

State and federal actions will affect and be affected by implementation of the Village of Sag Harbor Local Waterfront Revitalization Program (LWRP). Under State law and the U.S. Coastal Zone Management Act, certain State and federal actions within or affecting the local waterfront area must be "consistent" or "consistent to the maximum extent practicable" with the enforceable policies and purposes of the LWRP. This consistency requirement makes the LWRP a unique, intergovernmental mechanism for setting policy and making decisions and helps to prevent detrimental actions from occurring and future options from being needlessly foreclosed. While consistency requirements primarily help prevent detrimental actions from occurring and help ensure that future options are not needlessly foreclosed, active participation of the part of State and federal agencies is also likely to be necessary to implement specific provisions of the LWRP.

The first part of this section identifies the actions and programs of State and federal agencies which should be undertaken in a manner consistent with the LWRP. This is a generic list of actions and programs, as identified by the New York State Department of State; therefore, some of the actions and programs listed may not be relevant to this LWRP. Pursuant to the State Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42), the Secretary of State individually and separately notifies affected State agencies of those agency actions and programs which are to be undertaken in a manner consistent with approved LWRPs. Similarly, federal agency actions and programs subject to consistency requirements are identified in the manner prescribed by the U.S. Coastal Zone Management Act and its implementing regulations. The list of State and federal actions and programs included herein is informational only and do not represent or substitute for the required identification and notification procedures. The current official list of actions subject to State and federal consistency requirements may be obtained from the New York State Department of State.

The second part of this section is a more focused and descriptive list of State and federal agency actions which are necessary to further implement the LWRP. It is recognized that a State or federal agency's ability to undertake such actions is subject to a variety of factors and considerations; that the consistency provisions referred to above, may not apply; and, that the consistency requirements cannot be used to require a State or federal agency to undertake an action it could not undertake pursuant to other provisions of law. Reference should be made to Sections IV and V, which also discuss State and federal assistance available for implementation of the LWRP.

**A. STATE AND FEDERAL ACTIONS AND PROGRAMS WHICH SHOULD BE UNDERTAKEN IN A MANNER CONSISTENT WITH THE LWRP**

**1. STATE AGENCIES**

***OFFICE FOR THE AGING***

- 1.00 Funding and/or approval programs for the establishment of new or expanded facilities providing various services for the elderly.

***DEPARTMENT OF AGRICULTURE AND MARKETS***

- 1.00 Agricultural Districts Program
- 2.00 Rural Development Program
- 3.00 Farm Worker Services Programs
- 4.00 Permit and approval programs:
  - 4.01 Custom Slaughters/Processor Permit
  - 4.02 Processing Plant License
  - 4.03 Refrigerated Warehouse and/or Locker Plant License

***DIVISION OF ALCOHOLIC BEVERAGE CONTROL/STATE LIQUOR AUTHORITY***

- 1.00 Permit and Approval Programs:
  - 1.01 Ball Park - Stadium License
  - 1.02 Bottle Club License
  - 1.03 Bottling Permits
  - 1.04 Brewer's Licenses and Permits
  - 1.05 Brewer's Retail Beer License
  - 1.06 Catering Establishment Liquor License
  - 1.07 Cider Producer's and Wholesaler's Licenses
  - 1.08 Club Beer, Liquor, and Wine Licenses
  - 1.09 Distiller's Licenses
  - 1.10 Drug Store, Eating Place, and Grocery Store Beer Licenses
  - 1.11 Farm Winery and Winery Licenses
  - 1.12 Hotel Beer, Wine, and Liquor Licenses
  - 1.13 Industrial Alcohol Manufacturer's Permits
  - 1.14 Liquor Store License
  - 1.15 On-Premises Liquor Licenses
  - 1.16 Plenary Permit (Miscellaneous-Annual)
  - 1.17 Summer Beer and Liquor Licenses
  - 1.18 Tavern/Restaurant and Restaurant Wine Licenses
  - 1.19 Vessel Beer and Liquor Licenses
  - 1.20 Warehouse Permit
  - 1.21 Wine Store License
  - 1.22 Winter Beer and Liquor Licenses
  - 1.23 Wholesale Beer, Wine, and Liquor Licenses

***DIVISION OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES***

- 1.00 Facilities, construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Certificate of approval (Substance Abuse Services Program)
- 3.00 Permit and approval:
  - 3.01 Letter Approval for Certificate of Need
  - 3.02 Operating Certificate (Alcoholism Facility)

- 3.03 Operating Certificate (Community Residence)
- 3.04 Operating Certificate (Outpatient Facility)
- 3.05 Operating Certificate (Sobering-Up Station)

***COUNCIL ON THE ARTS***

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Architecture and environmental arts program.

***DEPARTMENT OF BANKING***

- 1.00 Permit and approval programs:
  - 1.01 Authorization Certificate (Bank Branch)
  - 1.02 Authorization Certificate (Bank Change of Location)
  - 1.03 Authorization Certificate (Bank Charter)
  - 1.04 Authorization Certificate (Credit Union Change of Location)
  - 1.05 Authorization Certificate (Credit Union Charter)
  - 1.06 Authorization Certificate (Credit Union Station)
  - 1.07 Authorization Certificate (Foreign Banking Corporation Change of Location)
  - 1.08 Authorization Certificate (Foreign Banking Corporation Public Accommodations Office)
  - 1.09 Authorization Certificate (Investment Company Branch)
  - 1.10 Authorization Certificate (Investment Company Change of Location)
  - 1.11 Authorization Certificate (Investment Company Charter)
  - 1.12 Authorization Certificate (Licensed Lender Change of Location)
  - 1.13 Authorization Certificate (Mutual Trust Company Charter)
  - 1.14 Authorization Certificate (Private Banker Charter)
  - 1.15 Authorization Certificate (Public Accommodation Office - Banks)
  - 1.16 Authorization Certificate (Safe Deposit Company Branch)
  - 1.17 Authorization Certificate (Safe Deposit Company Change of Location)
  - 1.18 Authorization Certificate (Safe Deposit Company Charter)
  - 1.19 Authorization Certificate (Savings Bank Charter)
  - 1.20 Authorization Certificate (Savings Bank De Novo Branch Office)
  - 1.21 Authorization Certificate (Savings Bank Public Accommodations Office)
  - 1.22 Authorization Certificate (Savings and Loan Association Branch)
  - 1.23 Authorization Certificate (Savings and Loan Association Change of Location)
  - 1.24 Authorization Certificate (Savings and Loan Association Charter)
  - 1.25 Authorization Certificate (Subsidiary Trust Company Charter)
  - 1.26 Authorization Certificate (Trust Company Branch)
  - 1.27 Authorization Certificate (Trust Company-Change of Location)
  - 1.28 Authorization Certificate (Trust Company Charter)
  - 1.29 Authorization Certificate (Trust Company Public Accommodations Office)
  - 1.30 Authorization to Establish a Life Insurance Agency
  - 1.31 License as a Licensed Lender
  - 1.32 License for a Foreign Banking Corporation Branch

***DEPARTMENT OF CORRECTIONAL SERVICES***

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

***DORMITORY AUTHORITY OF THE STATE OF NEW YORK***

- 1.00 Financing of higher education and health care facilities.
- 2.00 Planning and design services assistance program.

***EDUCATION DEPARTMENT***

- 1.00 Facilities construction, rehabilitation, expansion, demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Certification of Incorporation (Regents Charter)
  - 2.02 Private Business School Registration
  - 2.03 Private School License
  - 2.04 Registered Manufacturer of Drugs and/or Devices
  - 2.05 Registered Pharmacy Certificate
  - 2.06 Registered Wholesale of Drugs and/or Devices
  - 2.07 Registered Wholesaler-Repacker of Drugs and/or Devices
  - 2.08 Storekeeper's Certificate

***EMPIRE STATE DEVELOPMENT/EMPIRE STATE DEVELOPMENT CORPORATION***

- 1.00 Preparation or revision of statewide or specific plans to address State economic development needs.
- 2.00 Allocation of the state tax-free bonding reserve.

***NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY***

- 1.00 Issuance of revenue bonds to finance pollution abatement modifications in power-generation facilities and various energy projects.

***DEPARTMENT OF ENVIRONMENTAL CONSERVATION***

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of lands under the jurisdiction of the Department.
- 2.00 Classification of Waters Program; classification of land areas under the Clean Air Act.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 4.00 Financial assistance/grant programs:
  - 4.01 Capital projects for limiting air pollution
  - 4.02 Cleanup of toxic waste dumps
  - 4.03 Flood control, beach erosion and other water resource projects
  - 4.04 Operating aid to municipal wastewater treatment facilities



- 4.05 Resource recovery and solid waste management capital projects
- 4.06 Wastewater treatment facilities
- 5.00 Funding assistance for issuance of permits and other regulatory activities (New York City only).
- 6.00 Implementation of the Environmental Quality Bond Act of 1972, including:
  - (a) Water Quality Improvement Projects
  - (b) Land Preservation and Improvement Projects including Wetland Preservation and Restoration Projects, Unique Area Preservation Projects, Metropolitan Parks Projects, Open Space Preservation Projects and Waterways Projects.
- 7.00 Marine Finfish and Shellfish Programs.
- 8.00 New York Harbor Drift Removal Project.
- 9.00 Permit and approval programs:

#### Air Resources

- 9.01 Certificate of Approval for Air Pollution Episode Action Plan
- 9.02 Certificate of Compliance for Tax Relief - Air Pollution Control Facility
- 9.03 Certificate to Operate: Stationary Combustion Installation; Incinerator; Process, Exhaust or Ventilation System
- 9.04 Permit for Burial of Radioactive Material
- 9.05 Permit for Discharge of Radioactive Material to Sanitary Sewer
- 9.06 Permit for Restricted Burning
- 9.07 Permit to Construct: a Stationary Combustion Installation; Incinerator; Indirect Source of Air Contamination; Process, Exhaust or Ventilation System

#### Construction Management

- 9.08 Approval of Plans and Specifications for Wastewater Treatment Facilities

#### Fish and Wildlife

- 9.09 Certificate to Possess and Sell Hatchery Trout in New York State
- 9.10 Commercial Inland Fisheries Licenses
- 9.11 Fishing Preserve License
- 9.12 Fur Breeder's License
- 9.13 Game Dealer's License
- 9.14 Licenses to Breed Domestic Game Animals
- 9.15 License to Possess and Sell Live Game
- 9.16 Permit to Import, Transport and/or Export under Section 184.1 (11-0511)
- 9.17 Permit to Raise and Sell Trout
- 9.18 Private Bass Hatchery Permit
- 9.19 Shooting Preserve Licenses
- 9.20 Taxidermy License
- 9.21 Permit - Article 15, (Protection of Water) - Dredge or Deposit Material in a Waterway

- 9.22 Permit - Article 15, (Protection of Water) - Stream Bed or Bank Disturbances
- 9.23 Permit - Article 24, (Freshwater Wetlands)

#### Hazardous Substances

- 9.24 Permit to Use Chemicals for the Control or Elimination of Aquatic Insects
- 9.25 Permit to Use Chemicals for the Control or Elimination of Aquatic Vegetation
- 9.26 Permit to Use Chemicals for the Control or Extermination of Undesirable Fish

#### Lands and Forest

- 9.27 Certificate of Environmental Safety (Liquid Natural Gas and Liquid Petroleum Gas)
- 9.28 Floating Object Permit
- 9.29 Marine Regatta Permit
- 9.30 Navigation Aid Permit

#### Marine Resources

- 9.31 Digger's Permit (Shellfish)
- 9.32 License of Menhaden Fishing Vessel
- 9.33 License for Non-Resident Food Fishing Vessel
- 9.34 Non-Resident Lobster Permit
- 9.35 Marine Hatchery and/or Off-Bottom Culture Shellfish Permits
- 9.36 Permits to Take Blue-Claw Crabs
- 9.37 Permit to Use Pond or Trap Net
- 9.38 Resident Commercial Lobster Permit
- 9.39 Shellfish Bed Permit
- 9.40 Shellfish Shipper's Permits
- 9.41 Special Permit to Take Surf Clams from Waters other than the Atlantic Ocean
- 9.42 Permit - Article 25, (Tidal Wetlands)

#### Mineral Resources

- 9.43 Mining Permit
- 9.44 Permit to Plug and Abandon (a noncommercial, oil, gas or solution mining well)
- 9.45 Underground Storage Permit (Gas)
- 9.46 Well Drilling Permit (Oil, Gas, and Solution Salt Mining)

#### Solid Wastes

- 9.47 Permit to Construct and/or Operate a Solid Waste Management Facility
- 9.48 Septic Tank Cleaner and Industrial Waste Collector Permit

#### Water Resources

- 9.49 Approval of Plans for Wastewater Disposal Systems

- 9.50 Certificate of Approval of Realty Subdivision Plans
  - 9.51 Certificate of Compliance (Industrial Wastewater Treatment Facility)
  - 9.52 Letters of Certification for Major Onshore Petroleum Facility Oil Spill Prevention and Control Plan
  - 9.53 Permit - Article 36, (Construction in Flood Hazard Areas)
  - 9.54 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
  - 9.55 State Pollutant Discharge Elimination System (SPDES) Permit
  - 9.56 Approval -Drainage Improvement District
  - 9.57 Approval - Water (Diversion for) Power
  - 9.58 Approval of Well System and Permit to Operate
  - 9.59 Permit - Article 15, (Protection of Water) - Dam
  - 9.60 Permit - Article 15, Title 15 (Water Supply)
  - 9.61 River Improvement District Approvals
  - 9.62 River Regulatory District Approvals
  - 9.63 Well Drilling Certificate of Registration
  - 9.64 401 Water Quality Certification
- 10.00 Preparation and revision of Air Pollution State Implementation Plan.
  - 11.00 Preparation and revision of Continuous Executive Program Plan.
  - 12.00 Preparation and revision of Statewide Environmental Plan.
  - 13.00 Protection of Natural and Man-made Beauty Program.
  - 14.00 Urban Fisheries Program.
  - 15.00 Urban Forestry Program.
  - 16.00 Urban Wildlife Program.

***ENVIRONMENTAL FACILITIES CORPORATION***

- 1.00 Financing program for pollution control facilities for industrial firms and small businesses.

***FACILITIES DEVELOPMENT CORPORATION***

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

***OFFICE OF GENERAL SERVICES***

- 1.00 Administration of the Public Lands Law for acquisition and disposition of lands, grants of land and grants of easement of land under water, issuance of licenses for removal of materials from lands under water, and oil and gas leases for exploration and development.
- 2.00 Administration of Article 4-B, Public Buildings Law, in regard to the protection and management of State historic and cultural properties and State uses of buildings of historic, architectural or cultural significance.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition.

***DEPARTMENT OF HEALTH***

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Approval of Completed Works for Public Water Supply Improvements
  - 2.02 Approval of Plans for Public Water Supply Improvements
  - 2.03 Certificate of Need (Health Related Facility - except Hospitals)
  - 2.04 Certificate of Need (Hospitals)
  - 2.05 Operating Certificate (Diagnostic and Treatment Center)
  - 2.06 Operating Certificate (Health Related Facility)
  - 2.07 Operating Certificate (Hospice)
  - 2.08 Operating Certificate (Hospital)
  - 2.09 Operating Certificate (Nursing Home)
  - 2.10 Permit to Operate a Children's Overnight or Day Camp
  - 2.11 Permit to Operate a Migrant Labor Camp
  - 2.12 Permit to Operate as a Retail Frozen Dessert Manufacturer
  - 2.13 Permit to Operate a Service Food Establishment
  - 2.14 Permit to Operate a Temporary Residence/Mass Gathering
  - 2.15 Permit to Operate or Maintain a Swimming Pool or Public Bathing Beach
  - 2.16 Permit to Operate Sanitary Facilities for Realty Subdivisions
  - 2.17 Shared Health Facility Registration Certificate

***DIVISION OF HOUSING AND COMMUNITY RENEWAL AND ITS SUBSIDIARIES AND AFFILIATES***

- 1.00 Facilities construction, rehabilitation, expansion, or demolition.
- 2.00 Financial assistance/grant programs:
  - 2.01 Federal Housing Assistance Payments Programs (Section 8 Programs)
  - 2.02 Housing Development Fund Programs
  - 2.03 Neighborhood Preservation Companies Program
  - 2.04 Public Housing Programs
  - 2.05 Rural Initiatives Grant Program
  - 2.06 Rural Preservation Companies Program
  - 2.07 Rural Rental Assistance Program
  - 2.08 Special Needs Demonstration Projects
  - 2.09 Urban Initiatives Grant Program
  - 2.10 Urban Renewal Programs
- 3.00 Preparation and implementation of plans to address housing and community renewal needs.

***HOUSING FINANCE AGENCY***

- 1.00 Funding programs for the construction, rehabilitation, or expansion of facilities.
- 2.00 Affordable Housing Corporation

***MEDICAL CARE FACILITIES FINANCING AGENCY***

- 1.00 Financing of medical care facilities

***OFFICE OF MENTAL HEALTH***

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities
- 2.00 Permit and approval programs:
  - 2.01 Operating Certificate (Community Residence)
  - 2.02 Operating Certificate (Family Care Home)
  - 2.03 Operating Certificate (Inpatient Facility)
  - 2.04 Operating Certificate (Outpatient Facility)

***OFFICE OF MENTAL RETARDATION AND DEVELOPMENT DISABILITIES***

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Establishment and Construction Prior Approval
  - 2.02 Operating Certificate Community Residence
  - 2.03 Outpatient Facility Operating Certificate

***DIVISION OF MILITARY AND NAVAL AFFAIRS***

- 1.00 Preparation and implementation of the State Disaster Preparedness Plan.

***NATURAL HERITAGE TRUST***

- 1.00 Funding program for natural heritage institutions

***OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION (INCLUDING REGIONAL STATE PARK COMMISSIONS)***

- 1.00 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the Office
- 2.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities
- 3.00 Funding programs for recreational boating, safety and enforcement
- 4.00 Funding programs for State and local historic preservation projects
- 5.00 Land and Water Conservation Fund programs
- 6.00 Nomination of properties to the federal and/or State Register of Historic Places
- 7.00 Permit and approval programs:
  - 7.01 Floating Objects Permit
  - 7.02 Marine Regatta Permit
  - 7.03 Navigation Aide Permit
  - 7.04 Posting of Signs Outside State Parks
- 8.00 Preparation and revision of the Statewide Comprehensive Outdoor Recreation Plan and the Statewide Comprehensive Historic Preservation Plan and other plans for public access, recreation, historic preservation or related purposes



- 9.00 Recreation services program
- 10.00 Heritage Areas Systems

***POWER AUTHORITY OF THE STATE OF NEW YORK***

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Authority
- 2.00 Facilities construction, rehabilitation, expansion, or demolition

***NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION***

- 1.00 Corporation for Innovation Development Program
- 2.00 Center for Advanced Technology Program

***DEPARTMENT OF SOCIAL SERVICES***

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities
- 2.00 Homeless Housing and Assistance Program
- 3.00 Permit and approval programs:
  - 3.01 Certificate of Incorporation (Adult Residential Care Facility)
  - 3.02 Operating Certificate (Children's Services)
  - 3.03 Operating Certificate (Enriched Housing Program)
  - 3.04 Operating Certificate (Home for Adults)
  - 3.05 Operating Certificate (Proprietary Home)
  - 3.06 Operating Certificate (Public Home)
  - 3.07 Operating Certificate (Special Care Home)
  - 3.08 Permit to Operate a Day Care Center

***DEPARTMENT OF STATE***

- 1.00 Appalachian Regional Development Program
- 2.00 Coastal Management Program
- 3.00 Community Services Block Grant Program
- 4.00 Permit and approval programs:
  - 4.01 Billiard Room License
  - 4.02 Cemetery Operator
  - 4.03 Uniform Fire Prevention and Building Code

***STATE UNIVERSITY CONSTRUCTION FUND***

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities

**STATE UNIVERSITY OF NEW YORK**

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the University
- 2.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities

**DEPARTMENT OF TRANSPORTATION**

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Department
- 2.00 Construction, rehabilitation, expansion, or demolition of facilities, including but not limited to:
  - (a) Highways and parkways
  - (b) Bridges on the State highways system
  - (c) Highway and parkway maintenance facilities
  - (d) Rail facilities
- 3.00 Financial assistance/grant programs:
  - 3.01 Funding programs for construction/reconstruction and reconditioning/preservation of municipal streets and highways (excluding routine maintenance and minor rehabilitation)
  - 3.02 Funding programs for development of the ports of Albany, Buffalo, Oswego, Ogdensburg and New York
  - 3.03 Funding programs for rehabilitation and replacement of municipal bridges
  - 3.04 Subsidies program for marginal branch lines abandoned by Conrail
  - 3.05 Subsidies program for passenger rail service
- 4.00 Permits and approval programs:
  - 4.01 Approval of applications for airport improvements (construction projects)
  - 4.02 Approval of municipal applications for Section 18 Rural and Small Urban Transit Assistance Grants (construction projects)
  - 4.03 Approval of municipal or regional transportation authority applications for funds for design, construction and rehabilitation of omnibus maintenance and storage facilities
  - 4.04 Approval of municipal or regional transportation authority applications for funds for design and construction of rapid transit facilities
  - 4.05 Certificate of Convenience and Necessity to Operate a Railroad
  - 4.06 Highway Work Permits
  - 4.07 License to Operate Major Petroleum Facilities
  - 4.08 Outdoor Advertising Permit (for off-premises advertising signs adjacent to interstate and primary highway)
  - 4.09 Real Property Division Permit for Use of State-Owned Property
- 5.00 Preparation or revision of the Statewide Master Plan for Transportation and subarea or special plans and studies related to the transportation needs of the State
- 6.00 Water Operation and Maintenance Program--Activities related to the containment of petroleum spills and development of an emergency oil-spill control network

***URBAN DEVELOPMENT CORPORATION AND ITS SUBSIDIARIES AND AFFILIATES***

- 1.00 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the Corporation
- 2.00 Planning, development, financing, construction, major renovation or expansion of commercial, industrial, and civic facilities and the provision of technical assistance or financing for such activities, including, but not limited to, actions under its discretionary economic development programs such as the following:
  - (a) Tax-Exempt Financing Program
  - (b) Lease Collateral Program
  - (c) Lease Financial Program
  - (d) Targeted Investment Program
  - (e) Industrial Buildings Recycling Program
- 3.00 Administration of special projects
- 4.00 Administration of State-funded capital grant programs

***DIVISION OF YOUTH***

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding or approval of such activities.

**2. FEDERAL AGENCIES**

**DIRECT FEDERAL ACTIVITIES AND DEVELOPMENT PROJECTS**

***DEPARTMENT OF COMMERCE***

National Marine Fisheries Services

- 1.00 Fisheries Management Plans

***DEPARTMENT OF DEFENSE***

Army Corps of Engineers

- 1.00 Proposed authorizations for dredging, channel improvements, breakwaters, other navigational works, or erosion control structures, beach replenishment, dams or flood control works, ice management practices and activities, and other projects with potential to impact coastal lands and waters
- 2.00 Land acquisition for spoil disposal or other purposes
- 3.00 Selection of open water disposal sites

Army, Navy and Air Force

- 4.00 Location, design, and acquisition of new or expanded defense installations (active or reserve status, including associated housing, transportation or other facilities)
- 5.00 Plans, procedures and facilities for landing or storage use zones
- 6.00 Establishment of impact, compatibility or restricted use zones

***DEPARTMENT OF ENERGY***

- 1.00 Prohibition orders

***GENERAL SERVICES ADMINISTRATION***

- 1.00 Acquisition, location and design of proposed Federal Government property or buildings, whether leased or owned by the Federal Government
- 2.00 Disposition of Federal surplus lands and structures

***DEPARTMENT OF INTERIOR***

Fish and Wildlife Service

- 1.00 Management of National Wildlife refuges and proposed acquisitions

Mineral Management Service

- 2.00 OCS lease sale activities including tract selection, lease sale stipulations, etc.

National Park Service

- 3.00 National Park and Seashore management and proposed acquisitions

***DEPARTMENT OF TRANSPORTATION***

Amtrak, Conrail

- 1.00 Expansions, curtailments, new construction, upgrading or abandonments or railroad facilities or services, in or affecting the State's coastal area

Coast Guard

- 2.00 Location and design, construction or enlargement of Coast Guard stations, bases, and lighthouses
- 3.00 Location, placement or removal of navigation devices which are not part of the routine operations under the Aids to Navigation Program (ATON)
- 4.00 Expansion, abandonment, designation or anchorages, lightening areas or shipping lanes and ice management practices and activities

Federal Aviation Administration

- 5.00 Location and design, construction, maintenance, and demolition of federal aids to air navigation

Federal Highway Administration

- 6.00 Highway construction

**FEDERAL LICENSES AND PERMITS**

***DEPARTMENT OF DEFENSE***

Army Corps of Engineers

- 1.00 Construction of dams, dikes or ditches across navigable waters, or obstruction or alteration of navigable waters required under Sections 9 and 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401, 403)
- 2.00 Establishment of harbor lines pursuant to Section 11 of the Rivers and Harbors Act of 1899 (33 U.S.C. 404, 405)

- 3.00 Occupation of seawall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the U.S. pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408)
- 4.00 Approval of plans for improvements made at private expense under USACE supervision pursuant to the Rivers and Harbors Act of 1902 (33 U.S.C. 565)
- 5.00 Disposal of dredged spoils into the waters of the U.S., pursuant to the Clean Water Act, Section 404, (33 U.S.C. 1344)
- 6.00 All actions for which permits are required pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413)
- 7.00 Construction of artificial islands and fixed structures in Long Island Sound pursuant to Section 4(f) of the River and Harbors Act of 1912 (33 U.S.C.)

***DEPARTMENT OF ENERGY***

Economic Regulatory Commission

- 1.00 Regulation of gas pipelines, and licensing of import or export of natural gas pursuant to the Natural Gas Act (15 U.S.C. 717) and the Energy Reorganization Act of 1974
- 2.00 Exemptions from prohibition orders

Federal Energy Regulatory Commission

- 3.00 Licenses for non-Federal hydroelectric projects and primary transmission lines under Sections 3(11), 4(e) and 15 of the Federal Power Act (16 U.S.C. 796(11), 797(11) and 808)
- 4.00 Orders for interconnection of electric transmission facilities under Section 202(b) of the Federal Power Act (15 U.S.C. 824a(b))
- 5.00 Certificates for the construction and operation of interstate natural gas pipeline facilities, including both pipelines and terminal facilities under Section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c))
- 6.00 Permission and approval for the abandonment of natural gas pipeline facilities under Section 7(b) of the Natural Gas Act (15 U.S.C. 717f(b))

***ENVIRONMENTAL PROTECTION AGENCY***

- 1.00 NPDES permits and other permits for federal installations, discharges in contiguous zones and ocean waters, sludge runoff and aquaculture permits pursuant to Section 401, 402, 403, 405, and 318 of the Federal Water Pollution Control Act of 1972 (33 U.S.C. 1341, 1342, 1343, and 1328)
- 2.00 Permits pursuant to the Resources Recovery and Conservation Act of 1976
- 3.00 Permits pursuant to the underground injection control program under Section 1424 of the Safe Water Drinking Water Act (42 U.S.C. 300h-c)
- 4.00 Permits pursuant to the Clean Air Act of 1976 (42 U.S.C. 1857)



***DEPARTMENT OF INTERIOR***

Fish and Wildlife Services

- 1.00 Endangered species permits pursuant to the Endangered Species Act (16 U.S.C. 153(a))

Mineral Management Service

- 2.00 Permits to drill, rights of use and easements for construction and maintenance of pipelines, gathering and flow lines and associated structures pursuant to 43 U.S.C. 1334, exploration and development plans, and any other permits or authorizations granted for activities described in detail in OCS exploration, development, and production plans
- 3.00 Permits required for pipelines crossing federal lands, including OCS lands, and associated activities pursuant to the OCS Lands Act (43 U.S.C. 1334) and 43 U.S.C. 931 (c) and 20 U.S.C. 185

***INTERSTATE COMMERCE COMMISSION***

- 1.00 Authority to abandon railway lines (to the extent that the abandonment involves removal of trackage and disposition of right-of-way); authority to construct railroads; authority to construct coal slurry pipelines

***NUCLEAR REGULATORY COMMISSION***

- 1.00 Licensing and certification of the siting, construction and operation of nuclear power plants pursuant to Atomic Energy Act of 1954, Title II of the Energy Reorganization Act of 1974 and the National Environmental Policy Act of 1969

***DEPARTMENT OF TRANSPORTATION***

Coast Guard

- 1.00 Construction or modification of bridges, causeways or pipelines over navigable waters pursuant to 49 U.S.C. 1455
- 2.00 Permits for Deepwater Ports pursuant to the Deepwater Ports Act of 1974 (33 U.S.C. 1501)

Federal Aviation Administration

- 3.00 Permits and licenses for construction, operation or alteration of airports

**FEDERAL ASSISTANCE\***

***DEPARTMENT OF AGRICULTURE***

- 10.068 Rural Clean Water Program
- 10.409 Irrigation, Drainage, and Other Soil and Water Conservation Loans
- 10.410 Low to Moderate Income Housing Loans
- 10.411 Rural Housing Site Loans
- 10.413 Recreation Facility Loans
- 10.414 Resource Conservation and Development Loans

- 10.415 Rural Renting Housing Loans
- 10.416 Soil and Water Loans
- 10.418 Water and Waste Disposal Systems for Rural Communities
- 10.422 Business and Industrial Loans
- 10.424 Industrial Development Grants
- 10.426 Area Development Assistance Planning Grants
- 10.429 Above Moderate Income Housing Loans
- 10.430 Energy Impacted Area Development Assistance Program
- 10.901 Resource Conservation and Development
- 10.902 Soil and Water Conservation
- 10.904 Watershed Protection and Flood Prevention
- 10.906 River Basin Surveys and Investigations

***DEPARTMENT OF COMMERCE***

- 11.300 Economic Development - Grants and Loans for Public Works and Development Facilities
- 11.301 Economic Development - Business Development Assistance
- 11.302 Economic Development - Support for Planning Organizations
- 11.304 Economic Development - State and Local Economic Development Planning
- 11.305 Economic Development - State and Local Economic Development Planning
- 11.307 Special Economic Development and Adjustment Assistance Program - Long Term Economic Deterioration
- 11.308 Grants to States for Supplemental and Basic Funding of Titles I, II, III, IV, and V Activities
- 11.405 Anadromous and Great Lakes Fisheries Conservation
- 11.407 Commercial Fisheries Research and Development
- 11.417 Sea Grant Support
- 11.427 Fisheries Development and Utilization - Research and Demonstration Grants and Cooperative Agreements Program
- 11.501 Development and Promotion of Ports and Intermodal Transportation
- 11.509 Development and Promotion of Domestic Waterborne Transport Systems

***DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT***

- 14.112 Mortgage Insurance - Construction or Substantial Rehabilitation of Condominium Projects
- 14.115 Mortgage Insurance - Development of Sales Type Cooperative Projects
- 14.117 Mortgage Insurance - Homes
- 14.124 Mortgage Insurance - Investor Sponsored Cooperative Housing
- 14.125 Mortgage Insurance - Land Development and New Communities
- 14.126 Mortgage Insurance - Management Type Cooperative Projects
- 14.127 Mortgage Insurance - Mobile Home Parks
- 14.218 Community Development Block Grants/Entitlement Grants
- 14.219 Community Development Block Grants/Small Cities Program
- 14.221 Urban Development Action Grants

14.223 Indian Community Development Block Grant Program

***DEPARTMENT OF INTERIOR***

- 15.400 Outdoor Recreation - Acquisition, Development and Planning
- 15.402 Outdoor Recreation - Technical Assistance
- 15.403 Disposal of Federal Surplus Real Property for Parks, Recreation, and Historic Monuments
- 15.411 Historic Preservation Grants-in-Aid
- 15.417 Urban Park and Recreation Recovery Program
- 15.600 Anadromous Fish Conservation
- 15.605 Fish Restoration
- 15.611 Wildlife Restoration
- 15.613 Marine Mammal Grant Program
- 15.802 Minerals Discovery Loan Program
- 15.950 National Water Research and Development Program
- 15.951 Water Resources Research and Technology - Assistance to State Institutes
- 15.952 Water Research and Technology - Matching Funds to State Institutes

***DEPARTMENT OF TRANSPORTATION***

- 20.102 Airport Development Aid Program
- 20.103 Airport Planning Grant Program
- 20.205 Highway Research, Planning, and Construction
- 20.309 Railroad Rehabilitation and Improvement - Guarantee of Obligations
- 20.310 Railroad Rehabilitation and Improvement - Redeemable Preference Shares
- 20.506 Urban Mass Transportation Demonstration Grants
- 20.509 Public Transportation for Rural and Small Urban Areas

***GENERAL SERVICES ADMINISTRATION***

- 39.002 Disposal of Federal Surplus Real Property

***COMMUNITY SERVICES ADMINISTRATION***

- 49.002 Community Action
- 49.011 Community Economic Development
- 49.013 State Economic Opportunity Offices
- 49.017 Rural Development Loan Fund
- 49.018 Housing and Community Development (Rural Housing)

***SMALL BUSINESS ADMINISTRATION***

- 59.012 Small Business Loans
- 59.013 State and Local Development Company Loans
- 59.024 Water Pollution Control Loans
- 59.025 Air Pollution Control Loans
- 59.031 Small Business Pollution Control Financing Guarantee

***ENVIRONMENTAL PROTECTION AGENCY***

- 66.001 Air Pollution Control Program Grants
- 66.418 Construction Grants for Wastewater Treatment Works
- 66.426 Water Pollution Control - State and Area wide Water Quality Management Planning Agency
- 66.451 Solid and Hazardous Waste Management Program Support Grants
- 66.452 Solid Waste Management Demonstration Grants
- 66.600 Environmental Protection Consolidated Grants Program Support Comprehensive Environmental Response, Compensation and Liability (Super Fund)

\* Numbers refer to the Catalog of Federal Domestic Assistance Programs, 1980 and its two subsequent updates.

**B. STATE AND FEDERAL ACTIONS AND PROGRAMS NECESSARY TO FURTHER THE LWRP**

**1. STATE AGENCIES: ACTIONS AND PROGRAMS**

***OFFICE OF GENERAL SERVICES***

- Prior to any development occurring in the water or on the immediate waterfront, OGS should be consulted for a determination of the State's interest in underwater or formerly underwater lands and for authorization to use and occupy these lands.

***EMPIRE STATE DEVELOPMENT/EMPIRE STATE DEVELOPMENT CORPORATION***

- Any action or provision of funds for the development or promotion of tourism related activities or development.

***DEPARTMENT OF ENVIRONMENTAL CONSERVATION***

- Planning, development, construction, or expansion of recreational facilities/projects located in waterfront.
- Advance assistance under the Small Communities and Rural Wastewater Treatment Grant Program and a subsequent construction grant subsidy.
- Review of actions within National Register Districts pursuant to SEQR.
- At such time, support reclassification of *SA* waters to *SB* in the *Harbor Water Use District*.
- At such time, support revisions to the NYSDEC wetlands maps to reflect local wetlands locations and revisions mapped by K. Blumer.
- Superfund Site: Rowe Industries, Inc. — SPDES Permit for the discharge of treated groundwater into Sag Harbor Cove from diffuser.
- Provision of funding for pump-outs and dump stations at public/private facilities to support *no-discharge zone* designation and the Clean Vessel Act.

***DIVISION OF HOUSING AND COMMUNITY RENEWAL***

- Provision of funding under the Rural Preservation Company Program.
- Approval of funding for Rural Area Revitalization Program projects.

***OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION***

- Planning, development, construction, major renovation or expansion of recreational facilities or the provision of funding for such facilities.
- Provision of funding for State and local activities from the Land and Water Conservation Fund.
- Planning, development, implementation or the provision of funding for recreation services programs.
- Funding or partial funding of eligible activities through the Environmental Protection Fund (EPF) administered by OPRHP — including the acquisition, development and improvement of parks and historic properties.
- Provision of funding for pump-outs and dump stations at public/private facilities to support *no-discharge zone* designation and the Clean Vessel Act.
- Provision of funding for State and local historic preservation activities.
- Review of Type I actions within the National Historic Districts.
- Certification of properties within the National Register Districts.
- Activities under the Heritage Areas Systems.

***DEPARTMENT OF STATE***

- Provision of funding for the implementation of an approved LWRP.
- Provision of funding under the Community Services Block Grant program.
- Provision of funding for pump-outs and dump stations at public/private facilities to support *no-discharge zone* designation and the Clean Vessel Act.

***COUNCIL ON THE ARTS***

- Assistance from the Architecture and Environmental Arts Program for a design plan for the Long Wharf.

***DEPARTMENT OF TRANSPORTATION***

- Assistance for street repairs through the Consolidated Highway Improvements Program.
- Plans for the repair or replacement of the North Haven/State Route 114 Bridge - consider (in light of the) policies included in Section 3.

***JOB DEVELOPMENT AUTHORITY***

- Provision of low interest mortgage loans to local nonprofit development corporations to finance commercial and industrial facilities.



## **2. FEDERAL AGENCIES: ACTIONS AND PROGRAMS**

### ***DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT***

#### **Office of the Assistant Secretary for Community Planning and Development**

- Funding under the Urban Development Action Grant Program.
- Funding under the Community Development Block Grant Program for improvements in the waterfront.

### ***DEPARTMENT OF DEFENSE***

#### **Corps of Engineers**

- A U.S. Army Corps of Engineers permit would be required for the following activities:
  - dredging and shoreline stabilization
  - repair of the breakwater
  - repair or installation of boat ramps

### ***ENVIRONMENTAL PROTECTION AGENCY***

- Review of any proposed action within a National Register District pursuant to NEPA.
- [Rowe Industries, Inc. Superfund Site] — The remedial action must be conducted in a manner that is consistent with applicable coastal policies.

### ***DEPARTMENT OF THE INTERIOR***

#### **Fish and Wildlife Service**

- Funding under the Clean Vessel Act for pump-outs and dump stations at public/private facilities to support *no-discharge zone* designation and the Clean Vessel Act.

#### **National Park Service**

- Provision of funding under the Land and Water Conservation Fund Program.
- Review of federal actions within the National Register Districts pursuant to NEPA.

### ***DEPARTMENT OF THE TREASURY***

- Continuation of Incentives for Qualified Building Rehabilitation.
- Provision of appropriate tax-exempt status for nonprofit agencies active in the local waterfront area.

### ***ECONOMIC DEVELOPMENT ADMINISTRATION***

- Assistance under the Public Works and Economic Development Act for street improvements.

### ***DEPARTMENT OF TRANSPORTATION***

#### **United States Coast Guard**

- Maintenance/rehabilitation of facilities.
- Plans for the repair or replacement of the North Haven/State Route 114 Bridge must be considered in light of the Policies, as appear in Section III.

**SECTION VII**

**CONSULTATION WITH OTHER AFFECTED**

**FEDERAL, STATE, REGIONAL AND LOCAL AGENCIES**

back of Section VII title page

<b>PERSONS CONTACTED</b>	<b>LETTER (L) / PHONE (P)</b>	<b>INFORMATION REQUESTED</b>	<b>RESPONSE</b>
Chris Pickerell Cornell Cooperative Extension - Suffolk County	- phone - personal contact	- Fish and Wildlife (F&W) Habitat Component - Waterfront Survey	- Completed (F&W) Habitat Component, 1994 - Completed Waterfront Survey, 1997
Edward Bower New York State Department of Transportation Region 10	- letter - personal contact	- Information RE plans for renovation of North Haven /State Route 114 Bridge	- Information received, 1997
Alan C. Bauder New York State Office of General Services	- letter - phone - personal contact	- Review of Underwater Grants and Easements	- Application submitted to OGS by Village, 1997
Vincent Cannuscio Supervisor, Town of Southampton	- phone - personal contact	- Support and/or monies for acquisition of open space	- Agreed to do everything possible, 1997
New York State Department of Environmental Conservation	- letter - personal contact	- Project Support - Haven's Beach - Project Support - Sewage Treatment Plant upgrade	- Support provided, 1996
Vito Minei Peconic Estuary Program	- letter - personal contact	- Grant for the upgrade of road end ramps	- Grant received, 1997
Army Corps of Engineers	- letter - personal contact	- Breakwater upgrade	- Process begun, 1997

<b>PERSONS CONTACTED</b>	<b>LETTER (L) / PHONE (P)</b>	<b>INFORMATION REQUESTED</b>	<b>RESPONSE</b>
Charles McCaffrey New York State Department of State Division of Coastal Resources	- letter - phone - personal contact	- Revision assistance, LWRP and HMP	- Assistance provided, 1992- 1998
John Bartow New York State Department of State Division of Local Government Services	- letter - phone - personal contact	- Revision assistance, LWRP and HMP	- Assistance provided, 1992- 1996
Renee Parsons New York State Department of State Division of Coastal Resources	- letter - phone - personal contact	- Revision assistance, LWRP and HMP	- Assistance provided, 1992- 1998
William Sharp New York State Department of State Division of Legal Services	- letter - phone - personal contact	- Legal advice/assistance, local laws and SEQRA re. LWRP and HMP	- Assistance provided, 1992- 1998
Robert Batson New York State Department of State Division of Legal Services	- letter - phone - personal contact	- Legal advice/assistance, local laws and SEQRA re. LWRP and HMP	- Assistance provided, 1997- 1998



Discussion of the Local Waterfront Revitalization Program (LWRP) and the Harbor Management Plan (HMP) occurred throughout the development of both documents. The Village Board of Trustees, Planning Board and the Harbor Committee would often have item(s) on their respective agendas relating to the documents. A list of the meeting dates and discussion points is provided, below.

### Village Board of Trustees

**April 2, 1996:** Public Meeting for Local Law No.1 of 1996 - *Chapter 53 Waterways*  
**May 7, 1996:** Harbor Management Plan presented  
**June 4, 1996**  
**July 2, 1996**

**February 7, 1995:** Draft HMP / LWRP  
**May 18, 1995:** Joint meeting w / Cashin Associates, P.C. - Planning Board and Harbor Committee  
**July 5, 1995:** SEQRA - Sag Harbor Village Board established as Lead Agency  
**August 1, 1995**  
**September 5, 1995:** Adoption of Positive Declaration Notice of Intent to prepare a Draft DEIS Determination of Non-Significance

**December 6, 1994:** Harbor Management Plan - funding w/ Cashin Associates, P.C.

### Planning Board

**May 18, 1995:** Joint meeting w / Cashin Associates, P.C. - Village Board and Harbor Committee

### Harbor Committee

**March 20, 1997:** Discussion of status of draft LWRP Amendment  
**May 15, 1997:** Discussion of status of draft LWRP Amendment  
**June 19, 1997:** Discussion of status of draft LWRP Amendment  
**July 17, 1997:** Discussion of status of draft LWRP Amendment

**January 18, 1996:** Discussion of status of draft LWRP Amendment  
**February 15, 1996:** Discussion of draft HMP  
**March 7, 1996:** Special work session for changes/recommendations of draft HMP  
**October 17, 1996:** Discussion of status of draft LWRP Amendment

**January 19, 1995:** Discussion of status of draft LWRP Amendment  
**February 16, 1995:** Draft HMP received

<b>March 16, 1995:</b>	Draft HMP reviewed
<b>April 20, 1995:</b>	Discussion of draft LWRP Amendment w/ Cornell Cooperative Extension
<b>May 18, 1995</b>	Joint meeting w / Cashin Associates, P.C. - Village Board of Trustees and Planning Board
<b>June 15, 1995:</b>	Discussion of draft LWRP Amendment w/ Cornell Cooperative Extension
<b>July 20, 1995:</b>	Discussion of status of draft LWRP Amendment
<b>August 17, 1995:</b>	Discussion of draft HMP
<b>November 16, 1995:</b>	Discussion of status of draft LWRP Amendment
<b>January 20, 1994:</b>	Discussion of status of draft LWRP Amendment
<b>February 17, 1994:</b>	Discussion of status of draft LWRP Amendment
<b>March 17, 1994:</b>	Discussion of status of draft LWRP Amendment
<b>April 21, 1994:</b>	Discussion of draft LWRP Amendment w/ Department of State and Alison Cornish
<b>May 19, 1994:</b>	Reviewed proposed standards for <i>Water Use Districts</i> w/ Department of State; also present: Karen Blumer, Ecology Consultant
<b>June 16, 1994:</b>	Discussion of draft HMP w/ Department of State
<b>August 18, 1994:</b>	Discussion of draft HMP
<b>September 15, 1994:</b>	Discussion of status of draft LWRP Amendment; schedule Nov. 14-17 for Harbor Committee working sessions to pull all pre-written information together; discussion of goals and objectives of LWRP
<b>October 20, 1994:</b>	Discussion of status of draft LWRP Amendment
<b>December 15, 1994:</b>	Discussion of status of draft LWRP Amendment
<b>February 18, 1993:</b>	Joint meeting w / Board of Historic Preservation and Architectural Review; discussion of draft LWRP Amendment w/ Department of State
<b>March 18, 1993:</b>	Meeting w / Alison Cornish, Board of Historic Preservation and Architectural Review, re draft LWRP Amendment
<b>May 20, 1993:</b>	Discussion of draft LWRP Amendment
<b>June 17, 1993:</b>	Discussion of draft LWRP Amendment - extension of LWRP boundary line
<b>July 15, 1993:</b>	Meeting w / John Biasetti, Group for the South Fork, re wetlands and surface waters; also present: Department of State
<b>August 19, 1993:</b>	Discussed volunteer support to assist with draft LWRP Amendment
<b>October 21, 1993:</b>	New Chair, Jean Lane - discussed draft LWRP Amendment and organizing work sessions
<b>November 18, 1993:</b>	Discussion of draft LWRP Amendment
<b>December 16, 1993:</b>	Discussion of draft LWRP Amendment w/ Department of State and Alex Gregor, Gregor Environmental

**November 19, 1992:**  
**December 17, 1992:**

Discussion of draft LWRP Amendment w/ Department of State  
Discussion of draft LWRP Amendment w/ Department of State; also  
present: Scott Strough, Southampton Town Trustee

**SECTION VIII**  
**LOCAL COMMITMENT**

back of Section VIII title page

A Local Waterfront Revitalization Program (LWRP) is a partnership effort which requires firm local commitment. This section of the LWRP details the Village of Sag Harbor's commitment to its LWRP.

To ensure that the needs and desires of the community continue to be reflected in the amended local program, the *Harbor Committee* played a key role in collecting information, reviewing written products, and coordinating various tasks through completion. The *Harbor Committee* is the "charge" behind ensuring the Village's waterfront area is managed in an appropriate manner. The *Harbor Committee* reviewed the objectives of the original LWRP (1986) and revised them to more accurately address current conditions.

At the start of the amendment process, Frank Gerecke chaired the *Harbor Committee* and voluntarily gave many hours to organizing the content of the amended LWRP. He also selected, with the *Harbor Committee*, individuals to write specific components of the amended LWRP. Some of these are listed, below. Credit is due to:

- Alison Cornish, who composed the "Historic Resources and Visual Quality" portion of the document.
- Chris Pickerell, Suffolk County Cooperative Extension, conducted research and pulled together information regarding locally important fish and wildlife habitats. The results of his research appears in the "Fish and Wildlife" portion of the document. Also in cooperation with the Suffolk County Cooperative Extension, the *Harbor Committee* measured the tidal fluctuations of the waters surrounding Sag Harbor, and gathered scientific information relating to water quality.
- Karen Blumer, Ecology Consultant, was selected by the *Harbor Committee* to identify and document the Village's wetlands. Her services resulted in the *Village of Sag Harbor Wetlands Map (1994)*, and recommendations for changes in wetland policy and law for the Village. Section II includes the material that she developed.

The *Harbor Committee* was an active participant throughout the amendment process toward gathering accurate information for the Village's updated LWRP. The *Harbor Committee's* level of involvement has included:

- ▶ Hardened Shoreline -- video-tape the shoreline, from the water, to determine the current number of bulkheads in the Sag Harbor/Bay Cove Complex;
- ▶ Recreation -- field-check locations and conditions of public and private recreation facilities; and
- ▶ Draft LWRP -- review and provide input on the draft LWRP.

The *Harbor Committee* held many meetings with State representatives present, and devoted the majority of their own meetings to the concerns of the LWRP. These meetings were open to the public and were usually attended by Village residents who offered input on the contents of the

draft LWRP (Section VII). Public meetings were also held in the Village Hall, usually in conjunction with Village Board meetings.

Community members were aware that the LWRP was being updated, to reflect current conditions, at a very early stage in the amendment process. The *Harbor Committee* utilized the special abilities and interests of members of the community. Interest and expertise were drawn from Sag Harbor's businessmen and residents into the preparation of this amended Local Waterfront Revitalization Program. Citizen input improved the data base, verified program information, evaluated various alternatives and expressed the values and concerns of the community.

The Village has recognized the need to continue public and private involvement in and commitment to the implementation of the LWRP. The Mayor and Village Board of Trustees will continue to be responsible for overall management and coordination of the LWRP. The Village Clerk-Treasurer will continue to serve as staff to the Mayor and Village Board on LWRP matters. These entities will continue to have specific duties, powers and responsibilities in furthering waterfront policies, projects and other program activities (see Section V).

The duties and responsibilities of the *Harbor Committee* will continue to include (as per *Chapter 21*):

- (1) Monitoring all activities and reviewing all appropriate applications and proposals which may affect local waters to make an early identification of any which might have and adverse impact on water quality and to ensure conformance with the Local Waterfront Revitalization Program (LWRP).
- (2) Maintaining liaison with other appropriate government and civic bodies so that full advantage may be taken of the efforts of others and cooperation may be extended for the mutual advantage of all concerned.
- (3) Being alert for funding programs which may make monies available for water quality -related activities and/or for implementation of other *Committee* recommendations.
- (4) Making timely and appropriate comments and recommendations to the Mayor, Board of Trustees and other village boards so that they may take timely and effective action to preserve and protect local waters.
- (5) Taking maximum practical advantage of opportunities to make the general public more fully aware of steps they can take to help preserve and protect local waters.
- (6) Making recommendations to the Board of Trustees with respect to revising and updating the LWRP.



**SECTION IX**

**NEGATIVE DECLARATION - RESOLUTION**

back of Section IX title page

4/21/98 # 41621

## RESOLUTION

WHEREAS, heretofore and on May 6, 1986, the Village of Sag Harbor enacted its Local Waterfront Revitalization Program (LWRP), and

WHEREAS, that enactment has served as an essential governmental effort to enhance and preserve our harbor and adjacent upland areas, and

WHEREAS, the New York Legislature enacted the Environmental Protection Act creating the Environmental Protection Fund (EPF) in 1993 as a source of revenue to assist in programs of local coastal management, including updating local LWRP's, and

WHEREAS, the Village of Sag Harbor, by means of EPF funding thereafter retained Cashin Associates, P.C., to prepare a draft report of an amendment to the LWRP, and

WHEREAS, in July of 1995, the Board of Trustees designated itself as lead agency with respect said LWRP amendatory update, and

WHEREAS, this Board conducted an updated study of its harbor and shorefront incident to the temporary moratorium established under Local Law No. 2 of 1994, and

WHEREAS, this Board conducted an Environmental Impact Statement incident to the enactment of its LWRP on May 6, 1986, and

WHEREAS, the Board of Trustees has received no response to its most recent lead agency designation from any involved or interested agency excepting the Division of Coastal Resources and

Waterfront Revitalization of the Department of State of the State of New York (DOS), and

WHEREAS, the DOS has assisted the Board of Trustees in its work regarding the amendment of the LWRP, including (1) policies for use, protection and development of the waterfront area; (2) recommended land use and land use development controls; (3) alternatives for waterfront and harbor use; and (4) specific actions and projects proposed to implement the LWRP and achieve its objectives, and

WHEREAS, the Board of Trustees finds that the adoption of the amendment of the LWRP will not have a substantial adverse impact in any of the areas listed in 6 NYCRR 617.7(c)(1) of SEQRA, and

WHEREAS, the Board has been unable to identify any cumulative impact as described in Section 617.7(c)(2), and

WHEREAS, the Board has examined consequences of enactment of amendment of the LWRP consistent with the requirements of Section 617.7(c)(3), and

WHEREAS, the Board has prepared herein a Full Environmental Assessment Form and has concluded therein that the proposed action would not result in any adverse impact to land, water, area, plants, animals, agricultural resources, aesthetic resources, historic resources, archaeological resources, open space, recreation, energy, noise, odor, public health or character of the community, and

WHEREAS, the Board concludes that the enactment of the action, to wit, amendment of the LWRP, would protect and benefit

the environment rather than harm or allow harm to the environment.

NOW, THEREFORE, the Board of Trustees determines that a negative declaration under SEQRA is hereby adopted and the Board further authorizes the Mayor to execute a negative declaration and authorizes and directs the Village Clerk to file a copy of said negative declaration in the Village Clerk's Office and to transmit a copy of this resolution and negative declaration to the Division of Coastal Resources and Waterfront Revitalization, Department of State, 162 Washington Avenue, Albany, New York 12231, the New York State Department of Environmental Conservation at 50 Wolf Road, Albany, New York 12233 and at Building 40, SUNY at Stony Brook, Stony Brook, New York 11790, and to the NYS Clearing House, NYS Division of Budget, NYS Capitol, Albany, New York 12224.

## **APPENDICES**

**APPENDIX A**

---



## REFERENCES

- Andrie, R.F., and J.R. Carroll (eds.). *Atlas of Breeding Birds in New York State*. Cornell University, Ithaca, New York.
- Ash, J. 1994. Personal communication. South Fork Natural History Society, Amagansett, New York.
- Bassler, Robert. January 24, 1995. Personal communication. Planning Engineer, Suffolk County Water Authority, Bohemia, New York.
- Beverly, Doug. January 17, 1995. Personal communication. Harbormaster, Village of Sag Harbor.
- Blumer, Karen. *Village of Sag Harbor Wetlands: Documentation to support delineation and mapping of all wetlands found in the Village of Sag Harbor (indicated on the Master Map, "Village of Sag Harbor Wetlands."* 6pgs. May 19, 1994.
- Bologna, James. February 25, 1995. Personal communication. Project Manager/Environmental Engineer - Rowe Industries, Inc. site - New York State Department of Environmental Conservation, Albany, New York.
- Cashin Associates, P.C. *Peconic Estuary Program: Submerged Aquatic Vegetation Study - Draft Report*. February, 1995.
- Cashin Associates, P.C. *Village of Sag Harbor - Harbor Management Plan*. April, 1996.
- Congressional Record. October 5, 1992. Volume 138, no. 142, Part V. Washington, D.C.
- DeQuilfeldt, Charles. January 17, 1995. Personal communication. Division of Shellfisheries, New York State Department of Environmental Conservation, Stony Brook, New York.
- Flood Insurance Rate Map. Community Panel No. 360807 0001C. Revised November 17, 1982.
- Gerle, E. 1994. Personal communication. Okeanos Ocean Research Foundation, Inc., Hampton Bays, New York.
- Gomez, Karen. March 6, 1995. Personal communication. Hazardous Material Spills Unit, New York State Department of Environmental Conservation, Stony Brook, New York.
- Grossjean, Mia E. *Sag Harbor Traffic Report*. February, 1995.

- Guthrie, C.A. 1994. Personal communication. New York State Department of Environmental Conservation, Stony Brook, New York.
- Held, J. 1994. Personal communication. South Fork Natural History Society, Amagansett, New York.
- Hunter, James and William Shannon. February 16, 1995. Personal communication. Supervisor/Chief Engineer, Highway Design Division, Suffolk County Department of Public Works, Yaphank, New York.
- Lew, Soon, et.al. February 17, 1995. Personal communication. Acting Chief, Technical Support Section, U.S. Army Corps of Engineers, New York District Navigation Branch, New York, New York.
- Long Island Regional Planning Board. *Commercial Development Analyses*. 1982.
- Miller, David. February 28, 1995. Personal communication. Project Manager - Bulova Watchcase Factory site - Eastern Remedial Division, New York State Department of Environmental Conservation, Albany, New York.
- Morreale, S.J. *The status and population ecology of the diamondback terrapin, Malaclemys terrapin, in New York*. New York State Department of Environmental Conservation "Return A Gift to Wildlife Program," contract #C002656 and the Nature Conservancy, South Fork/Shelter Island Chapter. Okeanos Ocean Research Foundation, Inc., Hampton Bays, New York. 76 pgs. 1992.
- Najarian Associates and Cornell Cooperative Extension. *Hydraulic and water quality screening analysis of Sag Harbor: A small tidal embayment of the Peconic Bays, New York*. Prepared for Village of Sag Harbor - Harbor Committee. 1992.
- Nassau-Suffolk Regional Planning Board. *Area-wide Waste Treatment (208) Plan*. 1976.
- New York Code of Rules and Regulations, Title 6, Chapter X, Article 16, Part 924. *Classes and Standards of Quality and Purity Assigned to Fresh Surface and Tidal Salt Waters, Eastern Suffolk County Series*. June 30, 1988.
- New York State Department of Environmental Conservation, Division of Water, *Priority Water Problem List, Region 1 - Nassau and Suffolk Counties*. December, 1993.
- New York State Department of Environmental Conservation, *Inactive Hazardous Waste Disposal Sites in New York State*, Albany, New York. April, 1993.
- New York State Department of State, *New York State Clean Vessel Act Plan*. August, 1996.

New York State Department of State, *Significant Coastal Fish and Wildlife Narratives, Sag Harbor and Northwest Harbor*.

Okeanos Ocean Research Foundation, Inc. *Occurrence, Movement and Behavior of the Kemps Ridley and Other Sea Turtles on New York Waters: Final Report*. Hampton Bays, New York. April, 1988 - March, 1993.

Penny, Larry. 1994. Personal communication. Town of East Hampton Department of Natural Resources, East Hampton, New York.

Pickerell, Christopher H. Personal communication. Cooperative Extension Agent/Wetland Specialist, Marine Program - Cornell Cooperative Extension, Suffolk County.

Pine, Robert H. *Planning Study of Sag Harbor Business District*. June, 1975.

Pine, Robert H. *SAG HARBOR: Past, Present and Future*. 1975.

Rogers, David. February 14, 1995. Personal communication. Suffolk County Department of Public Works, Highway Design Division, Yaphank, New York.

Ryder, Edward. March 3, 1995. Personal communication. Plant Operator, Village of Sag Harbor Sewage Treatment Plant, Sag Harbor, New York.

Sadove, Samuel. January 14 and March 14, 1995. Personal communication. Director, Okeanos Ocean Research Foundation, Inc., Hampton Bays, New York.

Semlear, Jon. January 20 and 30, 1994. Personal communication. Southampton Board of Trustees, Southampton, New York.

Shellfish Sanitation Division, New York State Department of Environmental Conservation, Stony Brook, New York. 1994.

Smead, Walter D. March and April, 1995. Written and personal communications. New York State Office of General Services, Albany, New York.

Suffolk County Department of Health Services, *Brown Tide Comprehensive Assessment and Management Program, volumes I, II and III*, November, 1992.

U.S. Department of Commerce. *U.S. Census of Population - 1970, 1980 and 1990*.

U.S. Department of Commerce. *U.S. Census of Housing - 1970, 1980 and 1990*.

U.S. Fish and Wildlife Service. *Northeast Coastal Areas Study of Significant Coastal Habitats, Site 11 (NY)*.

Witfield, Cindy. March 6, 1995. Personal and telefax communications. Project Manager - Bridge Street site investigation - Hazardous Site Control Section, New York State Department of Environmental Conservation, Albany, New York.

Wood, Linda. February 28, 1995. Personal communication. Engineer - Rowe Industries, Inc. site, U.S. Environmental Protection Agency, New York, New York.

## **APPENDIX B**

---

**CHAPTER 52A WATERFRONT CONSISTENCY REVIEW**

[HISTORY: Adopted by the Board of Trustees of the Village of Sag Harbor 12-1-1998 by L.L. No. 9-1998. Amendments noted where applicable.]

**GENERAL REFERENCES**

Environmental Quality Review — See Ch. 15.

Land and beach use — See Ch. 27.

Subdivision of land — See Ch. 46.

Zoning — See Ch. 55.

**§ 52A-1 Title.**

This local law will be known as the "Village of Sag Harbor Waterfront Consistency Review Law."

**§ 52A-2 Authority and purpose.**A.

This local law is adopted under the authority of the Municipal Home Rule Law and the Waterfront Revitalization of Coastal Areas and Inland Waterways Act of the State of New York (Article 42 of the Executive Law).

B.

The purpose of this local law is to provide a framework for agencies of the Village of Sag Harbor to consider the policies and purposes contained in the Local Waterfront Revitalization Program when reviewing applications for actions or direct agency actions located in the coastal area and to assure that such actions and direct actions are consistent with the said policies and purposes.

C.

It is the intention of the Village of Sag Harbor that the preservation, enhancement and utilization of the natural and manmade resources of the unique coastal area of the village take place in a coordinated and comprehensive manner to ensure a proper balance between natural resources and the need to accommodate economic development. Accordingly, this local law is intended to achieve such a balance, permitting the beneficial use of coastal resources while preventing loss of estuarine resources and wildlife; diminution of open space areas or public accesses to the waterfront; erosion of shoreline; impairment of scenic beauty; losses due to flooding, erosion and sedimentation; or permanent adverse changes to ecological systems.

D.

The substantive provisions of this local law shall apply only while there is in existence a village Local Waterfront Revitalization Program which has been adopted in accordance with Article 42 of the Executive Law of the State of New York.

**§ 52A-3 Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

ACTIONSA.

Either Type I or unlisted actions as defined in SEQRA regulations (6 NYCRR 617.2) which are undertaken by an agency and which include:

(1)

Projects or physical activities, as construction or other activities that may affect the environment by changing the use, appearance or condition of any natural resource or structure, that:

(a)

Are directly undertaken by an agency; or

(b)

Involve funding by an agency; or

(c)

Require one or more new or modified approvals from an agency or agencies.

(2)

Agency planning and policy-making activities that may affect the environment and commit the agency to a definite course of future decisions.

(3)

Adoption of agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect the environment.

(4)

Any combinations of the above.

B.

This law does not apply to excluded or exempt actions as defined in the SEQRA regulations (6 NYCRR Part 617). The following Type II actions are not subject to review under this law:

(1)

Maintenance or repair involving no substantial changes in an existing structure or facility.

(2)

Agricultural farm management practices, including construction, maintenance and repair of farm buildings and structures, and land use changes consistent with generally accepted principles of farming.

(3)

Repaving of existing highways not involving the addition of new travel lanes.

(4)

Street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities.

(5)

Maintenance of existing landscaping or natural growth.

(6)

Routine activities of educational institutions, including expansion of existing facilities by less than 10,000 square feet of gross floor area and school closings, but not changes in use related to such closings.

(7)

Extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list.

(8)

Granting of individual setback and lot line variances.

(9)

Granting of an area variance(s) for a single-family, two-family or three-family residence.

(10)

Public or private best forest management (silvicultural) practices on less than 10 acres of land, but not including waste disposal, land clearing not directly related to forest management, clear-cutting or the application of herbicides or pesticides.

(11)

Mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns.



(12)

Information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or unlisted action.

(13)

Official acts of a ministerial nature involving no exercise of discretion, including building permits and historic preservation permits where issuance is predicated solely on the applicant's compliance or noncompliance with the relevant local building or preservation code(s).

(14)

Routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment.

(15)

Conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided that those activities do not commit the agency to commence, engage in or approve such action.

(16)

Collective bargaining activities.

(17)

Investments by or on behalf of agencies or pension or retirement systems, or refinancing existing debt.

(18)

Inspections and licensing activities relating to the qualifications of individuals or businesses to engage in their business or profession.

(19)

Purchase or sale of furnishings, equipment or supplies, including surplus government property, other than land, radioactive material, pesticides, herbicides or other hazardous materials.

(20)

Adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list.

(21)

Engaging in review of any part of an application to determine compliance with technical requirements, provided that no such determination entitles or permits the project sponsor to commence the action unless and until all requirements of 6 NYCRR Part 617.5 have been fulfilled.

(22)

Civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion.

(23)

Adoption of a moratorium on land development or construction.

(24)

Interpreting an existing code, rule or regulation.

(25)

Designation of local landmarks or their inclusion within the historic district.

(26)

Emergency actions that are immediately necessary on a limited and temporary basis for the protection or preservation of life, health, property or natural resources, provided that such actions are directly related to the emergency and are performed to cause the least change or disturbance, practicable under the circumstances, to the environment. Any decision to fund, approve or directly undertake other activities after the emergency has expired is fully subject to the review procedures of 6 NYCRR Part 617.5.

#### AGENCY

Any board, agency, department, office, other body or officer of the Village of Sag Harbor.

#### COASTAL AREA

That portion of New York State coastal waters and adjacent shorelands as defined in Article 42 of the Executive Law which is located within the boundaries of the Village of Sag Harbor, as shown on the Coastal Area Map on file in the office of the Secretary of State and as delineated in the Village of Sag Harbor Local Waterfront Revitalization Program.

#### COASTAL ASSESSMENT FORM (CAF)

The form contained in Appendix A,

Editor's Note: Appendix A is located at the end of this chapter.

used by an agency to assist it in determining the consistency of an action with the Local Waterfront Revitalization Program.

#### CONSISTENT

That the action will fully comply with the LWRP policy standards and conditions and, whenever practicable, will advance one or more of them.

#### DIRECT ACTIONS

Actions planned and proposed for implementation by an agency, such as, but not limited to, a capital project, rule-making, procedure-making and policy-making.

#### HARBOR COMMITTEE OR COMMITTEE

The Harbor Committee of the Village of Sag Harbor, as established by Chapter 21 of the village Code.

#### LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP)

The Local Waterfront Revitalization Program of the Village of Sag Harbor, approved by the Secretary of State pursuant to the Waterfront Revitalization and Coastal Resources Act (Executive Law, Article 42), a copy of which is on file in the office of the Clerk of the Village of Sag Harbor.

### **§ 52A-4            Harbor Committee.**

The Committee is authorized to review and make recommendations to appropriate agencies regarding the consistency of proposed actions with the Village of Sag Harbor Local Waterfront Revitalization Program policy standards and conditions.

### **§ 52A-5            Review of actions.**

#### A.

Whenever a proposed action is located in the village's coastal area, an agency shall, prior to approving, funding or undertaking the action, make a determination that it is consistent with the LWRP policy standards and conditions set forth in Subsection G herein.

#### B.

Whenever an agency receives an application for approval or funding of an action or as early as possible in the agency's formulation of a direct action to be located in the coastal area, the applicant, or in the case of a direct action, the agency, shall prepare a coastal assessment form (CAF) to assist with the consistency review of the proposed action.

#### C.

The agency shall refer a copy of the completed CAF to the Committee within 10 days of its submission and prior to making its determination shall consider the recommendation of the Committee with reference to the consistency of the proposed action.

D.

After referral from an agency, the Committee shall consider whether the proposed action is consistent with the LWRP policy standards and conditions set forth in Subsection G herein. The committee shall require the applicant to submit all completed applications, CAF's and any other information deemed to be necessary to its consistency recommendation.

E.

The Committee shall render its written recommendation to the agency within 30 days following referral of the CAF from the agency, unless extended by mutual agreement of the Committee and the applicant or, in the case of direct action, the agency. The recommendation shall indicate whether, in the opinion of the Committee, the proposed action is consistent with or inconsistent with one or more of the LWRP policy standards or conditions and shall elaborate in writing the basis for its opinion.

(1)

The Committee shall, along with its consistency recommendation, make any suggestions to the agency concerning modification of the proposed action to make it consistent with LWRP policy standards and conditions or to greater advance them.

(2)

In the event that the Committee's recommendation is not forthcoming within the specified time, the referring agency shall make its decision without the benefit of the Committee's recommendation.

F.

The agency shall make the determination of consistency based on the CAF, the Committee's recommendation and such other information as is deemed to be necessary in its determination. The agency shall issue its determination within 30 days following receipt of the Committee's recommendation and submission by the applicant of any additional required information. The agency shall have the authority, in the finding of consistency, to impose practicable and reasonable conditions on any action to ensure that it is carried out in accordance with this local law.

G.

Actions to be undertaken within the Sag Harbor coastal area shall be evaluated for consistency in accordance with the following LWRP policy standards and conditions, which are derived from and further explained and described in Section III of the Village of Sag Harbor LWRP, a copy of which is on file in the Village Clerk's office and available for inspection during normal business hours. Agencies which undertake direct actions shall also consult with Section IV of the LWRP in making their consistency determination. The action shall be consistent with:

(1)

Policy 1: foster a pattern of development in the Village of Sag Harbor that makes beneficial use of its coastal location, enhances community character, preserves open space, makes efficient use of existing infrastructure and minimizes adverse effects of development.

(a)

Policy 1.1: sustain the pattern of existing land use which defines Sag Harbor as an historic port.

(b)

Policy 1.2: protect and enhance residential areas.

(c)

Policy 1.3: maintain and enhance natural areas, open space and recreational lands.

(d)

Policy 1.4: ensure that development and uses make beneficial use of Sag Harbor's coastal location.

(e)

Policy 1.5: minimize adverse impacts of new development and redevelopment.

(2)

Policy 2: sustain the Village of Sag Harbor as a center of maritime activity and suitable location for water-dependent uses.

(a)

Policy 2.1: protect existing water-dependent uses.

(b)

Policy 2.2: allow for new commercial and recreational water-dependent uses in the waterfront functional area, consistent with local zoning.

(c)

Policy 2.3: minimize adverse impacts of water-dependent uses and provide for their safe operation.

(d)

Policy 2.4: provide sufficient infrastructure for water-dependent uses.

(e)

Policy 2.5: promote efficient harbor operation.

(f)

Policy 2.6: participate in regional intermodal transportation activities that enhance maritime character and provide an alternative transportation method.

(3)

Policy 3: promote sustainable use of living marine resources in Sag Harbor.

(a)

Policy 3.1: ensure the long-term maintenance and health of living marine resources.

(b)

Policy 3.2: provide for commercial and recreational use of finfish, shellfish, crustaceans and marine plants.

(c)

Policy 3.3: promote recreational use of marine resources.

(4)

Policy 4: minimize loss of life, structures and natural resources from flooding and erosion.

(a)

Policy 4.1: minimize losses of human life and structures from flooding hazards and erosion.

(b)

Policy 4.2: preserve and restore natural protective features.

(c)

Policy 4.3: protect public lands and public trust lands and use of these lands when undertaking all erosion or flood control projects.

(d)

Policy 4.4: manage navigation infrastructure to limit adverse impacts on coastal processes.

(e)

Policy 4.5: ensure that expenditure of public funds for flooding and erosion control projects results in a public benefit.

(f)

Policy 4.6: consider a sea level rise in the siting and design of projects involving substantial public expenditure.

(5)

Policy 5: protect and improve water quality and supply in waters of the village of Sag Harbor.

(a)

Policy 5.1: prohibit direct or indirect discharges which would cause or contribute to contravention of water quality standards.

(b)

Policy 5.2: minimize nonpoint pollution of coastal waters and manage activities causing nonpoint pollution.

(c)

Policy 5.3: protect and enhance water quality of coastal waters.

(d)

Policy 5.4: protect and conserve the quality and quantity of potable water.

(6)

Policy 6: protect and restore the quality and function of the Village of Sag Harbor ecosystem.

(a)

Policy 6.1: protect and restore ecological quality throughout Sag Harbor.

(b)

Policy 6.2: development within or near the Sag Harbor and Northwest Harbor Significant Coastal Fish and Wildlife Habitat shall be sited so as not to impair the viability of the habitat.

(c)

Policy 6.3: protect and restore tidal wetlands.

(7)

Policy 7: provide for public access to and recreation opportunities on waters, public lands and public resources of the Village of Sag Harbor local waterfront revitalization area.

(a)

Policy 7.1: promote appropriate and adequate physical public access and recreation throughout the Village of Sag Harbor coastal area.

(b)

Policy 7.2: provide physical linkages between public parks, open spaces, public trust lands and nearshore surface waters.

(c)

Policy 7.3: provide public visual access to coastal lands and waters or open space at all sites where physically practical.

(d)

Policy 7.4: preserve the public interest in and use of lands and waters held in public trust by New York State, Suffolk County and the Towns of East Hampton and Southampton.

(e)

Policy 7.5: assure public access to public trust lands and navigable waters.

(f)

Policy 7.6: provide access and recreation which are compatible with natural resource values.

(8)

Policy 8: preserve historic resources of the Village of Sag Harbor.

(a)

Policy 8.1: maximize preservation and retention of historic resources.

(b)

Policy 8.2: protect and preserve archaeological resources.

(c)

Policy 8.3: protect and enhance resources that are significant to the coastal culture of Sag Harbor and the Peconic Bay area.

(9)

Policy 9: enhance visual quality and protect scenic resources in the Village of Sag Harbor.

(a)

Policy 9.1: protect and improve visual quality in the Village of Sag Harbor.

(10)

Policy 10: protect and improve the air quality of Long Island.

(a)

Policy 10.1: control or abate existing and prevent new air pollution.

(b)

Policy 10.2: limit discharges of atmospheric radioactive material to a level that is as low as practicable.

(c)

Policy 10.3: limit sources of atmospheric deposition of pollutants to the Long Island South and Peconic Bays, particularly from nitrogen sources.

(11)

Policy 11: minimize environmental degradation in the Long Island coastal area from solid waste and hazardous substances and wastes.

(a)

Policy 11.1: manage solid waste to protect public health and control pollution.

(b)

Policy 11.2: manage hazardous wastes to protect public health and control pollution.

(c)

Policy 11.3: protect the environment from degradation due to toxic pollutants and substances hazardous to the environment and public health.

(d)

Policy 11.4: prevent and remediate discharge of petroleum products.

(e)

Policy 11.5: transport solid waste and hazardous substances and waste in a manner which protects the safety, well-being and general welfare of the public; the environmental resources of the state and the continued use of transportation facilities.

(f)

Policy 11.6: site solid and hazardous waste facilities to avoid potential degradation of coastal resources.

H.

Actions not consistent with LWRP policy standards and conditions.

(1)

If the agency determines that the action would not be consistent with one or more of the LWRP policy standards and conditions, such action shall not be undertaken unless the agency makes a written finding with respect to the proposed action that:

(a)

No reasonable alternatives exist which would permit the action to be undertaken in a manner which will not substantially hinder the achievement of such LWRP policy standards and conditions.

(b)

The action would be undertaken in a manner which will minimize all adverse effects on such LWRP policy standards and conditions.

(c)

The action will advance one or more of the other LWRP policy standards and conditions.

(d)

The action will result in overriding village, regional or statewide public benefit.

(2)

Such a finding shall constitute a determination that the action is consistent with the LWRP policy standards and conditions.

I.

Each agency shall maintain a file for each action made the subject of a consistency determination, including any recommendations received from the Harbor Committee. Such files shall be made available for public inspection upon request.

**§ 52A-6                    Enforcement.**

The Village Building Inspector shall be responsible for enforcing this local law. No work or activity on a project on the coastal area which is subject to review under this local law shall be commenced or undertaken until the Village Building Inspector has been presented with a written determination from an agency that the action is consistent with the village's LWRP policy standards and conditions. In the event that an activity is not being performed in accordance with this local law or any conditions imposed thereunder, the Village Building Inspector shall issue a stop-work order and all work shall immediately cease. No further work or activity shall be undertaken on the project so long as a stop-work order is in effect.

**§ 52A-7                    Violations.**

A.

A person who violates any of the provisions of or who fails to comply with any conditions imposed by this local law shall be guilty of a violation, punishable by a fine not exceeding \$500 for a conviction of a first offense and punishable by a fine not exceeding \$1,000 for a conviction of a second or subsequent offense. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional offense.

B.

The Village Attorney is authorized and directed to institute any and all actions and proceedings necessary to enforce this local law. Any civil penalty shall be in addition to and not in lieu of any criminal prosecution and penalty. The village may also enforce this local law by injunction or other civil proceeding.

**§ 52A-8                    Severability.**

The provisions of this local law are severable. If any provision of this local law is found invalid, such finding shall not affect the validity of this local law as a whole or any part of provision hereof other than the provision so found to be invalid.

52Aa Appendix A



**CHAPTER 15    ENVIRONMENTAL QUALITY REVIEW**

[HISTORY: Adopted by the Board of Trustees of the Village of Sag Harbor 5-27-2005 by L.L. No. 12-2005 .  
Editor's Note: This local law also repealed former Ch. 15, Environmental Quality Review, adopted 12-1-1998.  
Amendments noted where applicable.]

**GENERAL REFERENCES**

Bulkheading, dredging and canals — See Ch. 12.

Land and beach use — See Ch. 27.

Subdivision of land — See Ch. 46.

Waterfront consistency review — See Ch. 52A.

Wetlands — See Ch. 53A.

Zoning — See Ch. 55.

**§ 15-1            ARTICLE I - General Provisions****§ 15-1.1            Title.**

This chapter shall be known as the "Village of Sag Harbor Environmental Quality Review Law."

**§ 15-1.2            Purpose.**

The purpose of this chapter is to implement, for the Village of Sag Harbor, the provisions of the State Environmental Quality Review Act and the State Environmental Quality Review Regulations, thereby incorporating environmental factors into local planning and decisionmaking processes.

**§ 15-1.3            Statutory authority.**

This chapter is adopted under the authority of the Municipal Home Rule Law, the State Environmental Quality Review Act (Environmental Conservation Law, Article 8) and its implementing regulations.

**§ 15-1.4            Definitions and word usage.****A.**

As used in this chapter, the following terms shall have the meanings indicated:

**DEIS**

A draft environmental impact statement.

**EAF**

Environmental assessment form.

**EIS**

Environmental impact statement.

**LOCAL AGENCY**

All agencies, departments, boards, bodies, offices and officers of the Village of Sag Harbor.

**PART 617**

The regulations adopted by the New York State Department of Environmental Conservation pursuant to the State Environmental Quality Review Act.

**SEQRA**

The State Environmental Quality Review Act (referred to as "SEQRA").

**B.**

All other terms for which definitions are given in SEQRA or Part 617 shall have the same meanings for the

purposes of this chapter. All references to sections of state law or regulations, or to sections of the Village Code shall be deemed to include any new section number which may be subsequently assigned to said section or sections.

**§ 15-1.5            Applicability.**

All local agencies must comply with SEQRA, Part 617 and this law to the extent the same are applicable, prior to approving, funding or carrying out any action, other than an action which is exempt, excluded or a Type II action.

**§ 15-2            ARTICLE II - Environmental Review Procedures**

**§ 15-2.1            Lead agency.**

A.

The lead agency shall be that local agency principally responsible for carrying out, funding or approving an action. The lead agency is responsible for determining whether an EIS is required for an action, and for preparation and filing of the EIS if it is required.

B.

Where more than one agency is involved, the lead agency shall be determined and designated as provided in Section 6 of Part 617.

C.

The Planning Board will be the Village clearinghouse for lead agency designations. It will assist agencies and applicants in identifying other federal, state and local agencies that will be involved in approving, funding or carrying out a Type I or unlisted action. The clearinghouse will make recommendations on the designation of lead agencies for particular actions.

**§ 15-2.2            Environmental assessment and determination of significance.**

A.

When any local agency of the Village of Sag Harbor contemplates directly carrying out, funding or approving a Type I action, a full EAF must be prepared on its behalf. When an unlisted action is contemplated, either a full or short form EAF, as appropriate, must be prepared. The EAF forms given in Appendices A, B and C of Part 617 will be used as models by the Village, but these forms may be modified, to meet the needs of a particular case. In each instance, however, the final scope of such modified EAF must be at least as comprehensive as the scope of the model forms.

B.

When any person submits an application for funding or a permit or other approval of a Type I or unlisted action to any local agency, an EAF Part 1 must accompany the application. For Type I actions, a full EAF must be prepared; for unlisted actions, either a full EAF or a short-form EAF may be used, as appropriate. An applicant may choose to prepare a DEIS in lieu of an EAF.

C.

The lead agency must make a determination of the environmental significance of the action. This determination must be based upon the EAF or, with respect to unlisted actions, its own procedures, as the case may be, as well as on any other relevant information it may require. The criteria stated in Part 617 must also be considered by the lead agency in making the required determination of significance. The determination must be made within the time period required in Part 617.

D.

For Type I actions, the lead agency must give public notice and file any determination of nonsignificance as provided in Part 617. For unlisted actions, the lead agency must send any determination of nonsignificance to the applicant, if any, and maintain its own records thereof in accordance with the provisions of Part 617.

E.

If the lead agency makes a determination of nonsignificance, the direct action, approval or funding involved in the action, as well as the decisions involved with the same, may be processed without further regard to SEQRA, Part 617 or this chapter.

F.

For the purposes of determining compliance with any law or regulation governing the maximum allowable period of review permitted for any local agency, the time of filing an application for approval or funding of an action shall be deemed to have been the date on which the determination of environmental nonsignificance is made. If a finding of significance is made and an EIS is required, or if the applicant has prepared a DEIS in lieu of any EAF, the time of filing shall be the date the lead agency formally accepts the DEIS as adequate in scope and content and commences the public comment period thereon.

**§ 15-2.3**            **EIS preparation.**A.

If, based upon review of the EAF and other information, the lead agency determines that the proposed action may be environmentally significant, then an EIS must be prepared.

B.

If an EIS is required, the lead agency must proceed as provided in Part 617. The draft EIS will normally be prepared by the applicant. If the applicant fails to prepare a DEIS or prepares a DEIS which is unacceptable to the lead agency, the lead agency may either prepare a DEIS itself, discontinue further processing until the applicant can provide an acceptable DEIS or deem the application abandoned and discontinue review.

C.

If a public hearing is held on the DEIS, it must, whenever possible, be concurrent with any other hearing on the application.

**§ 15-3**            **ARTICLE III - Designation of Critical Areas, Type I and Type II Actions****§ 15-3.1**            **Critical areas.**A.

Critical areas of environmental concern will be designated from time to time by resolution of the Village Board in accordance with provisions of Part 617.

**§ 15-3.2**            **Type I actions.**A.

For purposes of this chapter, Type I actions include all those listed in Part 617. The Board of Trustees may from time to time designate additional Type I actions, in accordance with Part 617.

B.

In addition to the above, the following actions shall also be Type I actions in the Village of Sag Harbor:

(1)

Any site plan for projects in the Historic District where the project includes a change of use or a structure with a gross floor area of 3,000 square feet or more.

(2)

Any subdivision or site plan which directly or indirectly may degrade, despoil or eliminate one or more of the natural or cultural features listed herein: water bodies, drainage courses, fresh and salt marshes, dunes, bluffs, beaches, escarpments, site types identified in the Village of Sag Harbor LWRP or Harbor Management Plan, unique plant and wildlife habitat, overlook areas, paleontological and archaeological remains, trails, and historic buildings if development is not in accordance with Chapter 55 of the Code.

(3)

Any project which directly fills or dewateres wetlands or water bodies.

(4)

Any project which disturbs a previously undisturbed primary dune.

(5)

Any project which threatens or destroys rare or endangered species as defined in the lists established by the federal government, the New York State Department of Environmental Conservation, the New York State

Museum or the Nature Conservancy Heritage Program.

(6)

Motel, hotel or cooperative or condominium complexes of 20 units or greater.

(7)

Parking facilities or other facilities with an associated parking area for 20 or more cars.

(8)

Any deletion from the Type I list.

**§ 15-3.3            Type II actions.**

For the purposes of this chapter, Type II actions shall include those actions listed in Part 617. The Board of Trustees may from time to time designate additional Type II actions, in accordance with Part 617.

**CHAPTER 53A WETLANDS**

[HISTORY: Adopted by the Board of Trustees of the Village of Sag Harbor 10-14-2008 by L.L. No. 5-2008 .  
Editor's Note: This local law also repealed former Ch. 53A, Wetlands, adopted 6-11-2002 by L.L. No. 4-2002, as amended.

Amendments noted where applicable.]

**GENERAL REFERENCES**

Bulkheading, dredging and canals — See Ch. 12.

Harbor Committee — See Ch. 21.

Subdivision of land — See Ch. 46.

Waterfront consistency review — See Ch. 52A.

Waterways — See Ch. 53.

Zoning — See Ch. 55.

**§ 53A-1 Legislative intent.****A.**

The Board of Trustees of the Village of Sag Harbor finds that growth of population and attendant development have placed increasing demands upon natural resources, which have the potential to encroach upon, despoil, pollute or eliminate many of the wetlands of the Village.

**B.**

Brackish, freshwater and tidal wetlands are indispensable and fragile natural resources which are vital to the environmental and economic health of the Village of Sag Harbor. If preserved, these wetlands constitute vital physical, economic, social, historic, archeological, aesthetic, recreational and ecological assets to present and future residents of the Village. They provide many beneficial functions, including natural flood and stormwater control, groundwater recharge, natural pollution treatment, erosion and sediment control, wildlife habitat creation, open space and aesthetic appreciation, educational opportunities, as well as means to protect subsurface water resources.

**C.**

The Board of Trustees finds all wetlands to be of importance, and it is hereby determined by the Board of Trustees that the regulation of the use and management of the wetlands in the Village of Sag Harbor is essential to the health, safety, economic and general welfare of the citizens of the Village. The Board of Trustees of the Village declares it to be the policy of the Village of Sag Harbor to:

**(1)**

Protect and preserve these wetlands with the valuable attributes and functions they possess;

**(2)**

Prevent the despoliation and destruction of these wetlands whenever practicable;

**(3)**

Protect the surface and groundwater resources against misuse; and

**(4)**

Regulate the use and development of these wetlands, thereby securing their natural benefits for the present and future residents of the Village of Sag Harbor.

**D.**

This chapter shall apply to all lands defined as wetlands, to any activity in an adjacent area (as defined herein) of a wetland, or to any activity that has the potential to adversely impact wetlands.

**§ 53A-2 Title.**

This chapter shall be known as and may be cited as the "Wetlands Law of the Village of Sag Harbor."

**§ 53A-3**            **Definitions.**

The following terms, phrases or words and their derivations shall have the meanings given herein:

**ADJACENT AREA**

The area which extends 150 feet landward of the wetlands boundary and which is bounded by a boundary which is parallel to the wetlands boundary and shall be subject to the regulations for wetlands.

**APPLICANT**

Any individual(s), vendee, firm, partnership, association, corporation, company, organization or other legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof, filing an application for a wetlands permit or approval pursuant to this chapter.

**ARTIFICIALLY LINED POND**

Any man-made pond that is created by using an artificial seal to prevent water from seeping into the ground.

**BLUFF**

Any bank or cliff with a precipitous or steeply sloped face adjoining a beach or body of water.

**BOARD OF TRUSTEES**

The Board of Trustees of the Village of Sag Harbor.

**BOUNDARY OF A WETLAND or WETLANDS BOUNDARY**

The landward limit of wetlands as specified in the definitions of "brackish wetlands," "freshwater wetlands" and "tidal wetlands" below.

**BRACKISH WETLANDS****A.**

The lands and waters in the Village of Sag Harbor [including, but not limited to, wetlands as shown on the wetlands map, prepared by K. Blumer (May 1994) for the Village of Sag Harbor] which are flooded by tides for varying periods depending on elevation and tidal amplitude, and which contain a mixture of fresh and saline water, and lands and submerged lands commonly called "brackish or intermediate marshes" which occur along coastal rivers, streams, creeks, bays, lagoons and coves where fresh and salt water mix, and which frequently form a transition zone or very narrow band between tidal and coastal fresh marshes. The vegetation of these marshes is highly varied due to the broad range of salinities characteristic of this coastal wetlands type and often forms a continuum characterized by a gradual intermixing of tidal and fresh marsh plants. These lands and waters can occur at some distance inland from tidal watercourses and tidally flooded salt marshes and are commonly dominated by aquatic or semiaquatic vegetation of the following types, which depend upon intermittent permanent flooding or sufficiently waterlogged soils to give them a competitive advantage over other species:

**(1)**

Emergent vegetation, including, among others, bulrush (*Scirpus robustus*), three square (*Scirpus americanus*), big cordgrass (*Spartina cynosuroides*), salt meadow grass (*Spartina patens*), spike grass (*Distichlis spicata*), purple loosestrife (*Lythrum salicaria*), soft-stemmed bulrush (*Scirpus validus*), spike rushes (*Eleocharis* spp.), water hemp (*Acnida cannabina*), Mock Bishop weed (*Ptilimnium capillaceum*), rose mallow (*Hibiscus moscheutos*), seashore mallow (*Kosteletzkya virginica*); and common reed (*Phragmites* spp.), provided that such common reed is underlain by bog, peat, hydric or saturated soils, or is inundated by brackish surface waters. Field indicators of wetland hydrology or inundation shall include, among others, visual observation of inundation, visual observation of soil saturation within 24 inches of the soil surface, watermarks (e.g., silt or pollen lines), drift lines (e.g., deposits of waterborne debris), sediment deposits (e.g., sediment that settled out of standing water on plant bases or objects on the ground), staining or matting of soils, leaves or vegetation, drainage patterns in wetlands (e.g., braided channels in wetlands, scouring of debris, evidence of sheet flow), and local soil survey data (e.g., typical water table depths, durations, and soil series mapped in the county). Field indicators of bog, peat, hydric or saturated soils shall include characteristic hydric soil profiles, horizons, composition, color, texture, odor, moisture, taxonomy,

and/or soil surveys.

(2)

Brackish meadow vegetation, including, among others, sensitive fern (*Onoclea sensibilis*), halberd-leaved tearthumb (*Polygonum arifolium*), impatiens (*Impatiens capensis*), American germander (*Teucrium canadense*), marsh fern (*Thelypteris palustris*), soft-stemmed bulrush (*Scirpus americanus*), purple loosestrife (*Lythrum salicaria*), bristly foxtail (*Setaria geniculata*), purple gerardia (*Agalinis purpurea*) and slender goldenrod (*Solidago tenuifolia*).

(3)

Scrub-shrub vegetation or woody vegetation typically less than six meters (20 feet) tall, including shrubs, young trees and trees or shrubs that are small or stunted because of environmental conditions, including, among others, groundsel-tree (*Baccharis halimifolia*), swamp rose (*Rosa palustris*), arrowwood (*Viburnum dentatum*), American elder (*Sambucus canadensis*) and black gum (*Nyssa sylvatica*).

B.

Lands and submerged lands commonly called "coastal interdunal marshes" which occur as low areas or swales in the dunes or barrier island, or occur as other coastal depressions landward of a rise that are not directly connected to open tidal water or tidal action, where fresh groundwater mixes with salt water and salt spray, and which are dominated by vegetation of the following types, which depend on irregular or permanent flooding or sufficiently waterlogged soils to give them a competitive advantage over other vegetation, including, among others, aquatic spikerush (*Eleocharis parvula*), Canada rush (*Juncus americanus*), rose mallow (*Hibiscus moscheutos*), three-square (*Spircus americanus*), salt-meadow grass (*Spartina patens*), switchgrass (*Panicum virgatum*), annual salt-marsh fleabane (*Pluchea odorata*), groundsel-tree (*Baccharis halimifolia*), annual salt marsh aster (*Aster subulatus*), seaside goldenrod (*Solidago sempervirens*) and common reed (*Phragmites* spp.), provided that such common reed is underlain by bog, peat, hydric or saturated soils.

#### DEPOSIT

To fill, place, inject or dump any liquid, solid or gaseous material, or the act thereof, but not including stormwater.

#### DOCK, PIER, WHARF

Any permanent or seasonal structure, except a building, located or proposed to be located on lands abutting or comprised of freshwater or tidal wetlands or connected to a bulkhead or the upland and extending over the waters surface, designed to secure vessels and provide access from the shore to a body of water. For the purpose of this chapter, these terms shall also include the associated structures necessary to cross wetlands and adjacent natural areas. The term "dock" includes the terms "wharves," "piers," "fixed docks," "floating docks," or "floats."

#### DREDGING

The removal or excavation of any sand, gravel, aggregate, soil, mud, or sediment from the land lying beneath any waterway or contiguous to any waterway within the jurisdiction of the Village of Sag Harbor.

#### FLOATING HOME

Any vessel in fact used, designed or occupied as a dwelling unit, business office or source of any occupation or for any private or social club of whatever nature, including but not limited to a structure constructed upon a barge primarily immobile and out of navigation which functions substantially as a land structure while the same is moored or docked within the harbor management area of the Village of Sag Harbor, whether such vessel is self-propelled or not.

#### FRESHWATER WETLANDS

The lands and waters in the Village of Sag Harbor (including, but not limited to, wetlands as shown on the Freshwater Wetlands Map, prepared by or for the State of New York pursuant to Subdivision 24-0301 of the New York State Freshwater Wetlands Act and filed with the Suffolk County Clerk), which contain any or all of the following:

A.

Lands and submerged lands, commonly called "marshes," "swamps," "sloughs," "bogs," "flats,"

"streambanks," "riverine systems," and the like, supporting aquatic life or semiaquatic vegetation of the following vegetative types:

(1)

Wetland trees, which depend upon seasonal or permanent flooding or sufficiently water-logged soils to give them a competitive advantage over other trees, including, among others, red maple (*Acer rubrum*), willows (*Salix* spp.), black spruce (*Picea mariana*), swamp white oak (*Quercus bicolor*), red ash (*Fraxinus pennsylvanica*), black ash (*Fraxinus nigra*), silver maple (*Acer saccharinum*), American elm (*Ulmus americana*), and larch (*Larix laricina*);

(2)

Wetland shrubs, which depend upon seasonal or permanent flooding or sufficiently water-logged soils to give them a competitive advantage over other shrubs, including, among others, alder (*Alnus* spp.), buttonbush (*Cephalanthus occidentalis*), bog rosemary (*Andromeda glaucophylla*), dogwoods (*Cornus* spp.), and leatherleaf (*Chamaedaphne calyculata*);

(3)

Emergent vegetation, including, among others, cattails (*Typha* spp.), pickerelweed (*Pontederia cordata*), bulrushes (*Scirpus* spp.), arrow arum (*Peltandra virginica*), arrowheads (*Sagittaria* spp.), reed (*Phragmites australis*), wild rice (*Zizania aquatica*), bur-reeds (*Sparganium* spp.), purple loosestrife (*Lythrum salicaria*), swamp loosestrife (*Decodon verticillatus*), and water plantain (*Alisma plantago-aquatica*);

(4)

Rooted, floating-leaved vegetation, including, among others, waterlily (*Nymphaea odorata*), water shield (*Brasenia schreberi*), and spatterdock (*Nuphar* spp.);

(5)

Free-floating vegetation, including, among others, duckweed (*Lemna* spp.), big duckweed (*Spirodela polyrhiza*), and watermeal (*Wolffia* spp.);

(6)

Wet meadow vegetation, which depends upon seasonal or permanent flooding or sufficiently water-logged soils to give it a competitive advantage over other open land vegetation, including, among others, sedges (*Carex* spp.), rushes (*Juncus* spp.), cattails (*Typha* spp.), rice cut-grass (*Leersia oryzoides*), reed canary grass (*Phalaris arundinacea*), swamp loosestrife (*Decodon verticillatus*), and spikerush (*Eleocharis* spp.);

(7)

Bog mat vegetation, including, among others, sphagnum mosses (*Sphagnum* spp.), bog rosemary (*Andromeda glaucophylla*), leatherleaf (*Chamaedaphne calyculata*), pitcher plant (*Sarracenia purpurea*), and cranberries (*Vaccinium macrocarpon* and *V. oxycoccos*);

(8)

Submergent vegetation, including, among others, pondweeds (*Potamogeton* spp.), naiads (*Najas* spp.), bladderworts (*Utricularia* spp.), wild celery (*Vallisneria americana*), coontail (*Ceratophyllum demersum*), watermilfoils (*Myriophyllum* spp.), muskgrass (*Chara* spp.), stonewort (*Nitella* spp.), water weeds (*Elodea* spp.), and water smartweed (*Polygonum amphibium*).

B.

Lands and submerged lands containing remnants of any vegetation that is not aquatic or semiaquatic that has died because of wet conditions over a sufficiently long period, provided that such wet conditions do not exceed a maximum seasonal water depth of six feet, and provided further that such conditions can be expected to persist indefinitely, barring human intervention.

C.



Lands and waters enclosed by aquatic or semiaquatic vegetation as set forth in Subsection A above and dead vegetation as set forth in Subsection B above, the regulation of which is necessary to protect and preserve the wetlands.

D.

Those geologic formations commonly known as "perched ponds" and "kettle holes."

E.

The waters overlying the areas set forth in Subsections A and B and the lands underlying Subsection D above.

HARBOR COMMITTEE

The Harbor Committee of the Village of Sag Harbor established by Chapter 21 of the Village Code.

LANDS UNDERWATER

Those lands lying beneath or subject to immersion by fresh, brackish or saline water within the jurisdiction of the Village of Sag Harbor.

MAJOR PROJECT

Any regulated activity not specifically classified as a minor project shall be deemed a major project. Major projects shall include, but are not limited to, subdivisions, land division, site plans, new residential or commercial buildings and activities associated with a commercial enterprise, construction of docks wholly or partially within the boundaries of the Village of Sag Harbor, new bulkheads, dredging in excess of 100 cubic yards, and structural erosion control measures.

MINOR PROJECT

Any regulated activity listed herein: in-kind and in-place replacement of bulkheads, bulkhead refacing, placement of residential mooring piles, nonstructural erosion control measures, dredging not to exceed 100 cubic yards, and construction of accessory structures to an existing residential building such as pools, decks, garages, tennis courts, sheds, and the like and any work done appurtenant to an existing residence such as clearing, filling, landscaping and regrading.

PERSON

See "applicant."

POLLUTION

The presence in the environment of human-induced conditions or contaminants in quantities or characteristics which are or may be injurious to human, plant or animal life or to property.

REMOVE

To dig, dredge, suck, bulldoze, dragline, blast or otherwise excavate or regrade substrate materials.

RESIDENTIAL HOUSEBOAT

A vessel not designed primarily for residential dwelling units, designed primarily for pleasure craft, recreation and for independent navigation and not considered a floating home, in accordance with the definition set forth above, and which is being used for residential purposes.

TIDAL WETLANDS

The lands and waters in the Village of Sag Harbor (including but not limited to those lands and waters in the Village which are included in the inventory of tidal wetlands prepared by or for the State of New York and filed with the Suffolk County Clerk, entitled "Tidal Wetlands Maps") which include any or all of the following:

A.

Those areas which border on or lie beneath tidal waters, such as but not limited to banks, bogs, salt marshes, swamps, meadows, flats or other low lands subject to tidal action, including those areas now or formerly connected to tidal waters or which indicate tidal hydrology or inundation. Field indicators of wetland hydrology or inundation shall include, among others, visual observation of inundation, visual observation of soil saturation within 24 inches of the soil surface, watermarks (e.g., silt or pollen lines), drift lines (e.g., deposits of waterborne debris), sediment deposits (e.g., sediment that settled out of standing water on plant bases or objects on the ground), staining or matting of soils, leaves or vegetation, drainage patterns in wetlands

(e.g., braided channels in wetlands, scouring of debris, evidence of sheet flow), and local soil survey data (e.g., typical water table depths, durations, and soil series mapped in the county). Field indicators of bog, peat, hydric or saturated soils shall include characteristic hydric soil profiles, horizons, composition, color, texture, odor, moisture, taxonomy, and/or soil surveys.

B.

All banks, bogs, meadows, flats and tidal marshes subject to such tides and upon which grow or may grow some or any of the following: salt marsh hay (*Spartina patens*), spikegrass (*Distichlis spicata*), black grass (*Juncus gerardi*), saltwater cordgrass (*Spartina alterniflora*), saltwort (*Salsola kali*), glasswort (*Salicornia* spp.), sea lavender (*Limonium carolinianus*), salt marsh bulrush or chairmaker's rush (*Scirpus* spp.), sand spurry (*Spergularia marina*), groundsel bush (*Baccharis halimifolia*), high tide bush or marsh elder (*Iva frutescens*), spikerush (*Eleocharis* spp.), bent grass (*Agrotis* spp.), sea blite (*Suaeda* spp.), umbrella sedges (*Fimbristylis* spp.), rose-mallow (*Hibiscus moscheutos*), narrow-leaf cattail (*Typha angustifolia*), arrow-grass (*Triglochin maritimum*), pickerel weed (*Pontederia cordata*), blue flag (*Iris versicolor*), soft-stem bulrush (*Scirpus validus*), tussock sedge (*Carex stricta*) and common reed (*Phragmites* spp.), provided that such common reed is underlain by bog, peat, hydric or saturated soils or is inundated by tidal waters.

WATERWAY

All waters within the municipal limits of the Village of Sag Harbor or otherwise subject to its jurisdiction.

WETLANDS

Those areas defined in this chapter as brackish, freshwater or tidal wetlands and their corresponding adjacent area.

WETLANDS PERMIT

That form of written Village approval required to conduct a regulated activity as specified under this chapter, hereafter referred to as a "permit."

**§ 53A-4            Regulated activities; exceptions.**

A.

Permit required. No person or party shall conduct or cause to be conducted any regulated activity within a brackish, freshwater or tidal wetland, or adjacent area as set forth in Subsections B and C of this section, without first obtaining a permit issued by the Harbor Committee of the Village of Sag Harbor.

B.

Regulated activities. Activities subject to regulation shall include any major or minor project, including, but not limited to:

(1)

Any form of drainage, dredging, excavation or removal of soil, mud, sand, shells, gravel, or other aggregate from any brackish, freshwater, or tidal wetlands or land underwater within the boundaries of the Village of Sag Harbor;

(2)

Any direct or indirect dumping, filling or depositing of any soil, stones, sand, gravel, mud, rubbish or fill of any kind;

(3)

Constructing any structures, roads or bridges, clearing and regrading, or placing of bulkheads, retaining walls, pilings, catwalks or other physical improvements;

(4)

Any form of pollution or discharge, including, but not limited to, installing a sanitary sewage system, running a sewer outfall, discharging sewage treatment effluent, stormwater runoff or other liquid wastes, into or so as to drain into a brackish, freshwater or tidal wetlands or adjacent area;

(5)

Any grading activities, including, but not limited to, clearing of vegetation, the alteration of existing land elevations and/or the alteration of natural drainage patterns;

(6)

Construction of any pier or dock, or the mooring of a residential houseboat or floating home;

(7)

Any mariculture or aquaculture activity;

(8)

Any digging of canals, boat basins or ramps in any lands within Village limits which will connect with bodies of saltwater; and

(9)

Any other activity which substantially impairs any of the several functions served by lands under water and/or brackish, freshwater or tidal wetlands, or the benefits derived therefrom, which are set forth in § 53A-1 of this chapter, if they occur upon the wetlands, waterway, adjacent area, or the lands underwater, or if they impinge upon or otherwise substantially affect the wetlands.

C.

All activities occurring on a project site are subject to review by the Harbor Committee if any portion of the activity on a project property is subject to regulation.

D.

Activities excluded from requirements for a wetlands permit.

(1)

Subdivisions, site plans, land divisions. Any parcel of land which contains wetlands and is the subject of a subdivision application or site plan review requires a wetlands permit under this chapter.

(2)

Fishing, hunting and related activities. The deposit or removal of the natural products of lands under water, brackish, freshwater, or tidal wetlands by recreational or commercial fishing, shellfishing, hunting or trapping shall be excluded from the regulated activities requiring a permit herein, where otherwise legally permitted and regulated.

(3)

Suffolk County Department of Health Services. Public health activities of the Suffolk County Department of Health Services, other than mosquito control activities, shall be excluded from the regulated activities requiring a permit herein. All mosquito control projects shall be subject to review to determine whether they are having any adverse impacts on wetlands. The Village Clerk shall be notified by the Department of Health Services, in writing, two weeks prior to the commencement of any such activity. Such notification must include a complete description of the project, including but not limited to the method of spraying and substance to be used as well as available alternatives and expected effects on the wetlands and copies of any engineering plans.

(4)

Highway departments. Repair and maintenance activities of the Village of Sag Harbor Highway Department, Suffolk County Department of Public Works and the New York State Department of Transportation shall be excluded from the regulated activities requiring a permit herein.

(5)

Interior improvements to existing structures. Construction of improvements to existing structures where:

(a)

The existing structure has a valid and existing certificate of occupancy or certificate of preexisting construction and use issued by the Village of Sag Harbor; and

(b)

The proposed improvement is wholly within the perimeter of the walls of the existing structure.

(6)

Exterior improvements to existing improvements. Construction of improvements to existing structures where:

(a)

The existing structure has a valid and existing certificate of occupancy or certificate of preexisting construction and use issued by the Village of Sag Harbor;

(b)

The site of the improvements is on the landward side of the existing structure; and

(c)

The New York State Department of Environmental Conservation has either issued a permit for the proposed construction or has made a written finding that no permit is required.

**§ 53A-5            Work releases.**

A.

Emergency work which is deemed to be immediately necessary in order to protect public health and safety or to prevent significant damage to real property may be undertaken only upon issuance of an emergency work release by the Village Building Inspector. Said emergency work release shall be valid for no more than 30 calendar days and shall be undertaken pursuant to any conditions imposed by the Building Inspector.

B.

Maintenance or repair of existing structures or improved areas, including but not limited to bridges, roads, highways, railroads bed, bulkheads, docks, piers, pilings or paved areas, which does not involve expansion or substantial restoration, reconstruction, rehabilitation or modification, and will not result in any adverse impact upon a wetlands, may be excluded from the regulated activities requiring a permit and may be undertaken upon the issuance of a maintenance or repair work release. Any person or party wishing to conduct such maintenance or repair shall notify the Building Inspector of the planned activity, in writing, at least two weeks prior to the onset of such activity. Should it be deemed by the Building Inspector that the activity is not ordinary maintenance or repair or if the activity is deemed to have any adverse impacts on the wetlands, a permit may be required.

**§ 53A-6            Application for wetlands permit.**

Any person proposing to conduct or cause to be conducted a regulated activity upon any wetlands shall file a wetlands permit application for the activity with the Building Inspector, on prescribed application forms which shall be established by the Harbor Committee of the Village of Sag Harbor. Such application shall include:

A.

Updated certificate of occupancy or deed in owners name;

B.

Notarized statement of authority from the owner for any agent making application;

C.

Description of proposed work and purpose thereof;

D.

Names of property owners within 200 feet of the property, as shown on the current Village of Sag Harbor assessment roll;

E.

Completed application form;

F.

Guaranteed survey, dated within the last six months, showing current and proposed improvements, wetland boundary, setbacks from wetlands;

G.

Completed full or short environmental assessment form as required pursuant to State Environmental Quality Review Act regulations at 6 NYCRR Part 617; and

H.

Copies of all applicable county, state, or federal permits or permit applications that are required for such work

**§ 53A-7            (Reserved)**

**§ 53A-8            Granting, denying or limiting of major projects.**

A.

The Building Inspector shall notify the applicant, in writing, when the application is deemed complete.

B.

At this time, the Building Inspector shall also refer a copy of the completed application to the Harbor Committee for its approval.

C.

No sooner than 30 days and not later than 60 days after the application is deemed complete, the Harbor Committee shall authorize a public hearing on such application. The Harbor Committee shall cause notice of such hearing to be published at least once in the official newspaper not less than 14 days nor more than 28 days prior to the date set for the hearing.

D.

At least 10 days prior to the public hearing, the applicant shall conspicuously place along each road frontage of the property at least one poster, supplied by the Building Inspector. Said poster must remain, in a readable condition, in place until the public hearing has been completed and must be removed no later than seven days thereafter.

E.

The applicant shall notify all adjacent property owners as shown on the current Village of Sag Harbor Assessor's roll of lands within 200 feet of the property by certified mail, not less than 10 days prior to the date set for the hearing.

F.

In granting, denying or limiting any permit application, the Harbor Committee shall consider the functions of the wetlands and their role in the hydrologic and ecological system, the objectives set forth in § 53A-1 of this chapter, any public comments timely received and whether the proposed activity will:

(1)

Adversely affect water quality or marine life in wetland or natural vegetation areas.

(2)

Preserve natural vegetation within 75 feet of mean high water, within 75 feet of the driftline, or within 75 feet of the upland edge of brackish, freshwater or tidal wetlands or to the maximum extent practicable, but in no event less than 25 feet; maintain natural undisturbed adjacent areas and, where necessary, provide supplemental planting of indigenous vegetation.

(3)

Materially cause saltwater intrusion into the freshwater table serving the Village of Sag Harbor.

(4)

In addition to those setbacks required by Chapter 55 (Zoning) of the Sag Harbor Village Code, provide adequate setbacks for development, and set individual sewage disposal systems back at least 100 feet away from wetlands to protect water quality and enhance natural systems.

(5)

Materially contribute to erosion, turbidity or siltation. No activity or structure should weaken or undermine the shoreline or lateral support of other properties in the vicinity.

(6)

Maximize setbacks for new construction in proximity to erosion-prone and erosion-sensitive areas. The activity must employ minimum structural measures to control shoreline erosion. Bulkheads or retaining walls should be located at or above mean high water.

(7)

Minimize the visual impact of site development and provide sufficient visual buffering.

(8)

Conform to the natural topography of the site during development in order to minimize the loss of natural vegetation, disturbance of soil and habitats, and associated environmental impacts.

(9)

Minimize areas of fertilizer-dependent vegetation in order to reduce nitrogen and chemical loading to wetlands, and type of vegetation should be shown on survey with application with deep watering of new vegetation to be limited to one to two times a week to promote root growth and limit runoff of nitrates and phosphates.

(10)

Limit herbicides and pesticides.

(11)

Prevent impacts associated with stormwater runoff during or after site development, including any direct discharge of stormwater from the site onto wetlands or onto adjacent properties, and to employ structural and nonstructural measures to contain stormwater on site, and limit hard structures which promote runoff and impervious structures.

(12)

Minimize adverse impacts associated with dredging and dredge spoil disposal and changes in bottom topography.

(13)

Give preference to water-dependent activities that must have a shoreline, wetland, or waterway location in order to function.

G.

In granting or limiting a permit, the Harbor Committee of the Village may impose conditions or limitations designed to carry out the intent of this chapter, which shall be incorporated into the permit.

H.

Any decision by the Harbor Committee to grant, deny, or place conditions upon a wetlands permit or to revoke or suspend any permit previously issued pursuant to this chapter shall be supported by written findings giving the reason for such decisions.

I.

In the event that a court of competent jurisdiction finds the action reviewed constitutes a taking without just compensation, and the land so regulated merits protection under this chapter, the court may, at the election of the Village Board of Trustees, either:

(1)

Set aside the order; or

(2)

Require the Village Board to proceed under the condemnation law to acquire the wetlands or such less than fee rights therein as have been taken.

### **§ 53A-9**

#### **Granting, denying or limiting of minor projects.**

A.

The Building Inspector shall notify the applicant, in writing, when the application is deemed complete.

B.

Not later than 60 days after the notice of complete application, the applicant shall notify property owners within 200 feet of the property as shown on the current Village of Sag Harbor assessment roll by registered or certified mail that written comments will be accepted by the Building Inspector for a period of not less than five days and not later than 21 days. Notice of such application shall be posted in a public location at Village Hall, advising that written comments will be accepted during the public comment period.

C.

Within 30 days after the expiration of the public comment period, the Building Inspector shall either grant the permit, deny the permit or grant the permit with conditions.

D.

In granting or limiting a permit, the Building Inspector may impose reasonable conditions or limitations designed to carry out the intent of this chapter.

**§ 53A-10**            **Permit requirements for major and minor projects.****A.**

All permits shall be clearly posted on the project site during all work activities, and all applicants, their agents, or construction crews proceeding with approved operations shall carry on their persons or have readily available the approved permit condition and shall show same to any authorized inspector of the Village of Sag Harbor whenever requested.

**B.**

The Harbor Committee may revoke or suspend any permit where any conditions of the permit have not been complied with.

**C.**

All activities undertaken pursuant to a wetlands permit shall be completed within a period of two years, except dredging permits, which shall, at the discretion of the Harbor Committee of the Village, be in effect for a period of five years. Notwithstanding the foregoing, in the event that the applicant has obtained a building permit for the work authorized by the wetlands and waterways permit, the time for completing a permitted activity shall expire simultaneously with the expiration of the building permit or any renewal thereof. In the event a wetlands permit expires by operation of this section, the Harbor Committee of the Village may issue a renewal by resolution. In the event that the permit expires and work has not commenced, the Harbor Committee may require a new application to be filed.

**§ 53A-11**            **Building permit; certificate of occupancy.****A.**

All buildings and structures shall, upon the issuance of a wetlands permit by the Harbor Committee, also be required to receive a building permit from the Building Inspector.

**B.**

No structure or building erected or altered and regulated under this chapter of the Sag Harbor Village Code shall be used until a certificate of occupancy has been issued by the Building Inspector.

**§ 53A-12**            **Fee.****A.**

The Board of Trustees of the Village shall require an application fee for all permit applications as well as a permit or license fee for any operations or uses permitted pursuant to this chapter. Such fees shall be set by resolution of the Board of Trustees of the Village and may be amended on an as-needed basis by further resolution.

**B.**

The applicant shall also pay the reasonable engineering review and environmental consultant fees of the Village Engineer and environmental consultant for services rendered to the Village in reviewing the applicants submissions and rendering advice with respect to the proposed subdivision.

**C.**

The fee schedule set by the Board of Trustees and the fees of the Village Engineer, planning and/or environmental consultant shall be kept in the office of the Village Clerk and the Building Inspector.

**D.**

No permit shall be issued until all fees have been paid pursuant to this section.

**§ 53A-13**            **Jurisdiction of other agencies.**

A permit approved by the Village of Sag Harbor does not relieve the applicant of the necessity to obtain authorization or other permits from other agencies which have jurisdiction over the proposed project.

**§ 53A-14**            **Penalties for offenses; corrective action.****A.**

Administrative sanctions.

(1)

Any person found violating any provision of this chapter or the conditions imposed by the Harbor Committee of the Village and/or the Building Inspector upon an approved permit may be served with a written notice by the Building Inspector requiring the activity be stopped and the appearance of such person at a hearing before the Board of Trustees of the Village. Such written notice shall be served at least 10 days prior to the hearing date by personal service or by registered or certified mail. The notice shall contain a specification of charges. No work shall resume until the Board of Trustees of the Village has determined that a violation does not exist.

(2)

Following such hearing, the Board of Trustees of the Village, upon the recommendation of the Building Inspector, shall have the power to assess a civil penalty not to exceed \$3,000 for every such violation. In addition, the Board of Trustees of the Village shall have the power to direct the violator to satisfactorily restore the affected wetland to its condition prior to the violation, insofar as that is possible within a reasonable time and under the supervision of the Building Inspector.

(3)

Any civil penalty or order issued by the Village shall be reviewable pursuant to the Civil Practice Law and Rules.

B.

Criminal sanctions.

(1)

Any person who violates any provision of this chapter or the conditions imposed by the Harbor Committee of the Village, upon an approved permit, shall, in addition, for the first offense, be guilty of a violation punishable by a fine of not more than \$500 and for a second and each subsequent offense be guilty of a misdemeanor punishable by a fine of not more than \$1,000 or a term of imprisonment of not more than six months, or both.

(2)

In lieu of or in addition to these punishments, any offender may be ordered by the court to restore the affected wetland to its condition prior to the offense. The court shall specify a reasonable time for the completion of such restoration, which shall be effected under the supervision of the Director.

(3)

Each offense shall be a separate and distinct offense, and, in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense.

C.

Equitable relief. The Village of Sag Harbor shall have the right to seek equitable relief to restrain any violation or threatened violation of any of the provisions of this chapter.



## **APPENDIX C**

---

COASTAL FISH & WILDLIFE HABITAT RATING FORM

---

Name of Area: Sag Harbor and Northwest Harbor

County(ies): Suffolk

FEB. 16 1987

Town(s): East Hampton, Shelter Island, Southampton

7.5' Quadrangle(s): Gardiners Island West, NY; Greenport, NY

---

	(IS) Individual Score		(R) Replace- ability		(ISxR) Final Score
ECOSYSTEM RARITY (ER):	<u>20</u>	x	<u>1.2</u>	=	<u>24.0</u>
Moderately shallow open water bays; not unusual in Peconic Bays area, but relatively uncommon on Long Island. Geometric mean: $\sqrt{16 \times 25} = 20$ .					
SPECIES VULNERABILITY (SV):	<u>0</u>	x	<u>1.2</u>	=	<u>0.0</u>
No endangered, threatened, or special concern species reside in the area.					
HUMAN USE (HU):	<u>27</u>	x	<u>1.2</u>	=	<u>32.4</u>
Commercial bay scallop shellfishery significant in the northeastern United States; recreational fishery of county-level significance. Additive division: $25 + 4/2 = 27$ .					
POPULATION LEVEL (PL):	<u>16</u>	x	<u>1.2</u>	=	<u>19.2</u>
One of five major concentration areas for harbor seals wintering in New York State.					

---

REPLACEABILITY (R): 1.2

Irreplaceable

---

SIGNIFICANCE =  $[(ER \times R) + (SV \times R) + (HU \times R) + (PL \times R)] = \underline{75.6}$

\*\*\*SIGNIFICANT COASTAL FISH AND WILDLIFE HABITAT\*\*\*

PROJECT DESCRIPTION

SAG HARBOR AND NORTHWEST HARBOR

LOCATION AND DESCRIPTION OF HABITAT:

Sag Harbor and Northwest Harbor are adjoining bays on the north shore of the south fork of Long Island. The bays are located between North Haven and Cedar Point, in the Towns of East Hampton, Southampton, and Shelter Island, Suffolk County (7.5 Quadrangles: Greenport, N.Y.; and Gardiners Island West, N.Y.). This area is approximately 3000 acres in size, consisting primarily of open water. However, the fish and wildlife habitat also includes the tidal wetlands associated with Little Northwest Creek, and exposed rocks located near the Sag Harbor Cove jetty. Water depths in most of Sag and Northwest Harbors range from 6 to 20 feet below mean low water. The bays are bordered by much undeveloped land, including Suffolk County parklands and The Nature Conservancy's Mashomack Preserve. The NYSDEC owns approximately 190 acres of land surrounding Little Northwest Creek. The only major developments along the entire shoreline of these bays are the boating facilities in Sag Harbor Cove.

FISH AND WILDLIFE VALUES :

Sag Harbor and Northwest Harbor are generally representative of the Peconic Bays ecosystem, with broad expanses of moderately shallow water. This habitat type is unlike the very shallow bays on the south shore of Long Island or the relatively narrow bays on the north shore. Little Northwest Creek is an important component of this ecosystem, contributing to the biological productivity of the area.

Sag Harbor and Northwest Harbor are important to fish and wildlife throughout the year. Least tern (E), piping plover (T), and osprey (T) feed in the harbor area. Diamondback terrapin are scattered along the harbor coastline and tidal creeks but the importance of the area to this species is not well documented. From November through March, Sag and Northwest Harbors support wintering waterfowl concentrations of county-level significance. Mid-winter aerial surveys of waterfowl abundance for the ten year period 1975-1984 indicate average concentrations of over 440 birds in the bays each year (1,082 in peak year), including scaup, black duck, common goldeneye, bufflehead, red-breasted merganser, canvasback, mallard, and Canada goose. During much of the same time period (December - early May), concentrations of harbor seals also occur in Sag Harbor and Northwest Harbor. Exposed rocks near the Sag Harbor Cove jetty provide an important "haulout" area, which seals use for resting and sunning. This location is one of about five major haulouts around Long Island, serving as a focal point for seals feeding in the Sag Harbor area. Northwest Harbor

may also be important feeding and resting habitat for juvenile Kemp's Ridley sea turtles (E) especially during the late summer and fall. More documentation is needed on the use of the area by this species as well as other sea turtle species.

Sag Harbor and Northwest Harbor are productive habitats for marine finfish and shellfish. This area is one of the most important bay scallop producing areas on Long Island, supporting a commercial shellfishery significant in the northeastern United States. Oysters are present in lesser numbers, providing limited recreational and commercial shellfishing opportunities. The bays serve as nursery and feeding areas (April-November, generally) for many estuarine fish species, such as weakfish, winter flounder, and scup. Northwest Harbor sustains a commercial and recreational winter flounder fishery of county-level significance. Fishing pressure in the area extends from spring through fall.

#### IMPACT ASSESSMENT :

Any activity that would substantially degrade the water quality in Sag Harbor or Northwest Harbor would affect the biological productivity of this area. All species of fish and wildlife would be adversely affected by water pollution, such as chemical contamination (including food chain effects), oil spills, excessive turbidity or sedimentation, and waste disposal. It is essential that high water quality be maintained in the area to protect the shellfishery. Efforts should be made to control discharges of sewage from recreational boats and upland sources. Thermal discharges, depending on time of year, may have variable effects on use of the area by marine species and wintering waterfowl. Installation and operation of water intakes would have significant impacts on juvenile (and adult, in some cases) fish concentrations, through impingement or entrainment. Construction of shoreline structures, such as docks, piers, bulkheads, or revetments, in areas not previously disturbed by development (i.e., natural beach or salt marsh), may result in the loss of productive areas which support the fish and wildlife resources of Sag and Northwest Harbors. Undeveloped woodlands bordering Sag Harbor and Northwest Harbor are particularly important for maintaining the water quality and habitat value of the harbors and should be preserved as a buffer zone. Any permanent alteration or human disturbance of the harbor seal haulout area, or obstruction of seal migrations, would adversely affect this species. Significant underwater noise, from dredging or other activities, could also preclude harbor seals from using the area.

#### KNOWLEDGEABLE CONTACTS:

Tom Hart or Andrew Milliken  
N.Y.S. Department of State  
Division of Coastal Resources &  
Waterfront Revitalization  
162 Washington Avenue  
Albany, NY 12231  
Phone: (518) 474-3642

Harry Knoch, Wildlife Manager  
NYSDEC - Region 1  
State University of New York, Building 40  
Stony Brook, New York 11790  
Phone: (516) 751-7900

John Poole, Marine Resources Specialist IV  
Bureau of Marine Finfish and Crustaceans  
NYSDEC - Region 1  
State University of New York, Building 40  
Stony Brook, New York 11790  
Phone: (516) 751-7900

Pieter VanVolkenburgh, Chief  
Bureau of Shellfisheries  
NYSDEC - Region 1  
State University of New York, Building 40  
Stony Brook, New York 11790  
Phone: (516) 751-7900

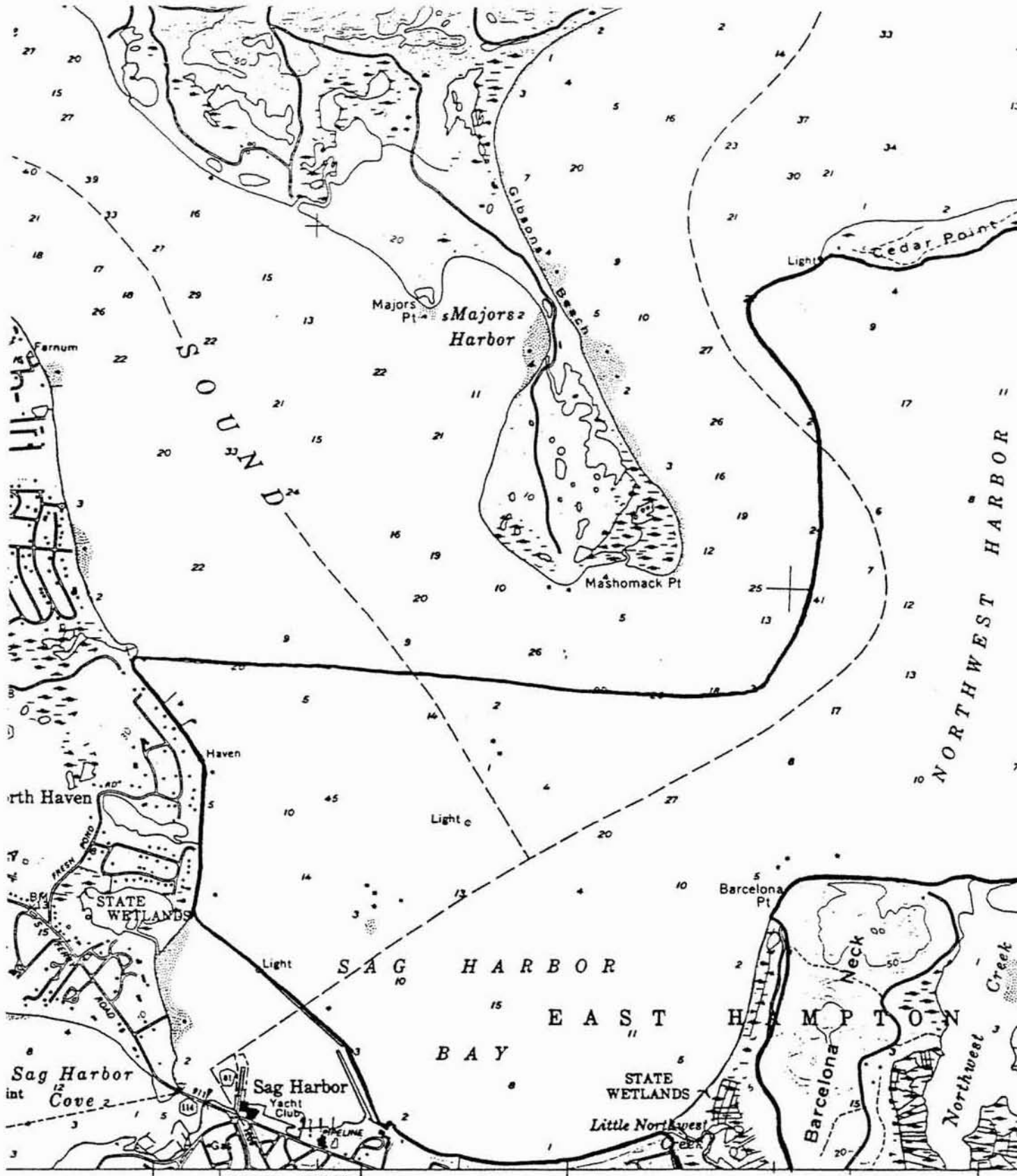
Sam Sadove, Research Director  
OKEANOS Ocean Research Foundation  
216 E. Montauk Highway  
P.O. Box 776  
Hampton Bays, New York 11946  
Phone: (516) 728-4522

New York State Department of  
Environmental Conservation  
Significant Habitat Unit  
Wildlife Resources Center  
Delmar, New York 12054  
Phone: (518) 439-7486

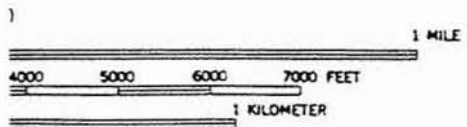
Larry Penny, Director  
Environmental Protection  
Town of East Hampton  
159 Pantigo Road  
East Hampton, New York 11937  
Phone: (516) 267-8462

Arnold Leo, Secretary  
East Hampton Baymens Association  
Box 498  
Amagansett, New York 11930  
Phone: (516) 324-2216

Louise Harrison  
Suffolk County  
Department of Health Services  
Bureau of Environmental Management  
County Center  
Riverhead, NY 11901  
Phone: (516) 548-3064



2 470 000 17° 30"



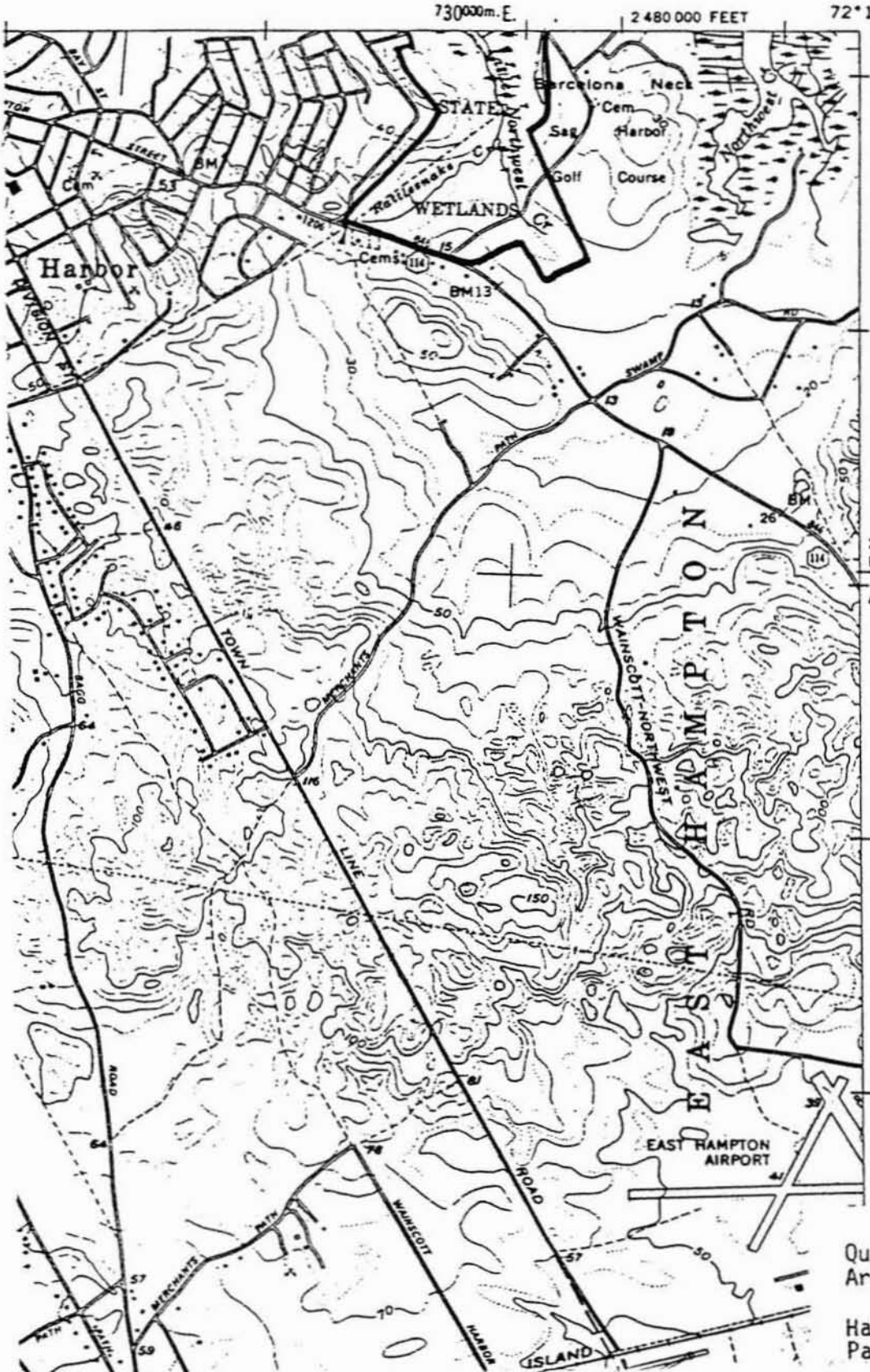
INDEX TO  
 1:2500 (1" = 200')

Quad: Greenport, NY  
 Area Name: Sag Harbor and Northwest Harbor  
 BOUNDARY:  
 State...  
 County...  
 Town or City...  
 Incorporated Village...  
 Habitat Boundary: Page 1 of 3



SAG HARBOR QUADRANGLE  
 NEW YORK-SUFFOLK CO.  
 7.5 MINUTE SERIES

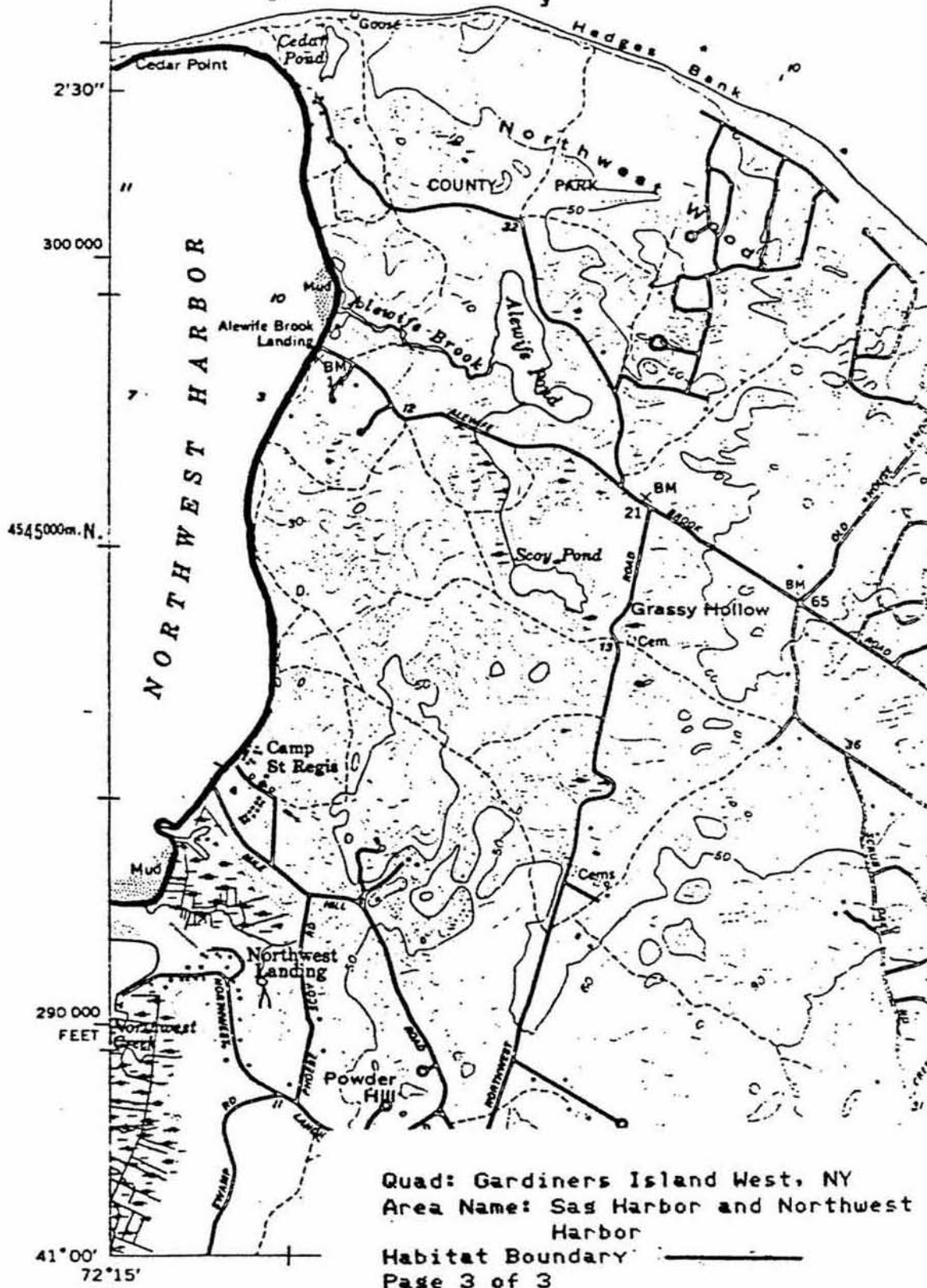
GARDINERS ISLAND  
 WEST



730000m. E. 2 480 000 FEET 72° 15' 41' 00'

280 000 FEET  
 4540000m. N.

Quad: Sag Harbor, NY  
 Area Name: Sag Harbor and Northwest Harbor  
 Habitat Boundary:  
 Page 2 of 3



SAG HARBOR



## **APPENDIX D**

---

## NESTING BIRDS FOUND IN THE SAG HARBOR VILLAGE AREA

spotted sandpiper (*Actitis macularia*)  
red-winged blackbird (*Agelaius phoeniceus*)  
wood duck (*Aix sponsa*)  
sharp-tailed sparrow (*Ammodramus caudacutus*)  
seaside sparrow (*Ammodramus maritimus*)  
American wigeon\* (*Anas americana*) PB  
green-winged teal (*Anas crecca*)  
blue-winged teal (*Anas discors*)  
mallard (*Anas platyrhynchos*)  
mallard x American black duck (*Anas platyrhynchos x rubripes*)  
American black duck (*Anas rubripes*)  
gadwall (*Anas strepera*)  
ruby-throated hummingbird\* (*Archilocus colubris*) PrB  
cedar waxwing\* (*Bombycilla cedrorum*) CB  
Canada goose (*Branta canadensis*)  
great horned owl\* (*Bubo virginianus*) PB  
cattle egret (*Bubulcus ibis*)  
red tailed hawk\* (*Buteo jamaicensis*) CB  
broad winged hawk\* (*Buteo platypterus*) PB  
green-backed heron (*Butorides striatus*)  
whip-poor-will\* (*Caprimulgus vociferus*) PrB  
northern cardinal\* (*Cardinalis cardinalis*) CB  
American goldfinch\* (*Carduelis tristis*) PrB  
house finch\* (*Carpodacus mexicanus*) CB  
purple finch\* (*Carpodacus purpureus*) PrB  
great egret (*Casmerodius albus*)  
veery\* (*Catharus fuscescens*) PB  
willet (*Catoptrophorus semipalmatus*)  
belted kingfisher (*Ceryle alcyon*)  
chimney swift\* (*Chaetura pelagica*) PrB  
piping plover (*Charadrius melodus*)  
killdeer\* (*Charadrius vociferous*) CB  
northern harrier (*Circus cyaneus*)  
marsh wren (*Cistothorus palustris*)  
yellow billed cuckoo\* (*Coccyzus americanus*) PrB  
black billed cuckoo\* (*Coccyzus erythrophthalmus*) PrB  
northern harrier\* (*Colaptes auratus*) CB  
northern bobwhite\* (*Colinus virginianus*) CB  
rock dove\* (*Columba livia*) CB  
eastern wood-pewee\* (*Contopus virens*) PrB  
American crow\* (*Corvus brachyrhynchos*) CB  
fish crow (*Corvus ossifragus*)  
blue jay\* (*Cyanocitta cristata*) CB  
mute swan (*Cygnus olor*)  
prairie warbler\* (*Dendroica discolor*) PrB  
chestnut-sided warbler\* (*Dendroica pensylvanica*) PB  
yellow warbler\* (*Dendroica petechia*) CB

pine warbler\* (*Dendroica pinus*) CB  
 grey catbird\* (*Dumetella carolinensis*) CB  
 little blue heron (*Egretta caerulea*)  
 snowy egret (*Egretta thula*)  
 acadian flycatcher\* (*Empidonax virescens*) CB  
 horned lark (*Eremophila alpestris*)  
 American kestrel\* (*Falco sparverius*) CB  
 common moorhen (*Gallinula chloropus*)  
 common yellowthroat\* (*Geothlypis trichas*) CB  
 American oystercatcher (*Haematopus palliatus*)  
 barn swallow\* (*Hirundo rustica*) CB  
 wood thrush\* (*Hylocichla mustelina*) CB  
 northern oriole\* (*Icterus galbula*) CB  
 least bittern (*Ixobrychus exilis*)  
 herring gull (*Larus argentatus*)  
 great black-backed gull (*Larus marinus*)  
 red-bellied woodpecker\* (*Melanerpes carolinus*) PB  
 song sparrow\* (*Melospiza melodia*) CB  
 red-breasted merganser (*Mergus serrator*)  
 northern mockingbird\* (*Mimus polyglottos*) CB  
 black and white warbler\* (*Mniotilta varia*) PrB  
 brown-headed cowbird\* (*Molothrus ater*) PrB  
 great crested flycatcher\* (*Myiarchus crinitus*) CB  
 black-crowned night-heron (*Nycticorax nycticorax*)  
 eastern screech owl\* (*Otus asio*) PrB  
 ruddy duck (*Oxyura jamaicensis*)  
 black capped chickadee\* (*Parus atricapillus*) CB  
 tufted titmouse\* (*Parus bicolor*) CB  
 house sparrow\* (*Passer domesticus*) CB  
 indigo bunting\* (*Passerina cyanea*) PrB  
 savannah sparrow (*Passerculus sandwichensis*)  
 osprey (*Pandion haliaetus*)  
 double-crested cormorant (*Phalacrocorax auritus*)  
 ring necked pheasant\* (*Phasianus colchicus*) CB  
 rosebreasted grosbeak\* (*Pheucticus ludovicianus*) PrB  
 downy woodpecker\* (*Picoides pubescens*) CB  
 hairy woodpecker\* (*Picoides villosus*) CB  
 rufous-sided towhee\* (*Pipilo erythrophthalmus*) CB  
 scarlet tanager\* (*Piranga olivacea*) PrB  
 glossy ibis (*Plegadis falcinellus*)  
 pied-billed grebe (*Podilymbus podiceps*)  
 blue-grey gnatcatcher\* (*Poliophtila caerulea*) CB  
 common grackle\* (*Quiscalus quiscula*) CB  
 Virginia rail (*Rallus limicola*)  
 clapper rail (*Rallus longirostris*)  
 bank swallow (*Riparia riparia*)  
 black skimmer (*Rynchops niger*)  
 eastern phoebe\* (*Sayornis phoebe*) PrB  
 American woodcock\* (*Scolopax minor*) CB  
 Ovenbird\* (*Seiurus aurocapillus*) PrB  
 chipping sparrow\* (*Spizella passerina*) CB

field sparrow\* (*Spizella pusilla*) CB  
American redstart\* (*Setophaga ruticilla*) CB  
eastern bluebird\* (*Sialia sialis*) PB  
red-breasted nuthatch\* (*Sitta canadensis*) PB  
white-breasted nuthatch\* (*Sitta carolinensis*) CB  
northern rough-winged swallow (*Stelgidopteryx serripennis*)  
least tern (*Sterna antillarum*)  
roseate tern (*Sterna dougalli*)  
common tern (*Sterna hirundo*)  
European starling\* (*Sturnus vulgaris*) CB  
tree swallow (*Tachycineta bicolor*)  
Carolina wren\* (*Thryothorus ludovicianus*) CB  
brown thrasher\* (*Toxostoma rufum*) CB  
house wren\* (*Troglodytes aedon*) CB  
American robin\* (*Turdus migratorius*) CB  
eastern kingbird\* (*Tyrannus tyrannus*) CB  
blue winged warbler\* (*Vermivora pinus*) PrB  
white eyed vireo\* (*Vireo griseus*) PB  
red eyed vireo\* (*Vireo olivaceus*) CB  
mourning dove\* (*Zenaida macroura*) CB

\* From *The Atlas of Breeding Birds in NY State*. eds. Robert F. Andrie and Janet R. Carroll. c 1988. Cornell University Press.

PB = possible breeding

PrB = probable breeding

CB = confirmed breeding

## **APPENDIX E**

---

## WINTER WATERBIRDS FOUND IN AND AROUND SAG HARBOR

wood duck (*Aix sponsa*)  
razorbill (*Alca torda*)  
dovekie (*Alle alle*)  
northern pintail (*Anas acuta*)  
American wigeon (*Anas americana*)  
northern shoveler (*Anas clypeata*)  
green-winged teal (*Anas crecca*)  
blue-winged teal (*Anas discors*)  
Eurasian wigeon (*Anas penelope*)  
mallard (*Anas platyrhynchos*)  
American black duck (*Anas rubripes*)  
gadwall (*Anas strepera*)  
great blue heron (*Ardea herodias*)  
ruddy turnstone (*Arenaria interpres*)  
lesser scaup (*Aythya affinis*)  
redhead (*Aythya americana*)  
ring-necked duck (*Aythya collaris*)  
greater scaup (*Aythya marila*)  
canvasback (*Aythya valisineria*)  
American bittern (*Botaurus lentiginosus*)  
brant (*Branta bernicla*)  
Canada goose (*Branta canadensis*)  
bufflehead (*Bucephala albeola*)  
common goldeneye (*Bucephala clangula*)  
Barrow's goldeneye (*Bucephala islandica*)  
sanderling (*Calidris alba*)  
dunlin (*Calidris alpina*)  
red knot (*Calidris canutus*)  
purple sandpiper (*Calidris maritima*)  
least sandpiper (*Calidris minutilla*)  
common snipe (*Capella gallinago*)  
willet (*Catoptrophus semipalmatus*)  
killdeer (*Charadrius vociferus*)  
snow goose (*Chen caerulescens*)  
old squaw (*Clangula hyemalis*)  
mute swan (*Cygnus olor*)  
American coot (*Fulica americana*)  
common loon (*Gavia immer*)  
red-throated loon (*Gavia stellata*)  
American oystercatcher (*Haematopus palliatus*)  
bald eagle (*Haliaeetus leucocephalus*)  
harlequin duck (*Histrionicus histrionicus*)  
herring gull (*Larus argentatus*)  
laughing gull (*Larus atricilla*)  
ring-billed gull (*Larus delawarensis*)  
lesser black-backed gull (*Larus fuscus*)  
Iceland gull (*Larus glaucoides*)

glaucous gull (*Larus hyperboreus*)  
great black-backed gull (*Larus marinus*)  
little gull (*Larus minutus*)  
Bonaparte's gull (*Larus philadelphia*)  
hooded merganser (*Lophodytes cucullatus*)  
belted kingfisher (*Megaceryle alcyon*)  
white-winged scoter (*Melanitta deglandi*)  
black scoter (*Melanitta niger*)  
surf scoter (*Melanitta perspicillata*)  
common merganser (*Mergus merganser*)  
red-breasted merganser (*Mergus serrator*)  
northern gannet (*Morus bassanus*)  
black-crowned night heron (*Nycticorax nycticorax*)  
tundra swan (*Olor columbianus*)  
ruddy duck (*Oxyura jamaicensis*)  
double-crested cormorant (*Phalacrocorax auritus*)  
great cormorant (*Phalacrocorax carbo*)  
American woodcock (*Philohela minor*)  
black-bellied plover (*Pluvialis squatarola*)  
horned grebe (*Podiceps auritus*)  
red-necked grebe (*Podiceps grisegena*)  
pied-billed grebe (*Podilymbus podiceps*)  
Virginia rail (*Rallus limicola*)  
clapper rail (*Rallus longirostris*)  
black-legged kittiwake (*Rissa tridactyla*)  
common eider (*Somateria mollissima*)  
king eider (*Somateria spectabilis*)  
parasitic jaeger (*Stercorarius parasiticus*)  
greater yellowlegs (*Tringa melanoleuca*)

**APPENDIX F**

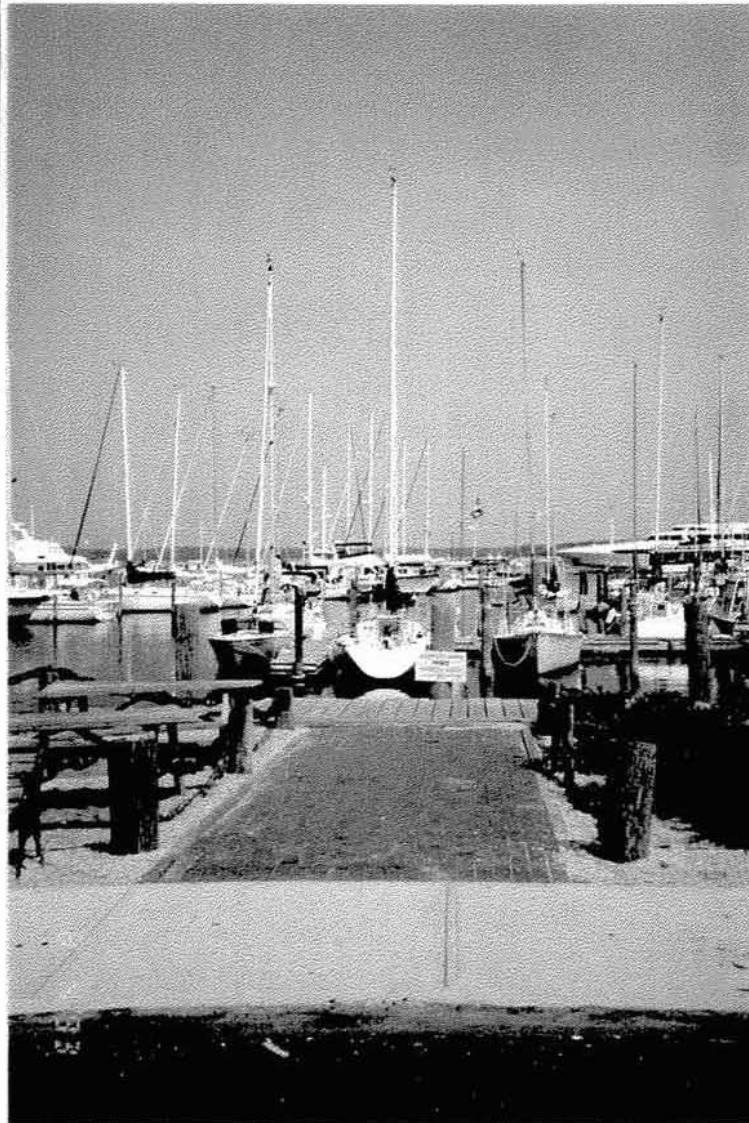
---





**MARINA CHARACTER AREA: Sag Harbor Yacht Yard**

**MARINA CHARACTER AREA: East of Long Wharf**





**MARINA CHARACTER AREA: Redwood Canal**



**MARINA CHARACTER AREA: West Water Street**



**MARINE RECREATIONAL CHARACTER AREA: Haven's Beach**



**MARINE RECREATIONAL CHARACTER AREA: Marine Park**



**MARINE RECREATIONAL CHARACTER AREA: Windmill Park and shoreline**



**MARINE RECREATIONAL CHARACTER AREA: Otter Pond**





**MARINE RECREATIONAL CHARACTER AREA: Issue -- Long Wharf parking**



**MARINE RECREATIONAL  
CHARACTER AREA:  
Issue -- seating and walking**



**MARINE NATURAL CHARACTER AREA: Northwest Creek Area**



**BUSINESS DISTRICT CHARACTER AREA**



**BUSINESS DISTRICT  
CHARACTER AREA**

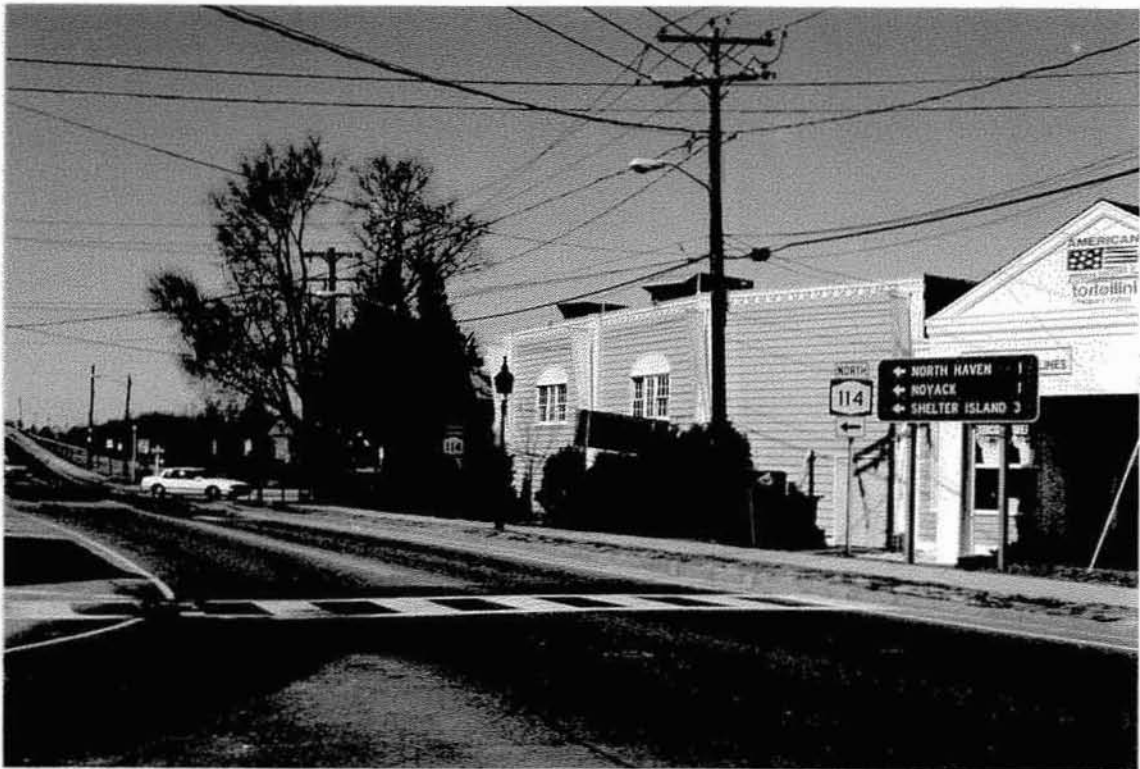


**BUSINESS DISTRICT  
CHARACTER AREA:  
Issue -- benches**

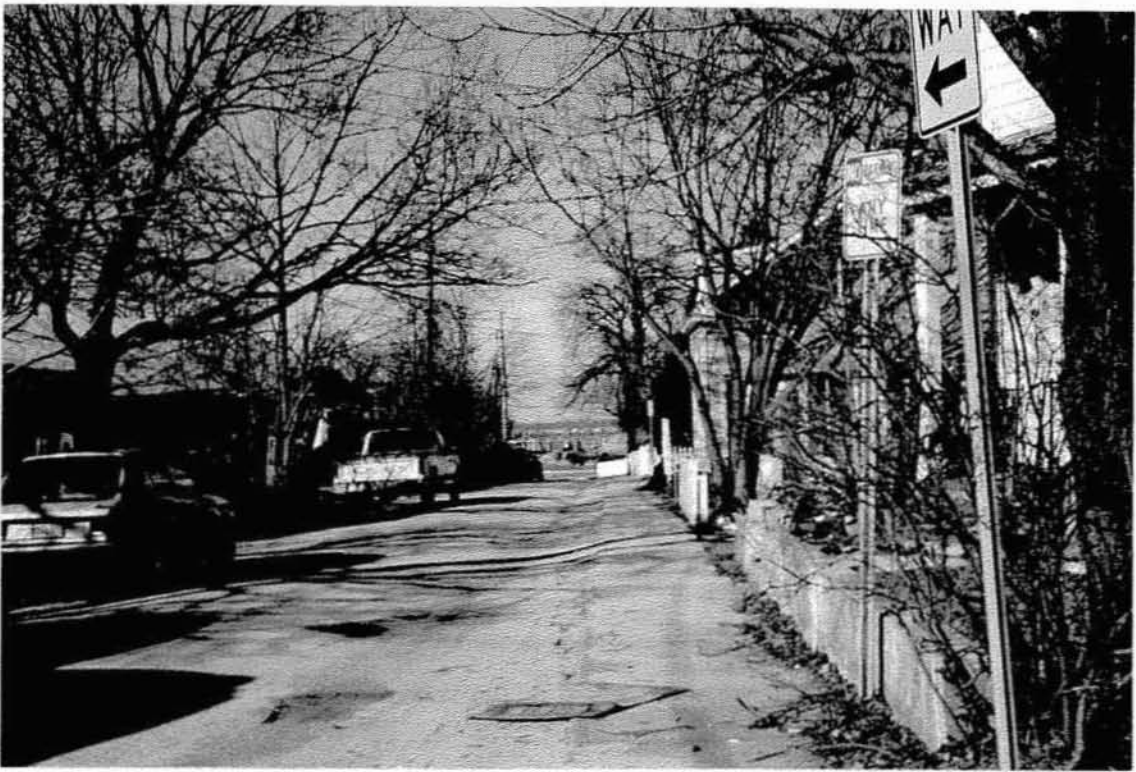




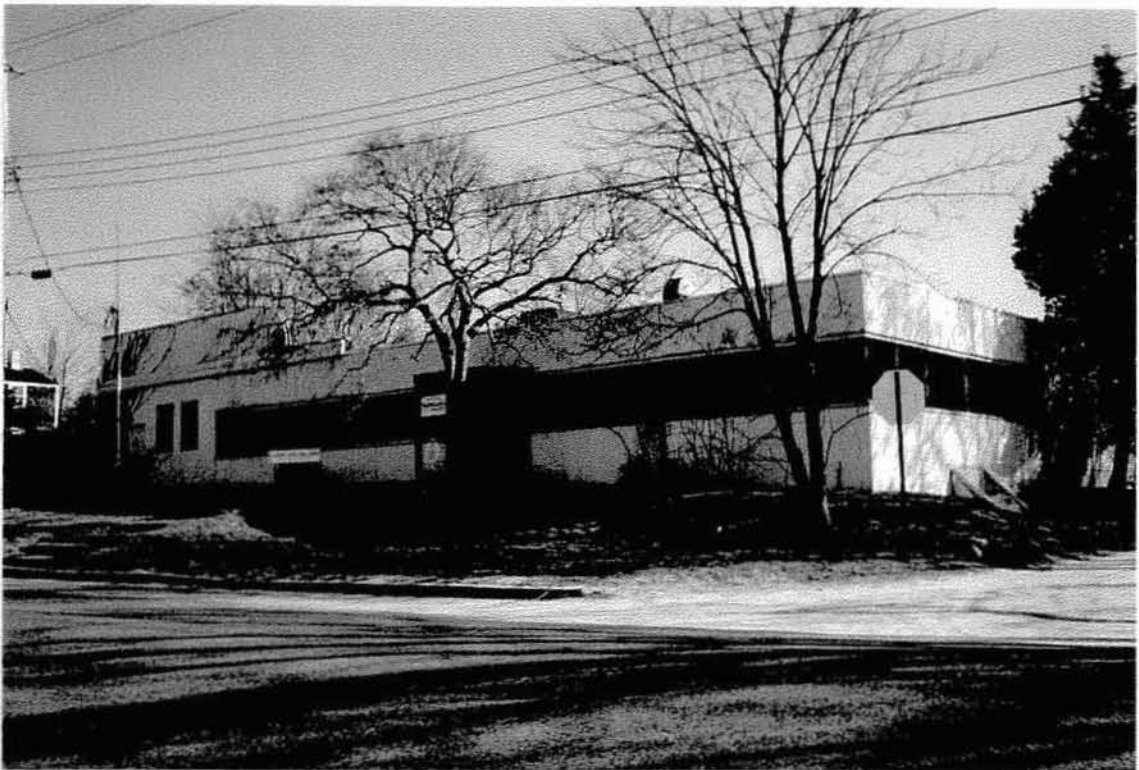
**BUSINESS DISTRICT CHARACTER AREA: Issue -- 5-way intersection**



**BUSINESS DISTRICT AREA: Issue -- signage**



**RESIDENTIAL CHARACTER AREA: Rector Street**



**INDUSTRIAL CHARACTER AREA**



**RESIDENTIAL CHARACTER AREA: Issue -- woodland protection**



**INDUSTRIAL CHARACTER AREA: Issue -- unused and decaying property**



**OPEN SPACE CHARACTER AREA: Mashashimuet Park**



**OPEN SPACE CHARACTER AREA: Mashashimuet Park**

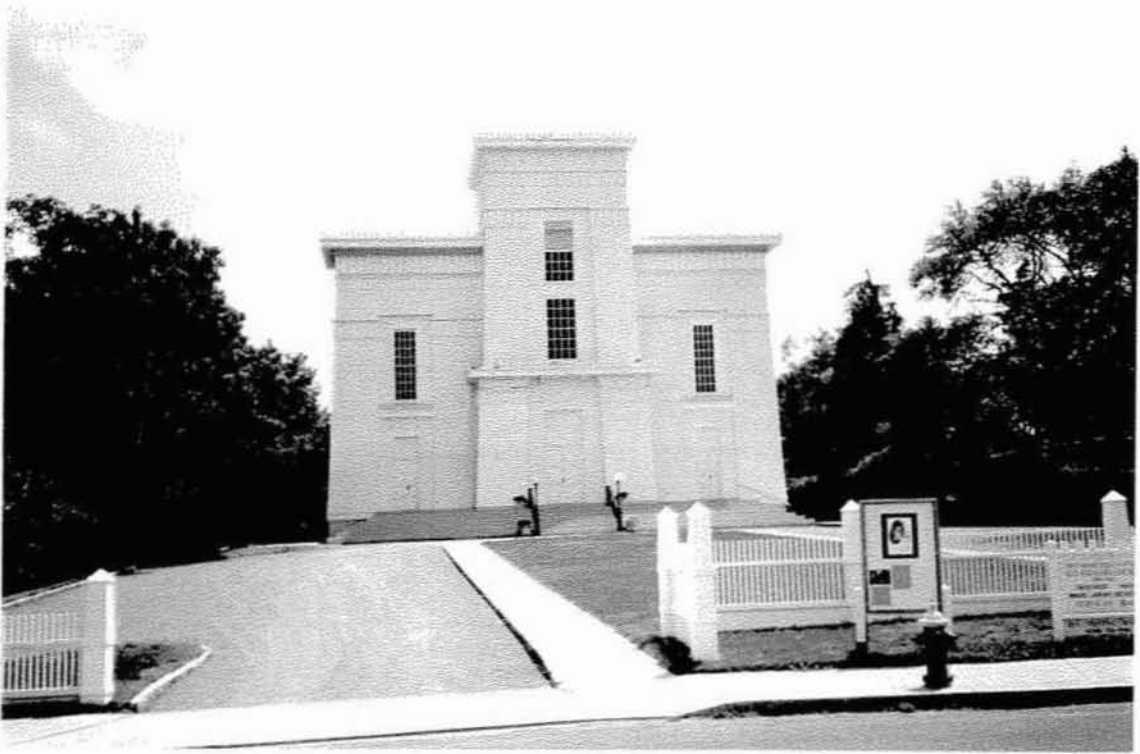




**MULTI-UNIT RESIDENTIAL CHARACTER AREA: West Water Street**



**MULTI-UNIT RESIDENTIAL CHARACTER AREA: Long Island Avenue**



**INSTITUTIONAL CHARACTER AREA: Whalers Presbyterian Church**



**AGRICULTURAL CHARACTER AREA: Cilli Farm**



**View north from Long Wharf**



**View east from Long Wharf**



**View northwest from Windmill Park**



**View northwest from West Water Street**

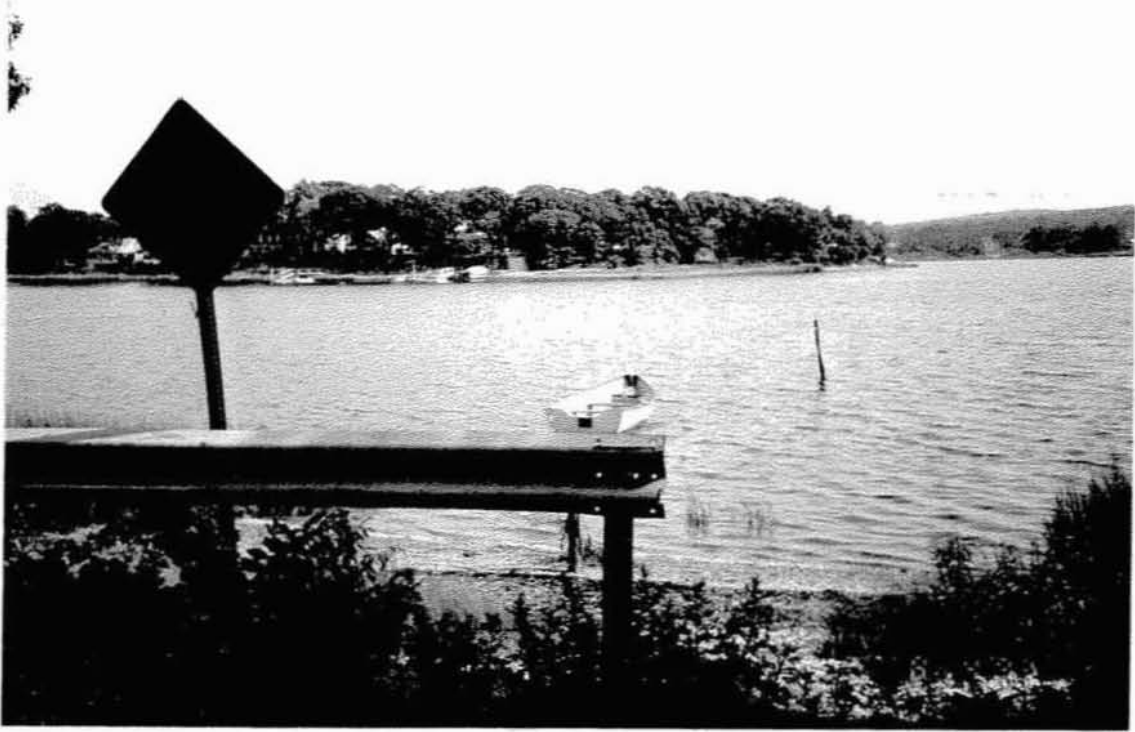




**View east from North Haven Bridge (NYS Rte. 114)**



**View south from North Haven Bridge (NYS Rte. 114)**



**View north from Redwood**



**View northwest from Redwood**



**View southwest from Redwood**



**View south from Redwood**



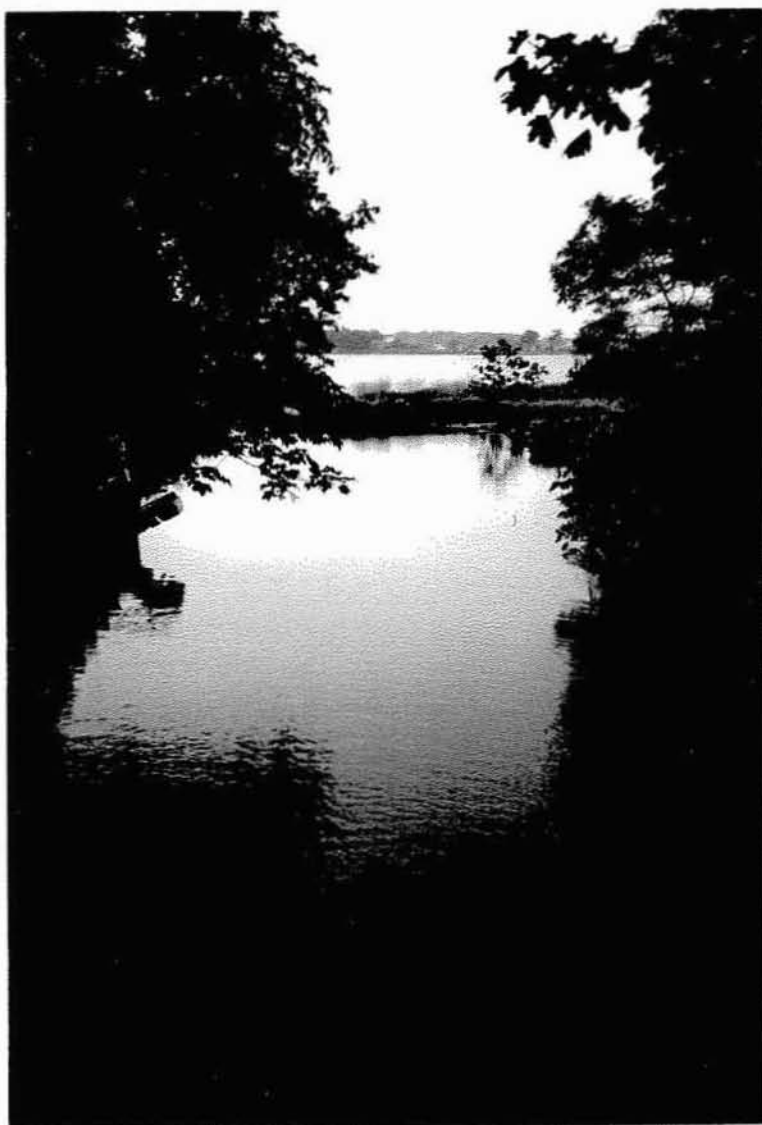
**View north from Redwood Avenue - Sag Harbor Cove**



**View south from Redwood Avenue - Upper Sag Harbor Cove**



View southeast from Otter Pond bridge



View northwest from Otter Pond bridge



**View northwest from Haven's Beach**