

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

| POLICY # | Implemented or Enforced by |
|---|--|
| <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

| POLICY # | Implemented or Enforced by |
|---|--|
| 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

| POLICY # | Implemented or Enforced by |
|---|---|
| | <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> |