

## **Section IV. Land and Water Uses and Proposed Projects**

### **4.1 Land Uses**

The Village of Ocean Beach consists of several well-defined land use areas, as delineated by the Village zoning map. The majority of the Village, more than four-fifths of its total area, contains single-family houses on small lots. The remaining area is approximately evenly divided among the business district, bayfront recreation district, and undeveloped open space. The business district contains a mix of commercial uses at the north end of the Village, in the vicinity of the ferry terminal. The bayfront recreation district contains the ferry terminal, Village Marina, and various municipal and recreational facilities. Undeveloped open space in the Village is concentrated primarily along the oceanfront, within the Dune District. In general, these are long-established uses in the Village, and shall be retained, as shown in [Map 5](#).

### **4.2 Harbor Management Plan**

#### **4.2.1 Introduction**

Article 42 of the New York State Executive Law, Section 922 – Waterfront Revitalization of Coastal Areas and Inland Waterways – authorizes local governments to prepare a Harbor Management Plan (HMP) as part of their Local Waterfront Revitalization Program (LWRP). In the course of preparing an LWRP, the Village of Ocean Beach recognized the need to manage water activities in areas adjacent to the Local Waterfront Revitalization Area (LWRA). To that end, the Village has integrated a HMP within the LWRP. As outlined below, the HMP addresses conflict, congestion, and competition for space in the use of surface waters and underwater lands and identifies various alternatives for the optimum use of the waterfront and adjacent water surfaces. LWRP Section II identifies those areas within the LWRA that are recognized as important Village resources; LWRP Section III contains policies which provide specific guidance for the HMP area; LWRP Section IV (i.e., this section) and Section V recommend specific planning principles, capital projects, local laws, and other actions for implementing the policies, based on key harbor management issues concerning surface water use in the Village which are summarized in Subsection 2.4; and LWRP Section VI identifies the authorities of various New York State agencies.

As previously described in Section I (Waterfront Revitalization Area Boundary) and Section II (Inventory and Analysis), specifically Subsection 2.2.2, the Village of Ocean Beach is located on a barrier island, with the Atlantic Ocean on one side and Great South Bay on the other and is part of the Fire Island National Seashore. The Village does not have what is considered to be a traditional harbor, but does have harbor- and water-dependent uses and activities along its waterfronts which need to be considered in the Ocean Beach Local Waterfront Revitalization Program/Harbor Management Plan.

The Village's Atlantic Ocean shoreline is approximately 1,750 feet in length and has a topography which gently slopes from Ocean View Walk to the ocean along a vegetated and well-stabilized coastal dune. In order to facilitate public access to the ocean, a series of dune walkovers have been constructed. The land/water interface is an essential element of the Village's character, serving as the scenic backdrop for recreational activity including swimming, water related sports, and beach activities. However, the Atlantic Ocean also poses the largest threat to the Village of Ocean Beach due to the danger of flooding and erosion. The Village residents are aware of the situation, which is demonstrable by a 1981 addition to the Village Code which reads, "over the last 20 years the area has been impacted by five major blizzards and winter storms, four major northeast coastal storms and four major hurricanes, in addition to numerous local severe storm events which greatly exceeds the predicted average by over 400%".

Great South Bay is a shallow, estuarine water body between the south shore of the Long Island mainland and Fire Island. The Village of Ocean Beach has approximately 2,100 linear feet of shoreline on the bay, which is relatively shallow and is protected by the barrier island against the direct impact of strong ocean waves during storms. The bay's nearest connection to the sea is Fire Island Inlet, located five miles to the west of the Village, resulting in locally restricted tidal flushing and the associated accumulation bay-bottom sediments and sediment-bound pollutants.

The waters surrounding Ocean Beach have an SA classification, which indicates that the best intended use is for shellfish harvesting for human consumption, as well as swimming and other primary contact recreational activities. However, the bay has suffered a decline in water quality as a result of the urbanization of Long Island and the associated non-point source pollution. Elevated levels of pathogens carried by stormwater runoff, discharges of vessel waste, sewage effluent and animal waste have resulted in the closure of shellfish beds and reduced the productivity of coastal wetlands and habitats. The waters adjacent to the bay shoreline of Ocean Beach are seasonally closed to shellfish harvesting during the period between May 15 and September 30. None of the Village's beaches on either shore have been subject to closure due to bacterial contamination in the recent past.

The Village's Great South Bay shoreline, because of its protected nature and location across from the heavily developed south shore of Long Island, supports a variety of water-dependent uses. These include: the Village Marina, a ferry basin, a freight dock, a boat house, a bathing beach, a recreational area with tennis courts and basketball courts, a fishing area, a wagon park, government/institutional offices, public facilities, and the Village's limited commercial/retail area (see [Map 6](#)).

The following sections address the required elements of a Harbor Management Plan, as promulgated in 19 NYCRR 603.3, Harbor Management – Contents.

### **4.2.2 Harbor Management Boundary**

The coastal area boundary for the Village of Ocean Beach LWRP encompasses the entire area of the Village from its corporate boundaries on the eastern and western sides, out into the water bodies on the north (Great South Bay) and south (Atlantic Ocean) to a distance of 1,500 feet from the Village shoreline, as described in Section I of the LWRP and shown on [Map 1](#).

### **4.2.3 Inventory of Uses, Features and Conditions in the Harbor Management Area**

Section II of this LWRP contains the full inventory and analysis covering both the upland and water areas within the Village of Ocean Beach's coastal area boundary. The following subsections are particularly relevant to the water areas and shorefront properties covered by this HMP:

- 2.2.2 – Surface Water Resources
- 2.2.4 – Wetland Ecology
- 2.2.6 – NYS Designated Significant Coastal Fish and Wildlife Habitats
- 2.2.8 – Flooding and Erosion
- 2.3.1 – Land Uses (including water-dependent and water-enhanced uses, and underutilized, deteriorated and abandoned sites)
- 2.3.2 – Surface Water Uses
- 2.3.4 – Public Access and Recreation
- 2.3.6 – Infrastructure (including wastewater disposal and storm drainage systems)
- 2.3.7 – Vessel Usage
- 2.3.8 – Commercial and Recreational Shellfish Harvesting and Finfishing

### **4.2.4 Analysis of Harbor Management Issues and Opportunities**

As discussed in Subsection 2.4 of this LWRP, the issues and opportunities to be addressed by the Village of Ocean Beach LWRP (including this HMP component) were discussed during a series of meetings of the Village's LWRP Advisory Committee that were held on October 27 and December 1, 2001. The following is a listing of the issues and opportunities that are pertinent to this HMP (see the relevant portions of Subsection 2.4 for a full discussion):

- House elevations (mitigation of flooding impacts)
- Concrete walkways (mitigation of flooding impacts)
- Sanitary sewer system
- Ferry boat terminal
- Village Marina
- Dune management
- Bay beach
- Community House renovation (to restore this facility to its former prominence as a focus of community activities in the Village)
- Pedestrian access
- Vessel operations
- Protection of ecological resources and open space
- Conflicts and inconsistencies arising from multi-agency jurisdiction of activities in the Village
- Appropriate balance between commercial activity and other uses

### 4.2.5 Harbor Management Goal, Objectives, and Policies

The coastal management goals and objectives of the Village of Ocean Beach are set forth in the Policies, comprising Section III of this LWRP. The policies that are particularly relevant to this HMP are listed as follows (see the relevant portions of Section III for a full discussion):

- 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.
- Policy 2 Protect water-dependent uses, promote siting of new water-dependent uses in suitable locations, and support efficient harbor operation.
- Policy 4 Promote sustainable use of fish and wildlife resources.
- 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.
- Policy 11 Improve public access to and use of public lands and waters.
- Policy 12 Enhance visual quality and protect outstanding scenic resources.

### 4.2.6 Harbor Management Plan Implementation

The techniques for implementing the Village of Ocean Beach HMP are described in Sections IV and V of this LWRP. The implementation techniques that are particularly relevant to the HMP are listed as follows (see the referenced portions of Sections IV and V for a full discussion):

- Land use plan (Subsection 4.1), as illustrated in [Map 5](#)
- Water use plan (Subsection 4.2.7) , as illustrated in [Map 6](#)
- Proposed capital projects (Subsection 4.3.2) – including dune management, house elevation program, walkway elevation and maintenance program, improvement of sanitary waste collection and disposal system, ferry boat terminal, Village Marina, bay beach improvement, improved handicapped access to the ocean, Community House restoration, Village Green beautification, additional bicycle racks, Windswept improvements, and redesign and improvements to wagon park
- Proposed/recommended procedural actions (Subsection 4.3.3) – including improved agency coordination, continued monitoring of activities in the business district, and business improvement district

- Recommended studies (Subsection 4.3.4) – including flooding and erosion protection, possible extension of the promenade on the Village’s bayfront, improved bicycle access, improved access for small boats, sand management plan, and underground placement of utility lines
- Proposed public education programs (Subsection 4.3.5) – including initiatives related to water quality improvement, mitigation of floatable debris, flooding and erosion abatement, and environmental stewardship
- Local consistency review law.

### 4.2.7 Water Use Plan

As described above, the bay waters adjacent to the north shore of the Village of Ocean Beach presently support a variety of uses, including commercial, transportation, and recreational. The ocean waters directly off the Village shoreline are used primarily for recreational activities. These uses shall be retained, as shown in [Map 6](#), which depicts the location of channels, fairways and basins, swimming areas, and other proposed water uses within the Village’s LWRA. These water uses are defined as follows:

- Channels – Primary travel-ways for vessels. Moorings (including docking facilities) and anchoring are prohibited in channels in order to ensure safe vessel movement.
- Fairways – Secondary vessel travel-ways, connecting docking facilities to channels. Moorings (including docking facilities) and anchoring also are prohibited in fairways.
- Basins – Areas occupied by docking structures (e.g., the Village Marina basin) and/or which are intended to accommodate near-shore turning movements for large vessels (e.g., the ferry terminal basin).
- Swimming areas – Surface water areas that are used in conjunction with active bathing beaches. Boating activities are excluded from swimming areas; except, however, that access by hand-launched boats (i.e., canoes, kayaks, sunfish, etc.) may be compatible with the concurrent use of an area for swimming provided that adequate distances are maintained between the boats and bathers.

## 4.3 Proposed Projects and Other Actions

### 4.3.1 Proposed Land Acquisitions

No land acquisitions are proposed by the Village at this time.

### 4.3.2 Proposed Capital Projects

The following is a list of capital projects that are proposed to implement the goals and objectives of the LWRP. The execution of these projects is contingent upon the availability of sufficient funding and the cooperation of other involved agencies.

**Dune Management** - The primary dune provides the Village's last line of defense against storm waves and surge from the Atlantic Ocean. Therefore, the Village will undertake all reasonable efforts to maintain and, to the extent practicable, augment the primary dune. In the past, these efforts had included an annual "Dune Day" event, which provided for community participation in the planting of dune grass to enhance the stability of the dune. In 2001 and 2002, dune planting was performed by Village staff, due to liability concerns that arose when volunteers in the 2000 Dune Day event sustained injuries because of over-exertion. In order to address these concerns in the future, hired personnel covered by Workers' Compensation may be used in the dune planting program. This project will implement Policy 7.

In addition to the maintenance of dune vegetation, a program of regular beach scraping and/or beach nourishment also will be pursued, at a frequency of approximately twice per year when conditions are favorable. These methods of erosion control bolster the protective capacity of the primary dune without causing significant adverse impacts to the shorefront environment.

**House Elevation Program** - The Village is participating in this federal program to raise homes above the base flood elevation, so as to decrease the susceptibility of these structures to future flood damage. The ongoing first phase of this project involves the expenditure of \$2 million within two years for 25 homes. This is considered to be an incremental step in a long-term, ongoing commitment by the Village to abate flood hazards throughout Ocean Beach, in accordance with the Village of Ocean Beach Flood Mitigation Plan (October 1998). The Village will continue to pursue available sources of funding for the house elevation program until all of the homeowners who wish to take part have done so. This project will implement Policy 7.

**Walkway Elevation and Maintenance Program** - The Village has initiated a five-year capital program for the maintenance and elevation of its walkway system, at a total cost of approximately \$1.5 million. This project will serve multiple purposes, to ensure the continuing acceptable conditions of the only means of transportation within the Village. The use of the walkways by trucks that carry on necessary functions (e.g., solid waste removal, construction contracting, etc.), combined with other factors such as high groundwater elevation, has resulted in cracking of the concrete slabs in many locations, creating a pedestrian hazard. The ongoing program involving the placement of a layer of reinforced concrete over the existing concrete slabs is expected to alleviate the physical deterioration of the walkways, and improve pedestrian safety. Since this project will increase the elevation of the walkway surfaces throughout the Village, persistent flooding of these vital travel ways will also be abated. This project will implement Policies 7 and 11.

**Improvement of Water Supply System** - The Village has initiated a five-year capital plan for the maintenance of the water tower and improvements to the delivery system. The first year project work includes painting of the water tower and replacement of 880 feet of water main along the ocean to create a loop in the system. Future work will include: relocation of the water supply wells from the current location near the Ocean, where they are susceptible to ongoing

erosion and inundation by saltwater; and replacement of all old, cast iron waters lines with PVC. This project will implement Policy 1.

**Improvement of Sanitary Waste Collection and Disposal System** - The Village has completed an engineering analysis of the treatment plant and, on the basis of the findings of that analysis, has initiated a five-year capital plan for plant maintenance (mostly consisting of improvements to replace system components that have deteriorated due to age) and a full engineering evaluation of the total system.

The sewer mains were first installed in about 1914, and are composed of clay piping. Some of this piping has collapsed, and the entire system eventually will have to be replaced. Addressing this issue is a high priority, because of quality-of-life and public health concerns related to system failures. The magnitude of problems caused by deficiencies of the sewage collection system have been exacerbated recently due to increased flows resulting from a growing year-round population and a general increase in the usage of houses that still serve as vacation homes (e.g., from weekend to full-week occupancy). There will be a systematic program of sewer pipe replacement, ideally on a street-by-street basis. It is estimated that completion of this program throughout the Village would take a total of ten years, at an approximate cost that can be as high as \$2 million per street.

The sewer lines all have gravity flow, so that it will be necessary to maintain proper grades in any pipe replacement work. Overhead utility lines are present in some areas where sewer mains are located. Special measures may be required in these areas to accommodate repairs to the sewer lines while still maintaining utility service. It also will be necessary to clear existing vegetation to gain access to sewer lines. This includes sections of the Village to the east of Bungalow Walk where "delivery lane" rights-of-way are present behind the houses, and sections to the east of Bungalow Walk where the rear property lines of the housing lots directly abut one another.

In some areas, sewer mains and water mains lie side-by-side. Because of current regulations which call for a greater separation distance between these two types of piping, it will be necessary to relocate the water lines in the affected areas before the sewer lines are replaced.

This project will implement Policies 1 and 6.

**Ferryboat Terminal** - The ferry terminal serves a vital function for the Ocean Beach, providing the only means of access between the Village and the Long Island mainland for most travelers and freight. However, this facility has deteriorated due to years of exposure to a harsh marine environment. It is estimated that the total cost to reconstruct this facility will be between approximately \$1.2 and \$1.7 million.

The pilings of the ferry terminal have deteriorated due to the effects of 65 years of salt water exposure. Therefore, under any plan for this facility, the pilings have to be replaced, as will the bulkhead. Additionally, the building will have to be elevated, pursuant to current FEMA

requirements. The requirement to elevate the building above base flood level will necessitate the integration of the project into the surrounding area, by means of ramping and other related work. The implications of the potential project should be thought all the way through to avoid unforeseen but avoidable secondary problems and reduce long-term costs.

No decision has been made to build at the ferry terminal. However, in anticipation of the ultimate need, the Village Board has investigated two plans. The number of stories (one or two) for the new facility has not been determined. The current concept is to design the new pilings to accommodate two stories in case this is called for in the final plan. There shall be an evaluation of the relative costs to construct a second story at this time, even if this additional space is not immediately needed and is left as an unfinished shell. This information would allow an informed decision that could help to avoid unnecessary additional costs which would be incurred if a one-story building were initially constructed but space needs in the not-too-distant future require the extra floor area that would be provided by a second story.

This project will implement Policies 2, 7, and 11.

**Village Marina** - This facility is governed by a ten-year capital improvement program. The first year of the program, involving the installation of 75 feet of new dock, including the selection of vinyl sheeting over wood to enhance durability, has been completed. The Village is seeking a ten-year dredging permit from NYSDEC and the Army Corps of Engineers for future dredging needs. This project will implement Policies 2 and 11.

**Bay Beach Improvement** - The Village has received a dredging permit from NYSDEC to create a graduated water depth for the bay-side bathing beach and to provide sand replenishment to enhance the adjacent playground. This project, expected to commence in April 2003, should provide a full-size beach that is capable of accommodating all bathers, including small children and seniors, by means of shallow depths which facilitate wading. Provision of small boat access at this location will be of secondary importance. This project will implement Policy 11.

**Improved Handicapped Access to the Ocean** - The Village will examine the existing dune crossovers leading to the oceanfront beach in order to identify the most practical means of improving handicapped access to this area. If direct physical access to the beach is not feasible, enhanced access to the top of the dune will be considered to allow wheelchair-bound individuals to gain visual access to the ocean. This project will implement Policy 11.

**Community House Restoration** - This facility is underutilized, largely because of its antiquated systems and physical condition. The ultimate goal of this project would be to restore Community House to its historic prominence as a focus of community activities in the Village. As a first step in the restoration process, a comprehensive engineering analysis is needed. This analysis will document all engineering deficiencies and deteriorated conditions, and will establish a phased program of capital improvements based on priority needs.

The restoration program for the Community House will consist of two components: a plan for the physical renovations, and a comprehensive facility use plan. The facility use plan shall accommodate youth group activities. There also has been discussion about having an annual “Fire Island Film Festival” in the off-season, which would enhance the use of the facility as well. Other appropriate uses could also be incorporated into the final plan.

This project will implement Policies 1, 11, and 12.

**Street Lighting** - The Village is undertaking ongoing improvements to the local street lighting system. This project will continue until it has been completed throughout the entire Village. New lighting will reflect the Village’s rural setting, and will eliminate the excessive light pollution caused by some existing fixtures. Fixtures for use in this project have been selected by the street lighting committee. This project will implement Policy 12.

**Village Green Beautification** - The Village will continue to augment landscaping and undertake other appropriate improvements to the Village Green in order to enhance the aesthetic appeal of this important focal point of activities in the Village. This project will implement Policies 11 and 12.

**Additional Bicycle Racks** - There is a shortfall of bicycle storage racks in the Village, especially at the Ferry Terminal and the playground. Given that travel within the Village predominantly occurs via foot and bicycle, the availability of sufficient facilities to properly and securely store bicycles is important to the overall adequacy of the Village’s transportation system. This project will implement Policy 11.

**Windswept Improvements** - Windswept’s facilities have deteriorated over the years and are no longer considered to be adequate to serve the needs of the Ocean Beach Youth Group, which is a not-for-profit organization that leases this building from the Village and uses it as a base of operation for a local youth program. The Board of Directors of the Youth Group is developing a business plan to identify and implement improvements to Windswept. These improvements are expected to include an expanded art room, additional space for younger campers who spend more time indoors, rehearsal and studio space for the performing arts program, modernized administrative and nursing space, improved entrances and egresses, additional storage and housing areas, upgraded plumbing and electrical systems, replacement of windows, roofing and siding, and similar repairs. This project will implement Policies 1, 11, and 12.

**Redesign and Improvements to Wagon Park** - This facility, located near the ferry terminal, was developed many years ago, and requires enlargement and upgrading to accommodate the larger size and number of wagons that are now in use. This project will implement Policies 2 and 11.

### 4.3.3 Recommended Procedural Actions

**Improved Agency Coordination** - The Village of Ocean Beach is subject to multiple levels of regulatory jurisdiction, surpassing what most regulated entities are subjected to. This includes

tight oversight at both the State level (primarily by NYSDEC) and the federal level (primarily by the National Park Service and the Army Corps of Engineers). It is of particular concern that the policies and decisions of these involved regulatory entities can be inconsistent with one another, which makes project planning especially problematic. Improved coordination among these agencies would provide a more predictable and comprehensible regulatory framework, which would facilitate the achievement of coastal management goals and objectives by the Village of Ocean Beach. This action will implement Policy 7.

**Continued Monitoring of Activities in the Business District** - The Village Board shall continue to seek effective solutions to reduce conflicts between the Village’s residential uses and activities occurring within the Village’s business district. This shall entail ongoing monitoring of activities in the business district, especially during the late night hours of summer weekends and holidays, and implementation of additional measures as appropriate to achieve a harmonious balance between the Village’s residential and commercial uses. This action will implement Policy 1.

**Business Improvement District** - The Village shall continue to pursue the creation of a BID in an effort to enhance economic vitality in the Village’s commercial district. This action will implement Policy 1.

#### 4.3.4 Recommended Studies

**Flooding and Erosion Protection** - In addition to the ongoing and recommended dune protection measures discussed in Section 4.3.2 above, the Village will explore the full range of options available for mitigating flooding and erosion, including offshore measures. This study will implement Policy 7. The Army Corps of Engineers’ ongoing FIMP process is exploring the full range of options available to the Village for mitigating flooding and erosion that will likely require Village “buy-in” for implementation in Ocean Beach.

**Possible Extension of Promenade on Bayfront** - The existing “west walk” was described as being very popular, and usage of this amenity possibly could be enhanced by extending the shorefront walkway further to the east. However, the property to the east of the existing walkway is privately owned, and some type of arrangement (e.g., purchase, lease, public-private partnership, etc.) would have to be reached in order to allow its use for public access. Expansion of pedestrian access in this area could be undertaken independently of a potentially more controversial marina expansion project, but it would be necessary to engage the public actively in the decision-making process so that they are properly informed of the exact nature of the action. This study will implement Policy 11.

**Improved Bicycle Access** - A special committee has been formed to examine the existing restrictions on bicycle operation in the Village and to develop recommendations to allow increased bicycle access in a manner that does not adversely affect the primary use of the Village’s walkway system for pedestrian traffic. This study will implement Policy 11.

**Improved Access for Small Boats** - The Village will identify actions that can be implemented to enhance the access available to the bay for small non-motorized boats (e.g., kayaks, canoes, sunfish, etc.). Various sites have been discussed for this type of use, but a systematic analysis has not yet been undertaken to identify the most appropriate location and facilities (including the construction of storage racks) to best advance this objective. This study will implement Policy 11.

**Facade Review** - The Village will undertake an investigation to identify the most appropriate means of improving the aesthetic appeal of the commercial district. This study will focus on formulating a mechanism that can be implemented to regulate architectural design during the reconstruction of the existing buildings. The restriction or use of plastic siding on building exteriors throughout the Village also will be addressed. This study will implement Policies 1, 12, and 13.

**Property Maintenance** - The Village will undertake an investigation to identify the most suitable means of ensuring that property owners effect appropriate maintenance of their premises. This study would be directed at addressing concerns that continuing poor maintenance of some highly visible buildings is detracting from the overall aesthetic quality of the Village, and to assist in the continued revitalization of areas throughout the Village to attract new businesses, promote the public interest in continued development, ensure regular maintenance and improvements to existing structures, safeguard against blight and preserve property values and community standards. This study will implement Policies 1 and 12.

**Sand Management Plan** - The Village is preparing a plan, in conjunction with NYSDEC, to address the issues of dredging, sand storage and beach scraping. Satisfactory completion of this plan is a priority for the Village, due to the local importance that providing adequate storm protection and response has with respect to the long-term future of the community. For this project, the Village Engineer is seeking to negotiate specifics for an Environmental Impact Statement that satisfies the requirements of both the State Environmental Quality Review Act (SEQRA) and the National Environmental Policy Act (NEPA). This plan will implement Policy 7.

**Underground Placement of Utility Lines** - The existing overhead utility lines in the Village detract from local aesthetic quality, and create a safety hazard when electrical lines are downed by storms. A site-specific engineering study will be undertaken to assess the feasibility of burying these utility lines. This study will implement Policy 12.

### 4.3.5 Proposed Public Education Programs

Education efforts will be augmented with respect to actions that can be taken by the general public to mitigate the following problems:

- water quality impacts related to the improper disposal of household hazardous wastes and vessel wastes, and the need to properly dispose these materials;

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- littering and dumping, which detracts from visual quality and can lead to the discharge of floatables into coastal waters;
- erosion, and the manner that this problem can be mitigated by the preservation of natural protective features; and
- excessive application of fertilizer and turf chemicals, which can accelerate dissolved oxygen depletion and introduce harmful contaminants to the coastal ecosystem.

Additionally, it is recommended that the responsibility of members of the general public to act as stewards of the environment be emphasized whenever possible. The Village will undertake efforts to promote public awareness of the cottage-beach resort resources present in the Village.

The proposed enhancement to public education will implement Policies 5, 6, 7, and 10.

## **Section V. Techniques for Implementation of the Program**

### **5.1 Local Laws and Regulations**

The following local laws are relevant to the implementation of this LWRP.

#### **Community House and Boat House (Chapter 9)**

Chapter 9 establishes an application procedure for the use of the premises known as the “Community House” and the “Boat House”. Both facilities are Village-owned, and their use serves to provide large spaces for community and private events and generates revenue for the Village.

The Community House presently contains several uses, including the Village’s Historical Society in the eastern portion of the building, the Village’s Court facility in the western portion of the building; and a public assembly area and seasonal Village movie house in the central area. The centralized waterfront location and the mix of land uses and activities that occur within and immediately adjacent to the Community House make this location a center of intense seasonal activity.

The Boat House is utilized by the Village for its Village Trustees meetings and other public meetings as well as for miscellaneous youth and community activities. Situated at on the Village’s bay waterfront, at the Village’s ferry terminal and adjacent to the Village’s tennis basketball and tennis courts and marinas, this public facility is also recognized as an area of bustling seasonal activity and is the center for the Village’s recreational program and marina management operations. One of the Village’s public restroom facilities is located at the boat house.

#### **Conservation Commission (Chapter 10)**

The Conservation Commission consists of seven members who are appointed by the Mayor, with the advice and consent of the Board of Trustees. The Commission adopts rules and procedures for its meetings, keeps accurate and complete records of its meetings and activities and files annual reports to the Village. The Commission’s duties include: providing advice to the Board of Trustees on matters affecting the preservation, development and use of the Village’s natural and man-made environment; conducting a program of public information in the community to foster increased understanding of environmental problems and issues; conducting and maintaining an inventory of natural resources in the Village; maintaining an up-to-date index of all open spaces; acting as a liaison on programs and activities pertaining to the quality of the environment; working in cooperation with the Planning Board to make recommendations for updates of the Village Master Plan related to environmental improvements; and other duties and responsibilities prescribed under the law.

### **Bicycles and Other Vehicles (Chapter 56)**

Chapter 56 defines the rules and requirements associated with the use of bicycles, golf carts, motor scooters, motorcycles, roller skates, roller blades, scooters, skateboards, and other vehicles within the Village.

### **Boats and Swimming (Chapter 59)**

Chapter 59 defines regulations regarding the use of the Village's jurisdictional waters, including:

- The dumping or discharging of oil, refuse, garbage, paper or waste of any kind in the waters within or in the waters adjoining the shorelines of the Village of Ocean Beach to a distance of 1,500 feet is prohibited.
- No boat or vessel shall moor, cruise or be operated in or on the Great South Bay within 250 feet of the shoreline of the Village of Ocean Beach, in the area formed by projecting the east line of Bungalow Walk on the west and east line of Cottage Walk on the east, northerly from the shoreline.
- No water craft shall cause a wake in any no-wake zone, including the area extending 1,500 feet from the Village's entire bayfront shoreline.
- No boat shall moor, tie up or dock at land or enter into any boat basins, bulkheads or piers or upon any other properties owned or operated by the Incorporated Village of Ocean Beach adjoining or in the waters of the Great South Bay, except with consent of the Board of Trustees, or as otherwise allowed under Village law.
- No person shall utilize any snorkel or other underwater breathing device while swimming or bathing in any of the waters in the Village of Ocean Beach or within 300 feet of any shoreline of the Village.
- Water skiing is regulated, including: requirement for an observer in the boat, other than the operator; prohibition on waterskiing within 300 feet of the Village's bay shoreline between the period from one hour after sunset to one hour before sunrise; prohibition on waterskiing (or use of surfboard or similar device) within 300 feet of the Village's bay shoreline (except to depart and arrive perpendicularly to/from the shoreline), or within 150 feet of any public or semipublic bathing beach or public dock, or within 50 feet of any swimmer or bather.
- Swimming or bathing is prohibited at any Village beach which is unattended by a Village lifeguard.
- Swimmers and bathers in Village waters must comply with the directions issued by Village lifeguards.
- Adoption of the Navigation Law of Town of Islip to the waters of the Village of Ocean Beach, to the extent that the provisions of the Town of Islip Navigation Law are not inconsistent with other sections of the Village Code.

### **Building Construction (Chapter 64)**

The Village's Building Construction law outlines the administrative requirements applicable for all new construction, alteration, repair, relocation, removal and demolition of buildings and structures; the installation and use of materials and equipment therein; and the location, use, occupancy and maintenance thereof. Chapter 64 also sets forth the duties and responsibilities of the Village Building Inspector, defines the requirements for the Village's annual building moratorium which extends from July through the day following Labor Day of every year, and outlines the exceptions to the requirements of the annual moratorium.

### **Business Improvement Districts (Chapter 66)**

This Chapter allows the creation of a Village of Ocean Beach Business Improvement District (BID), and identifies the applicable statutes for the establishment or extension of BIDs in the Village. As discussed in Section 2.3.1, the Village had initiated the process to establish a BID, but the process stalled at the petition phase. Such action may be addressed in the near-future as properties change hands.

### **Dogs and Other Animals (Chapter 76)**

Chapter 76 requires the proper removal and disposal of domestic animal feces from public areas, and prohibits the presence of unrestrained domestic animals on beaches and municipal recreational areas, except that dogs may run loose on the oceanfront beach within the Village between September 15 and May 15 when in control of a person. The law also prohibits the feeding of wild animals on Village property and the placement of animal feed in an exposed or open container, except for domestic animal feed on the property owner's premises and enclosed bird feeders or table feeders. The law does, however, include a provision for allowing feeding of wildlife as part of scientific studies when authorized by the Village Board of Trustees.

### **Freight (Chapter 93)**

The purpose of Chapter 93 is to ensure that municipal docking facilities exposed to physical deterioration caused by the loading and unloading of freight are properly maintained and that the cost of maintenance is defrayed through the exaction of fees from the consignees or other receivers of the freight. The law authorizes the Village Board of Trustees to develop a fee schedule for the transportation of freight, requires that records be kept of all charges and that monthly reports be filed, and establishes penalties for the failure to pay and other program offenses. Passengers are not permitted to travel with freight shipments.

### **Garbage, Rubbish and Refuse (Chapter 96)**

This chapter regulates the collection of solid waste in the Village. The law establishes hours of collection, defines appropriate solid waste storage containers, establishes requirements for materials to be set out for collection, defines materials required to be recycled and the proper handling procedures for such

materials, prohibits dumping of waste materials, and promulgates standards for setting assessments for solid waste collection service.

### **Licenses (Chapter 106)**

Chapter 106 is divided into four articles: I) Water Taxis and Charter Boats; II) Rooming Houses; Dining, III) Dancing and Entertainment Establishments; and IV) General Regulations. Article I establishes a licensing system to regulate charter boats and water taxis landing and picking up or discharging passengers within the Village and within 1,500 feet of the shoreline. The license agreement allows the Village to establish restrictions on the date, time schedule, and other terms of the operation of these vessels within the Village.

Article II regulates and supervises rooming houses and multi-family dwellings in the Village, by means of a licensing requirement. Article III regulates dining and dancing establishments and restaurants, by means of a licensing requirement. Any license granted pursuant to Article II or Article III can be revoked, rendering the subject use illegal, in the event of violation of other sections of the Village Code, unsafe conditions, or police attention resulting in persistent or frequent convictions for violations of the Village Noise law or other Village laws relating to peace and good order.

### **Noise (Chapter 112)**

This law is intended to preserve the peace and quiet enjoyment of Village residents by preventing unnecessary noise from crossing property lines. A series of specific acts considered to generate unreasonable noise are enumerated, and specific allowable decibel levels are defined based on the use and time of day. A special variance procedure is established to provide for persons to seek relief from the Code requirements for limited times.

### **Peace and Good Order (Chapter 123)**

Chapter 123 places restrictions on a number of activities in order to ensure the peace and good order of the Village. The regulated activities include riotous and disorderly conduct, peddling or soliciting, indecent language, indecent exposure, defacing of public property, ball playing and other amusements on beaches, swimming, walking on dunes, use of tennis courts, placing of obstructions in public streets and walkways, disturbance of landscaping on public properties, unlawful intrusion or trespass on public or private property.

### **Rental Properties (Chapter 127)**

Chapter 127 regulates rental properties in the Village, by means of a permit requirement. Any permit granted pursuant to this law can be revoked, thereby prohibiting the rental use of the subject property illegal, in the event of two or more independent criminal convictions for violations.

### **Sewers (Chapter 139)**

Chapter 139 provides the regulations, prohibitions, standards, specifications, and permit procedures and requirements relating to the collection, treatment and discharge of wastewater within the boundaries of the Village of Ocean Beach. This Chapter includes language specifying the requirements associated with: connection to the public sewerage system; the general procedures and permitting requirements for construction and abandonment of private, on-site wastewater disposal systems, and connection to public facilities; the materials and procedures for the construction and installation of sewers; prohibition against the discharge of surface runoff and groundwater to public sanitary sewers; prohibition against the discharge of certain materials including hazardous, toxic, and corrosive substances, liquids with a temperature greater than 150 F, and materials which would clog system piping, thereby restricting flow; powers and authority of the Superintendent, including but not limited to right of entry, rejection of waste, discontinuance of service and requirements for pretreatment of wastewater; and establishment and collection of sewer rents, penalties, and fees.

### **Streets and Sidewalks (Chapter 145)**

Chapter 145 establishes regulations to prevent litter accumulation in the Village; prohibits leaving any handcart, wagon, bicycle, or other vehicle on any public walk or in any public place; prohibits the outdoor display of merchandise in the Business District; prohibits the outdoor consumption of food and beverages in public places; and requires Board of Trustee permission for the erection of any sign or posting or issuance of any handbill in any public place.

### **Vehicles and Traffic (Chapter 156)**

Chapter 156 requires a Village-issued permit for the operation of any motor vehicle in the Village; except that operation of government agency vehicles and emergency vehicles on official business shall be allowed without a Village permit, provided that they are covered by permits as required from the Fire Island National Seashore and the Town of Islip. This law establishes restrictions on vehicle use and vehicle permit requirements and procedures (including, but not limited to permissible vehicle weight, size, speed, and vehicle type, and times, days, and locations of vehicle operation), and defines parking restrictions.

### **Water (Chapter 160)**

Chapter 160 establishes requirements for the maintenance, operation, and administration of the public water system, as well as applicable public water conservation standards determined to be necessary to ensure delivery of a suitable supply of potable water for residential and commercial uses, sanitary purposes, and fire protection during periods of excessive consumption and/or extended periods of drought.

## Zoning (Chapter 164)

Chapter 164 contains 13 Articles which provide the primary land use regulations and establishes specific land use classifications, or districts, which govern development and redevelopment actions for the Village of Ocean Beach, in accordance with the General Management Plan of the Fire Island National Seashore (FINS). This law addresses: general provisions, regulations concerning FINS, use district boundaries on the official zoning map, and regulations pertaining to apartment and apartment hotels; non-conforming uses; administration and enforcement; regulations and requirements governing the Residence R-4 District, Business C District, Oceanfront DD Dune District, and Bayfront Recreation District; provisions of the comprehensive all-hazards code; flood damage prevention standards; Coastal Erosion Hazard Area management; and procedures, powers and duties of the Board of Appeals.

The Village of Ocean Beach Zoning Code specifically acknowledges the regulations of FINS related to notification requirements for applications for variances, special permits, zoning amendments, and certain types of development. The boundaries of the use districts are shown upon the official Zoning Map of the Village of Ocean Beach, as most recently amended.

Permitted uses within the Residence R-4 District are restricted to single-family dwellings with accessory buildings allowed to be erected on the same lot, provided that all requirements of Chapter 164 are met. Uses allowed by special permits include: public utilities, community buildings, places of worship, historical or memorial monuments, municipal parks, municipal playgrounds, municipal recreation buildings or municipal and receiving or transmission towers. Also allowed by special permit is the office of a licensed physician or dentist residing on the premises when such use is incidental to the residence, as long as such use is within the main building and occupying not more than one-third of the first floor area.

The portion of the Zoning Code covering the Business C District specifies: uses that are permitted, prohibited or require special permit review and approval by the Village and FINS; building and structural height restrictions; regulations and standards for signage; and specific application review procedures for commercial site plan and special permit applications.

Special regulations have been enacted to govern the Oceanfront DD Dune District, in recognition of the vulnerability of this primary dune to flooding, erosion and the destructive forces of high winds, storm surges and associated wave action, and in keeping with the *General Management Plan of the Fire Island National Seashore*. The DD District provides that no structure shall be erected or used or occupied by any person except as an elevated pedestrian dune crossing or an approved fence which is designed to hold or increase the volume of the dune. The purpose of this restriction is to preserve the ecology of the dunes and grasses and by doing so to safeguard life and property in the Incorporated Village of Ocean Beach. Expansion of existing uses in the DD District is prohibited. Reconstruction of any structure within the DD District that is destroyed by a natural disaster or other event is subject to the provisions of the Zoning Law and Building Code and the approval by FINS.

The Bayfront Recreation District is reserved for the recreational use, quiet enjoyment, public health, safety and welfare of residents of the Village. In accordance with and pursuant to the general plans of

the Village and the *General Management Plan of the Fire Island National Seashore*, no land, building, structure or premises or any part thereof shall be used, occupied, erected, expanded, changed, converted, constructed or altered for any commercial use, nor shall any commercial store, shop or other commercial establishment be permitted.

The Village's Comprehensive All-Hazards Code was adopted by the Board of Trustees on September 25, 1999, and presents regulations, standards, and specifications relating to land use and construction requirements, where necessary to address flooding, coastal and floodplain management, erosion, stormwater management, the effects of strong winds, and other hazards. The initiatives of the program have been designed, as required by law, to incorporate standards that are more restrictive than those required by State and/or Federal law and which are considered to be essential to the protection of human life, private property, public utilities and infrastructure, and the preservation of unique and valuable natural resources from the effects of major storm events. The Village of Ocean Beach Comprehensive All-Hazards Management Program specifically addresses the following topics: standardization of base flood elevations, to conform to FEMA mapping of flood zones; incorporation of freeboard requirements, above estimated base flood elevation for all new residential structures or additions, reconstruction, rehabilitation, or substantial repair to existing residential structures; breakaway requirements below flood elevation;; utility standards; stormwater management requirements; increased wind resistance standards; elaboration upon minimum flood-proofing standards for nonresidential structures; and standards for the certification of base flood elevation of residential and nonresidential structures.

The Village's flood plain management requirements are promulgated under Article VI which includes sub-articles titled *Flood Damage Prevention and Coastal Erosion Hazard Area [CEHA] Management*. The requirements of the flood damage prevention standards and the local CEHA law are applicable to all new structures, as well as the reconstruction, rehabilitation, addition, repair, or other improvements of existing structures within the Village of Ocean Beach. The Village's CEHA zone is situated within the Village's dune district.

### **Appendices: Chapter A168**

The Appendix of the *Code of the Village of Ocean Beach, New York*, includes Chapter A168, *Marina Rules and Regulations*. Because of the particular relevance of this Chapter to the Village's LWRP, the rules and regulations section (§ A168-1) is provided below in its entirety.

The following rules and regulations shall apply to the Ocean Beach Marina:

- Berth fees will not be refunded once a permit is issued. (In the event of revocation of permit by the Village, the fee paid shall be considered the fee for the period space was assigned.)
- No refuse, cans, bottles or material of any other kind shall be thrown overboard and the toilet shall not be flushed or discharged in the Marina.
- No oil or gasoline shall be pumped out of bilges or thrown into the water of the Marina.

- No one will be permitted to use a boat for living quarters while in the Marina Basin.
- No person shall place or keep any boat, rigging or material of any kind upon the bulkhead walk or upon the property of the Village adjacent to the Marina.
- Boats shall be properly and safely tied so as to prevent damage to bulkheads and adjacent boats. Extra care and precautions should be taken in the event of a forecast of high winds and storms.
- Boats in the Marina shall proceed, at all times, at the slowest possible speed, and there shall be no wake in the Marina when entering and leaving.
- Space may not be sublet or assigned or used by any person other than the applicant or a member of his immediate family.
- Resident property owners in the Village of Ocean Beach shall have priority in the issuance of permits.
- Applications for space must be submitted in triplicate and accompanied by a fee as per schedule. Check or money order should be payable to the Village of Ocean Beach.
- The boat owner shall affix to the boat, in a conspicuous place, the numbers supplied by the Village to indicate the berth assigned.

### **Town of Islip Laws**

Chapter 59 of the Ocean Beach Village Code consents to the application of the provisions of the Navigation Law of the Town of Islip to the waters adjoining the Village of Ocean Beach, where this law is consistent with those of the Village. The following sections from Chapter 37 (Navigation Law) of the Town of Islip are applicable to the navigable waters adjacent to the Village:

§ 37-52 - Gives the Commissioner of Environmental Control (or his/her designee, the "Harbor Master") the authority to enforce Chapter 59.

§ 37-53 - Regulates construction in or on navigable waters.

§ 37-54 - Prohibits the discharge of refuse, litter and sewage.

§ 37-55 - Regulates mooring and docking.

§ 37-56 - Establishes requirements for the removal of hazards to navigation (e.g., sunken or derelict vessels, and obstructions).

§ 37-57 - Establishes requirements for equipment and lights on vessels.

§ 37-59 - Establishes rules for vessel speed and standards for reckless operation.

§ 37-62 - Establishes requirements for boat operators.

## Rules and Regulations Governing Fire Island National Seashore (FINS)

In order to preserve and protect the Fire Island National Seashore (FINS), the enabling legislation adopted to institute FINS required the Secretary of the Interior to develop certain rules and regulations, including the following:

**36 CFR Part 7** — These regulations (*Parks, Forests, and Public Property, Department of Interior, Special Regulations, Areas of National Park System, Fire Island National Seashore*) pertain to the operation of motor vehicles, including terrestrial vehicles, commercial transportation vessels, seaplanes and amphibious aircrafts.

- Section 7.20 sets forth the routes for motor vehicle travel along the landward side of the Atlantic shoreline. Within the area of FINS’s jurisdiction along the Atlantic shoreline, all vehicles are operated between the water’s edge and 20 feet seaward of the beach grass line. If the water is higher than this 20-foot line, no vehicle travel is permitted. Covers the posting of officially-designated areas for dune crossings, alternative waterborne transportation that are licensed for hire and provide transportation from the “mainland” to Fire Island (e.g., ferries and water taxis), issuance of permits for hired transportation and motor vehicles and establishment of permit conditions and standards. Permit eligibility is broken down into various permittee categories including full-time residents; part-time residents; firms, partnership, corporations, organizations, or agencies which provide essential services to the public; construction and business vehicles; municipal employees; recreational vehicles; and owners of real property who demonstrate the need for temporary access. Sets forth limitations on the types of vehicles, the time periods and locations that vehicles can travel. Establishes rules of travel, including speed limits (maximum of 20 mph on FINS land), and “other rules of the road”. Establishes violations and sets the limit on the number of permits to be issued. Outlines the requirements for operation of seaplanes and amphibious aircraft within FINS’s jurisdiction.

**36 CFR Part 28** — These regulations (*Parks, Forests, and Public Property, Department of Interior, Part 28, Fire Island National Seashore: Zoning Standards*) sets forth the baseline requirements, standards, and specifications to be utilized in developing lands located within the FINS district. The law specifically defines the physical jurisdiction of FINS including its Seashore, Dune, and Community Development Districts, and the permitted and prohibited uses; regulations pertaining to nonconforming uses; minimum and/or maximum dimensional zoning requirements and development standards, so as to ensure conformance with the regulatory framework mandated by FINS; variance procedures and commercial and industrial development review processes, including mandates for communities to make development application referrals to FINS; provisions to permit temporary uses in emergency situations; approvals of local zoning ordinances; relinquishment of FINS authority to condemn private properties in those communities that demonstrate compliance with the federal standards and provisions of the Act, those improved properties within the Seashore District, or those that are unlikely to cause substantial damage to the natural resources.

### **Local Consistency Review Law**

In order to implement this LWRP, the Village of Ocean Beach adopted a local coastal consistency review law for actions that occur within the Village’s coastal area. It is recommended that coastal consistency review be incorporated into the Village’s current SEQRA review process. To provide information necessary for the consistency evaluation, each applicant involved in a Type I or unlisted action within the Village is required to submit a completed Coastal Consistency Assessment Form. See Section 5.5 for more details on the administrative process to be used by the Village to implement this review process.

### **Harbor Management Law**

In order to implement the water uses illustrated in [Map 6](#), a new local law was adopted. This law establishes standards for activities within the coastal waters adjacent to the Village of Ocean Beach, including those activities relating to:

- channels, which serve as the primary routes of vessel movement;
- fairways, which are vessel travel-ways connecting docking facilities to channels;
- basins, which are used for vessel docking; and
- swimming areas, which define areas for swimming and bathing, within which areas boating activity would be excluded

The water use map is adopted through a new local law which describes the purpose of the map, establishes the authority behind the law (including Section 46a of the Navigation Law), defines terms, delineates boundaries, establishes enforcement authority, sets penalties for offenses, etc. This new law includes the Water Use Map (as set forth in [Map 6](#) of this LWRP) by reference.

## **5.2 Other Public and Private Actions Necessary to Implement the LWRP**

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

## **5.3 Zoning Changes Necessary to Implement the LWRP**

No changes to the zoning designations of properties within the Village of Ocean Beach were proposed in relation to this LWRP, as shown in [Map 7](#).

## **5.4 Other Public and Private Actions Necessary to Implement the LWRP**

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

## 5.5 Management Structure Necessary to Implement the LWRP

### Village Agency Involvement

For any given action, the responsibility for conducting consistency review, pursuant to this LWRP, shall lie with the Village agency that presently is responsible for completing the overall environmental review under SEQRA (i.e., the “Village Lead Agency”). The consistency review shall be conducted concurrently with the SEQRA review.

Within the Village of Ocean Beach, there are three agencies that may be involved in issuing approvals for any given action and which may, therefore, assume responsibility for completing the requirements of SEQRA. These agencies are described as follows:

- **Board of Trustees** — issues final determination/findings for all actions involving Village Board of Trustees approval (e.g., applications for zoning changes, allocation of Village funds, adoption of planning documents and policy statements, amendments to Village law, Village resolutions, etc.).
- **Planning Board** — acts as advisors to the Village Board of Trustees and the Zoning Board, offering recommendations to aid in their decision making process. This Board has the power to conduct investigations, reports and recommendations relative to the planning and development of structures within the commercial district.
- **Zoning Board of Appeals** — hears petitions from property owners and other aggrieved parties who need to challenge the requirements of the zoning law and permitted property uses. The Board has the authority to grant variances of the Village’s Zoning Code after conducting a public hearing with the proper notice to all of the neighboring property owners affected.

### LWRP Consistency Review Procedures

LWRP consistency review is performed in conjunction with the environmental review process which is conducted within the Village under the requirements of SEQRA. A determination of consistency shall be included in each Negative Declaration and SEQRA Statement of Findings issued by the Village for Type I and unlisted actions within the Village’s LWRA.

Note that an “action”, as defined herein, is the same as the term is applied under SEQRA, and includes: any project directly undertaken or funded by the Village; any project requiring the issuance of a discretionary permit or approval by the Village; any planning activity by a Village agency that commits the Village to a future course of action (such as a comprehensive land use plan); and any municipal rules, regulations and policy making decisions.

#### A. LOCAL ACTIONS

In order to provide a framework for the Village of Ocean Beach to consider the policies and purposes contained in the LWRP when reviewing direct agency actions and applications for

actions in the Village, and to assure, to the maximum extent practicable, that such actions are consistent with the LWRP policies and purposes, a local consistency law was adopted.

The Village Lead Agency shall assume responsibility for conducting LWRP coastal consistency reviews on the Village's behalf. Any such action undertaken directly by the Village or other local government agency or by a private entity shall be reviewed in accordance with the procedures that are outlined below.

- 1) The Village's SEQRA review agency (i.e., the Board of Trustees, Planning Board, or Zoning Board of Appeals) shall classify the action according to SEQRA. Type II and exempt actions are not subject to LWRP consistency review.
- 2) Since the LWRA encompasses the entire Village, all actions within the Village that are classified as Type I or unlisted under SEQRA shall be subject to LWRP consistency review.
- 3) For each action subject to LWRP consistency review, the Village Lead Agency shall require the completion of a Coastal Consistency Assessment Form (CCAF), as an addendum to the SEQRA Environmental Assessment Form (EAF). For any action within the Village involving a private development application, the applicant shall be required to prepare the CCAF. The Village Lead Agency shall prepare the CCAF for any direct action by the Village.
- 4) Upon receipt of the CCAF submission, the Village Lead Agency shall determine if the documentation constitutes a complete statement for the purpose of determining consistency with the LWRP, and may request any additional material as may be deemed necessary to complete the review.
- 5) If it is determined that there are other involved agencies which must review the coastal consistency assessment materials, a copy of the CCAF, SEQRA Environmental Assessment Form, application, and any other pertinent supporting materials shall be forwarded to each such involved agency. Additional copies shall be made available to interested parties.
- 6) The Village Lead Agency shall make a consistency determination based upon its review of the CCAF and related materials and any input received from other involved agencies and interested parties. Said consistency determination shall be made in writing within 30 days following the Village Lead Agency's receipt of a complete submission of the CCAF and other required information. This 30-day comment period may be extended by mutual agreement between the Village and the applicant.
- 7) If the Village Lead Agency determines that a given action would not be consistent with one or more of the LWRP policy standards and conditions, such action shall not be undertaken, funded or approved by the Village of Ocean Beach unless it is determined by the Village lead agency that all four of the following conditions apply to that action:

- a) the proposed action would not significantly hinder the overall implementation of the LWRP; and
- b) no reasonable alternative exists that would permit the action to be undertaken in a manner that is consistent with the specific LWRP policy standards and conditions in question; and
- c) the proposed action and any required mitigation measures would be undertaken in a manner that would minimize all adverse effects on natural and man-made resources within the Village, and would minimize the extent to which the implementation of LWRP policy standards and conditions are hindered; and
- d) the proposed action would result in an overriding local, regional or state-wide public benefit.

An action that satisfies all four of the conditions described above shall be deemed to be “consistent to the maximum extent possible” with respect to the policies and purposes of the LWRP.

- 8) The sponsor of a given action, whether the Village of Ocean Beach or other government agency or private applicant, can propose modifications for any action that is determined to be inconsistent with this LWRP. If the Village Lead Agency deems that the modifications are sufficient to result in LWRP consistency, said modifications shall become conditions to project approval. All such conditions shall be incorporated into the Conditioned Negative Declaration or the SEQRA Statement of Findings, whichever applies.
- 9) The Village Lead Agency shall maintain a file for each action subject to a consistency determination. This file shall be made available for public inspection upon request, subject to the requirements of the Freedom of Information Law.

**B. STATE ACTIONS**

**1) *Purposes of Guidelines***

- a) The Waterfront Revitalization and Coastal Resources Act (Article 42 of the Executive Law) and the associated Department of State regulations (19 NYCRR Part 600) require certain State agency actions identified by the Secretary of State to be consistent to the maximum extent practicable with the policies and purposes of approved LWRPs. These guidelines are intended to assist state agencies in meeting that statutory obligation with respect to actions proposed in the Village of Ocean Beach.
- b) The Act also requires that State agencies provide timely notice to the local government whenever an identified action will occur within an area covered by an approved LWRP. These guidelines describe a process for complying with this

notification requirement. They also provide procedures to assist the Village in carrying out its new responsibilities in a timely manner.

- c) The Secretary of State is required by the Act to confer with State agencies and local government when notified that a proposed State agency action may conflict with the policies and purposes of an approved LWRP. These guidelines establish a procedure for resolving such conflicts.

**2) Notification Procedure**

- a) When a State agency is considering an action in the Village of Ocean Beach, said State agency shall notify the Village Mayor (the Mayor) at the following address:

Incorporated Village of Ocean Beach  
Office of the Mayor  
Ocean Beach, NY 11770  
Telephone: (631) 583-5940

- b) Notification of a proposed action by a State agency:
- shall fully describe the nature and location of the action;
  - shall be accomplished by use of either the State Clearinghouse, other existing State agency notification procedures, or through any alternative procedure agreed upon by the State agency and the Village; and
  - shall be provided to the Mayor as early in the planning stages of an action as possible, but in any event, at least 30 days prior to the State agency's decision on the action. The timely filing of a completed CCAF with the Mayor shall be considered adequate notification of a proposed action.
- c) If the proposed action will require the preparation of a draft environmental impact statement, the filing of this draft document with the Mayor will serve as the State agency's notification to the local government.

**3) Local Government Review Procedure**

- a) Upon receipt of notification from a State agency, the Village will be responsible for reviewing the proposed action for consistency with the policies and purposes of the Village's approved LWRP. Upon the request of the Village Lead Agency, the State agency should promptly provide the Village Lead Agency with whatever additional information is available to assist the Village Lead Agency in evaluating the proposed action.
- b) To the extent practicable, the coastal consistency review process, including public notification requirements, shall be coordinated with and conducted concurrently with the SEQRA review process.
- c) If the Village cannot identify any conflicts between the proposed action and the applicable policies and purposes of the approved LWRP, the Village should

inform the State agency in writing of its finding. Upon receipt of the findings, the State agency may proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.

- d) If the State agency does not receive written notification of the Village's findings within the established review period, the State agency may then presume that the proposed action does not conflict with the policies and purposes of the Village's approved LWRP.
- e) If the Village notifies the State in writing that the proposed action does conflict with the policies and/or purposes of the Village's approved LWRP, the State agency shall not proceed with its consideration of, or decision on, the proposed action until the "Resolution of Conflicts" procedures established in the following paragraph 4 have been satisfactorily completed. The Village shall forward written notice of the identified conflicts to the Secretary of State at the time that the State agency is notified. When notifying the State agency, the Village shall identify the specific policies and purposes of the LWRP with which the proposed action conflicts.

**4) Resolution of Conflicts**

The following procedure shall apply whenever the Village has notified the Secretary of State and an involved State agency that a proposed action conflicts with the policies and/or purposes of its approved LWRP.

- a) Upon receipt of notification from the Village that a proposed action conflicts with its approved LWRP, the involved State agency should contact the Village Agency issuing said notification to discuss the content of the identified conflicts and the means for resolving them. A meeting of State agency and Village representatives may be necessary to discuss and resolve the identified conflicts. This discussion should take place within 30 days of the receipt of a conflict notification from the Village.
- b) If the discussion between the Village and the involved State agency results in the resolution of the identified conflicts, then, within seven days of the discussion, the Village shall notify the State agency in writing, with a copy forwarded to the Secretary of State, that all of the identified conflicts have been resolved. Said notification should specify the terms and conditions that have been mutually agreed upon between the Village and the involved State agency to resolve the conflicts. Upon the receipt of this correspondence, the State agency may then proceed with its consideration of the proposed action in accordance with those terms and conditions, pursuant to the requirements of 19 NYCRR Part 600.
- c) If the consultation between the Village and the involved State agency does not lead to the resolution of the identified conflicts, either party may request, in writing, the assistance of the Secretary of State to resolve any or all of the unresolved conflicts. This request must be received by the Secretary of State within 15 days following the

- discussion between the Village and the State agency. The party requesting the assistance of the Secretary of State shall forward a copy of its request to the other party.
- d) Within 30 days following the receipt of a request for assistance, the Secretary of State or a Department of State (DOS) official or employee designated by the Secretary, will discuss the identified conflicts and circumstances preventing their resolution with appropriate representatives from the involved State agency and the Village.
  - e) If agreement among all parties cannot be reached during this discussion, the Secretary shall notify both parties within 15 days of his/her findings and recommendations.

**C. PROCEDURES FOR THE REVIEW OF FEDERAL ACTIONS FOR CONSISTENCY WITH THE LWRP**

**1) *Permits and Licenses***

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

**2) Direct Actions**

- a) After acknowledging the receipt of a consistency determination and supporting documentation from a Federal agency, the DOS shall forward copies of the determination and supporting documentation and any other descriptive information on the proposed direct action to the Mayor.
- b) This notification shall state the date by which all comments and recommendations must be submitted to DOS and will identify the assigned DOS reviewer.
- c) The review period will last approximately 25 days. If comments and recommendations are not received by the end of the established review period, the DOS will presume that the Village has “no opinion” on the consistency of the proposed direct Federal agency action with Village coastal policies.
- d) If the DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the Village, the DOS shall contact the Village Agency submitting said recommendations to discuss any differences of opinion or questions prior to agreeing or disagreeing with the Federal agency’s consistency determination on the proposed direct action.
- e) A copy of the DOS agreement or disagreement letter to the Federal agency shall be forwarded to the Mayor.

**3) Financial Assistance Actions**

- a) The DOS shall request information on a proposed financial assistance action from the applicant (State or Village agency) for consistency review purposes. A copy of this letter shall be forwarded to the Mayor and will serve as notification that the proposed action may be subject to review.
- b) If the applicant is a Village agency, the DOS shall contact the agency and request copies of any application documentation for consistency review purposes. If the proposed action has already been reviewed by the Village for consistency with the LWRP, the Village will notify the DOS of the outcome of the review.
- c) The Village shall acknowledge receipt of the requested information and send a copy to the DOS.
- d) If the applicant is a State agency, the DOS shall request the involved agency to provide a copy of the application documentation to the Mayor.
- e) The DOS shall acknowledge the receipt of the requested information and provide a copy of this acknowledgment to the Mayor.

- f) The review period will conclude 30 days after the date of the Village’s or DOS’s letter of acknowledgment.
- g) The Village must submit comments and recommendations on the proposed action to the DOS within 20 days from the start of the review period. If comments and recommendations are not received within that 20 day period, the DOS will presume that the Village has “no opinion” on the consistency of the proposed financial assistance action with Village coastal policies.
- h) If the DOS does not fully concur with or has any questions on the comments and recommendations submitted by the Village, the DOS shall contact the Village Agency submitting said recommendations to discuss any differences of opinion prior to agreeing or objecting to the Federal agency’s consistency determination on the proposed financial assistance or action.
- i) A copy of the DOS’ “no objection” or “objection” letter to the applicant shall be forwarded to the Mayor.

## **5.6 Financial Resources Necessary to Implement the LWRP**

The financial resources necessary to implement this LWRP will be derived from a variety of sources. It is recognized that some Village revenues will be needed for certain projects. The implementation of such projects would be accelerated or, in some cases, actually made possible, by the procurement of matching State and/or Federal funding. Funding sources that will be investigated as appropriate to provide financial assistance for capital improvements necessary to implement the LWRP include those established under the: New York State Clean Air/Clean Water Bond Act of 1996, New York State Environmental Protection Fund, and the Federal Transportation Equity Act for the 21st Century (TEA-21), which has superseded the Inter-modal Surface Transportation Efficiency Act (ISTEA). Other potential funding sources are identified in Section VI.

Except as noted below, it is anticipated that the management and administrative functions necessary to implement the LWRP can be performed by existing Village staff and using existing Village equipment, and that all costs associated with these functions will be included in the Village’s regular municipal budget.

### 5.7 Summary Chart of Actions that Implement LWRP Policies

<b>POLICY #</b>	<b>Implemented or Enforced by</b>
<p>Policy 1 (Development)</p>	<p>Chapter 64 of the Village Code (Building Construction)                      Chapter 66 of the Village Code (Business Improvement Districts)                      Chapter 106 of the Village Code (Licenses)                      Chapter 123 of the Village Code (Peace and Good Order)                      Chapter 127 of the Village Code (Rental Properties)                      Chapter 139 of the Village Code (Sewers)                      Chapter 160 of the Village Code (Water)                      Chapter 164 of the Village Code (Zoning)                      Improvement of water supply system                      Improvement of sanitary waste collection and disposal system                      Community House restoration                      Windswept restoration                      Proposed facade review investigation                      Proposed Business Improvement District                      Proposed property maintenance investigation                      Continued monitoring of activities in the Business District                      SEQRA review process</p>
<p>Policy 2 (Water-Dependent Uses)</p>	<p>Chapter 93 of the Village Code (Freight)                      Chapter 106 of the Village Code (Licenses)                      New Harbor Management Law                      Improvements to ferry boat terminal                      Improvements to Village Marina                      Proposed improvements to Wagon Park                      SEQRA review process</p>
<p>Policy 3</p>	<p>Not Applicable (Agricultural Lands Policy)</p>
<p>Policy 4 (Sustainable Resources)</p>	<p>SEQRA review process</p>
<p>Policy 5 (Ecological Resources)</p>	<p>Chapter 10 of the Village Code (Conservation Commission)                      Chapter 76 of the Village Code (Dogs and Other Animals)                      Enhanced public education programs                      SEQRA review process</p>

Village of Ocean Beach Local Waterfront Revitalization Program

<b>POLICY #</b>	<b>Implemented or Enforced by</b>
Policy 6 (Water Resources)	Chapter 139 of the Village Code (Sewers) Improvement of sanitary waste collection and disposal system Enhanced public education programs SEQRA review process
Policy 7 (Flooding and Erosion)	Chapter 164 of the Village Code (Zoning) Dune management program House elevation program Walkway elevation program Improvements to ferry boat terminal Improved inter-agency coordination Flooding and erosion protection study Sand management plan Enhanced public education programs SEQRA review process
Policy 8 (Air Quality)	Chapter 112 of the Village Code (Noise) SEQRA review process
Policy 9 (Energy and Minerals)	SEQRA review process
Policy 10 (Solid and Hazardous Wastes)	Chapter 96 of the Village Code (Garbage, Rubbish and Refuse) Enhanced public education programs SEQRA review process
Policy 11 (Public Access)	Chapter 56 of the Village Code (Bicycles and Other Vehicles) Chapter 59 of the Village Code (Boating and Swimming) Chapter 145 of the Village Code (Streets and Sidewalks) Chapter 156 of the Village Code (Vehicles and Traffic) New Harbor Management Law Walkway elevation and maintenance program Improvements to ferry boat terminal Improvements to Village Marina Bay beach improvement Improved handicapped access to the ocean Community House restoration Windswept restoration

Village of Ocean Beach Local Waterfront Revitalization Program

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<b>POLICY #</b>	<b>Implemented or Enforced by</b>
	<p>Village Green beautification</p> <p>Possible extension of promenade on bayfront</p> <p>Improved bicycle access</p> <p>Improved access for small boats</p> <p>Additional bicycle racks</p> <p>Proposed improvements to Wagon Park</p> <p>SEQRA review process</p> <p>Chapter 37 of the Town of Islip Code (Navigation Law)</p>
<p>Policy 12 (Visual Resources)</p>	<p>Chapter 10 of the Village Code (Conservation Commission)</p> <p>Community House restoration</p> <p>Windswept restoration</p> <p>Street lighting improvements</p> <p>Village Green beautification</p> <p>Facade review investigation</p> <p>Property maintenance investigation</p> <p>Proposed placement of utility lines underground</p> <p>SEQRA review process</p>
<p>Policy 13 (Historic Resources)</p>	<p>Facade review investigation</p> <p>SEQRA review process</p> <p>Enhanced public education programs</p>