

**SECTION III**  
**WATERFRONT POLICIES**

Port Chester's Local Waterfront Revitalization Program is consistent with the State's Coastal Management Program. It focuses on local policies, plans and projects related to State policies.

A major task of the LWRP was to determine the applicability of the various State coastal policies to Port Chester's objectives and then to cite relevant Village policies as they apply to the various State policies.

In this section of the LWRP, State policies are numbered and stated first. Relevant Village policies are listed subsequently with capital letters. The policies of the State Coastal Management Plan form the basis of the LWRP. Where a State policy is not applicable, it is so stated.

A brief explanation of policies and the criteria guidelines or standards that are used to evaluate compliance is incorporated into the policy discussion.

The policy statements reflect either policies, plans and programs that are already in place or are a basis for future projects or programs.

### 3.0 SUMMARY LIST OF POLICIES

- A. Development Policies
  - Policy 1                      Applicable
  - Policy 1A                    Applicable
  - Policy 1B                    Applicable
  - Policy 1C                    Applicable
  - Policy 1D                    Applicable
  - Policy 1E                    Applicable
  - Policy 2                      Applicable
  - Policy 2A                    Applicable
  - Policy 3                      Not Applicable
  - Policy 4                      Applicable
  - Policy 5                      Applicable
  - Policy 6                      Applicable
- B. Fish and Wildlife Policies
  - Policy 7                      Applicable
  - Policy 8                      Applicable
  - Policy 9                      Applicable
  - Policy 10                    Applicable
- C. Flooding and Erosion Hazards Policies
  - Policy 11                    Applicable
  - Policy 12                    Applicable
  - Policy 13                    Applicable
  - Policy 14                    Applicable

	Policy 15	Applicable
	Policy 16	Applicable
	Policy 17	Applicable
D.	General Policy	
	Policy 18	Applicable
E.	Public Access Policies	
	Policy 19	Applicable
	Policy 20	Applicable
F.	Recreation Policies	
	Policy 21	Applicable
	Policy 22	Applicable
	Policy 23	Applicable
G.	Scenic Quality Policies	
	Policy 24	Not applicable
	Policy 25	Applicable
H.	Agricultural Lands Policy	
	Policy 26	Not applicable
I.	Energy and Light Policies	
	Policy 27	Not applicable
	Policy 28	Not Applicable
	Policy 29	Applicable
J.	Water and Air Resources Policies	
	Policy 30	Applicable
	Policy 31	Applicable
	Policy 32	Not Applicable
	Policy 33	Applicable
	Policy 34	Applicable
	Policy 35	Applicable
	Policy 36	Applicable
	Policy 37	Applicable
	Policy 38	Applicable
	Policy 39	Applicable
	Policy 40	Applicable
	Policy 41	Applicable
	Policy 42	Applicable
	Policy 43	Not Applicable
	Policy 44	Applicable

## **DEVELOPMENT POLICIES**

### **POLICY 1                      RESTORE, REVITALIZE AND REDEVELOP DETERIORATED AND UNDERUTILIZED WATERFRONT AREAS FOR COMMERCIAL, INDUSTRIAL, CULTURAL, RECREATIONAL AND OTHER COMPATIBLE USES.**

One of the strongest and most underutilized assets of Port Chester is its waterfront. Port Chester has identified opportunities to capitalize on the waterfront location. Port Chester also has identified waterfront areas where preservation is important. Port Chester has three (3) redevelopment areas (Urban Renewal Areas) defined in Figure 14. Four (4) policies (Policies 1A, 1B, 1C, 1D) are established within these areas along the waterfront for purposes of redevelopment and revitalization of these deteriorated and underutilized areas. Port Chester has also sought to revitalize the Brooksville Area, Subarea IV. For all references to Subareas, see Figure 4, Page II-8.

### **POLICY 1A                      REDEVELOP PART OF SUBAREA II, THE HARBOR REDEVELOPMENT AREA, AS A PREDOMINANTLY RESIDENTIAL AREA WITH COMPATIBLE COMMERCIAL AND WATER-DEPENDENT RECREATION DEVELOPMENT ALONG THE WATER'S EDGE.**

#### Explanation of Policy

Redevelopment of the Harbor Redevelopment Area will result in attractive public access to and use of Port Chester's harbor on Long Island Sound, while at the same time allowing for private residential development which is compatible with neighboring subareas. The following public amenities are required in order to ensure that the desired result is achieved.

1.     A minimum of 1.5 acres of public open space for passive recreation.
2.     A minimum of 100 boat slips to be held in Village ownership. If conditions limit the number of slips to less than 100, then all slips will be held in Village ownership. A pump out facility at a public marina will be provided in addition to public boat storage and launching facilities.
3.     A continuous public waterfront walkway along the perimeter of the residential development from the Greyrock area to the wastewater treatment plant. (See Policy 20A). The walkway will be constructed within a required 20 foot wide right-of-way. The walkway itself will be appropriately scaled and a minimum of approximately 5 feet wide.
4.     A community building for public use with the number of spaces determined through site plan review.

5. A public parking area for public use with the number of spaces determined through site plan review.

Certain additional standards may apply to the redevelopment area pursuant to Chapter 621 of the Laws of New York 1990.

The private development will be required to meet the following land use standards:

1. Permitted Uses:

- a. Primary Uses

- (i) Multiple family dwellings
    - (ii) Townhouses

- b. Other Permitted Uses

- (i) Neighborhood retail stores and personal service facilities.
    - (ii) Marine commercial uses
    - (iii) Water enhanced restaurants
    - (iv) Marina
    - (v) Private boating association
    - (vi) Accessory uses such as, but not limited to:
      - Waterfront walkway plazas
      - Parks and playgrounds
      - Public buildings
      - Sitting areas
      - Social Meeting rooms
      - Off-street parking and loading facilities
      - Boat docking/storage facilities

2. Density Regulations

- a. Residential - The minimum gross site area required shall be 1,742 sq. ft. per dwelling unit.
  - b. Commercial - Maximum density of .5 floor area ratio

### 3. Coverage and Yard Requirements

#### a. Residential

- Waterfront setback. No structure shall be located within 30 ft. of the mean highwater elevation referenced from the National Geodetic Vertical Datum (NGVD) of 1929.
- Residential setback. A setback of 50 ft. is required from all abutting residential property lines. The required setback may be reduced, to a minimum of 25 ft, subject to the provision of mitigating measures that would adequately minimize any negative impacts the proposed development may impose of adjacent property. This reduction may be permitted at the discretion of the Planning Commission.
- Other. Traditional lot and side yard requirements are for gone to allow maximum flexibility in producing a quality design and site plan.

#### b. Commercial

- Coverage - shall not exceed 70% of the total area of the parcel.
- Waterfront setback. No structure shall be located within 30 ft. of the mean high water elevation referenced form the National Geodetic Vertical datum (NGVD) of 1929.
- Minimum Yard dimensions
  - Front Yard 20 ft.
  - Side Yards 10 ft.
  - Rear yard 20 ft.

### 4. Height

- 50 ft. (exclusive of structures parking provided underneath residential uses).

### 5. Parking

#### a. Residential

- 1.5 spaces per studio and 1 BR units
- 2.0 spaces per 2 BR unit
- 2.5 spaces per 3 or more BR unit

The requirement for a 3+ bedroom unit may be reduced at the discretion of the Planning Commission where the sharing of spaces between uses adequately accommodates the site's parking demand.

b. Commercial

- Retail store, personnel service, office: one space per 250 sq. ft. of gross floor area.
- Restaurants: one space for each ten seats or 100 sq. ft. devoted to patron use, whichever is greater.
- Marina - one space per two boats
- Mixed use developments may have overall parking requirements reduced where it is determined by the Board of Trustees, that the peak parking demand will be less than the total of the individual parking requirements.
- Up to 30% of the required parking may be designated for compact automobiles at the discretion of the Board of Trustees.

Incompatible uses exist within the area such as a small tank farm, warehousing, auto related uses and the County's solid waste transfer facility. All incompatible uses would have to be acquired either privately or through Port Chester's power of eminent domain. Any development would also have to be consistent with all policies in the LWRP.

If the Village in consultation with the NYS Department of Environmental Conservation determines that toxic or hazardous substances are present on the site, or if redevelopment of the site would cause the potentially dangerous release of toxic or hazardous substances, then the condition must be mitigated in accordance with the clean-up and damage restitution standards set forth in Policy 36.

This policy will result in the creation of a publicly accessible and useable redevelopment of Port Chester's location on Long Island Sound. The redevelopment will expand the local tax base, increase housing supply, and increase the potential market for local merchants.

Private to any development of the Harbor Redevelopment Area, an Environmental Impact Statement will be produced and local consistency certification completed.

**POLICY 1B**

**REDEVELOP THE WATERFRONT BETWEEN PURDY AVENUE AND THE WESTCHESTER COUNTY WASTEWATER TREATMENT PLANT IN SUBAREA II FOR A PUBLIC MARINA AND WATERFRONT RECREATION AREA.**

### Explanation of Policy

Public marina and boating facilities are a valuable asset in creating a "local image" for a community as a desirable place to live, work and shop. In this respect, Port Chester falls behind its more affluent waterfront neighbors of Greenwich, and Rye. The plan for a public marina and an attractive waterfront recreation facility can play an important role in changing Port Chester's image, to a desirable retail, service and residential center.

The marina will provide public boating and access from the Fox Island Road and Westchester County Port Chester Wastewater Treatment Plan to Purdy Avenue, Columbus Park, Village owned property, and a small fuel depot at Purdy Avenue will be redeveloped to provide for a waterfront park containing docks, winter storage facilities, a pump-out station, launch ramp, 80-100 parking spaces and park facilities for passive water enhanced recreational use.

New York State Department of Environmental Conservation has determined that this site does not qualify as an inactive hazardous waste site.

### **POLICY 1C                    REVITALIZE THE WATERFRONT AREA IN SUBAREA III FOR ONLY WATER DEPENDENT AND WATER ENHANCED USES.**

### Explanation of Policy

The waterfront area of Subarea III lies between Purdy Avenue and the southern property line of the lots located on the south side of Westchester Avenue. This area contains Port Chester's highest concentration of water-dependent and water-enhanced uses.

To encourage water-dependent uses compatible with the environment in this area, the following standards shall be met:

#### 1.     Allowed Uses:

- Public uses, including but not limited to walkways, marinas, and boat docking facilities, plazas, playgrounds and accessory uses such as parking.
- Private marina, commercial marina.
- Water-dependent industrial and commercial uses including, but not limited to uses which rely heavily on the waterborne transportation of raw materials or products.
- Water-enhanced uses with a water-dependent accessory use including, but not limited to a hotel with coastal boating, a restaurant with commercial fishing, or residential use with a public waterfront walkway.



2. Performance Standards: All commercial and industrial uses will have to meet the following performance standards.

a. Fire and Explosion Hazards

All activities involving, and all storage of inflammable and explosive material shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire suppression equipment and devices standard in the industry. Burning of waste materials in open fires is prohibited at any point. The relevant provisions of State and local laws and regulations shall also apply.

b. Vibration

No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or beyond the lot lines; nor shall any vibration produced exceed 0.002g peak at up to 50 cps frequency, measured at or beyond the lot lines using either seismic or electronic vibration measuring equipment.

Vibrations occurring at higher than 50 cps frequency or a periodic vibration shall not induce accelerations exceeding .001g. Single impulse periodic vibrations occurring at an average integral greater than 5 minutes shall not induce accelerations exceeding .01g.

c. Noise

The maximum sound pressure level radiated by any use or facility at a lot line shall not exceed the values in the designated octave bands given in Table 1, after applying the corrections shown in Table II, except that normal household appliances or equipment in use during the hours of 7 a.m. to 9 p.m. shall not be subject to these regulations. The sound pressure level shall be measured with a Sounds Level Meter and associated Octave Bank Analyzer conforming to standards prescribed by the American Standards Association.

d. Smoke

No emission shall be permitted at any point, from any chimney or otherwise, of visible grey smoke of a shade equal to or darker than No. 2 on the standard Ringleman Chart Table 3 as issued by the United States Bureau of Mines or its approved equivalent, except that visible grey smoke of a shade equal to No. 2 on said Chart may be emitted for 4 minutes in any 30 minutes. These provisions applicable to visible grey

Table 1

Maximum permissible sound-pressure levels at the lot line for noise radiated continuously from a facility between the hours of 9 p.m. and 7 a.m.

<u>Frequency Band Cycles Per Second</u>	<u>Sound Pressure Level Decibels re 0.0002 dyne/cm<sup>2</sup></u>
20-75	69
75-150	60
150-300	56
300-600	51
600-1,200	42
2,400-4,800	40
4,800-10,000	35

If the noise is not smooth and continuous and is not radiated between the hours at 9 p.m. and 7 a.m., one or more of the corrections in Table II shall be applied to the decibel levels given in Table I.

Table 2

<u>Type or Location of Operation or Character of Noise</u>	<u>Correction in Decibels</u>
1. Daytime operation only	+5
2. Noise source operates less than	
a. 20% of any one-hour period	+5*
b. 5% of any one-hour period	+10*
c. 1% of any one-hour period	+15*
3. Noise of impulsive character (hammering, etc.)	-5
4. Noise of period character (hum, screech, etc.)	-5

\*Apply one of these corrections only.

smoke shall also apply to visible smoke of a different color but with an apparently equivalent capacity.

e. Odors

No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectible when diluted in the ratio of one volume of odorous air emitted to four volumes of clean air. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail.

f. Fly Ash, Dust, Fumes, Vapors, Gases, Other Forms of Air Pollution

No emission shall be permitted which can cause any damage to health, to animals, vegetation, or other forms of property or which can cause any excessive soiling, at any point on the property of others, and in no event any emission, from any chimney or otherwise, of any solid or liquid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of 500 degrees Fahrenheit and fifty (50) percent excess air.

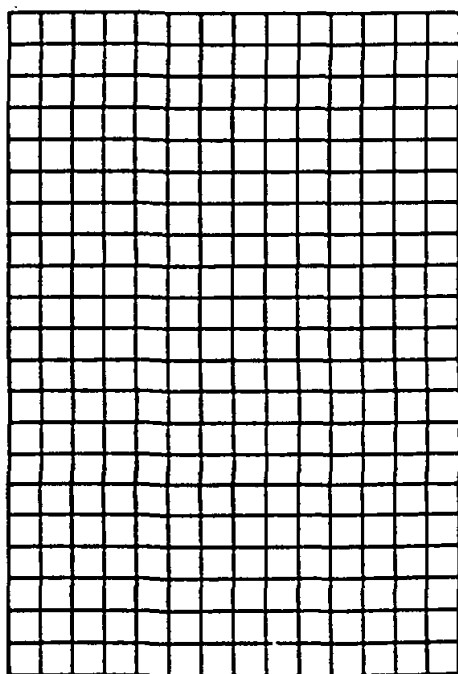
g. Electromagnetic Radiation

The following standards shall apply: It shall be unlawful to operate, or cause to be operated, any planned or intentional sources of electromagnetic radiation which does not comply with the current regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation, except that for all governmental communications facilities, governmental agencies and government owned plants, the regulations of the Interdepartment Radio Advisory Committee shall take precedence over the regulations of the Federal Communications Commission, regarding such sources of electromagnetic radiation. Further, said operation in compliance with the Federal Communications Commission or the Interdepartment Radio Advisory Committee regulations shall be unlawful if such radiation causes abnormal degradation in performance of other electromagnetic radiators or electromagnetic receptors of quality and proper design because of proximity, primary filed, blanketing, spurious re-radiation, harmonic content, modulation or energy conducted by power or telephone lines. The determination of "abnormal degradation in performance" and "of quality and proper design" shall be made in accordance with good engineering practices as defined in the latest principles and standards of the American Institute of

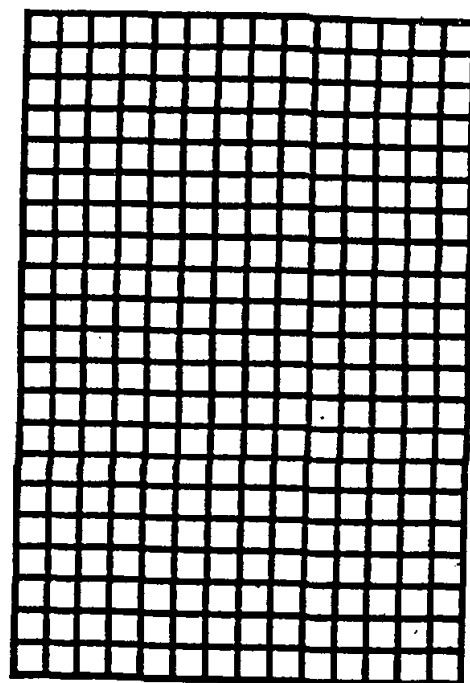
TABLE 3  
RINGELMANN'S SCALE

RINGELMANN'S SCALE FOR GRADING THE DENSITY OF SMOKE

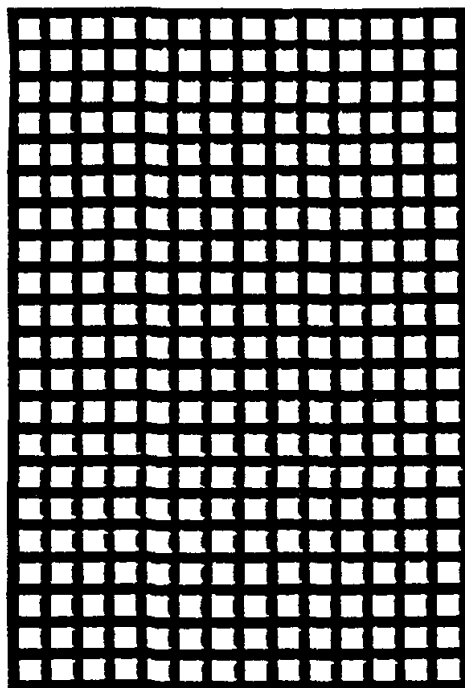
UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF MINES



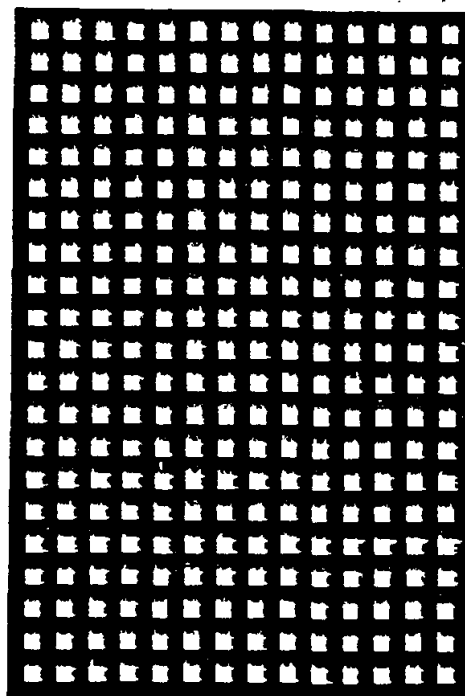
1. Equivalent to 20% Black



2. Equivalent to 40% Black



3. Equivalent to 60% Black



4. Equivalent to 80% Black

TABLE 4

## RINGELMANN CHART READING

Location.....											
Hour. 9:00-10:00 A.M. .... Date.....											
9		0	1/4	1/2	3/4		0	1/4	1/2	3/4	Point of observation
	0	-	-	-	-	30	1	1	1	1	
	1	-	-	-	-	31	1	1	1	1	.....
	2	-	-	-	-	32	-	-	-	-	
	3	1	1	1	1	33	-	-	-	-	Distance to stack.....
	4	1	1	1	1	34	-	-	-	-	
	5	2	2	2	2	35	1	1	1	1	Direction of stack.....
	6	2	3	3	3	36	1	1	1	1	
	7	3	3	3	3	37	1	1	1	1	Direction of wind.....
	8	2	2	1	1	38	1	1	-	-	
	9	1	1	-	-	39	-	-	-	-	Velocity of wind.....
	10	-	-	-	-	40	-	-	-	-	Equiv. No. 1 Units
	11	-	-	-	-	41	-	-	-	-	..7. Units No. 5.....35.....
	12	-	-	-	-	42	-	-	-	-	
	13	-	-	-	-	43	-	-	-	-	..7. Units No. 4.....28.....
	14	-	-	-	-	44	1	1	2	2	
	15	-	-	-	-	45	2	2	3	3	..27. Units No. 3.....81.....
	16	-	-	-	-	46	3	3	3	3	
	17	-	-	-	-	47	3	3	4	3	..34. Units No. 2.....68.....
	18	-	-	-	-	48	2	2	2	2	
	19	2	2	2	2	49	2	2	2	2	..52. Units No. 1.....52.....
	20	2	2	2	2	50	2	1	1	1	
	21	2	2	2	2	51	1	1	1	1	113. Units No. 0.....0.....
	22	3	3	3	3	52	1	1	1	-	
	23	3	4	4	4	53	-	-	-	-	240. Units .....264.....
	24	4	5	5	5	54	-	-	-	-	
	25	5	5	5	5	55	-	-	-	-	264
	26	4	4	3	3	56	-	-	-	-	240 x 20 pct =
	27	3	3	3	3	57	-	-	-	-	
	28	2	2	1	1	58	-	-	-	-	.....22 pct.....Smoke density
	29	1	1	1	1	59	-	-	-	-	
Observer.....											
Checked by.....											

Electrical Engineers, the Institute of Radio Engineers, and the Electronic Industries Associations. In case of any conflict between the latest standards and principles of the above groups, the following in precedence in the interpretation of the standards and principles shall apply: (1) American institute of Electrical Engineers, (2) Institute of Radio Engineers, and (3) Electronic Industries Association.

h. Heat

For the purposes of this ordinance, heat is defined as thermal energy of a radioactive, conductive or convective nature. Heat emitted at any or all points shall not at any time cause a temperature increase on any adjacent property in excess of 10 degrees F.; whether such change in the air or the ground, in a natural stream or lake, or in any structure on such adjacent property.

i. Glare

1) Direct Glare

Direct glare is defined for the purpose of this document as illumination beyond property lines caused by direct or specularly reflected rays from incandescent, fluorescent or area lighting from such high temperature processes as welding or petroleum or metallurgical refining. No such direct glare shall be permitted with the exception that parking areas and walkways may be illuminated by luminaries so hooded or shielded that the maximum angle of the cone of direct illumination shall be 60 degrees drawn perpendicular to the ground, with the exception that such angle may be increased to 90 degrees if the luminary is less than 4 feet above the ground. Such luminaries shall be placed not more than 16 feet above ground level and the maximum illumination at ground level shall not be in excess of three foot candles.

2) Indirect Glare

Indirect glare is defined for the purpose of this document as illumination beyond property lines caused by diffuse reflection from a surface such as a wall or roof of a structure. Indirect glare shall not exceed that value which is produced by an illumination of the reflecting surface not to exceed:

.3 foot-candles (Maximum)

.1 foot-candle (Average)

Deliberately induced sky-reflected glare, as by casting a beam upward for advertising purposes, is specifically prohibited.

j. Liquid or Solid Wastes

No discharge shall be permitted at any point into any public sewer, private sewage disposal system, or stream, or into the ground, except in accord with standards approved by the State Department of Health, of any materials of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements. There shall be no accumulation of solid wastes conducive to the breeding of rodents or insects.

k. Traffic Generation

No non-residential use shall be permitted where it is determined by the Planning Commission that the vehicular traffic estimated to be generated by any proposed use or uses would be expected to produce unusual traffic hazards or congestion. Traffic volumes shall be estimated on local streets between the proposed site and a state roadway. Traffic congestion shall be considered to exist if a "level of service D" or lower is projected as a result of the project at any intersection where traffic volumes are estimated.

3. Lot and Yard Requirements

a. Commercial and Industrial

- 1) Waterfront setback - minimum of 30 feet from mean high water.
- 2) Lot Size - Minimum 10,000 sq. ft.
- 3) Side Yard - Minimum 1.5 times height of building.
- 4) Density - 1.6 Floor area ratio for multi-story and .4 for single-story.

b. Residential

- 1) Waterfront setback minimum of 50 ft. from mean high water.
- 2) Lot Size - minimum 10,000 sq. ft.
- 3) Side Yard - minimum 1.5 times height of building.
- 4) Density - 750 sq. ft. of residential land area for each dwelling unit.
- 5) Open Space- minimum 100 sq. ft. per unit.

This policy will have a positive impact upon the further redevelopment of uplands within Subarea III not directly related to the river by encouraging the development of compatible land uses and by maximizing the use of the waterfront area.

**POLICY 1D            REDEVELOP PORT CHESTER OWNED LAND IN SUBAREA IV,  
THE DOWNTOWN SUBAREA FOR COMMERCIAL,  
RECREATIONAL, RESIDENTIAL AND OTHER COMPATIBLE  
USES.**

Explanation of Policy

Port Chester owns approximately 5 acres of lands on the waterfront of the Byram River which are grossly underutilized, vacant and deteriorated. The existing bulkhead, public marina and parking areas are victims of deferred maintenance and neglect. These lands are clearly suitable for redevelopment since they lie within the heart of Port Chester's Downtown Area. The restoration and improvement of the waterfront and development which accents Port Chester's waterfront location can serve as a catalyst for rejuvenating adjacent commercial and residential areas.

The redevelopment of these areas shall require the following public amenities to enhance the waterfront:

1. A minimum of a 20 foot (average) publicly accessible riverfront right-of-way with the construction of an appropriately scaled walkway a minimum of 10 feet wide along all lands redeveloped as part of the disposition of Village owned lands. (See policy 20A). Public access nodes will be developed at the end of the pedestrian walkway corridors leading from the Central Business District to the intersection with the waterfront promenade. These nodes will provide expanded areas for public access to the waterfront.
2. Rehabilitation and expansion of the public marina at the Byram River including the provision of lighting, electric capacity, and new docking facilities. See Section IV, Subarea IV: Item c (Waterfront Development ) for a description of water-dependent facilities to be developed by the Marina Redevelopment Project Plan.
3. Replacement of the existing bulkhead.
4. A minimum of 1/2 acre shall be provided as improved urban public open space. This area will provide a focal point on the river and a major access point to the Byram Riverfront walkway.
5. Redevelopment of Port Chester property shall maintain and enhance public access between North Main Street and the Byram River at Westchester Avenue, Willett Avenue and Adele Street. Enhancement shall include, but not limited to, creation of public walk



at least 10 feet in width within a 20 ft. wide average right-of-way and uniform signage encouraging public use of the riverfront.

These public amenities will ensure the best use of the Byram Riverfront in Subarea IV as public space for enjoying a vital community asset. These amenities are necessary to provide an effective means of encouraging economic growth within the subarea.

**A. Development Controls**

Private development of this subarea shall conform to the following land use controls by each land use parcel or group of parcels depicted in Figure 12.

**1. Land Use Parcels 2-5:** These parcels represent a major portion of the Marina Redevelopment Area. (Land Use Parcel 1 is outside the LWRP area).

**a. Permitted Land Uses:**

Are controlled by specific land use categories within each Land Use Parcel.

**b. Permitted Development:**

Commercial land use: a maximum of 346,000 square feet of building area  
Residential land use: a maximum of 650,000 square feet of building area.

Building area measurements are made based upon the total building area and total land area of land use parcels 2-5. This overall control is in addition to and not in place of the individual Permitted Development restrictions of each Land Use Parcel.

**2. Land Use Parcel 2**

**a. Permitted Land Uses:**

Retail sales, retail and personal services or restaurant types of uses, offices, and uses customarily accessory to each of the foregoing uses, parking and loading, open space uses.

**b. Permitted Development:**

Thirty two thousand (32,000) square feet of building floor area.

**c. Permitted Height:**

Three stories, 45 feet.

3. Land Use Parcel 3

a. Permitted Land Use

Retail sales, retail and personal services and restaurant uses, executive office park type uses, such as research and development, distribution, light industrial, general office, retail and service, as well as uses customarily accessory to each of the foregoing uses.

b. Permitted Development:

For the aggregate of all uses on the parcel: 205,000 square feet of building floor area, the executive park use shall not exceed 30,000 square feet of gross floor area.

c. Permitted Height:

The maximum height of any structure shall not exceed 35 feet.

4. Land Use Parcel 4:

a. Permitted Land Use:

General offices and types of use generally found in office buildings; uses customarily accessory thereto, open space uses

Residential uses which may be developed as rental apartments, residential condominiums or residential cooperatives and uses customarily found in such residential complexes, professional office and/or, retail sales and retail and personal service uses, limited to the first two floors; customary accessory uses; open space uses, off-street parking in at-grade and multi-level facilities, within parcels, on streets and over streets.

b. Permitted Development:

For the office uses: 80,000 square feet of building floor area. For the residential uses: 660 dwelling units, which may be reduced by an equivalent floor area to allow for ground floor retail development in residential structures, provided that no reduction in the number of dwelling units shall be required so long as the total non-residential floor area developed within this project area does not exceed 346,000 square

feet. For the off-street parking, there shall be no limits except for such limit as may result from height and setback constraints.

c. Permitted Height:

For the office buildings: 8 stories and 104 feet. For the residential complex; maximum average of 235 feet; however no point may exceed 160 feet. For parking structure: 50 feet maximum height.

5. Land Use Parcel 5:

a. Permitted Land Use:

Publicly owned open space, park and water related recreation uses which shall be accessible to the general public.

b. Permitted Development:

Specific development controls do not apply to open space and water related recreation uses.

c. Permitted Height:

Specific height restrictions do not apply to open space and water related recreation uses.

6. Land Use Parcel 6 (remainder of the subarea):

a. Permitted Land Use:

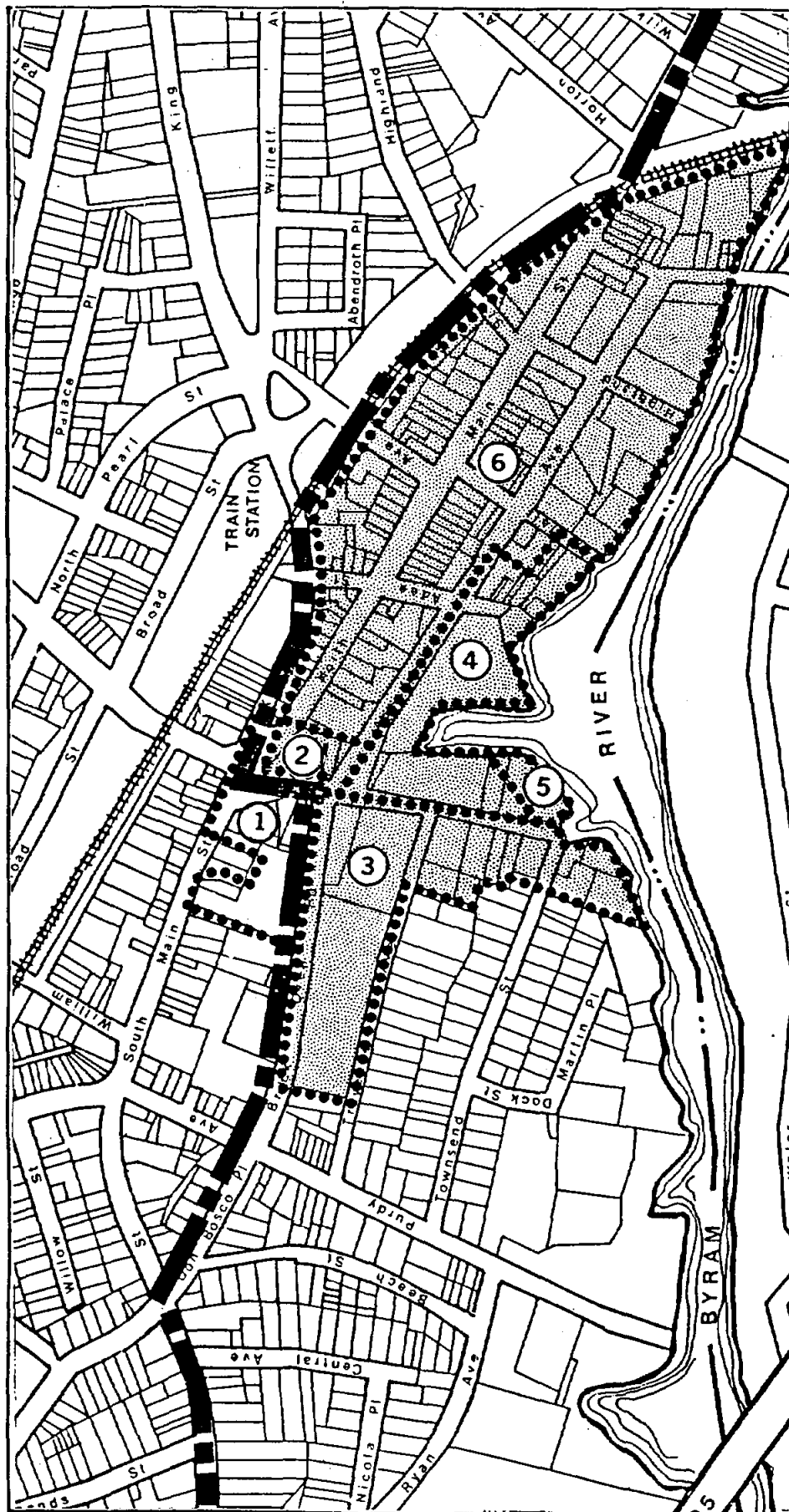
Retail sales, retail and personal services or restaurant type of uses, offices, and uses customarily accessory to each of the foregoing uses, multifamily residential use (prohibited on street level), parking and loading, open space uses.

b. Permitted Development:

Commercial uses shall not exceed 3.20 floor area ratio. Residential uses shall reflect a minimum lot size of 750 square feet per dwelling unit

c. Permitted Height:

Eight (8) stories or seventy (70) feet.



**FIGURE 12**  
**SUBAREA IV**  
**DEVELOPMENT**  
**CONTROLS**

Village of  
 Port Chester,  
 New York

■ ■ ■ ■ LWRP  
 Boundary

● ● ● ● Marina  
 Redevelopment  
 Land Use  
 Parcels

■ Subarea IV

0 1000' ⊕

## **B. Off-Street Parking**

### **Peak Hour off-street parking**

Peak Hour off-street parking shall conform to the following table:

Retail	4 spaces/1,000 sq. ft.
Cinema	.3 spaces/seat
Office	2.5 spaces/1,000 sq. ft
Executive Park	1.25 spaces/1,000 sq. ft.
Boat Slips	.5 spaces/boat slip
Residential	1.5 spaces/dwelling unit

The total number or required off-street parking spaces may be reduced by the Board of Trustees to account for shared parking. The analysis of shared parking shall be based upon an evaluation of multi-purpose trips, and parking requirement fluctuations among uses.

### **POLICY 1E            REVITALIZE SUBAREA V, BROOKSVILLE AS A PRIMARILY MEDIUM DENSITY RESIDENTIAL STREET WITH A PUBLICLY ACCESSIBLE RIVERFRONT PASSIVE RECREATION AREA.**

#### **Explanation of Policy**

New development in Subarea V, Brooksville, shall be limited to residential, recreation and some neighborhood commercial uses. Multifamily, two family, or single family dwelling units shall be allowed at a maximum density of about 30 units per acre with a minimum lot size of 5,000 sq. ft. allowing 1,500 sq. ft. per dwelling unit. Minimum yard requirements shall be a 25 foot front yard and side yards equal to 1.5 times the height of the building. Minimum usable open space per dwelling unit shall be 400 sq. ft. Neighborhood commercial uses such as small convenience stores, restaurants, or professional offices of not more than 5,000 sq. ft. building area shall be allowed. There is a proposed expansion of the William James Memorial Park (see Section IV for a description of this project).

### **POLICY 2            FACILITATE THE SITING OF WATER-DEPENDENT USES AND FACILITIES ON OR ADJACENT TO COASTAL WATERS.**

## Explanation of Policy

In each of the several subareas into which the Port Chester Waterfront has been divided, a different range of water-dependent uses are to be accommodated.

### Subarea I

In this established residential area of single family homes, the only water-dependent uses to be permitted are the minimum docking and mooring facilities necessary for the exercise of the littoral rights of single family home owners.

### Subarea II

In this area where there is substantial underutilized land, the entire waterfront is to be devoted to a range of water-dependent uses, primarily recreational. The specific recreational water-dependent uses are to be accommodated in the Harbor Redevelopment area are described in Policy 1A. Between the Port Chester Sewage Treatment Plant and Purdy Avenue, the waterfront shall be devoted to a public marina and waterfront recreation area as described in Policy 1B and Section IV.

### Subarea III

In the waterfront portion zoned DWA of this subarea, only the following water-dependent and water-enhanced uses are permitted uses:

- Public uses, including but not limited to walkways, marinas, and boat docking facilities, plazas, playgrounds, and accessory uses such as parking.
- Private marina, commercial marina
- Water-dependent industrial and commercial uses including, but not limited to uses which rely heavily on the waterborne transportation of raw materials or products.
- Water-enhanced uses with a water-dependent accessory use including, but not limited to a hotel with coastal boating or a restaurant with commercial fishing, or residential use with a public waterfront walkway.

Specific standards applicable to these uses are described in the DWA zoning district regulations.

### Subarea IV

Most of the waterfront of this downtown subarea is within the Marina Redevelopment Area and is in public ownership. The immediate waterfront of this area will consist of a public promenade and recreational boating facilities. See Policy ID and Section IV for a detailed description of the development plans and land use controls. Outside the Marina Redevelopment Area water-

dependent uses are limited to the minimum docking facilities necessary for the exercise of littoral rights.

#### Subarea V

In this subarea of mixed residential and neighborhood commercial uses, the only water-dependent uses to be accommodated are waterfront park expansion with associated small boating facilities as described in Section IV to the extent feasible. Other water-dependent uses, except the minimum docking facilities necessary for the exercise of the littoral rights of residential development, are not permitted.

**POLICY 3                    THE STATE COASTAL POLICY REGARDING THE DEVELOPMENT OF MAJOR PORTS IS NOT APPLICABLE TO THE VILLAGE OF PORT CHESTER.**

**POLICY 4                    STRENGTHEN THE ECONOMIC BASE OF SMALLER HARBOR AREAS BY ENCOURAGING THE DEVELOPMENT AND ENHANCEMENT OF THOSE TRADITIONAL USES AND ACTIVITIES WHICH HAVE PROVIDED SUCH AREAS WITH THEIR UNIQUE MARITIME IDENTITY.**

#### Explanation of Policy

This policy recognizes that the traditional activities occurring in and around numerous smaller harbors throughout the State's coastal area contribute much to the economic strength and attractiveness of these harbor communities. Thus, efforts of State agencies shall center on promoting such desirable activities as recreational and commercial fishing, ferry services, marinas, historic preservation, cultural pursuits, and other compatible activities which have made smaller harbor areas appealing as tourist destinations and as commercial and residential areas.

The existing commercial fishing vessels will continue to dock along the waterfront as the Village will make available space at the proposed public marinas to those commercial fishing vessels that might otherwise be displaced in the Harbor Redevelopment Project Area.

Radically altered economic and transportation trends permanently changed Port Chester's traditional waterfront. No longer do typical maritime land uses dominate the waterfront which previously defined the Village's unique maritime identity. Consequently, the waterfront can no longer be considered a typical "small harbor".

The LWRP does, however, provide the mechanisms to promote the expansion of public waterfront uses such as boating, waterfront parks, riverfront walkways and other waterfront recreation uses. These measures will allow for the development of a new waterfront identity for Port Chester.

**POLICY 5                    ENCOURAGE THE LOCATION OF DEVELOPMENT WHERE PUBLIC SERVICES AND FACILITIES ESSENTIAL TO SUCH DEVELOPMENT ARE ADEQUATE, EXCEPT WHEN SUCH DEVELOPMENT HAS SPECIAL FUNCTIONAL REQUIREMENTS OR OTHER CHARACTERISTICS WHICH NECESSITATES ITS LOCATION IN OTHER COASTAL AREAS.**

**Explanation of Policy**

Development in Port Chester shall occur within publicly designated redevelopment areas (See Map 14). As part of this redevelopment, infrastructure requirements will be met.

- Village public services are located within and are in close proximity to all redevelopment project areas and are, or will be made, adequate to meet anticipated growth.
- Basic infrastructure exists throughout the Village, and substandard facilities will be upgraded as necessary to support new development.
- All infrastructure improvements will be designed to minimize natural hazards, consistent with Policies 12, 13, 14.
- Overhead utility lines will be put underground as part of any redevelopment which requires the relocation of such facilities.

**POLICY 6                    EXPEDITE PERMIT PROCEDURES IN ORDER TO FACILITATE THE SITING OF DEVELOPMENT ACTIVITIES AT SUITABLE LOCATIONS.**

**Explanation of Policy**

For specific types of development activities and in areas suitable for such development, State agencies and the Village of Port Chester will make every effort to coordinate and synchronize existing permit procedures and regulatory programs, as long as the integrity of the regulations' objectives is not jeopardized. These procedures and programs are synchronized with other agencies' procedures at each level of government. Finally, regulatory programs and procedures will be coordinated and synchronized between levels of government, and if necessary, legislative and/or programmatic changes will be recommended.

When proposing new regulations, an agency will determine the feasibility of incorporating the regulations within existing procedures, if this reduces the burden on a particular type of development and will not jeopardize the integrity of the regulations objectives.



## **FISH AND WILDLIFE POLICIES**

**POLICY 7                    THE STATE COASTAL POLICY REGARDING THE PROTECTION OF SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS IS NOT APPLICABLE TO THE VILLAGE OF PORT CHESTER.**

**POLICY 8                    PROTECT FISH AND WILDLIFE RESOURCES IN THE COASTAL AREA FROM THE INTRODUCTION OF HAZARDOUS WASTES AND OTHER POLLUTANTS WHICH BIO-ACCUMULATE IN THE FOOD CHAIN OR WHICH CAUSE SIGNIFICANT SUBLETHAL OR LETHAL EFFECT ON THOSE RESOURCES.**

### Explanation of Policy

Hazardous wastes are unwanted by-products of manufacturing processes and are generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law {§27-0901(3)} as "a waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed". A list of hazardous wastes has been adopted by DEC (6 NYCRR part 371).

The handling (storage, transport, treatment and disposal) of the materials included on this list is being strictly regulated in New York State to prevent their entry or introduction into the environment, particularly into the State's air, land and waters. Such controls should effectively minimize possible contamination of a bio-accumulation in the State's coastal fish and wildlife resources at levels that cause mortality or create physiological and behavioral disorders.

**POLICY 9                    EXPAND RECREATIONAL USE OF FISH AND WILDLIFE RESOURCES IN THE COASTAL AREAS BY INCREASING ACCESS TO EXISTING RESOURCES, SUPPLEMENTING EXISTING STOCKS, AND DEVELOPING NEW RESOURCES. SUCH EFFORTS SHALL BE MADE IN A MANNER WHICH ENSURES THE PROTECTION OF RENEWABLE FISH AND WILDLIFE RESOURCES AND CONSIDERS OTHER ACTIVITIES DEPENDENT ON THEM.**

### Explanation of Policy

Recreational uses of coastal fish and wildlife resources in Port Chester are presently limited. However, Port Chester is an access point to consumptive fishing in Long Island Sound. A

primary function of the Port Chester LWRP is to increase boat access opportunities for off shore fishing. Specific actions necessary to accomplish this are as follows:

- Increase the number of public boat slips from 100 slips to approximately 400 at waterfront recreation sites in Subareas II,III,IV, V.
- Improvement of the public parks, piers and waterfront amenities, including, as much as possible, facilities to support multiple types of compatible recreational activities.

Any impacts of development of fish and wildlife resources will be mitigated.

Improvement of the quality of the water and riverbed sediments is a major consideration and will be advanced through best management practices.

At present, there are no edible shellfish resources in the Byram River, and fishing opportunities are severely limited due to river water quality. However, as water quality improves, new recreational opportunities may become possible. New marina facilities on the Byram River may contain facilities for recreational fishing.

**POLICY 10                    FURTHER DEVELOP COMMERCIAL FINFISH, SHELLFISH AND CRUSTACEAN RESOURCES IN THE COASTAL AREA BY: (i) ENCOURAGING THE CONSTRUCTION OF NEW, OR IMPROVEMENT OF EXISTING ON-SHORE COMMERCIAL FISHING FACILITIES; (ii) INCREASING MARKETING OF THE STATE'S SEAFOOD PRODUCTS; AND (iii) MAINTAINING ADEQUATE STOCKS AND EXPANDING AQUACULTURE FACILITIES. SUCH EFFORTS SHALL BE IN A MANNER WHICH ENSURES THE PROTECTION OF SUCH RENEWABLE FISH RESOURCES AND CONSIDERS OTHER ACTIVITIES DEPENDENT ON THEM.**

#### Explanation of Policy

The existing commercial fishing vessels that utilize dock and upland storage space along the waterfront south of Interstate 95 in the Harbor Redevelopment Project Area represent a continuation of limited use of the Byram River by commercial fishing operators. Although the commercial fishing industry has had minimal impact on the Port Chester waterfront in the 20th century, the Village recognizes the value of the commercial fishing vessel operating from docks on the Byram River, and will be offered comparable space for dock facilities including parking and gear storage in any public project which might otherwise have displaced them.

## **FLOODING AND EROSION HAZARD POLICIES**

### **POLICY 11            BUILDINGS AND OTHER STRUCTURES WILL BE SITED IN THE COASTAL AREA SO AS TO MINIMIZE DAMAGE TO PROPERTY AND THE ENDANGERING OF HUMAN LIVES CAUSED BY FLOODING AND EROSION.**

#### Explanation of Policy

The designated Flood Hazard Areas existing along the entire length of Port Chester's waterfront, as identified on the Flood Insurance Rate Maps for the Village, are shown on Figure 11 and described in the Inventory and Analysis, p.II-23. Local, State and federal laws regulate the siting of buildings in erosion hazard areas, coastal high hazard areas and floodways. These regulations are generally adequate to implement this policy. With regard to erosion, this policy is not applicable because coastal erosion hazard areas have not been identified within the Village.

The following standards apply in all areas of special flood hazard:

- A.     Residential Construction. New construction and substantial improvements of any resident structure shall:
  - (1)    Have the lowest floor including basement or cellar, elevated to or above the base flood elevation.
  - (2)    Have fully enclosed areas below the lowest floor that are subject to flooding designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters.
- B.     Non-residential construction. New construction and substantial improvements of any commercial, industrial or other non-residential structure, together with attendant utility and sanitary facilities, shall either have the lowest floor, including basement or cellar, elevated to or above the base flood elevation or be flood proofed so that the structure is watertight below the base flood level with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

### **POLICY 12            THE STATE COASTAL POLICY REGARDING THE PRESERVATION OF NATURAL PROTECTIVE FEATURES IS NOT APPLICABLE TO THE VILLAGE OF PORT CHESTER.**

**POLICY 13            THE CONSTRUCTION OR RECONSTRUCTION OF EROSION PROTECTION STRUCTURES SHALL BE UNDERTAKEN ONLY IF THEY HAVE A REASONABLE PROBABILITY OF CONTROLLING EROSION FOR AT LEAST THIRTY YEARS AS DEMONSTRATED IN DESIGN AND CONSTRUCTION STANDARDS AND/OR ASSURED MAINTENANCE OR REPLACEMENT PROGRAMS.**

Explanation of Policy

Port Chester does not require any major erosion protective structures beyond what exists at present. However, the erosion and flood protection structures which do exist need repair and replacement. Erosion protection structures shall be constructed or reconstructed in the following areas:

- ° Proposed Columbus Park Marina: new bulkheading and erosion control structures along the north and south coves.
- ° Proposed Downtown Redevelopment: new and reconstructed bulkheading along the river.

The design and construction of these proposed erosion control structures, in particular bulkheads in Port Chester Harbor and the Byram River, shall be in conformance with demonstrated technology to provide erosion control for a thirty year period or will provide for an appropriate maintenance or replacement program to insure erosion control for the thirty year period. Designs for erosion protection projects shall be compatible with existing and planned features of the surrounding area.

**POLICY 14            ACTIVITIES AND DEVELOPMENT INCLUDING THE CONSTRUCTION OR RECONSTRUCTION OF EROSION PROTECTION STRUCTURES, SHALL BE UNDERTAKEN SO THAT THERE WILL BE NO MEASURABLE INCREASE IN EROSION OR FLOODING AT THE SITE OF SUCH ACTIVITIES OR DEVELOPMENT OR AT OTHER LOCATIONS.**

Explanation of Policy

Erosion and flooding are processes which occur naturally. However, by his actions, man can increase the severity and adverse effects of those processes, causing damage to, or loss of property, and endangering human lives. Those actions include: the use of erosion protection structures such as groins, or the use of impermeable docks which block the littoral transport of sediment to adjacent shorelands, thus increasing their rate of recession; the failure to observe proper drainage or land restoration practices, thereby causing run-off and the erosion and weakening of shorelands; and the placing of structures in identified floodways so that the base flood level is increased causing damage in otherwise hazard-free areas.

The following guidelines shall be followed by new development to minimize changes which might lead to increased erosion:

- No land having a slope equal to or greater than 25% shall be developed or disturbed except for conservation measures (measures intended to remove debris which inhibits the functioning of the swale) or it can be proved that construction techniques will be utilized that will not impact the slopes.
- On lands having slopes of less than 25 %, but composed of highly erodible soils, development proposals shall include consideration of the load bearing capacity of the soils. Unless it can be demonstrated that the soils can be stabilized with a minimum of on-site disturbance and no adverse impacts to the stability of neighboring properties, the development proposal shall not be approved as submitted.
- Development shall preserve salient natural features of a site, minimizing grading and cut and fill operations, ensure conformity with natural topography, and retain natural vegetation and trees to the maximum extent practicable in order to create the least erosion potential and adequately handle the volume and rate of velocity or surface water runoff.
- Natural drainage patterns shall be protected and incorporated into site design. Where natural drainage patterns are demonstrated to be adversely affecting a natural protective feature, drainage patterns may be altered in a manner which reduces the threat to the natural protective feature and does not create other flooding or erosion problems.
- Site preparation, including stripping of vegetative cover and grading, shall be undertaken so that no individual building site is stripped of its vegetation cover more than thirty (30) days prior to commencement of construction.
- Disturbed soils shall be stabilized and revegetated or seeded as soon as practicable. During the interim, erosion protection measures such as temporary vegetation, retention ponds, recharge basins, berming, silt traps and mulching shall be used to ensure that sedimentation is minimized and mitigated.
- Stream channels, natural flood plains, and major drainage swales shall not be altered in a manner which decreases their ability to accommodate and channel storm water runoff and flood waters. Disturbance of land include activities such as alteration of slope, deposition of waste materials and removal of vegetation. If no practicable alternative to the location of driveways, pathways and similar surfaces within these areas exists, such facilities shall be sited and constructed to minimize and mitigate the amount and velocity of stormwater entering the swale.

- In no case shall stormwater be diverted to another property either during site preparation or after development.
- Fill shall not encroach on natural watercourses, constructed channels, wetlands, or floodway areas. All fill shall be compacted at a final angle of repose which provides stability for the material, minimizes erosion and prevents settlement.
- Trails and walking paths along waterbodies shall be sited and constructed so they are not a source of sediment.
- In areas tributary to the designated floodway, the amount and velocity of runoff from a site after development shall approximate its predevelopment characteristics, where such practice will avoid negative impacts on down gradient properties.

(See Policy 17 in addition to the above standards.)

**POLICY 15            MINING, EXCAVATION OR DREDGING IN COASTAL WATERS SHALL NOT SIGNIFICANTLY INTERFERE WITH THE NATURAL COASTAL PROCESSES WHICH SUPPLY BEACH MATERIALS TO LAND ADJACENT TO SUCH WATERS AND SHALL BE UNDERTAKEN IN A MANNER WHICH WILL NOT CAUSE AN INCREASE IN EROSION OF SUCH LAND.**

Explanation of Policy

Dredging of the Byram River is undertaken periodically by the Army Corps of Engineers in order to maintain the channel depths necessary for vessels travelling to and from the water-dependent industries along both the Port Chester and Greenwich banks of the River. All dredging activities must be conducted in compliance with federal and State regulations.

No productive habitats or wetlands exist in the area of the proposed excavation so that the natural coastal environment will not be significantly impacted. Since bulkheading shall be provided, erosion will also be controlled. As noted above, all excavation shall be conducted in compliance with federal and State regulations. (See policy 35)

**POLICY 16**                    **PUBLIC FUNDS SHALL ONLY BE USED FOR EROSION PROTECTIVE STRUCTURES WHERE NECESSARY TO PROTECT HUMAN LIFE, AND NEW DEVELOPMENT WHICH REQUIRES A LOCATION WITHIN OR ADJACENT TO AN EROSION HAZARD AREA TO BE ABLE TO FUNCTION, OR EXISTING DEVELOPMENT; AND ONLY WHERE THE PUBLIC BENEFITS OUTWEIGH THE LONG TERM MONETARY AND OTHER COSTS INCLUDING THE POTENTIAL FOR INCREASING EROSION AND ADVERSE EFFECTS ON NATURAL PROTECTIVE FEATURES.**

Explanation of Policy

Public funds are used for a variety of purposes on the State's shorelines. This policy recognizes the public need for the protection of human life and existing investment in development or new development which requires a location in proximity to the coastal area, or in adjacent waters to be able to function. However, it also recognizes the adverse impacts of such activities and development on the rate of erosion and on natural protective features and requires that careful analysis be made of such benefits and long-term costs prior to expending public funds. (See Policy 17.)

Public funds shall be used in replacing deteriorated bulkheading in the Downtown Redevelopment Area for reasons of safety and to create an attractive riverfront walkway. Portions of the Columbus Avenue Park will also have bulkheading to support the public marina.

**POLICY 17**                    **WHENEVER POSSIBLE, USE NON-STRUCTURAL MEASURES TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION. SUCH MEASURES SHALL INCLUDE: (i) THE SETBACK OF BUILDINGS AND STRUCTURES; (ii) THE PLANTING OF VEGETATION AND THE INSTALLATION OF SAND FENCING AND DRAINING; (iii) THE RESHAPING OF BLUFFS; AND (iv) THE FLOOD-PROOFING OF BUILDINGS OR THEIR ELEVATION ABOVE THE BASE FLOOD LEVEL.**

Explanation of Policy

This policy recognizes both the potential adverse impacts of coastal and riverine flooding and erosion on development and natural protective features which may occur in the coastal area, as well as the costs of protection against those hazards which structural measures entail.

Most of the Port Chester waterfront already has bulkheading, to protect development and natural features against serious impact from flooding and erosion. There are only two areas in the LWRP area that do not have this protection, including the Greyrock neighborhood and the north cove of the proposed Columbus Park Marina. Within Greyrock, principal and accessory structures shall be prohibited within the mean high water area. In the north cove, since the

proposed use in this area will be a marina, it is not possible to use non-structural means to protect the site from flood erosion damage. Bulkheading and piers are required for the proposed development.

There are some development areas along the water in the Brooksville neighborhood and the Downtown area that lie within the 100 year flood plain. (See Figure 11.) "Non-structural measures" in these areas shall include, but not be limited to: (a) the avoidance of risk or damage from flooding by the siting of buildings outside the hazard area, or (b) the flood-proofing of buildings or their evaluation above the base flood level.

This policy shall apply to the planning, siting and design of proposed activities and development, including measures to protect existing activities and development. To ascertain consistency with the policy, it must be determined if any one, or a combination of, non-structural measures are determined to offer sufficient protection, then consistency with the policy would require the use of such measures, whenever possible.

In determining whether or not non-structural measures protect against erosion or flooding and will afford the degree of appropriate protection, an analysis and, if necessary, other materials such as plans or sketches of the activity or development of the site and of the alternative protection measures should be prepared to allow an assessment to be made.

## **GENERAL POLICY**

**POLICY 18                    TO SAFEGUARD THE VITAL ECONOMIC, SOCIAL AND ENVIRONMENTAL INTERESTS OF THE STATE AND OF ITS CITIZENS, PROPOSED MAJOR ACTIONS IN THE COASTAL AREA MUST GIVE FULL CONSIDERATION TO THOSE INTERESTS, AND TO THE SAFEGUARDS WHICH THE STATE HAS ESTABLISHED TO PROTECT VALUABLE COASTAL RESOURCES AREAS.**

### Explanation of Policy

Proposed major actions may be undertaken in the coastal area if they will not significantly impair valuable coastal waters and resources, thus frustrating the achievement of the purposes of the safeguards which the State has established to protect those waters and resources. Proposed actions should take into account the social, economic and environmental interests of the State and locality and its citizens in such matters that would affect natural resources, water levels and flows, shoreline damage, hydro-electric power generation, and recreation.



## **PUBLIC ACCESS POLICIES**

**POLICY 19            PROTECT, MAINTAIN, AND INCREASE THE LEVEL AND TYPES OF ACCESS TO PUBLIC WATER-RELATED RECREATION RESOURCES AND FACILITIES SO THAT THESE RESOURCES AND FACILITIES MAY BE FULLY UTILIZED IN ACCORDANCE WITH REASONABLY ANTICIPATED PUBLIC RECREATION NEEDS AND THE PROTECTION OF HISTORIC AND NATURAL RESOURCES. IN PROVIDING SUCH ACCESS, PRIORITY SHALL BE GIVEN TO PUBLIC BEACHES, BOATING FACILITIES, FISHING AREAS AND WATERFRONT PARKS.**

### Explanation of Policy

Extensive redevelopment of waterfront property is encouraged through Policies 1, 1A, 1B, 1C, 1D, and 1E of the LWRP. Unless this redevelopment is restricted to compliance with proposed standards, major public access opportunities could be lost or significantly diminished. Redevelopment shall not occur without concurrent maintenance and enhancement of the existing level of public access to the redevelopment site.

The following locations are impacted by this Policy:

1. Village of Port Chester owned land within the Harbor Redevelopment Area;
2. Columbus Park;
3. Village of Port Chester public marina and Village owned lands adjoining the public marina to Subarea IV;
4. William James Memorial Park;
5. All other areas.

Any redevelopment within these areas will require the enhancement of public access and public facilities.

1. Harbor Redevelopment Area - The following urban renewal plan controls are applicable to ensure public access.
  - A. Construction and maintenance of a publicly accessible right-of-way with an appropriately scaled walkway along the entire waterfront perimeter of the redevelopment project.
  - B. Construction of public marina to accommodate a minimum of 100 boat slips.

- C. Construction of a public community structure of not less than 2,000 sq. ft. to serve as adjunct to public recreation facilities.
- D. Construction of a minimum of 1.5 acres of public open space for the use and enjoyment of the waterfront including, but not limited to, public sitting areas, picnic areas, parking areas, landscaped focal points and accessways.
- E. Construction and maintenance of a public parking area sufficient to public waterfront use demand.

Although approximately eleven (11) acres of land within this area is owned by the Village of Port Chester, the primary use is as a Department of Public Works garage and storage facility which restricts access during non-business hours to protect equipment and facilities. The redevelopment of this site will provide for functional water-dependent and water-enhanced public facilities.

## 2. Columbus Park

The LWRP calls for the expansion and enhancement of Columbus Park to capitalize on its location on and proximity to the waterfront. The existing facility, which has approximately 1,200 linear feet of waterfront, has no water-dependent or water-enhanced use. The urban character of the coastal uses in the vicinity and the region as a whole, allow and encourage the expansion of this facility to accommodate a more intensive use without negatively impacting on the quality of coastal resources. Plans include the construction of a new public marina between Purdy Avenue and the Harbor Redevelopment Area. Marina support activities, as well as new water-enhanced recreation activities will be developed within the park.

## 3. Village Public Marina and Adjoining Village Owned Lands

Urban Renewal controls within this area shall require the following enhancement of public facilities:

- A. A minimum of a 20 foot (average) riverfront right-of-way with an appropriately scaled walkway along all lands redeveloped as part of the disposition of Village owned lands.
- B. Rehabilitation and expansion of the public marina at the Byram River including the provision of lighting, electric capacity, and new docking facilities.
- C. Replacement of the existing bulkhead.

- D. A minimum of 1/2 acre shall be provided as improved urban public open space. This area will provide a focal point on the river and a major access point to the Byram riverfront walkway.
- E. Redevelopment of Port Chester property shall maintain and enhance public access between North Main Street and the Byram River at Westchester Avenue, Willett Avenue, and Adee Street. Enhancement shall include, but not be limited to, creation of public promenades at least 8 feet in width and uniform signage encouraging public use of the waterfront.

4. William James Memorial Park

The expansion of this facility as a gateway park and passive water-enhanced recreation facility will not negatively impact upon coastal resources and will meet the growing needs for this type facility as redevelopment occurs.

5. All Other Areas

In areas other than the four just discussed, the following applies:

- A. The existing access from adjacent or proximate public lands or facilities to public water-related recreation resources and facilities shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or proximate public lands or facilities to public water-related recreation resources and facilities to public water-related recreation resources and facilities be eliminated, unless in the latter case, estimates of future use of these resources and facilities are too low to justify maintaining or providing increased public access or unless such actions are found to be necessary or beneficial by the public body having jurisdiction over such access as the result of a reasonable justification of the need to meet systematic objectives.
  - 1. Access - the ability and right of the public to reach and use public coastal lands and waters.
  - 2. Public water-related recreation resources or facilities - all public lands or facilities that are suitable for passive or active recreation that requires either water or a waterfront location or is enhanced by a waterfront location.
  - 3. Public lands or facilities - lands or facilities held by State or local government in fee simple or less-than-fee simple ownership and to which the public has access or could have access, including underwater lands and the foreshore.

4. A reduction in the existing level of public access - includes but is not limited to the following:
    - (a) The number of parking spaces at a public water-related recreation resource or facility is significantly reduced.
    - (b) The service level of public transportation to a public water-related recreation resource or facility is significantly reduced during peak season use and such reduction cannot be reasonably justified in terms of meeting system wide objectives.
    - (c) Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
    - (d) There are substantial increases in the following: already existing special fares (not including regular fares in any instance) of public transportation to a public water related recreation resource or facility, except where the public body having jurisdiction over such fares determines that such substantial fare increases are necessary; and/or admission fees to such a resource or facility, an analysis shows that such increases will significantly reduce usage by individuals or families and incomes below the State government established poverty level.
  5. An elimination of the possibility of increasing public access in the future includes, but is not limited to the following:
    - (a) Construction of public facilities, which physically prevent the provision, except at great expense, of convenient public access to public water-related recreation resources and facilities.
    - (b) Sale, lease, or other transfer of public lands that could provide public access to a public water-related recreation resource or facility.
    - (c) Construction of private facilities which physically prevent the provision of convenient public access to public water-related recreation resources or facilities from public lands and facilities.
- B. The State will not undertake or fund any project which increases access to a water-related resource or facility that is not open to all members of the public.

**POLICY 20                    ACCESS TO THE PUBLICLY-OWNED FORESHORE AND TO LANDS IMMEDIATELY ADJACENT TO THE FORESHORE OR THE WATER'S EDGE THAT ARE PUBLICLY OWNED SHALL BE PROVIDED, AND IT SHOULD BE PROVIDED IN A MANNER COMPATIBLE WITH ADJOINING USES. SUCH LANDS SHALL BE RETAINED IN PUBLIC OWNERSHIP.**

Explanation of Policy

Port Chester has significant publicly owned foreshore and public lands adjacent to the foreshore; however, these lands have limited public access and recreational opportunity both in terms of quantity and quality. All of these lands lie within the Harbor and Marina Urban Renewal areas. Port Chester's status as an older urban center with an eroded economic base limits its ability to improve these areas with local public resources. Port Chester will provide for expansion and enhancement of public access through mixed use redevelopment of the Urban Renewal areas, which will maintain and enhance the public waterfront element of Port Chester's land holdings. Although the total land holdings may be reduced by this action, the quantity and quality of public access will be increased as specified in Policies 1A, 1B,1C,1D,19 and 20.

For public lands within the Waterfront Revitalization Area which are outside the boundaries of the Urban Renewal Areas defined in Figure 14, a proposed action shall be evaluated for consistency with this policy based on the following guidelines.

"THESE GUIDELINES SHALL NOT APPLY TO PUBIC LANDS WITHIN URBAN RENEWAL AREAS, RATHER THE MAINTENANCE AND EXPANSION OF PUBLIC ACCESS TO AND USE OF THE WATERFRONT IS PROVIDED FOR BY THE POLICIES AND STANDARDS APPLYING TO THE REDEVELOPMENT OF URBAN RENEWAL AREAS AS OUTLINED IN POLICIES 1A,1B,AND ID.

The following guidelines will be used in determining the consistency of a proposed action with this policy:

1. Existing access from adjacent or proximate public lands and/or waters shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or nearby public lands or facilities to public coastal lands and/or waters be eliminated, unless such actions are demonstrated to be of overriding regional or statewide public benefit, or in the latter case, estimates of future use of these lands and waters are too low to justify maintaining or providing increased access.

The following is an explanation of the terms used in the above guidelines:

- a. (See definitions under Policy 19 of "access", and "public lands or facilities").

- b. A reduction in the existing level of public access includes, but is not limited to, the following:
    - 1. Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
    - 2. Pedestrian access is diminished or blocked completely by public or private development.
  - c. An elimination of the possibility of increasing public access in the future - includes, but is not limited, to the following:
    - 1. Construction of public facilities which physically prevent the provision, except at great expense, of convenient public access to public water-related recreation resources and facilities.
    - 2. Sale, lease, or other conveyance of public lands that could provide public access to public coastal lands and/or waters, except where provision is made for conveyance of additional land.
    - 3. Construction of private facilities which physically prevent the provision of convenient public access to public coastal lands and/or waters from public lands intended to provide public access for recreational purposes and facilities.
2. The existing level of public access within public coastal lands or waters shall not be reduced or eliminated.
- a. A reduction in the exiting level of public access - includes but is not limited to the following:
    - 1. Access is reduced or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
    - 2. Access is reduced or blocked completely by any public developments.
    - 3. Public access from the nearest public roadway to the shoreline and along the coast shall be provided by new land use or development, except where (a) it is inconsistent with public safety, military security, or the protection of identified fragile coastal resources. (b) adequate access exists within one-half mile.

Such access shall not be required to be open to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

4. The State will not undertake or fund any project which increases access to a water-related resource or facility that is not open to all members of the public.
5. In their plans and programs for increasing public access, State agencies shall give priority in the following order to projects located: within the boundaries of the Federal-Aid Metropolitan Urban Area and served by public transportation; within the boundaries of the Federal-Aid Metropolitan Urban Area but not served by public transportation; outside the defined Urban Area boundary and served by public transportation; outside the defined Urban Area but not served by public transportation.
6. Proposals for increased public access to public coastal lands and waters shall be analyzed according to the following factors:
  - a. The level of access to be provided should be in accord with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.
  - b. The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resource. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with this policy.

**POLICY 20A      A CONTINUOUS PUBLIC WALKWAY SHALL BE PROVIDED IN ALL PUBLICLY OWNED LANDS THAT HAVE FRONTAGE OF MORE THAN .25 MILES AND IN URBAN RENEWAL/REDEVELOPMENT AREAS ALONG THE FORESHORE OF THE BYRAM RIVER.**

Explanation of Policy

The Harbor Redevelopment Project Area shall have a publicly accessible right-of-way of a minimum width of 20 feet. The walkway will be a minimum width of 5 feet. The Marina Redevelopment Project Area shall have a publicly accessible waterfront right-of-way with a minimum width of 10 feet and an average width of 20 feet. The waterfront walkway (promenade) shall be a minimum width of 10 feet. Both of the waterfront right-of-ways will provide continuous access along the waterfront foreshore.

Walkways shall be designed to be visually compatible with the adjacent development. In areas where slopes are less than 10%, there shall be handicap access. Signage shall be provided that clearly establishes the walkway as a public facility. Coordinated signage throughout the waterfront has been recommended as a future project by the LWRP.

## **RECREATION POLICIES**

**POLICY 21            WATER DEPENDENT AND WATER ENHANCED RECREATION WILL BE ENCOURAGED AND FACILITATED, AND WILL BE GIVEN PRIORITY OVER NON-WATER RELATED USES ALONG THE COAST, PROVIDED IT IS CONSISTENT WITH THE PRESERVATION AND ENHANCEMENT OF OTHER COASTAL RESOURCES AND TAKES INTO ACCOUNT DEMAND FOR SUCH FACILITIES. IN FACILITATING SUCH ACTIVITIES, PRIORITY SHALL BE GIVEN TO AREAS WHERE ACCESS TO THE RECREATION OPPORTUNITIES OF THE COAST CAN BE PROVIDED BY NEW OR EXISTING PUBLIC TRANSPORTATION SERVICES AND TO THOSE AREAS WHERE THE USE OF THE SHORE IS SEVERELY RESTRICTED BY EXISTING DEVELOPMENT.**

### Explanation of Policy

The recreational development of Port Chester's waterfront is being emphasized as a primary component in the area's revitalization. Water-dependent recreation is proposed in four general areas:

- ° Full service public marina for approximately 200 boats at the end of Purdy Avenue including Columbus Park. This marina will include public parking, rack storage of boats, pump out facilities, electric and water connections along with associated facilities.
- ° Publicly boat space for a minimum of 100 slips provided for at the Harbor Redevelopment Site.
- ° Rehabilitated and expanded public marina at the Byram River to include lighting, electric and new docking facilities.
- ° A publicly accessible waterfront right-of-way with a minimum width of 20 feet will link the Greyrock Area to Purdy Avenue and the improved Columbus Park. A publicly accessible waterfront right-of-way with a minimum width of 10 feet and an average width of 20 feet will be located along the entire length of the waterfront within the Marina Redevelopment Project Area in Subarea IV. It is envisioned that this walkway will eventually link the entire waterfront. (See policy 20A)



Water-enhanced recreation is proposed along major portions of the Village's waterfront and shall include:

- 1.5 acre public park at the Harbor Redevelopment Site.
- A community building of 2,000 sq. ft. for public use located at the Harbor Redevelopment site.
- Public parking in Subareas II and IV.
- A minimum 1/2 acre urban public open space at the foot of Westchester Avenue along the river.
- Expansion of the William James Memorial Waterfront Park located in Subarea V, Brooksville.

See Policies 1A,1B,1C,1D,1E, 12, 20, 20A.

**POLICY 22            DEVELOPMENT, WHEN LOCATED ADJACENT TO THE SHORE, WILL PROVIDE FOR WATER-RELATED RECREATION, AS A MULTIPLE USE, WHENEVER SUCH RECREATIONAL USE IS APPROPRIATE IN LIGHT OF REASONABLE ANTICIPATED DEMAND FOR SUCH ACTIVITIES AND THE PRIMARY PURPOSE OF THE DEVELOPMENT.**

Explanation of Policy

The Village has recognized the need to provide water-related recreation opportunities, including water-dependent recreation along the waterfront. Section IV specifically identifies those areas of the waterfront which shall be developed for water-related recreational use. These proposals take into account the anticipated increase in the demand for these facilities.

The proposed water-related recreational developments include:

- 1.5 acre public part at the Harbor Redevelopment Site.
- A publicly accessible waterfront right-of-way with a minimum width of 20 feet and a walkway will link the Greyrock Area to Purdy Avenue and the Columbus Park Marina. A publicly accessible waterfront right-of-way with a minimum width of 10 feet, an average width of 20 feet and a walkway with a minimum width of 10 feet will be located along the entire length of the waterfront within the Marina Redevelopment Project Area in Subarea IV. It is envisioned that this walkway will eventually link the entire waterfront. (See Policy 20)

- ° A community building of 2,000 sq. ft. for public use located at the Harbor Redevelopment site.
- ° Public parking in Subareas II and IV.
- ° A minimum 1/2 acre urban public open space at the foot of Westchester Avenue along the river.
- ° Expansion of the William James Memorial Waterfront Park located in Subarea V, Brooksville.

These projects as proposed, will open the majority of the Village's waterfront water-related recreation.

## **HISTORIC AND SCENIC RESOURCES POLICIES**

### **POLICY 23            PROTECT, ENHANCE AND RESTORE STRUCTURES, DISTRICTS AREAS OR SITES THAT ARE OF SIGNIFICANCE IN THE HISTORY, ARCHITECTURE, ARCHEOLOGY OR CULTURE OF THE STATE, ITS COMMUNITIES, OR THE NATION.**

#### Explanation of Policy

Among the most valuable of the man-made resources are those structures or areas which are of historic, archaeological, or cultural significance. The protection of these structures must involve a recognition of their importance by all agencies and the ability to identify and describe them. Protection must include concern not just with specific sites but with areas of significance, and with the area around specific sites. The policy is not to be construed as a passive mandate but must include effective efforts when appropriate to restore or revitalize through adoptive reuse. While the LWRP is concerned with the preservation of all such resources within the coastal boundary, it will actively promote the preservation of historic and cultural resources which have a coastal relationship.

The structures, districts, areas or sites that are of significance in the history, architecture, archeology or culture of the State, its communities, or the Nation include those resources listed, nominated for listing, or determined eligible to be on the National or State Registers of Historic Places. See the Inventory and Analysis Section for a listing of such resources with the Village's waterfront area.

All practicable means to protect structures, districts, areas or sites that are of significance in the history, architecture, archeology or culture of the State, its communities or the Nation shall be deemed to include the consideration and adoption of any techniques, measures, or controls to

prevent a significant adverse change to such significant structures, districts, areas or sites. A significant adverse change includes, but is not limited to:

1. Alteration of or addition to one or more of the architectural, structural, ornamental or functional features of a building, structure, or site that is a recognized historic, cultural, or archeological resource, or component thereof. Such features are defined as encompassing the style and general arrangement of the exterior of a structure and any original or historically significant interior features including type, color and texture of building materials; entry ways and doors; fenestration; lighting fixtures; roofing, sculpture and carving; steps; rails; fencing; windows; vents and other openings; grillwork; signs; canopies; and other appurtenant fixtures and, in addition, all buildings, structures, outbuildings, walks, fences, steps, topographical features, earthworks, paving and signs located on the designated resource property. (To the extent they are relevant, the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" shall be adhered to).
2. Demolition or removal in full or part of a building, structure, or earthworks that is a recognized historic, cultural, or archeological resource or component thereof, to include all those features described in (a) above plus any other appurtenant fixture associated with a building structure or earthwork.
3. All proposed actions within 500 feet of the perimeter of the property boundary of the historic, architectural, cultural, or archeological resource and all actions within an historic district that would be incompatible with the objective or preserving the quality and integrity of the resource. Primary considerations to be used in making judgment about compatibility should focus on the visual and locational relationship between the proposed action and the special character of the historic, cultural, or archeological resource. Compatibility between the proposed action and the resource means that the general appearance of the resource should be reflected in the architectural style, design material, scale, proportion, composition, mass, line, color, texture, detail, setback, landscaping and related items of the proposed actions. Within historic districts this would include infrastructure improvements or changes, such as, street and sidewalk paving, street furniture and lighting.

The mechanism by which compliance with the provisions of this policy is carried out is the State Environmental Quality Review (SEQR) process. Utilizing the existing provisions of SEQR, any action affecting a property which has been determined to appear eligible for listing on the State or National Register of Historic Places by the State Historic Preservation Office, shall be required to coordinate the SEQR review, including the adoption of Lead Agency and the determination of significance, with the State Historic Preservation Office. In this way, potential historic sites would be afforded a significant level of review prior to the commencement of any destructive activity. Should the review determine that the site would be negatively impacted by the proposal, then appropriate measures can be initiated at this point, and the development would be required to address the findings.

The consistency review requirements of the LWRP, along with the provisions of SEQR and the mandated coordination with the State Historic Preservation Office, will adequately assure the integrity of Port Chester's historic heritage.

No archaeologically significant sites have been identified as being located within the LWRP boundary, according to the NYS Museum Division of Research and Collection's prehistoric site file map, and a Westchester County Department of Planning Archaeology Resources study, conducted in April 1986 (See Inventory and Analysis Section II).

This policy shall not be construed to prevent the construction, reconstruction, alteration, or demolition of any building, structure, earthwork, or component thereof of a recognized historic, cultural or archaeological resource which has been officially certified as being imminently dangerous to life or public health. Nor shall the policy be construed to prevent the ordinary maintenance, repair, or proper restoration according to the U.S. Department of Interior's Standards for Historic Buildings of any building, structure, site, or earthwork, or component thereof of a recognized historic, cultural or archeological resource which does not involve a significant adverse change to the resource, as defined above.

**POLICY 24            THE STATE COASTAL POLICY REGARDING SCENIC RESOURCES OF STATEWIDE SIGNIFICANCE IS NOT APPLICABLE TO THE VILLAGE OF PORT CHESTER.**

**POLICY 25            PROTECT, RESTORE OR ENHANCE NATURAL AND MAN-MADE RESOURCES WHICH ARE NOT IDENTIFIED AS BEING OF STATEWIDE SIGNIFICANT, BUT WHICH CONTRIBUTE TO THE OVERALL SCENIC QUALITY OF THE COASTAL AREA.**

#### Explanation of Policy

When considering a proposed action, which would not affect a scenic resource of statewide significance, agencies shall undertake to ensure that the action would be undertaken so as to protect, restore or enhance the overall scenic quality of the coastal area.

The following siting and facility-related guidelines are to be used to achieve this policy, recognizing that each development situation is unique and that the guidelines will have to be applied accordingly.

Figure 12 in the Inventory and Analysis demonstrates that few significant scenic resources exist along Port Chester's waterfront. The area has experienced significant physical alteration and reflects the vestiges of a derelict and deteriorating industrial downtown. Scenic resources must be assessed within this context. Guidelines include:

- siting structures and other development such as highways, powerlines, and signs, back from shorelines or in other inconspicuous locations to maintain

the attractive quality of the shoreline and to retain views to and from the shore;

- clustering or orienting structures to retain views, and provide visual organization to a development;
- incorporating sound, existing structures into the overall development scheme;
- removing deteriorated and/or degrading elements;
- using appropriate materials, including new landscaping, to screen unattractive elements;
- using appropriate scales, forms and materials to ensure that buildings and other structures are compatible with and add interest to the landscape.

Emphasis may need to be placed on removal of existing elements, especially those which degrade, and on addition of new elements or other changes which enhance.

The following general criteria will be combined to determine significance:

Quality. The basic elements of design (i.e., two-dimensional line, three-dimensional form, texture and color) combine to create all high quality landscapes. The water, landforms, and man-made components of scenic coastal landscapes exhibit variety of line, form, texture and color. This variety is not, however, so great as to be chaotic. Scenic coastal landscapes also exhibit unity of components. This unity is not, however, so complete as to be monotonous. Example: the Thousand Islands where the mix of water, land, vegetative and man-made components creates interesting variety, while the organization of these same components creates satisfying unity.

Often, high quality landscapes contain striking contrasts between lines, forms, textures and colors. Example: A waterfall where horizontal and vertical lines and smooth and turbulent textures meet in dramatic juxtaposition.

Finally, high quality landscapes are generally free of discordant features, such structures or other elements which are inappropriate in terms of siting, form, scale, and/or materials.

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

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

Public Recognition. Widespread recognition of a scenic resource is not a characteristic intrinsic to the resource. It does, however, demonstrate people's appreciation of the resource for its visual, as well as evocative, qualities. Public recognition serves to reinforce analytic conclusions about the significance of a resource.

As noted in Section II, much of Port Chester's waterfront is dominated by industrial uses or cleared land that was once industrial. A few features such as the Greyrock neighborhood, the stone bridges crossing the river in Downtown Brooksville sections (Subareas IV and V), Columbus Park, and the 19th Century quality of Fox Island Road (Subarea II) have been noted in Section II as contributing to the visual quality of the LWRP area.

In addition, the potential for scenic vistas exist particularly from the Fox Island Peninsula, and the ends of Westchester Avenue, Willett Avenue, and Purdy Avenue. Because the river is so narrow in Subareas II, IV, and V, no significant view corridors along streets perpendicular to the water exist across the river. Views up and down the river from prominent street endings, however, are very attractive. New development plans for the Downtown shall incorporate the Westchester Avenue ending at a public open space park of 1/2 acre and the Purdy Avenue street ending into the plans for the Columbus Park Marina.

To help preserve the visual quality of Greyrock, this area shall remain as is. Since it is a very stable neighborhood, no changes are anticipated, therefore the visual quality should remain. Likewise, Columbus Park shall remain as a park, but shall be expanded to include the waterfront, thus enhancing the park further. The Mill Street Bridge shall be widened to better accommodate pedestrian access. Any widening that might occur shall preserve the visual character of the bridge to the maximum extent possible. No other changes are planned for any of the other bridges.

Any improvements of Fox Island Road shall be consistent with the following procedure:

1. The Village or developer shall complete a visual analysis of the road prior to developing improvement plans in order to determine key visual elements that should be preserved.
2. Solutions such as off-street parking shall be examined in lieu of building removal when practicable.

3. Opportunities to enhance or reinforce the existing street edge quality with vegetation, walls, or new structures in existing vacant lots or where building removal is necessitated shall be examined.
4. Guidelines listed later in this explanation shall be followed for any new construction when applicable.

With the exception of the Greyrock neighborhood, all areas identified as visually significant shall be preserved as publicly accessible areas.

Signage shall be regulated in the LWRP area to assure visual consistency. At the present time, standards limit the number of signs, size, location and lighting. (For specific requirements see regulations which are included in the Appendix) The Village shall also develop a special waterfront signage program that will enhance or contribute to the waterfront identity. This program will assure visual consistency with the character of each development area. (See Section IV)

**POLICY 26                    THE STATE COASTAL POLICY REGARDING THE PROTECTION OF AGRICULTURAL LANDS IS NOT APPLICABLE TO THE VILLAGE OF PORT CHESTER.**

**ENERGY AND ICE MANAGEMENT POLICIES.**

**POLICY 27                    DECISIONS ON THE SITING AND CONSTRUCTION OF MAJOR ENERGY FACILITIES IN THE COASTAL AREA WILL BE BASED ON PUBLIC ENERGY NEEDS, COMPATIBILITY OF SUCH FACILITIES WITH THE ENVIRONMENT, AND THE FACILITY'S NEED FOR A SHOREFRONT LOCATION.**

Explanation of Policy

Demand for energy in New York will increase, although at a rate slower than previously predicted. The State expects to meet these energy demands through a combination of conservation measures, traditional and alternative technologies, and use of various fuels including coal in greater proportion.

A determination of public need for energy is the first step in the process for siting any new facilities. The directives for determining this need are contained in the New York Energy Law. With respect to transmission lines, Article VII of the State's Public Service Law requires additional forecasts and establishes the basis for determining the compatibility of these facilities with the environment and the necessity for a shorefront location. With respect to electric generating facilities, environmental impacts associated with siting and construction will be considered by one or more State agencies or, if in existence, an energy siting board. The policies derived from these proceedings are entirely consistent with the general coastal zone

policies derived from other laws, particularly the regulations promulgated pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. The Act is used for the purposes of ensuring consistency with the State Coastal Management Program and this Local Waterfront Revitalization Program.

In consultation with the Village of Port Chester, the Department of State will comment on State Energy Office policies and planning reports as may exist; present testimony for the record during relevant proceedings under State law; and use the State SEQR and DOS regulations to ensure that decisions on other proposed energy facilities (other than those certified under the Public Service Law) which would impact the waterfront area are made consistent with the policies and purposes of this Local Waterfront Revitalization Program.

There are no major energy facilities existing in, planned for, or appropriate in this built up urban area.

**POLICY 28                    THE STATE COASTAL POLICY REGARDING ICE MANAGEMENT PRACTICES IS NOT APPLICABLE TO THE VILLAGE OF PORT CHESTER.**

**POLICY 29                    ENCOURAGE THE DEVELOPMENT OF ENERGY RESOURCES ON OUTER CONTINENTAL SHELF, IN LAKE ERIE AND IN OTHER WATERBODIES, AND ENSURE THE ENVIRONMENTAL SAFETY OF SUCH ACTIVITIES.**

Explanation of Policy

The development of energy resources in or adjacent to Village waters is not anticipated, nor are any federal or State projects that would require the use of Port Chester's waterfront anticipated. However, if any support facilities are sited along the Village's waterfront, they must be developed in such a manner that they are consistent with commercial and industrial performance standards outlined in Policy 1C. These standards set forth the environmental criteria and objective measurement values which must be achieved to ensure that the development is compatible with the general mixed-use character of the area.

**WATER AND AIR RESOURCES POLICIES**

**POLICY 30                    MUNICIPAL, INDUSTRIAL, AND COMMERCIAL DISCHARGE OF POLLUTANTS, INCLUDING BUT NOT LIMITED TO, TOXIC AND HAZARDOUS SUBSTANCES, INTO COASTAL WATER WILL CONFORM TO STATE AND NATIONAL WATER QUALITY STANDARDS.**



### Explanation of Policy

Municipal, industrial and commercial discharges include not only "end-of-the-pipe" discharges into surface and groundwater, but also plant site runoff, leaching, spillages, sludge and waste disposal, and drainage from raw material storage sites. Also, the regulated industrial discharges are both those which pass through the County sewage treatment plant on Fox Island Road before reaching waterways.

In addition to the State and national water quality standards which must be adhered to, locally two items further address this issue. Village industrial and commercial areas performance standards are in effect which set forth minimum requirements for explosive materials, vibrations, noise, smoke, odors, emissions, radiation, heat, glare, liquid or solid wastes and traffic. All of these conditions can in various ways impact water quality. By regulating these activities through the imposition of performance standards it is anticipated that the local level of water pollution will be reduced. (See Policy 1C).

Site engineering and best management practices, by which runoff and poor site drainage can be improved are also in effect. Poorly designed development plans which contribute significantly to the degradation of the Village's water quality will not be approved.

The NYSDEC classification for the Byram River is "SC". The "SC" classification identifies the best usage of the waters as follows: "the waters are suitable for fishing and fish propagation. The water quality shall be suitable for primary and secondary contact recreation even though other factors may limit the use for that purpose."

However, the water quality for the Byram River is not as clean as the currently "SC" classification implies due to the urbanization and industrial uses along the River. Recreational fishing exists but is limited in scope. Other pollutants are those conventional wastes, generated from point and non-point sources, and not identified as hazardous wastes but controlled through other State laws. (See Policy 36).

**POLICY 31                    STATE COASTAL AREA POLICIES AND MANAGEMENT OBJECTIVES OF APPROVED LOCAL WATERFRONT REVITALIZATION PROGRAMS WILL BE CONSIDERED WHILE REVIEWING COASTAL WATER CLASSIFICATION AND WHILE MODIFYING WATER QUALITY STANDARDS, HOWEVER, THOSE WATERS ALREADY OVERBURDENED WITH CONTAMINANTS WILL BE RECOGNIZED AS BEING A DEVELOPMENT CONSTRAINT.**

### Explanation of Policy

Pursuant to the Federal Clean Water Act of 1977 (PL 95-217) the State has classified its coastal and other waters in accordance with considerations of best usage in the interest of the public and

has adopted water quality standards for each class of waters. These classifications and standards are reviewable at least every three years for possible revision or amendment. Local Waterfront Revitalization Programs and State Coastal Management policies shall be factored into the review process for coastal waters. However, such consideration shall not affect any water pollution control requirement established by the State pursuant to the Federal Clean Water Act.

Water quality throughout the study area is classified as "SC". The best usage of waters identified as "SC" allows for fishing and all other uses except for primary contact recreation and for the taking of shellfish for market purposes. The "SC" classification of the area's water quality is not considered to be a development constraint. The water-dependent recreation which is proposed along the river includes marina development. This type of development does not involve primary contact activities.

The development controls which are identified in Policy 1C and in Section V describe the process by which the Village will address the issue of water quality maintenance. These controls, combined with the improvement and expansion of the sewage treatment plant, will result in a significant reduction in the degradation of water quality, and may over time begin to improve water quality. It should be noted that the upstream users of the Byram River in Connecticut contribute significantly to the water quality of the Byram River, and those uses are not controlled by the Village's LWRP.

**POLICY 32                    THE STATE COASTAL POLICY REGARDING THE USE OF  
ALTERNATIVE SANITARY WASTE SYSTEMS IS NOT  
APPLICABLE TO THE VILLAGE OF PORT CHESTER.**

**POLICY 33                    BEST MANAGEMENT PRACTICES WILL BE USED TO ENSURE  
THE CONTROL OF STORMWATER RUNOFF AND COMBINED  
SEWER OVERFLOWS DRAINING INTO COASTAL WATERS.**

Explanation of Policy

Best management practices which are set forth in the latest Westchester County manual for non-point and source pollution control include both structural and non-structural methods of preventing or mitigating pollution caused by the discharge of stormwater runoff and combined sewer overflows. The Village is serviced by separate sanitary and stormwater collection systems.

**POLICY 34                    DISCHARGE OF WASTE MATERIALS INTO COASTAL WATERS  
FROM VESSELS SUBJECT TO STATE JURISDICTION WILL BE  
LIMITED SO AS TO PROTECT SIGNIFICANT FISH AND  
WILDLIFE HABITATS, RECREATIONAL AREAS AND WATER  
SUPPLY AREAS.**

### Explanation of Policy

The discharge of sewage, garbage, rubbish, and other solid and liquid materials from a watercraft and marinas into the State's waters is regulated. Priority will be given to the enforcement of this law in such areas as shellfish beds and other significant habitats, beaches, and public water supply intakes, which need protection from contamination by vessel wastes. Also, specific effluent standards for marine toilets have been promulgated by the US Department of Transportation.

A public pump-out station will be provided at the municipal marina. This facility will be of sufficient capacity to accommodate the vessels which utilize all of the public moorings in the Village.

All private marinas, both new and existing, will be required to provide pump-out stations sufficient in capacity for the boats moored at the facility.

All vessels permanently moored in the waters of the Village, are required to pump out wastes in accordance with the provisions of Chapter 17 (Boating) of the Village Code.

**POLICY 35                    DREDGING AND DREDGE SPOIL DISPOSAL IN COASTAL WATERS WILL BE UNDERTAKEN IN A MANNER THAT MEETS EXISTING STATE DREDGING PERMIT REQUIREMENTS, AND PROTECTS SIGNIFICANT FISH AND WILDLIFE HABITATS, SCENIC RESOURCES, NATURAL PROTECTIVE FEATURES, IMPORTANT AGRICULTURAL LANDS, AND WETLANDS.**

### Explanation of Policy

Dredging often proves to be essential for waterfront revitalization and development, maintaining navigation channels at sufficient depths, pollutant removal and meeting other coastal management needs. Such dredging projects, however, may adversely affect water quality, fish and wildlife habitats, wetlands and other important coastal resources. Often these adverse effects can be minimized through careful design and timing of the dredging operation and proper siting of the dredge spoil disposal site. Dredging permits will be granted if it has been satisfactorily demonstrated that these anticipated adverse effects have been reduced to levels which satisfy State dredging permit standards set forth in regulations developed pursuant of Environmental Conservation Law, (Articles 15, 24, 25 and 340, and are consistent with policies pertaining to the protection of coastal resources (State Coastal Management Policies 7, 15, 24, 26 and 44).

Dredging of the Byram River is undertaken periodically by the Army Corps of Engineers in order to maintain the channel depths necessary for vessels travelling to and from the water-dependent industries along both the Port Chester and Greenwich banks of the River. All dredging activities must be conducted in compliance with federal and State regulations.

In addition to the periodic dredging of the Byram River channel by the Corps of Engineers, Port Chester will likely be dredging portions of Subareas II and IV, in its revitalization efforts. The areas identified for potential dredge and fill have not been identified as significant habitats. These areas include:

- ° The Harbor area to maximize the number of safe boat moorings
- ° The south cove of the proposed Columbus Park Marina
- ° The north cove of the proposed Columbus Park Marina which contains a functional tidal wetland.

Dredging activities will abide by State and federal regulations. Dredge material will be removed and disposed of in approved land fill areas only. Maintenance dredging will be the responsibility of the operating organization (the Village or the private developer).

Since there are no significant fish or wildlife habitats, natural protective features, important agricultural lands, or significant wetlands in these areas, no negative impacts are anticipated. Dredging of these areas will also not negatively affect the scenic quality. In fact, the provision of a marina should have a positive visual impact adding visual diversity. Boat docks are generally considered a positive feature on a waterfront. (See policy 36)

**POLICY 36                    ACTIVITIES RELATED TO THE SHIPMENT AND STORAGE OF PETROLEUM AND OTHER HAZARDOUS MATERIALS WILL BE CONDUCTED IN A MANNER THAT WILL PREVENT OR AT LEAST MINIMIZE SPILLS INTO COASTAL WATER; ALL PRACTICABLE EFFORTS WILL BE UNDERTAKEN TO EXPEDITE THE CLEANUP OF SUCH DISCHARGE; AND RESTITUTION FOR DAMAGES WILL BE REQUIRED WHEN THESE SPILLS OCCUR.**

Explanation of Policy

See Policy 39 for definition of hazardous materials. Sites in Port Chester where this policy has immediate application include storage facilities on the east and west sides of the Byram River, the sewage treatment plant on the riverfront and former industrial sites where waste materials may have been dumped or buried.

Fuel oil storage tanks and tank farms presently exist on both Port Chester and Greenwich banks of the Byram River. All river transport of materials to these facilities must be conducted in strict conformance with State and federal regulations.

There shall be no new oil storage facilities established within the Port Chester LWRP area, nor addition to the number of existing tanks or the existing tank capacity. All existing storage

facilities must be maintained in conformance with federal and State code specifications. The redevelopment of Subarea II requires the acquisition and removal of two oil storage facilities. Prior to redevelopment, tests will be conducted to determine if toxics, petroleum, or other hazardous materials exist at these sites.

During the use of the facilities by private operators, the Village will monitor for spills which occur as a result of shipment and storage of petroleum and other hazardous materials.

In the event that the Village determines either individually or in conjunction with an agency of the State, county or other jurisdiction that the damage results from one of the Port Chester facilities, the Village shall notify the appropriate agencies to begin mitigating the condition, and cooperate in the recovery of public cleanup costs.

Removal of oil storage facilities, or any other tanks or containers used for the storage of petroleum products shall be undertaken by an appropriate contractor who must assume all liability for accidental spills during dismantling, and shall ensure that the facilities are properly cleaned and inspected prior to dismantling.

**POLICY 37                    BEST MANAGEMENT PRACTICES WILL BE UTILIZED TO MINIMIZE THE NON-POINT DISCHARGE OF EXCESS NUTRIENTS, ORGANICS AND ERODED SOILS INTO COASTAL WATERS.**

Explanation of Policy

Best management practices used to reduce these sources of pollution could include, but are not limited to, soil erosion control practices, and surface drainage control techniques.

The following best management practices established by Westchester County in their "Construction Related Activities Standards and Specifications" manual will be utilized:

- ° All new development will be required to adhere to best management practices and to maintain the rate of run-off at the pre-development level.
- ° Extreme care shall be exercised in areas adjacent to natural watercourses and in locating artificial drainageways so that their final gradient and resultant discharge velocity will not create additional erosion problems.
- ° Natural protective vegetation shall remain undisturbed if at all possible.
- ° The amount of time that disturbed ground surfaces are exposed to the energy of rainfall and runoff water shall be limited.

- Runoff from upper watershed lands which would contribute runoff to areas subject to erosion shall be diverted.
- The velocity of the runoff water on all areas subject to erosion shall be reduced below that necessary to erode the materials.
- A ground cover shall be applied sufficient to restrain erosion on that portion of the disturbed area undergoing no further active disturbance.
- Runoff from a site shall be collected and detained in sediment basins as needed to trap pollutants which would otherwise be transported from the site.
- Provision shall be made for permanent protection of downstream banks and channels from the erosive effects of increased velocity and volume of runoff resulting from facilities constructed.
- The angle for graded slopes and fills shall be limited to an angle no greater than that which can be retained by vegetative cover or other erosion control devices or structures.
- The length, as well as the angle, of graded slopes shall be minimized to reduce the erosion velocity of runoff water.

In addition to the BMP's identified above, the Village has researched the techniques and practices which are becoming increasingly prevalent in the mitigation of non-point source pollution in urban areas. Included among these are extended detention ponds, wet ponds, infiltration trenches, infiltration basins, porous pavement, swales and filter strips, marsh creation and water quality inlets. Of all these Best Management Practices, it has been determined that the most appropriate and effective technique available for the coastal area would be the use of water quality inlets (also known as oil/grit separators). The remaining techniques or the utilization of various elements of these techniques may also be of value depending upon the location for which the technique is intended within the coastal area.

Water quality inlets are designed to remove sediment, grit and oil loadings from runoff before they are conveyed to the storm drain network. Water quality inlets are normally part of or adjacent to catch basins. While relatively effective in removing pollutants, water quality inlets require periodic manual clean-outs of the chambers to maintain their usefulness.

The storm drainage infrastructural improvements proposed for the marina redevelopment area are required to incorporate water quality inlets. In addition, all other new development within the coastal area must evaluate the current and most effective non-point source mitigation techniques available and incorporate the appropriate technique as a condition of plan or permit approval.

Best Management Practices which are directly connected to the storm drainage system are only effective if they are beyond the reach of tidal influences. High tides which would back through the drainage system would defeat the purpose of the mitigation measures. As a result, implementation of BMP's must be evaluated on a case by case basis for suitability.

**POLICY 38            THE STATE COASTAL POLICY REGARDING THE PROTECTION OF SURFACE WATER AND GROUNDWATER AS THE PRIMARY WATER SUPPLY SOURCE IS NOT APPLICABLE TO THE VILLAGE OF PORT CHESTER.**

**POLICY 39            THE TRANSPORT, STORAGE, TREATMENT AND DISPOSAL OF SOLID WASTES, PARTICULARLY HAZARDOUS WASTES, WITHIN COASTAL AREAS WILL BE CONDUCTED IN SUCH A MANNER SO AS TO PROTECT GROUNDWATER AND SURFACE WATER SUPPLIES, SIGNIFICANT FISH AND WILDLIFE HABITATS, RECREATION AREAS, IMPORTANT AGRICULTURAL LANDS AND SCENIC RESOURCES.**

#### Explanation of Policy

The definitions of terms "solid wastes" and "solid wastes management facilities" are taken from New York's Solid Waste Management Act (Environmental Conservation Law, Article 27). Solid wastes include sludges from air or water pollution control facilities, demolition and construction debris and industrial and commercial wastes.

Hazardous wastes are unwanted by-products of manufacturing processes generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, waste is defined in the Environmental Conservation Law (Section 27-0901 (3)) as "a waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed, or otherwise managed". A list of hazardous wastes has been adopted by DEC (6NYCRR Part 371).

The transfer, storage and disposal of solid wastes and hazardous wastes shall be prohibited within the designated Waterfront Revitalization Area. The existing garbage transfer station operated by Westchester County will be relocated outside of the Waterfront Revitalization Area in conjunction with the redevelopment of Subarea II.

Local collection of refuse is the responsibility of the municipality along with private carters. Westchester County is responsible for the permanent disposal of Port Chester's solid and hazardous wastes.

**POLICY 40                   EFFLUENT DISCHARGED FROM MAJOR STEAM ELECTRIC GENERATING AND INDUSTRIAL FACILITIES INTO COASTAL WATERS WILL NOT BE UNDULY INJURIOUS TO FISH AND WILDLIFE AND SHALL CONFORM TO STATE WATER QUALITY STANDARDS.**

Explanation of Policy

In Port Chester, major riverfront industrial facilities are located from Westchester Avenue south to Fox Island Road. The area from Fox Island Road North to Purdy Avenue (Subarea II) is designated primarily for residential redevelopment with a large recreational component. (See Policies 1A and 1B). No industrial facilities shall be located in this area. The area from Purdy Avenue north to Westchester Avenue does contain a large number of industrial facilities, with effluent discharges conforming to State water quality standards. Any expansion or new construction in this Subarea resulting in effluent discharges must conform to the commercial and industrial performance standards outlined in Policy 1C, and State water quality standards.

As a result of the construction and expansion of the sewage treatment plan which is currently underway, there will be changes in the processes used there. Currently, the plant discharges into the Byram River during high volume periods. Under the new system, there will be no discharge into the river as it will be entirely self-contained except for emergency overflows.

**POLICY 41                   LAND USE OR DEVELOPMENT IN THE COASTAL AREA WILL NOT CAUSE NATIONAL OR STATE AIR QUALITY STANDARDS TO BE VIOLATED**

Explanation of Policy

The requirements of the Clean Air Act are the minimum air quality control requirements applicable within the coastal area.

In particular, the Sewage Treatment Plant will use the best available technology to maintain these standards.

The type and intensity of development should not impact air quality standards.

**POLICY 42                   COASTAL MANAGEMENT POLICIES WILL BE CONSIDERED IF THE STATE RECLASSIFIES LAND AREAS PURSUANT TO THE PREVENTION OF SIGNIFICANT DETERIORATION REGULATIONS OF THE FEDERAL CLEAN AIR ACT.**



### Explanation of Policy

The policies of the State and Port Chester LWRP concerning proposed land and water uses and the protection and preservation of special management areas will be taken into account prior to any action to change prevention of significant deterioration land classifications in coastal regions or adjacent areas. In addition, the Department of State will provide the Department of Environmental Conservation with recommendations for proposed prevention of significant land classification designations based upon State and local coastal management programs.

**POLICY 43                    THE STATE COASTAL POLICY REGARDING GENERATION OF ACID RAIN PRECURSORS IS NOT APPLICABLE TO THE VILLAGE OF PORT CHESTER.**

**POLICY 44                    PRESERVE AND PROTECT TIDAL AND FRESHWATER WETLANDS AND PRESERVE THE BENEFITS DERIVED FROM THESE AREAS.**

### Explanation of Policy

Port Chester's waterfront has been mapped under the New York State Inventory of Tidal Wetlands. Map 19238 on file at the Westchester County Clerk's Office, indicated the extent of the Village's tidal wetlands. Most of the shoreline is designated as "LZ". There are two small areas designated as "SM". These DEC tidal wetland classifications are defined as follows:

LZ: Littoral Zone-                    Includes inlands under tidal waters which are not included in any other category, except as otherwise determined in a specific case...

SM: Coastal Shoals, Bars and Flats-                    The tidal wetland zone... that (i) at high tide is covered by water (ii) at low tide is exposed or is covered by water by a maximum depth of approximately one foot (iii) is not vegetated by low marsh cordgrass.

Since much of the LWRP area has been filled or disturbed in some way, there are few natural areas left, including wetlands. The smallest of the tidal wetlands is located in the vicinity of the Port Chester Yacht Club. This area is approximately 13,000 square feet in area. As a result, it has been determined that this shore does not contain productive wetlands. The second area of regulated tidal wetlands is located at the north cove, between Purdy Avenue and Interstate 95. This wetland is 1.4 acres and is also classified as "SM".

Mitigation of development impacts on these wetlands will be considered. Mitigation may include consideration of creating a wetland of equal or higher value to the current wetland.