

Town of Smithtown Local Waterfront Revitalization Program

Adopted:

Town of Smithtown Town Board, May 2, 1989

Approved:

NYS Secretary of State Gail S. Shaffer, August 16, 1989

Concurred:

U.S. Office of Ocean and Coastal Resource Management, September 7, 1989

This Local Waterfront Revitalization Program has been adopted and approved in accordance with the provisions of the Waterfront Revitalization and Coastal Resources Act of 1981 (Executive Law, Article 42) and its implementing regulations (6 NYCRR 601). Federal concurrence on the incorporation of this Local Waterfront Revitalization Program into the New York State Coastal Management Program as a Routine Program Implementation has been obtained in accordance with the provisions of the U.S. Coastal Zone Management Act of 1972 (P.L. 92-583), as amended, and its implementing regulations (15 CFR 923).

The preparation of this program was financially aided by a federal grant from the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management, under the Coastal Zone Management Act of 1972, as amended. Federal Grant No. NA-82-AA-D-CZ068.

The New York State Coastal Management Program and the preparation of Local Waterfront Revitalization Programs are administered by the New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, 162 Washington Avenue, New York 12231.



STATE OF NEW YORK
DEPARTMENT OF STATE
ALBANY, N.Y. 12231-0001

GAIL S. SHAFFER
SECRETARY OF STATE

August 16, 1989

Honorable Patrick R. Vecchio
Town of Smithtown
Town Hall
99 West Main Street
Smithtown, New York 11787

Dear Supervisor Vecchio:

It is with great pleasure that I inform you that, pursuant to the Waterfront Revitalization and Coastal Resources Act, I have approved the Town of Smithtown's Local Waterfront Revitalization Program (LWRP). The Town is to be commended for its thoughtful and energetic response to opportunities presented along its waterfront, and for being the first Town on Long Island to have an approved LWRP.

I will notify State agencies shortly that I have approved the Town's LWRP and will provide them a list of their activities which must be undertaken in a manner consistent to the maximum extent practicable with the Smithtown LWRP.

Again, I would like to commend the Town of Smithtown on its efforts to develop the LWRP and look forward to working with you in the years to come as you endeavor to revitalize your waterfront.

Sincerely,

A handwritten signature in black ink, appearing to read "Gail S. Shaffer", written over a horizontal line.

Gail S. Shaffer

GSS:mm



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
Washington, D.C. 20235

SEP 7 1989

George Stafford
Director
Division of Coastal Resources
and Waterfront Revitalization
Department of State
162 Washington Street
Albany, NY 12231

Dear Mr. Stafford:

The Office of Ocean and Coastal Resource Management (OCRM) has completed its review of your request to incorporate the Town of Smithtown Local Waterfront Revitalization Program (LWRP) into the New York State Coastal Management Program (NYS CMP). We have received the adopted program which has been approved by the New York Secretary of State. We received no comments objecting to adopting the LWRP as a routine program implementation change.

We concur with your request to incorporate the Town of Smithtown LWRP into the NYS CMP as a routine program implementation change. In accordance with the Coastal Management Regulations, 15 CFR 923.84, Federal Consistency will apply to the Town of Smithtown LWRP after you publish notice of our approval.

Sincerely,


Donald E. Critchfield
Acting Director



The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board be and hereby adopts the Local Waterfront Revitalization Program (LWRP) as completed and on file in the Planning Department: and

BE IT FURTHER RESOLVED, that the Director of Planning be and is hereby directed to distribute copies to the Town Board, Town Clerk, Planning Board, Board of Zoning Appeals, Superintendent of Highways, Supervisor of Parks and Beaches, Supervisor of Environment and Waterways, the Conservation Board the Traffic Safety Department and the Town Attorney's Office.

Dated: May 2nd, 1989

Roll Call for Adoption	Supervisor	Vecchio	yes
	Councilman	Cannataro	yes
		Harris	yes
		Sullivan	yes
		Fitzpatrick	yes

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Introduction

The Local Waterfront Revitalization Program is one of a series of steps taken by the Town of Smithtown to establish objectives and specific programs as part of its planning and development process that will promote the beneficial use of coastal resources and avoid impairment of these resources.

The Local Waterfront Revitalization Program for the Town of Smithtown has been developed in response to and consistent with national and State objectives embodied in the Federal Coastal Zone Management Act of 1972, the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (Article 42, Executive Law) and the Coastal Erosion Hazard Areas Act of 1981 (Article 34, Environmental Conservation Law) and presented in the State of New York Coastal Management Program and Final Impact Statement of August 1982.

The New York State Coastal Management Program describes the State's implementation of Federal coastal regulations. It includes a series of forty-four policies outlining appropriate approaches to coastal land and water use activities in order to promote the beneficial use of coastal resources, to avoid the impairment of these resources, and to manage major activities substantially affecting numerous coastal resources. The State's Coastal Management Program has been designed to address important coastal issues by advocating specific types of actions enumerated in the summary of the Program:

...promoting waterfront revitalization; promoting water dependent uses; protecting fish and wildlife habitats; protecting and enhancing scenic areas; protecting and enhancing historic areas; protecting farmlands; protecting and enhancing small harbors; protecting and enhancing public access; providing research, data and information for participation of government agencies and citizens concerned with the State's coastal area; and coping with erosion and flooding hazards.*

The Town of Smithtown Local Revialization Program includes: a description of the waterfront revitalization areas of the Town within the landward and seaward boundaries; an inventory and analysis of existing conditions in the coastal areas of the Town, including discussions of important coastal resources and major issues and opportunities apparent in the waterfront revitalization areas; statements and descriptions of policies addressed in the Town's program coupled with descriptions of criteria or standards that

* State of New York Coastal Management Program and final Impact Statement prepared by the U.S. Department of Commerce, Office of Coastal Zone Management and New York Department of State, August 1982, p. 1-4. All references to the New York State Coastal Management Program (NYSCMP) refer to this document.

will be used to evaluate compliance with the policy; description of proposed land and water uses and proposed public and private projects within the Town's revitalization areas; and a discussion of techniques for local implementation of the program, including local laws and regulations, as well as necessary public and private actions. In addition, the Town's Waterfront Revitalization Program identifies Federal and State actions that are likely to affect the implementation of this program, describes consultation activities that the Town carried out with adjacent municipalities and appropriate Federal, State and regional agencies, as well as a description of local activities that have been, and are being, undertaken to obtain commitment and support for the Local Waterfront Revitalization Program.

SECTION I
WATERFRONT REVITALIZATION
AREA BOUNDARY

SECTION I - WATERFRONT REVITALIZATION AREA BOUNDARY

The waterfront revitalization area of the unincorporated area of the Town of Smithtown extends a distance of approximately 7 miles from the Huntington town line on the west, to the Nissequogue village line on the east (Nissequogue is an incorporated village within the Town of Smithtown), and also includes some Town-owned areas within the incorporated Villages of Nissequogue and Head of the Harbor. The coastal area includes the shoreline along the Long Island Sound, as well as the Nissequogue River and Stony Brook Harbor which are estuaries leading into the sound.

The following is a metes and bounds description of the waterfront revitalization area.

Beginning at the intersection of the shoreline and the boundary line of the Town of Huntington and the Town of Smithtown, proceeding south along said boundary to its intersection with State Route 25A proceeding east along State Route 25A to a driveway on the south side of said route near the intersection of said route with Sunken Meadow Road, south along the said driveway to its intersection with Sunken Meadow Road east along Sunken Meadow Road to its intersection with Sunken Meadow State Park south, west, south, east, north, east, south, east, and north along boundaries of said park to include the land shown on the Suffolk County Tax Map for District 0800, Section 003, Block 1, Lot 2 east along Sunken Meadow Road to its intersection with Old Dock Road west along Old Dock Road to its intersection on the north side of said road with the boundary of the Kings Park Psychiatric Center north, west, south, east, and north along boundaries of said Psychiatric Center to include the land shown on the Suffolk County Tax Map for District 0800, Section 009, Block 1, Lots 3 & 4; east along St. Johnland Road to its intersection east and southeast along St. Johnland Road to its intersection with Squire Lane; south along Squire Lane to its intersection with Bowman Lane; southwest along Bowman Lane to its intersection with Midvale Drive; southeast along Midvale Drive to its intersection with Knight Lane southwest along Knight Lane to its intersection with Armor Court; southeast along Armor Court to its intersection with Boxwood Drive; southeast along Boxwood Drive to a point one-half mile measured horizontally from the nearest bank of the Nissequogue River; east along said one-half mile line to its intersection with Juniper Road; northeast along Juniper Road to its intersection with Landing Road; east along Landing Road for a distance of approximately 700 feet to a point at the eastern boundary of Kings Park Central School District No. 5; south along said district boundary for a distance of approximately 1,000 feet to a point along the northern property line of lands shown on the Suffolk County Tax Map for District 0800 as Section 035, Block 1, Lots 2, 3, and 4; east along said Lots 2, 3 and 4 to the northwestern property line of the Town of Smithtown Park; south and east along said Town Park to its intersection with Landing Avenue; south along Landing Avenue for a distance of approximately 900 feet to a point one-half mile measured horizontally from the nearest bank of the Nissequogue River; southeast along said one-half mile line to a point where it intersects with Landing Meadow Road; east and south along Landing Meadow Road to its intersection with Landing Avenue; southeast along Landing Avenue to its intersection with Eckernkamp Drive; west along Eckernkamp Drive to its intersection with Ursular Court; northwest and southwest along Ursular Court to its intersection with Stengel Place; southeast along Stengel Place to its

intersection with Eckernkamp Drive; west along Eckernkamp Drive to its intersection with the eastern property line of lands shown on the Suffolk County Tax Maps for District 0800 as Section 072, Block 1, Lot 4; northwest along said property line for a distance of approximately 300 feet to a point one-half mile measured horizontally from the nearest bank of the Nissequogue River; southwest along said one-half mile line to its intersection with the Metropolitan Train Authority right-of-way; southeast along said right-of-way a distance of approximately 300 feet to a point at the northern property line of lands shown on the Suffolk County Tax Maps for District 0800 as Section 072, Block 2, Lot 2; southwest along said property line to its intersection with Meadow Road; southeast along Meadow Road to its intersection with Ridge Road west along Ridge Road (also known as Gardiners Road) to a point where the road turns sharply to the north from said point west, south, west, south, and northeast along the boundary lines of Caleb Smith State Park to include the land shown on the Suffolk County Tax Map for District 0800, Section 72, Block 3, Lot 27 and Section 99, Block 1, Lot 25 and Section 100, Block 1, Lot 1 from said point along the east boundaries of a Town park as shown on the Suffolk County Tax Map for District 0800, Section 100, Block 1, Lot 2, to the intersection of said park with Mill Dam Road the south along Mill Dam Road to its intersection with New Mill Road northeast along New Mill Road to its intersection with Brookside Drive and Edgewood Avenue north along Edgewood Avenue to its intersection with State Route 25/25A (Main Street); east along State Route 25/25A to its intersection with Elliot Place; north along Elliot Place to its intersection with Atterbury Drive; east and north along Atterbury Drive to its intersection with Landing Avenue; north along Landing Avenue to its intersection with Edgewood Avenue; northeast along Edgewood Avenue to its intersection with Nissequogue River Road; south along Nissequogue River Road to its intersection with Glamore Court; northeast along Glamore Court to its intersection with a point one-half mile measured horizontally from the nearest bank of the Nissequogue River; north along said one-half mile line to its intersection with Edgewood Avenue; southwest along Edgewood Avenue to its intersection with Twist Hill Road; north along Twist Hill Road to its intersection with the southern property line of the Town of Smithtown Park; east, north, west and north along said Town Park to a point one-half mile measured horizontally from the nearest bank of the Nissequogue River; north along said one-half mile line to its intersection with the northern property line of the Town of Smithtown Park; west and north along said Town Park to a point one-half mile measured horizontally from the nearest bank of the Nissequogue River; north along said one-half mile line to its intersection with High Woods Road; west along High Woods Road to its intersection with Mill Road. Southwest along the municipal boundary of the Town of Smithtown and the Village of Nissequogue to the mean high water mark on the east bank of the Nissequogue River. Proceed north along the mean high water mark of the east bank of the Nissequogue River to a point where the Town of Smithtown Town Park of Short Beach meets the mean high water mark of the Nissequogue River. Proceed north from said point along the boundary between the Town of Smithtown Town Park of Short Beach and the incorporated Village of Nissequogue to a point on the shoreline of Smithtown Bay. Proceed east from said point along the mean high water mark of Smithtown Bay approximately 12,000' to the boundary line of the Town of Smithtown Town Park of Long Beach and the incorporated Village of Nissequogue. Proceed south along said line to a point

on the mean high water mark of Stony Brook Harbor. Proceed south, east, north along the mean high water mark of Stony Brook Harbor to a point where the Town of Smithtown meets the Town of Brookhaven. NOTE: Excluded is the east end of Long Beach which is part of the Incorporated Village of Nissequogue.

See Map 1 for a graphic display of the waterfront area.

SECTION II - INVENTORY AND ANALYSIS

Orientation

The Town of Smithtown is located in the northwest quadrant of Suffolk County, New York. The Town is bounded on the north by Long Island Sound, and on the west, south and east by the towns of Huntington, Islip and Brookhaven respectively. The three incorporated villages in the Town include Nissequogue, Head of the Harbor, and The Branch. The villages of Nissequogue and Head of the Harbor are located in the coastal zone area and are independently preparing their own LWRP.

The Town of Smithtown is roughly square, and including the incorporated villages, is approximately 55 square miles (35,000± acres). The unincorporated portion of the Town is approximately 44 square miles (28,000± acres). The land area of the waterfront consists of approximately 10 square miles (±6,000 acres).

The Smithtown waterfront is characterized by a diversity of high quality visual character types. The shoreline is generally smooth except that it is punctuated by Sunken Meadow Creek, the Nissequogue River, and Stony Brook Harbor. Steep escarpments generally 50-125 feet in height are situated behind coarse sand beaches. The escarpments ("bluffs") are not present near Fresh Pond and/or sandspits, such as Sunken Meadow, Short Beach, and Long Beach. The spits and dunes in these areas protect large estuarian and fresh water wetlands. The coastal area projects furthest inland along the Nissequogue River where the coastal flood hazard area extends as far south as Caleb Smith State Park. The upland areas of the waterfront are characterized by heavily wooded rolling terrain.

Smithtown is a suburban town, however, its waterfront area has a surprisingly natural visual character. The population density of Smithtown is over 2,500 people per square mile, however, the population density in the waterfront area is less than 500 people per square mile. This is due to the fact that a large portion of the waterfront area is publicly owned. The largest public facilities in the waterfront area include Sunken Meadow State Park, Kings Park Psychiatric Center and Caleb Smith State Park.

The local economy is not based on the Town's waterfront. The Town has over 2,500 acres of industrially zoned land in the central and southern parts of the Town. These industrial areas are located near important transportation facilities, such as the Long Island Expressway and the Northern State Parkway. The Town's business districts are also located generally outside the waterfront area. The western end of the Smithtown Central Business District (CBD) is located in the waterfront area, however, it is not intensively developed and the Town's policy is to guide development away from the waterfront area due to environmental constraints. Neighborhood shopping centers, commercial strips, a regional mall and the St. James and Kings Park business districts are located well outside the waterfront area. These areas are also more centrally located with regard to access and population.

Until the mid-nineteenth century, when ships were the dominant mode of transportation, Smithtown's waterfront was more important to commerce than it is today. Vessels loaded and unloaded goods at landings near Old Dock Road, the Psychiatric Center channel, Landing Road, Landing Avenue and Main Street. The Main Street area was especially important because it was the furthest upstream that commercial boats could go. The landing was adjacent to one of the few regionally important highways. West of the river, the highway was a toll road (Jericho Turnpike); to the east it was known as Middle Country Road.

In the early 1800's, earthen mill dams and watermills were built on the Nissequogue River creating Phillips Mill Pond and New Mill Pond. Small hamlets developed around these mills. The mills at Phillips Mill Pond were within a few hundred feet of the landing at Jericho Turnpike. The close proximity of the industrial mills to the transportation interface caused this area to develop into the commercial hub of the Town.

Although waterborne transportation was important to the early economy, it was probably the lack of a good harbor that caused Smithtown to be less regionally important than Huntington, Northport and Port Jefferson. These communities were located adjacent to deep, well protected harbors.

As transportation and industrial technology changed, the waterfront lost its commercial and geographical significance. With the advent of the railroad, and then automobiles, the role of boats became less significant in transportation. The development of electrical power meant that industry, which previously depended on water power, could locate near less obsolete modes of transportation. In the 1870's, the Long Island Railroad was extended through Smithtown and a station was built about one mile east of the Nissequogue River. A new commercial center developed around the railroad station and has evolved into the present central business district of the Town. The old hub declined and it is no longer evident that the area was a significant business center. Today this area is on the fringe of the central business district.

Section II of this plan provides an inventory of waterfront resources and conditions, and identifies specific issues, problems, and opportunities existing in Smithtown's waterfront area.

INVENTORY OF EXISTING CONDITIONS AND RESOURCES

A. NATURAL RESOURCE BASE

1. Geology

The surficial geologic material in the area consists of typical unconsolidated deposits found throughout Long Island. The deposits consist mostly of layers of sand and gravel, however, clay and silt are present in some areas. Clay lenses are encountered near the surface of the land immediately west of the Nissequogue River. The clay lenses can pose significant development constraints due to poor soils. Erratic boulders ranging in size from a few cubic feet to a few cubic yards are occasionally encountered in the waterfront area, however, they rarely pose development constraints. Bedrock is not a

significant constraint in the area as it lies approximately 1,000 feet below sea level.

The physiographic features of the waterfront area are largely of glacial origin and consist of, from north to south:

1. escarpments on Smithtown Bay;
2. sandspits separating the Bay from St. Johnland Creek, Nissequogue River and Stony Brook Harbor;
3. Manhasset plateau;
4. Harbor Hill moraine;
5. Smithtown driftless area.

The elevation of the waterfront area ranges from 0 to 250 feet. The Manhasset plateau is approximately 50 to 125 feet in elevation. The altitude of the Harbor ranges from about 150 to 250 feet. The Smithtown driftless area which is located in the outwash of the Harbor Hill moraine is about 20-100 feet in elevation.

The waterfront area is generally characterized by rolling topography. The land forms are dissected by a dendritic pattern of glacial outwash channels which lack streams. The bottoms of the channels are typically narrow, ranging from 50 to 100 feet. The sides of the channels are moderately steep to steep (8-35%) and range in height from 20 to 50 feet.

Steep slopes are a significant land use constraint in the waterfront area. Moderately steep slopes (8-15%) pose moderate limitations on developing homesites, and severe limitations on developing streets and parking areas. Low density residential development would be appropriate in these areas, however, moderate to high density residential development and commercial and industrial uses would likely cause problems.

The steep slopes of 15-35% pose severe limitations for all types of residential, commercial and industrial development. Very low density residential development can be accommodated provided that sensitive architectural design, site design and erosion control are employed. Slopes of 15-35% are common along the edge of the Nissequogue River and in the western portion of the Kings Park Psychiatric Center.

Due to instability and high erosion hazards, slopes greater than 35% are not suitable for any development. These slopes are the steepest slopes in the coastal area (and the region) and consist almost entirely of actively eroding escarpments facing Long Island Sound.

Erosion in the Smithtown waterfront area can be classified as follows:

1. shoreline
2. stream bank
3. bluff
4. upland development

The Town has identified the following as causes of its erosion problems:

1. natural forces (rain, wind, wave and current action)
2. pedestrian traffic
3. off-road vehicles
4. boat traffic
5. development
6. counter-productive erosion control structures

The Town has identified the following specific erosion problem sites:

<u>Erosion Problem Site</u>	<u>Erosion Type</u>	<u>Cause</u>
1. Fort Salonga	Bluff	*Development
2. Callahan's Beach	Bluff	*Development and foot traffic
3. Kings Park Bluff	Bluff	*Development, foot traffic and counter productive erosion control structures
4. Kings Park Pschiatric	Stream bank	*Boat traffic
5. San Remo	Upland/development	*Development
6. Landing Avenue Park	Stream bank	*Foot traffic and development
7. Jericho Turnpike	Upland development	*Development

*Natural forces are present in all erosion.

Perhaps the most conspicuous examples of erosion are on the bluffs facing the Long Island Sound. Property owners in Fort Salonga have lost large sections of their backyards to bluff erosion. A large gully developed at the east end of the parking lot in Callahan's Beach in the 1970's. The Town has tried to establish plant growth to arrest erosion. If the erosion is not arrested, it threatens to undermine the parking lot and adjoining picnic area. The overlook at the Kings Park Bluff has already once been undermined by erosion. The Town installed leaching rings at the base of the escarpment, however they collapsed within six months. According to studies by the Marine Science Research Center, SUNY Stony Brook, the erosion rate of the bluffs is about two feet per year. This severe erosion threatens many residences as well as public facilities. This erosion also causes ecologic impacts by undermining salt tolerant vegetation and exposing intolerant vegetation to the harsh winds and salt spray.

The geology of the waterfront area also has significant aesthetic, recreational, and educational values. The escarpments are prominent visual features that characterize the North Shore of Long Island. Although it is not feasible to build on the escarpments, their appearance has changed little since the age of the glaciers. There are extremely complex land forms formed by wind erosion located at the top of the escarpments west of the Kings Park Bluff. An esker is located near Landing Avenue and is unique in the Town of Smithtown.

2. Soils

About two-thirds of the Town's waterfront area lies in the Carver-Plymouth-Riverhead Association and about one-third lies in the Plymouth Carver Association, rolling and hilly. The Carver-Plymouth-Riverhead Association consists of deep, rolling excessively drained and well drained coarse textured and moderately coarse textured soils on moraines. The Plymouth-Carver Association consists of deep, excessively drained coarse textured soils on moraines.

Carver soils are the most common soils in the waterfront area. They are coarse textured and excessively well drained.

Plymouth soils are the second most common soils in the waterfront area. They are transitional with regard to texture and location between Carver soils and Riverhead soils.

Riverhead soils are the third most common soils in the waterfront area. They are moderately coarse textured soils and are most common in level, upland areas such as parts of Fort Salonga. Riverhead soils are deep and well drained. They have a surface layer and subsoil of sandy loam.

3. Hydrology

This section is divided into four sub-sections: Ground and Surface Waters, Water Quality, Flood Hazard Zones, and Wetlands.

Surface and Groundwater Resources

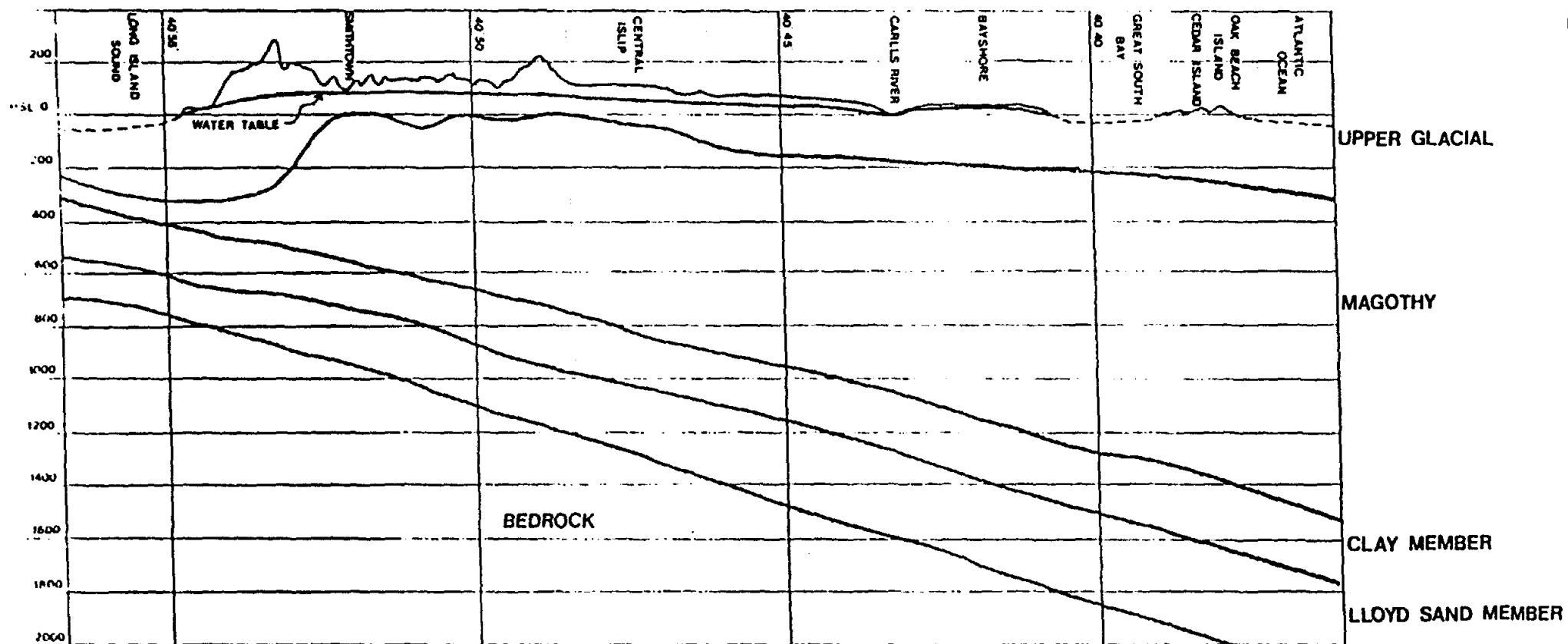
The waterfront area is within several watersheds, the largest of which is the Nissequogue River basin. This basin is almost entirely in the Town of Smithtown and includes about 26 square miles. Smaller watersheds drain into Sunken Meadow Creek, Fresh Pond, and directly into Smithtown Bay. The Nissequogue, although one of the smallest rivers in New York State, is regionally important as it is one of the four major streams on Long Island. It is almost entirely located in the Town of Smithtown, and the Town has been attempting to preserve its natural resources as it is a significant part of the Smithtown waterfront. The River is largely tidal downstream from the Long Island Railroad trestle.

Three aquifers are present throughout the waterfront area as well as the rest of the Town. The deepest aquifer, the "Lloyd", is about 200 feet thick and, in the Town of Smithtown, lies on the bedrock about 700 to 1,000 feet below sea level. The Lloyd has the least contaminated water, but it is not used as a water supply source because water of adequate quality can be pumped from higher aquifers. The middle aquifer, known as the "Magothy", varies in thickness in the waterfront area. Although it is contaminated in some locations, it is the region's principal water supply source via community and individual wells. It is separated from the Lloyd by about 200 feet of clay strata. The highest aquifer is the "Upper Glacial", which also varies in thickness in the waterfront area. It is regarded as generally too polluted for use, however many individual, private wells pump water from this aquifer. East and south of Sunken Meadow State Park the Upper Glacial and Magothy are separated by clay strata known as the Smithtown clay unit. Perched water tables, caused by clay lenses, are reported to be prevalent between Sunken Meadow State Park and the Landing Avenue bridge. Locations with perched water are poorly suited for development due to poor subsurface drainage.

The groundwater reservoir is resupplied only by recharge (i.e., stormwater seeping through the ground.) The quality of the groundwater is important as it is Long Island's only source of water supply. Therefore, the quality of recharge is important. The entire Town is in a recharge area, however, the waterfront area is entirely within a "shallow recharge" area. Water recharged in this area tends to move horizontally toward the shoreline and does not move into deep water supply aquifers. Nevertheless, it is important to control the quality of recharge in the shallow flow area in order to maintain the quality of adjoining surface waters. Generally, the most intensive land uses have the most impact on the quality of ground and surface waters. The pollutants from storm water run-off and septic systems usually impair groundwater quality longer than surface water quality because groundwater moves so slowly. Undeveloped areas are important to recharge areas because the quality of groundwater is least impaired in these areas.

The quality of groundwater directly effects the quality of the adjoining surface waters. Therefore, if groundwater quality deteriorates, surface water quality deteriorates which would impact recreation and shellfishing. This effect is already evident in the Nissequogue River which is closed to shellfishing due to pollution from run-off and groundwater pollution from septic systems. The San Remo area seems to be particularly vulnerable because of the amount of clay below the soil. The clay reduces the ability of the sediments to filter the groundwater.

Although storm run-off is only 10% of the stream flow, it can have a large localized impact during a heavy storm. This is evident by the fact that the Nissequogue River is conditionally open for shellfishing in the winter except after storms. It would be



CROSS SECTION OF LONG ISLAND

possible to utilize this resource more effectively if the quality of stormwater run-off could be controlled. The diversity of marine species in the river has declined as the pollution from stormwater runoff has increased. Scallops, blowfish, and porpoise were common in the river until pollution became a problem after the 1940's.

Surface waters are polluted from various sources. It is likely that most of the nitrogen in surface waters comes from groundwater which in turn comes from septic systems and fertilizers. Most of the chlorides, heavy metals and bacteria in surface waters is due to the storm water run-off. In turn, the run-off is contaminated by road salts, animal wastes and substances (e.g., fuels, oils, rubber, metals and asbestos) from motor vehicles. These non-point sources are probably most problematic in areas that have the greatest percentage of impermeable surfaces (roofs and paved areas) such as the Smithtown Central Business District, Jericho Turnpike, 25A and San Remo. Point sources (sewage treatment plants and industries) are not significant pollution threats to the Smithtown waterfront.

Surface water pollution has a negligible effect on groundwater quality. This is due to the fact that the direction of flow of the water is from the groundwater aquifer to the surface water body. The salt water-groundwater interface is very close to the shore itself and affects a few wells. Significant impacts of salt water intrusion would likely occur if the quantity of the groundwater were depleted by excessive pumpage or widespread construction of sewers. Sewer systems divert a significant amount of water that would otherwise be recharged by septic systems. The construction of sewers would reduce the amount of recharge because the likely outfall would be in Smithtown Bay. It has been demonstrated in Queens and in Nassau County and now in Suffolk County's Southwest Sewer District that large sewer systems lower the groundwater levels affecting the salinity of surface waters and nearby groundwaters.

The Town has identified the solid and liquid waste disposal from vessels as a significant pollution threat to the Town's surface waters. The impact is significant because of the large number of boats using the Town's waters. This problem is most critical in the Nissequogue River and particularly in Stony Brook Harbor where tidal flushing is restricted. This type of pollution usually involves fecal coliform and nitrogen which impair the water's value for shellfishing and recreation. This type of pollution also effects the natural ecology of the area.

Water Quality

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 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 area at the southernmost end of the harbor south of Cordwood Path and the Hitherbrook extension. 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.

Flood Hazard and Flood Prone Areas

Flood hazard areas as designated on the Flood Insurance Rate Map (FIRM) identify coastal areas subject to tidal-related flooding in the unincorporated areas of the Town. The FIRM does not include areas subject to river, groundwater, or storm runoff flooding. The 100 year flood hazard areas subject to wave action (V zones) are located adjacent to Smithtown Bay and the Nissequogue River from the Smithtown-Huntington boundary to the vicinity of Oakside Drive. The base flood elevations in these zones range from 14 to 18 feet above sea level. The 100 year flood hazard zones not subject to wave damage (A zones) reach inland from the V zones. The base flood elevation of A zones is approximately 11 to 13 feet above sea level.

The coastal flooding threat to life and property is not as significant in Smithtown as in many other coastal communities because most of the flood hazard areas in the Town are not developed. Most of the land in flood hazard zones is either publicly owned parkland or open space. In Fort Salonga, private property extends to the water, however, most of the structures are protected by the high escarpments. The area near Fresh Pond is an exception because there are no escarpments. Although it does not threaten many homes or businesses, coastal flooding is a significant threat to boats, docks, recreational facilities, and some residential areas (e.g. part of San Remo).

Tidal and Freshwater Wetlands

Wetlands are important hydrologic, ecologic, esthetic, recreational and educational resources in Smithtown. In the waterfront area, tidal wetlands are more extensive than freshwater wetlands. The large tidal wetlands are located in Stony Brook Harbor and the estuarine sections of the Nissequogue River and Sunken Meadow Creek. In the Nissequogue River the tidal wetlands are down stream (north) of Main Street. Tides affect the River between Main Street and Phillips Mill Dam, however, the vegetation indicates that this is a freshwater ecosystem. The tidal wetlands in Sunken Meadow Creek are east of the culvert near the east beach. However, the area west of the culvert is sometimes affected by salt water.

The freshwater wetlands include portions of the Nissequogue River, Sunken Meadow Creek and Fresh Pond. The Fresh Pond wetland is located along the Huntington-Smithtown boundary between NYS 25A and Long Island Sound. The freshwater wetlands located at the western end of Sunken Meadow Creek are not easily accessible to the public as the area is bounded on the south by a large lot residential area and on the other sides by undeveloped portions of Sunken Meadow State Park. The Sunken Meadow Creek wetlands provide an important wintering area for water fowl. The freshwater wetlands in the Nissequogue River include areas near Harrisons Pond, Landing Road, Oakside Drive, NYS 25A and Caleb Smith State Park. The wetlands in the State Park are the largest freshwater wetlands in all of the Town of Smithtown. They include Willow Pond, Webster Pond and Vale Pond. The second largest freshwater wetlands in the Nissequogue River are located between NYS 25A and the Long Island Railroad in Smithtown. The wetlands are fed by a pond in a garden apartment complex to the north and by springs. The water flows through braided streams in a wooded wetland to a pond whose outlet flows under NYS 25A and empties into the Nissequogue River. The wetlands in the vicinity east of Landing Meadow Road are unusual in that they are very high above the tidal wetlands. The presence of large amounts of clay in the subsoil cause groundwater lenses to seep out the hillsides and create sloping freshwater wetlands. The area near Landing Road has two small streams and two small ponds. Harrisons Pond Park is part of a wooded freshwater wetland bordered on the south and east by single-family housing.

About 1/5 of the Town's natural wetlands have been destroyed in the last 40 years due to development. Approximately 100 acres of tidal wetland were filled in the expansion of the parking lots for the beaches of Sunken Meadow. Some wetlands on the grounds of the King Park Psychiatric Center were dredged and filled in the early 1900's as part of the construction of a channel located along the edge of the wetland and upland. In 1960-61, the first channel in the Nissequogue River was created causing the loss of significant tidal wetlands including a marsh and delta at the mouth of the River. In the 1960's extensive wetlands were destroyed in the Stony Brook Harbor to expand the Town marina and to dredge channels between the marina, the boat ramps and Smithtown Bay. In addition, some

wetlands in Caleb Smith State Park were filled when Old Willets Path was relocated in the 1970's, and isolated cases of filling on many small sites has caused the gradual loss of wetlands throughout Smithtown through the mid-1970's.

Since the mid-1970's, very few acres of wetland have been lost due to development or any other cause. The Town has adopted various regulations, policies, and procedures to avoid the loss of wetlands. Development projects adjacent to wetlands have been designed to concentrate the development away from the wetland portion of the property and retain the wetlands in their natural state. Nevertheless, development could cause significant impacts on a few wetlands because there is not enough upland to accommodate the development. These areas include the wetlands north of NYS 25A in Fort Salonga and west of NYS 25A in Smithtown.

While the majority of freshwater wetlands receive protection from NYSDEC and from additional development, they still remain vulnerable to the pressures placed on them by the large population using these areas. The continuance of urban and suburban land uses creates potential road run-off and homeowner related pollution problems. The volume of boat traffic in the Nissequogue River and Stony Brook Harbor has the potential to change the character of the wetlands by providing greater access to the wetland areas. Trails are prone to overuse and are not designed to keep hikers away from the most environmentally sensitive areas. Stepped-up education and enforcement efforts create the potential to improve and reclaim some wetland areas.

Current threats to wetlands include potential development, road reconstruction projects, road run-off pollution and groundwater pollution. Although they help eliminate water pollution, wetlands do not have an unlimited filtering capacity. The continuation of land development causes traffic volumes to increase which, in turn, puts pressures on highway agencies to widen and improve roads in the waterfront area. The combination of the increased impermeable surface area and pollution from higher traffic volumes increases the stress on the wetlands. Similarly, nitrogen in the groundwater reduces the ability of wetlands to screen out run-off pollutants.

Wetlands are vital to the character of the waterfront, and help to ensure continuance of breeding areas for local wildlife, as well as serving as nursing grounds for the fish and shellfish of the area. The positive aspects of the waterfront wetlands can be enhanced by increased maintenance, reduced access in sensitive areas, acquisition, more sensitive development, and increased public education.

4. Significant Fish and Wildlife Habitats

There are many significant fish and wildlife habitat areas in the waterfront revitalization area and its environs (Map 3). The wetlands associated with the Nissequogue River, Sunken Meadow

Creek and Stony Brook Harbor are the most significant wildlife habitats. The Nissequogue River, Stony Brook Harbor and the Nissequogue Inlet beaches are State Significant Coastal Fish and Wildlife Habitats. These areas are important for many species of migratory waterfowl. The woods and abandoned fields throughout the waterfront are important habitats for many birds and mammals. Some species such as red fox and white tailed deer are extremely rare in the Town and would not exist if the amount of habitat areas were to be reduced.

The Nissequogue River, one of four major rivers on Long Island, is fed by natural coldwater springs and flows northward through undeveloped woodlands in Caleb Smith State Park. The coastal segment of this river remains in a relatively undisturbed condition, and has been officially designated by New York State as a "Recreational River" (under Article 15, Title 27 of the Environmental Conservation Law) to encourage preservation and restoration of its natural scenic and recreational qualities. The Nissequogue River area also represents one of the largest coastal wetlands on the north shore of Long Island. This habitat is important to a great diversity of fish and wildlife species throughout the year. During the spring and summer months, the Nissequogue River provides suitable breeding habitat for herons, egrets, Canada goose, mallard, black duck, spotted sandpiper, marsh worm wren, clapper rail, belted kingfisher, and many passerine bird species. There is an osprey (threatened species) nest active in 1984 through 1988 located east of Vail Pond. This biologically productive area also serves as an important feeding area for other species nesting in the vicinity, such as least tern (endangered species), common tern (threatened species), and osprey (threatened species), and for a variety of shorebirds and waterfowl during spring and fall migrations. Endangered species are any species which meet one of the following criteria:

- (1) are native species in imminent danger of extirpation or extinction in New York; or
- (2) are species listed as endangered by the United States Department of the Interior in the Code of Federal Regulations (50 CFR part 17 [see section 182.1(b)(1) of this Part]).

Threatened species are any species which meet one of the following criteria:

- (1) are native species likely to become an endangered species within the foreseeable future in New York; or
- (2) are species listed as threatened by the United States Department of the Interior in the Code of Federal Regulations (50 CFR part 17 [see section 182.1(a)(1) of this Part])

Species of special concern are any native species for which a welfare concern or risk of endangerment has been documented by the Department of Environmental Conservation.

The Nissequogue River is locally significant as a waterfowl wintering area, supporting concentrations of black duck, scaup, mergansers mallard, Canada goose, and mute swan.

Bank swallows inhabit the bluff areas east of Callahan's Beach along Smithtown Bay and along the bluff areas between Long Beach and Short Beach in the Village of Nissequogue.

In addition to having significant bird concentrations, the Nissequogue River is a productive area for finfish, shellfish, and other wildlife. The River supports a significant fall sea-run fishery for brown trout, one of only five such areas on Long Island. Other fish species which use the Nissequogue River as a nursery or feeding area include Atlantic silversides, menhaden, bluefish, striped bass, scup, winter flounder, and blackfish. Significant populations of brook trout and rainbow trout inhabit the upper freshwater segment of the River. These fisheries resources support heavy recreational fishing pressure (from spring through fall) of regional significance. Access to the area for fishing is available from Sunken Meadow State Park west of the inlet, from Short Beach Town Park east of the inlet and in the Caleb Smith State Park. The River also contains abundant shellfish resources, including hard clams, soft clams, and oysters, but these waters are not certified for harvesting shellfish. Diamondback terrapin (species of special concern) nest along the sandy shores of the River near the mouth and use the marshes for cover and feeding. (The NYSDEC has currently closed the area of the river downstream from Landing Road to shellfishing, however, it has been opened on a "winter conditional" basis in the past). The Town is undertaking a shellfish management program wherein the River is used as a spawning ground for shellfish which are transplanted to Stony Brook Harbor.

Stony Brook Harbor is one of the largest and most diverse coastal wetland ecosystems on the north shore of Long Island of regional significance. This area is important to many fish and wildlife species throughout the year. Least tern (Endangered species), common tern (Threatened species), and piping plover (Endangered species) nest in many locations within the harbor, including Porpoise Channel Island (Youngs Island), near the Long Beach Marina, and near the Long Beach boat launch. Approximately 150 pairs of least tern and six pair of piping plover nested in the area during 1983. The population of least terns at Stony Brook Harbor was among the five largest on Long Island in 1983, of statewide significance. Stony Brook Harbor is also inhabited by a variety of nesting heron species, including snowy egret, great egret, black-crowned night heron, and yellow crowned night heron. The heronry is located on the eastern end of Long Beach. As of 1977, Stony Brook Harbor contained some of the largest nesting concentrations of snowy egret and black-crowned night heron on Long Island, with estimates of 128 and 160 pairs, respectively. Other species nesting in the area include Canada goose, herring gull, wood duck, mallard, fish crow, and horned lark. The salt marshes, intertidal flats, and shallows in Stony Brook Harbor are used extensively as feeding areas for birds nesting here and for many other species during migration (shorebirds in particular).

Stony Brook Harbor is an important waterfowl wintering area (from November through April). Aerial surveys of waterfowl abundance in January for the 10 year period 1975-1984 indicate average concentrations of over 375 birds in the bay each year (704 in peak year), including approximately 125 black duck (418 in peak year), along with lesser numbers of scaup, mallard, Canada goose, old squaw, bufflehead, goldeneye, mergansers and mute swan. Based on these surveys, it appears that Stony Brook Harbor is one of the most important waterfowl wintering areas in northern Suffolk County. Waterfowl use of the area during winter is influenced in part by the extent of ice cover each year.

In addition to having significant bird concentrations, Stony Brook Harbor is a productive area for marine finfish, shellfish, and other wildlife. The harbor serves as a nursery and feeding area for winter flounder, striped bass, weakfish, scup, and forage species such as Atlantic silversides and striped killifish (from spring through fall). The harbor is inhabited by concentrations of hard clams, soft clams, American oysters, ribbed mussels, and blue mussels, but most of the area is not certified for shellfishing. Stony Brook Harbor is readily accessible for a variety of fish and wildlife related recreational uses, and is popular among local residents for fishing, birdwatching, and nature study.

The Nissequogue Inlet Beaches are located on either side of the Nissequogue River mouth of Long Island Sound, and consist of undeveloped barrier beach peninsula. This ecosystem type is generally rare on the north shore of Long Island. Short Beach is an important nesting site for least terns (E) and piping plovers (E), with both species present in 1982, 1983, and 1984. In 1983, approximately 170 pair of least terns and 15 pair of piping plovers were observed at Short Beach. An estimated 90 pair of least terns were reported nesting here in 1982. Short Beach was one of the five largest least tern nesting colonies on Long Island in 1982 and 1983. The number of piping plovers in 1983 was the largest concentration documented in New York State that year. In previous years, least tern and common tern (T) nested on the barrier beach west of the inlet, in Sunken Meadow State Park, but human disturbance may have forced these species to move to Short Beach. The Nissequogue River inlet may be an important feeding area for terns nesting at Short Beach. There are no significant human use activities associated with the wildlife resource of this habitat other than the important aesthetic enjoyment of wildlife.

5. Historic Resources

Until the mid-nineteenth century, when ships were the dominant mode of transportation, Smithtown's waterfront was more important to commerce than it is today. Vessels loaded and unloaded goods at

landings near Old Dock Road, the Psychiatric Center channel, Landing Road, Landing Avenue and Main Street. The Main Street area was especially important because it was the furthest upstream that commercial boats could go. The landing was adjacent to one of the few regionally important highways. West of the river, the highway was a toll road (Jericho Turnpike); to the east it was known as Middle Country Road.

In the early 1800's, earthen mill dams and watermills were built on the Nissequogue River creating Phillips Mill Pond and New Mill Pond. Small hamlets developed around these mills. The mills at Phillips Mill Pond were within a few hundred feet of the landing at Jericho Turnpike. The close proximity of the industrial mills to the transportation interface caused this area to develop into the commercial hub of the Town.

Although waterborne transportation was important to the early economy, it was probably the lack of a good harbor that caused Smithtown to be less regionally important than Huntington, Northport and Port Jefferson. These communities were located adjacent to deep, well protected harbors.

As transportation and industrial technology changed, the waterfront lost its commercial and geographic significance. With the advent of the railroad, and then automobiles, the role of boats became less significant in transportation. The development of electrical power meant that industry, which previously depended on water power, could locate near less obsolete modes of transportation. In the 1870's, the Long Island Railroad was extended through Smithtown and a station was built about one mile east of the Nissequogue River. A new commercial center developed around the railroad station and has evolved into the present central business district of the Town. The old hub declined and it is no longer evident that the area was a significant business center. Today this area is on the fringe of the Central Business District.

There are many significant historic sites in the Smithtown waterfront area. In 1981, the Town completed a comprehensive historic sites inventory approved by the State Historic Preservation Office. The inventory identified 65 historic sites in the Smithtown waterfront area. Although none are listed on the National Register of Historic Places, it is likely that many are eligible for listing.

There are many threats to local historic sites including increasing pressures for redevelopment, natural deterioration, lack of funds for maintenance of public sites and insensitive development on adjoining parcels. The combination of increasing population density and the lack of developable land in Smithtown is causing undue pressure to maximize the development of parcels on the waterfront. Therefore, historic sites are viewed as sites with potential for development including subdivision, building expansion and building replacement. The lack of adequate funding for maintenance of

historic structures is a problem in Sunken Meadow State Park, Caleb Smith State Park, and the Kings Park Psychiatric Center. Many historic buildings in these facilities are deteriorating subject to vandalism and are likely to be destroyed in the near future. In fact, the State has been contributing to the loss of historic structures by authorizing the razing of underutilized buildings at the Psychiatric Center.

The historic sites provide many recreational, aesthetic, and cultural opportunities. Preserved and renovated historic sites could be used to promote tourism, as well as enhance the quality of life in the waterfront area. In the case of the Psychiatric Center, the buildings could be adaptively reused by the State for a variety of State needs. Adaptive reuse of these buildings would reduce the land and development costs, as well as environmental impacts, as compared to developing such uses on other sites.

There are numerous other significant historic features associated with the waterfront. Three fish hatcheries were located at Harrison's Pond, Landing Road and in the vicinity of the Thatch Pond Road. Numerous architecturally handsome buildings are located in the Kings Park Psychiatric Center. However, many have been razed, and some are deteriorated. These buildings are by far the most significant brick victorian and colonial revival industrial and institutional architecture in the Town. In fact, this type of architecture is uncommon in all of Nassau and Suffolk Counties. The remains of Fort Salonga, a revolutionary fort, are located near British Colony Road. The original pavilions in Sunken Meadow State Park are probably the best example of art moderne architecture in the Town. In addition, there are many houses in the waterfront area that were built in the 18th and 19th centuries.

The abandoned fish hatcheries may be lost economic opportunities in addition to historic artifacts. It is difficult to determine whether or not fish hatcheries are economically feasible, as DEC recently closed its only fish hatchery on Long Island. Further, it appears that the State Park Commission in Connetquot State Park is adequate for the needs of that park, as well as for the needs of Caleb Smith State Park. Further study is necessary to determine if additional hatcheries are warranted.

Although the old central business district is an historic area, virtually none of its character remains. In the late 1800's, there were about one dozen wood frame commercial and residential buildings in the vicinity of the Long Island Railroad trestle. All of those buildings have been razed or destroyed by fires between the early 1900's and 1981. Most of the business buildings today are located east of the river and are actually an expansion of the current central business district rather than remnants from the old hub of Smithtown. Nevertheless, certain historic characteristics exist and are worthy of preservation. These structures include the Long Island Railroad trestle, the oldest Sycamore tree on Long Island, and the historic houses around Phillips Mill Dam.

In addition to historic resources, the Smithtown waterfront contains archeological resources. Along the Nissequogue River, in particular, there are numerous sites where shell fragments and other indications of a prehistoric habitation have been found. An important Revolutionary War site is located at Fort Salonga.

The density of the sites, as shown on the NYS Archeological Site Location Map, shows the significance and sensitive archeological nature of the area. To prevent destruction of these archeological sites, it is critical that archeological information is available on a site prior to development, and that as development progresses, care is taken to ensure that resources are not recklessly damaged.

HISTORIC SITES IN THE SMITHTOWN WATERFRONT EXCERPTED FROM THE SMITHTOWN HISTORIC SITES INVENTORY

SUNKEN MEADOW STATE PARK - KINGS PARK, PART I

Usage Description

Year-Circa

KP

1. Sunken Meadow State Park District	
1a. Assistant Supervisor's Quarters	1928
1b. Supervisor (Golf Course) Quarters	Prior to W.W.II
1c. Grove Picnic Area Refreshment Stand	1940
1d. Grove Comfort Station	1940
1e. Portions of maintenance buildings	Prior to W.W.II
1f. Superintendent's Quarters	Late 1800's
1g. Main Refreshment Stand	1934
1h. Main Bathhouse	1934

KINGS PARK-PART II

Vicinity-Address

Along the Shore

KP

2. Kings Park District	Kings Park, NY
4. St. Johnland Nursing Home	Sunken Meadow Rd., north side
5. Conklin House I	4 & 6 Upper Dock Road
6. Conklin House II - KPSH	8 Upper Dock Road
7. Thompson House - KPSH	10 Upper Dock Rd., RFD #42
8. Smith House - KPSH	12 Upper Dock Rd., RFD #40
9. 14 Upper Dock Road - KPSH	14 Upper Dock Rd.
9a. Old Dock and Bluff	Old Dock Rd., North end
10. Shea House	91 Old Dock Road
11. Kings Park State Hosp.	Kings Park
12. Doctor's House - KPSH	4th St. at St. Johnland Rd.
13. Obadiah Smith House	St. Johnland Road
15. Dowling House	933 St. Johnland Rd.

"SMITHTOWN" AT HEAD OF THE RIVER

PART I

HR

1. Head of the River District	Smithtown, NY
2. Site of Lewis/Nichols House	North side of W. Main St.

3. Old Post Office (now Skotty's Pub)
4. Road Bridge over Nissequogue River
5. Friede's Riverside Inn
6. LIRR Trestle over Nissequogue River
7. The Smithtown Bull

West Main Street
 South side of W. Main St.
 West Main St.
 LIRR at Jericho Turnpike
 Jericho Tpk. & Rt. 25A

MEADOW ROAD, HEAD OF THE RIVER:

PART II

HR

8. Head of the River Schoolhouse
9. Hill House
10. Ownby House
11. Lawrence House
12. Kelly House
- 12a. Lawrence House

807 Meadow Road
 819 Meadow Road
 821 Meadow Road
 823 Meadow Road
 825 Meadow Road
 829 Meadow Road

JERICHO TURNPIKE AREA, HEAD OF THE RIVER:

PART III

HR

13. Williams House (North Shore Eqpt.)
14. Gilmor
15. Cruikshank Carriage House
16. Cruikshank House I
17. Cruikshank House II

321 Jericho Turnpike
 Jericho Tpk. North Side
 536 Jericho Turnpike
 540 Jericho Turnpike
 556 Jericho Turnpike

HEAD OF THE RIVER - PART IV

ROUTE 25A AT HEAD OF THE RIVER

HR 27. Molinoff House

30 Summerset Drive

HEAD OF THE RIVER - PART V

PHILLIPS MILL AREA

HR

28. Head of the River District
- 28A. Phillips/Purick House
- 28B. Remains of Sawmill
29. Phillip's Mill
30. The Mill House
31. Miller's Treadwell Wheeler House
32. Haven House

Smithtown, NY
 Mill Dam Road
 Head of the River
 Mill Dam Road
 5 Mill Dam Road
 4 Mill Dam Road
 6 Mill Dam Road

HEAD OF THE RIVER - PART VI

NEW MILL ROAD AND BLYDENBURGH PARK

HR

33. Blydenburgh/Shaw House
34. Richmond Barn & house
37. Ranger Station
39. New Mill

30 New Mill Road
 49 New Mill Road
 Blydenburgh County Park
 Blydenburgh County Park

FORT SALONGA

FS

1. Fort Salonga District
2. Remains of Fort Salonga
3. Longbotham Lower Farm

Fort Salonga, NY
 45 Brookfield Road
 26 Marion's Lane

9. Brady House
10. Muma House (Punch Bowl Nursery)
11. Cranford House
16. Dreier-O'Brien House
17. Jonas Platt House

- 97 Ft. Salonga Rd. (Rt. 25A)
- 6 Callahan's Rd.
- 123 Route 25A
- 113 Sunken Meadow Rd.
- 141 Sunken Meadow Rd.

LANDING AVENUE, NORTHSIDE

La

1. Aaron's Landing, Lawrence/Phyfe Hs.
3. Potter Estate Superintendent's Cottage
4. Gerli Estate (Smithtown Country Club)
5. Benjamin Darling House
10. Ebenezer Jayne House
11. Jayne/Blydenburgh House
12. Sweet Briar Farm (Vail Blydenburgh Hs.)
13. Ebenezer Jayne II House/Mills

- W. Bank Nissequogue River
- 559 Landing Avenue
- Landing Avenue
- 467 Landing Avenue
- 297 Landing Avenue
- 60 Enkerkamp Drive
- 60 Enkerkamp Drive
- Landing Avenue

NORTHSIDE:

LANDING MEADOW ROAD AND OAKSIDE DRIVE

LA

16. Norman Smith House
17. Sheehan House
18. Thompson House
19. Spruce Hill
20. Ships Hole Farm
- 20a. Waterbury/Gilmartin Estate
22. Othniel Smith House
23. Kenyon Estate, Cottage B
24. Kenyon Estate, Cottage A
25. Kenyon Estate, Main House

- 2 Landing Meadow Rd.
- 4 Landing Meadow Rd.
- 8 Landing Meadow Rd.
- 20 Landing Meadow Rd.
- 38 Landing Meadow Rd.
- Landing Meadow Rd.
- 132 Oakside Drive
- 143 Oakside Drive
- 145 Oakside Drive
- 146 Oakside Drive

EDGEWOOD AVENUE

Ed

2. Seaman House
4. Hare House
5. 123 Edgewood Ave.
6. Ebo Hill
7. Amy Kohlsaatt House
8. Adam Smith House/Higgins Estate

- 85 Edgewood Ave.
- Hadley Drive
- 123 Edgewood Ave.
- 227 Edgewood Ave.
- Edgewood Ave., North side
- 431 Edgewood Ave.

RIVER ROAD, IN THE HAMLET OF SMITHTOWN

Rv

5. M. Staunton House
- 5a. Higgins Garage/Stable
6. Site of Indian Artifacts
7. Rassapeague Club
- 7a. Seaman House
- 7b. Scott Remodeled Barn
8. Rider/Hall House
9. Site of Old Mill

- 115 River Road
- 280 River Road
- Off River Road, along
- Nissequogue River
- River Road
- 318 River Road
- 322 River Road
- 326 River Road
- Off River Road

Source: Smithtown Historic Sites Inventory, 1981.

6. Scenic Resources and Important Vistas

The visual quality of the waterfront landscape is a significant resource of the Town of Smithtown. The natural character of the landscape probably is a major factor in attracting visitors to the recreational facilities and enhances the quality of life of local residents. The landscape can be described in terms of its basic physical components: land and water, vegetation, and structures.

The land and water component consists of the rolling terrain, bluffs, beaches, ponds, streams, the Nissequogue River, Stony Brook Harbor, Sunken Meadow Creek, and Smithtown Bay. These features are mostly in their natural condition which contributes to the beauty of the waterfront. In a few places, the land has been altered in such a way as to degrade the scenic quality of the landscape. Angular slopes at the Old Dock Road Bluffs, resulting from the construction of a parking lot in the 1960's, is out of character with the rest of the land forms in the rest of the area. Dredging for marinas in the Nissequogue River and Stony Brook Harbor have replaced some of the natural organic curves of the water's edge with straight, architectural forms.

The vegetation component consists of trees, shrubs and ground covers. Most of the vegetation in the Smithtown waterfront has natural characteristics consisting of tidal wetlands, freshwater marshes, oak forests, abandoned fields, and transitional vegetation. The fact that Smithtown's waterfront is so heavily wooded is also beneficial to the visual quality because the vegetation obscures many structures that contrast with the natural landscape.

The structural component of the landscape consists of man-made objects such as buildings, roads, and power lines. Smithtown is fortunate in that few structures have been built along the beaches and few structures are visible from the water. The power plant smoke stack and a twelve story building located in the Kings Park Psychiatric Center are visible from Smithtown Bay and parts of the Nissequogue River. However, they are far from the shore and tend to act as landmarks. It is likely that future large, conspicuous structures would tend to degrade the visual quality. Some houses east of Sunken Meadow State Park located outside the waterfront area are visible from the water, however, they do not seem to be significant, as they are small and scattered elements that are set back one half mile from the shore.

There are many significant vistas in the waterfront. The summit on NYS 25A at Sunken Meadow State Park is probably one of the most important vistas of Long Island Sound from Long Island. The view has a good composition and has high value foreground, midground, and background features. It is also important because of its accessibility--about 6,000 cars per day (westbound) drive through this vista. There are numerous other public overlooks along the shore that are not as accessible or impressive as the vista from 25A, but are nevertheless important. They include Callahan's Beach,

Sunken Meadow State Park, and the Bluffs. These vistas lack significant foreground elements as they are located at the tops of escarpments at the water's edge. At least two potentially significant vistas are located on the grounds of the Kings Park Psychiatric Center. One consists of the view down the boulevard, and the other consists of views from the prominence near the water tower.

The elements that give vistas importance include:

- The visibility of water;
- The lack of features that do not fit into the overall scene;
- The presence of conspicuous foreground, midground, and background features;
- The composition of elements in the view; and
- The visibility of the scene (i.e., the number of viewers over time).

The potential visual impact of development in the Smithtown waterfront can be evaluated by the visual contrasts and dominance of the development with regard to its surroundings. In turn, these two components of visual impact can be ascertained by the amount of regrading; the amount of vegetation to be removed; the size, shape, and location of structures; and the characteristics of proposed revegetation. Many studies indicate that the size and color of structures are the most important factors in visual impact. Brightly colored structures tend to cause more visual impact than earthtone structures. Large buildings and buildings located near the water would tend to have more impact than small buildings and buildings located far from the water. These factors are especially important since people using the water are using it principally for recreation and expect high visual quality.

The west end of the Smithtown central business district is a significant visual problem in the waterfront area. The commercial strip, developed in the 1950's and 1960's, strongly contrasts with the overall character of the waterfront. About one dozen buildings of utilitarian character are scattered along the quarter mile stretch of Main Street east of the Nissequogue River. The color of the majority of the buildings contrasts with the color of background vegetation. A few of the buildings are large (a one-story building of 110,000 square feet and a two-story office building) and tend to dominate the scene. Further, the area lacks sufficient landscaping that would reduce the visual clutter and obscure the negative visual elements. Fortunately, sufficient room exists on most of the sites to provide for trees and other planting.

B. EXISTING LAND AND WATER USES

1. Existing Land Uses

Land use in the waterfront area is generally consistent with the zoning. Most of the land is used for parks, open space and one acre

residences. (See accompanying Map 4 - Existing Land and Water Uses.) Higher density residential uses (½ acre lots) are prevalent in San Remo and the Upper Dock Road area. Five isolated commercial uses, including a restaurant, Seafood store two delicatessens, and a tavern are located at the Old Dock Road Park and in San Remo. The business sites in San Remo are non-conforming uses. The principal commercial area in the waterfront is the Smithtown CBD. The western third of the Smithtown CBD is in the waterfront area, however, the uses are not related to the water. The types of uses include filling stations, retail stores, an indoor flea market, taverns and miscellaneous businesses.

The Kings Park Psychiatric Center is a large land use in the waterfront area. The Center comprises approximately 565 acres consisting of patient residences, administrative offices, kitchens, employee residences, a laundry, shops, a power plant, a landfill, recreational facilities, storage buildings, abandoned farm fields, and vacant woods. Although the resident population is now only at 25% of its peak in the 1960's, the Center is still a major facility servicing about 2,500 patients.

The following list consists of those land uses which in some way prevent fishing, boating, swimming, bird watching and other nature recreational activities. The businesses conflict with surrounding uses and may also be significantly contributing to water pollution which degrades the resource for fishing and recreation.

1. Timothy Lane Auto Body, northwest corner of Main Street and Nissequogue River
2. Lahanns Auto Body, south side of Jericho Turnpike
3. Anchor Canvas, south side of Jericho Turnpike
4. Bike Shop, south side of Jericho Turnpike
5. Locksmith business, south side of Main Street 200± west side of Nissequogue River
6. Bar/Restaurant, southwest corner of Main Street and Nissequogue River
7. Private Beaches in the Fort Salonga area
8. Houses on Oakside Drive, Smithtown
9. Residences - Head of the River
10. Kings Park Psychiatric Center

The Kings Park Psychiatric Center property also represents a potentially major conflict. Presently there is little problem, however, if the property is reused for an obnoxious or intensive land use, it would adversely impact recreational and residential uses in and outside of the waterfront.

The high demand for housing on Long Island has exerted pressure for higher density development in and outside of the waterfront. The lack of developable land outside of the waterfront is increasing the pressure for developing in the waterfront area.

Over the years the community has instituted policies and changes to the zoning to protect the waterfront. The Town has had an implicit policy since 1932, when the zoning ordinance was first adopted, to protect the natural character of the waterfront. The waterfront has always been zoned in the most restrictive category. In the 1950's and 60's the Town adopted other techniques to implement its policy of protecting the waterfront, including a land acquisition program to acquire vacant parcels, thus controlling their development. However, since the middle 1970's this acquisition program has been abandoned.

The Town currently administers programs to improve the San Remo area and the Smithtown Central Business District. As previously mentioned, the Town acquired a number of undersized lots during the 1950's and 60's via its land acquisition program, as well as some parkland (Harrison Pond Park). Since the 1960's the Town has undertaken a comprehensive drainage improvement program in the San Remo neighborhood which has resulted in the upgrading of many privately owned parcels. Further, the Town has designated the waterfront area of San Remo as a Neighborhood Strategy Area in the Town's Community Development Block Grant program. This designation facilitates property renovation by providing homeowners with low interest home improvement loans. The Town also has a Commercial Revitalization program for the Smithtown CBD, however activities are mostly planned for the core area of the CBD which is outside of the waterfront area.

Most of the deteriorated uses in the waterfront area have re-use potential on their own. However, the Psychiatric Center property appears to require consolidation with other uses since the State has a policy of phasing out large institutions. It appears that the Psychiatric Center should be developed as part of an overall plan for institutional, municipal, residential, recreational, marine commercial, conservation, and agricultural uses.

2. Water-Dependent and Water-Enhanced Uses

There are numerous water-dependent uses in the local waterfront area. Sunken Meadow State Park is the largest facility with nearly 3 miles of shorefront. Suffolk County has acquired large parcels along the Nissequogue River for open space, which are used for passive recreation (hiking, fishing, photography, etc.).

The Town has water-dependent uses including Callahan's Beach, the Bluffs (Old Dock Road Park), Landing Avenue Park, Cruikshank Park, and nature preserves resulting from clustered development. The Town owns Short Beach, Long Beach, and Schubert Beach in the Village of Nissequogue and Cordwood Path Beach in Village of Head of the Harbor. There are two boat clubs on the Kings Park Psychiatric Center property on the Nissequogue River, and a boat club using the Town marina in Stony Brook Harbor. The Suffolk County sewage treatment plant is also a water-dependent use located on the Kings Park Psychiatric Center property.

There are numerous water-enhanced uses in the local waterfront area. There are picnic grounds, food concessions, and a 27 hole golf course at Sunken Meadow State Park. The Town has picnic areas at Callahan's Beach and Landing Avenue Park. The restaurant on Old Dock Road is enhanced by the water. The Kings Park Psychiatric Center and Saint Johnland and Harbor Trees subdivisions all benefit by being near the shore.

The seasonal homes in the vicinity of Upper Dock Road are also water enhanced. Other water enhanced uses include the Smithtown-Setauket Environmental Center, residences at the Psychiatric Center, and residences along the Nissequogue River and in Fort Salonga.

Opportunities exist to increase water-dependent and water-enhanced uses in the Smithtown Central Business District.

3. Public Access and Recreational Facilities

The Town of Smithtown has excellent access and recreational facilities in the waterfront area. Two large State parks are located in the waterfront area and serve the New York City/Long Island Region. Three County parks are part of Suffolk County's green belt between the north shore and south shore of Long Island and are used primarily as open space nature preserves and passive recreation. The Town of Smithtown has four beaches, three of which are located in the Villages of Nissequogue and Head of the Harbor. The Town also has two boat ramps, one marina and two mooring areas located at the mouth of the Nissequogue and in Stony Brook Harbor. In addition, Smithtown owns a 160 acre golf course-swimming pool-catering complex and numerous neighborhood playgrounds and nature preserves.

The amount of publicly owned parkland indicates the excellence of the recreational facilities, however, access could be improved. Approximately 3,100 acres are publicly owned. There are opportunities to increase access to the recreational facilities and natural resources. Some important wetland areas are privately owned and are not accessible to the public. Further, these areas, such as the wetlands north of NYS 25A in Fort Salonga and west of NYS 25A in Smithtown, could be lost by potential development. Public ownership of these areas would enhance access, as well as serve to protect their environmental quality and benefits.

Too much access to environmentally sensitive areas is also a problem. Some wetlands in Stony Brook Harbor and the middle portion of the Nissequogue River are subject to serious degradation due to too much access by boats, particularly power boats. Also, too much access along escarpments east and west of Sunken Meadow are causing significant erosion problems.

As previously mentioned, the State has two large regional parks: Sunken Meadow and Caleb Smith. Sunken Meadow is the third most heavily used beach on Long Island and is the largest on the North Shore having an annual attendance of 1.2 million. This facility

would appear to be adequate in terms of use by the public as only two of the three beaches are normally open. However, it appears that the third beach is closed most often due to the lack of funds, not to insufficient demand. Similarly, the Park has three large picnic areas, one of which has been closed for years. The size of the crowds at the two picnic areas appears to indicate that the third picnic area could be useful on weekends.

Caleb Smith State Park is a nature preserve consisting of approximately 543 acres. Although its usage is low compared to Sunken Meadow, it is heavily used in comparison to other nature preserves. This facility appears to be in high demand by environmentally oriented people.

Suffolk County owns land in the waterfront area in three general areas. The Riverside Conservation Area, south of Main Street, is by far the most heavily used. It is used for canoe launching and fishing. Additional fishing facilities would seem to be warranted as indicated by the high use of this park. The ecosystems of the two other County park areas are too fragile to accommodate active recreational use.

The largest Town facility in the waterfront area is the Smithtown Landing Country Club, consisting of approximately 160 acres. This park includes an 18 hole golf course, three swimming pools, a restaurant, bar and catering hall. This park is heavily used by Town residents and is well liked by the public. Other heavily used Town parks include Landing Avenue, Harrisons Pond, as well as the beaches. In recent years, Callahan's Beach, Short Beach and Long Beach have been closed due to overcrowding, indicating a need for more Town beaches and/or parking facilities.

The Town has a large unmet demand for boating. Although the Town has a marina, two boat ramps and two mooring areas, the boating segment of the population wants better facilities. Additionally, the Long Island State Park and Recreation Commission has expressed an interest in providing a State boat ramp near the mouth of the Nissequogue River. Unfortunately, the Town has had difficulty accommodating these demands because of environmental constraints. Stony Brook Harbor and the Nissequogue River are already heavily used and cannot tolerate additional boating without significant degradation of aesthetic and environmental resources. The Town has conducted numerous studies outlining the adverse impacts that boating has had on river banks and wetlands. It appears that the only locations suitable for accommodating the expansion of facilities are areas that have already been degraded by existing facilities (e.g., the Bluffs and the Kings Park Psychiatric Center area).

Semi-public access is an important part of access to the Town's waterfront. About 6,000 residents of the San Remo and Repalo Park areas have rights to use about one mile of waterfront owned by the San Remo Civic Association on the Nissequogue River. Although there

are no parking facilities, the beach area is used by other Town residents as well. Two boat clubs, including marina facilities, are located on the grounds of the Kings Park Psychiatric Center and are used by about 150 member families. Most of the beachfront in Fort Salonga is owned by its civic association and is available for the use of all residents in the Fort Salonga area.

In summary, much of the Town's waterfront is inaccessible to the public. These access problem areas are located on the south side of Jericho, west of the Long Island Railroad, the east and west sides of the Nissequogue River near Jericho Turnpike and the areas along NYS 25A mentioned above. The chart on the following page summarizes recreation facilities in the Town's waterfront area.

4. Underutilized, Abandoned or Deteriorated Sites

Underutilized, abandoned and/or deteriorated sites are generally located at the Kings Park Psychiatric Center, Sunken Meadow State Park, Caleb Smith State Park, the Upper Dock Road area, and the San Remo area (Map 5). Each area is individually discussed as follows:

At the New York State Kings Park Psychiatric Center, various buildings on the site are no longer used or are partially used. Some of the older buildings are in poor condition and some are historically significant, however most appear structurally sound. The general character of the property is that of a campus-like setting. The property adjoins the water and some of the buildings are in sight of the water.

Sunken Meadow State Park is another land use of large area. The west beach and the upper level picnic area have not been used for many years, except as an overflow for the middle and east beaches and for occasional education activities. The character of the area is open and wooded and the conditions of the structures on the property are fair. In terms of proximity to the shoreline, the west beach is adjacent to the water and the picnic area is approximately one half mile from the water, but has a view of the water.

Caleb Smith State Park has some historically significant structures that are no longer used and are in disrepair. The Park is used for passive recreation, conservation and open space. The condition of the buildings is fair to poor. The general character of the area within the Park is natural and wooded, with some fields. Areas surrounding the Park are predominately residential. The park buildings are sited within twenty feet to one half mile from the water.

RECREATION FACILITIES

Name	Area (acres)	Water Frontage (miles)	Activities
<u>State Parks</u>			
Sunken Meadow	1,344.2	3	Beaches, concessions, playgrounds, 27 hole golf course, picnic grounds
Caleb Smith	<u>543.0</u>	<u>3</u>	Fishing, preserve, museum, X-C skiing
	1,887.2	6	
<u>Suffolk County</u>			
(Landing Road)	113.0	0.2	Nature trail
(Somerset Drive)	66.9	0.4	Nature trail
Riverside Conservation Area	<u>6.0</u>	<u>0.2</u>	Canoe launch, fishing
	205.9	0.8	
<u>Town of Smithtown</u>			
Callahan's Beach	20.9	0.2	Beach, camping, concession, picnic area
Short Beach	51	0.8	Beach, camping, preserve
Long Beach	70	0.9	Beach, ramp, 110 moorings
		0.3	Beach, picnic, marina and yacht club (167 slips), ramp
Shubert Memorial Beach	5	0.1	Beach
Kings Park Bluff	3.7	0.1	Boat ramp, overlook, 90 moorings, trail
Harrison's Pond Park	20	-	Playground, picnic area, preserve
Sweetbriar Farm	52.8	0.2	Preserve, museum, (includes 26.9 acres, nature conservacy)
(Smithtown-Setauket Environmental Center)			
Cruikshank Park	0.6	0.2	Landmark statue of bull
(Nissequoque Overlook)	38.3	0.4	Preserve (from cluster development)
(Mill Dam Road)	13.3	-	Preserve (from cluster development)
Landing Avenue	4.2	0.2	Canoe launch, picnic, playground, fishing
(River Road)	112	-	Preserve (from cluster development)
Smithtown Landing Club	<u>159.3</u>	<u>0.4</u>	18 hole golf course, pools, restaurant
	551.7	3.8	
<u>Other</u>			
Kings Park Psychiatric Center	3**	.2	2 yacht clubs, 120± slips, 1 boat ramp
San Remo	6.8	.8	1 unpaved ramp, playground, picnic
(Fort Salonga beaches)	5	.8	Beach rights to Fort Salonga residents
Smithtown Fire Dept.	<u>1.0</u>	<u>.1</u>	Picnic area
	15.8	1.9	
Total	<u>2,660.6</u>	<u>12.5</u>	

* Facilities shown in parentheses do not have publicized official names; the name shown is the nearest street, development or neighborhood.

** Total area is **565** acres; only 3 acres used for active recreation; not listed as a NYS facility because the clubs are not operated by the State.

The Upper Dock Road area contains an estimated thirty (30) residences. The residences are mostly seasonal and in varying structural conditions. The surrounding area comprises a boat trailer parking area to the west, the Nissequogue River to the north, and the Psychiatric Center (State Hospital) to the east. Some residential properties adjoin the water, and some have a water view.

The San Remo area is a high density residential area comprising many privately-owned small lots. The area is predominately single family in nature with some illegal multi-family uses. Most homes in the area are in good to excellent condition, however, there are a significant number of homes in fair or poor condition. Some of the homes have water views, but most do not.

The Smithtown Central Business District has a concentration of blighting and deteriorating influences, most of which are outside of the waterfront area, and privately owned. The current uses generally comprise mixed commercial. Structural conditions are sound but poorly maintained. The character of the area is suburban commercial, lacking amenities. The proximity of the CBD to the water is very minimal.

5. Agriculture

There is little agricultural land in the Smithtown waterfront area. The largest amount of prime agricultural land is on the Kings Park Psychiatric Center property along NYS 25A. The area is comprised of about 50 acres of abandoned fields. However, it has not been used for agricultural purposes since about 1960. The only active farmland consists of about 20 acres between Landing Meadow Road and the Nissequogue River. Both of these properties have prime agricultural soils consisting of Haven loam and Riverhead and Haven sandy loam, 0-3 percent slopes. It would be possible to continue using both of these parcels for agriculture, however, the Town has expressed an interest in acquiring some of the State Hospital property for a community park. Although neither parcels are in the Suffolk County Farm Land Preservation Program, it is conceivable that the program could be amended to include these properties.

6. Zoning

In 1932, the Town of Smithtown adopted the Building Zone Ordinance which has been the major land use control in the Town since. Regulations in the ordinance cover land uses, dimensional regulations, signs, landscaping, environmental criteria and site plan review. The current ordinance has 17 districts in three major classifications: residential, business and industrial. The current ordinance also has a section on flood hazard regulations adopted pursuant to the Federal Flood Insurance Program.

The Town of Smithtown provides for clustered development in the Building Zone Ordinance and in the Subdivision Regulations. In

the 1950's, the Town amended the Subdivision Regulations in accordance with Section 281 of Town Law and thereby permitted the Planning Board to permit density modification (clustering) in subdivision approval. In 1964, the Town amended the Building Zone Ordinance to permit zone changes for clustering. This process requires an actual zone change to a cluster classification which limits the type of development to single-family homes having lots not smaller than the next least restrictive zoning district. For example, the minimum lot size would be one-half acre for cluster development in a one-acre zoning district. This method is rigid, time consuming, and cumbersome. Accordingly, in 1983 the Town of Smithtown amended the Subdivision Regulations pursuant to Section 281 of Town Law and required the Planning Board to mandate cluster development in environmentally sensitive areas. The Town Board further outlined the areas considered to be environmentally sensitive.

Smithtown has six residence districts allowing for single-family dwellings on minimum plots of 7,500 square feet to one acre, and four multi-family districts allowing for attached dwellings at densities of 6 to 17.4 per acre. Between 1932 and 1950, most of the waterfront was zoned one-half acre which was the Town's most restrictive category at that time. In 1950, most of this land was upzoned to one acre. There are some one-half acre districts in Fort Salonga and along the Nissequogue River between Mill Dam Road and Landing Avenue. A significant one-quarter acre residential district is located in the San Remo neighborhood and in the vicinity of Upper Dock Road. This area was zoned at high density as a result of a map filing for San Remo prior to the adoption of the zoning ordinance. The filed plan contained about six thousand 20' x 100' lots.

Only two sections of the waterfront are commercially zoned. A Neighborhood Business District consisting of approximately one-half acre is located at the end of Old Dock Road, and the western end of the Smithtown Central Business District (CBD) is located in the waterfront area. The CBD zoning consists of Neighborhood Business and Central Business. Attempting to reduce potential environmental impacts, the Town recently re-zoned some neighborhood business and heavy industry to townhouse residential. The business zoning consists of about 25 acres of which nearly half is vacant. There is also a small section of Central Business on the south side of Jericho Turnpike west of the Long Island Railroad trestle. This area consists of three old businesses (a repair garage, a canvas shop and a bicycle shop) and one residence. This zoning appears inappropriate in light of its close proximity to the Nissequogue River and adjacent wetlands. Approximately 11 acres on the north side of 25A and Fort Salonga is zoned Neighborhood Business. All but one acre is vacant and nearly half of the vacant land is wetland. Accordingly, for environmental reasons the zoning appears to be inappropriate. Business development in this location is likely to destroy valuable wildlife habitats and cause impacts on ground and surface waters. Zoning in the Town's waterfront area is illustrated on Map 6.

7. Fishing

Fishing Resources in Smithtown

a. Commercial and Recreational Shellfishing

- . mussels - found in shallow water; of minor significance in Town
- . hard clams - found in shallow water; most significant of shellfish in Town; cleanest shell fish
- . soft clams - significant in Town
- . lobsters - found in deep water at mouth of Stony Brook Harbor
- . oysters - found in shallow water; most vulnerable to pollution

b. Recreational Finfishing

Recreational finfishing is a seasonal activity and includes bluefish, flounder, fluke, striped bass, blowfish, and snapper. All can be found in the Nissequogue River, Stony Brook Harbor, Smithtown Bay, and Long Island Sound. These fish are found in Smithtowns waters primarily on a seasonal basis.

Fishing Related Sites and Access Methods

a. Long Beach

In 1975, the Town began sinking barges and tires north of Long Beach in order to develop a reef. Since then, a significant increase in the amount of fish in the area has been reported, increasing recreational fishing and diving.

Long Beach also provides a floating dock, boat ramp, marina, and surf casting.

b. Short Beach

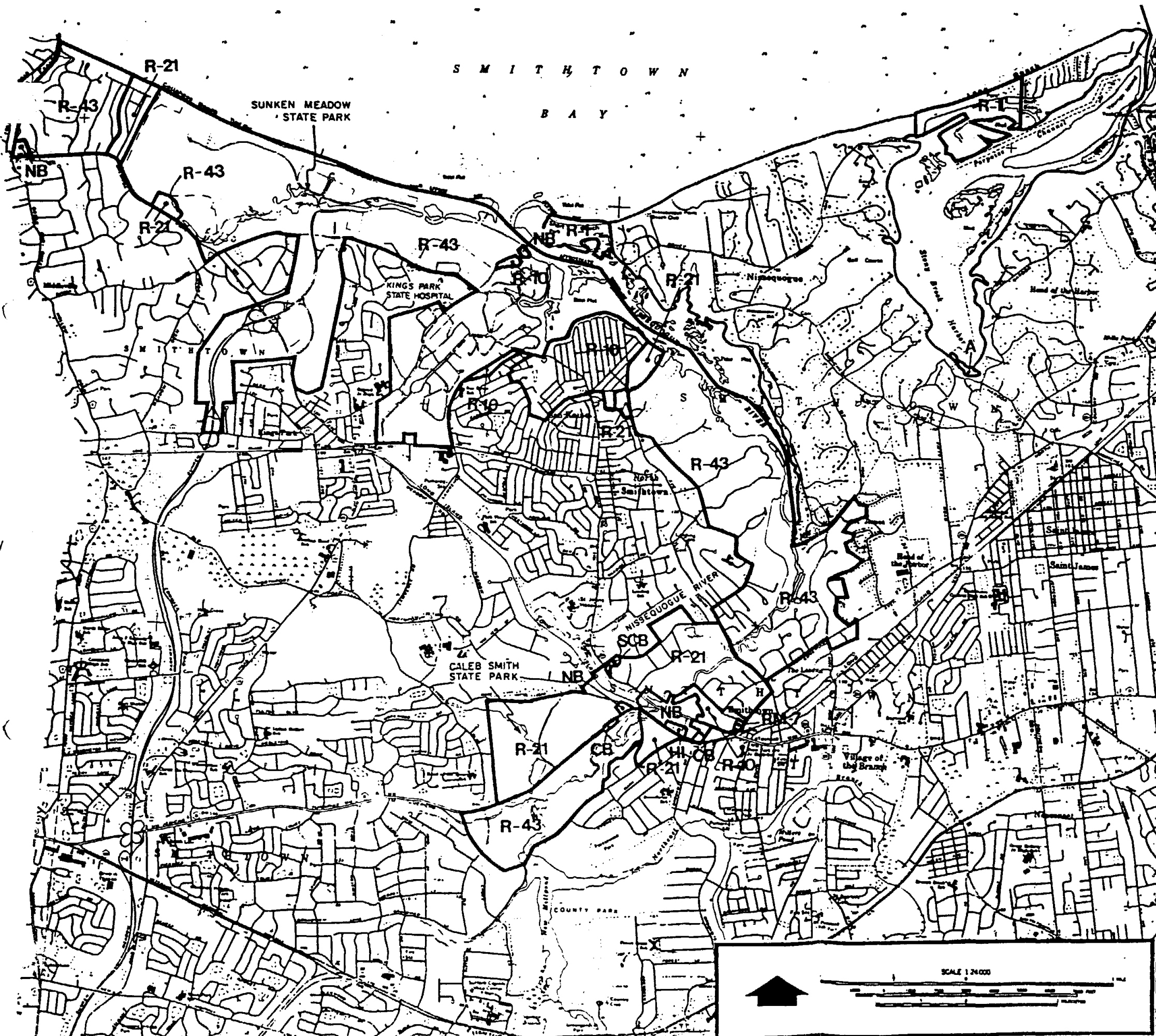
Short Beach provides access for surf casting.

c. Kings Park Bluff

The Kings Park Bluff provides a ten lane boat ramp as well as one small dock.

d. State Parks

Sunken Meadow State Park provides access for surf casting and fly fishing; Caleb Smith State Park permits fly fishing in the river and Vail Pond and has a children's fishing area on Willow Pond.



LWRP

MAP 6

Local Waterfront Revitalization Program

Town of Smithtown Suffolk County, NY

RPPW Raymond, Parish, Pine & Weiner, Inc.

Planning & Development Consultants, Tarrytown, NY

ZONING

TOWN:

- R 43 One Family, (1 acre Residential)
- R 21 One Family, (1/2 acre Residential)
- R 10 One Family, (10,000 sq. ft.)
- RM 7 One & Two Family, (7,500 sq. ft.)

- CB Central Business
- NB Neighborhood Business
- SCB Shopping Center Business

- HI Heavy Industry

VILLAGE OF NISSEQUOGUE:

- R 1 One Family, (1 acre Residential)

VILLAGE OF HEAD OF THE HARBOR:

- A One Family, (2 acre Residential)

— Local Waterfront Revitalization Boundary

e. Smithtown Bay

The bay area is used for trolling, party boats and some commercial fishing.

f. Stony Brook Harbor and Nissequogue River

The salt water portions of the Harbor and River are used for surf casting, bottom fishing, and eel fishing. Shellfishing is permitted in the River during the winter months.

Aquacultural Activities

Aquacultural activities are necessary to replenish the supply of unpolluted fish in the Town's waters for both recreational and commercial use.

The following outlines aquaculture activities that are or have been undertaken in the Town. Many of these activities are carried out in Stony Brook Harbor.

- a. shellfish seeding - shellfish (1 to 10 mm size) are purchased from a hatchery and spread in an area that has been depleted in shellfish
- b. racks (floating structures) - small seed clams are planted in the sand beds to provide a higher clam survival rate
- c. "grow out" - to protect shellfish from predators, netting is placed in a particular area; gravel placed on the sand bed is also employed for additional protection.
- d. spawning stock - clams that are ready to spawn are relocated from cold to warm water.
- e. transplanting - polluted shellfish are placed in clean water allowing them to cleanse themselves.

Future Demand for Commercial and Recreational Fishing

Although the demand for commercial and recreational fishing has continued to grow in Smithtown, there are certain constraints on these resources:

- a. Pollution - Increasing pollution is adversely affecting both shellfish and finfish. Pollutants include:
 - . oil spills (oil coats the gills of fish resulting in death by suffocation);
 - . pesticides;
 - . fertilizers (overabundance of nitrogen in fertilizers can be lethal to fish);
 - . coliform from septic tank and vessel wastes (overabundance of coliform causes severe illness in humans if coliform infected fish are eaten).

- b. Overfishing - Overfishing is the major cause in the decline of oyster production. The institution of quotas and leasing grounds to private parties can aid in protection of the oyster population.
- c. Habitat Loss and Estuarine Deterioration - The dredging, filling, and draining of wetlands and waterways has resulted in some loss of habitats and degeneration of estuaries. Between 1950 and 1975 there was an estimated 20% loss of estuarine habitat caused by dredging as well as natural events. The problem continues today, and it is estimated in recent years that Sunken Meadow Creek has been reduced from 200 acres to 100 acres, the Nissequogue River from 1,100 acres to 900 acres, and Stony Brook Harbor from 1,200 to 1,100 acres.
- d. Sedimentation - Increasing sedimentation caused by dredging can significantly alter physical compositions of habitats. Sedimentation essentially creates new habitats and can cause problems for shellfish:
 - . Dredging causes increased turbidity of water which permits minimal light penetration necessary for photosynthesis. Without proper light for photosynthesis, the food source for shellfish (plankton) cannot grow, and shellfish die.
 - . Sediment can also cover shellfish beds which then affects other species in the food chain who depend on shellfish for food.
- e. Changes in Salinity - Too much or too little salinity is hazardous to reproductive and survival patterns of estuarine inhabitants. Increased salinity can be caused by industrial or commercial development which uses large quantities of freshwater. Conversely, if urban freshwater run-off is high, salinity will decrease.

Preservation and Improvement of Resources

To meet the needs of the public, fish resources must be preserved and improved. Pollution can be prevented and habitats protected through augmenting existing regulations and developing stricter penalties. Improving methods of resource management should be achieved with the assistance of the Smithtown Baymen Association. The "Baymen" were created in the late 1970's as a lobby group to solicit funds from the State for research and development of the Town's coastal waters.

8. HUNTING

Smithtown Bay

This is one of the more productive sea duck hunting areas in the Long Island Sound.

Stony Brook Harbor and Nissequogue River.

Both Stony Brook Harbor and the Nissequogue River are used heavily by waterfowl hunters. Puddle ducks, especially black ducks, are the main quarry; diving ducks, such as scaup and bufflehead, and Canada geese are taken on occasion.

Hunting-Related Sites and Access Methods

Ramp access for waterfowl hunting should be included and maintained.

C. TRANSPORTATION

1. Highways

The waterfront is well served by major highways. Sunken Meadow Parkway is the most significant road serving the waterfront area. Most of the visitors to Sunken Meadow State Park, the largest recreational facility in the Town's waterfront, rely on the Sunken Meadow State Parkway for access. It is the only north-south limited access highway in the Town of Smithtown. It connects with the major east-west highways such as the Long Island Expressway, the Northern State Parkway and the Southern State Parkway. The Sunken Meadow State Park is the northern terminus of the Parkway. The Parkway also has interchanges with other major east-west roads such as NYS 25A and CR11 in Kings Park, and NYS 25 Commack. The Parkway has sufficient capacity to increase the utilization of Sunken Meadow State Park and the Town's waterfront. The Parkway is in good condition and can accommodate a significant increase in traffic volume.

Two east-west state highways also serve the Town's waterfront. NYS 25A (Fort Salonga Road) is generally a two lane road approximately 1 to 2 miles from the north shore of Long Island. It is designated by New York State as a scenic highway and is a resource as a tourist attraction. Callahan's Beach, Sunken Meadow State Park, and Kings Park Psychiatric Center front on 25A. Over-development of vacant land along 25A would degrade its scenic value as well as reduce its usefulness for recreational access. NYS 25 (Jericho Turnpike) is a major commercial artery about 4 miles south of 25A. It merges with 25A in the waterfront at the Nissequogue River and is generally four lanes in width from New York City to the east end of the Smithtown Central Business District. Caleb Smith State Park and the Suffolk County Riverside Conservation Area are the major recreational facilities fronting on Jericho Turnpike. Jericho Turnpike has little potential for increasing tourism due to the very high existing and projected traffic volume, traffic congestion, as well as the visual blight west of Caleb Smith State Park and east of the Nissequogue River.

Numerous Town-owned arterial streets serve the waterfront area, however these streets have little direct contact with the water's edge. Town arterial streets providing access to the waterfront area include Sunken Meadow Road, St. Johnland Road, Old Dock Road, Landing Avenue, Edgewood Avenue, and Nissequogue River Road. These winding streets are residential or rural in character. Their potential to accommodate increased tourist-related traffic is limited due to the neighborhood concerns for safety and quality of life. Sunken Meadow Road is particularly narrow and has limited site distances. Rural characteristics are the road's principal value as a scenic resource. Nevertheless, River Road, St. Johnland Road, and Old Dock Road accommodate high levels of beach and boat-related traffic in the summer months.

2. Other Public Transportation

Mass transportation does not adequately serve the needs of the Smithtown waterfront. Although the Port Jefferson Branch of the Long Island Railroad goes through the waterfront at the Nissequogue River, the nearest station is nearly 1 mile east of the River. The Long Island Railroad has three stations in Smithtown. The Kings Park Station is about 1.5 miles from the beaches of Sunken Meadow State Park. The Smithtown Station is nearly 1 mile from the Nissequogue River and the St. James Station is about 2-3 miles from Short Beach and Long Beach. There is little public transportation between the railroad stations and the recreational facilities. Service on the Railroad is good, having 20 minute headways during rush hours, 90 minute headways on weekends and 80 minute headways at other times. The Railroad is accessible to literally millions of mass transportation dependent people in the New York City area who could benefit by improved access to the waterfront. Jamaica Station is about 60 minutes from Kings Park, 68 minutes from Smithtown and 75 minutes from St. James.

Proper promotion and utilization of the Railroad could significantly improve access of disadvantaged people to the State's waterfront. The demand for Sunken Meadow is indicated by the fact that about 100 buses from the New York City area enter the State Park per weekend. In the summer months, it may be feasible to provide shuttle bus service between the Kings Park Station and the State Park. It is doubtful that this type of operation would be feasible at the Smithtown or St. James stations as facilities near those stations do not generate nearly as much use.

The Suffolk County Bus Transit System goes through the waterfront area at the Nissequogue River. Route S-56 is a generally east-west route connecting Commack, Kings Park, Smithtown, and the Smithhaven Mall, and uses Indian Head Road, 25A, and 25. Route S-58 is an east-west route using Route 25 connecting Commack, Smithtown, and the Smithhaven Mall. Route S-45 is a north-south route from Bay Shore to the Smithtown railroad station. Headways are about 60 minutes. Improving routes or the frequency of

service is not likely to significantly enhance access to the waterfront because of the suburban sprawl-type population density and the small proportion of the population that uses buses in Suffolk County.

Numerous people visit the Smithtown waterfront via bicycle, however, bicycle access is generally considered inadequate. Biking is hazardous on the Town arterial roads because of the combination of 28 foot-wide pavements, high traffic volumes, 40 mph speeds and limited sight distances. The most hazardous area for biking in the Town waterfront area is on Route 25 between Edgewood Avenue and Meadow Road. Biking between the eastern and western portions of the Town's waterfront can be significantly improved if the hazards in this area were reduced. Bike travel is safe, convenient, and pleasurable at the Kings Park Psychiatric Center and in Sunken Meadow State Park. Bicycling could be encouraged at these large facilities to accommodate the demand.

D. PUBLIC FACILITIES

1. Public Water Facilities

The waterfront area is one of the only areas in Smithtown which does not have extensive public water supply mains. This is primarily due to the fact that the waterfront area has a greater proportion of public land, low density residential land use and vacant land. Sunken Meadow State Park, the Smithtown Landing Country Club, parts of Fort Salonga and the area between Landing Road and Landing Meadow Road do not have public water. The Upper Dock Road area and Kings Parks Psychiatric Center are served by the Kings Park Psychiatric Center water supply system. San Remo and Caleb Smith State Park are located in part of the Smithtown Water District. The area around the Smithtown Central Business District is served by the Suffolk County Water Authority which is the sole supplier of water to the Smithtown Water District. Groundwater is the sole source of water on Long Island. In the Smithtown waterfront, private wells draw water generally from the Upper Glacial aquifer. The groundwater in Smithtown is believed to be generally less contaminated than the groundwater in western Suffolk, however, the Upper Glacial is more polluted than deeper aquifers. The Upper Glacial is most vulnerable to contaminants because it is nearest to pollution sources such as septic systems. Public water wells draw water from the Magothy aquifer. The Magothy is generally cleaner and less vulnerable to pollution than the Upper Glacial.

Unlike many coastal communities, over-pumpage is not a concern in the Smithtown waterfront area. Over-pumpage of fresh groundwater near the shore often causes salt groundwater to intrude under the land. The low population density in the Smithtown waterfront reduces the likelihood of this problem. High density areas, such as the Kings Park Psychiatric Center, San Remo, and the CBD, are served by public water supply systems which have wellfields

located far inland. Further, few uses requiring large quantities of water (e.g., restaurants) are located adjacent to the shore.

Groundwater contamination appears to be a more significant potential problem than excessive pumpage. High density areas without sewers are likely to pollute the groundwater with nitrogen compounds. Toxic and hazardous substances are often found in household products and often find their way into the groundwater via septic systems. A landfill for fly ash is located on the grounds of the Kings Park Psychiatric Center and may be a locally significant impact on the groundwater. The NYS Office of Mental Health is proposing to have tests run in the area of the landfill to determine if groundwater is being affected. Groundwater pollution is generally regarded as undesirable, however, it is not a potential health problem unless it is located near wells. Therefore, the greatest potential for health problems is in the areas such as Fort Salonga and the Psychiatric Center.

There are no plans to extend the water mains, however, mains may be extended by developers near Landing Meadow Road if that area is ever developed. The Suffolk County Water Authority has expressed interest in constructing wellfields in Sunken Meadow State Park. The Water Authority feels that its existing wellfields may become contaminated because they are located in densely populated areas. The State Park would act as a watershed area and protect the wellfields from contamination.

2. Public Sewer Facilities

The former Kings Park Psychiatric Center sewage treatment plant serves the Psychiatric Center, Saint Johnland Nursing Home, and a residential subdivision. The plant is a tertiary plant and its outfall is about one mile offshore. These are among the only sewered areas in the Town or along the north shore of Suffolk County. The unsewered areas in the coastal portion of the Town are serviced by on-site disposal systems.

The sewage treatment plant in Kings Park is underutilized and can accommodate more users. According to the Suffolk County Health Department, the current use of the plant is 0.8 million gallons per day (MGD). The design capacity of the plant is 2.2 MGD. Therefore, the plant is used only to about 40% of its capacity. Other uses outside of the waterfront area (e.g., 200 unit condominium complex) are already anticipated to tie into the sewage treatment plant.

The Long Island Regional Planning Board completed a Comprehensive Waste Treatment Management Plan (208 Study) which concluded that the use of septic systems in high density areas adversely affects the quality of ground and surface waters. This is due to the fact that on-site septic systems do not adequately filter nitrogen and other potentially harmful contaminants from the waste water. The permeable geology of Long Island does not have sufficient

filtering capability to adequately protect the groundwater quality in areas where population density is high. The 208 Study identified sewage as one of the two most common sources of groundwater pollution and concluded that on-site septic systems should not be permitted where density exceeds two dwelling units per acre. Due to low intensity zoning, this is not a problem in the waterfront area except for San Remo where zoning allows a density of 4 families per acre. The problem in San Remo is compounded by the fact that clay lenses create additional drainage problems.

This issue does not significantly constrain development in the waterfront, as most of the waterfront is already developed at the densities permitted under the zoning. There are no proposals for sewerage a wider area except for developers of condominiums who wish to connect to the existing sewage treatment plant in King Park. For more information, please refer to the following table. Public water and sewer service areas are illustrated on Map 7.

SEWAGE TREATMENT PLANTS IN AND NEAR THE WATERFRONT AREA

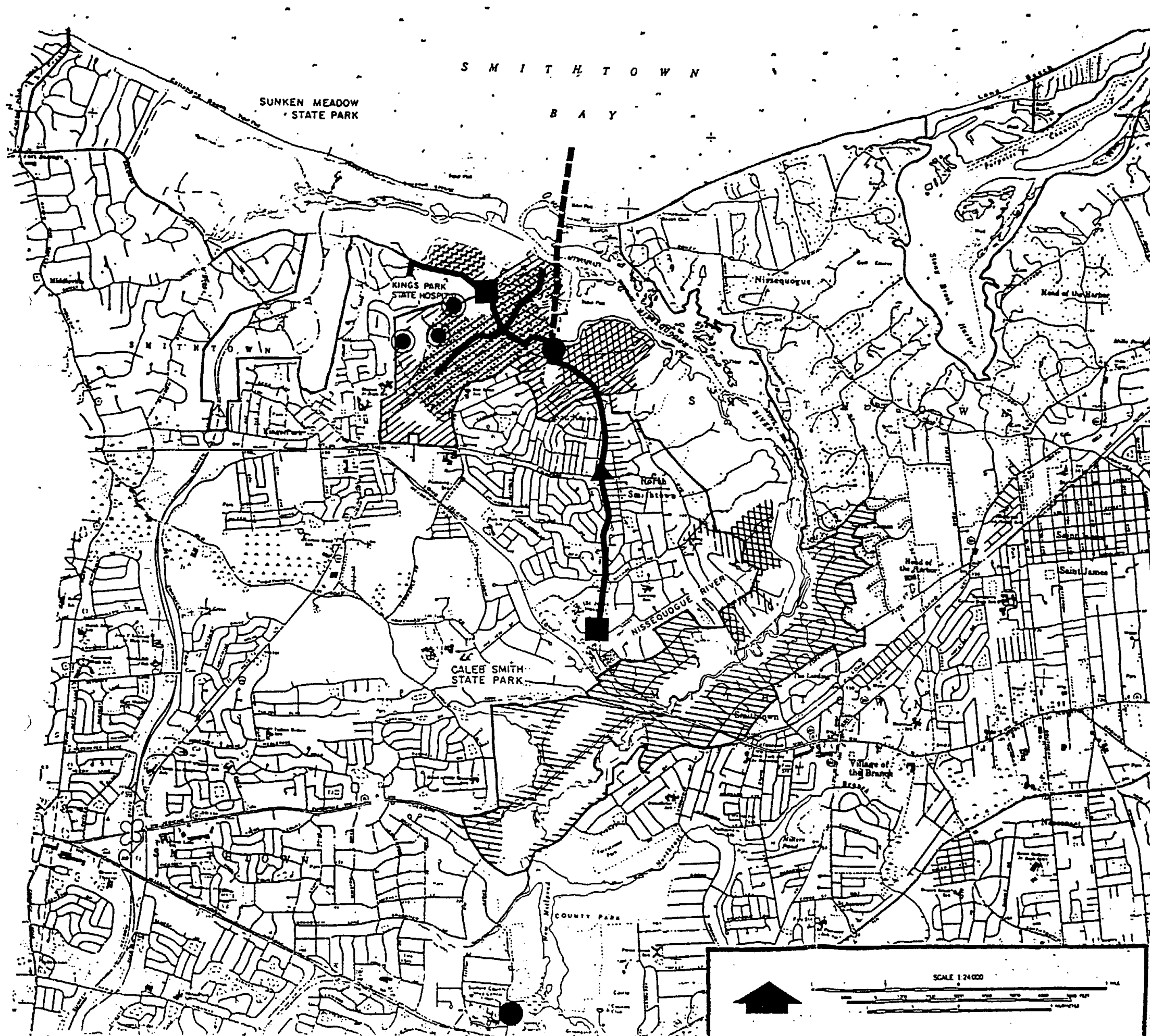
1. S.C.S.D. #6 - Kings Park
N/s Saint Johnland Rd.
Kings Park
Type: Activated Sludge
Design Flow: 2.2 MGD
Actual Flow: 0.8 MGD
Treatment Level: Tertiary
2. Suffolk County Center - Hauppauge*
Veterans Memorial Highway, Hauppauge
Type: Extended Aeration - Denitrification
Design Flow: 0.2 MGD
(Outside Waterfront Area)
3. Community Hospital of Western Suffolk*
Smithtown By-Pass & Rte. 111, Smithtown
Type: Extended Aeration
Design Flow: 0.093 MGD
(Outside Waterfront Area)
4. Lutheran Nursing Home Center for the Aging
Rte. 25A, Smithtown
Type: Extended Aeration
Design Flow: 0.1 MGD

*Located outside of the local waterfront area boundaries.

SPECIFIC ISSUES, PROBLEMS, AND OPPORTUNITIES
OF THE WATERFRONT REVITALIZATION AREA

A. Issues

1. New York York State Office of Parks, Recreation and Historic Preservation (OPR) expressed the intention of constructing a boat ramp on the north shore of Long Island. OPR feels that the Kings Park Psychiatric Center property is the most appropriate location because the land is already State-owned. However, the Town has expressed opposition to this on the belief that this would result in increased traffic on Town streets and the displacement of two private boat clubs having a total of 200 members. Presently the only boat ramps on the north shore are restricted to residents of the municipality in which they are located, therefore, a south shore resident could not launch a boat on the north shore. Further, the access to the boat ramp would be through the Psychiatric Center and would potentially endanger the safety of the residents. However, if the boat clubs were displaced, that would significantly increase pressure on the Town of develop more boat facilities which would in turn cause significant adverse environmental and fiscal impacts. Apparently, there may be room in the boat basin to accommodate the two boat clubs and the proposed boat ramps. The Long Island State Parks and Recreation Commission (LISPRC) has proposed an alternative wherein it would assist the Town in expanding the Town boat ramp and park facilities at the Old Dock Road Park bluffs. As a condition of assistance, the LISPRC would require that the boat ramp and only the new park would be accessible to non-residents.
2. A perennial issue is whether or not to dredge the channels in Stony Brook Harbor and the Nissequogue River. Boaters frequently complain that these channels are too shallow and are being filled in. Canoeists oppose dredging because power boating threatens the value of the water for canoeing. Conservationists oppose dredging because dredging and the resulting increase of power boat use causes adverse effects on the environment. These effects include a loss of productive bay bottom sedimentation and tidal marshes. Previous dredging operations have resulted in significant loss of valuable wetland habitats by actual removal of the wetlands or by habitats being buried under the spoil.
3. The possibility of constructing a bridge from Long Island to Connecticut has been a controversial issue. The Long Island business community has advocated the bridge to New England to avoid the bottle-neck in New York City and to improve access to the New England market. Sunken Meadow State Parkway has often been mentioned as a viable location. It has been said that the construction of a bridge anywhere across the Long Island Sound would cause very significant short term and long term environmental impacts to fish and wildlife habitats as well as tidal and freshwater wetland resources in the coastal area. Moreover, the



LWRP

MAP 7

Local Waterfront Revitalization Program










Town of Smithtown

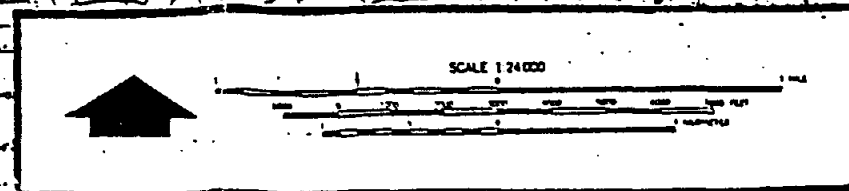
Suffolk County, NY

RPPW Raymond, Parish, Pine & Weiner, Inc.

Planning & Development Consultants, Tarrytown, NY

PUBLIC WATER AND SEWER SERVICE AREAS

-  Area Served By Public Water System
-  Area Served By Public Sewer System (Within 200' of a Main)
-  Proposed Sewer Service Area
-  Sewage Treatment Plant
-  Pumping Station (Sewage)
-  Sewer Main
-  Direction of Flow
-  Water Supply Standpipe
-  Outflow Pipe



construction of a bridge at Sunken Meadow would seriously harm the recreational value of this State park. Sunken Meadow State Park is the third largest park on Long Island and the largest park on the north shore, with an annual attendance of about 1.2 million.

4. High waves in narrow channels impact upon the shoreline with considerable energy and have a potential to cause substantial erosion. Physical impacts of waves generated by boats depend on such factors as the size and shape of the boat, boat speed and draft, water depth, location of boats in relation to shoreline, and width of the channel. Generally, a boat travelling fast in shallow water, close to the shoreline, generates the highest waves, and results in shoreline erosion. Erosion, and the additional sedimentation due to erosion, can adversely affect the environment and necessitate additional dredging. Therefore, the increasing use of boats in the Nissequogue River, as well as exceeding speed limits is becoming an important issue to the Town.
5. The New York State Department of Environmental Conservation is proposing to develop a State-owned landfill on Long Island, due to the lack of dump sites for incinerator ash in Nassau and Suffolk Counties. The existing ashfill on the Kings Park Psychiatric Center property is frequently cited as a possible location for a regional ashfill, as it is currently State-owned. This site (including its surroundings) is generally residential, recreational, and institutional in nature, having insufficient access for truck transportation. The Town is opposed to the possible expansion of the existing ashfill due to its incompatibility with surrounding land uses, as well as potential environmental and traffic problems that could impact the area.
6. Protection of groundwater is very important since it is the principal source of water for the Town of Smithtown. At present, most of the coastal area is served by municipal and individual/private wells. The municipal wells, operated by the Smithtown Water District and Suffolk County Water Authority, pump water from the Magothy aquifer, a plentiful source of good quality water. Municipal wells serve the San Remo area and areas south of Landing Meadow Road.

Individual private wells are located in areas west of Sunken Meadow State Park, and along the Nissequogue River, north of Landing Meadow Road. Most of these private wells pump water from the Upper Glacial aquifer, which has experienced significant water quality deterioration. Most of the individual wells are not deep enough to reach the level of the Magothy aquifer, largely because of the costs involved.

At this point in time, the Magothy aquifer has not been contaminated. However, any further contamination of ground water by any land use must be avoided, and some steps must be taken to help current residents that have contaminated water supplies.

7. The adaptive re-use of the underutilized portions of the Kings Park Psychiatric Center has become an important issue to the Town. The Center is sited on 500± acres of property in the coastal area, and is currently underutilized. In fact, it has decreased in population from approximately 10,000 patients in the 1960's to a population of 2,000 - 3,000 today. Although it is unknown at present how the State anticipates using the site in the future, the property has a significant development potential. The property contains many vacant and underutilized buildings, scenic vistas, and boating facilities with access to a dredged channel. In order to best determine the future use and/or adaptive reuse of the property, the Town is presently considering undertaking a development study of the Kings Park Psychiatric Center property.

B. Problems

1. Water pollution in the Nissequogue River and its tributaries 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 A or B classification under the State's Environmental Conservation Law (ECL). According to the ECL, A Class waters are pure enough to be best suited as a public water supply source and B Class waters are clean enough to be best suited for contact recreation (i.e. swimming). The highest quality fresh surface 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.

The salty and brackish portions of the waterfront are classified as B, meaning that they are sufficiently unpolluted, and best suited for primary contact recreation. Despite an SB designation, the Nissequogue River and the offshore waters in the vicinity of the river have been closed for shell fishing since around 1953. It is believed that storm water run-off and groundwater exfiltration into the river bottom are the principal sources of water pollution.

2. Groundwater contamination appears to be a significant potential problem. High density areas without sewers are likely to pollute the groundwater with nitrogen compounds. Toxic and hazardous substances are often found in household products and often find their way into the groundwater via septic systems. A landfill for fly ash is located on the grounds of the Kings Park Psychiatric Center and may be a locally significant impact on the groundwater. Groundwater pollution is generally regarded as undesirable,

however, it is not a potential health problem unless it is located near wells. Therefore, the greatest potential for health problems are in the areas such as Fort Salonga and the Psychiatric Center.

There are no plans to extend the water mains, however, mains may be extended by developers near Landing Meadow Road if that area is ever developed. The Suffolk County Water Authority has expressed interest in constructing wellfields in Sunken Meadow State Park. The Water Authority feels that its existing wellfields may become contaminated because they are located in densely populated areas. The State Park would act as a watershed area and protect the wellfields from contamination.

3. The commercial development at the west end of the Smithtown Central Business District (CBD) is a source of many problems in the waterfront area. Certain land uses in the CBD such as filling stations, retail stores, a flea market, and taverns, are not compatible with the nature of the Nissequogue River. Main Street and Jericho Turnpike (NYS 25 and 25A) are believed to be significant sources of storm water run-off pollution. The traffic volume, 30,000 plus or minus AADT, along NYS 25 and 25A in the Town of Smithtown, creates high noise levels, thus detracting from the recreational value of the river.
4. Existing and potential development in flood hazard areas represents significant threats to life, property, public health and safety. Most of the flood hazard areas in the Town are publicly owned and undeveloped and will remain undeveloped. However, the San Remo area has many small vacant lots which are privately owned. This area is already developed at a high density and further development would be hazardous.
5. Active erosion of the escarpments facing Smithtown Bay is a problem that should be addressed. Nearly all land adjacent to the escarpments is developed. This problem is most significant in Fort Salonga west of Callahan's Beach where there are approximately 20 houses on the top of the bluffs which are in danger of being damaged by erosion. Another problem location is the vicinity of Upper Dock Road where escarpments are eroding as a result of storms, winds, etc. There is also erosion caused by heavy usage of the "Green Belt" trails between the Kings Park Bluff and the Sunken Meadow State Park.
6. The existing facilities for recreation boating do not meet the needs of the people. The Town started to reconstruct the ramp at Old Dock Road Park bluffs in the fall of 1984. However, there is insufficient parking for boat trailers. On many weekends each summer, trailers are parked to nearly the intersection of Old Dock Road and Saint Johnland Road. The Town has a 10 year waiting list of about 800 boaters who desire to use the marina at Long Beach. Although there is a demand for more boating facilities, the Villages of Head of the Harbor and Nissequogue are impacted by the boaters trailering the boats through the villages.

7. Deteriorated conditions exist in certain parts of the waterfront area. The small residential neighborhood between Sunken Meadow State Park and the Kings Park Psychiatric Center has numerous substandard structures. Some of the buildings at the Psychiatric Center are deteriorated and vandalized. The Town Community Development Department has documented that numerous blighting conditions are present in the San Remo neighborhood. These conditions include deteriorated dwellings, code violations, substandard streets, deteriorated infrastructure, etc.
8. Future development of coastal wetland areas is a potential problem, particularly in areas of Fort Salonga, Landing Road, and around Route 25A in Smithtown. The current zoning in these areas does not adequately restrict development; some vacant parcels are zoned as Neighborhood Business, while others allow high densities. Actual development in accordance with the existing zoning could cause damage to wetland areas, dunes and bluffs, as well as pose safety hazards to residents.

Sensitive environmental features such as beaches, bluffs, dunes, and tidal and freshwater wetlands (Map 8 - Natural Resources), coupled with flood and erosion hazard areas, scenic vistas and steep slopes, are all areas within which development should be limited (Map 9 - Development Constraints).

C. Opportunities

1. The hilltop on NYS 25A in Sunken Meadow State Park has the potential to be perhaps the best scenic overlook of Long Island Sound from Long Island. At an elevation of about 250 feet, it is the highest point in the Town. Currently the view is limited to a few seconds for westbound traffic only. The regrading and clearing of trees for the Sunken Meadow Parkway has made possible the view of Long Island Sound. The view has many positive features including the stone bridge in the foreground, woods in the mid-ground and the water and Connecticut in the background. No houses are visible which might detract from the view. The only negative element consists of overhead wires on Route 25A. A scenic overlook could be developed on the north side of the road.
2. A hilltop north of Old Dock Road near the standpipe on the Kings Park Psychiatric Center property could be a valued scenic overlook. Although this site is on a secondary road, this high point would be important to the community, as the site overlooks Smithtown Bay toward Crane Neck. The site is not presently accessible because it adjoins the Psychiatric Center's ash dump which is off-limits to the public.
3. The area in the vicinity of Old Dock Road and Upper Dock Road could be redeveloped to a recreational waterfront use. This would result in two benefits: elimination of blight and provision of additional recreation opportunities. It would be more desirable

to construct boat trailer parking in this location than in Sunken Meadow State Park, because it eliminates the existing deteriorated conditions and would not impact the natural area in the Park.

4. Access to the water could be improved by reopening the west beach and parking lot at Sunken Meadow State Park. The beach was closed a few years after the east beach was opened. Apparently, it was closed because the Park Commission lacked the funds to patrol and maintain more than two beaches.
5. The recreational value of the waterfront could be enhanced by reopening the Sunken Meadow State Park picnic area on the hill adjoining Route 25A. This area was closed in the 1960's after a picnic area near Sunken Meadow Creek was completed. The picnic areas near the creek are more desirable because they are closer to the beaches. They are heavily used, thus indicating that more picnic areas may be warranted if sufficient funding is provided.

Proper promotion and utilization of the railroad could significantly improve access of disadvantaged people to the State's waterfront. The demand for Sunken Meadow is indicated by the fact that about 100 buses from the New York City area enter the State park per weekend. In the summer months, it may be feasible to provide shuttle bus service between the Kings Park Station and the State Park. It is doubtful that this type of operation would be feasible at the Smithtown or St. James stations as facilities near those stations do not generate nearly as much use.

Numerous people visit the Smithtown waterfront via bicycle. However, bicycle access is generally considered inadequate. Biking is hazardous on the Town arterial roads because of the combination of 28 foot-wide pavements, high traffic volumes, 40 mph speeds and limited site distances. The most hazardous area for biking in the Town waterfront area is on Route 25 between Edgewood Avenue and Meadow Road. Biking between the eastern and western portions of the Town's waterfront can be significantly improved if the hazards in this area were reduced. Bike travel is safe, convenient, and pleasurable in the Kings Park Psychiatric Center and Sunken Meadow State Park. Bicycling could be encouraged at these large facilities to accommodate the demand.

6. The abandoned shops adjacent to the boat basin in the Kings Park Psychiatric Center could be reused for water-dependent or recreational uses. The buildings are historic, architecturally handsome, and in danger of being destroyed by vandalism.

If additional boating facilities are developed, this area is probably the most logical location, as it has the fewest environmental constraints. There are five acres of unused dredge spoil fill close to the buildings which would be more appropriate for development than any of the wetland areas.

7. The Smithtown CBD could be redeveloped to be oriented to the water. There are 13± acres of vacant land on Main Street, east of the Nissequogue River. A large site is being underutilized as a flea market and could be redeveloped into more appropriate land use. There are three vacant parcels south of Main Street zoned for Heavy Industry and Neighborhood Business. The Heavy Industry parcel was used as a lumber yard because it adjoined the railroad, however, it is not likely to be used as a railroad related use in the future. If properly zoned and designed, future uses could benefit from being close to the Nissequogue River.
8. There are many significant historic sites in the Smithtown waterfront area. The historic sites provide many recreational, aesthetic, and cultural opportunities. Preserved and renovated historic sites could be used to promote tourism, as well as enhance the quality of life in the waterfront area. In the case of the Psychiatric Center, the buildings could be adaptively reused by the State for a variety of state needs. Adaptive reuse of these buildings would reduce the land and development costs, as well as environmental impacts as compared to developing such uses on other sites.

SECTION III

WATERFRONT REVITALIZATION PROGRAM POLICIES

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)

SECTION IV

PROPOSED LAND AND WATER USES AND PROPOSED PROJECTS

SECTION IV - PROPOSED LAND AND WATER USES AND PROPOSED PROJECTS

A. Proposed Land and Water Uses

The existing land uses in the Smithtown waterfront revitalization area consist mainly of residential, recreational, and conservation uses with small pockets of commercial and vacant land scattered throughout the area. Map 10 is a proposed land and water use map which indicates the extent and distribution of the proposed land use changes. The proposed land use is outlined in sub-areas as follows, and illustrated on Map 10. New development within the Nissequane River Scenic and Recreational River corridor must conform to 6 NYCRR Part 6 - Regulations for Administration and Management of Wild, Scenic and Recreational Rivers in New York State. Proposed uses are discussed in the following sub-areas:

1. Fresh Pond/Fort Salonga ✓
2. Sunken Meadow State Park ✓
3. Kings Park State Hospital ✓
4. San Remo ✓
5. North Smithtown ✓
6. Head of the River
7. Caleb Smith State Park
8. The Landing ✓
9. Short Beach/Stony Brook Harbor/Long Beach

Fresh Pond/Fort Salonga

This sub-area is generally developed as low density, single family residential. Small vacant parcels will be developed in accordance with existing zoning which calls for the same low density residential uses. The vacant land around Fresh Pond, however, is proposed to be used for conservation purposes. This is the most suitable use for this area because of the fragile ecology, the shallow depth of groundwater, and the presence of extensive freshwater wetlands. Any development in this area would be likely to cause significant adverse environmental impacts.

Sunken Meadow State Park

The Sunken Meadow State Park area is primarily utilized for recreational purposes. The eastern section of the sub-area includes ±68 acres of institutional land use with a proposed buffer area for conservation uses.

Kings Park State Hospital

This sub-area is currently defined as institutional, as it is maintained by New York State for the operation of a psychiatric center. It is proposed that this property consist of a variety of land uses. The center should consist of a core area of institutional, and residential 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, it is proposed that this area 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. Also, 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.

San Remo

The San Remo area is almost fully developed with high density, single and some multi-family residential uses. Small, vacant properties will remain undeveloped in an effort to control erosion, flooding, and pollution problems in the area.

North Smithtown

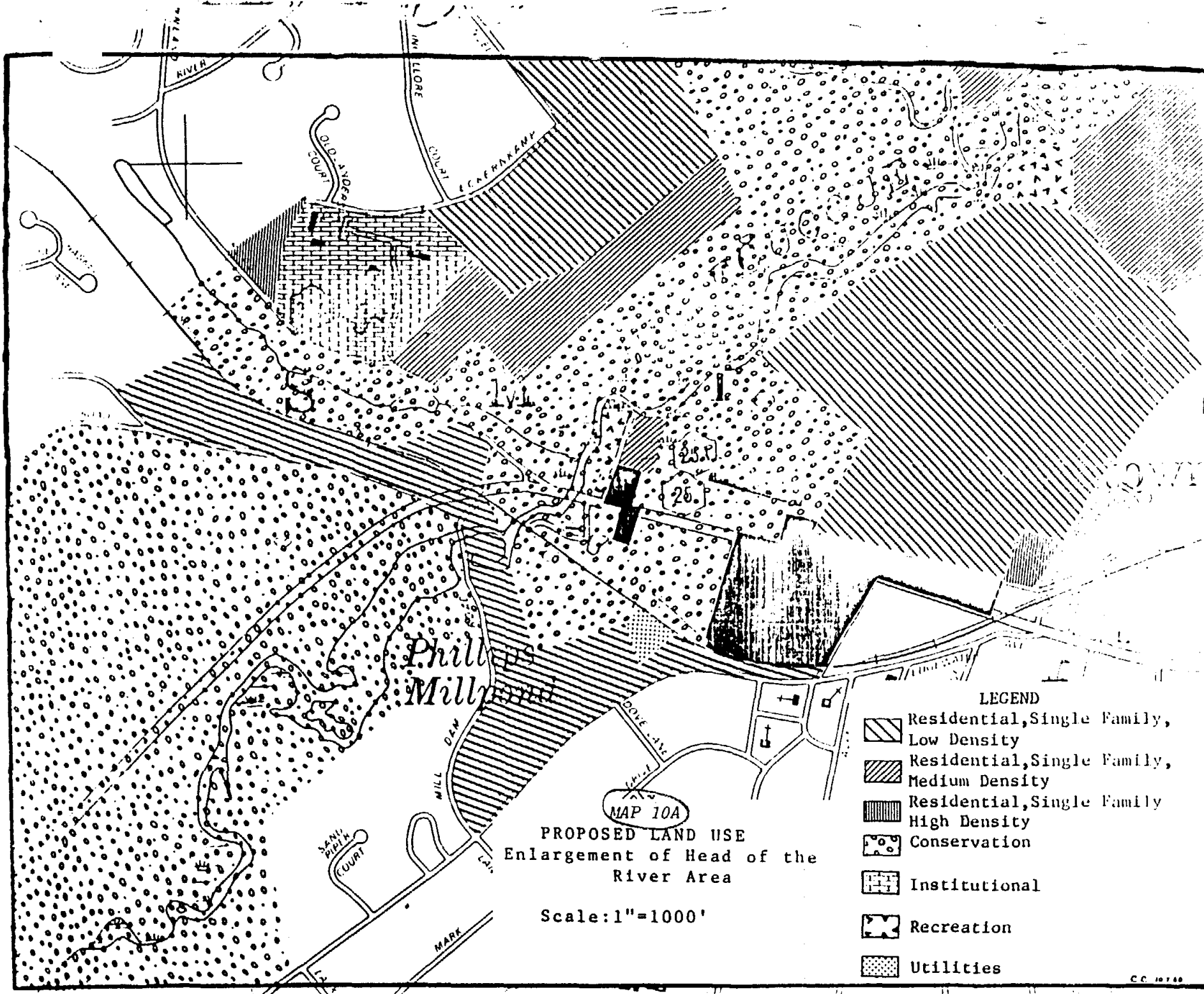
The North Smithtown area, along the Nissequogue River, is comprised of various land uses, including conservation, recreation, low density residential, and agriculture. Proposed land use changes consist of developing vacant parcels as low density residential sites in accordance with zoning.

Head of the River

This sub-area comprises the Smithtown CBD and includes the junction of NYS25, 25A and the Nissequogue River (for a detailed description of proposed land uses in this area see Map 10-A on Page IV-7). Proposed land uses include reducing the commercial land use while increasing recreation, conservation, and residential land uses.

About 25 acres of wetland on the west side of NYS Route 25A are proposed to 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 wetlands property than on the upland area.

A few small parcels in the vicinity of the statue of the bull are proposed 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. The proposed land use change would reduce the threat to surface water quality and visual quality. The proposed land 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 proposed 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.

Caleb Smith State Park

This area is generally utilized for passive recreational purposes. Four parcels on the south side of Jericho Turnpike near the east end of the park are currently developed and are proposed to be included in the park. Three of the parcels are used for business and one as a residence. The Town recognizes that converting existing commercial land uses to recreation is difficult and may be expensive, however, these properties abut fragile wetlands adjacent to the Nissequogue River. Further, it is sensible to include these properties as part of the State Park as the Park surrounds the properties. If acquisition is not feasible, the land should be used for the lowest intensity use practical (e.g., office business).

The Landing

This area is generally comprised of low density, single family residential and conservation uses. All vacant sites are proposed to be developed in accordance with zoning which requires low density, single family residential development.

Short Beach/Stony Brook Harbor/Long Beach

The Stony Brook Harbor/Long Beach area is currently utilized for conservation and recreation purposes and will be maintained for these land uses.

B. Proposed Projects

1. Summary and List of Proposed Projects

In concert with the proposed land and water uses identified in the preceding pages, 11 waterfront revitalization projects have been proposed. Four of the projects were initiated before or during the development of the Smithtown Local Waterfront Revitalization Program and are being implemented. The remaining projects are expected to commence within the next two years. Together these projects constitute a comprehensive effort to preserve the waterfront, as well as to establish the waterfront as a major aesthetic and recreational resource. Project locations are identified on Map 11 and are categorized as follows:

A. Public Projects

1. Acquisition
 - i. New York State
 - ii. Suffolk County
 - iii. Town of Smithtown
2. Construction
 - i. NYS Reconstruction of Route 25/25A
 - ii. County Redevelopment of Riverside Conservation Area
 - iii. Town
 - . Harrison's Pond/San Remo Drainage and Recreational Facilities
 - . Kings Park Commons Community Park
 - . Landing Avenue Drainage System
 - . Kings Park Bluff Improvements
 - . Callahan's Beach
 - . Long Beach Marina Expansion

B. Private Projects

1. Nissequogue Overlook Subdivision
2. Twisting Hills Condominiums
3. Hidden Glen Condominiums
4. Proposed Retail/Commercial Establishments
5. Landing Road Estates Subdivision
6. Willow Ridge Townhouses

Each of the public projects are critical to the revitalization of the Smithtown waterfront, and are described in detail as follows:

Property Acquisition Program

The Town has identified certain critical environmental areas that must be protected in order to maintain the environmental, aesthetic, and recreational resources of the waterfront. Reasonably large properties can be protected by zone changes and mandatory cluster development; however, some parcels are small and are completely fragile. Acquisition is the only way to protect these properties. The Town has analyzed these properties to determine the level of government that should be involved with acquisition. It is proposed that the State acquire property near State Parks, the County near county parks and the Town in other areas.

State Parkland Acquisition

In February of 1986, the Town requested the State Office of Parks, Recreation and Historic Preservation to consider the acquisition of 19 parcels near Caleb Smith State Park. The parcels range in area from .1 to 16.9 acres and their cumulative area is approximately 62 acres. Ten of the parcels are vacant; the remainder are used and have structures on them.

The acquisition of these properties will provide many benefits. It will help to maintain the integrity, quality, and character of Caleb Smith State Park. The acquisition will also help remove sources of pollution entering the Nissequogue River, thereby improving water quality, fishing, and other recreational uses. Acquisition will also help preserve valuable significant wildlife habitats, as well as provide better access to the water.

Suffolk County Parkland Acquisition

In January 1986, the Suffolk County Legislature, on its own motion, proposed acquiring various parcels through Suffolk County including some parcels in the Smithtown waterfront area. County acquisition in the local waterfront area is concentrated in two areas: Fresh Pond, Fort Salonga and Landing Avenue, Smithtown. The County is proposing to purchase the underwater lands of Fresh Pond, as well as the adjoining wetlands and the main tributary running to the south. The proposal consists of 53 acres of acquisition of which 50% is in Smithtown and 50% is in the Town of Huntington.

Suffolk County is also proposing the acquisition of about 19 parcels consisting of 20 to 24 acres near Landing Avenue. Appraisals have not yet been completed, however, the cost is likely to be low, as most of the parcels are tidal wetlands and therefore unbuildable according to the Town's zoning ordinance.

Town Acquisition Program

It is recommended that the Town establish an acquisition program in the San Remo neighborhood to prevent development on undersized parcels located in the flood hazard zone. These parcels also suffer from poor soils and high ground water. San Remo is mostly developed, however, most of the remaining vacant parcels are in the high ground water/flood hazard areas. It is proposed that the Town acquire these parcels and then attempt to sell them to the adjoining property owners. The Town would file restrictive covenants on the properties preventing their development. In terms of priority, it is likely that the Town would acquire the 20 foot wide lots first, then the 40 foot, 60 foot, 80 foot, and 100 foot lots. It appears that it is necessary to acquire approximately 80 parcels. Although appraisals have not been completed, it is reported that building lots can sell for about \$5,000 to as much as \$40,000 in San Remo. Therefore, it is likely that the acquisition costs would be over one half million dollars; however, by utilizing proceeds from the resale of the lots to adjacent property owners, the Town could acquire other lots.

Reconstruction of NYS 25/25A (Main Street), Smithtown CBD

As part of its long-range comprehensive program to improve NYS Route 25, NYSDOT is in the planning and design stages of a project to improve a 0.9 mile section of the road between Meadow Road and Eliot Place, approximately 1 mile east of the Nissequogue River. The project involves the widening of streets east of the River to provide for a center turning lane, the upgrading of traffic control devices, resurfacing, and minor drainage improvements. The cost is projected to be \$2.2 million. The project is scheduled for completion in late 1988.

Since the intersection of Routes NYS 25 and 25A is one of the most significant water pollution sources in the waterfront, this project creates an excellent opportunity to enhance the coastal area. It is proposed that the scope of the project be expanded to include the adequate treatment of stormwater runoff from the highway. A sediment basin, perhaps with biofiltration capability, could be constructed at the northeast corner of Nissequogue River and Main Street.

Riverside Conservation Area Improvements

Suffolk County acquired this parcel shortly after a restaurant on the site was destroyed by fire in 1980. This property consists of about 9 acres of which 3 acres front on Main Street. The other 6 acres are located south of the Long Island Railroad and are in their natural state. The north portion of the property was previously landscaped, and the County intends to maintain the existing character of the property. The principal use of the site will be for fishing and canoe launching.

San Remo Drainage Improvements

In order to improve the quality of storm water runoff entering the Nissequogue River, a number of drainage improvements will be constructed in San Remo. Much of the watershed is directed through Harrison's Pond. Unfortunately, years of erosion in the upper parts of the watershed have created a significant siltation problem in the pond that should be corrected. Silt will be removed and the pond restored to a more natural state. In order to prevent this from reoccurring, it is proposed that sediment basins be constructed along the stream upstream from the pond.

Since the 1960's, the Town has been constructing a major storm drainage system in San Remo, as well as reconstructing the streets. The Highway Department has made efforts in recent years to reduce pollution from the increased volume of storm water. A filtration system should be constructed at the outfall pipes of the parts of San Remo watershed that drain directly into the Nissequogue River. Depending on the nature of the improvements, the total cost of this project should be between \$25,000 and \$50,000.

Kings Park Commons Community Park

The Town Board has proposed developing a 20 acre community park on the north side of 25A, east of the Kings Park Central Business District. This location is in the southern end of the Kings Park Psychiatric Center and the Town has proceeded on the acquisition of the property from the State. The Town already has a community park for baseball outside the waterfront area, however, that park is located on the site of future landfill and may need to be removed within the next few years. Further, the Town has a shortage of soccer fields and this location is considered ideal for both purposes. It is anticipated that the Town's acquisition costs would be about \$400,000 and the development costs would be over \$100,000.

Landing Avenue Drainage Improvements

In 1980, the Town reconstructed Landing Avenue west of the Nissequogue River. During the course of construction, the Town received permission from the Nature Conservancy to direct drainage from a large watershed into an abandoned field. The use of this field for siltation has been exceptionally successful in reducing the introduction of pollutants to the River. It is proposed that a similar facility be built in Landing Avenue Park located on the east side of the River. There is a one acre parcel located in the middle of the park. If it is necessary to acquire this land, the acquisition and construction costs of the detention pond would be about \$60,000.

The Kings Park Bluff Improvements

In 1985, the Town completed the reconstruction of boat ramps at the Kings Park Bluff. Improvements will continue at the Bluff by controlling erosion near the overlook and by providing landscaping and miscellaneous improvements. The installation of additional parking for trailers is desirable but not essential. If additional parking is installed, it will be sensitively designed and sited to reduce potential visual impacts on the shore and the nearby residences.

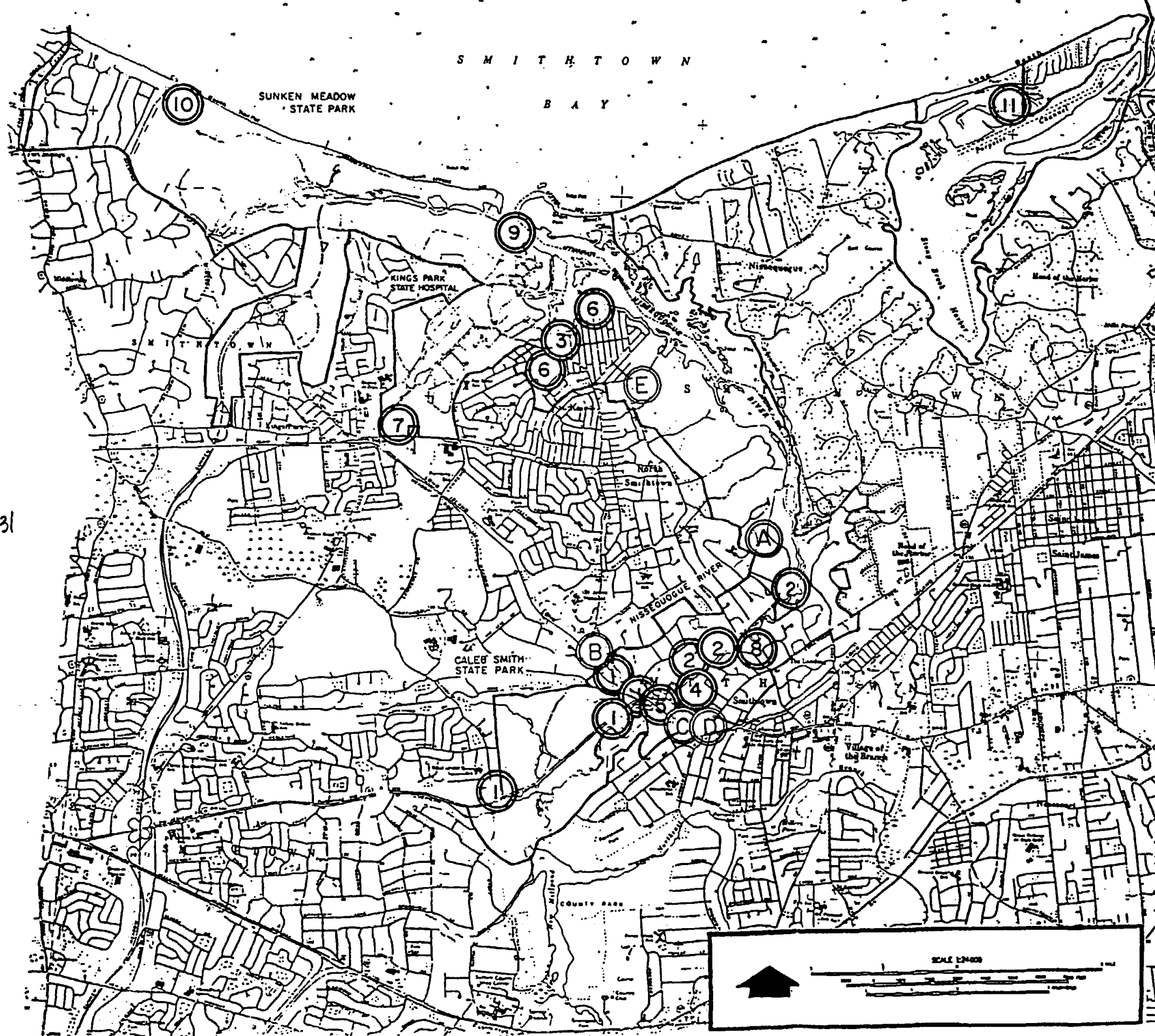
Callahan's Beach Improvements

It is suggested that the Town repair the damage on the escarpments caused by erosion. A large gully has developed on the east end of the parking field and threatens to undermine the parking area, as well as the picnic area. Fill will be placed in the gully and vegetation established on the fill and the rest of the escarpment to reduce the erosion to less than pre-development levels.

Long Beach Marina Improvements

In 1985, the Town initiated a project to improve the marina at Long

Beach, which has been completed. The improvements include the reconstruction of bulkheading, the dredging of the dock area, and the provision of an additional 35 slips. This project has benefited the boaters by enhancing the facilities, as well as the quality of life in the villages of Nissequogue and Head of the Harbor by reducing the number of boat trailers passing through the villages.



LWRP

MAP 11

Local Waterfront Revitalization Program

Town of Smithtown Suffolk County, NY

RPPW Raymond, Parish, Pine & Weiner, Inc.

Planning & Development Consultants, Tarrytown, NY

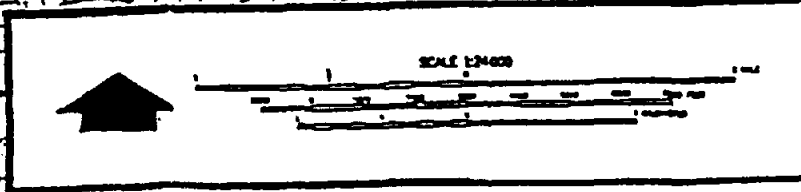
PROPOSED PROJECTS

Public Projects

1. New York State Parkland Acquisition
2. Suffolk County Open Space Acquisition
3. Town of Smithtown Acquisition
4. NYS 25/25A Reconstruction
5. Riverside Conservation Area Redevelopment
6. San Remo Drainage
7. Kings Park Commons Park
8. Landing Avenue Drainage Improvements
9. Kings Park Bluff Improvements
10. Callahan's Beach Erosion Control
11. Long Beach Marina Expansion

Private Projects

- A. Nissequogue Overlook Subdivision
- B. Twisting Hills Condominiums
- C. Hidden Glen Condominiums
- D. Proposed Commercial/Retail Shops
- E. Landing Road Estates Subdivision



SECTION V

TECHNIQUES FOR IMPLEMENTATION OF THE PROGRAM

SECTION V: TECHNIQUES FOR IMPLEMENTATION OF THE PROGRAM

A. Local Laws and Regulations Necessary to Implement the LWRP

1. Local Laws and Regulations

a. Zoning Ordinance

The Zoning Ordinance, Chapter 54 of the Town Code, regulates how land is to be used, at what intensity, and under what conditions.

Most of the Smithtown area within the LWRP boundary (as revised) is in the Town's most restrictive (e.g. one acre density) zoning district comprising those areas in Fort Salonga, North Smithtown, Kings Park Psychiatric Center and portions of Caleb Smith State Park. Higher density residential districts are located throughout the San Remo and Upper Dock Road areas. Small sections of the coastal area are zoned for commercial use and generally located in the Town's central business district area.

The Zoning Ordinance, including amendments outlined later in this section, implements those policies (1, 2, 5, 9, 10, 21, and 22) dealing with encouraging water-dependent, water-related, and water-enhanced uses, and those dealing with revitalization of unproductive, inappropriate or deteriorated use.

b. Coastal Floodplain Zoning and Management Regulations

Coastal floodplain regulations are incorporated in section 54-5.1, 10L and 14E of the Zoning Ordinance. These regulations regulate development within flood hazard areas defined on the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency.

These regulations implement those policies of the LWRP that address protection of wetlands, as well as the various policies concerned with protection of waterfront recreation. This ordinance implements and enforces the Waterfront Revitalization Program by outlining methods to utilize in assuring that "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 ..." (Policy 11) and recommending that non-structural means to minimize damage to property from flooding include "the preservation of coastal land forms by restricting access to highly sensitive areas ..." (Policy 17).

c. Environmental Quality Review Local Law

The Environmental Quality Review Law, Chapter 15A of the Town Code, implements the State Environmental Quality Review Act.

It establishes procedures and thresholds for assuring full review of environmental impacts of all actions, improvements and development. As amended, it also implements the consistency provisions of the LWRP.

This ordinance implements and enforces many policies described in the Waterfront Revitalization Plan, most particularly: protection of fish and wildlife habitats; protection of fish and wildlife from introduction of hazardous wastes; flood and erosion hazards; protection of historic sites; scenic quality; and water and air resources as well as protecting and preserving tidal and freshwater wetlands. (Policies 7, 8, 11-17, 23-25, 31-39, and 44.)

d. Subdivision Regulations

Subdivision Regulations, Chapter 36 of the Town Code, specify how vacant land can be divided into building lots. The regulations include procedures for submitting plans, and policies regarding street layout, dedication of land for public purposes such as parks, water supply and distribution, drainage, regrading, preservation of natural features, etc. Subdivision Regulations are also significant because they are referred to in the Site Plan Review section of the Zoning Ordinance, and therefore regulate other types of development (e.g., commercial, industrial, institutional, multi-family).

Subdivision Regulations are important in implementing several policies of the LWRP including appropriate location of development with regard to public services and facilities; expediting permit procedures; activities undertaken in coastal erosion and flood hazard areas; controlling stormwater run-off; minimizing non-point discharge into coastal waters and protection of wetlands. (Policies 5, 6, 11, 12, 14, 17, 33, and 44.)

e. Historic Districts Local Law

This local law establishes a procedure for the conservation, protection, rehabilitation and perpetuation of places, sites, and structures of historic, architectural, or archeological significance. It establishes an Historical Advisory Board which advises the Town Board on matters relating to the preservation of the historical, architectural and cultural heritage, as well as an establishment and maintenance of Historic Land Use districts, which include specifically identified sites, properties, buildings or landmarks of special historical, cultural, or architectural interest which together form distinct geographical areas within the Town.

The law is particularly important in implementing Policy 23 which addresses the importance of historic and architectural preservation within the coastal zone.

f. Freshwater Wetlands Ordinance

Chapter 20 of the Town Code, Freshwater Wetlands, incorporates a series of procedures providing for the protection, preservation, and conservation of the freshwater wetlands within the Town. The ordinance regulates activities in freshwater wetlands and adjacent areas, in addition to establishing procedures and standards for the processing of permit applications.

The ordinance implements and enforces the Waterfront Revitalization Program and is especially relevant to Policy 44 in regard to protecting and preserving freshwater wetlands. The protection of freshwater and tidal wetlands is regulated by the New York State Department of Environmental Conservation pursuant to Articles 24 and 25 of the NYSECL.

g. Marine Law

Chapter 25B, Marine Law, is a local law regulating dredging operations, removal operations, dumping and filling operations and structures in the watercourses and wetlands of the Town of Smitncown. It also establishes permitting procedures.

The law implements and enforces the Waterfront Revitalization Program by: expediting permitting procedures (6); and regulating removal and/or deposition of material that may adversely affect watercourses and wetlands of the Town (7, 15, and 44).

h. Taking Clams and Shellfish

Chapter 38 of the Town Code, Taking of Clams and Shellfish, regulates the amount of clams and shellfish that can be taken from the Town's coastal waters, provides permitting procedures, and indicates prohibited taking areas.

This ordinance enforces and implements the LWRP particularly in regard to Policies 7, 9 and 10, which address fish and wildlife resources.

i. Tree Preservation and Land Clearing

This local law, Chapter 44A of the Town Code regulates the destruction and removal of trees to secure various benefits, such as stabilization of soil, prevention of soil erosion and flooding, provision of aesthetic quality, noise barriers and natural habitats for wildlife, and maintenance of ecological systems. The ordinance also aids in erosion prevention by providing procedures which permit the removal, destruction, or alteration of trees.

This ordinance enforces and implements the Waterfront Revitalization Program by utilizing non-structural measures to minimize damage to natural resources (Policy 17).

j. Joint Waterways Ordinance

Chapter 52 of the Town Code regulates boating speeds, operation and safety, and prohibits the molestation of water-fowl in all Town waters. It also prohibits the dumping of oil, refuse, sewage and waste in Town Waters. Regulations allow the Town and its Villages to jointly enforce the Ordinance.

k. Boat Basin and Mooring Areas

Chapter 25 of the Town Code, Boat Basin and Mooring Areas, designates mooring spaces and permitting procedures, as well as berthing requirements for boats. The ordinance prohibits the flushing of marine toilets or dumping of oil refuse, sewage, or garbage into or along all Town waters.

The sanitary requirements of this ordinance (Section 25-22) enforce and implement the LWRP in regard to Policy 34 which addresses the limiting of waste discharges from vessels into coastal waters.

l. Off-Road Vehicles

Chapter 5A of the Town Code limits the use of all off-road vehicles on roads, streets, public lands, beaches, or on private property, unless the operator has permission from the property owner. This supports Policy 21 which gives priority to water-dependent and water-related recreation over water-enhanced uses.

2. Local Laws and Regulations Adopted to Implement the LWRP

a. Zoning Ordinance (Chapter 54)

(1) The ordinance creates special purpose districts. One district is a "community facilities" district which ensures that there is adequate land available for open space, environmental, recreational, and institutional facilities and uses. In order to discourage development for inappropriate uses, the district must have a minimum lot area of 5 acres. The ordinance also prohibits the expansion, intensification or change of use of all non-residential areas except to water dependent uses.

(2) The Zoning Map has been modified to reflect the proposed land uses described in Section IV. See Map 12, which displays areas re-zoned to further implementation of the LWRP.

- a) All wetlands in the waterfront area near Fresh Pond have been re-zoned to R-43 to minimize potential input to the environment.
 - b) Re-zoned all land that was previously subdivided into lots larger than 1 acre to R-43.
 - c) The area on the east side of 25A in Smithtown has been changed from Neighborhood Business, Shopping Center Business, Office Business and 1/2 acre residential to R-6 (Town House Structure) to reduce impacts on the river.
 - d) The area on the west side of 25A in the same vicinity should be re-zoned to R-43 (1 acre residence) to protect environmentally sensitive land.
 - e) The large properties on Main Street west of Edgewood Avenue have been rezoned from NB and HI to R6. The remaining central business property west of Edgewood Avenue has been rezoned to NB to facilitate the location of water-dependent uses.
- (3) The ordinance has been amended to encourage water-dependent and water-related uses in the waterfront area. This has been done by defining water-dependent and water-related uses and preventing the location of other uses in the NB district.
 - (4) The ordinance requires that flood hazard, wetland areas, and other environmentally sensitive areas be excluded from computations of minimum lot areas density, building coverage and yield..
 - (5) The ordinance requires erosion control and management techniques for all phases of development including construction. The ordinance contains erosion regulations relating to construction, and requires that all structures be set back at least one hundred feet (100') from any wetland, escarpment, natural surface water feature, or significant wildlife habitat, nor shall any structure be enlarged, altered, or replaced within ten (10) feet of any slope higher than five (5) feet having a slope greater than fifteen percent (15%), or any A or V Flood Hazard Zone.
 - (6) The ordinance prohibits all uses from the waterfront area that discharge toxic and hazardous substances.
 - (7) The ordinance requires all new developments to conform with ZAR (Zero Additional Run-off) policy. Under ZAR, developments are required to limit storm water run-off after construction to the same quantity and quality as that which existed prior to construction.

- (8) The ordinance has been amended to eliminate all non-water dependent uses related to the storage and/or transport of petroleum and oil unless such uses are sited outside of the local waterfront area.
- (9) The ordinance requires all uses and development within the waterfront area to be consistent with applicable State and local policies established in the Smithtown LWRP. The regulations establish procedures for an initial review of proposed actions to determine their compatibility with SEQR and the LWRP requirements and referral to appropriate boards, departments, offices, officers and other bodies of the Town regarding the policies.
- (10) The ordinance requires consistency with the LWRP as a prerequisite for all special exception uses.

b. Subdivision Regulations (Chapter 36)

- (1) The Subdivision Regulations encourage the retention of natural vegetation and discourage high maintenance landscaping near the shoreline.
- (2) The regulations require cluster development in the waterfront area.
- (3) The regulations require consistency with the LWRP.

c. Environmental Quality and Coastal Consistency Review Law

A local law has been enacted which implements the provisions of the State Environmental Quality Review Act and the Waterfront Revitalization and Coastal Resources Act, thereby incorporating environmental factors and consideration of coastal resources into planning and decision making processes, and requiring the consistency of action with the LWRP

B. Other Private and Public Actions Necessary to Implement the LWRP

- 1. Local Government Actions Necessary to Implement the LWRP - local government actions may include the work of Town agencies and the Town's implementation of proposed projects within the coastal area.

a. Internal Coordination

In order for the Local Waterfront Advisory Committee to serve as the coordinator of the implementation of the LWRP, a procedure to refer coastal matters to the Committee has been established. (See Section C - Management)

b. State Parkland Acquisition

The Town is encouraging the State to undertake this program which will involve the acquisition of 19 parcels near Caleb Smith State Park. State involvement in this program will help preserve valuable wildlife habitats and provide better access to the waterfront.

c. Suffolk County Parkland Acquisition

The County has agreed to acquire ±40-50 acres near Fresh Pond and Landing Avenue in an effort to protect wetland areas by restricting development. The County is in the process of reviewing real estate appraisals; upon completion of the reviews the acquisition process will encourage the County to begin the acquisition process as expeditiously as possible.

d. Town Acquisition Program

Prior to program implementation, the Town needs to prepare program guidelines and procedures, identify properties for acquisition, order and review appraisals, and secure acquisition financing through bonding.

e. NYS ROUTE 25/25A Reconstruction

The reconstruction of Main Street is currently underway by the NYSDOT. The Town is proposing that the project be expanded to include the adequate treatment of stormwater run-off from the highway. The Town is actively pursuing an agreement from the NYSDOT to construct a sediment basin at the northeast corner of Main Street and the Nissequoque River.

f. San Remo Drainage Improvements

The purpose of this project is to correct sanitation problems and reduce non-point pollution. The Town needs to complete engineering studies and secure project funding through capital bonding prior to project bidding.

g. Kings Park Commons Community Park

This project will result in the development of a 20 acre community park on the southern end of the Kings Park Psychiatric Center property. Acquisition negotiations with the State have begun; the Town will shortly bond for the land acquisition and proceed with site design studies and site development.

h. Landing Avenue Drainage Improvements

The project involves construction of a detention pond to reduce pollution of the river. The Town will need to undertake

engineering design studies, and possibly land acquisition, depending on engineering study results. The Town will use bonding as the financing mechanism.

i. Kings Park Bluff Improvements

Erosion control measures will be designed periodically as needed; if additional boat trailer parking is created, site design work will be completed in compliance with LWRP policies. Both projects will be financed by the Town.

j. Callahan's Beach Improvements

Plans and specifications to repair erosion damage to escarpments have been completed. In addition, the Town will undertake reconstruction of the parking lot. The Town will finance the activities through municipal bonding.

k. Long Beach Marina Improvements

Marina improvements have been completed.

l. New York State Wild, Scenic, and Recreational Rivers System Program

In an effort to protect the State's major rivers, this program establishes a rivers system with three classes of rivers--wild, scenic, and recreational--and establishes basic criteria for the designation and management of rivers and river areas included in the Rivers System. In Smithtown, the program includes an approximate 7.6 mile section of the Nissequogue River from New Mill Pond north to the River's confluence with the Long Island Sound. (The designation also includes the tributaries and ponds connected with the River.) The Nissequogue River has been designated as a scenic and recreational river.

The Town forwarded copies of the Draft and Final LWRP to the NYS DEC to ensure consistency in the implementation of the two State programs.

The Town has the financial capability to manage the implementation of its LWRP through existing local officials, boards and personnel. One additional staff member in the Planning Department will be needed for the administration and coordination of capital projects, management and advocacy activities. The cost of this position will be defrayed from the Town General Fund.

2. Private Actions Necessary to Implement the LWRP

In addition to the actions by various agencies in the public sector, several actions from the private sector are necessary to implement the LWRP. These actions consist of supporting the preservation of the waterfront by adhering to the policies regarding the waterfront.

Private developers of remaining vacant land are required to cluster development to the maximum extent feasible to permit public access to the waterfront and to preserve sensitive environmental characteristics of the area. Generally, cluster development must be located as far from the shoreline as possible so that the open space would be adjacent to or close to the shoreline and other public properties. Financing for private development principally includes resources such as private lending institutions.

C. Management Structure Necessary to Implement the LWRP

1. The lead agency in the Town of Smithtown for the implementation of the LWRP will be the Town Board, and the Town Supervisor is responsible for the implementation of the LWRP.
2. Specific Responsibilities:
 - a. Supervisor - Provision of overall LWRP supervision and management; and intergovernmental coordination on LWRP policy.
 - b. Town Board - Development and evaluation of LWRP policies and contractual requirements; review state and federal actions for consistency with LWRP and advise Secretary of State of its determination; determines the consistency of actions with the LWRP; makes recommendations regarding improvements and amendments to the LWRP; acts on proposed zoning changes; site plan review and approval; and execution of assigned categorical responsibilities (as assigned by the Supervisor) for aspects such as infrastructure capacity, coordination with volunteer groups, recreation, zoning, engineering, etc.
 - c. Planning Board - Makes final determinations on subdivision related matters and ensures that subdivisions are consistent with the LWRP; reviews proposed zone changes and makes recommendations on LWRP policies.
 - d. Board of Zoning Appeals - Reviews all actions in the waterfront area referred to it for consistency with the LWRP; evaluates recommendations from the Planning Director; and prepares resolutions regarding the consistency of proposed projects with the LWRP.
 - e. Conservation Board - Reviews matters referred to it under Town policy pursuant to SEQRA; maintains open space index, natural resource inventory; and advises other agencies on environmental matters.
 - f. Local Waterfront Advisory Committee - Reviews matters relating to the LWRP and LWRP consistency; advises other Town agencies and the Town Board on the consistency of projects with the LWRP; makes recommendations to the Town Board regarding improvements and amendments to the LWRP.

- g. Director of Planning - Grants preparation and administration for comprehensive LWRP project funding; administration and coordination of LWRP review; Planning Department acts as staff to Town Board and Local Waterfront Advisory Committee; reviews all applications in waterfront area; screens applications and conducts initial reviews for LWRP consistency.
 - h. Town Engineer - Prepares or reviews design of Town facilities in the waterfront area to be compatible with the LWRP.
 - i. Building Official - Enforces the NYS Uniform Fire Prevention and Building Code; enforces Chapter 54 (Building Zone Ordinance, including Flood Hazard Regulations) of the Town Code.
 - j. Superintendent of Highways - Coordinates maintenance of all public highway and drainage facilities in the waterfront area; is responsible for insuring that all highway programs are consistent with the LWRP.
 - k. Supervisor of Environmental and Waterways - Conducts initial SEQRA reviews; conducts EIS scoping; and advises Conservation Board regarding SEQR.
 - l. Parks Supervisor - Responsible for maintenance of all Town facilities within the local waterfront area; ensures consistency of park maintenance activities with the LWRP.
3. Procedures to Review Local Actions for Consistency with the LWRP

Each proposed action* directly undertaken, funded, permitted or otherwise approved by a Town agency for a given public or private project, use or activity within the Local Waterfront Revitalization Area (LWRA) of the Town of Smithtown will be reviewed for compliance with the LWRP pursuant to provisions of the appropriate chapters of the Town Code. The following procedures will be integrated into the Town's procedures for compliance with SEQR.

*An action means:

- 1. A project or physical activity, such as construction or other activities, which changes the use or appearance of any natural resource or structure classified as a Type I or an Unlisted Action pursuant to 6NYCRR Part 617, which is:
 - a) directly undertaken by an agency;
 - b) involves funding by an agency; or
 - c) requires one or more permits or approvals from an agency or agencies.
- 2. Planning activities of an agency that commit the agency to a course of future decisions;
- 3. Agency rule, regulations, procedure and policy making; and
- 4. Combinations of the above.

a. Initial Review of Proposed Actions

- (1) Any Town agency which receives an application for an action involving funding or approval by that agency, or proposes an action to be directly undertaken by that agency shall determine whether the action is a Type I or an Unlisted Action as defined in Chapter 15A of the Town Code.
- (2) If the application or direct action is for a Type I or an Unlisted Action, the Town agency shall determine if the proposed action is located in or directly affects the Town of Smithtown Local Waterfront Revitalization Area (LWRA), as defined in Section I of the LWRP.
- (3) If the action is located within or directly affects the Town of Smithtown LWRA, the Town agency will require a completed CAF, in addition to the EAF required of all actions. The Town agency will send a copy of the application or direct action description, the EAF and the CAF for all actions within the LWRA to the Planning Director. For actions outside the LWRA, the Town agency shall proceed with a determination of environmental significance or insignificance as provided for in Chapter 15A of the Town Code.
- (4) The Planning Director shall determine if the application or direct action description, and any supporting materials submitted constitutes a full statement for the purpose of determining consistency with the LWRP. The Planning Director may request any other material he/she feels is necessary for a complete review.
- (5) If the Planning Director determines that there are other interested agencies, he/she shall forward a copy of the application and all supporting material including the EAF and CAF, to each interested agency.
- (6) The Planning Director will make a preliminary review of the proposed action, and may refer the action to Town Board for a determination on the consistency or inconsistency of the action with the LWRP.
- (7) The Town Board shall review the proposed actions referred to it and make a a determination of consistency or inconsistency to the Town agency within thirty (30) days after receipt of the complete application. The determination shall be that the proposal is consistent, consistent if conditions are met, or inconsistent with the LWRP. If inconsistent, the Town Board shall include modifications which might be made to make the project consistent.

- (8) Regardless of whether the action has been referred to the Town Board, the Town agency shall not issue a permit or fund or undertake an action unless it makes a written finding that the action is consistent with the LWRP to the maximum extent practicable.

4. Procedure for an Integrated Review of Municipal Actions Within the Local Waterfront Revitalization Area of Stony Brook Harbor, Smithtown Bay, and the Nissequogue River.

This local law is adopted pursuant to Article 9, Section 1 of the NYS Constitution, Article 5.G. of the General Municipal Law, and Section 10 of the Municipal Home Rule Law of the State of New York, and expressly supercedes any inconsistent general or local law regarding consistency review, zoning, and waterways (Chapters 15A, 54, or 52 of the Code of the Town of Smithtown). Town Board consistency reviews of proposed actions to be undertaken in the Village of Head-of-the-Harbor and Nissequogue shall be considered to be Type II actions under 16 NYCRR Part 617.

This law shall be effective only when there is in effect within the Town of Smithtown Village of Head-of-the-Harbor and Village of Nissequogue an approved LWRP and an identical intermunicipal agreement to this law.

- A. This procedure shall be used to implement an intermunicipal cooperative agreement for the consistency review of actions by the Town of Smithtown and the Villages of Head-of-the-Harbor and Nissequogue, and is in addition to the LWRP consistency laws of the Town of Smithtown and the Villages of Head-of-the-Harbor and Nissequogue, and applies to the LWRP areas of Stony Brook Harbor, the Nissequogue River from the southernmost municipal and jurisdictional boundaries of the Village of Nissequogue and the Town of Smithtown northward to Smithtown Bay, and Smithtown Bay fifteen hundred feet (1500') offshore from the Nissequogue River's confluence with Smithtown Bay, easterly 1500' from shore to the confluence of Stony Brook Harbor with Smithtown Bay.

An Action is defined as:

1. A project or physical activity, such as construction or other activities, which changes the use or appearance of any natural resource or structure classified as a Type I or an Unlisted Action pursuant to 6NYCRR Part 617, which is:
 - a) directly undertaken by an agency
 - b) involves funding by an agency; or
 - c) requires one or more permits or approvals from an agency or agencies.
2. Planning activities of an agency that commit the agency to a course of future decisions;
3. Agency rule, regulations, procedure and policy making; and
4. Combinations of the above.

B. Notification Procedures

- 1) When a Town of Smithtown agency is considering an action in the areas described above in Stony Brook Harbor, the Nissequogue River, or Smithtown Bay, the Town Planning Director or Chief Building Official, as the case may be, shall notify the Villages of Head-of-the-Harbor and Nissequogue Joint Village Coastal Management Commission; when a Village of Nissequogue agency is considering an action in Stony Brook Harbor, the Nissequogue River, or Smithtown Bay, or a Village of Head-of-the-Harbor agency is considering an action in Stony Brook Harbor, the Joint Village Coastal Management Commission shall notify the Town of Smithtown Planning Director of such action.
- 2) Notification of a proposed action
 - (a) Shall fully describe the nature and location of the action;
 - (b) Shall stipulate the dates and times of hearings, meetings, and review and comment periods;
 - (c) Shall be accomplished by the exchange of Coastal Waterfront Assessment forms, Environmental Assessment Forms, and copies of applications and supporting documentation;
 - (d) Should be provided as early in the planning stages of the action as possible, but in any event at least thirty (30) days prior to the agency's decision on the action.

C. Review Procedures

- 1) Village Action
 - (a) Upon receipt of the notification by the Town Planning Director from the Villages' Joint Coastal Management Commission, the Town Planning Director shall forward a copy of the notification to other interested and involved Town agencies and to the Town Board for review and comment.
 - (b) The Town Board shall review the notification describing the proposed Village action against the policies and standards of the Town's approved LWRP, and shall receive and review comments from any other interested and involved Town agencies on the consistency of such action within fifteen (15) days of such referral from the Town Planning Director.
 - (c) If the Town Board can not identify any conflicts between the proposed Village action and the applicable policies and standards of the Town's approved LWRP, it shall notify the Town Planning Director of such finding, who will notify the Joint Village Coastal Management Commission of the Town's finding.

- (d) If the Town Planning Director does not notify Village Officials in writing of the Town's finding within twenty five (25) days of receipt of the notification, the Village may presume that the proposed action does not conflict with the Town's approved LWRP.
- (e) If the Town Planning Director notifies Village officials in writing that the proposed action does conflict with the policies and standards of the Town's approved LWRP, the Village shall not proceed with the action until identified conflicts have been resolved in accordance with the procedures set forth herein.

2) Town Action

- (a) Upon receipt of notification by the Villages' Joint Coastal Management Commission from the Town Planning Director, the Commission Chairperson or the Chairperson's designee shall forward a copy of the notification to other interested and involved agencies.
- (b) The Joint Village Coastal Management Commission shall review the notification of the proposed Town action against the policies and standards of the Villages' approved LWRP.
- (c) If the Joint Village Coastal Management Commission can not identify any conflicts between the proposed Town action and the applicable policies and standards of the Villages' approved LWRP, the Chairperson shall notify the Town Planning Director of the Villages' finding.
- (d) If the Chairperson does not notify Town Officials in writing of the Villages' finding within twenty five (25) days of receipt of the notification, the Town may presume that the proposed action does not conflict with the Villages' approved LWRP.
- (e) If the Chairperson notifies Town officials in writing that the proposed action does conflict with the policies and standards of the Villages' approved LWRP, the Town shall not proceed with the action until identified conflicts have been resolved, in accordance with the procedures set forth herein.

D. Resolution of Conflicts

- 1) The following procedures shall apply whenever a proposed action conflicts with the policies and standards of the Villages of Head-of-the-Harbor and Nissequogue LWRP, or the Town of Smithtown LWRP.
 - (a) The Chairperson of the Joint Village Coastal Management Commission and the Town Supervisor, within fifteen (15) days of receipt of written notification of a finding that a proposed

action conflicts with an LWRP policy and standard, shall meet to resolve such conflicts with respect to the consistency of the proposed action with the relevant LWRP.

- (b) If the Chairperson of the Joint Village Coastal Management Commission, and the Town Supervisor can settle the conflicts by a mutually agreeable decision, and their respective and Town Board approve of such decision by resolution, the originating agency may proceed with the implementation of the action. In passing a resolution approving such decision, the Commission and the Town Board shall have fifteen (15) days from the date of referral of the proposed conflict settlement decision: failure to act within this time frame shall be deemed to an approval of the action.
- (c) If the conflicts can not be resolved by a mutually agreeable decision, the matter will be referred to the respective Village Board of Trustees and Town Board for resolution pursuant to the procedures of this subparagraph. The municipality which determines that the proposed action conflicts with its LWRP may prepare and file with the clerk of the municipality proposing the action, a memorandum of protest with regard to the inconsistency of the proposed action. The memorandum of protest must contain a statement indicating the reasons for the inconsistency of the proposed action, and recommend reasonable alternatives or modification to the proposed action. When such memorandum of protest is filed, the municipality proposing the action shall not act contrary to such memorandum of protest except by a vote of a majority plus one of all the Board members thereof. Such action shall be subject to judicial review pursuant to the law providing for review of acts of such municipal agencies, commenced within thirty (30) days of its adoption.

5. Procedures to Review State Actions for Consistency with LWRP

a. Notification Procedure

- (1) When a State agency is considering an action, the State agency shall notify the Planning Director.
- (2) Notification of a proposed action by a State agency:
 - (a) Shall fully describe the nature and location of the action;
 - (b) Shall be accomplished by use of either the State Clearinghouse, other existing State agency notification procedures, or through any alternative procedure agreed upon by the state agency and local government;

- (c) Should be provided to the Planning Director as early in the planning stages of the action as possible, but in any event at least 30 days prior to the agency's decision on the action.
- (3) If the proposed action will require the preparation of a draft environmental impact statement, the filing of this draft document with the Town's Supervisor can serve as the State agency's notification to the local government.

b. Local Government Review Procedure

- (1) Upon receipt of notification from a State agency, the Planning Director will be responsible for evaluating a proposed action against the policies and purposes of the Town's approved LWRP.
- (2) If the Planning Director cannot identify any conflicts between the proposed action and the applicable policies and purposes of the approved LWRP, the Director should inform the State agency in writing of his/her finding. Upon receipt of the finding, the State agency may proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
- (3) If the Planning Director does not notify the State agency in writing of the Town's finding within the established review period, the State agency may then presume that the proposed action does not conflict with the policies and purposes of the Town's approved LWRP.
- (4) If the Planning Director notifies the State agency in writing that the proposed action does conflict with the policies and/or purposes of the Town's approved LWRP, the State agency shall not proceed with the action for a period of 90 days or until the identified conflicts have been resolved, whichever is earlier. The Planning Director shall forward a copy of the identified conflicts to the Secretary of State at the time when the State agency is notified. In notifying the State agency, the Town shall identify the specific policies and purposes of the LWRP with which the proposed action conflicts.

c. Resolution of Conflicts

- (1) In accordance with procedural guidelines issued by the Department of State, the following procedure shall apply whenever the Town of Smithtown has notified the Secretary of State and State agency that a proposed action conflicts with the policies and purposes of its approved LWRP.

- (a) Upon receipt of notification from the Town that a proposed action conflicts with its approved LWRP, the State agency should contact the Planning Director to discuss the content of the identified conflicts and the means for resolving them. A meeting of State agency and Town representatives may be necessary to discuss and resolve the identified conflicts. This discussion should take place within 30 days of the receipt of a conflict notification from the Town.
- (b) If the discussion between the Town and the State agency results in the resolution of the identified conflicts, the State agency can then proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600. The Town shall notify the State agency in writing, with a copy forwarded to the Secretary of State, that all of the identified conflicts have been resolved.
- (c) If the consultation between the Town and the State agency does not lead to the resolution of the identified conflicts, either party may request, in writing, the assistance of the Secretary of State to resolve any or all of the identified conflicts. This request must be received by the Secretary within 15 days following the discussion between the Town and the State agency. The party requesting the assistance of the Secretary of State shall forward a copy of their request to the other party.
- (d) Within 30 days following the receipt of a request for assistance, the Secretary or a Department of State official or employee designated by the Secretary, will discuss the identified conflicts and circumstances preventing their resolution with appropriate representatives from the State agency and the Town.
- (e) If agreement among all parties cannot be reached during this discussion, the Secretary shall, within 15 days, notify both parties of his/her findings and recommendations.
- (f) The State agency shall not proceed with the proposed action until either the Secretary's findings and recommendations have been received, or 90 days from the date a notification of a conflict was received from the Town, whichever is earlier.

6. Procedures for Department of State and Town of Smithtown Review of Federal Actions for Consistency with the LWRP.

a. Permits and Licenses.

- (1) The Department of State (DOS) will acknowledge the receipt of an applicant's consistency certification and application materials, and at that time forward a copy of the submitted documentation to the Smithtown Planning Director.
- (2) Within thirty (30) days of receiving such information, the Smithtown Planning Director will contact the assigned DOS reviewer to discuss: (1) the need to request additional information for review purposes; and (b) any possible problems pertaining to the consistency of a proposed action with local coastal policies.
- (3) When the DOS and Smithtown Planning Director agree that additional information is necessary, the DOS will request the applicant to provide the information. A copy of this information will be provided to the Planning Director upon receipt.
- (4) Within thirty (30) days of receiving the requested additional information or discussing possible problems of a proposed action with the DOS reviewer, whichever is later, the Planning Director will notify DOS of the reasons why a proposed action may be inconsistent or consistent with Town coastal policies.
- (5) After that notification, the Planning Director will submit his/her written comments and recommendations on a proposed permit action to the DOS before or at the conclusion of the official public comment period. If such comments and recommendations are not forwarded to DOS by the end of the public comment period, DOS will presume that the Smithtown Planning Director has "no opinion" on the consistency of the proposed action with Town coastal policies.
- (6) If the DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the Planning Director on a proposed permit action, DOS will contact the Planning Director to discuss any differences of opinion prior to issuing its letter of "concurrence" or "objection" to the applicant.
- (7) A copy of DOS' "concurrence" or "objection" letter to the applicant will be forwarded to the Smithtown Planning Director.

b. Direct Actions

- (1) After acknowledging the receipt of a consistency determination and supporting documentation from a Federal agency, DOS will forward copies of the determination and

other descriptive information on the proposed direct action to the Smithtown Planning Director and other interested parties.

- (2) This notification will state the date by which all comments and recommendations must be submitted to DOS and will identify the assigned DOS reviewer.
- (3) The review period will be about twenty-five (25) days. If comments and recommendations are not received by the end of the established review period, DOS will presume that the Town of Smithtown has "no opinion" on the consistency of the proposed direct Federal agency action with Town coastal policies.
- (4) If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the Planning Director, DOS will contact the Director to discuss any differences of opinion or questions prior to agreeing or disagreeing with the Federal agency's consistency determination on the proposed direct action.
- (5) A copy of DOS' "agreement" or "disagreement" letter to the Federal agency will be forwarded to the Smithtown Planning Director.

c. Financial Assistance

- (1) DOS will request information on a proposed financial assistance action from the applicant (State or Town agency) for consistency review purposes. A copy of this letter will be forwarded to Smithtown Planning Director and will serve as notification that the proposed action may be subject to review.
- (2) If the applicant is a Town agency, the Planning Director will contact the agency and request copies of any application documentation for consistency review purposes. If the proposed action has already been reviewed by the Town for consistency with the LWRP, the Planning Director will notify DOS of the outcome of that review.
- (3) The Planning Director will acknowledge receipt of the requested information and send a copy to the DOS.
- (4) If the applicant is a State Agency, DOS will request the agency to provide a copy of the application documentation to the Planning Director.
- (5) The DOS will acknowledge the receipt of the requested information and provide a copy of this acknowledgement to the Planning Director.

- (6) The review period will conclude thirty (30) days after the date on the Planning Department's or DOS' letter of acknowledgement.
- (7) The Planning Director must submit his/her comments and recommendations on the proposed action to DOS within twenty (20) days from the start of the review period. If comments and recommendations are not received within that twenty-day period, DOS will presume that the Town of Smithtown has "no opinion" on the consistency of the proposed financial assistance action with local coastal policies.
- (8) If the DOS does not fully concur with or has any questions on the comments and recommendations submitted by the Planning Director, the DOS will contact the Board to discuss any differences of opinion prior to agreeing or objecting to the Federal agency's consistency determination on the proposed financial assistance or action.
- (9) A copy of DOS' "no objection" or "objection" letter to the applicant will be forwarded to the Planning Director.

D. Financial Resources Necessary to Implement the LWRP

1. Proposed Projects

a. NYS Parkland Acquisition

Estimated Cost	\$1,000,000 vacant property (Town estimate) \$3,000,000 developed property (Town estimate)
Expended	\$0
Balance	\$4,000,000
Primary Funding Source	Environmental Quality Bond through the NYS Office of Parks, Recreation & Historic Preservation
Alternative Funding Source	Suffolk County may be able to acquire some of the parcels adjacent to existing county parkland; the Town of Smithtown may be able to acquire a few of the parcels adjacent to Town parkland.

b. Suffolk County Parkland Acquisition

Estimated Cost	\$ 500,000 (Town estimate)
Expended	\$0
Balance	\$ 500,000

Primary Funding Source	Suffolk County/public bonds
Alternative Funding Source	none

c. Town of Smithtown Acquisition Program

Estimated Cost	\$ 500,000
Expended	\$0
Balance	\$ 500,000
Primary Funding Source	General Obligation Bonds Program Revenue
Alternative Funding Source	none

d. Reconstruction of NYS 25/25A (Main Street)

Estimated Cost	\$1.4 million
Expended	N/A
Balance	N/A
Primary Funding Source	NYSOT
Alternative Funding Source	N/A

e. Riverside Conservation Area Improvements

Estimated Cost	N/A
Expended	N/A
Balance	N/A
Primary Funding Source	N/A
Alternative Funding Source	N/A

f. San Remo Drainage Improvements

Estimated Cost	\$1,000,000
Expended	\$ 950,000
Balance	\$ 50,000
Primary Funding Source	General Obligation Bonds
Alternative Funding Source	N/A

g. Kings Park Commons Community Park

Estimated Cost	\$ 400,000 Acquisition
Expended	\$ 100,000 Development
Expended	\$0
Balance	\$ 300,000
Primary Funding Source	General Obligation Bonds
Alternative Funding Source	Community Development Block Grant funds for development only

h. Kings Park Bluff

Estimated Cost	\$ 215,000 Base \$ 700,000 with optional trailer parking
Expended	\$ 165,000
Balance	\$ 50,000 erosion and landscaping improvements
Primary Funding Source	General Obligation Bonds
Alternative Funding Source	NYS OPR funds for some of the trailer parking; DOS funds for project design

i. Landing Avenue Drainage Improvements

Estimated Cost	\$ 60,000
Expended	\$0
Balance	\$ 60,000
Primary Funding Source	General Obligation Bonds
Alternative Funding Source	DOS funds for project design

j. Callahan's Beach Improvements

Estimated Cost	\$ 20,000
Expended	\$0
Balance	\$ 20,000
Primary Funding Source	General Obligation Bonds
Alternative Funding Source	DOS funds for project design

k. Long Beach Marina Improvements

Estimated Cost	N/A
Expended	N/A
Balance	N/A
Primary Funding Source	General Obligation Bonds
Alternative Funding Source	DOS funds for project design

E. Summary Chart of Actions Implementing Policies

<u>Policy#</u>	<u>Implemented or enforced by:</u>
1,1A,1B,1C	<ul style="list-style-type: none"> - Environmental Quality and Coastal Consistency Review Law - Zoning Ordinance - CD financing of water dependent/water related activities - Rezone vacant or undeveloped properties to stabilize existing density and traffic congestion in CBD - Financing incentives to restore/revitalize properties located in San Remo, Kings Park, and Smithtown
2	<ul style="list-style-type: none"> - Environmental Quality and Coastal Consistency Review Law - Amend Zoning Ordinance to encourage water dependent uses in coastal area - Coastal Floodplain Zoning and Management Regulations - Public and private financing of water dependent/water related activities - Favored leasing arrangements given to water dependent uses on Town-owned land
3	- Not Applicable
4	- Not Applicable

- 5,5A,5B
 - Zoning Ordinance
 - Subdivision Regulations
 - Environmental Quality and Coastal Consistency Review Law
- 6
 - Environmental Quality and Coastal Consistency Review Law
 - Make all agencies aware of LWRP and consistency review procedures as basis of expediting review
 - Subdivision Regulations
 - Marine Law
- 7,7A,7B,7C,7D
 - Environmental Quality and Coastal Consistency Review Law
 - Ordinance Regulating the Taking of Clams and Shellfish
 - Freshwater Wetlands Ordinance
 - Marine Law
 - Town will continue to regulate actions that could negatively impact coastal fish and wildlife habitats and will encourage the protection and preservation of these habitats
- 8
 - Environmental Quality and Coastal Consistency Review Law
 - Review of proposals through land use permitting procedures included in zoning ordinance
 - Require state to examine and upgrade Kings Park Psychiatric Center sewage treatment plant
 - Freshwater Wetlands Ordinance
 - Town will prevent possible ground and/or surface water pollution from hazardous wastes or other pollutants caused by utilization of the Kings Park Psychiatric Center ash fill
 - The Town will restrict future development on vacant land in San Remo, Kings Park and Smithtown that may negatively impact fish and wildlife habitats

- Upgrade operations and facilities at the Kings Park Psychiatric Center sewage treatment plant to prevent activities that will pollute coastal area
 - Use zoning to avoid siting of industrial/manufacturing activities in coastal area that could introduce toxic materials into ground and/or surface waters
- 9,9A
- Zoning Ordinance
 - Use of public and private funds to improve boat launching facilities at Old Dock Road Park and Kings Park Psychiatric Center
 - Use of public funds to continue mariculture and shellfish managements efforts
 - Use of public and private funds to improve on-land public access points at Old Dock Road Park, Kings Park Psychiatric Center, Greenbelt Trail, Smithtown Landing Country Club and Sunken Meadow State Park
- Ordinance Regulating the Taking of Claims and Shellfish
- Encourage the State to improve on-land public access points at Kings Park Psychiatric Center and Sunken Meadow State Park
 - Encourage Suffolk County to improve and maintain the Greenbelt Trail
- 10
- Use of CD funds to initiate mariculture programs and activities to expand shellfish resources
 - Zoning Ordinance
- 11
- Coastal Floodplain Zoning and Management Regulations
 - Environmental Quality and Coastal Consistency Review Law
 - Subdivision Regulations
 - Zoning Ordinance
 - Subdivision Regulations

- 12
 - Coastal Floodplain Zoning and Management Regulations
 - Environmental Quality and Coastal Consistency Review Law
 - Subdivision Regulations
 - Freshwater Wetlands Ordinance
- 13
 - Environmental Quality and Coastal Consistency Review Law
 - Marine Law
 - Site plan review procedure
 - Coastal Floodplain Zoning and Management Regulations
- 14,14A
 - Environmental Quality and Coastal Consistency Review Law
 - Marine Law
 - Subdivision Regulations
 - Coastal Floodplain Zoning and Management Regulations
 - Zoning Ordinance, as amended
- 15
 - Marine Law
 - Excavated Lands Ordinance
 - Environmental Quality and Coastal Consistency Review Law
 - Coastal Floodplain Zoning and Management Regulations
- 16
 - Coastal Erosion Hazards Act
 - Environmental Quality and Coastal Consistency Review Law
- 17,17A
 - Tree Preservation and Land Clearing Ordinance
 - Public financing of landscaping at Old Dock Road Park bluffs

- Environmental Quality and Coastal Consistency Review Law
- Coastal Floodplain Zoning and Management Regulations
- Zoning Ordinance
- Subdivision Regulations
- 18 - Environmental Quality and Coastal Consistency Review Law
- Coastal Floodplain Zoning and Management Regulations
- 19 - Public and private improvements at Old Dock road Park and KPPC, including boat launching sites and basins, bicycle paths, historic restoration, and fishing areas
- Increase public access to coastal recreational resources by acquisitions of lands or easements
- Request NYS to upgrade and fully utilize beaches of Sunken Meadow Park
- 20 - Same as Policy 19
- 21,21A - Zoning Ordinance with modifications to encourage water dependent/water related uses
- Environmental Quality and Coastal Consistency Review Law
- Off-Road Vehicle Ordinance
- Joint Waterways Ordinance
- 22 - Zoning Ordinance, as amended
- 23,23A - Historic Districts Local Law
- Environmental Quality and Coastal Consistency Review Law
- Execute memorandum of agreement with NYS to rehabilitate those historic properties sited on State-owned land
- 24 - Not Applicable
- 25,25A,25B,25C,25D - Historic Districts Local Law
- Environmental Quality and Coastal Consistency Review Law

- Zoning Ordinance, as amended
- Use of CD funds to eliminate blighted structures
- Wild, Scenic and Recreational River Act and 6NYCRR - Part 66B
- 26 - Zoning, as amended
- Subdivision Regulations
- 27 - Environmental Quality and Coastal Consistency Review Law
- 28 - Not Applicable
- 29 - NYS Coastal Management Program
- 30,30A - Zoning Ordinance, as amended
- Environmental Quality and Coastal Consistency Review Law
- 31 - NYS Coastal Management Program
- 32 - Environmental Quality and Coastal Consistency Review Law
- Encourage Suffolk County to revise permitting procedures to be more restrictive
- 33 - Subdivision Regulations
- Zoning Ordinance, as amended
- Coastal Floodplain Zoning and Management Regulations
- Environmental Quality and Coastal Consistency Review Law
- 34 - Boat Basin and Mooring Areas Ordinance
- Joint Waterways Ordinance
- Environmental Quality and Coastal Consistency Review Law
- 35,35A,35B - Freshwater Wetlands Ordinance
- Marine Law
- Environmental Quality and Coastal Consistency Review Law

36,36A	-	Zoning Ordinance, as amended
	-	Environmental Quality and Coastal Consistency Review Law
37,37A	-	Environmental Quality and Coastal Consistency Review Law
	-	Zoning Ordinance
	-	Subdivision Regulations, as amended
38,38A,38B	-	Zoning Ordinance
	-	Subdivision Regulations
	-	Environmental Quality and Coastal Consistency Review Law
39,39A	-	Environmental Quality and Coastal Consistency Review Law
	-	Zoning Ordinance
40	-	[Not Applicable] <u>NYS Coastal Management Program</u>
41	-	Environmental Quality and Coastal Consistency Review Law
	-	Zoning Ordinance
42	-	NYS Coastal Management Program
43	-	NYS Coastal Management Program
44,44A	-	Freshwater Wetlands Ordinance, as amended
	-	Zoning Ordinance
	-	Coastal Floodplain Zoning and Management Regulations
	-	Environmental Quality and Coastal Consistency Review Law
	-	Subdivision Regulations

SECTION VI

STATE AND FEDERAL ACTIONS AND
PROGRAMS LIKELY TO AFFECT IMPLEMENTATION

State and Federal actions will affect and be affected by implementation of the LWRP. Under State law and the U.S Coastal Zone Management Act, certain State and Federal actions within or affecting the local waterfront area must be "consistent" or "consistent to the maximum extent practicable" with the enforceable policies and purposes of the LWRP. This consistency requirement makes the LWRP a unique, intergovernmental mechanism for setting policy and making decisions and helps to prevent detrimental actions from occurring and future options from being needlessly foreclosed. At the same time, the active participation of State and Federal agencies is also likely to be necessary to implement specific provisions of the LWRP.

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

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

A. State and Federal Actions and Programs Which Should Be Undertaken in a Manner Consistent with the LWRP

1. State Agencies

OFFICE FOR THE AGING

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

DEPARTMENT OF AGRICULTURE AND MARKETS

- 1.00 Agricultural Districts Program.
- 2.00 Rural development programs.
- 3.00 Farm worker services programs.
- 4.00 Permit and approval programs:
 - 4.01 Custom Slaughters/Processor Permit
 - 4.02 Processing Plant License
 - 4.03 Refrigerated Warehouse and/or Locker Plant License

DIVISION OF ALCOHOLIC BEVERAGE CONTROL/STATE LIQUOR AUTHORITY

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

DIVISION OF ALCOHOLISM AND ALCOHOL ABUSE

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

- 2.03 Operating Certificate - Community Residence
- 2.04 Operating Certificate (Outpatient Facility)
- 2.05 Operating Certificate (Sobering-Up Station)

COUNCIL ON THE ARTS

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

DEPARTMENT OF BANKING

1.00 Permit and approval programs:

- 1.01 Authorization Certificate (Bank Branch)
- 1.02 Authorization Certificate (Bank Change of Location)
- 1.03 Authorization Certificate (Bank Charter)
- 1.04 Authorization Certificate (Credit Union Change of Location)
- 1.05 Authorization Certificate (Credit Union Charter)
- 1.06 Authorization Certificate (Credit Union Station)
- 1.07 Authorization Certificate (Foreign Banking Corporation Change of Location)
- 1.08 Authorization Certificate (Foreign Banking Corporation Public Accommodations Office)
- 1.09 Authorization Certificate (Investment Company Branch)
- 1.10 Authorization Certificate (Investment Company Change of Location)
- 1.11 Authorization Certificate (Investment Company Charter)
- 1.12 Authorization Certificate (Licensed Lender Change of Location)
- 1.13 Authorization Certificate (Mutual Trust Company Charter)
- 1.14 Authorization Certificate (Private Banker Charter)
- 1.15 Authorization Certificate (Public Accommodation Office - Banks)
- 1.16 Authorization Certificate (Safe Deposit Company Branch)
- 1.17 Authorization Certificate (Safe Deposit Company Change of Location)
- 1.18 Authorization Certificate (Safe Deposit Company Charter)
- 1.19 Authorization Certificate (Savings Bank Charter)
- 1.20 Authorization Certificate (Savings Bank De Novo Branch Office)
- 1.21 Authorization Certificate (Savings Bank Public Accommodations Office)
- 1.22 Authorization Certificate (Savings and Loan Association Branch)
- 1.23 Authorization Certificate (Savings and Loan Association Change of Location)

- 1.24 Authorization Certificate (Savings and Loan Association Charter)
- 1.25 Authorization Certificate (Subsidiary Trust Company Charter)
- 1.26 Authorization Certificate (Trust Company Branch)
- 1.27 Authorization Certificate (Trust Company-Change of Location)
- 1.28 Authorization Certificate (Trust Company Charter)
- 1.29 Authorization Certificate (Trust Company Public Accommodations Office)
- 1.30 Authorization to Establish a Life Insurance Agency
- 1.31 License as a Licensed Lender
- 1.32 License for a Foreign Banking Corporation Branch

DEPARTMENT OF COMMERCE

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

DEPARTMENT OF CORRECTIONAL SERVICES

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

DORMITORY AUTHORITY OF THE STATE OF NEW YORK

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

EDUCATION DEPARTMENT

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

ENERGY PLANNING BOARD AND ENERGY OFFICE

- 1.00 Preparation and revision of the State Energy Master Plan.

NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY

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

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of lands under the jurisdiction of the Department.
- 2.00 Classification of Waters Program; classification of land areas under the Clean Air Act.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 4.00 Financial assistance/grant programs:
 - 4.01 Capital projects for limiting air pollution
 - 4.02 Cleanup of toxic waste dumps
 - 4.03 Flood control, beach erosion and other water resource projects
 - 4.04 Operating aid to municipal wastewater treatment facilities
 - 4.05 Resource recovery and solid waste management capital projects
 - 4.06 Wastewater treatment facilities
- 5.00 Funding assistance for issuance of permits and other regulatory activities (New York City only).
- 6.00 Implementation of the Environmental Quality Bond Act of 1972, including:
 - (a) Water Quality Improvement Projects
 - (b) Land Preservation and Improvement Projects including Wetland Preservation and Restoration Projects, Unique Area Preservation Projects, Metropolitan Parks Projects, Open Space Preservation Projects and Waterways Projects.
- 7.00 Marine Finfish and Shellfish Programs.
- 8.00 New York Harbor Drift Removal Project.
- 9.00 Permit and approval programs:
 - 9.01 Certificate of Approval for Air Pollution Episode Action Plan
 - 9.02 Certificate of Compliance for Tax Relief - Air Pollution Control Facility
 - 9.03 Certificate to Operate: Stationary Combustion Installation; Incinerator; Process, Exhaust or Ventilation System

- 9.04 Permit for Burial of Radioactive Material
- 9.05 Permit for Discharge of Radioactive Material to Sanitary Sewer
- 9.06 Permit for Restricted Burning
- 9.07 Permit to Construct: a Stationary Combustion Installation; Incinerator; Indirect Source of Air Contamination; Process, Exhaust or Ventilation System
- 9.08 Approval of Plans and Specifications for Wastewater Treatment Facilities.
- 9.09 Certificate to Possess and Sell Hatchery Trout in New York State
- 9.10 Commercial Inland Fisheries Licenses
- 9.11 Fishing Preserve License
- 9.12 Fur Breeder's License
- 9.13 Game Dealer's License
- 9.14 Licenses to Breed Domestic Game Animals
- 9.15 License to Possess and Sell Live Game
- 9.16 Permit to Import, Transport and/or Export under Section 184.1 (11-0511)
- 9.17 Permit to Raise and Sell Trout
- 9.18 Private Bass Hatchery Permit
- 9.19 Shooting Preserve Licenses
- 9.20 Taxidermy License
- 9.21 Certificate of Environmental Safety (Liquid Natural Gas and Liquid Petroleum Gas)
- 9.22 Floating Object Permit
- 9.23 Marine Regatta Permit
- 9.24 Mining Permit
- 9.25 Navigation Aid Permit
- 9.26 Permit to Plug and Abandon (a non-commercial oil, gas or solution mining well)
- 9.27 Permit to Use Chemicals for the Control or Elimination of Aquatic Insects
- 9.28 Permit to Use Chemicals for the Control or Elimination of Aquatic Vegetation
- 9.29 Permit to Use Chemicals for the Control or Extermination of Undesirable Fish
- 9.30 Underground Storage Permit (Gas)
- 9.31 Well Drilling Permit (Oil, Gas, and Solution Salt Mining)
- 9.32 Digger's Permit (Shellfish)
- 9.33 License of Menhaden Fishing Vessel
- 9.34 License for Non-Resident Food Fishing Vessel
- 9.35 Non-Resident Lobster Permit
- 9.36 Marine Hatchery and/or Off-Bottom Culture Shellfish Permits
- 9.37 Permits to Take Blue-Claw Crabs
- 9.38 Permit to Use Pond or Trap Net
- 9.39 Resident Commercial Lobster Permit
- 9.40 Shellfish Bed Permit
- 9.41 Shellfish Shipper's Permits

- 9.42 Special Permit to Take Surf Clams from Waters other than the Atlantic Ocean
- 9.43 Approval - Drainage Improvement District
- 9.44 Approval - Water (Diversion for) Power
- 9.45 Approval of Well System and Permit to Operate
- 9.46 Permit - Article 15, (Protection of Water) - Dam
- 9.47 Permit - Article 15, (Protection of Water) - Dock, Pier or Wharf - Repealed in 1983.
- 9.48 Permit - Article 15, (Protection of Water) - Dredge or Deposit Material in a Waterway
- 9.49 Permit - Article 15, (Protection of Water) - Stream Bed or Bank Disturbances
- 9.50 Permit - Article 15, Title 15 (Water Supply)
- 9.51 Permit - Article 24, (Freshwater Wetlands)
- 9.52 Permit - Article 25, (Tidal Wetlands)
- 9.53 River Improvement District approvals
- 9.54 River Regulatory District approvals
- 9.55 Well Drilling Certificate of Registration
- 9.56 Permit to Construct and/or Operate a Solid Waste Management Facility
- 9.57 Septic Tank Cleaner and Industrial Waste Collector Permit
- 9.58 Approval of Plans for Wastewater Disposal Systems
- 9.59 Certificate of Approval of Realty Subdivision Plans
- 9.60 Certificate of Compliance (Industrial Wastewater Treatment Facility)
- 9.61 Letters of Certification for Major Onshore Petroleum Facility Oil Spill Prevention and Control Plan
- 9.62 Permit - Article 36, (Construction in Flood Hazard Areas)
- 9.63 Permit for State Agency Activities for Development in Coastal Erosion Hazard Areas
- 9.64 Permit Granted (for Use of State Maintained Flood Control Land)
- 9.65 State Pollutant Discharge Elimination System (SPDES) Permit
- 9.66 401 Water Quality Certification
- 10.00 Preparation and revision of Air Pollution State Implementation Plan.
- 11.00 Preparation and revision of Continuous Executive Program Plan.
- 12.00 Preparation and revision of Statewide Environmental Plan.
- 13.00 Protection of Natural and Man-made Beauty Program.
- 14.00 Urban Fisheries Program.
- 15.00 Urban Forestry Program.

- 2.11 Permit to Operate a Migrant Labor Camp
- 2.12 Permit to Operate as a Retail Frozen Dessert Manufacturer
- 2.13 Permit to Operate a Service Food Establishment
- 2.14 Permit to Operate a Temporary Residence/Mass Gathering
- 2.15 Permit to Operate or Maintain a Swimming Pool or Public Bathing Beach
- 2.16 Permit to Operate Sanitary Facilities for Realty Subdivisions
- 2.17 Shared Health Facility Registration Certificate

DIVISION OF HOUSING AND COMMUNITY RENEWAL and its subsidiaries and affiliates

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

HOUSING FINANCE AGENCY

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

JOB DEVELOPMENT AUTHORITY

- 1.00 Financing assistance programs for commercial and industrial facilities.

MEDICAL CARE FACILITIES FINANCING AGENCY

- 1.00 Financing of medical care facilities.

OFFICE OF MENTAL HEALTH

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

OFFICE OF MENTAL RETARDATION AND DEVELOPMENT DISABILITIES

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

METROPOLITAN TRANSPORTATION AUTHORITY [regional agency]

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Increases in special fares for transportation services to public water-related recreation resources or facilities.

DIVISION OF MILITARY AND NAVAL AFFAIRS

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

NATURAL HERITAGE TRUST

- 1.00 Funding program for natural heritage institutions.

OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION (including Regional State Park Commissions)

- 1.00 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the Office.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 3.00 Funding program for recreational boating, safety and enforcement.

- 4.00 Funding program for State and local historic preservation projects.
- 5.00 Land and Water Conservation Fund programs.
- 6.00 Nomination of properties to the Federal and/or State Register of Historic Places.
- 7.00 Permit and approval programs:
 - 7.01 Floating Objects Permit
 - 7.02 Marine Regatta Permit
 - 7.03 Navigation Aide Permit
 - 7.04 Posting of Signs Outside State Parks
- 8.00 Preparation and revision of the Statewide Comprehensive Outdoor Recreation Plan and the Statewide Comprehensive Historic Preservation Plan and other plans for public access, recreation, historic preservation or related purposes.
- 9.00 Recreation services programs.
- 10.00 Urban Cultural Parks Program.

POWER AUTHORITY OF THE STATE OF NEW YORK

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

NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION

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

DEPARTMENT OF SOCIAL SERVICES

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Homeless Housing and Assistance Program.
- 3.00 Permit and approval programs:
 - 3.01 Certificate of Incorporation (Adult Residential Care Facilities)
 - 3.02 Operating Certificate (Children's Services)
 - 3.03 Operating Certificate (Enriched Housing Program)

- 3.04 Operating Certificate (Home for Adults)
- 3.05 Operating Certificate (Proprietary Home)
- 3.06 Operating Certificate (Public Home)
- 3.07 Operating Certificate (Special Care Home)
- 3.08 Permit to Operate a Day Care Center

DEPARTMENT OF STATE

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

STATE UNIVERSITY CONSTRUCTION FUND

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

STATE UNIVERSITY OF NEW YORK

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

DIVISION OF SUBSTANCE ABUSE SERVICES

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
 - 2.01 Certificate of Approval (Substances Abuse Services Program)

DEPARTMENT OF TRANSPORTATION

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Department.
- 2.00 Construction, rehabilitation, expansion, or demolition of facilities, including but not limited to:

- (a) Highways and parkways
- (b) Bridges on the State highways system
- (c) Highway and parkway maintenance facilities
- (d) Barge Canal
- (e) Rail facilities

3.00 Financial assistance/grant programs:

- 3.01 Funding programs for construction/reconstruction and reconditioning/preservation of municipal streets and highways (excluding routine maintenance and minor rehabilitation)
- 3.02 Funding programs for development of the ports of Albany, Buffalo, Oswego, Ogdensburg and New York
- 3.03 Funding programs for rehabilitation and replacement of municipal bridges
- 3.04 Subsidies program for marginal branchlines abandoned by Conrail
- 3.05 Subsidies program for passenger rail service

4.00 Permits and approval programs:

- 4.01 Approval of applications for airport improvements (construction projects)
- 4.02 Approval of municipal applications for Section 18 Rural and Small Urban Transit Assistance Grants (construction projects)
- 4.03 Approval of municipal or regional transportation authority applications for funds for design, construction and rehabilitation of omnibus maintenance and storage facilities
- 4.04 Approval of municipal or regional transportation authority applications for funds for design and construction of rapid transit facilities
- 4.05 Certificate of Convenience and Necessity to Operate a Railroad
- 4.06 Highway Work Permits
- 4.07 License to Operate Major Petroleum Facilities
- 4.08 Outdoor Advertising Permit (for off-premises advertising signs adjacent to interstate and primary highway)
- 4.09 Permits for Use and Occupancy of N.Y. State Canal Lands [except Regional Permits (Snow Dumping)]
- 4.10 Real Property Division Permit for Use of State-Owned Property

5.00 Preparation or revision of the Statewide Master Plan for Transportation and sub-area or special plans and studies related to the transportation needs of the State.

6.00 Water Operation and Maintenance Program--Activities related to the containment of petroleum spills and development of an emergency oil-spill control network.

URBAN DEVELOPMENT CORPORATION and its subsidiaries

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Corporation, if any.
- 2.00 Planning, development, financing, construction, major renovation or expansion of commercial, industrial and civic facilities and the provision of technical assistance or financing for such activities, including, but not limited to, actions under its discretionary economic development programs.
- 3.00 Administration of special projects.
- 4.00 Administration of State-funded capital grant programs.

DIVISION OF YOUTH

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

2. Federal Agencies

DIRECT FEDERAL ACTIVITIES AND DEVELOPMENT PROJECTS

DEPARTMENT OF COMMERCE

National Marine Fisheries Services

- 1.00 Fisheries Management Plans

DEPARTMENT OF DEFENSE

Army Corps of Engineers

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

Army, Navy and Air Force

- 4.00 Location, design, and acquisition of new or expanded defense installations (active or reserve status, including associated housing, transportation or other facilities).

- 5.00 Plans, procedures and facilities for landing or storage use zones.
- 6.00 Establishment of impact, compatability or restricted use zones.

DEPARTMENT OF ENERGY

- 1.00 Prohibition orders.

GENERAL SERVICES ADMINISTRATION

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

DEPARTMENT OF INTERIOR

Fish and Wildlife Service

- 1.00 Management of National Wildlife refuges and proposed acquisitions.

Mineral Management Service

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

National Park Service

- 3.00 National Park and Seashore management and proposed acquisitions.

DEPARTMENT OF TRANSPORTATION

Amtrak, Conrail

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

Coast Guard

- 2.00 Location and design, construction or enlargement of Coast Guard stations, bases, and lighthouses.
- 3.00 Location, placement or removal of navigation devices which are not part of the routine operations under the Aids to Navigation Program (ATON).

- 4.00 Expansion, abandonment, designation or anchorages, lightering areas or shipping lanes and ice management practices and activities.

Federal Aviation Administration

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

Federal Highway Administration

- 6.00 Highway construction.

St. Lawrence Seaway Development Corporation

- 7.00 Acquisition, location, design, improvement and construction of new and existing facilities for the operation of the Seaway, including traffic safety, traffic control and length of navigation season.

FEDERAL LICENSES AND PERMITS

DEPARTMENT OF DEFENSE

Army Corps of Engineers

- 1.00 Construction of dams, dikes or ditches across navigable waters, or obstruction or alteration of navigable waters required under Sections 9 and 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401, 403).
- 2.00 Establishment of harbor lines pursuant to Section 11 of the Rivers and Harbors Act of 1899 (33 U.S.C. 404, 405).
- 3.00 Occupation of seawall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the U.S. pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408).
- 4.00 Approval of plans for improvements made at private expense under USACE supervision pursuant to the Rivers and Harbors Act of 1902 (33 U.S.C. 565).
- 5.00 Disposal of dredged spoils into the waters of the U.S., pursuant to the Clean Water Act, Section 404, (33 U.S.C. 1344).
- 6.00 All actions for which permits are required pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
- 7.00 Construction of artificial islands and fixed structures in Long Island Sound pursuant to Section 4(f) of the River and Harbors Act of 1912 (33 U.S.C.).

DEPARTMENT OF ENERGY

Economic Regulatory Commission

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

Federal Energy Regulatory Commission

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

ENVIRONMENTAL PROTECTION AGENCY

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

DEPARTMENT OF INTERIOR

Fish and Wildlife Services

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

Mineral Management Service

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

INTERSTATE COMMERCE COMMISSION

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

NUCLEAR REGULATORY COMMISSION

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

DEPARTMENT OF TRANSPORTATION

Coast Guard

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

Federal Aviation Administration

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

FEDERAL ASSISTANCE*

DEPARTMENT OF AGRICULTURE

- 10.068 Rural Clean Water Program
- 10.409 Irrigation, Drainage, and Other Soil and Water Conservation Loans
- 10.410 Low to Moderate Income Housing Loans

10.411 Rural Housing Site Loans
10.413 Recreation Facility Loans
10.414 Resource Conservation and Development Loans
10.415 Rural Rental Housing Loans
10.416 Soil and Water Loans
10.418 Water and Waste Disposal Systems for Rural Communities
10.419 Watershed Protection and Flood Prevention Loans
10.422 Business and Industrial Loans
10.423 Community Facilities Loans
10.424 Industrial Development Grants
10.426 Area Development Assistance Planning Grants
10.429 Above Moderate Income Housing Loans
10.430 Energy Impacted Area Development Assistance Program
10.901 Resource Conservation and Development
10.902 Soil and Water Conservation
10.904 Watershed Protection and Flood Prevention
10.906 River Basin Surveys and Investigations

DEPARTMENT OF COMMERCE

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

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

14.112 Mortgage Insurance - Construction or Substantial Rehabilitation of Condominium Projects
14.115 Mortgage Insurance - Development of Sales Type Cooperative Projects
14.117 Mortgage Insurance - Homes
14.124 Mortgage Insurance - Investor Sponsored Cooperative Housing
14.125 Mortgage Insurance - Land Development and New Communities
14.126 Mortgage Insurance - Management Type Cooperative Projects
14.127 Mortgage Insurance - Mobile Home Parks

- 14.218 Community Development Block Grants/Entitlement Grants
- 14.219 Community Development Block Grants/Small Cities Program
- 14.221 Urban Development Action Grants
- 14.223 Indian Community Development Block Grant Program

DEPARTMENT OF INTERIOR

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

DEPARTMENT OF TRANSPORTATION

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

GENERAL SERVICES ADMINISTRATION

- 39.002 Disposal of Federal Surplus Real Property

COMMUNITY SERVICES ADMINISTRATION

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

SMALL BUSINESS ADMINISTRATION

- 59.012 Small Business Loans
- 59.013 State and Local Development Company Loans

59.024 Water Pollution Control Loans
59.025 Air Pollution Control Loans
59.031 Small Business Pollution Control Financing Guarantee

ENVIRONMENTAL PROTECTION AGENCY

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

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

B. Federal and State Actions and Programs Necessary to Further the LWRP.

1. Federal Actions and Programs

- a. Department of Housing and Urban Development Community Development Block Grant Program.
 - 1. Continue to allocate Community Development Block Grant funds to the Suffolk Urban County Consortium for community development activities in said consortium which includes Smithtown. CD funds can assist in carrying out economic development and rehabilitation activities in the Town of Smithtown.
- b. Department of Interior
 - 1. Through the Office of Ocean and Coastal Resource Mangement, assist the Town of Smithtown in fish and other coastal resources restoration.

2. State Actions and Programs

- a. Office of General Services
 - 1. Prior to any development occurring in the water or on the immediate waterfront, OGS should be consulted for a determination of the State's interest in underwater or formerly underwater lands and for authorization to use and occupy these lands.
- b. Department of Transportation
 - 1. Provide landscaping, natural wood guiderails and retention/siltation basins along Route 25/Route 25A in the vicinity of the Nissequogue River as part of current reconstruction activities.
- c. Office of Parks, Recreation and Historic Preservation
 - 1. Reopen the third beach at Sunken Meadow State Park to alleviate crowding in other areas.
 - 2. Work with the Office of Mental Health to develop plans to restore and maintain historic structures.
 - 3. Develop a district nomination for sensitive archeological sites along the Nissequogue River.
 - 4. Provide financial assistance for the acquisition of lands for park use to help preserve wildlife habitats and provide access to the waterfront.

5. Work with the Town of Smithtown to establish trailer parking at the Kings Park Bluff and improve access to the waterfront.
- d. Office of Mental Health
 1. Begin a testing program to determine the impacts on groundwater from the Kings Park Psychiatric Center ashfill, and develop a mitigation program if groundwater is being adversely affected.

SECTION VII

CONSULTATION WITH OTHER AFFECTED FEDERAL, STATE, REGIONAL AND LOCAL AGENCIES

SECTION VII: CONSULTATION WITH OTHER AFFECTED FEDERAL, STATE AND LOCAL AGENCIES

During the course of preparation of the LWRP the Town of Smithtown identified and consulted with Federal, State, and local Agencies which conduct programs which are likely to affect implementation of the LWRP. Some agencies were contacted directly by the Town as the program progressed, and some agencies were contacted by the Department of State during the SEQRA review process.

In December 1984 the Town sent correspondence to civic organizations and public agencies notifying them of a public meeting concerning the LWRP. In January 1985 the Town's Local Waterfront Advisory Committee conducted a public meeting to discuss the LWRP with affected agencies. The agencies identified by the Town included the NYSDOT, NYSDEC, NYSOMH, NYSOPRHP, Long Island Rail Road, Long Island Regional Planning Board, Suffolk County Department of Parks and Recreation, and Suffolk County Department of Public Works. In June 1985 the Town circulated parts 1-3 of the LWRP to these agencies for comment.

In February 1986 the Town consulted with NYSOPRHP (Office of Parks, Recreation and Historic Preservation) and requested input from NYSOPHP in implementing the acquisition project identified in part V of the program. NYSOPRHP initiated acquisition, however, the status of the program is not known at the present time.

In April 1986 the Town Circulated parts 1-5 of the LWRP to the affected agencies. In April 1987 the Town Board issued a SEQRA Positive Declaration with regard to the LWRP. The NYS Department of State distributed copies of the Draft Environmental Impact Statement and the Draft LWRP to federal and State as well as other agencies identified by the Town. On May 12, 1987 the Town Board conducted a public hearing pursuant to SEQRA, and public input was obtained. Two of the three speakers at the hearing represented the incorporated villages of Nissequoque and Head of the Harbor. Comments from federal and State agencies was solicited and received by the Department of State. The Town gave consideration to all comments and responded appropriate by revising the draft LWRP and by responding to comments in the FEIS.

In February 1988 the Town attended a scoping session for the development of a master plan for Caleb Smith State Park. At the request of those conducting the session the Town's representative explained some of the details of the LWRP. The Town requested that NYSOPRHP take into consideration the policies and standards of the Town's LWRP.

1. Coordinating with Affected Agencies and Resolving Conflicts

To date, the Town of Smithtown has not had any notification of conflicts with affected agencies except for the Villages of Head of the Harbor and Nissequogue. The conflict revolves around the intensity of uses in Stony Brook Harbor. The Town desires to increase the berthing capacity of boats; the villages are attempting to restrict boating in the Harbor, particularly in the southern end. Representatives of the Town Planning Department met with contact persons for the Villages in the early part of 1985. Subsequently the Town met with contact persons and other representatives of the Villages to work out differences regarding the boating problem. The Town agreed to limit the number of moorings in return for the Villages' approval to increase the number of slips.

If any other conflicts develop, the Town will meet with the Villages. It is not anticipated that the Town will have conflicts with the adjoining Towns. It is possible that the Town may have conflicts with State agencies such as the Department of Transportation.

2. Documenting Consultation Activities

The Town maintains LWRP correspondence files documenting consultation activities. A summary of consultation activities is as follows:

December 26, 1984	Letter sent to Civic Organizations informing them of a proposed meeting to discuss the LWRP.
December 26, 1984	Letter sent to all interested agencies regarding a proposed meeting concerning the LWRP.
January 14, 1985	Letter received from DOT regarding the outcome of the January 10 meeting on the LWRP.
February 27, 1985	Letter received from Villages of the Head of the Harbor and Nissequogue regarding the Joint Committee on Coastal Management Planning.
June 3, 1985	Letter sent to Civic Organizations regarding LWRP.
June 3, 1985	Letter sent to interested agencies containing a copy of Parts I-III of the LWRP.
June 3, 1985	Letter sent to the Departments of Parks, Engineering, Highway, DEP, Traffic, and Building along with a copy of Parts I-III of the LWRP.
June 7, 1985	Letter sent to Suffolk County Legislature's Office regarding the progress of the LWRP.

March 19, 1986	Letter sent to Joint Committee on Coastal Management Planning, Villages of Head of the Harbor and Nissequogue.
April 18, 1986	Letter sent to Civic Organizations concerning Parts I-V of the LWRP.
April 21, 1986	Letter sent to Joint Committee on Coastal Management Planning, Villages of Head of the Harbor and Nissequogue regarding the LWRP.

A. Town of Smithtown Community and Government Participation

1. The Town Board appointed an eight member Local Waterfront Advisory Committee representing various civic associations and community groups. The Committee took an active role in the preparation of the LWRP.
2. The Town has compiled an inventory of all public agencies that are affected by actions in the waterfront area. The Town encouraged agencies to review and comment on the LWRP as it progressed by forwarding the LWRP drafts to the agencies.
3. The Town encouraged the participation of the general public and community groups in the development of the program through newspaper circulations and public meetings of the Local Waterfront Advisory Committee. The Town Board conducted public meetings to solicit further citizen comments.

B. Local Commitment and Preparation of Final Local Waterfront Revitalization Plan

In achieving local commitment to the Local Waterfront Revitalization Program (LWRP), Smithtown followed the procedure in the original outline for Task 8 of the LWRP.

The following steps were taken by Smithtown to prepare the Final LWRP and Final Environmental Impact Statement.

1. Solicited comments and held a public hearing on the Draft LWRP and Draft Environmental Impact Statement (EIS).
2. Adopted revisions to local ordinances regarding waterfront development.
3. Adopted a LWRP Consistency Law to assure consistency of all State, Federal and Local actions with Smithtown's Local Waterfront Revitalization Program.
4. Prepared a Final EIS and prepared and adopted a final LWRP.
5. Prepared a practical schedule for implementation of public improvements based on priority and availability of outside funds and participation of private developers.
6. Accepted the FEIS and issued a SEQR Notice of Completion of the FEIS pursuant to SEQR.
7. Adopted the Final Local Waterfront Revitalization Program pursuant to Article 42 of the NYS Executive Law (Waterfront Revitalization of Coastal Areas and Inland Waterways Act.)