

### SECTION III - WATERFRONT REVITALIZATION PROGRAM POLICIES

The Town of Smithtown Local Waterfront Revitalization Program has been designed to be consistent with the State program and to emphasize and describe local conditions, policies, plans and projects.

The section on Waterfront Revitalization Program Policies is divided according to State designated policy areas and State policies within each policy area. Each policy may be followed by a statement or statements of additional policies that are relevant to local conditions and/or can strengthen the policies by local actions (indicated by a capital letter following the arabic number, e.g. 2A, 2B, 2C).

Following the policy statements are explanations of the policies and descriptions of criteria, standards or guidelines, all of which will be used to evaluate consistency with a particular policy or policies. In general, decisions on public expenditures, land use, and review of private development plans will be measured in terms of compliance with these policies.

#### A. Development Policies

Policy 1 RESTORE, REVITALIZE, AND REDEVELOP DETERIORATED AND UNDER-UTILIZED WATERFRONT AREAS FOR COMMERCIAL, INDUSTRIAL, CULTURAL, RECREATIONAL, AND OTHER COMPATIBLE USES.

Policy 1A REHABILITATE DETERIORATING RESIDENTIAL STRUCTURES IN SAN REMO AND IN THE VICINITY OF THE KINGS PARK BLUFF.

Policy 1B REDEVELOP THE WEST END OF THE SMITHTOWN CBD TO A HUB OF WATER DEPENDENT AND WATER ENHANCED, LOW KEY RECREATIONAL USES WITH A MIX OF WATER ENHANCED RESIDENTIAL AND COMMERCIAL USES.

Policy 1C WHEN THE KINGS PARK PSYCHIATRIC CENTER IS NO LONGER NEEDED FOR ITS ORIGINAL PURPOSE, RESTORE AND REVITALIZE THE CORE AREA OF THE CENTER FOR INSTITUTIONAL AND RESIDENTIAL USES AND REDEVELOP THE PERIPHERY OF THE CENTER FOR A MIX OF RECREATIONAL, CONSERVATION AND AGRICULTURAL USES.

#### Explanation of Policy

Most of the coastline of the Town of Smithtown is utilized for open space/recreation, residential, and institutional purposes. Very little commercial, and no industrial uses, exist in this area. There are pockets of deteriorated residential structures in the San Remo neighborhood and in the vicinity of the Kings Park Bluff that would benefit substantially from rehabilitation for continued single-family residential use. (See Section II - Underutilized Abandoned Deteriorated Sites.) The Bluff area shall be added to the San Remo Neighborhood Strategy Area under the Town CDBG program. The Neighborhood Strategy Area status shall be continued until structural goals of the CDBG program are met.

Commercial development at the west end of the Smithtown CBD (Head of the River) is a source of many problems in the waterfront area. Certain intensive and intrusive land uses are not compatible with the nature of the Nissequogue River. NYS 25, NYS 25A and parking areas accessory to commercial uses are believed to be significant sources of storm water run-off pollution. Excessive noise levels caused by area traffic volumes detract from the aesthetic value of the Nissequogue River.

Land uses in the waterfront section of the CBD include three filling stations, three taverns, retail stores, a large indoor flea market, and miscellaneous small businesses. A large percentage of this section of the CBD is undeveloped. Vacant industrial and commercial parcels shall be developed for less intensive uses in an effort to reduce traffic congestion, minimize environmental impact, avoid conflicts with water dependent recreation uses, as well as to promote the concentration of intensive uses in the existing core of the CBD. Less intensive uses will facilitate the redesign of the commercial strip, control access, improve pedestrian movement, and enhance the visual quality of the waterfront. The basic kinds of uses that will be permitted in this area include passive recreation, limited active recreation (picnicking, tennis, etc.), attached single-family dwellings, convenience stores, small offices, taverns, restaurants, and boat sales, rentals and services.

About 25 acres of wetland on the west side of NYS 25A, 500 feet north of Jericho Turnpike will be used for conservation purposes. The area is almost totally wetland and unsuitable for any developed use. Approximately 16 acres of vacant property on the east side of 25A, formerly zoned for various kinds of business and residential uses, are proposed for attached high density residential use. It is recognized that the development constraints are much more severe on the west side property due to wetlands as opposed to the upland area on the east side.

A few small parcels in the vicinity of the statue of the bull are designated for recreational uses. Two of the properties are vacant and less than one acre each, however their development for intensive use would cause a significantly adverse impact on traffic and the River. Three of the parcels have commercial establishments including an auto body repair garage. This land use change would reduce the threat to surface water quality and visual quality, and use would increase access and recreational opportunities in the waterfront. These uses would be relocated outside the sensitive area and the parcels would be made part of the greenbelt trail. The site of the body shop would also be used as an ecological storm water drainage basin. Three parcels on the north and south sides of Main Street totalling approximately 26 acres are designated for recreational uses.

Two parcels on the south side of the road total about nine acres and are vacant. The parcel on the north side has a 110,000 square foot flea market on a 17 acre site. These parcels abut the Nissequogue River greenbelt and their development for active recreation would significantly enhance access to this section of the waterfront because they front on a major highway.

The Kings Park Psychiatric Center area is currently defined as institutional, as it is maintained by New York State for the operation of a psychiatric center. This property should consist of a variety of land uses. The Center should consist of a core area of institutional and recreational uses, buildings, and infrastructure surrounded by an open space buffer. The open space buffer would consist of active recreation, agriculture, and conservation land uses. Most of the active recreation would be located on NYS 25A near the entrance to the Center. The previously farmed prime agricultural soils in the vicinity of NYS 25A, Lawrence Road and Old Dock Road should be used for agricultural purposes. If agricultural use is not feasible, this area should remain as a natural, but unwooded, buffer for the purpose of providing valuable wildlife habitat. The Town has many acres of woodland habitats, but virtually no abandoned field ecosystems. The existing wooded areas along Lawrence Road and Old Dock Road should remain in their natural State to act as a buffer separating the institutional use from the surrounding residential land uses. The Town is proposing to construct a 20 acre community park at this location. About 10 acres would be permitted for active recreation in the boat basin mooring area. Expansion of the existing boating facilities could be accommodated on previously filled wetlands without significantly affecting existing wetlands.

The kinds of uses that will be permitted in this area includes, residences, hospitals, nursing homes, clinics, health related facilities, colleges, schools, research and development activities; uses customarily accessory to institutions such as storage buildings and areas, laundry plants, sewage treatment, power generation, recreational facilities (e.g., swimming pools), residence for the staff; limited active recreation (no amusement parks); boat clubs; golf courses; membership clubs; passive recreation; forestry; agriculture and animal husbandry.

The following additional guidelines will be used in implementing development or redevelopment actions:

- a. Priority should be given to uses which are dependent on a location adjacent to the water;
- b. The action should enhance existing and anticipated uses;
- c. The action could serve as a catalyst to private investment in the area;
- d. The action should improve the deteriorated condition of a site and, at a minimum, must not cause further deterioration (i.e. a building could not be abandoned without protecting it against vandalism and/or structural decline);
- e. The action must lead to development which is compatible with the character of the area, with consideration given to scale, architectural style, density, and intensity of use;
- f. The action should have the potential to improve the existing economic base of the community;

- g. The action should improve adjacent and upland views of the water, and, at a minimum, must not affect these views in an insensitive manner; and
- h. The action should have the potential to improve the potential for multiple uses of the site.
- i. The redevelopment of abandoned structures should result in less environmental impacts than those posed by previous uses.

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

Explanation of Policy

The following uses and facilities are suitable water-dependent uses in the Town of Smithtown:

1. Uses which depend on the utilization of resources found in coastal waters (for example: finfishing and mariculture activities);
2. Recreational activities which depend on access to coastal waters (for example: swimming, fishing, boating, wildlife viewing);
3. Structures needed for navigational purposes (for example: locks, dams, lighthouses);
4. Flood and erosion protection structures (for example: breakwaters, bulkheads);
5. Facilities needed to store and service boats and ships (for example: marinas, boat repair, boat construction yards);
6. Scientific/educational activities which, by their nature, require access to coastal waters (for example: certain meteorological and oceanographic activities); and
7. Support facilities which are necessary for the successful functioning of permitted water dependent uses (for example: parking lots, snack bars, first aid stations, short-term storage facilities). Though these uses must be near the given water dependent use they should, as much as possible, be sited inland from the dependent use rather than on the shore.

A number of water-dependent uses are located in the Town's coastal area. These include civic association beaches in Fort Salonga, public beaches at Sunken Meadow State Park and Town sites (Callahans Beach, Short Beach, Long Beach, Schubert Beach, and Cordwood Path), Town mooring areas at the Kings Park Bluff and Long Beach, Town boat ramps at the Bluff and Long Beach, Town boat slips at Long Beach, private yacht clubs (two on the psychiatric center grounds and one at Long Beach), the San Remo Civic Association boat ramp and waterfront park, canoe launch sites at Landing Avenue Town Park and

the County Riverside Conservation Area, the canoe rental and the bait shop at the Bluff, freshwater fishing at Caleb Smith State Park, and numerous nature preserves. Those water-dependent uses that are publicly controlled will be maintained and improved. Water-dependent recreational uses that are privately owned will be encouraged to remain recreational uses. These uses include beaches, parks, boat clubs and nature preserves.

In promoting water-dependent uses the following kinds of actions should be considered:

1. Favored treatment to water-dependent use areas with respect to capital programming. Particular priority should be given to the construction and maintenance of port facilities, roads and public transportation within areas suitable for water dependent uses.
2. When areas suitable for water-dependent uses are publicly owned, favored leasing arrangements could be given to water dependent uses.
3. Local, State and Federal agencies should work together to streamline permitting procedures that may be burdensome to water dependent uses. This effort should begin for specific uses in a particular area.
4. Local land use controls, especially the use of zoning districts exclusively for waterfront uses, can be an effective tool of local government in assuring adequate space for the development of water dependent uses.

In actual choice of sites where water-dependent uses will be encouraged and facilitated, the following guidelines should be used.

1. Competition for space - water-dependent uses will be matched with suitable locations, thus reducing conflicts with competing uses. Not just any site suitable for development should be chosen as a water dependent use area. The choice of a site should be made with some meaningful impact on the real estate market anticipated. The anticipated impact could either be one of increased protection to existing water dependent activities or else the encouragement of water-dependent development.
2. In-place facilities and services - most water-dependent uses will require basic public facilities and services. In selecting sites for water-dependent uses, consideration should be given to the availability of public sewers, water lines and adequate power supply; truck and rail access; and access to public transportation.
3. Access to navigational channels - sites, within sheltered harbor areas, from which access to appropriately sized navigational channels would be assured, shall be set aside to maintain the existing recreational boating and commercial fishing uses.

4. Compatibility with adjacent uses and the protection of other coastal resources - water-dependent uses should be located so that they enhance, or at least do not detract from, the surrounding community. Consideration should also be given to such factors as the protection of nearby residential areas from odors, noise, and traffic. Affirmative approaches should also be employed so that water dependent uses and adjacent uses can serve to complement one another.
5. Preference to deteriorated and underutilized sites - the promotion of water-dependent uses should serve to foster development in deteriorated and underutilized waterfront areas, as described on pages II-28 and 29 and Map 5 of the Inventory and Analysis.

The Town also comprises a number of water-enhanced uses: private residences in Fort Salonga and San Remo, the golf course and picnic grounds in Sunken Meadow State Park, the restaurant at the Bluff, seasonal homes on Old Dock and Upper Dock Roads, residences on the Kings Park Psychiatric Center property, the Smithtown Landing Municipal Country Club, and the Smithtown/Setauket Environmental Center on Landing Avenue. Water-enhanced uses will not take precedence over water-dependent uses, however they can add to opportunities for visual access to the water and such visual access will be maintained.

Policy 3 THE STATE COASTAL POLICY REGARDING DEVELOPMENT OF MAJOR PORTS IS NOT APPLICABLE TO THE TOWN OF SMITHTOWN.

Policy 4 THE STATE COASTAL POLICY REGARDING THE STRENGTHENING OF SMALL HARBOR AREAS IS NOT APPLICABLE TO SMITHTOWN.

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

Policy 5A PREVENT DEVELOPMENT OF VACANT UNDERSIZED LOTS IN SAN REMO WHICH, IF DEVELOPED, WOULD POSE HEALTH AND/OR SAFETY HAZARDS BY REASON OF LOCATION IN FLOOD HAZARD ZONES, POOR DRAINAGE, SHALLOW DEPTH TO GROUNDWATER, POOR SOIL CONDITIONS, OR INADEQUATE SIZE.

Policy 5B A BRIDGE CONNECTING LONG ISLAND AND CONNECTICUT SHALL NOT BE LOCATED IN THE SMITHTOWN WATERFRONT AREA.

#### Explanation of Policy

Development, particularly larger scale development, in the coastal areas of the Town will be encouraged to locate within or in close proximity to the existing areas of more concentrated development where infrastructure and public services are adequate. The Town of Smithtown depends on groundwater for its water supply, therefore appropriate measures must be taken to deal with sanitary wastes and runoff and to protect and prevent

contamination of the groundwater. In addition, the coastal waters serve as spawning grounds and habitats for fish and wildlife and as swimming locations, so that contamination from runoff and seepage must be limited and surface water quality must be protected.

The waterfront area is one of the only areas in the Town which does not have extensive public watermains, although the Kings Park Psychiatric Center has its own water supply and distribution system. The only sewered areas in the Town are serviced by the former Kings Park Psychiatric Center sewage treatment plant which services the Hospital, St. Johnland nursing home, and a nearby residential subdivision. Thus, given its adequate infrastructure and public services, the Kings Park Psychiatric Center property is the only large site in the Town's coastal area that has the potential to be redeveloped. (See Policy 22.)

The following guidelines shall be used in reviewing subdivision and other development proposals to determine whether an action is within or in close proximity to an area of concentrated development where infrastructure and public services are adequate:

1. The proposed site is served by or is near to public or private sewer and water lines;
2. Public transportation service is available within one mile of the proposed site;
3. Streets and highways serving the proposed site can safely accommodate the peak traffic generated by the proposed development, as well as other potential development;
4. Development's water needs can be met by the existing water supply system;
5. Sewage disposal system can accommodate the wastes generated by the development;
6. Energy needs of the proposed land development can be accommodated by existing utility systems;
7. Stormwater run-off from the proposed site can be accommodated by on-site and/or off-site facilities in an environmentally sound manner; and
8. Schools, police, and fire protection, and health and social services are adequate to meet the needs of the population expected to live, work, shop, or conduct business in the area as a result of the development.
9. Recognition of a desirable relationship to the general land form, its topographic and geologic character, to natural drainage and surface water run-off and to the groundwater table.

10. Recognition of desirable standards of subdivision design, including adequate provision for pedestrian and vehicle traffic, for surface water runoff and for suitable building sites for the land use contemplated.
11. Preservation of such natural assets as ponds, streams, shrubs and trees.

The above criteria are intended to strengthen existing developed centers while protecting natural coastal land and water resources. They also foster an orderly pattern of growth throughout the coastal areas of the Town.

Dense single family residential development in San Remo is inappropriate because of the natural geologic, topographic, hydrologic, and soil conditions. The combination of the clay soils with dense, unsewered development would contaminate the groundwater which would pollute the Nissequogue River. Installing sewers is not economically feasible because the street pattern does not reflect the complex topography. Stormwater runoff drains directly into the River, and development increases the impermeable surface area, resulting in increased flow and non-point source pollution. Development in the flood hazard area would expose the residents to safety hazards as well as increasing flooding problems to other residents. Further, dense development would increase the demand on recreational facilities beyond their capacities. This kind of development would result in the removal of significant amounts of vegetation which would significantly degrade the visual quality of the waterfront area. This would reduce the recreational, aesthetic and wildlife values of the River.

The amount of vacant, developable land in the Town is sufficient to create a relatively large number of new housing units. Much of the developable land, however, is within the Kings Park Psychiatric Center property which has adequate infrastructure and public services.

The terminus of the Sunken Meadow State Parkway would be the only location in the Smithtown waterfront area where constructing a bridge to Connecticut is feasible regarding vehicular access. Access is only one factor to be considered in siting such a bridge. Many other factors make a bridge in this location inappropriate. A bridge would significantly impact the recreational value and disrupt the function of the third most heavily used beach on Long Island. A bridge would cause significant pollution of the air, water, noise, and aesthetics. In addition, a bridge would likely cause significant adverse impacts to fish and wildlife habitat areas.

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

#### Explanation of Policy

For specific types of development activities and in areas suitable for such development, State agencies and the town will make every effort to coordinate and synchronize existing permit procedures and regulatory



programs, as long as the integrity of the regulations' objectives is not jeopardized. These procedures and programs will be coordinated within each agency. Efforts will be made to ensure that each agency's procedures and programs are synchronized with other agencies' procedures at each level of government. Regulatory programs and procedures will be coordinated and synchronized between levels of government, and if necessary, legislative and/or programmatic changes will be recommended.

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

The Town of Smithtown will review all applications for development and improvements within the LWRP area. The review will be expedited by establishing a procedure whereby all local agencies will refer matters within the coastal area to the Planning Director for initial screening. If found inconsistent by the Planning Director, the proposed action will be reviewed by the Town Board. The findings of the Planning Director and/or the Town Board must be taken into account, prior to taking action. In all cases this will occur within the statutory review period. The review procedures are incorporated in Section V of the LWRP.

#### B. Fish and Wildlife Policies

Policy 7 SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS, AS IDENTIFIED ON THE COASTAL AREA MAP, SHALL BE PROTECTED, PRESERVED, AND, WHERE PRACTICAL, RESTORED SO AS TO MAINTAIN THEIR VIABILITY AS HABITATS.

Policy 7A THE NISSEQUOGUE RIVER HABITAT SHALL BE PROTECTED, PRESERVED AND RESTORED SO AS TO MAINTAIN ITS VIABILITY AS A HABITAT.

Policy 7B THE NISSEQUOGUE INLET BEACHES HABITAT SHALL BE PROTECTED, PRESERVED, AND MANAGED SO AS TO MAINTAIN ITS VIABILITY AS HABITAT FOR PROTECTED NESTING SHOREBIRDS AND TERRAPIN.

Policy 7C THE STONY BROOK HARBOR HABITAT SHALL BE PROTECTED, PRESERVED, MANAGED AND RESTORED SO AS TO MAINTAIN ITS VIABILITY AS HABITAT FOR SHELLFISH, PROTECTED NESTING SHOREBIRDS, AND WINTERING WATERFOWL.

Policy 7D OTHER LOCALLY SIGNIFICANT HABITATS (FRESH POND, SUNKEN MEADOW CREEK, AND HEAD OF THE RIVER) SHALL BE PROTECTED, PRESERVED, AND WHERE PRACTICAL, RESTORED SO AS TO MAINTAIN THEIR VIABILITY AS HABITATS.

#### Explanation of Policy

Habitat protection is recognized as fundamental to assuring the survival of fish and wildlife populations. Certain habitats are particularly critical to the maintenance of a given population and therefore merit

special protection. Such habitats exhibit one or more of the following characteristics: (1) are essential to the survival of a large portion of a particular fish or wildlife population (e.g., feeding grounds, nursery areas); (2) support populations of rare and endangered species; (3) are found at a very low frequency within a coastal region; (4) support fish and wildlife populations having significant commercial and/or recreational value; and (5) would be difficult or impossible to replace. Any activity that would substantially degrade the water quality in the Nissequogue River could adversely affect the biological productivity of this area. All species of fish and wildlife may be affected by water pollution, such as chemical contamination (including food chain effects), excessive turbidity or sedimentation, oil spills, and waste disposal. Efforts should be made to improve water quality for shellfishing in the area, including reducing sewage discharges from upland sources and recreational boats. Alteration of tidal patterns in the Nissequogue River could have major impacts on the fish and wildlife communities present. Dredging to maintain boat channels in the River should be minimized, and scheduled in late fall and winter to minimize potential impacts on aquatic organisms, and to allow for spoil disposal when marsh and intertidal areas, through excavation or filling, would result in a direct loss of valuable habitat area. Construction and maintenance of shoreline structures, such as docks, piers, bulkheads, or revetments, in areas not previously disturbed by development (i.e., natural salt marsh or mudflats), may have a significant impact on the fish and wildlife resources of the Nissequogue River. Nesting terrapin inhabiting the sandy shorelines of the Nissequogue River are especially vulnerable to disturbance by humans from mid-April through July. Significant pedestrian traffic or boat landings could eliminate the terrapin colonies along the River.

Nesting shorebird species and terrapin inhabiting the barrier beaches of Long Island are highly vulnerable to disturbance by humans from mid-April through July. Significant pedestrian traffic or recreational vehicle use of the uppermost beach and spoil areas could eliminate the tern, plover, and terrapin nesting colonies at Short Beach Town Park and Sunken Meadow State Park, and should be minimized during this period. Fencing and/or continued annual posting of the area should be provided to help protect the nesting bird and terrapin species. Unregulated dredge spoil disposal in this area could be detrimental, but such activities may be designed to maintain or improve the habitat, by setting back vegetative succession. Introduction or attraction of mammalian predators to the Short Beach nesting would be detrimental to the populations of nesting birds.

Any activity that would substantially degrade the water quality in Stony Brook Harbor or West Meadow Creek could adversely affect the biological productivity of this area. All species of fish and wildlife may be affected by water pollution, such as chemical contamination (including food chain effects), oil spills, excessive turbidity or sedimentation, sewage discharges, and waste disposal. Efforts should be made to improve water quality for shellfishing in the harbor, including reducing vessel waste discharges. Alteration of tidal patterns in Stony Brook Harbor or West Meadow could have major impacts on the fish and wildlife communities present. Dredging to maintain boat channels in the bay should be scheduled in late summer and fall to minimize potential impacts on

aquatic organisms, and to allow for spoil disposal when wildlife populations are least sensitive to disturbance. Elimination of salt marsh and intertidal areas, through excavation or filling, would result in a direct loss of valuable habitat area. Unregulated dredge spoil in this area could be detrimental, but such activities may be designed to maintain or improve the habitat for certain species of wildlife. Nesting birds inhabiting Stony Brook Harbor are highly vulnerable to disturbance by humans from mid-April through July. Recreational activities (e.g., boat landing, picnicking) in or near bird nesting areas should be minimized during this period, through the use of fencing and/or annual posting. Construction and maintenance of shoreline structures, such as docks, piers, bulkheads, or revetments, in areas not previously disturbed by development (i.e., natural salt marsh, tidal flats, or beach), may have a significant impact on the fish and wildlife resources of Stony Brook Harbor and West Meadow.

Filling, dredging, construction, and intensive recreation should be avoided in the other significant habitats, as these activities would impair the ecosystems and result in the loss of fish and wildlife resources. If construction is necessary, and there are no feasible alternatives, mitigative measures shall be incorporated to protect these resources.

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

#### Explanation of Policy

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

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

Other pollutants are those conventional wastes, generated from point and non-point sources, and not identified as hazardous wastes, but controlled through other State laws.

(See Policies 30, 31, 32, 33, 34, 35, 36, 37, 38, 39 and 44)

Policy 9 EXPAND RECREATIONAL USE OF FISH AND WILDLIFE RESOURCES IN COASTAL AREAS BY INCREASING ACCESS TO EXISTING RESOURCES, SUPPLEMENTING EXISTING STOCK AND DEVELOPING NEW RESOURCES. SUCH EFFORTS SHALL BE MADE IN A MANNER WHICH ENSURES THE PROTECTION OF RENEWABLE FISH AND WILDLIFE RESOURCES AND considers other activities dependent on them.

Policy 9A MAINTAIN THE SUPPLY OF SHELLFISH AND FINFISH FOR RECREATIONAL FISHERMEN AS WELL AS FOR COMMERCIAL FISHERMEN THROUGH MARICULTURE AND SHELLFISH MANAGEMENT PROGRAMS.

#### Explanation of Policy

Recreational uses of fish and wildlife resources can include consumptive uses such as fishing and hunting and non-consumptive uses such as wildlife photography, bird watching and nature study. Increased recreational use of these resources must be limited or undertaken in such a way that the resources are not negatively affected.

Any efforts to increase recreational use of fish and wildlife resources must be made in a manner which ensures the protection of the fish and wildlife resources and which takes into consideration other activities dependent upon these resources. Also, such efforts must be done in accordance with existing State law and in keeping with sound resource management considerations. Such considerations include biology of the species, carrying capacity of the resource, public demand, costs and available technology.

Essentially, the principal mechanism available to the Town to expand the recreational use of wildlife and fish resources is by increasing access to these resources (Policies 19-22 provide full treatment of waterfront access and recreational use and should be used as a reference).

Natural supplies of finfish and shellfish can be supplemented by mariculture programs or activities including shellfish seeding in the waters and underwater lands within the Town. A shellfish management program is being undertaken in the Town wherein the Nissequogue River is used as a spawning ground for shellfish which are then transplanted to Stony Brook Harbor.

The following additional guidelines are appropriate for the Town of Smithtown:

1. Efforts to increase access to recreational fish and wildlife resources should not lead to overutilization of that resource or cause impairment of the habitat of the Nissequogue River or Stony Brook Harbor. Sometimes such impairment can be more subtle than actual physical damage to the habitat. For

example, increased human presence can deter fish and wildlife from using the habitat area.

2. The impacts of increasing access to recreational fish and wildlife resources will be monitored by the Town as follows:
  - a. Significant coastal fish and wildlife habitats, as identified in Section II.A.4. shall be protected, preserved, and, where practical, restored so as to maintain their viability as habitats.
  - b. No person shall take shellfish from an uncertified area within the waters or from flats within the jurisdiction of the Town of Smithtown. Uncertified areas are those areas deemed by the New York State Department of Environmental Conservation and/or the Town of Smithtown to contain excessive levels of coliform organisms or areas that may be termed "polluted" as a result of excessive petrochemicals in the polluted areas.
  - c. Uncertified areas within the Town of Smithtown are to be posted by the New York State Department of Environmental Conservation and the Town of Smithtown. Posted signs will designate the areas as restricted areas.
  - d. Certain areas within the township may from time to time be opened and closed to shellfishing for the purpose of shellfish seeding and aquaculture and for the cleansing of polluted shellfish from uncertified areas. Areas closed for purposes of shellfish seeding and aquaculture shall be designated as uncertified areas.
  - e. Recreational shellfishing shall be limited to 1/2 bushel of hardshell clams, soft shell clams, or oysters per shellfisher per day.
3. Any public or private sector initiatives to supplement existing stocks or develop new resources must be done in accordance with existing State law.
4. Consideration should be made as to whether an action will impede existing or future utilization of the recreational fish and wildlife resources.
5. The impacts of increasing access to recreational fish and wildlife resources should be determined on a case-by-case basis, using the guidelines in Policy 7 and/or conferring with a trained fish and wildlife biologist.

POLICY 10 FURTHER DEVELOP COMMERCIAL FINFISH, SHELLFISH AND CRUSTACEAN RESOURCES IN THE COASTAL AREA BY: I. ENCOURAGING THE CONSTRUCTION OF NEW, OR IMPROVEMENT OF EXISTING ON-SHORE COMMERCIAL FISHING FACILITIES; II. INCREASING MARKETING OF the STATE'S SEAFOOD PRODUCTS; AND III. MAINTAINING ADEQUATE

STOCKS AND EXPANDING AQUACULTURE FACILITIES. SUCH EFFORTS SHALL BE MADE IN A MANNER WHICH ENSURES THE PROTECTION OF SUCH RENEWABLE FISH RESOURCES AND CONSIDERS OTHER ACTIVITIES DEPENDENT ON THEM.

#### Explanation of Policy

Commercial fishing in Smithtown is very limited. There is a small supply of fish in the Nissequogue River due to its shallow depth, as well as a lack of substantial and deep harbors. Commercial fishermen utilize the same facilities as others, e.g. boat ramps and yacht clubs, and accommodation of seafood processing industries is somewhat difficult.

The Town has made efforts to increase opportunities for additional fishing in Stony Brook Harbor, Smithtown Bay and the Long Island Sound by providing 39 additional slips in Stony Brook Harbor in the past year, increasing the total number of slips provided in the Harbor to 167. The increase in slips will benefit both commercial and recreational fishermen. In addition, the Town will explore the establishment of mariculture activities at various locations in the Town.

The following guidelines will be considered to determine the consistency of proposed actions with the above policies:

1. Commercial fishing development initiative should not preempt or displace private sector initiative.
2. Commercial fishing development efforts should be made in a manner which ensures the maintenance and protection of the renewable fishery resources.
3. Efforts to expand existing or create new on-shore commercial fishing support facilities should be directed towards unmet development needs rather than merely displacing existing commercial fishing activities from a nearby port. This may be accomplished by taking into consideration existing State or regional commercial fishing development plans.
4. Actions should not impede existing utilization or future development of the State's commercial fishing resources.

(See Policy 9)

#### C. Flooding and Erosion Hazards Policies

Policy 11 BUILDINGS AND OTHER STRUCTURES WILL BE SITED IN THE COASTAL AREA SO AS TO MINIMIZE DAMAGE TO PROPERTY AND THE ENDANGERING OF HUMAN LIVES CAUSED BY FLOODING and erosion.

#### Explanation of Policy

On coastal lands identified as coastal erosion hazard areas, buildings and similar structures shall be set back from the shoreline a distance sufficient to minimize damage from erosion unless no reasonable prudent

alternative site is available as in the case of piers, docks and other structures necessary to gain access to coastal waters to be able to function. The extent of the setback will be calculated, taking into account the rate at which land is receding due to erosion, and the protection provided by existing erosion protection structures, as well as by natural protective features such as beaches, sandbars, spits, shoals, barrier islands, bay barriers, nearshore areas, bluffs and wetlands. Movable structures are not allowed in coastal erosion hazard areas. Prior to its construction, an erosion hazard areas permit must be approved for any structure. Existing, non-conforming structures located in coastal erosion hazard areas may be only minimally enlarged.

The Coastal High Hazard Areas (zone V-8) are areas subject to wave damage, and are located downstream of Oakside Drive. Areas of Special Flood Hazard (zone A-8) are protected from wave damage, but are subject to coastal flooding. These areas are located landward of the V-8 zones and upstream of Oakside Drive. Any area less than 16 feet above mean sea level is likely to be in one of the flood hazard zones and is subject to this policy.

The following methods will be utilized in reducing flood losses:

1. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities.
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
3. Control the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel floodwaters.
4. Control fillings, grading, dredging and other development which may increase flood damage.
5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

Another method pursued by the Town in 1975-1980 was the acquisition of small vacant lots in San Remo, the only flood area that is densely populated. The lots are currently being held by the Town as open space. Environmentally sensitive lands, including flood hazard zones (as defined by the FIRM), poorly drained soils (as defined by the U.S.D.A. Soil Conservation Service), wetlands, slopes greater than 15 percent, and areas where the depth to the seasonal highwater table is less than 10 feet, are not included in density yield, minimum lot area, or building coverage calculations. Filling, cutting, regrading, and removal of vegetation will be prohibited from environmentally sensitive areas, except that in circumstances of unnecessary hardships, these activities shall be permitted to the minimum extent necessary to provide a driveway

to the buildable portion of a site. Mitigation measures (e.g., retaining walls) will be employed to minimize the impact on environmentally sensitive lands. Filling, cutting, regrading, and removal of vegetation is prohibited within 100 feet of wetlands and escarpments (slopes steeper than 35%).

Buildings, garages, sheds, pools, decks, fences, driveways and similar structures shall not be sited within 100 feet of the landward edge of a bluff. Removal of vegetation, regrading, filling and excavation is prohibited within 50 feet of beaches, dunes, barrier islands and bluffs unless it is determined that the activity will reduce property damage from flooding and erosion. Vehicles shall be prohibited from beaches, dunes, barrier islands and bluffs.

These mitigative measures will promote the public health, safety, and general welfare and minimize public and private losses due to flood conditions in specific areas by provisions designed to protect human life and health; to minimize expenditure of public money or costly flood control projects; to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public to minimize prolonged business interruptions; to minimize damage to public facilities and utilities; to help maintain a stable tax base by providing for the sound use and development of special flood hazard areas so as to minimize future flood blight areas; to ensure that potential buyers are notified that property is in a special flood hazard area; and to ensure that those who occupy special flood hazard areas assume responsibility for their actions. See Policies 12 and 44 regarding erosion control measures and protection of wetland areas.

Policy 12 ACTIVITIES OR DEVELOPMENT IN THE COASTAL AREA WILL BE UNDERTAKEN SO AS TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION BY PROTECTING NATURAL PROTECTIVE FEATURES INCLUDING BEACHES, DUNES, BARRIER ISLANDS AND BLUFFS. PRIMARY DUNES WILL BE PROTECTED FROM ALL ENCROACHMENTS THAT COULD IMPAIR THEIR NATURAL PROTECTIVE CAPACITY.

#### Explanation of Policy

Beaches, dunes, barrier islands, bluffs, and other natural protective features help safeguard coastal lands and property from damage, as well as reduce the danger to human life, resulting from flooding and erosion. Excavation of coastal features, improperly designed structures, inadequate site planning, or other similar actions which fail to recognize their fragile nature and high protective values, lead to the weakening or destruction of those landforms. Activities or development in, or in proximity to, natural protective features must ensure that all such adverse effects are minimized. Primary dunes will be protected from all encroachments that could impair their natural protective capacity. (See Policy 11)



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

Explanation of Policy

Construction of erosion protection structures is expensive, often only partially effective over time, and may even be harmful to adjacent or nearby properties. However, in those instances where properly designed and constructed erosion protection structures will be likely to minimize or prevent damage or destruction to public or private property, natural protective features, and other natural resources, construction of erosion protection structures may be allowed. In such cases within the Coastal Erosion Hazard Areas (see Section IIA(1)), the construction, modification, or restoration of erosion protection structures is subject to the following requirements:

1. All erosion protection structures must be designed and constructed according to generally accepted engineering principles, which have demonstrated success, or where sufficient data is not currently available, a likelihood of success in controlling long-term erosion. The protective measures must have a reasonable probability of controlling erosion on the immediate site for at least 30 years.
2. A long-term maintenance program must be provided, which includes specifications for normal maintenance of degradable materials and periodic replacement of removable materials.
3. All materials used in such structures must be durable and capable of withstanding inundation, wave impacts, weathering, and other effects of storm conditions. Individual component materials may have a working life of less than 30 years only when a maintenance program ensures that they will be regularly maintained and replaced as necessary to attain the required 30 years of erosion protection.

The following are definitions of terms used in the above:

1. "Erosion" means the loss or displacement of land along the coastline due to the action of waves, currents, tides, wind-driven water, waterborne ice or other impacts of storms. It also means the loss or displacement of land due to the action of wind, runoff of surface waters, or groundwater seepage.
2. "Erosion protection structure" means a structure specifically designed to reduce or prevent erosion such as a groin, jetty, seawall, revetment, bulkhead, breakwater, or artificial beach nourishment project.
3. "Modification" means a change in size or design.

4. "Restoration" means the reconstruction without modification of a structure, the cost of which equals or exceeds 50 percent of the estimated full replacement cost of the structure at the time of restoration.

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

Policy 14A UNDERTAKE EROSION CONTROL AND MANAGEMENT TECHNIQUES FOR ALL PHASES OF NEW DEVELOPMENT, INCLUDING CONSTRUCTION.

#### Explanation of Policy

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

Erosion control measures shall be required during the construction phase of development. Such measures include, but are not limited to minimizing disturbance of natural vegetation, minimizing the time that soil is without protective vegetative cover, and using bales, mulch and sediment traps. Long term erosion shall be minimized by retaining natural vegetative cover, using retaining walls; siting development away from steep slopes, erodable soils, and river banks; and restricting access to areas that are likely to experience erosion.

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

#### Explanation of Policy

Coastal processes, including the movement of beach materials by water, and any mining, excavation or dredging in nearshore or offshore waters which changes the supply and net flow of such materials can deprive shorelands of their natural regenerative powers. Such mining, excavation and dredging should be accomplished in a manner so as not to cause a reduction of supply, and thus an increase of erosion, to such shorelands.

(See Policy 35)

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

Explanation of Policy

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

Policy 17 WHENEVER POSSIBLE, USE NONSTRUCTURAL MEASURES TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION. SUCH MEASURES SHALL INCLUDE: I. THE SET BACK OF BUILDINGS AND STRUCTURES; II. THE PLANTING OF VEGETATION AND THE INSTALLATION OF SAND FENCING AND DRAINING; III. THE RESHAPING OF BLUFFS; AND IV. THE FLOOD-PROOFING OF BUILDINGS OR THEIR ELEVATION ABOVE THE BASE FLOOD LEVEL.

Policy 17A NATURAL VEGETATION SHALL BE MAINTAINED TO THE GREATEST EXTENT PRACTICABLE, PARTICULARLY AT THE BLUFFS AT OLD DOCK ROAD PARK.

Explanation of Policy

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

"Non-structural measures" shall include, but not be limited to: (1) within Coastal Erosion Hazard Areas identified in Section IIA(1) (a) the use of minimum setbacks as provided for under Policy 11; (b) the strengthening of coastal landforms by the planting of appropriate vegetation on dunes and bluffs, the installation of sand fencing on dunes, the reshaping of bluffs to achieve an appropriate angle of repose so as to reduce the potential for slumping and to permit the planting of stabilizing vegetation, and the installation of drainage systems on bluffs to reduce runoff and internal seepage of waters which erode or weaken the landforms; and (c) the preservation of coastal land forms by restricting access to highly sensitive areas (e.g.: certain portions of the bluffs at Old Dock Road Park); and (2) within identified Flood Hazard Areas, (a) the avoidance of risk or damage from flooding by the siting of buildings outside the hazard area, and (b) the flood-proofing of buildings or their elevation above the base flood level. (See Policy 11)

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

In determining whether or not non-structural measures to protect against erosion or flooding will afford the degree of protection appropriate, an analysis, and if necessary, other materials such as plans or sketches of the activity or development, of the site and of the alternative protection measures should be prepared to allow an assessment to be made. (See Policies 11, 12, 14)

D. General Policy

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

Explanation of Policy

Proposed major actions should not be undertaken in coastal areas if they will significantly impair valuable coastal waters and resources, thus frustrating the achievement of the purposes of the safeguards which the State has established to protect those waters and resources. Proposed actions must take into account the social, economic, and environmental interests of the State and the Town and its citizens in such matters that would affect natural resources, water levels and flows, shoreline damage, hydro-electric power generation, and recreation. No major actions will be undertaken that may have significant impact on coastal resources unless appropriate mitigative measures are taken.

E. Public Access Policies

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

Explanation of Policy

Access problems in the Town are currently caused in part by inadequate parking at public boat ramp sites (e.g. the Kings Park Bluff), a limited supply of slips at public marinas (Stony Brook Harbor), inadequate public

transportation to major recreational facilities (e.g., Sunken Meadow), insufficient pedestrian and bicycle access, the closing of one of the three beaches at Sunken Meadow State Park, and insufficient public property in locations where access is needed (between the CBD and the Town country club). In addition, there are two private marinas on the Kings Park Psychiatric Center property. However, since the State's interest on this site is primarily hospital-related, access facilities have not been maintained or encouraged.

Although there is a demand for increased boating access, the Villages of Head of the Harbor and Nissequogue are impacted by boaters trailering the boats through the Villages. Also, Stony Brook Harbor is less tolerant than the mouth of the Nissequogue to boat use because the Harbor has less effective tidal flushing. Therefore, in determining alternative areas for expanding and improving access, first consideration will be given to the mouth of the Nissequogue, including Old Dock Road facilities.

Public and private actions should be encouraged that maintain or increase opportunities at current access areas whereas any actions which impede or reduce current access should be prevented or limited. All of the beaches and picnic areas of Sunken Meadow State Park should be opened when needed in order to enhance the quality of recreation; reduce overcrowding; increase access and recreational opportunities; and restrict access to unauthorized, sensitive, and hazardous areas. There is an opportunity to increase the level of access if two State agencies (the Metropolitan Transportation Authority and Long Island State Park Commission) coordinate their activities to provide public transportation to Sunken Meadow from the Kings Park railroad station. This would provide more access to urban residents, particularly the disadvantaged. Promotion, scheduling, and linkage would likely result in many spinoff benefits such as reduced vehicular traffic congestion, reduced air pollution, better utilization of another State resource (the railroad).

Levels of access in sensitive areas shall be increased only if it is shown that the increased levels will not adversely affect the resources. Expansion of boating facilities in areas that are not already dredged will not be permitted. Providing more access for trailer boats should be accommodated at the Bluff because it has the best road access, as well as channel access, however, it will be necessary to insure that the visual quality of the area is not degraded and the impact on the woodland ecosystem is minimized. (See Policies 7 and 25.) Increasing access for boats on the Psychiatric Center shall not be permitted because the access would conflict with the functions of the Center, the capacity of that section of the River cannot tolerate a significant increase in boats, and the increased level of boat access is likely to adversely impact the Nissequogue River significant habitat area. In locations where the ecology is fragile (e.g., Caleb Smith State Park, Stony Brook Harbor) the level of access shall be limited.

The following guidelines will be used in determining the consistency of a proposed action with the above State and local policies:

1. Existing access from public lands or facilities to water-related resources and facilities shall not be reduced, unless a new alternate access site can be provided at a site offering similar recreational benefits.

In addition, the possibility of increasing access in the future from public lands or facilities to water-related recreation resources and facilities shall not be eliminated unless future use of these resources is too low to justify maintaining, or unless such actions are found to be necessary or beneficial by the public body having jurisdiction over such access.

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

- a. Access - the ability and right of the public to reach and use public coastal lands and waters.
- b. Public water-related recreation resources or facilities - all public lands or facilities that are suitable for passive or active recreation that requires either water or a waterfront location or is enhanced by a waterfront location.
- c. Public lands or facilities - land or facilities held by State or local government in fee simple or less-than-fee simple ownership and to which the public has access or could have access, including underwater lands and the foreshore.
- d. A reduction in the existing level of public access - includes but is not limited to the following:
  - (1) The number of parking spaces at a public water-related recreation resource or facility is significantly reduced.
  - (2) The service level of public transportation to a public water-related recreation resource or facility is significantly reduced during peak season use and such reduction cannot be reasonably justified in terms of meeting systemwide objectives.
  - (3) Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
  - (4) There are substantial increases in the following: already existing special fares (not including regular fares in any instance) of public transportation to a public water-related recreation resource or facility, except where the public body having jurisdiction over such fares determines that such substantial fare increases are necessary; and/or admission fees to

such a resource or facility, and an analysis shows that such increases will significantly reduce usage by individual or families and incomes below the State government established poverty level.

- e. An elimination of the possibility of increasing public access in the future includes, but is not limited to the following:
  - (1) Construction of public facilities which physically prevent the provision, except at great expense, of convenient public access to public water-related recreation resources and facilities.
  - (2) Sale, lease, or other transfer of public lands that could provide public access to a public water-related recreation resource or facility.
  - (3) Construction of private facilities which physically prevent the provision of convenient public access to public water-related recreation resources or facilities from public lands and facilities.
- 2. Any proposed project to increase public access to public water-related recreation resources and facilities shall be analyzed according to the following factors:
  - a. The level of access to be provided should be in accord with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.
  - b. The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resource or facility. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.
- 3. The State or Federal government will not undertake or fund any project which increases access to a water-related recreation resource or facility that is not open to all members of the public.

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

#### Explanation of Policy

Access to the publicly-owned foreshore is important for water-related and water-enhanced activities, including walking, appreciation of scenic vistas, birdwatching, photography, nature, study, beachcombing, fishing and hunting.

Access to the publicly-owned foreshore shall be increased with regard to pedestrians, bicyclists and trailered boats. Pedestrian facilities will be increased in the Head of the River area and in the Kings Park Psychiatric Center. Bicycle access shall be enhanced in Sunken Meadow State Park and the Psychiatric Center. Expanded facilities for boat trailer parking shall be provided at the Kings Park Bluff because this location has the best road access and is less environmentally sensitive than other boat access points in the Smithtown waterfront. (See Policy 19.)

The following guidelines will be used in determining the consistency of actions with the above policy:

1. Existing access to the publicly-owned foreshore and adjacent lands, shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or nearby public lands or facilities to public coastal land and/or waters be eliminated unless actions are demonstrated to be of overriding local, regional or Statewide public benefit and access is provided in another reasonable location to compensate for the loss (This guideline is of particular significance to the Town. The Villages of Nissequogue and Head of the Harbor are requesting that the Town control the number of trailer/mooring spaces at Stony Brook Harbor in an effort to reduce, or at least stabilize the traffic congestion and noise resulting from boats trailering through the villages.)

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

- a. (See definitions under Policy 19e, page III-27, of "access" and "public lands or facilities");
- b. A reduction in the existing level of public access -- includes, but is not limited to the following:
  - (1) Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
  - (2) Pedestrian access is diminished or blocked completely by public or private development
- c. An elimination of the possibility of increasing public access in the future -- includes, but is not limited to, the following:
  - (1) Construction of public facilities which physically prevent the provision, except at great expense, of convenient public access to public water-related recreation resources and facilities.



- (2) Sales, lease, or other conveyance of public lands that could provide public access to public coastal lands and/or waters.
  - (3) Construction of private facilities which physically prevent the provision of convenient public access to public coastal lands and/or waters from public lands and facilities.
2. The aggregate level of public access within public coastal lands or waters shall not be reduced or eliminated.
3. New development or land use shall provide public access from the nearest public roadway to the shoreline and along the coast, except where it is inconsistent with public safety or the protection of identified fragile coastal resources.

In addition, guidelines 2 and 3 of Policy 19 shall also be used to determine the consistency with Policy 20.

While such publicly-owned lands referenced in this policy shall be retained in public ownership, traditional sales of easements on lands underwater to adjacent onshore property owners are consistent with this policy, provided such easements do not substantially interfere with continued public use of the public lands on which the easement is granted. Also, public use of such publicly-owned underwater lands and lands immediately adjacent to the shore shall be discouraged where such use would be inappropriate for reasons of public safety, military security, or the protection of fragile coastal resources.

#### F. Recreation Policies

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

Policy 21A THE SIZE AND SPEED OF BOATS SHALL BE RESTRICTED IN THE ENVIRONMENTALLY SENSITIVE SECTIONS OF STONY BROOK HARBOR, THE NISSEQUOGUE RIVER, AND SUNKEN MEADOW CREEK.

#### Explanation of Policy

Water-related recreation includes such obviously water-dependent activities as boating, swimming, and fishing, as well as certain activities which are enhanced by a coastal location and increase the general

public's access to the coast, such as pedestrian and bicycle trails, picnic areas, scenic overlooks and passive recreation areas that take advantage of coastal scenery.

Provided the development of water-related recreation is consistent with the preservation and enhancement of such important coastal resources as fish and wildlife habitats, aesthetically significant areas, historic and cultural resources, agriculture and significant mineral and fossil deposits, and provided demand exists, water-related recreation development is to be increased and such uses shall have a higher priority than any non-water dependent uses, including non-water-related recreation uses. In addition, water-dependent recreation uses shall have a higher priority over water-enhanced recreation uses. Determining a priority among coastal dependent uses will require a case-by-case analysis.

Among priority areas for increasing water-related recreation opportunities are those areas where access to the recreation opportunities of the coast can be provided by new or existing public transportation services and those areas where the use of the shore is restricted by existing intensive land use or development. In the Town of Smithtown, the use of the foreshore for public recreation is restricted on the Kings Park Psychiatric Center property, as a security effort in providing safety and privacy to patients; along the Nissequogue River in Smithtown where private properties are sited in a manner which hinders access and views to the River from the Greenbelt trail, and in Fort Salonga where the beaches are privately controlled by various neighborhood associations.

The siting or design of development in a manner which would result in a barrier to public access or the recreational use of a portion of a community's shore should be avoided as much as practicable.

Among the types of water-dependent recreation, provision of adequate boating services to meet the demand is to be encouraged by this Program. The siting of boating facilities must be consistent with preservation and enhancement of other coastal resources and with their capacity to accommodate demand. Active water-dependent recreation will be sited in dredged areas such as the Nissequogue River mouth, the Long Beach/Stony Brook Harbor area, and the Kings Park Psychiatric Center inlet. Other areas, which are mostly wetland areas, will be utilized for passive water-dependent recreation. The expansion of existing or provision of new public boating facilities is essential in meeting this demand, but such public actions should avoid competition with private boating development. Boating facilities will, as appropriate, include parking, park-like surroundings, toilet facilities, and pumpout facilities.

Water-related off-road recreational vehicle use is an acceptable activity, provided no adverse environmental impacts occur. Where adverse environmental impact will occur, mitigating measures will be implemented, where practicable to minimize such adverse impacts. If acceptable mitigation is not practicable, prohibition of the use by off-road recreational vehicles will be posted and enforced. (See Policies 1 and 22.)

In all of the Town's waters, except Smithtown Bay, boat speed shall be restricted to 5 MPH in order to protect significant habitat areas, as well as to reserve suitable areas for other types of recreation (e.g., sailing, shellfishing, nature photography). Boats longer than 20 feet or with a draft greater than 3 feet shall not be permitted upstream from the Smithtown Landing Country Club.

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

#### Explanation of Policy

Development located along the coastline of Smithtown will provide for water-related recreation as a multiple use wherever appropriate; however, an additional critical factor to consider is making a significant portion of these water-dependent recreational facilities available to the public.

Water-related recreation can be combined with a variety of different primary uses such as public institutions, residential development, commercial development, cultural institutions and nature preserves.

Appropriate recreational uses which do not require any substantial additional construction shall be provided at the expense of the project sponsor provided the cost does not exceed 2% of the total project cost. In addition, when considering multiple use, safety considerations should reflect a recognition that some risk is acceptable in the use of recreational facilities.

In the Town of Smithtown, future development of the coastal area is limited. However, one type of development that holds promise for providing water-related recreation as part of a multiple use is the Kings Park Psychiatric Center facility. A significant portion of the property shall be devoted to public passive recreational uses, especially those that are water oriented (e.g. bird watching, dock and shore fishing, photography, hiking, etc.). Whether the State property is redeveloped in total or in part, the future redevelopment plans for the Center shall include public access and recreation.

As stated in Policy 25 of this Local Waterfront Revitalization Program, the Kings Park Psychiatric Center property is presently underutilized, resulting in a number of vacant buildings. The property contains a number of significant scenic views of the waterfront, in addition to two private yacht clubs, one of which provides a boat ramp. The structures on the Psychiatric Center shall be maintained and rehabilitated so that they can be adaptively re-used for those allowable uses identified in Policy 1C if structures become unneeded for their existing uses. The underutilized land will be redeveloped in accordance with Policy 1C. Water-related recreation shall be provided near the water while more intensive structures and uses shall be provided in areas where buildings have been raised because those areas already have adequate infrastructure (see Policy 5). The existing recreation opportunities (boat ramp, marinas and informal access) should be retained.

G. Historic and Scenic Resources Policies

Policy 23 PROTECT, ENHANCE AND RESTORE STRUCTURES, DISTRICTS, AREAS OR SITES THAT ARE OF SIGNIFICANCE ON THE HISTORY, ARCHITECTURE, ARCHAEOLOGY OR CULTURE OF THE STATE, ITS COMMUNITIES OR THE NATION.

Policy 23A PROTECT, RESTORE, AND REHABILITATE LOCALLY SIGNIFICANT HISTORIC SITES IN SUNKEN MEADOW STATE PARK, CALEB SMITH STATE PARK, AND THE KINGS PARK PSYCHIATRIC CENTER.

Explanation of Policy

An inventory of historic sites delineated in the Town can be found in Section II, Inventory and Analysis. This policy applies to the sites on the Town's historic inventory.

The historic heritage of the Town of Smithtown is among its most valued and most important educational, cultural, and economic assets. There exists in the Town certain properties, sites, landmarks, and buildings of:

1. special historic interest by reason of association with historic or famous events, or by reason of antiquity, or by reason of association with historic or famed personages, or by reason of being illustrative of events or periods in the history and growth of the Town;
2. unusual aesthetic interest or value by reason of being representative of a style or period of architecture, or by reason of extraordinary architectural merit, or by reason of association with other buildings, landmarks, pieces of property, or archeological sites that are historically and/or architecturally valuable.

Given the possibility of archeologically significant sites within the waterfront area (see Section IIA 5), public agencies shall contact the N.Y.S. Office of Parks, Recreation and Historic Preservation to determine appropriate protective measures to be incorporated into development decisions.

Historic buildings at the Kings Park Psychiatric Center are deteriorating, with some having been razed. Remaining historic buildings at the Psychiatric Center shall be restored and utilized for institutional and governmental purposes as described in Policy 1C. Some of the historic buildings at Sunken Meadow State Park and Caleb Smith State Park are deteriorated and need to be restored. Restoration and rehabilitation are necessary to preserve these historic resources for educational, aesthetic and recreational (tourism) purposes.

Among the most valuable of the State's man-made resources are those structures or areas which are of historic, archaeological and cultural significance. The protection of these structures must involve a recognition of their importance by all agencies and the ability to identify and describe them. Protection must include concern not just with specific

sites but with areas of significance, and with the area around specific sites. The policy is not to be construed as a passive mandate but must include effective efforts when appropriate to restore or revitalize through adaptive reuse. While the program is concerned with the preservation of all such resources within the coastal boundary, it will actively promote the preservation of historic and cultural resources which have a coastal relationship.

The structures, districts, areas or sites that are of significance in the history, architecture, archeology or culture of the State, its communities, or the Nation comprise the following resources:

1. A resource which is in a Federal or State park established, among other reasons, to protect and preserve the resource.
2. A resource on, nominated to be on, or determined eligible to be on the National or State Registers of Historic Places.
3. A resource on or nominated to be on the State Nature and Historic Preserve Trust.
4. An archeological resource which is on the State Department of Education's inventory of archeological sites.
5. A local landmark, park, or locally designated historic district that is located within the boundary of an approved local waterfront revitalization program.
6. A resource that is a significant component of an Urban Cultural Park.

All practicable means to protect structures, districts, areas or sites that are of significance in the history, architecture, archeology or culture of the State, its communities or the Nation shall be deemed to include the consideration and adoption of any techniques, measures, or controls to prevent a significant adverse change to such significant structures, districts, areas or sites. A significant adverse change includes, but is not limited to:

1. Alteration of, or addition to, one or more of the architectural, structural ornamental or functional features of a building, structure, or site that is a recognized historic, cultural, or archeological resource, or component thereof. Such features are defined as encompassing the style and general arrangement of the exterior of a structure and any original or historically significant interior features including type, color and texture of building materials; entry ways and doors; fenestration; lighting fixtures; roofing, sculpture and carving; steps; rails; fencing; windows; vents and other openings; grillwork; signs; canopies; and other appurtenant fixtures and, in addition, all buildings, structures, outbuildings, walks, fences, steps, topographical features, earthworks, paving and signs located on the designated resource property. (To the extent they are relevant, the Secretary of

the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" shall be adhered to.)

2. Demolition or removal in full or part of a building, structure, or earthworks that is a recognized historic, cultural, or archeological resource or component thereof, to include all those features described in (a) above plus any other appurtenant fixture associated with a building structure or earthwork.
3. All proposed actions within 500 feet of the perimeter of the property boundary of the historic, architectural, cultural, or archeological resource and all actions within an historic district that would be incompatible with the objective or preserving the quality and integrity of the resource. Primary considerations to be used in making judgement about compatibility should focus on the visual and locational relationship between the proposed action and the special character of the historic, cultural, or archeological resource. Compatibility between the proposed action and the resource means that the general appearance of the resource should be reflected in the architectural style, design material, scale, proportion, composition, mass, line, color, texture, detail, setback, landscaping and related items of the proposed actions. With historic districts this would include infrastructure improvements or changes, such as street and sidewalk paving, street furniture and lighting.

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

Policy 24 THE STATE COASTAL POLICY REGARDING THE PROTECTION OF SCENIC RESOURCES AT STATEWIDE SIGNIFICANCE IS NOT APPLICABLE TO THE TOWN OF SMITHTOWN.

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

Policy 25A PROTECT, RESTORE, AND ENHANCE THE NATURAL VISUAL CHARACTER OF THE NISSEQUOGUE RIVER AND ADJACENT AREAS AS THE RIVER SYSTEM IS A LOCALLY SIGNIFICANT SCENIC AND RECREATIONAL RESOURCE.

Policy 25B PREVENT THE IRREVERSIBLE MODIFICATION OF NATURAL GEOLOGICAL FORMS AND THE REMOVAL OF VEGETATION FROM DUNES, BLUFFS AND WETLAND AREAS WHICH ARE SIGNIFICANT TO THE SCENIC AREAS OF THE TOWN OF SMITHTOWN.

Policy 25C PROTECT THE VISUAL QUALITY AND ENHANCE ACCESS TO SCENIC OVERLOOKS IN SUNKEN MEADOW STATE PARK AND THE KINGS PARK PSYCHIATRIC CENTER.

Policy 25D ENHANCE THE VISUAL QUALITY OF THE SMITHTOWN CBD TO MAKE THE AREA MORE COMPATIBLE WITH THE NISSEQUOGUE RIVER.

#### Explanation of Policy

The visual character of Smithtown's waterfront is less urbanized than the rest of the Town and much of the neighboring waterfronts. This natural visual character is becoming increasingly rare in the region as the region develops. The natural character is an important aesthetic, recreational and historical resource that will be protected.

Some development activities in the waterfront have degraded the natural character of the area. The activities include: the alterations of landforms at the Kings Park Bluff by dredging, dredge spoil disposal and parking lot construction; residential development in Fort Salonga and San Remo; strip commercial development on the west end of the Smithtown CBD; and deterioration of the Kings Park Psychiatric Center. Measures will be taken to correct these problems and prevent further degradation.

Visual access to the waterfront will be enhanced by increasing access to the scenic overlook in Sunken Meadow State Park and the Psychiatric Center. The high point in the Park is the Town's most scenic trail and should be more accessible to pedestrians and bicyclists. Access to the overlook near Old Dock Road should be controlled to protect the visual quality of the overlooks themselves. Vistas along the shore and the boulevard will be enhanced by planting street trees to create enframing. A high point near the water tower shall be re-developed from an ash landfill to overlook and be made accessible to pedestrians and bicyclists.

In order to protect and enhance the scenic beauty of the waterfront, the following measures will be incorporated, as appropriate, into the design of a proposed project:

1. Siting structures and other development such as highways, power lines, and signs, back from shorelines or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore;

2. Clustering or orienting structures to retain views, save open space and provide visual organization to a development;
3. Incorporating sound, existing structures (especially historic buildings) into the overall development scheme;
4. Removing degrading elements;
5. Maintaining or restoring the original land form, except when changes screen unattractive elements and/or add appropriate interest;
6. Maintaining or adding vegetation to provide interest, encourage the presence of wildlife, blend structures into the site, and obscure unattractive elements, except when selective clearing removes unsightly, diseased or hazardous vegetation and when selective clearing creates views of coastal waters from appropriate locations; street trees, shade trees, and other plant materials shall be installed, especially at the Kings Park Bluff, in San Remo and in the Smithtown CBD, to screen structures from views from the water.
7. Using appropriate materials, in addition to vegetation, to screen unattractive elements;
8. Reducing the visual contrast (with respect to color, scale, shape, and line) between a project and the natural environment. Except for historic sites, colors shall have "earth tone" hues (e.g., brown, tan, olive), low chromas, and low values. Natural materials (e.g., brick, wood) shall be employed. Except in unusual circumstances, building materials should not be painted. The finish of painted surfaces should be flat (not glossy). Except at the Psychiatric Center, structures should not be larger than 3,000 square feet, or higher than 35 feet. Structures having contrasting shapes (e.g., ellipse) will not be permitted.
9. Enhancing the identity of the area and reducing visual chaos by controlling signs (not including traffic signs). All signs shall be brown with white letters. Ground signs shall not exceed 12 square feet in area or 10 feet in height. Wall signs shall not exceed 2 feet in the vertical dimension or 40 square feet in area.

#### H. Agricultural Lands Policy

Policy 26 TO CONSERVE AND PROTECT AGRICULTURAL LANDS IN THE STATE'S COASTAL AREA, AN ACTION SHALL NOT RESULT IN A LOSS, NOR IMPAIR THE PRODUCTIVITY OF IMPORTANT AGRICULTURAL LANDS, AS IDENTIFIED ON THE COASTAL AREA MAP, IF THAT LOSS WOULD ADVERSELY EFFECT THE VIABILITY OF AGRICULTURE IN AN AGRICULTURAL DISTRICT OR IF THERE IS NO AGRICULTURAL DISTRICT, IN THE AREA SURROUNDING SUCH LANDS.

#### Explanation of Why Policy Is Not Applicable

The State Coastal Policy is not applicable because no agricultural land of Statewide importance has been identified on the Coastal Atlas Map. A local policy is described below.



Policy 26A ENCOURAGE THE RETENTION OF THE REMAINING LAND ACTIVELY USED  
FOR AGRICULTURE IN THE HAMLET OF SMITHTOWN AND PRIME  
AGRICULTURAL SOILS IN THE KINGS PARK PSYCHIATRIC CENTER.

Only 20± acres of farmland are located in the coastal area of the hamlet of Smithtown. These lands are actively used for agricultural purposes, but are currently zoned for residential use. If developed for residential purposes, the Town would require cluster development with a minimum of fifty (50) percent of the land preserved. Through clustering, large tracts of prime agricultural land will remain open. In addition, the soils in the southern section of the Kings Park Psychiatric Center property are classified as prime agricultural soils. Any reuse plans for the Center shall not involve construction on these soils. Agricultural use of these prime agricultural soils shall be encouraged.

#### I. Energy and Ice Management Policies

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

##### Explanation of Policy

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

A determination of public need for energy is the first step in the process for siting any new facilities. The directives for determining this need are set forth in the New York State Energy Law. With respect to transmission lines and steam electric generating facilities, Articles VII and VIII of the State's Public Service Law require additional forecasts and establish the basis for determining the compatibility of these facilities with the environment and the necessity for a shorefront location. The Policies derived from the siting regulations under these Articles are entirely consistent with the general coastal zone policies derived from other laws, particularly the regulations promulgated pursuant to the Waterfront Revitalization and Coastal Resources Act. That Act is used for the purposes of ensuring consistency with the State Coastal Management Program and this Local Waterfront Revitalization Program.

In consultation with the Town of Smithtown, the Department of State will comment on State Energy Office policies and planning reports as may exist; present testimony for the record during relevant certification proceedings under Articles VII and VIII of the PSL; and use the State SEQR and DOS regulations to ensure that decisions on other proposed energy facilities (other than transmission facilities and steam electric generating plants) which would impact the waterfront area are made consistent with the policies and purposes of the Local Waterfront Revitalization Program.

Should additional energy be needed in the Long Island area, over and above what is currently being supplied, adequate resources are available via the Kings Park Psychiatric Center power plant. The plant currently services only the hospital facility. As the Hospital facilities have diminished in usage and population, the power plant is currently underutilized. Although located within the local waterfront area boundary, it does not directly affect the foreshore, given its setback of 2,500 feet from the water and the fact that fuel is transported over land.

Should any new energy facilities be needed in the region, this facility should be favored as first consideration prior to planning a new facility in close proximity to the shore. Any expansion or alteration of the power plant should not involve activities that adversely impact access to the water. Further, the visual quality, significant wildlife habitats, and the recreational use of the Nissequogue River, Sunken Meadow Creek and Smithtown Bay should not be impacted by such activities. Under water pipelines, ships, barges and trucks shall not be used to transport fuel or waste because they are likely to be detrimental to the recreational, aesthetic and environmental values of the waterfront. Regardless of whether or not the plant is expanded, the ash residue should be disposed of in an environmentally sound manner.

In addition, the expansion and/or conversion of the plant to such a degree as to be incompatible with the waterfront shall not occur. Since the Town does not have an industrial harbor, conversion of the facility to an operation requiring waterborne transportation shall not occur. This use of the water would degrade important recreational, ecological, and scenic values of the waterfront.

Policy 28 THE STATE COASTAL POLICY REGARDING ICE MANAGEMENT IS NOT APPLICABLE TO THE TOWN OF SMITHTOWN.

Policy 29 ENCOURAGE THE DEVELOPMENT OF ENERGY RESOURCES ON THE OUTER CONTINENTAL SHELF, IN LAKE ERIE AND IN OTHER WATER BODIES AND ENSURE ENVIRONMENTAL SAFETY OF SUCH ACTIVITIES.

#### Explanation of Policy

The State recognizes the need to develop new indigenous energy sources. It also recognizes that such development may endanger the environment. Among the various energy sources being examined are those which may be found on the Outer Continental Shelf (OCS) or in Lake Erie. The State has been encouraging the wise development of both.

Matters pertaining to the OCS are the responsibility of the Department of Environmental Conservation. In 1977, the Department, in cooperation with regional and local agencies, completed a study which identified potential sites have not been developed for this purpose. The Department, also, actively participates in the OCS planning process by reviewing and voicing the State's concerns about federal OCS oil and gas lease sales and plans. In its review of these proposed sales and plans, the Department considers a number of factors such as the effects upon navigational safety in the established traffic lanes leading into and from New York Harbor; the impacts upon important finfish, shellfish and

wildlife populations and their spawning areas; economic and other effects upon commercial and recreational fishing activities; impacts upon public recreational resources and opportunities along the marine coast; the potential for hazards; impacts upon biological communities; and water quality.

The Department of Environmental Conservation has also examined the potential impacts of Lake Erie gas drilling and is instituting reasonable guidelines so that activities can proceed without damage to public water supplies and other valuable coastal resources. State law prohibits development of wells nearer than one-half mile from the shoreline, two miles from public water supply intakes, and one thousand feet from any other structure or installation in or on Lake Erie. Further, State law prohibits production of liquid hydrocarbons in Lake Erie, either alone or in association with natural gas. The Department has not, however, reached a decision as to whether or not the lands under Lake Erie will be leased for gas exploration purposes.

J. Water and Air Resources Policies

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

Policy 30A USES LIKELY TO RESULT IN THE DISCHARGE OF TOXIC AND HAZARDOUS SUBSTANCES ARE NOT PERMITTED IN THE WATERFRONT AREA.

Explanation of Policy

Municipal, industrial and commercial discharges include not only "end of pipe" discharges into surface and groundwater but also plant site runoff, leaching, spillages, sludge and other waste disposal, and drainage from raw material storage sites. Also, the regulated industrial discharges are both those which directly empty into receiving coastal waters and those which pass through municipal treatment systems before reaching the State's [and local] waterways. The installation and development of new septic systems in the San Remo area are not included in this policy.

State and federal laws adequately govern pollutant discharge into coastal waters. The standards contained in applicable State and federal regulations will be used to determine consistency of an action with this policy.

The following uses are prohibited in the waterfront area: filling station, repair garage, acid manufacture, ammonia or chlorine manufacture, blast furnace, chemical poisons manufacture, chemical works, coal or tar products manufacture, explosives manufacture or storage, fertilizer manufacture, fish smoking or curing, gas manufacture, glue manufacture, house trailers, mobile homes, incineration or reduction or garbage, refuse or junk, and junkyards.

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

Water pollution is one of the most important problems in the waterfront area. Although there are no industries discharging into the Town's waters, the surface waters are not as clean as the Town would like them to be. There are no surface waters assigned an A classification under the State's Environmental Conservation Law (ECL). According to the ECL, Class A waters are clean enough to be best suited as a public water supply source and Class B waters are clean enough to be best suited for primary contact recreation (i.e., swimming). The only Class B waters in the Town are near the source of Sunken Meadow Creek. Most fresh waters in the Smithtown waterfront area are assigned a C classification, meaning that these waters are best suited for the propagation, survival and growth of communities of fish, other aquatic life and wildlife and secondary contact recreation, as well as being designated trout waters. The unnamed pond near the Administration Building of the Kings Park Psychiatric Center is classified D under the ECL, meaning that the water is too polluted to be used for the survival and growth of fish and wildlife.

Most of the salt water features in the waterfront area are assigned an SA classification indicating that they are clean enough for shellfishing and primary contact recreation. Class SA waters include most of Smithtown Bay and Stony Brook Harbor. The quality appears to be deteriorating. Stony Brook Harbor was once totally available for shellfishing; however, NYSDEC recently closed the southern tip. Smithtown Bay around the mouth of the Nissequogue River and the estuarine portions of the River are assigned an SB classification. The SB designation indicates that the Nissequogue River and the offshore waters in the vicinity of the River are too polluted for shellfishing. It is believed that storm water run-off and contaminated groundwater seeping into the River bottom are the principal sources of water pollution.

Policy 32 ENCOURAGE THE USE OF ALTERNATIVE OR INNOVATIVE SANITARY WASTE SYSTEMS IN SMALL COMMUNITIES WHERE THE COSTS OF CONVENTIONAL FACILITIES ARE UNREASONABLY HIGH GIVEN THE SIZE OF THE EXISTING TAX BASE OF THESE COMMUNITIES.

#### Explanation of Policy

The Suffolk County Department of Health Services has jurisdiction over sanitary waste systems in the Town. The Town's zoning and subdivision regulations have little affect on the concentration and use of alternative systems since the County Department of Health Services must approve sanitary waste system permits. The County will allow a conventional on-site septic system on a one-half acre site. If the property is less than one-half acre, the building must be connected to a treatment plant. The use of on site septic systems in the San Remo area is a major groundwater pollution problem because of the high population density. The Town of Smithtown has no jurisdiction over these sanitary

waste systems. In an effort to minimize future groundwater pollution (and hence surface water pollution), undersized vacant lots in the San Remo area should be acquired. (See Policy 5A)

As significant portions of the Town's coastal area are unsewered, the County is encouraged to permit alternative systems including individual septic tanks and other subsurface disposal systems, and small systems serving clusters of households or commercial users. However, the County is encouraged to be restrictive in permitting subsurface disposal systems. The Suffolk County Sanitary Code prohibits the subdivision of land into lots smaller than 20,000 square feet unless the lots are served by a sewage treatment plant.

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

#### Explanation of Policy

Best management practices include both structural and non-structural methods of preventing or mitigating pollution caused by the discharge of stormwater runoff and combined sewer overflows. At present, structural approaches to controlling stormwater runoff (e.g. construction of retention basins) and combined sewer overflows (e.g. replacement of combined system with separate sanitary and stormwater collection systems) are not economically feasible. Proposed amendments to the Clean Water Act, however, will authorize funding to address combined sewer overflows in areas where they create severe water quality impacts. Non-structural approaches (e.g. improved street cleaning, reduced use of road salt and zero percent additional run-off requirements) will be encouraged. Measures to control the on-site disposal of storm water runoff will be established at the time of site plan review. These measures may include, but are not limited to, the installation of additional leaching pools, recharge basins, [and] retention basins; berming and the use of natural swales. Best management practices will be applied as they are developed. Further measures are discussed in Section 5(A)(1).

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

#### Explanation of Policy

The discharge of sewage, garbage, rubbish, and other solid and liquid materials from watercraft and marinas into the State's waters is regulated. Priority will be given to the enforcement of this law in harbor and bay areas where pollutants concentrate and do not receive a "flushing" or tidal action from the Sound. These areas include shellfish beds and other significant habitats, and beaches, which need protection from contamination by vessel wastes. Also, specific effluent standards for marine toilets have been promulgated by the U.S. Department of Transportation. (See Policies 7 through 10.) The flushing of marine toilets in EPA-approved no-discharge zones is prohibited, however, there are no such zones in the Town of Smithtown. The Town will work towards designation of EPA-approved no-discharge zones. The dumping of oil,

refuse, sewage and garbage in all Town waters is prohibited. Pump-out facilities are required at new public and private marinas, or when an existing public or private marina is expanding and shall be adequate to handle the entire marina.

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

Policy 35A DREDGING TO REALIGN CHANNELS MAY BE UNDERTAKEN IN THE NISSEQUOGUE RIVER AND STONY BROOK HARBOR MOUTH SOLELY IF ACTIONS WILL RESULT IN LESS MAINTENANCE AND MINIMAL IMPACT ON ENVIRONMENTAL RESOURCES.

Policy 35B WETLAND CHANNELS MAY BE REALIGNED ONLY IF SAID ACTION RESULTS IN ENHANCING THE VIABILITY OF THE WETLAND AREA.

#### Explanation of Policy

The Town of Smithtown and Suffolk County have undertaken dredging activities in the past in an effort to maintain navigation channels at sufficient depths. Such dredging projects, however, may have adversely affected water quality, fish and wildlife habitats, wetlands, and coastal scenic vistas. The indirect adverse effects of dredging to wetlands, caused by access of larger boats and increased number of vessels and improper depositing of dredge spoil by the County shall be regulated by SEQRA review of all dredging projects.

The dredge spoil collected from past dredging activity and currently being stored at the Kings Park Psychiatric Center, is considered to be of a poor engineering quality. The spoil has been placed over tidal wetlands throughout the Town. The most severe use of these areas should be for a parking lot. Dredging activity will only occur in existing dredged channels. Dredging at these locations will minimize impact on the environment and enable the Town to more easily maintain costs. The location for the depositing of the dredge spoil will be determined on a case by case basis. The following factors will be used to determine the location of spoil: impact on significant wildlife habitat, visual quality impact, and the propensity of spoil to migrate into a channel.

These adverse effects can often be minimized through careful design and timing of the dredging operation, and proper siting of the dredge spoil disposal site. Dredging permits will be granted if it has been satisfactorily demonstrated that these anticipated adverse effects have been reduced to levels which satisfy State dredging permit standards set forth in regulations developed pursuant to Environmental Conservation Law, (Articles 15, 24, 25 and 34), and are consistent with policies pertaining to the protection of coastal resources (see Policies 7, 14, 15, 25 and 44). Within waters under the Town's jurisdiction no persons may dredge without providing:

1. Plans and a detailed explanation necessary to determine exactly what is proposed.

2. Evidence that the dredging is not likely to fail and become a danger or obstruction to navigation.
3. Measures to minimize the effects of dredging on fish and wildlife habitats.
4. The exact location of the dredging.
5. The depth to which the proposed dredging is to be carried out.
6. The approximate amount of material to be moved.
7. The exact location of the deposit of dredged material.

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

Policy 36A NON-WATER DEPENDENT USES RELATED TO THE STORAGE AND/OR TRANSPORT OF PETROLEUM AND OIL SUCH AS GAS STATIONS, FUEL OIL COMPANIES, AND CHEMICAL STORAGE COMPANIES, WILL BE GRADUALLY ELIMINATED FROM THE LOCAL WATERFRONT AREA.

#### Explanation of Policy

Hazardous wastes are unwanted by-products of manufacturing processes generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law (Section 27-0901 (3)) as "waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment which improperly treated, stored, transported, disposed or otherwise managed." A list of hazardous wastes has been adopted by DEC (6 NYCRR Part 371). Uses such as gas stations, fuel oil companies, repair garages, acid manufacture, fertilizer manufacture, explosive manufacture or storage and chemical storage companies are prohibited within the Town's entire coastal area, as defined in Section I, Waterfront Revitalization Area Boundary.

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

Policy 37A NEW DEVELOPMENT SHALL NOT RESULT IN GREATER THAN ZERO PERCENT ADDITIONAL STORMWATER RUN-OFF.

#### Explanation of Policy

Best management practices are used in the Town of Smithtown to reduce non-point discharge of pollution including soil erosion control practices and surface drainage control techniques (most particularly in San Remo). In new developments, natural vegetation will be retained and high maintenance landscaping (such as lawns) will be limited to the cleared areas. Clearing will be limited to driveways and a perimeter approximately 20 feet from buildings.

In the San Remo area the Town has installed a drainage system which discharges directly into the Nissequogue River. The system should be modified to filter out sediment and impurities from this runoff before it is released into the River.

The use of de-icing salts in San Remo, except as necessary for traffic safety, e.g., hills, curves, and intersections, is prohibited. (See Policies 14, 17)

Policy 38 THE QUALITY AND QUANTITY OF SURFACE WATER AND GROUNDWATER SUPPLIES, WILL BE CONSERVED AND PROTECTED, PARTICULARLY WHERE SUCH WATERS CONSTITUTE THE PRIMARY OR SOLE SOURCE OF WATER SUPPLY.

Policy 38A USES AND/OR DEVELOPMENT WHICH MAY ADVERSELY IMPACT GROUND AND SURFACE WATERS SHALL NOT BE PERMITTED IN THE COASTAL AREA.

Policy 38B RESIDENTIAL DENSITIES FOR NEW DEVELOPMENT WILL BE LOW UNLESS UTILITIES ARE PROVIDED TO PROTECT RESIDENTS' HEALTH AND WATER SUPPLY.

#### Explanation of Policy

Suffolk County, including the Town of Smithtown, receives its water supply exclusively from underground aquifers. The Upper Glacial aquifer serving large portions of the Town is rather shallow and is experiencing extensive contamination from pesticides and nitrates. The Magothy aquifer is currently an excellent source of water serving the Smithtown Water District. The Smithtown Water District serves the San Remo area and areas south of Landing Meadow Road. Individual wells are utilized in the remaining portions of the coastal area, most pumping water from the Upper Glacial aquifer. Tapping of the Magothy by individuals is costly because of the required depths of the wells.

The Upper Glacial and Magothy aquifers must be protected from pollution by land uses to insure the availability of potable water. Ground water resources in the coastal area must be protected from depletion through over-pumping, leading to salt water intrusion. In addition, it is essential to provide opportunities for recharge of fresh waters into the groundwater table while minimizing the introduction of polluted surface runoff.



The Suffolk County Departments of Health and Planning and the Long Island Regional Planning Board are involved with a variety of programs and activities to protect the groundwater supply of the County. The County Health Department has a Drinking Water Sampling Program to identify problem areas where there is groundwater pollution from organic chemicals, pesticides, and nitrates. The Health Department also sets density guidelines for residential construction in order to preserve water supply and to protect residents' health based on the federal "208 Studies" and recommendations.

In Fort Salonga and the areas along the Nissequogue River, new residential development cannot be undertaken at a density of greater than one unit per acre in an effort to protect the water supply. Vacant properties in San Remo will remain undeveloped. In the Town, uses that have a likelihood of polluting groundwater, such as gas stations, industrial uses, and fuel oil companies are prohibited from the Town's coastal area. The density of development in vacant areas, unless lots are connected to sewage treatment plants, is limited to low density, single family residential use; or open space, recreational, environmental, institutional or community facility use. On vacant lots connected to sewage treatment plants, the allowable density of development is six (6) dwelling units per acre in the CBD, provided that there are no other constraints. Some of the factors that will be considered are proximity, terrain, and accessibility. In the west end of the Smithtown Central Business District (CBD), approximately six (6) dwelling units, attached, is an allowable residential use. The institutional use that exists at the Kings Park Psychiatric Center will allow for a gross density of ten (10) people per acre provided that institutional buildings are used.

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

Policy 39A THE EXISTING ASH FILL AT THE KINGS PARK PSYCHIATRIC CENTER SHALL NOT BE EXPANDED.

#### Explanation of Policy

Solid wastes include sludge from air or water pollution control facilities, demolition and construction debris and industrial and commercial wastes.

Hazardous wastes are unwanted by-products of manufacturing processes generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law (section 27-0901(3)) as "waste or combination of wastes which, because of its quality, concentration, or physical, chemical or infectious characteristics may: (1) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (2) pose a substantial present or

potential hazard to human health or the environment which improperly treated, stored, transported, disposed or otherwise managed". A list of hazardous wastes has been adopted by DEC (6 NYCRR Part 371). Uses such as gas stations, fuel oil companies, and chemical storage companies are prohibited in the Town's entire coastal area.

Examples of solid waste management facilities include resource recovery facilities, sanitary landfills and solid waste reduction facilities. Although a fundamental problem associated with the disposal and treatment of solid wastes is the contamination of water resources, other related problems may include: filling of wetlands and littoral areas, atmospheric loading, and degradation of scenic resources.

The existing Kings Park Psychiatric Center ash fill is presently a potential source of blight and groundwater contamination. Its expansion is incompatible with the proposed land use on the site. The NYS Office of Mental Health is encouraged to work closely with the NYS Department of Environmental Conservation to determine the impact of the landfill on the Upper Glacial aquifer and to take steps to ensure that further degradation does not occur.

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

#### Explanation of Policy

The State Board on Electric Generation Siting and the Environment must consider a number of factors when reviewing a proposed site for facility construction. One of these factors is that the facility "not discharge any effluent that will be unduly injurious to the propagation and protection of fish and wildlife, the industrial development of the State, the public health, and public enjoyment of the receiving waters." The effects of thermal discharges on water quality and aquatic organisms will be considered by the siting board when evaluating an applicant's request to construct a new steam electric generating facility.

Policy 41 LAND USE OR DEVELOPMENT IN THE COASTAL AREA WILL NOT CAUSE THE NATIONAL OR STATE AIR QUALITY STANDARDS TO BE VIOLATED NITRATES AND SULFATES.

#### Explanation of Policy

Local uses and local planning standards must conform to National and State air quality standards. The requirements of the Clean Air Act are the minimum air quality control requirements applicable within the coastal area.

Planning and implementation efforts will, at a minimum, adhere to these standards. Site plan and special permit approvals in Smithtown shall be conditioned upon appropriate County, State and Federal environmental approvals where air and water quality are concerned. Intensive development of the Town's coastal areas is not planned and the proposed land use generally supports lower intensity development. Thus, signifi-

cant changes in air quality caused by increases in mobile sources (e.g. vehicles) is not anticipated.

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

Explanation of Policy

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

Policy 43 LAND USE OR DEVELOPMENT IN THE COASTAL AREA MUST NOT CAUSE THE GENERATION OF SIGNIFICANT AMOUNTS OF THE ACID RAIN PRECURSORS: NITRATES AND SULFATES

Explanation of Policy

The New York Coastal Management Program incorporates the State's policies on acid rain. As such, the Coastal Management Program will assist in the State's efforts to control acid rain. These efforts to control acid rain will enhance the continued viability of coastal fisheries, wildlife, agricultural, scenic and water resources.

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

Policy 44A THE CONSTRUCTION OF DOCS AND PIERS IN THE NISSEQUOGUE RIVER IS LIMITED TO EXISTING CHANNELS AND ACCESS POINTS TO EXISTING YACHT CLUBS.

Explanation of Policy

Boat access in tidal wetland areas will be restricted in accordance with boat size. In Stony Brook Harbor, boats of twenty (20) feet or more in length will be restricted to the northern most portion of the harbor. On the Nissequogue River, boats of twenty (20) feet or more in length will be restricted to go no further upstream than the San Remo area.

Tidal wetlands include the following ecological zones:

Coastal fresh marsh; intertidal marsh; coastal shoals, bars and flats; littoral zone; high marsh or salt meadow; and formerly connected tidal wetlands. These tidal wetland areas are officially delineated on the Department of Environmental Conservation's Tidal Wetlands Inventory Map.

Freshwater wetlands include marshes, swamps, bogs, and flats supporting aquatic and semi-aquatic vegetation and other wetlands so defined in the N.Y.S. Freshwater Wetlands Act and the N.Y.S. Protection of Waters Act.

The benefits derived from the preservation of tidal and freshwater wetlands include, but are not limited to:

- habitat for wildlife and fish, including a substantial portion of the State's commercial fin and shellfish varieties; and contribution to associated aquatic food chains;
- erosion, flood and storm control;
- natural pollution treatment;
- groundwater protection;
- recreational opportunities;
- educational and scientific opportunities; and
- aesthetic open space in many otherwise densely developed areas.

Considerable acreage of freshwater wetlands in the Town has been lost, despoiled or impaired by unregulated draining, dredging, filling, excavating, building, pollution or other acts inconsistent with the natural uses of such areas. Other freshwater wetlands are in jeopardy of being lost, despoiled or impaired by such unregulated acts. Recurrent flooding aggravated or caused by the loss of freshwater wetlands has serious effects upon natural ecosystems.

Within the Town of Smithtown, numerous acres of wetlands have been lost due to development. In many areas of development, fill is used to build up low lying properties, preparing them for development. The use of fill has also been observed on the property of the Kings Park Psychiatric Center.

It is difficult for the Town to monitor the activity of every property adjoining coastal wetlands. In an effort to preserve remaining unaffected wetlands, the Town will increase its monitoring of residential development and use.

Any loss of freshwater wetlands deprives the people of the State and the Town of Smithtown of some or all of the many and multiple benefits to be derived from wetlands, for example:

1. Flood and storm control by the hydrologic absorption and storage capacity of freshwater wetlands.
2. Wildlife habitat by providing breeding, nesting and feeding grounds and cover for many forms of wildlife, wild fowl and shorebirds, including migratory wild fowl and rare species.

Wetlands Table

<u>Location</u>	<u>Type</u>	<u>Size</u>	<u>Legal Jurisdiction</u>	<u>Standard for Protection</u>
Fresh Pond Ft. Salonga	1. Swamp 2. Meadow 3. Emergent	50 acre	Town of Smithtown Town of Huntington NYS DEC	DEC - Freshwater Wetland Act
Sunken Meadow Creek	1. Freshwater 2. Marsh 3. Swamp	200 acre	NYS Parks Commission NYS DEC Town of Smithtown	DEC - Freshwater Wetlands Act
Nissequogue River Tidal Portion	Tidal flats, salt, marsh	500 acre	Town of Smithtown Village of Nissequogue	DEC - Tidal Wetlands Act
Nissequogue River Fresh Water	Tidal flats, marsh	200 acre	Town of Smithtown	NYS Park Commission DEC - Freshwater Wetlands Act
Wetlands, west of 25A, Smithtown	Swamp	25 acre	Town of Smithtown	DEC-Freshwater Wetlands Act, Stream Protection Act.
Stony Brook Harbor Tidal Wetlands	Marsh, tidal flats, open water	1,200 acre	Town of Smithtown Village of Nissequogue Village of Head of Harbor	DEC Tidal Wetlands Act

3. Protection of subsurface water resources and provision for valuable watersheds and recharging groundwater supplies.
4. Recreation by providing areas for hunting, fishing, boating, hiking, bird watching, photography, camping and other uses.
5. Pollution treatment by serving as biological and chemical oxidation basins.
6. Erosion control by serving as sedimentation areas and filtering basins, absorbing silt and organic matter and protecting channels and harbors.
7. Education and scientific research by providing readily accessible outdoor biophysical laboratories, living classrooms and training and education resources.
8. Open space and aesthetic appreciation.
9. Sources of nutrients in freshwater food cycles and nursery grounds and sanctuaries for freshwater fish.

Regulation of freshwater wetlands is consistent with the legitimate interests of farmers and other landowners to graze and water livestock, make reasonable use of water resources, harvest natural products of the wetlands, selectively cut timber and otherwise engage in the use of land for agricultural production.

(See Policies 7, 9, 10, 19, 20, 21, 35)