay and Atlantic Ocean consists of physical (non-living) components, biological (living) components, and their interactions. The physical components include environmental

---

factors such as water, soils, geology, energy, and contaminants. The biological components include the aquatic plants and animals, and all other living things that inhabit the coastal area and utilize its resources for survival and propagation.

Certain natural resources that are important for their contribution to the quality and biological diversity of the coastal ecosystem have been specifically identified by the state for protection. These natural resources include: regulated tidal and freshwater wetlands; designated Significant Coastal Fish and Wildlife Habitats; and rare, threatened, and endangered species. In addition to specifically identified discrete natural resources, the quality of the coastal ecosystem also depends on more common, broadly distributed natural resources, such as the extent of forest cover, the population of overwintering songbirds, and the health and stability of benthic communities. These more common natural resources collectively affect the quality and biological diversity of the ocean and estuary ecosystems.

Policy 5 will be implemented by enhanced public education programs.

### **5.1 Protect Significant Coastal Fish and Wildlife Habitats.**

Significant Coastal Fish and Wildlife Habitats have been identified by the Department of Environmental Conservation and designated by the Secretary of State as being critical to the maintenance or re-establishment of species of fish and wildlife in the coastal zone. These areas must be protected for the habitat values they provide and to avoid permanent adverse changes to the coastal ecosystem.

Uses or activities should be avoided that would:

- A. destroy habitat values through direct physical alteration, disturbance, or pollution, or the indirect effects of actions which would result in a loss of habitat; or
- B. significantly impair the viability of a habitat beyond the tolerance range of fish and wildlife species through:
  - 1. degradation of existing habitat elements,
  - 2. change in environmental conditions,
  - 3. functional loss of habitat values, or
  - 4. adverse alteration of physical, biological, or chemical characteristics.

Where destruction or significant impairment of habitat values cannot be avoided, potential impacts of land use or development should be minimized through appropriate mitigation. Mitigation measures which are likely to result in the least environmentally-damaging alternative include:

- A. avoidance of potential adverse impacts, including:
  - 1. avoiding ecologically sensitive areas

2. scheduling activities to avoid vulnerable periods in life cycles and to avoid creating unfavorable environmental conditions
  3. preventing fragmentation of intact habitat areas
- B. minimization of unavoidable potential adverse impacts, including:
1. reducing the scale or intensity of the use or development
  2. designing projects to result in the least amount of potential adverse impact
  3. choosing alternative actions or methods that would lessen the potential impact
- C. specific measures that are designed to protect habitat values from impacts that cannot be sufficiently avoided or minimized to prevent habitat destruction or significant habitat impairment
- D. specific protective measures included in the individual narratives for each designated Significant Coastal Fish and Wildlife Habitat area

The area directly to the north of the Village of Ocean Beach, including the Village's 1,500-foot area of extra-territorial jurisdiction under Section 46-a of the New York State Navigation Law, lies within the New York State-designated Great South Bay-West Significant Coastal Fish and Wildlife Habitat. The characteristics of this area is described in the Inventory and Analysis (Section 2) of this LWRP. The specific requirements for protecting natural resources, as set forth in the Impact Assessment portion of the Project Descriptions compiled by NYSDOS, that are relevant to this LWRP include the following:

- high water quality should be maintained, through prohibition of discharges from recreational boats and control of discharges from upland sources;
- Efforts should be made to include vessel waste pumpout equipment as part of any substantial project to improve recreational vessel facilities in the Village.
- excavation of new navigation channels should be minimized;
- dredging to maintain existing boat channels should be conducted in the late summer and fall to minimize potential impacts to aquatic organisms, and to allow for the disposal of dredged material when wildlife populations are least sensitive to disturbance;
- elimination of wetlands would result in the direct loss of valuable habitat;
- unregulated dredged material disposal would be detrimental , but may be designed to maintain or improve habitat for certain wildlife species; and
- construction of shoreline structures (e.g., docks, piers, bulkheads, revetments, etc.) in areas not previously disturbed by development (i.e., natural salt marsh, tidal flats, or

littoral areas) may result in the loss of productive areas which support the fish and wildlife of the bay.

**5.2 Support the restoration of Significant Coastal Fish and Wildlife Habitats wherever possible so as to foster their continued existence as natural, self-regulating systems.**

Measures that can be undertaken to restore significant habitats include:

- A. reconstructing lost physical conditions to maximize habitat values,
- B. adjusting adversely altered chemical characteristics to emulate natural conditions, and
- C. manipulating biological characteristics to emulate natural conditions through re-introduction of indigenous flora and fauna

**5.3 Protect and restore ecological communities within the Village of Ocean Beach.**

Concerns have arisen in the Village of Ocean Beach regarding the spread of non-native landscaping plants, and the associated displacement of the Village's native flora. This policy is intended to mitigate this situation by prompting a shift toward more natural plant species, thereby enhancing the quality of the Village's ecological communities.

Avoid development projects that would result in a significant adverse change to the ecological system of the Village.

Maintain and establish contiguous areas of wetlands, open space, and ecological communities.

Avoid further fragmentation of ecological communities and maintain corridors between ecological communities. Maintain structural and functional relationships between natural ecological communities to provide for self-sustaining systems.

Promote public education and awareness programs in order to enhance environmental stewardship by Village residents.

Maintain values associated with natural ecological communities.

Retain and expand indigenous plant populations.

Avoid permanent adverse change to ecological processes.

Reduce or eliminate adverse ecological impacts of existing development to the greatest extent practical.

Mitigate ecological impacts of new development.

**5.4 Implement suitable habitat restoration/enhancement projects in those areas identified as being at risk or vulnerable to the impacts of new development and/or redevelopment projects.**

In any case where potential impacts to important ecological communities cannot be avoided for a new development or redevelopment project, compensatory mitigation should be implemented in the form of suitable habitat restoration or enhancement.

### **5.5 Protect and, to the extent practicable, restore existing tidal and freshwater wetlands.**

Wetlands are an important ecological resource that should be protected from actual and potential impacts related to existing and future development. This includes avoiding the direct loss of wetland area due to excavation or the placement of fill in existing wetlands, maintaining adequate buffers between wetlands and adjacent uses and areas of development, and complying with the requirements of State and local wetland regulations.

In addition, the following actions also are recommended:

- restore degraded wetlands wherever practical, in an effort to enhance their ecological function and natural resource value; and
- promote the implementation of best management practices for all development or redevelopment projects within the Village, to minimize impacts to wetlands.

### **5.6 Undertake mosquito control programs in a manner that does not result in significant adverse impacts to ecological resources.**

Increased publicity recently has been given to the occurrence of mosquito-borne diseases in coastal areas in the Northeast region. Consequently, mosquito control is an important concern to the residents of Ocean Beach, due to the occurrence of extensive wetland areas within the Village and, especially, in adjacent areas. However, care must be taken to identify control strategies that provide effective reduction of mosquito populations, while also ensuring that significant adverse impacts to important ecological resources are avoided.

## **Policy 6**

### **Protect and improve water resources.**

The purpose of this policy is to protect the quality and quantity of water in the Village of Ocean Beach. Water quality considerations include both point source and non-point source pollution management, and require a strategy that both manages new sources of pollution and remediates existing sources. The primary quantity consideration is the maintenance of an adequate supply of potable water for the Village.

The coastal waters of Great South Bay adjacent to the Village of Ocean Beach are part of the South Shore Estuary Reserve (SSER), which is a interconnected system of lagoons lying behind the barrier beach on the south shore of Long Island. The SSER extends from the Hempstead bay complex on the west, through Great South Bay, Narrow Bay and Moriches Bay adjacent to the LWRA, and to Shinnecock Bay to the east. The SSER Interim Report (1998) concludes that the major sources of water pollution are non-point in origin, derived from developed upland areas. The Interim Report identifies two primary

types of pollutants affecting south shore waters, pathogens and nutrients, and makes several recommendations to improve the water quality in this area, including: abate and control non-point source pollution; refine water quality improvement strategies; estimate total loading of non-point sources of pollution in relation to point sources; and undertake research regarding system-wide ecological consequences of the presence of toxic substances, human pathogens, excessive nutrients and low dissolved oxygen levels. The management of coastal waters in the LWRA should follow these strategies.

Consistency with the SSER's water quality protection and improvement policies will render numerous benefits to the LWRA. It is widely understood that the lack of adequate water quality controls can result in profound, negative, and wide-ranging direct effects on ecological resources. High levels of toxic materials in coastal waters will adversely impact most aquatic organisms, and at an extreme will cause mortality. Excess nitrogen discharges will prompt consumption of dissolved oxygen, which is detrimental to aquatic life, particularly less mobile species that live on the bottom. Additionally, effective control of certain types of contaminants in coastal waters also can have positive economic implications. For example, reduction of pathogen concentrations can increase the availability of shellfish resources for harvest. However, a somewhat less apparent, but no less important, effect is the enhancement of human enjoyment of coastal water resources: cleaner water and the resulting increase in wildlife diversity and abundance is more aesthetically appealing.

Policy 6 will be implemented by improvements to the Village's sanitary waste collection and disposal systems, and enhanced public education programs.

### **6.1 Prevent direct and indirect discharges to coastal waters that would cause or contribute to contravention of water quality standards and targets.**

Point sources include discrete, well-defined discharges, such as outfall pipes, sluiceways, stream channels, and the like. Point sources, especially sewage outfalls, can be significant contributors of contamination to coastal waters. The purpose of this policy is to control and, to the extent practicable, reduce point-source discharges from the upland area in the Village of Ocean Beach to Great South Bay and the Atlantic Ocean.

Point source discharges should be avoided or mitigated, and land and water uses should be managed, so as to avoid any action that would:

- A. exceed applicable effluent limitations, or
- B. cause or contribute to contravention of water quality classification and use standards, or
- C. materially adversely affects the water quality of receiving waters.

Reduce impairments caused by existing contaminated sediment, and prevent the introduction of new contaminated sediment into coastal waters.

Protect the water quality of LWRA coastal waters from adverse impacts associated with excavation, fill, dredging, and disposal of dredge materials.

Limit the individual impacts associated with development to prevent cumulative water quality impacts that would lead to a failure to meet water quality standards.

To the extent practicable, retrofit existing stormwater drainage systems with treatment capabilities to provide the removal of contaminants prior to discharge to coastal waters.

Protect water quality based on physical factors (pH, dissolved oxygen, dissolved solids, nutrients, odor, color, and turbidity), health factors (pathogens, chemical contaminants, and toxicity), and aesthetic factors (oils, floatables, refuse, and suspended solids).

Ensure that the Village's sewage collection and treatment facilities operate efficiently and effectively. Undertake system improvements and upgrades as necessary to effectuate this policy.

**6.2 Minimize non-point pollution of coastal waters and manage activities causing non-point pollution.**

Non-point contamination is derived from widely dispersed, indistinct sources, such as stormwater runoff from the upland surface. Non-point sources comprise the largest input to coastal waters on a region-wide basis. The purpose of this policy is to control and, to the extent practicable, reduce non-point discharges from the upland area in the Village of Ocean Beach to Great South Bay and the Atlantic Ocean.

Protect water quality by ensuring that new development includes the following measures:

- A. protect areas that provide important water quality benefits, especially wetlands and buffer areas, and
- B. maintain the natural characteristics of drainage systems, and
- C. protect of areas that are particularly susceptible to erosion and sediment loss, and
- D. prevent the direct discharge of stormwater to coastal waters, and
- E. provide suitable treatment to all stormwater discharges to coastal waters, and
- F. wherever practical, restore natural drainage patterns, and
- G. wherever practical, restore wetlands in order to improve the overall water quality within the LWRA.

In order to enhance coastal water quality further, existing developments should be retrofitted with the measures outlined above, to the extent practicable.

Minimize non-point pollution of coastal waters using the following approaches, which are presented in order of priority:

- A. As a first priority, avoid non-point pollution by limiting non-point sources. This can be accomplished by the following measures:

1. reduce or eliminate the introduction of materials which may contribute to non-point pollution;
  2. avoid activities that would increase off-site stormwater runoff and transport of pollutants;
  3. control and manage stormwater runoff to:
    - a. minimize transport of pollutants, and
    - b. on sites where degraded stormwater runoff conditions exist, restore such sites to emulate natural stormwater runoff conditions, or
    - c. achieve no net increase of runoff where unimpaired stormwater runoff conditions exist;
  4. retain or establish vegetation to maintain or provide:
    - a. soil stabilization, and
    - b. filtering capacity in riparian and littoral zones;
  5. preserve natural hydrologic conditions through the following actions:
    - a. maintain natural surface water flow characteristics,
    - b. retain natural watercourses and drainage systems where present,
    - c. where natural drainage systems are absent or incapable of handling the anticipated runoff demands:
      - develop open vegetated drainage systems as the preferred approach and design these systems to include long and indirect flow paths and to decrease peak runoff flows, and
      - use closed drainage systems only where site constraints and stormwater flow demands make open water systems infeasible.
- B. As a second-level priority, reduce pollutant loads to coastal waters by managing unavoidable non-point sources and use appropriate best management practices as determined on the basis of site characteristics, design standards, operational conditions, and maintenance programs. Best management practices shall be promoted for: new construction projects (including both private and publicly-sponsored projects); construction of new roads; expansion of existing roads; landscaping; shoreline restoration projects; and any other project that is determined to have the potential for adversely affecting the water quality of the LWRA's water bodies.

### **6.3 Reduce non-point pollution using management measures that are targeted to the specific land use and pollution source categories that apply to the LWRA.**

## Village of Ocean Beach Local Waterfront Revitalization Program

---

This policy is intended to provide more specific guidance for the control of non-point contaminants within the LWRA. These management measures are to be applied within the context of the prioritized approach of avoidance, reduction, and management presented in the previous policy section, consistent with the standards presented in Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters (U.S. EPA, 840-B-92-002).

- A. In urban/suburban settings, such as the Village of Ocean Beach, the following policies shall be applied:
  - 1. For new development, manage runoff so that the total suspended solids load delivered to receiving waters is no greater than pre-development loadings.
  - 2. For site development, avoid or mitigate activities that increase erosion or the volume or velocity of stormwater runoff.
  - 3. For construction sites, reduce erosion and retain sediment on site, and limit and control the use of chemicals and nutrient sources.
  - 4. For new on-site sewage disposal systems, ensure that siting, design, maintenance, and operation prevent discharge of pollutants to adjacent surface waters.
  - 5. Plan, site, and design roadways to manage erosion and sediment loss, and limit disturbance of land and vegetation.
  - 6. Plan, site, and design bridges to protect ecosystems.
  - 7. For roadways and bridges, minimize the runoff of contaminants to coastal waters, to the extent practical.
  
- B. For marinas and similar facilities, the following policies shall be applied:
  - 1. Site and design marinas and similar facilities such that tides and/or currents will aid in the flushing of the site or renew its water regularly.
  - 2. Assess water quality impacts as part of facility siting and design. Avoid siting new marinas and similar facilities in Class SA waters.
  - 3. Manage stormwater runoff, discharge of hazardous substances, and solid wastes to minimize adverse impacts to coastal waters.
  
- C. With respect to floatables (i.e., water-borne debris) and litter, the following policies shall be applied:
  - 1. Prohibit all direct or indirect discharges of refuse or litter into coastal waters or upon public lands contiguous to and within 100 feet of coastal waters.

2. Limit entry of floatables to surface waters through containment and prevention of litter.
3. Remove and dispose floatables and litter from surface waters and shorelines.
4. Implement pollution prevention and education programs to reduce the discharge of floatables and litter into storm drains.

### **6.4 Protect and conserve the quality and quantity of potable water.**

Prevent contamination of potable waters by limiting discharges of pollutants so as to maintain water quality according to water quality classification, and limiting land use practices which are likely to contribute to contravention of groundwater quality classifications for potable water supplies.

Prevent depletion of existing potable water supplies by limiting saltwater intrusion in aquifers and estuaries, through conservation methods or restrictions on water supply use and withdrawals, and by allowing for recharge of potable aquifers.

Limit cumulative impact of development on groundwater recharge areas to ensure replenishment of potable groundwater supplies.

### **Policy 7**

#### **Minimize loss of life and damage to structures and natural resources from flooding and erosion.**

Flooding and erosion are two closely associated but distinct problems in coastal areas, such as the Village of Ocean Beach. Both problems relate to damages that are incurred primarily during major storm events. In the context of this policy, flooding pertains mainly to damages that result to structures and other development features (e.g., roadways, utilities, and other infrastructure). Erosion refers to the loss of upland area due to sediment removal by the action of storm waves and surge, which can increase the susceptibility of development to flooding and wave action. The primary purpose of this policy is to set standards that minimize the adverse effects suffered by humans and their property, and natural resources, as a result of flooding and erosion.

Both the ocean and bay shorelines of the Village have been subject to the damaging effects of flooding and coastal erosion. As compared to the shoreline of the Atlantic Ocean, the Great South Bay is relatively well-protected from large destructive wave action generated during severe coastal storms. Nevertheless, the entire Village is situated within the 100-year floodplain, and can experience inundation from both the ocean and the bay during severe coastal storms.

Flooding - The land area in the Village of Ocean Beach is characterized by minimal topographic relief, and is situated within the 100-year coastal flood plain as delineated by the Federal Emergency Management Agency (FEMA). According to this designation, the entire Village is susceptible to flooding

during major storm events. Areas directly along the ocean shoreline are situated in zone VE, whereby they would experience wave impacts during the 100-year storm, in addition to still-water flooding.

The majority of the dwellings in the Village were constructed prior to the promulgation of the FEMA flood mitigation requirements. Consequently, these houses mostly do not provide adequate elevation or flood-proofing to neither avert flooding during the 100-year storm, nor do most of the houses in zone VE possess the structural features specified by FEMA that are designed to resist wave impacts. New development and substantial modification of existing structures require compliance with the applicable FEMA standards, which reduces, but does not entirely eliminate, the potential for storm damage. However, flood damage susceptibility remains a significant concern with respect to pre-existing structures that do not conform to these standards.

The Village has initiated a program that uses Federal monies to elevate existing houses that have not been constructed in accordance with FEMA flood damage prevention standards. Because the per-house cost for this type of project is substantial, only a limited number of properties have been addressed to date, or are anticipated to be addressed in the upcoming round of work. A long-term commitment will be necessary to achieve the goal of substantially reducing the flood susceptibility of Ocean Beach on a Village-wide basis.

Erosion - The primary concern relative to erosion in the Village of Ocean Beach is ensuring the integrity of the natural protective features (i.e., nearshore area, beach, and dune) on the oceanfront. These features provide the only available buffer for absorbing the energy of ocean waves and surge. Significant loss of sand from these features would pose a threat of catastrophic damage to the many millions of dollars of public and private improvements within the Village.

Policy 7 will be implemented by the Village's ongoing dune management and house elevation programs, proposed walkway elevation program, proposed improvements to the ferry boat terminal, proposed flooding and erosion study, improved inter-agency coordination, sand management plan, and enhanced public education programs.

### **7.1 Minimize potential adverse impacts due to flooding and erosion hazards by using the following management measures for shoreline protection, which are presented in order of priority:**

- A. To the maximum extent practicable, minimize potential loss and damage by locating development and structures away from flooding and erosion hazards. The following standards advance this policy:
  - 1. Avoid developing new structures and uses in the Dune District, in accordance with State and federal policy, or reconstruction of existing structures damaged by 41 percent or more of the estimated full replacement cost of the existing structure at the time of reconstruction as per Zoning 164, in areas which are likely to be exposed to hazards unless:

## Village of Ocean Beach Local Waterfront Revitalization Program

---

- a. the structure or use functionally requires a location on the coast or in coastal waters, or
    - b. the new development would be located in an area of substantial public investment.
  2. Locate new structures which are not functionally dependent on a location on or in coastal waters, are not in areas of substantial public investment, or do not reinforce the role of a developed working waterfront, as far away from flooding and erosion hazards as possible. To effectuate this policy, new development is not permitted in natural protective feature areas (nearshore areas, beaches, bluffs, primary dunes, and wetlands as defined under 6 NYCRR Part 505), except as specifically allowed under the relevant portions of 6 NYCRR 505.8.
  3. Reduce recurring flood damage to existing development by raising structures in place, to attain a first-floor height that exceeds the base flood elevation. Investigate other measures that would decrease susceptibility of existing structures to flooding, and pursue the implementation of those measures that are consistent with the other policies, goals and objectives of this LWRP.
  4. Where practical, moving existing structures and development which are exposed to hazards away from the hazard is preferred over maintaining such structures and development in place. Moving existing structures from flood-prone areas in the LWRA to new locations should be effected on a voluntary basis only.
  5. Provide public infrastructure in or near identified VE zones, structural hazard areas, or natural protective features only if the infrastructure:
    - a. will not promote new development or expansion of existing development in these areas, and
    - b. is designed in a manner which will not impair protective capacities of natural protective features, and
    - c. is designed to avoid or withstand damage from flooding and erosion.
- B. As the second level of priority for minimizing flooding and erosion hazards in cases where development cannot be sited outside of hazard areas, use non-structural, vegetative measures that have a reasonable probability of successfully controlling flooding and erosion, based on site-specific shoreline characteristics such as exposure, geometry, and sediment composition. Protect those portions of the shoreline that currently are vegetated. Promote the re-vegetation of those areas of the shoreline that are at risk of erosion.

- C. In cases where vegetative measures are not effective, enhance existing natural protective features and use non-structural measures that have a reasonable probability of managing erosion. In particular, enhance the protective capabilities of beaches by using fill, artificial nourishment, disposal of suitable dredged material, or by restoring coastal processes. Beach nourishment projects should conform to the following standards:
1. use only clean sand compatible with native beach sand at the disposal site, and
  2. design criteria for enhancing the protective capabilities of beaches should not exceed the level necessary to achieve protection from a 30-year storm, except where there is an overriding public benefit.
- D. Use hard structural erosion protection measures for control of erosion only under the following conditions:
1. Avoidance of the hazard is not appropriate because a structure is: functionally dependent on a location on or in coastal waters; or located in an area of extensive public investment.
  2. Vegetative approaches to controlling erosion are not effective.
  3. Enhancement of natural protective features would not prove practical in providing erosion protection.
  4. Construction of a hard structure is the only practical design consideration and is essential to protecting the principal use.
  5. The proposed hard structural erosion protection measures are:
    - a. limited to the minimum scale necessary, and
    - b. based on sound engineering practices
  6. Appropriate vegetative methods have been included in the project design and implementation to enhance the overall effectiveness of the project.
  7. Adequate mitigation is provided and maintained to ensure that there is no adverse impact to adjacent property, natural coastal processes or natural resources and, if undertaken by a private property owner, does not incur significant direct or indirect public costs.

### **7.2 Preserve and restore natural protective features.**

Prevent development in natural protective features (i.e., nearshore areas, beaches, primary dunes, etc.), except development as specifically allowed in 6 NYCRR Part 505.8.

Maximize the protective capabilities of natural protective features by:

- A. avoiding alteration or interference with shorelines in a natural condition
- B. augmenting the protective function of existing natural protective features, through actions such as beach scraping and natural dune enhancement
- C. restoring the condition of impaired natural protective features, wherever practical
- D. using practical vegetative approaches to stabilize natural shoreline features
- E. managing activities to limit damage to the protective capacities of the natural shoreline
- F. undertaking actions to reverse damage that has diminished the protective capacities of the natural shoreline
- G. providing relevant signage or other educational or interpretive material to increase public awareness of the importance of natural protective features, including signage and enforcement to discourage foot traffic on the oceanfront dune
- H. continuing to sponsor community participation in events such as the planting of dune grass during the Village's annual "Dune Day" and other measures which are directed at preserving and enhancing natural protective features

Minimize interference with natural coastal processes.

- A. Provide for the natural supply and movement of unconsolidated materials and for water and wind transport.
- B. Limit intrusion of new structures into coastal waters that interfere with littoral transport of sediment.
- C. Limited interference with coastal processes may be allowed where the principal purpose of the new structure is to:
  - 1. simulate natural processes where existing structures have impaired them, or
  - 2. provide necessary public benefits for flooding and erosion protection, or
  - 3. provide for the efficient operation of water-dependent uses.
- D. In any case where such limited interference occurs, appropriate mitigation shall be implemented in order to ensure that there is no adverse impact to adjacent property or to natural coastal processes and natural resources. Any action undertaken by private property owners shall not incur significant direct or indirect public costs.

### **7.3 Protect public lands and public trust lands and use of these lands when undertaking all erosion or flood control projects.**

Retain ownership of public trust lands which have become upland areas due to fill or accretion resulting from erosion control projects.

Avoid losses or likely losses of public trust lands or use of these lands, including public access along the shore, which can be reasonably attributed to or anticipated to result from erosion protection structures.

Mitigate unavoidable impacts on adjacent property, natural coastal processes and natural resources, and on public trust lands and their use.

**7.4 Manage navigation infrastructure to limit adverse impacts on coastal processes.**

Design channel construction and maintenance projects to protect and enhance natural protective features and prevent the destabilization of adjacent areas by:

- A. using adequate dredging setbacks from established channel edges
- B. establishing finished slopes at stable gradients, considering sediment characteristics, hydrologic conditions, and other relevant variables
- C. locating channels away from erodible features, where feasible
- D. preventing adverse alteration of hydrologic conditions
- E. including by-passing methods, where appropriate, to maintain navigability and reduce frequency of dredging

Use clean dredged material for beach nourishment whenever the grain size of the dredged material is the same as or slightly larger than the grain size of the potential recipient beach.

**7.5 Ensure that expenditure of public funds for projects to mitigate flooding and erosion problems results in a public benefit.**

Give priority in expenditure of public funds to actions that:

- A. protect public health and safety;
- B. mitigate flooding and erosion problems caused by previous human intervention;
- C. protect areas of intensive development; and
- D. protect substantial public investment in land, infrastructure, and facilities.

Factors to be used in determining public benefit attributable to the proposed flood or erosion control measure include:

- A. economic benefits derived from protection of public infrastructure and investment and protection of water-dependent commerce;
- B. protection of significant natural resources and maintenance or restoration of coastal processes;
- C. preservation of the integrity of natural protective features;
- D. extent of public infrastructure investment; and

E. extent of existing or potential public use.

Actions that will implement this policy include the Village's ongoing dune management and house elevation programs, proposed walkway elevation program, proposed improvements to ferry boat terminal, and recommended flooding and erosion protection study.

### **7.6 Consider sea level rise when siting and designing projects involving substantial public expenditures.**

Projects should be sited at a sufficient distance from the current shoreline to prevent flooding and erosion damages related to anticipated long-term rise in sea level over the expected project life.

### **7.7 Continue to pursue appropriate flood and erosion mitigation grants offered by FEMA and other government agencies which may be available to the Village of Ocean Beach, so as to reduce the susceptibility of development to flooding and erosion hazards.**

As noted previously, a large proportion of the development in the Village of Ocean Beach predates the enactment of the construction standards promulgated by FEMA to mitigate flooding and erosion hazards. Such older construction generally does not conform to current FEMA requirements and, therefore, remains more vulnerable to storm damage than newer structures. In order to reduce the level of hazard to which existing development in the Ocean Beach is exposed, it is recommended that the Village, with the support and cooperation of the affected community, continue to seek grant funding that may be available from FEMA and other government agencies to retrofit present structures with more effective flooding and erosion mitigation measures.

### **7.8 Avoid the issuance of variances from FEMA structural design requirements for new construction and substantial improvements to existing structures.**

The FEMA standards for building construction in the flood plain have been designed specifically to minimize potential damages resulting from severe storm events. The issuance of variances from these regulations is contrary to this LWRP's overall policy goal to "minimize loss of life, structures and natural resources from flooding and erosion". Therefore, such variances should be entertained only under special circumstances, and not as a matter of normal procedure, even in the case where the development in the area surrounding any given proposed project site does not conform to FEMA requirements.

### **7.9 Protect the integrity of the primary dune.**

The primary dune is Ocean Beach's line of last defense against powerful storm waves and surge from the Atlantic Ocean. Maintaining a dune of adequate dimensions is critical to protecting the Village from the devastating effects of an overwash or breach. Therefore, the Village should fully explore its options and should undertake all appropriate actions with respect to dune management as are necessary to protect the health, safety and welfare of its residents. The

annual community dune planting event and regular beach scraping are measures that the Village has undertaken on a regular basis over the years, and should be carried on in the future as long as they continue to prove effective. If dune preservation and enhancement efforts are seen to fall short of the level of protection needed to safeguard the Village and its residents, and especially in the event of extraordinary dune loss resulting from a particularly severe storm, due consideration should be given to any and all practicable flooding and erosion mitigation alternatives, including offshore measures.

### **7.10 Protect the integrity of Fire Island, so as to ensure its continued function as a effective barrier against flooding and erosion for the Long Island mainland.**

Barrier landforms that protect significant public investment or natural resources should be maintained by means of soft structural protection methods, so as to conform with the natural coastal processes. This objective should be affected by using clean, compatible dredged material, when feasible, for beach nourishment, dune enhancement, offshore bar building, and/or back-barrier marsh creation projects.

Continuation or the restoration of coastal processes, including washovers, breaches, and inlet migration, should be encouraged where it:

1. restores natural sediment movement patterns that enhance the barrier; and
2. does not impair densely developed areas.

## **General Environmental Policies**

### **Policy 8**

#### **Protect and improve air quality.**

This policy provides for protection of the Village of Ocean Beach from air pollution generated within the Village or from outside sources that may adversely affect the Village.

8.1 Control or abate existing air pollution and prevent new air pollution.

Limit pollution resulting from new or existing stationary air contamination sources, consistent with applicable standards, plans, and requirements.

Restrict emissions of air contaminants to the outdoor atmosphere which are potentially injurious or unreasonably interfere with enjoyment of life or property.

Limit pollution resulting from vessel operation.

**8.2 Limit discharges of atmospheric radioactive material to a level that is as low as practicable.**

**8.3 Limit sources of atmospheric deposition in adjacent coastal waters, particularly from nitrogen sources.**

Policy 9 Promote appropriate use and development of energy and mineral resources.

The purpose of this policy is to promote the conservation of energy resources, to encourage the use of alternative energy sources, to set standards to ensure maximum efficiency and minimum environmental impacts when siting energy facilities, and to set standards to minimize the impact of fuel storage facilities and mineral extraction activities.

Energy costs on Long Island are among the highest in the nation. The region faces the prospect of ever-increasing fuel prices and potential energy shortages due to its dependence on imported petroleum for electric generation and home heating. Strong reliance on motor vehicle transportation also contributes to Long Island's dependency on imported petroleum; however, this is not an issue in the village of Ocean Beach, in which pedestrian travel is the primary mode of transportation.

Energy efficiency in transportation and site design, and efficiency in energy generation are the most effective means for reducing energy demand. The goals of energy policy should be directed at increasing energy efficiency, so as to reduce the need for new energy-generation facilities that may have an adverse impact on coastal waters. In addition to impacts associated with new facilities, the potential impacts of oil and gas extraction and storage, and mineral extraction must be considered.

**Policy 9**

**Promote appropriate use and development of energy and mineral resources.**

**9.1 Conserve energy resources**

Promote and maintain energy-efficient modes of transportation, including inter-modal facilities, waterborne cargo and passenger transportation, mass transit, and alternative forms of transportation.

Plan and construct sites using energy-efficient design.

Improve energy-generating efficiency through design upgrades of existing facilities.

**9.2 Promote alternative energy sources that are self-sustaining, including solar and wind-powered energy generation.**

In siting solar and wind-powered facilities: avoid interference with coastal resources, including migratory birds, and coastal processes; and minimize visual impacts.

**9.3 Ensure maximum efficiency and minimum adverse environmental impact when siting energy-generating facilities.**

The Village of Ocean Beach presently does not contain a major energy-generating facility, and is not considered to be an appropriate location for such a use due to the existing land use pattern (i.e., almost fully developed, primarily with residential uses and a small business district), and significant environmental constraints (important ecological resources, high groundwater table, etc.).

### **9.4 Minimize adverse impacts from fuel storage facilities.**

The Village of Ocean Beach does not presently contain a regional petroleum reserve facility, and is not considered to be an appropriate location for such a use, due to the aforementioned land use and environmental constraints.

Protect natural resources by preparing and complying with an approved oil spill contingency plan.

Site and operate liquefied petroleum gas storage and transfer facilities in a manner that ensures public safety.

### **9.5 Minimize adverse impacts associated with mineral extraction.**

The Village of Ocean Beach does not presently support commercial mineral extraction operations, and is not considered to be an appropriate location for such a use, due to the aforementioned land use and environmental constraints.

Limit subaqueous sand and gravel extraction to activities necessary for navigation or erosion control.

## **Policy 10**

### **Minimize environmental degradation from solid waste and hazardous substances and wastes.**

The disposal of solid waste is a major issue on Long Island. Many existing municipal and private facilities are at or above capacity, and some are producing leachates which degrade both surface waters and groundwater aquifers (although no such disposal facilities are present in the Village of Ocean Beach). A variety of substances, ranging from improperly disposed household hazardous wastes to industrial waste dumps, may pose immediate problems and can preclude or delay appropriate reuse of coastal lands. Smaller and more incremental solid waste problems arise from littering.

The intent of this policy is to establish standards for the proper control and management of wastes and hazardous materials, in order to safeguard the residents of the Ocean Beach from the sources of contamination and to protect the Village's natural and coastal resources from degradation. These standards pertain to: requirements for minimizing potential exposures during the handling, storage, and transportation of solid waste; New York State management priorities for the reduction, reuse, and disposal of solid wastes; prevention of environmental degradation resulting from discharges of toxic substances; protocols for spill cleanup; and criteria for the siting of solid and hazardous waste facilities.

The Village of Ocean Beach does not presently contain a solid waste management facility, and is not considered to be an appropriate location for such a use

Policy 10 will be implemented by enhanced public education programs.

### **10.1 Manage solid waste to protect public health and control pollution.**

Plan for proper and effective solid waste disposal prior to undertaking major development or activities that will generate solid waste.

Manage solid waste in accordance with the following solid waste management priorities:

- A. Reduce the amount of solid waste generated.
- B. Reuse material for the purpose for which it was originally intended or recycle material that cannot be reused.
- C. Use land burial or other approved methods to dispose solid waste that is not being reused or recycled.

Prevent the discharge of solid waste into the environment by using proper handling, storage, and transportation practices.

### **10.2 Manage hazardous wastes to protect health and control pollution.**

Manage hazardous waste in accordance with the following priorities:

- A. Eliminate or reduce the generation of hazardous waste to maximum extent practical.
- B. Recover, reuse, or recycle remaining hazardous wastes to the maximum extent practical.
- C. Use detoxification, treatment, or destruction technologies to dispose hazardous waste that cannot be reduced, reused, or recycled.
- D. Use land disposal as a management method of last resort.

Ensure maximum public safety through proper treatment, storage, and disposal of industrial hazardous waste.

Remediate inactive hazardous waste disposal sites. The proposed or anticipated future use of any such site should determine the appropriate level of remediation.

### **10.3 Protect the environment from degradation due to toxic pollutants and substances hazardous to the environment and public health.**

Prevent the release of substances that would have a deleterious effect on fish and wildlife resources.

Prevent environmental degradation due to persistent toxic pollutants by: limiting discharge of bioaccumulative substances, avoiding resuspension of toxic pollutants and hazardous

substances and waste, and avoiding reentry of bioaccumulative substances into the food chain from existing sources.

Prevent and control environmental pollution due to radioactive materials.

Protect public health, public and private property, and fish and wildlife resources from inappropriate use of pesticides.

Take appropriate action to correct all unregulated releases of substances hazardous to the environment.

Promote public awareness and education regarding the deleterious effects of toxic substances commonly used by homeowners for lawn and garden care and for general maintenance of home and auto. In particular, such public education programs should include proper handling and disposal guidelines for toxic substances.

### **10.4 Prevent and remediate discharges of petroleum products.**

Minimize adverse impacts from potential oil spills through the appropriate siting of petroleum offshore loading facilities.

Maintain and implement adequate plans for prevention and control of petroleum discharges in-place at any petroleum-related facility.

Prevent discharge of petroleum products by following approved handling and storage, and facility design and maintenance principles.

Clean up and remove any petroleum discharge, giving first priority to eliminating human safety hazards and minimizing environmental damage by: responding quickly to contain petroleum spills, and containing discharges immediately after discovery.

Recover and recycle petroleum discharges using the best available practices.

To the extent practicable, incorporate best management practices into the proposed improvements to the Village Marina in order to mitigate potential impacts from petroleum products used in vessel operations.

## **Recreational and Cultural Policies**

### **Policy 11**

#### **Improve public access to and use of public lands and waters.**

The Village of Ocean Beach has frontage on both the Atlantic Ocean and Great South Bay totaling approximately 4,000 feet in length. The availability of access to these shorelines is an important public amenity which plays a vital role in the life of the community. Besides facilities that allow people to engage in physical access to the water for activities such as boating, fishing and swimming, the coastal setting and natural resources of the Ocean Beach can be further appreciated through the establishment

of visual and scenic corridors. As such, the LWRP also addresses the issue of visual access to the waterfront from designated areas within the Village.

The Village of Ocean Beach is a pedestrian community, with bicycles providing an increasingly popular secondary mode of transportation. Implementing the LWRP's public access policy requires actions that facilitate and ensure these methods of travel throughout the Village, both internally and along the two shorelines, and actions that maintain and enhance the linkages among these three areas.

Continuous pedestrian access is available to the public along the entire oceanfront beach, connecting to the adjoining communities of Corneille Estates to the west and Seaview to the east. Elevated pedestrian passage over the primary dune is available at the southerly terminus of most of the north-south walkways in the Village.

Continuous public access is not available to the shoreline of Great South Bay in Ocean Beach, due primarily to the presence of private property along the waterfront to the east of the ferry terminal. However, there still are ample opportunities for public access via the existing "west walk" which extends along the bulkhead of the ferry basin and the Village Marina, as well as at the northerly termini of the walkways that lie outside this area.

This policy has been formulated to address inadequacies and impairments to suitable public access and recreation at the Village's waterfront, by means of measures to ensure that use of existing access sites and facilities is optimized in order to accommodate existing demand and projected future demand. It also is the goal of this policy to take appropriate advantage of available opportunities to provide additional visual and physical public access to the waterfront.

Policy 11 will be implemented by the following actions: ongoing walkway elevation and maintenance program, proposed improvements to ferry boat terminal, proposed improvements to the Village Marina, proposed bay beach improvement, proposed improvements in handicapped access to the ocean, proposed restoration of the Community House and Windswept facility, proposed Village Green beautification, possible extension of promenade on bay front, improved bicycle access, improved access for small boats, additional bicycle racks, and proposed improvements to Wagon Park.

### **11.1 Promote appropriate and adequate physical public access and recreation throughout the Village of Ocean Beach.**

Provide a level and type of public access and recreational use that takes into account proximity to population centers, public demand, natural resource sensitivity, accessibility, compatibility with on-site and adjacent land uses, and needs of special groups (e.g., proposed improvements to handicapped access to the oceanfront).

Wherever feasible, promote water-related recreational uses on publicly-owned waterfront lands. Feasibility shall be assessed on the basis of natural resource sensitivity, accessibility, compatibility with on-site and adjacent land uses, and other relevant factors.

Provide convenient, well defined physical access to and along the coast for water-related recreation.

Protect and maintain existing public access and water-related recreation facilities by:

- A. preventing physical deterioration of facilities due to overuse or lack of maintenance; and
- B. preventing any on-site or adjacent development project or activity from directly or indirectly impairing physical access and recreation, or adversely affecting the quality of the access or recreational facilities; and
- C. protecting and maintaining established access and recreation facilities; and
- D. protecting and maintaining the infrastructure that supports public access and water-related recreational facilities.

Restore, enhance and improve existing points of public access to the shoreline that may be in disrepair or inadequate for current or anticipated use by the public (e.g., proposed improvements to the Village's bay beach, the ferry boat terminal, and the Windswept facility).

Provide additional physical public access and recreation facilities at public sites throughout the coastal area by:

- A. promoting acquisition of additional public park lands to meet existing and anticipated future public access and recreation needs; and
- B. providing for public access and recreation facilities on non-park public waterfront lands as a secondary use; and
- C. providing for appropriate public access at streets terminating at the shoreline; and
- D. in any action involving the transfer of interest in publicly-owned lands immediately adjacent to the shore, retaining a level public interest in these lands that will be adequate to preserve the opportunity for public access and recreation.

Promote the use of public easements and pedestrian cross-access agreements with the owners of private land, as necessary, to extend public access along the waterfront.

Implement suitable improvements at publicly-owned waterfront sites in order to enhance physical access to the water and public enjoyment derived therefore.

Include physical public access and/or water-related recreation facilities as part of any development project that is likely to limit the public's use and enjoyment of public coastal lands and waters.

Restrict public access and water-related recreation on public lands only where such access is determined to be incompatible with public safety or the protection of important natural resources.

Facilitate pedestrian travel throughout the Village.

Facilitate appropriate use of bicycles within the Village.

Provide incentives to encourage private development to include public access and/or water-related recreation facilities.

Ensure that access to the general public is provided at any location where State and/or Federal funds are used to acquire, develop, or improve recreational facilities.

Promote the acquisition of additional properties for public use that would support and augment the access available at existing public lands.

Manage vacant, publicly-owned parcels in a manner that provides a suitable balance between natural resource protection and public access. Wherever feasible, provide for an appropriate level of public access on such lands.

Promote, restore, expand and/or continue to maintain public swimming areas, and identify new areas that are suitable for public swimming.

**11.2 Assure public access to public trust lands and navigable waters.**

Limit grants, leases, easements, permits or lesser interest in public underwater lands, in accordance with an assessment of potential adverse impacts of the proposed use, structure, or facility on public interest in public lands under water. Use the following factors in assessing potential adverse impact of any such action:

- A. environmental impact; and
- B. values for natural resource management, public recreation, and commerce; and
- C. size, character, and effect of the transfer in relation to neighboring uses; and
- D. potential for interference with navigation, public uses of waterways, and riparian rights; and
- E. effect of the transfer on the natural resources associated with the lands; and
- F. water-dependent nature of the use; and
- G. adverse economic impact on existing commercial enterprises; and
- H. consistency with the public interest for purposes of navigation and commerce, fishing, bathing, and access to navigable waters and the need of the owners of private property to safeguard development.

Limit the transfer of interest in public trust lands to the minimum necessary to achieve project objectives.

Retain a public interest in underwater lands, which will be adequate to preserve public access, recreation opportunities, and other public trust purposes.

Consider grants in fee of underwater lands only in exceptional circumstances.

Private uses, structures, or facilities on underwater lands are limited to those circumstances where ownership of the underwater lands or riparian interest has been legally validated either through proof of ownership of the underwater lands or adjacent riparian parcel, or by assignment of riparian interest by the riparian owner.

Avoid substantial loss of public interest in public trust lands by assessing the cumulative impact of individual conveyances of grants, easements, and leases of public trust lands.

Resume and re-establish public trust interests in existing grants which are no longer being exercised according to terms of the grant, or where the use is not in conformity with the public trust doctrine.

Provide free and substantially unobstructed passage to the public along public trust shorelands.

Interference with the opportunity for public passage along the shoreline should be limited to the minimum extent necessary to gain access from the upland to the water.

Where public access along public trust shorelands is substantially impeded, provide suitable and effective passage around impedances through adjacent upland easements or other mitigation.

Require that perpendicular access to public trust lands be provided on all publicly-owned upland properties on the waterfront, whenever compatible with the principal use of the public upland.

Provide for free and unobstructed public use of all navigable waters below the line of mean high water for navigation, recreation, and other public trust purposes, including the incidental rights of public anchoring. Piers, docking facilities, and catwalks must not result in an unnecessary interference with navigation and the use of public trust lands. Alternatives to long piers or docks include the use of dinghies to reach moored boats and mooring in nearby marina facilities. Dredging generally is not considered an acceptable means of accommodating deeper vessel draft closer to the shore, except where such dredging is undertaken at an existing facility which serves the public benefit.

Obstruction of public use, including navigation, may be allowed in navigable waters only:

- A. for water-dependent uses involving navigation and commerce which require structures or activities in water as part of the use; or
- B. for commercial recreational boating facilities, provided that the loss of navigable waters and use of underwater lands is offset by sufficient public benefits; or
- C. in order to gain reasonable access to navigable waters from riparian lands.

Where obstruction of navigable waters and underwater lands is justified, said obstruction shall be limited:

## Village of Ocean Beach Local Waterfront Revitalization Program

---

- A. so that it does not interfere with commercial navigation - the right of commercial navigation is superior to all other uses on navigable waters and may not be obstructed; and
- B. to the minimum degree necessary to attain access to navigable waters, where “minimum” shall be defined in terms of the following factors:
  - 1. the extent of the use’s dependence on access to navigable waters,
  - 2. the range of tidal water level fluctuation,
  - 3. the size and nature of the body of water,
  - 4. the nature of public use of the adjacent waters,
  - 5. the traditional means of access used by surrounding similar uses, and
  - 6. whether or not alternative means to gain access are available; and
- C. by the extent and characteristics of the developable adjacent upland area and its ability to support in-water development for the water-dependent use; and
- D. by the potential adverse effects on natural resources and their uses; and
- E. by the potential adverse effects on public safety.

Structures extending beyond the minimum necessary for access to navigable waters can impair public trust interests and open space values associated with the water’s surface. Such structures may be allowed only in the following circumstances:

- A. when necessary for practical and convenient operation of water-dependent industry or commerce, and provided that obstruction of commercial navigation does not result; or
- B. for commercial recreational boating facilities provided that:
  - 1. the loss of navigable waters and use of underwater lands is offset by sufficient public benefit, and
  - 2. obstruction of commercial navigation does not result; or
- C. when the principal purpose of the structure is necessary:
  - 1. to provide public access for recreational uses, or
  - 2. for improvements for navigation, or
  - 3. for protection from coastal hazards, or
  - 4. for essential public transportation or infrastructure facilities.

**11.3 Provide access and recreation that is compatible with natural resource values.**

Provide appropriate access and associated recreational activity that will avoid potential adverse impacts to natural resources. Use the following factors in determining the potential for adverse environmental effects:

- A. intensity of the associated recreational, scientific, or educational activity
- B. level of likely disturbance associated with the proposed activity. The following types of access or associated activities are listed in decreasing order of potential for disturbance:
  - 1. motorized activities
  - 2. active, non-motorized activities, including water-dependent and water-related uses
  - 3. passive activities
  - 4. avoidance of the area
- C. sensitivity of the natural resources involved and the extent of the ecological benefits associated with avoidance of the area

Limit public access and recreational activities where uncontrolled public use would lead to impairment of natural resources. Appropriate application of the following actions would advance this policy:

- A. establish suitable seasonal limitations on access and recreation in order to minimize adverse impacts on fish and wildlife species during sensitive time periods;
- B. establish an effective stewardship program directed at controlling anticipated adverse impacts before providing public access;
- C. limit or prohibit physical public access to those areas whose principal natural resource values are based on the lack of human disturbance; and
- D. provide educational, interpretive, research, and passive uses of natural resources through appropriate design and control of public access and recreation.

Provide public access for activities involving the direct use of fish and wildlife resources, including fishing and hunting, only if that level of access would not result in a loss of resources necessary to continue supporting these uses.

Provide access using methods and structures that maintain and protect open space areas associated with natural resources. Determine the extent of visual and physical impairment caused by access structures extending through these open space areas based on:

- A. the value of the open space, as indicated by unfragmented size or mass of the wetland or other natural resources, distance to navigable water, and wetland value; and

B. the size, length, and design of proposed structures.

**11.4 Preserve visual access from public lands to coastal lands and waters. Where appropriate and feasible, enhance existing public facilities and provide new opportunities for the viewing of scenic resources within and adjacent to the Village of Ocean Beach.**

Promote the designation of scenic corridors within the Village to coincide with designated pedestrian/bicycle corridors along the shoreline, public waterfront lands, publicly-accessible road ends, and similar locations that provide physical public access to the shoreline.

Avoid the loss of existing visual access to scenic resources by:

- A. limiting physical blockage caused by development or human activities due to the scale, design, location, or type structures or facilities; and
- B. protecting existing view corridors provided by roadways and other public areas leading to the coast; and
- C. protecting visual access to open space areas associated with natural resources; and
- D. providing for view corridors to the coast in those locations where new structures would block views of the coast from inland public vantage points; and
- E. using structural design and building siting techniques to preserve visual access and minimize obstruction of views; and
- F. considering a reduction of screening requirements where site conditions, including vegetative cover or natural protective features, block potential views.

Wherever feasible, in cases where new development blocks visual access from inland public vantage points, provide public visual access from suitable locations on the development site. As an alternative, provide for additional and comparable visual access at nearby locations if physical access cannot be provided on-site.

**Policy 12**

**Enhance visual quality and protect outstanding scenic resources.**

The visual quality of the coastal zone in the Village of Ocean Beach is a major component of the overall character of the area. The Village contains a variety of natural visual attributes, including the estuarine waters of Great South Bay, a complex land and water interface on the bay side, and a dynamic beach and dune system on the ocean side. The public has a strong appreciation of the coastal environment and character of the landscape, and fully recognizes that these features make an important contribution to the desirability of this community as a place to live and recreate.

The intent of this policy is to protect and enhance the overall visual quality of the Village of Ocean Beach and recognized scenic resources within the area. This policy will be implemented by the proposed

restoration of the Community House and the Windswept facility, proposed street lighting improvements, proposed Village Green beautification, proposed facade review and property maintenance investigations, and proposed placement of utility lines underground.

### **12.1 Protect and improve visual quality.**

Protect scenic values that are based on the quality of natural resources within the Village. The following measures are useful in protecting natural scenic values:

- A. maintain or restore original landforms, except where altered landforms provide useful screening or contribute to scenic quality; and
- B. avoid structures or activities that introduce visual interruptions to natural landscapes including:
  - introduction of intrusive artificial light sources
  - fragmentation of and structural intrusion into open space areas
  - changes to the continuity and configuration of natural shorelines and associated vegetation.

Preserve those vacant parcels that are identified as contributing significantly to the visual quality of the Village.

Promote the use of vegetative buffers around developed areas to preserve the visual character of adjacent natural areas and to minimize the impact of development on the overall visual appeal of the Village.

Enhance the existing scenic characteristics of the Village by minimizing introduction of discordant features.

Restore deteriorated visual elements and remove degraded elements.

Preserve and augment existing vegetation to enhance scenic quality.

Group or cluster development to maximize the extent of contiguous open space.

Recognize water-dependent uses as important additions to the visual interest of the Village. Provide adequate maintenance to the structures and facilities of water-dependent uses, so as to minimize visual impacts.

Promote the designation of scenic corridors public rights-of-way that provide vistas to the water.

Promote the use of native plant species in landscape designs during the site plan review process for non-residential uses proposed in the Village, so as to provide visual continuity and consistency with the natural setting of the area.

Encourage the creation of design standards and performance standards for new development (i.e., buildings, structures, roads) that coincide with the objectives of maintaining or enhancing the visual quality of the Village.

Promote the preservation and enhancement of the visual quality of the shoreline in order to maintain and improve waterside views.

Promote the preservation or enhancement of aesthetic quality as a performance standard, based on criteria that address the importance of the community character and coastal environment, and that address visual access and aesthetics from both land-side and water-side perspectives.

Implement actions to enhance property maintenance and mitigate visually blighted properties.

**12.2 Protect the aesthetic values associated with recognized areas of high scenic quality.**

Protect the contributing scenic values associated with any area that has been officially designated as scenic area either through local or statewide action.

Prevent the impairment of scenic components that contribute to high scenic quality in such areas.

**12.3 Improve street lighting throughout the Village.**

New street lighting in the Village lighting should reflect the rural setting of the Village, and should eliminate the excessive light pollution caused by some of the existing fixtures.

**Policy 13**

**Preserve historic resources.**

The intent of this policy is to preserve the cottage-beach resort character of the Village of Ocean Beach.

This policy will be implemented by the proposed facade review investigation.

**13.1 Maximize preservation and retention of the Village's cottage-beach resort character.**

Preserve the cottage-beach resort character of the resources by protecting the materials and features, or by making repairs using appropriate measures.

Relocate a cottage-beach resort resource only when it cannot be preserved in place and:

- A. the resource is imperiled by a proposed activity which has no viable alternative or by surrounding conditions which are likely to result in degradation or inadequate maintenance of the resource; and
- B. the resource cannot be adapted for use on the existing site in a manner that would result in preservation of the resource; and
- C. a suitable site for relocation is available; and
- D. it is technically and economically feasible to move the resource.

Allow for the demolition of a cottage-beach resort resource only when:

- A. the resource cannot be adapted for use on the existing site in a manner that would result in preservation of the resource; and
- B. it is not feasible to protect the resource through relocation; and
- C. the resource has been officially certified as being imminently dangerous to life or public health.

Document in detail the character-defining elements of a cottage-beach resort resource in its original context prior to the relocation or demolition of the resource.

Avoid potential adverse impacts of development proximate to cottage-beach resort resources by:

- A. designing the development to a size, scale, proportion, and mass, and with a spatial relationship that are compatible with the cottage-beach resort resource; and
- B. designing and constructing the development using materials, features, forms, details, textures, and colors that are compatible with similar features of the resource.

Protect adjacent resources that contribute to cottage-beach resort resources.

Provide for the efficient, compatible use of cottage-beach resort resources by means of the following measures:

- A. foster uses that maximize retention of the cottage-beach resort character of the resource:
  - 1. to the extent practicable, use the resource as it was historically used, so as best to achieve retention of cottage-beach resort character; or
  - 2. if the resource cannot be used as it was historically used, adapt a use to the resource that maximizes retention of character-defining materials and features.
- B. Minimize alterations to the resource, in order to preserve and retain its cottage-beach resort character, by the following measures:
  - 1. Minimize potential negative impacts on the resource's character due to necessary updates in systems to meet health and safety code requirements or to conserve energy.
  - 2. Make alterations to the resource only as needed to ensure its continued use and provided that adverse impact on the resource is minimized. In order to minimize adverse impact on the resource, alterations should not obscure, destroy, or radically change character-defining spaces, materials, features, or finishes. Alterations may include selective removal of features that are not historic elements of the resource and its setting and that detract from the overall cottage-beach resort character of the resource.
  - 3. Construct new additions only after it is determined that an exterior addition is the only viable means of assuring continued use of the resource.

4. In constructing new additions, use appropriate design and construction to minimize adverse impact on the resource's character. Adverse impacts can be minimized in new additions and the integrity of the resource can be preserved by:
  - a. using compatible design in the new addition, relative to the original materials, forms and details, size, scale and proportion, and massing of the resource; and
  - b. constructing new additions in a manner that, if removed in the future, the essential form and integrity of the cottage-beach resort resource and its setting would not be impaired.

Minimize the potential adverse cumulative impacts on cottage-beach resort resources caused by a series of otherwise minor interventions.

Minimize impacts on any cottage-beach resort resource which is a member of a group of related resources that may be adversely impacted by the loss or diminution of any one of the members of the group.

Minimize potential impacts to cottage-beach resort resources caused by development in adjacent areas.

### **13.2 Protect and enhance resources that are significant to the coastal culture of the south shore waters and the Village of Ocean Beach.**

Work with New York State to prevent unauthorized collection of artifacts from shipwrecks.

Preserve and enhance navigational structures by providing long-term protection through the least degree of intervention necessary to preserve the structure. Consider extensive shoreline stabilization only if relocation of navigational structure is not feasible.

### **13.3 Increase public awareness of the historical resources of the South Shore waters and the cottage-beach resort resources of the Village of Ocean Beach.**

Promote public awareness of the cottage-beach resort resources present in the Village. This can be accomplished through a number of measures, including:

- the installation of signs that convey information regarding local resources
- information kiosks in the business district to provide information regarding the heritage of the Village of Ocean Beach and Fire Island.