SECTION III – LOCAL WATERFRONT REVITALIZATION POLICIES

Section III presents the *waterfront revitalization policies* and their associated standards that are to be used in guiding appropriate development and actions for the Town of Southold. They consider the economic, environmental, and cultural characteristics of Southold. The policies are comprehensive, and reflect existing laws and authority regarding development and environmental protection, including that of the Peconic Estuary Program's Comprehensive Coastal Management Plan. Taken together, these policies and their associated standards are used to determine the appropriate balance between economic development and preservation that will permit beneficial use of and prevent adverse effects on Southold's coastal resources.

The waterfront revitalization policies of the Town of Southold are a local refinement of the *Long Island Sound Regional Coastal Management Program Policies* that apply throughout the Long Island Sound region. These policy statements implement the State's 44 coastal policies as far as they are applicable within the Town of Southold. Each *policy statement* is followed by a brief explanation of the situation in Southold and the intent of the policy. This is followed by a set of policy standards. The policies are organized under four headings: *developed coast; natural coast; public coast; and working coast.* Upon adoption of the Town of Southold LWRP, the policies will become the basis for consistency determinations made by local, state and federal agencies for actions affecting Southold's coastal area.

The following is a categorized list of the Town of Southold LWRP policies:

DEVELOPED COAST POLICIES

Policy 1 Foster a pattern of development in the Town of Southold that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a coastal location, and minimizes adverse effects of development.

Policy 2 Preserve historic resources of the Town of Southold.

Policy 3 Enhance visual quality and protect scenic resources throughout the Town of Southold.

NATURAL COAST POLICIES

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

Policy 5 Protect and improve water quality and supply in the Town of Southold.

Policy 6 Protect and restore the quality and function of the Town of Southold's ecosystem.

Policy 7 Protect and improve air quality in the Town of Southold**.**

Policy 8 Minimize environmental degradation in the Town of Southold from solid waste and hazardous substances and wastes.

PUBLIC COAST POLICIES

Policy 9 Provide for public access to, and recreational use of, coastal waters, public lands, and public resources of the Town of Southold.

WORKING COAST POLICIES

Policy 10 Protect the Town of Southold's water-dependent uses and promote siting of new water-dependent uses in suitable locations.

Policy 11 Promote sustainable use of living marine resources in the Town of Southold.

Policy 12 Protect agricultural lands in the Town of Southold.

Policy 13 Promote appropriate use and development of energy and mineral resources.

DEVELOPED COAST POLICY

Policy 1	**Foster a pattern of development in the Town of Southold that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a coastal location, and minimizes adverse effects of development.**

The community character of Southold is defined by a pattern of open agricultural land interspersed with development clustered around a number of historic hamlet centers and along the many creeks and inlets found along the shoreline of the Peconic Estuary. Although Southold remains on the edge of the rapid residential development that is moving eastward from central Suffolk County, it has maintained the character of a rural community based on traditional uses such as agriculture and maritime activity. Increasing development pressure has focused on the Town's extensive agricultural areas and on the waterfront, threatening the rural character of the community and its natural resources.

The longstanding planning goals of the Town of Southold *"reflect the interest in preserving and enhancing the natural and built environment and providing opportunities for a level of growth and expansion of the economic base that is compatible with the existing scale of development, availability of water, existing sensitive environment of the Town and its historic heritage"* (Town of Southold Planning Board, 1985, p3). The future pattern of land use proposed in the **"Master Plan Update"** encouraged residential development to locate in and around existing hamlets *"in order to preserve and enhance the historic and cultural centers of the community, to support existing commercial centers, to provide locations for moderately priced housing and to encourage efficient and effective provision of community facilities and services"* (Town of Southold Planning Board, 1985, p6) and for commercial development to locate in hamlet centers.

The Town of Southold LWRP policies seek to advance these longstanding planning goals as well as to further the shared vision of the Town for itself. As expressed by the Southold Town Stewardship Task Force:

> *"This vision is of a Southold that has found a way to preserve and cherish its unique heritage, while sustaining a strong economic base. The special character of Southold, its unique combination of hamlet centers in the midst of working farmland and open space, all surrounded by clean and productive water, is central to this common vision"* (Southold Town Stewardship Task Force, 1994)

The policy is intended to foster a development pattern that provides for beneficial use of the environmental, historical, and cultural coastal resources of the Town of Southold while maintaining and building on its traditional economic base. The primary components of the desired development pattern are: strengthening the hamlets as centers of activity, maintaining a clear sense of separation between hamlet centers and the countryside, encouraging water-dependent uses to concentrate in existing locations of maritime activity, enhancing stable residential areas, and preserving agriculture, open space and environmentally sensitive coastal resources. Development that does not reinforce the traditional land use pattern of the Town of Southold would result in a loss of the community and landscape character of Southold.

Policy 2 Preserve historic resources of the Town of Southold.

The rich and varied historic resources of the Town Southold are a significant if unrecognized reminder of the community's colonial roots and its rich agricultural and nautical traditions. Although the term "historic" is used, these resources may be archeological and/or cultural in nature as well as historical. Further, these resources may be underwater as well as aboveground.

More than 1,500 locally significant aboveground structures and sites were identified in a Town-wide inventory conducted by the Society for the Preservation of Long Island Antiquities in 1988. Fifty-five of these structures have been designated as Town Landmarks.

It is worth highlighting the fact that the significance of Southold's resources has been recognized by the listing of seven properties and two historic districts on the State and National Registers of Historic Places. The two historic districts alone encompass more than 160 separate structures. Further, nautical structures occupy a prominent place in this set of resources. There are seven operating lighthouses within the Town, one of which, the Horton Point Lighthouse (Reach 2), is on the National Register. Furthermore, given the Town's long maritime history, the exploration and recovery of submerged resources from offshore waters could be considered as a potential focus of heritage tourism in its various forms.

There also is considerable evidence of the earlier Native American occupation of the region. Fishers Island in particular features extensive archaeological sites that have yielded a rich variety of subsistence material, much of which has been catalogued at the Henry Fergusen Museum on the island. The Indian Museum in Southold holds one of the largest and most significant collection of aboriginal artifacts in the State of New York. Fort Corchaug in Cutchogue contains the only known pre-historic fort of its type on Long Island. The New York State Archaeological Sensitivity Map (OPRHP, March 1992) indicates that the Town of Southold exhibits multiple site sensitivity over most of its area.

Archaeological sites, historic structures and submerged items from shipwrecks are tangible links to the past development of Southold. They are important components in defining the community's distinctive identity and heritage. The intent of this policy is to preserve these resources by encouraging and promoting private efforts to restore, conserve and maintain them.

Policy Standards

2.1 Maximize preservation and retention of historic resources.

A. Preserve the historic character of the resource by protecting historic materials and features or by making repairs using appropriate methods.

B. Provide for compatible use or reuse of the historic resource, while limiting and minimizing inappropriate alterations to the resource.

C. Minimize loss of historic resources or historic character when it is not possible to completely preserve the resource.

1. Relocate historic structures only when the resource cannot be preserved in place.
2. Allow demolition only where alternatives such as rehabilitation or relocation are not feasible.

D. Avoid potential adverse impacts of new development on nearby historic resources.

2.2 Protect and preserve archaeological resources.

A. Conduct a cultural resource investigation when an action is proposed on an archaeological site, fossil bed, or in an area identified for potential archaeological sensitivity on the archaeological resources inventory maps prepared by the New York State Department of Education.

1. Conduct a site survey to determine the presence or absence of cultural resources in the project's potential impact area.
2. If cultural resources are discovered as a result of the initial survey, conduct a detailed evaluation of the cultural resource to provide adequate data to allow a determination of the resource's archaeological significance.

B. If impacts are anticipated on a significant archaeological resource, minimize potential adverse impacts by:

1. redesigning the project
2. reducing direct impacts on the resource
3. recovering data prior to construction

C. *Avoid disturbance or adverse effects on any object of archaeological or paleontological interest situated on or under lands owned by the State of New York or the Town of Southold. These resources may not be appropriated for private use.*

2.3 Protect and enhance resources that are significant to the coastal culture of the Long Island Sound.

A. Protect the character of historic maritime areas.

Historic areas of maritime activity are significant to the coastal culture of the Town as well as the State of New York. In Southold, the Village of Greenport, Mattituck Inlet, and Orient-Oyster Ponds have been designated as historic maritime areas that are significant to the Long Island Sound region.

1. Preserve traditional uses which define the maritime character of the area.
2. Preserve maritime character by maintaining appropriate scales, intensity of use, and architectural style.
3. Provide interpretive materials in appropriate settings to augment the public's understanding and appreciation of maritime heritage.

B. Preserve and enhance historic lighthouses and other navigational or nautical structures.

There are seven historically significant navigational aids within the Town of Southold: Horton Point Lighthouse, the Teapot Lighthouse at Orient Point, the Plum Island Lighthouse, the Little Gull Island Light Station, Bug Light at Long Beach Bar, and the North Dumpling Lighthouse and Race Point Lighthouse near Fishers Island. The Town of Southold will promote the protection and enhancement of these historic maritime features.

C. Where present, protect underwater historic, archaeological and cultural resources.

These resources are part of the Town's maritime history as well as a potential source of economic revenue through heritage tourism and sport diving, to name two possible activities.

Policy 3	**Enhance visual quality and protect scenic resources throughout the Town of Southold.**

The Town of Southold contains a variety of unique and beautiful scenic components. These resources are defined by traditional patterns of development that were based on agriculture, the strongest visual element in Southold, and maritime activities.

The visual quality of the landscape is a major contributor to the community character of the Town of Southold. The Town includes different landforms, a variety of upland and shoreline vegetation, a complex land and water interface, well-defined harbors, and historic hamlets. In addition to the many highly scenic natural resources found throughout the Sound, the variety of cultural elements in the landscape and the interplay of the built and natural environments, especially along the waterfront, are of particular importance to the visual quality of the Town.

The intent of this policy is to protect and enhance the visual quality of the Town of Southold as well as to improve the quality of deteriorated areas and other negative visual elements. The preservation of the aesthetic, historic, and scenic character of the Town is critical to the continuance of its attraction and economic vitality as a year-round waterfront community.

Many of the important scenic components in the Town of Southold can be viewed from local roads and from the public parks along the shoreline. NY Route 25 runs the length of Southold and is one of the Town's more aesthetic as well as heavily traveled roadways. Views from this road are extensive and varied. It offers unfolding views of the hamlet centers and open agricultural areas and views of Long Island Sound, Orient Harbor and the open countryside of Orient. Similarly, Suffolk County Route 48 is another heavily traveled arterial that parallels State Route 25. It offers a contrast to SR 25's winding ambiance, particularly between Mattituck and Southold, by offering wide open vistas of farm fields fringed by woodlands.

The Town of Southold is promoting the protection of the scenic components associated with SR 25 and CR 48 through a Scenic Byway Corridor Management Plan (2001).

Policy Standards

3.1 Enhance visual quality and protect scenic resources throughout the Town of Southold.

A. Minimize introduction of structural design components (including utility lines, lighting, signage and fencing) which would be discordant with existing natural scenic components and character.

B. Restore deteriorated and remove degraded visual components.

C. Screen components of development which detract from visual quality.

D. Use appropriate siting, scales, forms, and materials to ensure that structures are compatible with and add interest to existing scenic components.

E. Preserve existing vegetation and establish new indigenous vegetation to enhance scenic quality:

1. Preserve existing vegetation which contributes to the scenic quality of the landscape.
2. Allow for selective clearing of vegetation to provide public views without impairing values associated with the affected vegetation.
3. Restore historic or important designed landscapes to preserve intended or designed aesthetic values.
4. Restore or add indigenous vegetative cover that presents a natural appearance.

F. Improve the visual quality associated with hamlet areas.

G. Improve the visual quality of historic maritime areas.

H. Protect the visual interest provided by active water-dependent uses.

I. Anticipate and prevent impairment of dynamic landscape elements that contribute to ephemeral visual qualities.

J. *Protect visual quality associated with public lands, including public transportation routes, public parks and public trust lands and waters.*

1. Limit water surface coverage or intrusion to the minimum amount necessary.
2. Limit alteration of shoreline elements which contribute to scenic quality.

K. *Protect visual quality associated with agricultural land, open space and natural resources.*

1. Maintain or restore original landforms except where altered landforms provide useful screening or contribute to scenic quality.
2. Group or orient structures during site design to preserve open space and provide visual organization.
3. Avoid structures or activities which introduce visual interruptions to natural landscapes including:
   a. introduction of intrusive artificial light sources
   b. fragmentation of and structural intrusion into open space areas
   c. changes to the continuity and configuration of natural shorelines and associated vegetation

NATURAL COAST POLICIES

Policy 4	**Minimize loss of life, structures, and natural resources from flooding and erosion.**

In response to existing or perceived erosion and flood hazards, many landowners in Southold have constructed erosion control structures. Much of the hardened shoreline is not associated with water-dependent uses, but rather with uses that do not have a functional relationship to coastal waters, particularly residential development. While some erosion control structures are necessary to protect development, there are many erosion control structures located along the shoreline of the Town of Southold that are not necessary for erosion protection.

Erosion control structures can be both beneficial and detrimental. While they may protect the immediate land behind the structure, they often contribute to erosion both on and off the site due to poor design and siting and lack of downdrift remediation of sand. Poor design and siting has resulted in accelerated erosion, aesthetic impairments, loss of public recreational resources, loss of valuable marine and wetland habitats, and water quality degradation. The cumulative impact of these structures can be large in area and significant in impact. Therefore, before a permit is granted for erosion control structures, the purpose, function, impact, and alternatives to the project must be carefully evaluated to determine whether the structures are necessary and whether adverse impacts can be avoided or minimized.

Although parts of the Southold shoreline have been fortified, there are significant stretches of the coast that remain in a natural state. The natural shoreline has an inherent natural, social, and economic value that should be respected to ensure continuing benefits to the town, region and state. Consequently, those portions of the Town's shoreline that are not fortified should generally remain in a natural condition to respond to coastal processes.

Development and redevelopment in hazard areas needs to be managed to reduce exposure to coastal hazards. Hardening of the shoreline is to be avoided except when alternative means, such as soft engineering alternatives are not effective. Beach nourishment, revegetation, offshore bar building, or inlet sand bypassing are preferred approaches to control erosion because of their lower cost and fewer environmental impacts than hard structures. Hard structures may be necessary to protect principal structures or areas of extensive public investment. Areas of extensive public investment include parts of Mattituck Inlet and the Village of Greenport, the focus of maritime activity within Southold.

Barrier landforms that protect significant public investment or natural resources should be maintained. Soft structural protection methods are to be used to conform with the natural coastal processes. Barrier beach landforms should be maintained by using clean, compatible dredged material, when feasible, for beach nourishment, offshore bar building, or marsh creation projects.

The shoreline of the Town of Southold can be split into the shorelines of Long Island Sound and the Peconic Estuary. Certain coastal landforms, processes and trends characterize these two distinct shorelines.

- ***The Long Island Sound shoreline***

Over the short-term, the Long Island Sound shoreline is dynamically stable; however, long-term erosion is slow, as the eroding bluffs resupply sand to the beaches. Mattituck Inlet (Reach 1) and Goldsmith Inlet (Reach 2) are both protected by jetties. Only a few thousand feet of bulkhead and less than 100 groins have been built over the 39 miles of Southold's Long Island Sound shoreline. But, these private groins and bulkheads, designed to protect bluffs from erosion, have played a role in taking the natural system out of equilibrium.

- ***The Peconic Estuary shoreline***

Approximately one-quarter of the shoreline in each of the Reaches 6, 7, 8 and 9 are bulkheaded and most of the inlets and creeks along the Peconic Estuary shoreline have bulkheading along over 20 percent of their shoreline (Dobriner, 1990). In residential areas, about 50 percent of the shoreline is bulkheaded. Over 1,000 groins and numerous jetties can be found throughout the shoreline of the Peconic Estuary, mostly concentrated in Reaches 7, 8 and 9. Jetties have been built at the mouths of the inlets on the Peconic Estuary. Many of these inlets have been dredged by the Town and Suffolk County and placement of the material on adjacent beaches has been an important soft engineering approach to erosion management in the Town of Southold. Much of the erosion along the Peconic Estuary is due to the effects of hard erosion protection structures, reflecting the piecemeal approach that has been used to protect individual properties. Bulkheads have caused localized scouring and erosion and the groins have altered the beach profiles and interrupted the movement of sand.

The Peconic Estuary Program adopted a “no net increase” policy, as detailed in the following recommendation: “Maintain current linear feet of natural shoreline and over the next 15 years reduce shoreline hardening structures by five percent (measured by the percent change of natural vs. hardened shorelines) through GIS mapping. (CCMP, Chapter 1. page 12.)

- ***Common Management Units***

The Town of Southold has identified a series of common management units. Each area can be characterized by an overriding management objective, which seeks to minimize erosion impacts.

Three common management units make up the Long Island Sound shoreline of the Town of Southold:

- *Jetty areas*

Methods should be applied wherever possible to have sand bypass the jetties.

- *Areas of low bluffs or dunes*

Development should be minimized within these areas, with structures set back from the low bluffs or dunes, existing houses should be moved back where possible, and native plantings used to protect the bluffs and dunes. Hard shoreline protection structures should only be allowed when a property is in danger, and no other alternative will save the structure.

- *Areas of high bluffs*

Few erosion protection structures are found in areas of high bluffs, allowing the shoreline to erode naturally. If hard structures are built in these areas, this dynamic would change. The hard structures would cause an overall increase in the rate of erosion as the shoreline tries to come into equilibrium with the loss of sand source. Development should be minimized within these areas, with structures set back from the bluffs, existing houses should be moved back where possible, and native plantings used to protect the bluffs. Hard shoreline protection structures should only be allowed when a property is in danger, and no other alternative will save the structure.

Four common management units make up the Peconic Estuary shoreline of the Town of Southold. Certain locations may have two of these characteristics, and therefore policy decisions will involve weighing management objectives.

- *Creek mouths*

Methods should be applied wherever possible to have sand bypass the creek mouths. Dredged sand should be used as beach nourishment.

- *Wave exposed shores*

Much of this unit has been protected with bulkheads and groins. Management efforts need to focus on mitigating the impacts of these structures on the remaining natural shoreline, natural resources and public trust lands. The use of non-structural measures should be encouraged.

- *Wave protected shores*

Much of this unit has been protected with bulkheads and groins. Management efforts need to focus on mitigating the impacts of these structures on the remaining natural shoreline, natural resources and public trust lands. The use of non-structural measures should be encouraged.

- *Flood-Prone Areas*

Much of the Peconic Estuary shoreline is flood-prone. The traditional method of preventing damage has been to protect property and houses with bulkheads,

raising the property out of the floodplain. Management efforts in this area seek to mitigate the effects of flooding through the siting and design of structures.

The intent of this policy is to protect life, structures, and natural resources from flooding and erosion hazards throughout the Town of Southold. The policy reflects state flooding and erosion regulations and provides measures for reduction of hazards and protection of resources.

Definitions

Coastal Barrier Resource Area is any one of the designated and mapped areas under the Coastal Barrier Resources Act of 1982, (P.L. 97-348), and any areas designated and mapped under the Coastal Barrier Improvement Act of 1990 (P.L. 101-591), as administered by the U.S. Fish and Wildlife Service, and any future designations that may occur through amendments to these laws.

Coastal Hazard Area is any coastal area included within the Erosion Hazard Area as designated by the New York State Department of Environmental Conservation pursuant to the Coastal Erosion Hazard Areas Act of 1981 (Article 34 of the Environmental Conservation Law), and any coastal area included within a V-zone as designated on Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency pursuant to the National Flood Insurance Act of 1968 (P.L. 90-448) and the Flood Disaster Protection Act of 1973 (P.L. 93-234).

Natural protective features are nearshore areas, beaches, dunes, bluffs, and wetlands and associated natural vegetation.

Policy Standards

4.1 Minimize losses of human life and structures from flooding and erosion hazards.

The following management measures to minimize losses of human life and structures from flooding and erosion hazards are suggested:

A. Minimize potential loss and damage by locating development and structures away from flooding and erosion hazards.

1. Avoid development other than water-dependent uses in coastal hazard areas. Locate new development which is not water-dependent as far away from coastal hazard areas as practical.
    a. No development is permitted in natural protective feature areas, except as specifically allowed under the relevant portions of 6 NYCRR 505.8.
    b. Avoid hazards by siting structures to maximize the distance from Coastal Erosion Hazard Areas.
    c. Provide sufficient lot depth to allow relocation of structures and maintenance of required setbacks over a period of thirty years.
2. Avoid reconstruction of structures, other than structures that are part of a water-dependent use, damaged by 50% or more of their value in coastal hazard areas.
3. Move existing development and structures as far away from flooding and erosion hazards as practical. Maintaining existing development and structures in hazard areas may be warranted for:

a. structures which functionally require a location on the coast or in coastal waters.
b. water-dependent uses which cannot avoid exposure to hazards.
c. sites in areas with extensive public investment, public infrastructure, or major public facilities.
d. sites where relocation of an existing structure is not practical.

4. Provide public infrastructure in or near identified high velocity flood zones, structural hazard areas, or natural protective features only if the infrastructure:
   a. will not promote new development or expansion of existing development in: a Coastal Barrier Resource Area, except as provided in the Coastal Barrier Resource System Act; a Coastal Erosion Hazard Area; or a V-zone.
   b. is designed in a manner which will not impair protective capacities of natural protective features, and
   c. is designed to avoid or withstand damage from flooding and erosion
5. Manage development in floodplains outside of coastal hazard areas so as to reduce adverse environmental effects, minimize the need for future structural flood protection measures, or expansion of existing protection measures and to meet federal flood insurance program standards.

B. *Use vegetative non-structural measures to manage flooding and erosion hazards.*

1. Use vegetative non-structural measures which have a reasonable probability of managing flooding and erosion, based on shoreline characteristics including exposure, geometry, and sediment composition.
2. Use vegetative measures to increase protective capabilities of natural protective features.
   Discourage clearing of existing, particularly indigenous vegetation during siting, design, construction and regrading phases of any development project.
3. Discourage alteration of existing natural drainage contours and swales and encourage enhancement of those natural drainage features where they exist.

C. *Enhance existing natural protective features and processes, and use non-structural measures which have a reasonable probability of managing erosion*

1. Enhance the protective capabilities of beaches by using fill, artificial nourishment, dredge disposal, or by restoring coastal processes.
   a. Use only clean sand or gravel with a grain size equivalent to or slightly larger than the native material at the project site.
   b. Design criteria for enhancing the protective capabilities of beaches should not exceed the level necessary to achieve protection from a 30-year storm, except where there is an overriding public benefit.
   c. Provide for sand by-passing at engineered inlets or other shore protection structures to maintain coastal processes and protective capabilities of beaches.

2. Protect and enhance existing dunes or create new dunes using fill, artificial nourishment, or entrapment of windborne sand.
    a. Use only clean sand with a grain size equivalent or slightly larger than native dune material.
    b. Design criteria for created dunes should not exceed the overtopping height defined by the 30-year storm, except where there is an overriding public benefit.
    c. Enhance existing or created dunes using snow fencing and dune vegetation.
    d. Construct and provide for use of walkovers to prevent pedestrian damage to existing and enhanced dunes.
3. Increase protective capacity of natural protective features using practical vegetative measures in association with all other enhancement efforts.

D. Use hard structural erosion protection measures for control of erosion only where:

1. Avoidance of the hazard is not appropriate because a structure is functionally dependent on a location on or in coastal waters; located in an area of extensive public investment; or reinforces the role of Maritime Centers or Areas for Concentrated Development.
2. Vegetative approaches to controlling erosion are not effective.
3. Enhancement of natural protective features would not prove practical in providing erosion protection.
4. Construction of a hard structure is the only practical design consideration and is essential to protecting the principal use.
5. The proposed hard structural erosion protection measures are:
    a. limited to the minimum scale necessary
    b. based on sound engineering practices
6. Practical vegetative methods have been included in the project design and implementation.
7. Adequate mitigation is provided and maintained to ensure that there is no adverse impact to adjacent property or to natural coastal processes and natural resources and, if undertaken by a private property owner, does not incur significant direct or indirect public costs.

4.2 Protect and restore natural protective features.

Natural protective geologic features provide valuable protection and should be protected, restored and enhanced. Destruction or degradation of these features should be discouraged or prohibited.

A. No development is permitted in natural protective feature areas, except as specifically allowed under the relevant portions of 6 NYCRR 505.8.

B. Maximize the protective capabilities of natural protective features by:

1. avoiding alteration or interference with shorelines in a natural condition
2. enhancing existing natural protective features
3. restoring the condition of impaired natural protective features wherever practical

4. using practical vegetative approaches to stabilize natural shoreline features
5. managing activities to limit damage to, or reverse damage which has diminished, the protective capacities of the natural shoreline
6. providing relevant signage or other educational or interpretive material to increase public awareness of the importance of natural protective features

C. Minimize interference with natural coastal processes by:

1. providing for natural supply and movement of unconsolidated materials and for water and wind transport
2. limiting intrusion of structures into coastal waters

D. A limited interference with coastal processes may be allowed where the principal purpose of the structure is necessary to:

1. simulate natural processes where existing structures have altered the coast
2. provide necessary public benefits for flooding and erosion protection
3. provide for the efficient operation of water-dependent uses

Limited interference is to be mitigated to ensure that there is no adverse impact to adjacent property, to natural coastal processes and natural resources, and, if undertaken by a private property owner, does not incur significant direct or indirect public costs.

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

A. Retain ownership of public trust lands which have become upland areas due to fill or accretion resulting from erosion control projects. (However, in situations where erosion control projects have created public land updrift, but also resulted in damage or erosion to public lands and public trust lands downdrift of the control structure, the public benefit of that structure or project should be re-examined and appropriate modifications made as conditions suggest.)

B. Avoid losses or likely losses of public trust lands or use of these lands, including public access along the shore, which can be reasonably attributed to or anticipated to result from erosion protection structures.

C. Provide and maintain compensatory mitigation of unavoidable impacts on public trust lands and their use.

4.4 Manage navigation infrastructure to limit adverse impacts on coastal processes.

A. Manage stabilized inlets to limit adverse impacts on coastal processes.

1. Include sand bypassing at all engineered or stabilized inlets which interrupt littoral processes.
2. Avoid extending jetties when it will increase disruption of coastal processes.
3. Consider removing existing jetties when they do not protect existing water-dependent uses and disrupt coastal processes.

B. Design channel construction and maintenance to protect and enhance natural protective features and prevent destabilization of adjacent areas.

C. Use clean dredged material as beach nourishment whenever the grain size of the dredged material is the same size or slightly larger than the grain size of the potential recipient beach.

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

Give priority in expenditure of public funds to actions which protect public health and safety; mitigate flooding and erosion problems caused by previous human intervention; protect areas of intensive development; and protect substantial public investment in land, infrastructure, and facilities.

A. Expenditure of public funds for flooding or erosion control projects:

1. is limited to those circumstances where public benefits exceed public costs
2. is prohibited for the exclusive purpose of flooding or erosion protection for private development, with the exception of work done by an erosion control district,

B. Factors to be used in determining public benefit attributable to the proposed flood or erosion control measure include:

1. economic benefits derived from protection of public infrastructure and investment and protection of water-dependent commerce, or
2. protection of significant natural resources and maintenance or restoration of coastal processes, or
3. integrity of natural protective features, or
4. extent of public infrastructure investment, or
5. extent of existing or potential public use

4.6 The siting and design of projects involving substantial public expenditure should factor in the trend of rising sea levels.

Policy 5 Protect and improve water quality and supply in the Town of Southold.

The purpose of this policy is to protect the quality and quantity of water in the Town of Southold. Quality considerations include both point source and non-point source pollution management so that existing and potential sources of groundwater contamination are either removed or reduced significantly. The primary quantity consideration is the maintenance of an adequate supply of potable water in the Town to supply the projected demand from residential and agricultural uses.

Historically, the Town of Southold has relied upon its groundwater resources to supply its drinking water needs. The Town's groundwater is its sole source of drinking and irrigation water, a fact that is recognized by its designation by the State of New York as a Special Groundwater Protection Area in 1992. This resource is fed by precipitation that filters through

highly permeable soils. For that reason, land uses, residential, commercial and agricultural, can have a significant impact on the quantity and quality of potable drinking water.

Professional opinions about the estimated quantity of groundwater vary depending on which set of assumptions is used. A significant portion of the groundwater resource has been impacted negatively by either nitrogen or organic chemicals, thus necessitating treatment before being used for human consumption. Much of this contamination can be traced to commonly accepted agricultural practices that predated our understanding of the permeability of the agricultural soils and the unsuitability of some fertilization and pesticide application practices for soils which overlay a sole-source aquifer.

Given that the Town has adopted a strong policy and course of action to maintain the land and support base of its agricultural industry, a balance must be struck whereby the public health is protected. This situation suggested a conservative approach to water supply management and watershed protection; outlined in the Town of Southold's *Water Supply Management & Watershed Protection Strategy.* The *WSM&WPS* was endorsed by the Town Board in June of 2000, and its goals and objectives have been incorporated throughout the LWRP. The Goals and Objectives of the WSM&WPS are listed below:

Goals

1) To protect and preserve a healthful drinking water supply sufficient to serve the existing future residents of the Town, while maintaining and enhancing the natural resources and quality of life in the town.
2) To provide public drinking water to existing residents and businesses in need without precipitating uncontrolled growth.
3) To manage future growth to ensure a sustainable drinking water supply from the Southold Township sole source aquifer.
4) To preserve the town's farming blocks in order to protect farming operations, limit the need for additional drinking water in these areas, and provide, through agricultural best management practices, a continual improvement to the groundwater quality in the area.
5) To conserve drinking water supplies by reducing wasteful water use.
6) To integrate land conservation, agricultural activities, and development control to preserve a sustainable balance between water recharge and drinking water use.
7) To constructively protect the Town's sole source aquifer from contamination by inappropriate land use practices.

Objectives

1) Develop land management and zoning strategies:
   - To prevent inappropriate land uses or practices from occurring within designated groundwater protection areas;
   - To guild development in order to minimize its impact on the groundwater aquifer;
   - To scale development to a level which respects the limitations of water supply.
2) Develop strategies to mitigate or remove existing threats to designated groundwater protection areas, or mitigate possible deterioration to drinking water quality, especially in private wells.

3) Promote and guild compact, orderly growth into areas where sustainable drinking water supplies exist.
4) Preserve and protect groundwater recharge areas in and around existing and planned drinking water supply well-heads.
5) Accommodate growth and change within the Town which: respects the geographical and geological limitations to the drinking water supply; does not damage the groundwater aquifer; does not, by cumulative impact, destroy the fundamental economic base, environmental character and unique way of life which make up the quality of life in the Township of Southold.

(Source: Town of Southold Water Supply Management & Watershed Protection Strategy. Charles J. Voorhis, Nelson, Pope & Voorhis, LLC and Valerie Scopaz, Town of Southold Planning Board/Department, June 2000, p.3, Section 1.4)

In addition, the Town of Southold recognizes the importance of maintaining high water quality in its surface waters. Impairments to its salt and fresh waters from careless land practices, stormwater runoff, malfunctioning on-site wastewater treatment systems and boater pollution are the main concerns. The Town also is concerned about water quality impairments to Long Island Sound near the outfall pipe from the Village of Greenport's Sewage Treatment Plant. The Town's goals are to maintain high water quality and reduce incidences of degraded water quality in order to maintain environmental health of its marine ecosystems and the aesthetic quality of unpolluted waters.

Significant strides have been taken in reducing the impacts of point and non-point sources of pollution, yet the Town's water resources remain at risk. Today's challenges focus on resolving the remaining pollution problems, particularly those associated with non-point sources, and protecting and restoring the natural resources of the valuable ecological complexes and aquatic ecosystems within and adjacent to the Town of Southold. The Town of Southold has identified the need for the preparation of Watershed Management Plans for the main creeks and waterbodies in Southold. Such plans would help mitigate the impacts of these impairments within the watersheds and result in improvements to water quality. *Sections IIJ*. and *IIK*. discussed these concerns in more detail.

Finally, the Town of Southold recognizes that it is an integral part of the Peconic Estuary. The Town is an active participant in the *Peconic Estuary Program*.

Policy Standards

5.1 Prohibit direct or indirect discharges that would cause or contribute to contravention of water quality standards.

A. Restore the Town of Southold's water quality by limiting major sources of surface water quality impairment.

1. Limit nitrogen loadings from wastewater treatment facilities to levels at or below levels occurring in 1990.
2. Reduce nitrogen discharges sufficient to achieve dissolved oxygen levels that would limit the occurrence of hypoxia.

3. Remediate existing contaminated sediment and limit the introduction of new contaminated sediment in order to reduce loading of toxic materials into surface waters.

B. Prevent point source discharges into Southold's coastal waters and manage or avoid land and water uses that would:

1. exceed applicable effluent limitations, or
2. cause or contribute to contravention of water quality classification and use standards, or
3. adversely affect receiving water quality, or
4. violate a vessel no-discharge zone.
5. be contrary to Phase III of the Long Island Sound Study's Nitrogen Reduction Plan which calls for a 58.5% Sound-wide reduction in nitrogen levels.`

C. Ensure effective treatment of sanitary sewage and industrial discharges by:

1. maintaining efficient operation of sewage and industrial treatment facilities
2. providing, at a minimum, effective secondary treatment of sanitary sewage and where discharge to the groundwater is warranted, requiring sufficient treatment of sanitary sewage to avoid negative impacts to the sole source aquifer
3. modifying existing sewage treatment facilities to provide improved nitrogen removal capacity
4. incorporating treatment beyond secondary, as feasible, particularly focusing on nitrogen removal, as part of new or expanded wastewater treatment plant design
5. reducing demand on treatment facilities
6. reducing the loadings of toxic materials into waters by including limits on toxic metals as part of wastewater treatment plant effluent permits
7. reducing or eliminating combined sewer overflows
8. providing and managing on-site disposal systems:
    a. use on-site disposal systems only when impractical to connect with public sewer systems,
    b. protect surface and groundwater against contamination from pathogens and excessive nutrient loading by keeping septic effluent separated from groundwater and by providing adequate treatment of septic effluent,
    c. encourage the evaluation and implementation of alternative or innovative on-site sanitary waste systems to remediate on-site systems that currently do not adequately treat or separate effluent,
    d. encourage the use of alternative or innovative on-site sanitary waste systems where development or redevelopment of grandfathered parcels would otherwise increase the level of negative impacts on ground or surface waters, including wetlands.

5.2 Minimize non-point pollution of coastal waters and manage activities causing non-point pollution.

A. *Minimize non-point pollution of coastal waters using the following approaches, which are presented in order of priority.*

1. Avoid non-point pollution by limiting non-point sources.
    a. Reduce or eliminate introduction of materials which may contribute to non-point pollution.
    b. Avoid activities which would increase off-site stormwater runoff and transport of pollutants.
    c. Control and manage stormwater runoff to:
        - minimize transport of pollutants
        - restore sites to emulate natural stormwater runoff conditions where degraded stormwater runoff conditions exist
        - achieve no net increase of runoff where unimpaired stormwater runoff conditions exist
    d. Retain or establish vegetation to maintain or provide:
        - soil stabilization
        - filtering capacity in riparian and littoral zones
    e. Preserve natural hydrologic conditions.
        - Maintain natural surface water flow characteristics.
        - Retain natural watercourses and drainage systems where present.
        - Where natural drainage systems are absent or incapable of handling the anticipated runoff demands:
            - develop open vegetated drainage systems as the preferred approach and design these systems to include long and indirect flow paths and to decrease peak runoff flows
            - use closed drainage systems only where site constraints and stormwater flow demands make open water systems infeasible

2. Reduce pollutant loads to coastal waters by managing unavoidable non-point sources and by using appropriate best management practices as determined by site characteristics, design standards, operational conditions, and maintenance programs.

B. *Reduce non-point source pollution using specific management measures appropriate to specific land use or pollution source categories.*

Management measures that apply to specific land use or pollution sources are considered in *Section II.* These management measures are to be applied within the context of the prioritized approach of avoidance, reduction, and management presented in the previous policy section. Further information on specific management measures is contained in *Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters* (U.S. EPA, 840-B-92-002). Where agricultural practices are concerned, the Town advocates those best management methods developed in conjunction with the U.S. Soil

Conservation Service and the Cornell University Cooperative Extension in Riverhead

5.3 Protect and enhance quality of coastal waters.

A. Protect water quality based on an evaluation of physical factors (pH, dissolved oxygen, dissolved solids, nutrients, odor, color and turbidity), health factors (pathogens, chemical contaminants, and toxicity), and aesthetic factors (oils, floatables, refuse, and suspended solids).

B. Minimize disturbance of streams and creeks including their bed and banks in order to prevent erosion of soil, increased turbidity, and irregular variation in velocity, temperature, and level of water.

C. Protect water quality of coastal waters from adverse impacts associated with excavation, fill, dredging, and disposal of dredged material.

5.4 Limit the potential for adverse impacts of watershed development on water quality and quantity.

A. Protect water quality by ensuring that proposed expansion or intensification of existing watershed development results in:

1. protection of areas that provide important water quality benefits
2. maintenance of natural characteristics of drainage systems, and
3. protection of areas that are particularly susceptible to erosion and sediment loss

B. Limit the individual impacts associated with development to prevent cumulative water quality impacts which would lead to a failure to meet water quality standards.

5.5 Protect and conserve the quality and quantity of potable water.

A. Prevent contamination of potable waters by limiting discharges of pollutants to maintain water quality according to water quality classification, and limiting, discouraging or prohibiting land use practices that are likely to contribute to contravention of surface and groundwater quality classifications for potable water supplies.

B. Prevent depletion of existing potable water supplies by limiting saltwater intrusion in aquifers and estuaries, through conservation methods or restrictions on water supply use and withdrawals, and by allowing for recharge of potable aquifers.

C. Limit cumulative impact of development on groundwater recharge areas to ensure replenishment of potable groundwater supplies.

Policy 6	**Protect and restore the quality and function of the Town of Southold ecosystem.**

The Town of Southold is a complex ecosystem consisting of physical (non-living) and biological (living) components and their interactions. The physical components include the open waters and embayments of Long Island Sound, the Peconic Bays, Shelter Island Sound, Gardiners Bay, Fishers Island Sound and Block Island Sound, as well as coastal lowlands, headlands, bluffs, adjacent upland areas, small offshore islands, and soils. These features continue to develop and change through the action of tides and offshore currents, and through weathering by precipitation and surface runoff. The biological components include the plants and animals that make up a wide range of ecological communities in and around the Town of Southold.

Certain natural resources that are important for their contribution to the quality and biological diversity of the Town's ecosystem have been specifically identified by the State of New York for protection. These natural resources include regulated tidal and freshwater wetlands; designated Significant Coastal Fish and Wildlife Habitats; and rare, threatened, and endangered species. In addition to specifically identified discrete natural resources, the quality of the Town's ecosystem also depends on more common, broadly distributed natural resources, such as the extent of forest cover, the population of overwintering songbirds, or benthic communities. These more common natural resources collectively affect the quality and biological diversity of the Sound ecosystem.

The role of the Southold Town Board of Trustees in the protection and management of the Town's ecosystem, particularly as it relates to surface waters is recognized by the Town. The policy standards noted below recognize that federal and state legislation governing the protection, management and restoration of the environment are not always sufficiently restrictive to protect local resources. Where the Town and its Board of Trustees have implemented protective measures that exceed that of federal and state regulations, local regulations and standards should be complied with.

Policy Standards

6.1 Protect and restore ecological quality throughout the Town of Southold.

A. Avoid adverse changes to the Long Island Sound and the Peconic Bay ecosystems that would result from impairment of ecological quality as indicated by:

1. *Physical loss of ecological components*
   Physical loss is often the most obvious natural resource impairment to identify. It usually results from discrete actions, such as filling or excavating a wetland or clearing an upland forest community prior to development.
2. *Degradation of ecological components*
   Degradation occurs as an adverse change in ecological quality, either as a direct loss originating within the resource area or as an indirect loss originating from nearby activities. Degradation usually occurs over a more extended period of time than physical loss and may be indicated by increased siltation, changes in community composition, or evidence of pollution.

3. *Functional loss of ecological components*
   Functional loss can be indicated by a decrease in abundance of fish or wildlife, often resulting from a behavioral or physiological avoidance response. Behavioral avoidance can be due to disruptive uses that do not necessarily result in physical changes, but may be related to introduction of recreational activities or predators. Timing of activities can often be critical in determining whether a functional loss is likely to occur. Functional loss can also be manifested in physical terms, such as changes in hydrology.

B. Protect and restore ecological quality by adhering to the following measures.

1. Maintain values associated with natural ecological communities.
   Each natural ecological community has associated values which contribute to the ecological quality of the Town of Southold. These values should be assessed on a case-by-case basis.
2. Retain and add indigenous plants to maintain and restore values of natural ecological communities.
   a. Protect existing indigenous plants from loss or disturbance to the extent practical.
   b. Include use of suitable indigenous plants in the landscaping plans for new development and in redevelopment projects where loss or disturbance of existing indigenous plants could not be prevented during construction.
3. Avoid fragmentation of ecological communities and maintain corridors to facilitate the free exchange of biological resources within and among communities.
   a. Each individual resource area should be maintained as a complete contiguous areas to protect the area's natural resource values. Specifically, actions that would fragment the ecological community into separate ecological islands should be avoided.
   b. Where fragmentation of ecological communities has already occurred, the adverse effects of fragmentation can be mitigated by maintaining or providing connecting corridors to allow exchange of biological resources.
4. Maintain ecological integrity of particular locales by maintaining structural and functional attributes, including normal variability, to provide for self-sustaining systems.
5. Avoid permanent adverse change to ecological processes.

C. Reduce adverse impacts on ecological quality due to development.

1. Reduce adverse effects of existing development.
2. Mitigate impacts of new development.

6.2 Protect and restore Significant Coastal Fish and Wildlife Habitats.

The Town of Southold is rich in habitats that support diverse and often large wildlife populations, many of which are of commercial or recreational value. The importance of

these habitats has been recognized through the state designation of twenty-one Significant Coastal Fish and Wildlife Habitats in Southold:

Reach 1	Mattituck Inlet Wetlands and Beaches
Reach 2	Goldsmith Inlet and Beach
Reach 5	Orient Harbor
	Long Beach Bay
	Plum Gut
	Great Gull Island
Reach 6	Hashamomuck Pond
	Conkling Point
	Port of Egypt Island
	Pipes Cove Creek and Moores Drain
Reach 7	Jockey Creek Spoil Area
	Cedar Beach Point
	Corey Creek
	Richmond Creek and Beach
Reach 8	Little Creek and Beach
	Cutchogue Harbor Wetlands
	Robins Island
Reach 9	Downs Creek
Reach 10	The Race
	Fishers Island Beaches, Pine Islands and Shallows
	Dumpling Islands and Flat Hammock

These habitats cover the full range of habitats typical on the East End of Long Island and include dunes, beaches, wetlands, islands and open water. The Town of Southold recognizes the importance of protecting and enhancing these wetlands and habitats.

All of these habitats have experienced and continue to experience human disturbance. This includes the effects of bulkheading, filling and dredging, removal of vegetation, adjacent land uses, and recreational activities and facilities, such as fishing, hunting and boating and the associated marina and boat launch facilities. These impacts do not have to destroy or impair the natural resources of the habitats. In addition to avoiding incompatible use of the habitats and adjacent land, many management measures can be taken to ensure that negative impacts do not occur.

A. Protect Significant Coastal Fish and Wildlife Habitat values from uses or activities that would:

1. Destroy habitat values associated with the designated habitat through:
   a. direct physical alteration, disturbance, or pollution, or
   b. indirect effects of actions, which would result in a loss of habitat.
2. Significantly impair the viability of the designated habitat beyond the tolerance range of important fish or wildlife species which rely on the habitat values found within the designated area through:
   a. degradation of existing habitat elements,
   b. change in environmental conditions,
   c. functional loss of habitat values, or

d. adverse alteration of physical, biological, or chemical characteristics.

The habitat impairment test presented in this section must be met for any activity that is subject to consistency review under federal and state laws. If the proposed action is subject to consistency review, then the habitat protection policy applies, whether the proposed action is to occur within or outside the designated area.

Definitions

Habitat destruction is defined as the loss of fish or wildlife use through direct physical alteration, disturbance, or pollution of a designated area or through the indirect effects of these actions on a designated area. Habitat destruction may be indicated by changes in vegetation, substrate, or hydrology, or by increases in runoff, erosion, sedimentation or pollutants.

Significant impairment is defined as reduction in vital resources (e.g., food, shelter, living space) or change in environmental conditions (e.g., temperature, substrate, salinity) beyond the tolerance range of important species of fish or wildlife that rely on the habitat values found within the designated area. Indicators of a significantly impaired habitat focus on ecological alterations and may include, but are not limited to, reduced carrying capacity, changes in community structure (e.g. food chain relationships, species diversity, etc), reduced productivity and/or increased incidence of disease and mortality.

The *tolerance range* of a species of fish or wildlife has been defined as the physiological range of conditions beyond which a species will not survive at all. In this document, the term is used to describe the ecological range of conditions that supports the specie's population or has the potential to support a restored population, where practical. Two indicators that the tolerance range of a species has been exceeded are the loss of individuals through an increase in emigration and an increase in death rate. An abrupt increase in death rate may occur as an environmental factor falls beyond a tolerance limit (a range has both upper and lower limits). Many environmental factors, however, do not have a sharply defined tolerance limit, but produce increasing emigration or death rates with increasing departure from conditions that are optimal for the species.

The range of parameters that should be considered in applying the habitat impairment test include, but are not limited to, the following:

1. physical parameters, such as living space, circulation, flushing rates, tidal amplitude, turbidity, water temperature, depth (including loss of littoral zone), morphology, substrate type, vegetation, structure, erosion and sedimentation rates
2. biological parameters, such as community structure, food chain relationships, species diversity, predator/prey relationships, population size, mortality rates, reproductive rates, meristic features, behavioral patterns and migratory patterns, and
3. chemical parameters, such as dissolved oxygen, carbon dioxide, acidity, dissolved solids, nutrients, organics, salinity, and pollutants (heavy metals, toxics and hazardous materials)

B. *Where destruction or significant impairment of habitat values cannot be avoided, minimize potential impacts of land use or development through appropriate mitigation. Use mitigation measures that are likely to result in the least environmentally damaging feasible alternative.*

Mitigation includes:

1. Avoidance of potential adverse impacts, including:
    a. avoiding ecologically sensitive areas,
    b. scheduling activities to avoid vulnerable periods in life cycles or the creation of unfavorable environmental conditions,
    c. preventing fragmentation of intact habitat areas.
2. Minimization of unavoidable potential adverse impacts, including:
    a. reducing scale or intensity of use or development,
    b. designing projects to result in the least amount of potential adverse impact,
    c. choosing alternative actions or methods that would lessen potential impact.
3. Specific measures designed to protect habitat values from impacts that cannot be sufficiently avoided or minimized to prevent habitat destruction or significant habitat impairment, and
4. Specific protective measures included in the narratives for each designated Significant Coastal Fish and Wildlife Habitat area.

C. *Wherever practical, restore Significant Coastal Fish and Wildlife Habitats so as to foster their continued existence as natural systems by:*

1. Reconstructing lost physical conditions to maximize habitat values,
2. Adjusting adversely altered chemical characteristics to emulate natural conditions, and
3. Manipulating biological characteristics to emulate natural conditions through re-introduction of indigenous flora and fauna.

6.3 Protect and restore tidal and freshwater wetlands.

Wetlands within the Town of Southold are critical natural resources that provide benefits including: open space, habitat for fish and wildlife, water quality enhancement, flooding and erosion protection, scenic value, and opportunities for environmental education. Over the years, many wetland areas have been lost or impaired by degradation or functional loss. Wetlands and their benefits are also dependent upon the condition of adjacent lands which provide buffers between wetlands and surrounding uses. Large areas of adjacent lands that previously provided a buffer for wetlands have been physically lost to development or functionally lost through changes in land use, including inappropriate or incompatible landscaping. These losses and impairments to the wetlands and their functions cumulatively have impacted the Town of Southold's ecosystem.

Protecting and improving the remaining tidal and freshwater wetlands and restoring lost or impaired wetlands are the most appropriate ways to achieve an increase in quality and quantity of wetlands. Historical losses and alterations, which have occurred in many

locations in Southold, present numerous opportunities for restoration. In addition to protecting and improving the Town's wetlands, adjacent lands that provide buffers to wetlands must be maintained and enhanced, and where appropriate, re-established. These buffers are necessary to ensure the long term viability of the Town's wetlands. Where these lands are in private ownership, educating residential owners as to the long-term benefits of compatible land use and landscaping techniques will be essential to maintaining the ecological health of some wetland areas.

The Town recognizes the value of wetlands to its ecosystem, its economy and its aesthetic character. It also recognizes that federal and state regulations concerning wetlands do not fully cover local conditions, and in some cases, are less restrictive than local regulations. The Town Board of Trustees has local expertise in the management of the Town's wetlands and in this capacity espouses a "no net loss" of wetlands policy, as espoused by the New York State Department of Environmental Conservation. The NYSDEC Habitat Protection staff has indicated that "the creation of new freshwater wetlands as a compensatory mitigation measure would only be approved under the most unusual of circumstances and only in response to a pressing social need. They are unlikely to allow projects of this type in state regulated wetlands. Wetlands created through mitigation projects are often of a lesser quality than the existing wetlands that are being destroyed. Natural wetlands are created due to specific topographic geologic, and hydrogeologic conditions that are very difficult to properly recreate." (Letter of December 15, 2003 from Sherri Aicher, Environmental Analyst, Division of Environmental Permits, Region One, New York State Department of Environmental Conservation, to Stephen Ridler, New York State Department of State, Division of Coastal Resources.) The following policy standards recognize that local expertise and judgement must be given priority.

A. Comply with statutory and regulatory requirements of the Southold Town Board of Trustees laws and regulations for all Andros Patent and other lands under their jurisdiction

1. Comply with Trustee regulations and recommendations as set forth in Trustee permit conditions.

B. Comply with statutory and regulatory requirements of the State's wetland laws.

1. Comply with regulatory requirements of the Stream Protection Act for the excavation or placement of fill in all wetlands that are adjacent to and contiguous at any point to any of the navigable waters of the state, and that are inundated at mean high water level or tide.
2. Comply with the regulatory requirements of the Freshwater Wetlands Act for the protection of mapped freshwater wetlands.
3. Comply with the regulatory requirements of the Tidal Wetlands Act for the protection of mapped tidal wetlands including coastal fresh marsh; intertidal marsh; coastal shoals, bars and flats; high marsh or salt meadow; littoral zones; and formerly connected tidal wetlands.

C. Prevent the net loss of vegetated wetlands according to the following measures. Use the measure resulting in the least environmentally damaging practicable alternative.

1. Avoid placement of fill in or excavation of vegetated wetlands:
   a. Choose alternative sites which would not result in adverse impacts on wetlands.
   b. Reduce scale or intensity of development to avoid excavation or fill.
   c. Choose design alternatives which would avoid excavation or fill.

2. Minimize adverse impacts resulting from unavoidable fill, excavation, or other activities by:
   a. reducing scale or intensity of use in order to limit incursion into wetland areas
   b. designing projects to result in the least degree of adverse wetland impacts

3. Provide compensatory mitigation for adverse impacts which may result from unavoidable fill, excavation or other activities remaining after all appropriate and practicable minimization has been accomplished.
   a. Restore former wetlands or create new tidal wetlands according to the following priorities:
      (i) restore former wetlands or create new tidal wetlands in areas adjacent or contiguous to the site
      (ii) where restoration of former wetlands in areas adjacent or contiguous to the site is not appropriate or practicable, restore former wetlands in close physical proximity and in the same watershed, to the extent possible
      (iii) where restoration of former tidal wetlands is not appropriate or practicable, create new tidal wetlands in suitable locations as determined by sediment, exposure, shoreline characteristics, and water regime; include consideration of loss of resource values which may exist at the mitigation site
   b. Creation of new non-tidal freshwater wetlands is generally not suitable for compensatory mitigation for loss of natural wetland.
   c. Where wetlands are restored or tidal wetlands created:
      (i) Provide equivalent or greater area of mitigation wetland. Base the actual area of wetland provided on the following factors: characteristics of the mitigation site, proposed wetland creation or restoration methods and designs, and quality of the wetland restored or created relative to the wetland lost.
      (ii) Provide equivalent or greater value or benefit to that of the wetland area lost, as defined by class of freshwater wetland, as ranked in 6 NYCRR Part 664 or, tidal wetland zones, as described in 6 NYCRR Part 661.
      (iii) A lesser area of mitigation wetland may be allowed in cases where the mitigation wetland and its benefits would clearly be a greater value than the wetland lost.

(iv) Guarantee success of the compensatory mitigation. Wetland mitigation is considered successful if functional attributes of the wetland have been reached and maintained, including a plant density which approaches the design density.

(a) Carry out mitigation in accord with a compensatory plan which details wetland creation or restoration measures. Base compensatory plans on establishment of a natural, self-regulating wetland.

(b) Monitor and report on progress of the wetland mitigation according to a prescribed plan.

(c) Provide a suitable performance bond or other surety instrument guaranteed to an appropriate agency or organization to assure successful completion of the mitigation.

d. When a series of small, unavoidable wetland losses requires mitigation, combine mitigation projects to create larger contiguous wetland areas whenever the resulting ecological value would be greater than that achieved through pursuing discrete, separate efforts.

e. Protect wetland functions and associated benefits regardless of the availability of compensatory mitigation.

(i) Do not fill, excavate, or dredge vegetated wetland areas which:

(a) support endangered or threatened species of plants or animals

(b) have not been subjected to significant impairment, or

(c) are part of a natural resource management area, including refuges, sanctuaries, reserves, or areas designated as Significant Coastal Fish and Wildlife Habitats, based on wetland values.

(ii) Do not fill, excavate, or dredge vegetated wetland areas when the wetland loss would result in significant impairment of the remaining wetland area.

(iii) Retain functions and benefits associated with vegetated and non-vegetated wetlands.

D. Provide adequate buffers between wetlands and adjacent or nearby uses and activities in order to ensure protection of the wetland's character, quality, values, and functions. The adequacy of the buffer depends on the following factors:

1. Potential for adverse effects associated with the use. Uses such as those involving hazardous materials, on-site sewage disposal, or mineral extraction have high potential for adverse effects and may require substantial buffer.
2. The nature and importance of the wetland and its benefits. Substantial buffers may be necessary to avoid adverse effects from adjacent or nearby uses based on the nature of the land use and the characteristics of the affected wetland.

3. Direction and flow of surface water between a use and adjacent or nearby wetland. Buffer widths may be reduced in areas where drainage patterns normally do not lead directly to the wetland and where adverse affects on the wetland, other than those due to runoff, are not likely.
4. Buffer width necessary to achieve a high particulate filtration efficiency of surface runoff as determined by vegetative cover type, soil characteristics, and slope of land.
5. Other management measures or design alternatives to protect wetlands from adverse effects where site constraints do not allow sufficient buffer width.

E. Maintain buffers to ensure that adverse effects of adjacent or nearby development are avoided:

1. Maintain buffers to achieve a high filtration efficiency of surface runoff.
2. Avoid permanent or unnecessary disturbance within buffer areas.
3. Maintain existing indigenous vegetation within buffer areas.

F. Restore tidal wetlands and freshwater wetlands, wherever practical, to foster their continued existence as natural systems by:

1. reconstructing lost physical conditions to maximize wetland values,
2. adjusting altered chemical characteristics to emulate natural conditions,
3. manipulating biological characteristics to emulate natural conditions through re-introduction of indigenous flora and fauna, and
4. protecting lands adjacent to wetlands from alterations so as to maximize natural buffers to wetlands.

6.4 Protect vulnerable fish, wildlife, and plant species, and rare ecological communities.

The Town of Southold hosts a rich array of ecologically important living resources. Although many living resources provide important ecological values, this section specifically addresses those ecologically important living resources whose loss would clearly result in permanent adverse changes to the Town of Southold ecosystem. The ecologically important living resources addressed here are: vulnerable fish and wildlife species, vulnerable plant species, and rare ecological communities.

Certain human activities already have resulted in impairments to ecologically important resources, causing permanent adverse changes to the Town's ecological complexes. Additional impairments to these resources would result in further adverse changes to the Town's ecological complexes. Protection of ecologically important living resources may include alteration of a proposed activity or other measures to avoid adverse impacts on the potentially affected species.

This section establishes standards for the identification and protection of vulnerable fish and wildlife species based on the State of New York's endangered animal species lists, and for vulnerable plant species based on the endangered plant species lists. It also provides standards for protection of rare ecological communities as defined under the *Natural Heritage Program's* community types.

A. *Protect vulnerable fish and wildlife species.*

1. Vulnerable fish and wildlife species are those listed in regulation 6 NYCRR Part 182.5 as Endangered Species, Threatened Species, and Special Concern Species.
2. Review existing species records and field survey proposed development sites, at the appropriate times, for the presence of listed species or conditions that meet their habitat requirements.
3. Protect habitat of listed species identified through field surveys or other methods during all stages of their life cycles.

B. *Protect vulnerable plant species.*

1. Vulnerable species are those listed in regulation 6 NYCRR Part 193.3 as Endangered Species, Threatened Species, Exploitable Vulnerable Species, and Rare Species.
2. Review existing species records and field survey proposed development sites, at the appropriate times, for the presence of listed species or conditions that meet their habitat requirements.
3. Protect habitat identified by the occurrence of a listed species during all stages of their life cycles.

C. *Protect rare ecological communities.*

1. Rare ecological communities to be protected include:
   a. communities that qualify for a *Heritage State Rank* of **S1** or **S2**; and
   b. communities that qualify for both a *Heritage State Rank* of **S3**, **S4** or **S5**; and an *Element Occurrence Rank* of **A**. (See The Natural Coast for an explanation of *Heritage State Ranks*).
2. Review existing ecological community records and field survey sites potentially affected by proposed development for the presence of rare ecological communities.
3. Protect rare ecological communities. Use appropriate design and development of land and water uses that will integrate or be compatible with the identified ecological community.
4. Use the most up-to-date information available on the structure and the function of rare ecological communities as a factor in determining open space requirements of a project.

Policy 7 Protect and improve air quality in the Town of Southold.

This policy provides for protection of the Town of Southold from air pollution generated within the coastal area or from outside the coastal area that adversely affects coastal air quality. The air quality within the Town of Southold is considered to be within federal regulatory standards. Since the Town does not have any heavy industry and only one small asphalt plant, air pollution from stationery sources is not a current threat. Further, the Town's zoning code does not permit the introduction of new heavy industries. The most likely short-term sources of air pollution will come from the expansion of existing or the creation of new power generation plants and from escalating levels of automobile use. Open air burning is not permitted. The town's solid waste

management facility is being operated in accordance with all applicable federal and state regulations.

Policy Standards

7.1 Control or abate existing and prevent new air pollution.

A. Limit pollution resulting from new or existing stationary air contamination sources consistent with:

1. attainment or maintenance of any applicable ambient air quality standard,
2. applicable New Source Performance Standards,
3. applicable control strategy of the State Implementation Plan, and
4. applicable Prevention of Significant Deterioration requirements.

B. Recycle or salvage air contaminants using best available air cleaning technologies.

A strategy to recycle certain of these contaminants has already been implemented at the Town Recycling Center in Cutchogue, where all appliances containing refrigerants are properly emptied and recycled by a trained, licensed technician.

C. Limit pollution resulting from vehicle or vessel movement or operation, including actions which directly or indirectly change transportation uses or operation resulting in increased pollution.

The Town Planner and the Town's Transportation Commission have been working in conjunction with regional, state and county agencies for the past several years to encourage the use of alternative forms of transportation to the automobile. Greater use of intermodal forms of transportation and bicycle trails are two of the alternatives that have been extensively promoted within the Town. Further, the Town Board has reduced strip zoning by changing its zoning pattern to result in more centralized business zoning in traditional business centers where joint parking lots and pedestrian corridors can reduce automobile traffic and encourage pedestrian access.

D. Restrict emissions or air contaminants to the outdoor atmosphere that are potentially injurious or which unreasonably interfere with enjoyment of life or property.

Open burning of leaves or trash is a potential source of such emissions. It is banned by a combination of state and local laws. Since some open burning still is occurring, the Town will promote public awareness of the hazards posed by such activity and will continue to enforce its laws restricting and/or prohibiting the practice.

It should be noted here that the Plum Island Animal Disease Center is a federal agency located on a federal reservation, hence exempt from this local ordinance. The burning of brush for the purposes of security and emergency services access on Plum Island takes place in accordance with State permits.

E. *Limit new facility or stationary source emissions of acid deposition precursors consistent with achieving final control target levels for wet sulfur deposition in sensitive receptor areas, and meeting New Source Performance Standards for the emissions of oxides of nitrogen.*

Potential sources of oxides of nitrogen (NOX) pollutants include automobiles, trucks and power plants. Such pollutants tend to contribute to the formation of ground level smog, to which the many open fields throughout the Town may prove particularly susceptible.

7.2 Limit discharges of atmospheric radioactive material to a level that is as low as practicable.

Presently the Town is not aware of any discharges of atmospheric radioactive material within the Town borders. However, the Town is greatly concerned about atmospheric radiation that may be discharged from the nuclear power plant at Millstone, Connecticut and blown into the Town by prevailing winds.

7.3 Limit sources of atmospheric deposition of pollutants to the Town of Southold, particularly from nitrogen sources.

Steps taken to deal with NOX pollutants as described in *Section 8.1 E.* above, contribute to attainment of this policy goal.

Policy 8	**Minimize environmental degradation in Town of Southold from solid waste and hazardous substances and wastes.**

The intent of this policy is to protect people from sources of contamination and to protect the coastal resources of the Town of Southold from degradation through proper control and management of wastes and hazardous materials. Attention is also required to identify and address sources of soil and water contamination resulting from landfill and hazardous waste sites and in-place sediment contamination in the Town of Southold.

Policy Standards

8.1 Manage solid waste to protect public health and control pollution.

A. *Plan for proper and effective solid waste disposal prior to undertaking major development or activities generating solid wastes.*

The environmental review portion of the Town's Site Plan application process permits the Town to assess the potential solid waste disposal needs of proposed new development or activity.

B. *Manage solid waste by:*

1. reducing the amount of solid waste generated,
2. reusing or recycling material,
3. using approved methods endorsed by the NYSDEC to dispose of solid waste that is not otherwise being reused or recycled.

The sole public solid waste management facility in Town, the Disposal and Recycling Center in Cutchogue, currently operates in accordance with these standards. The "Town Bag" garbage disposal system promotes waste reduction and increased recycling rates. The Town maintains, and plans to expand, a full-scale yard waste composting facility. When completed, this facility will be able to process the Town's entire yard waste stream, which is fully one-third of the overall waste stream. The compost currently produced has already found local markets that contribute to the replenishment of organic matter in local soils and should help reduce the reliance of agricultural producers on chemical fertilizers and herbicides. In the long run, this will contribute to a reduction in stormwater runoff of chemical fertilizers and herbicides into the Town's ground and surface waters.

C. Prevent the discharge of solid wastes into the environment by using proper handling, management, and transportation practices.

The Town's solid waste transfer facility in Cutchogue already operates in compliance with the State Department of Environmental Conservation's Part 360 Regulations that mandate such controls through its permit provisions. The operational practices of existing, locally permitted, *privately owned* solid waste management facilities should be reviewed for adherence to these principles. In additional, the same principles will be included in the Town's permit provisions for any privately owned facilities that are opened in the future.

D. Operate solid waste management facilities to prevent or reduce water, air, and noise pollution and other conditions harmful to the public health.

The Town's solid waste transfer facility (known as the Disposal and Recycling Center) in Cutchogue already operates in compliance with the State Department of Environmental Conservation's Part 360 Regulations which mandate such controls through its permit provisions. Additionally, the operational practices of existing, locally permitted, *privately owned* solid waste management facilities should be reviewed for adherence to these principles. In additional, the same principles will be included in the Town's permit provisions for any privately owned facilities that are opened in the future.

8.2 Manage hazardous wastes to protect public health and control pollution.

A. Manage hazardous waste in accordance with the following priorities:

1. eliminate or reduce generation of hazardous wastes to the maximum extent practical,
2. recover, reuse, or recycle remaining hazardous wastes to the maximum extent practical,
3. use detoxification, treatment, or destruction technologies to dispose of hazardous wastes that cannot be reduced, recovered, reused, or recycled,
4. phase-out land disposal of industrial hazardous wastes.

B. Ensure maximum public safety through proper management of industrial hazardous waste treatment, storage, and disposal.

At its Disposal and Recycling Center, the Town of Southold operates a household hazardous waste (HHW) disposal program under the State Department of Environmental Conservation's (DEC) Part 360 Regulations. The Center accepts residentially generated HHW of local residents free of charge. Hazardous materials are removed for proper disposal by a contractor under permit from the State DEC. This facility has been in operation since 1986, when Southold became the first municipality in New York State to offer this service. This year, 2000, due to reduced inventory of HHW, the town switched to a bi-monthly HHW drop-off schedule. This program continues to be well-utilized, safe and economical way to remove hazardous materials from the sanitary waste stream.

C. Remediate inactive hazardous waste disposal sites. Future use of a site should determine the appropriate level of remediation.

The Town's Site Plan application process will uncover inactive hazardous waste disposal sites. Remediation efforts will be specified during the environmental review of those sites prior to development or redevelopment.

8.3 Protect the environment from degradation due to toxic pollutants and substances hazardous to the environment and public health.

A. Prevent release of toxic pollutants or substances hazardous to the environment that would have a deleterious effect on fish and wildlife resources.

The Town's Site Plan application process will determine whether proposed land use activities will involve toxic substances. Protection measures to prevent their release to the environment, particularly fish and wildlife resources, will be determined during the environmental review.

Further, the dredging of toxic material from underwater lands and the deposition of such material shall be conducted in the most mitigative manner possible so as not to endanger fish and wildlife resources, in either the short or long term.

B. Prevent environmental degradation due to persistent toxic pollutants by:

1. limiting discharge of bio-accumulative substances,
2. avoiding re-suspension of toxic pollutants and hazardous substances and wastes, and avoiding reentry of bio-accumulative substances into the food chain from existing sources.

C. Prevent and control environmental pollution due to radioactive materials.

D. Protect public health, public and private property, and fish and wildlife from inappropriate use of pesticides.

1. Limit use of pesticides to effectively target actual pest populations as indicated through integrated pest management methods.
2. Prevent direct or indirect entry of pesticides into waterways.
3. Minimize exposure of people, fish, and wildlife to pesticides.

   Through its Water Supply Management and Watershed Protection Strategy, the Town proposes to work with Cornell Cooperative Extension and the Suffolk County Department of Health Services to develop public

education programs, as well as best-management practice standards for agricultural and residential property owners.

E. Take appropriate action to correct all unregulated releases of substances hazardous to the environment.

8.4 Prevent and remediate discharge of petroleum products.

A. Minimize adverse impacts from potential oil spills by appropriate siting of petroleum offshore loading facilities.

Petroleum offshore loading facilities are not a permitted use within the Town. There is a State-licensed Major Oil Storage Facility located at the Plum Island Animal Disease Center (PIADC), which is a federal reservation. This site is exempt from Town zoning regulations and is operated in accordance with federal and state permits and regulations; thus is not considered equivalent to a commercial petroleum offshore loading facility.

B. Demonstrate that adequate plans for prevention and control of petroleum discharges are in place at any major petroleum-related facility.

There are no major petroleum storage or transfer facilities located within the Town other than the State-licensed Major Oil Storage facility at PIADC.

C. Prevent discharges of petroleum products by following methods approved for handling and storage of petroleum products and using approved design and maintenance principles for storage facilities.

All home heating fuel and underground gasoline storage tanks and fuel tanks at marinas are regulated by the State and the County under applicable federal, state and county regulations.

D. Clean up and remove any petroleum discharge giving first priority to minimizing environmental damage.

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

The transport of solid waste and hazardous substances from all sites within or through the Town shall be conducted in a manner respective of public safety and security issues.

8.6 Site solid and hazardous waste facilities to avoid potential degradation of coastal resources.

A. Solid and hazardous waste facilities should not be located within the coastal area unless there is a demonstrated need for waterborne transport of waste materials and substances.

B. *If the need for a coastal location is demonstrated, preclude impairment of coastal resources from solid and hazardous waste facilities by siting these facilities so that they are not located in or would not adversely affect:*

1. agricultural lands,
2. natural protective feature areas,
3. surface waters, primary water supply, or principal (sole-source) aquifers
4. designated Significant Coastal Fish and Wildlife Habitats,
5. habitats critical to vulnerable fish and wildlife species, vulnerable plant species, and rare ecological communities,
6. wetlands.

Note: The Town's only public solid waste management facility is operated within applicable regulatory standards. New, private-owned solid waste management facilities will be reviewed for compliance with Policy 9.6 prior to the issuance of local permits to construct and operate.

PUBLIC COAST POLICIES

Policy 9	**Provide for public access to, and recreational use of, coastal waters, public lands, and public resources of the Town of Southold.**

The Town of Southold has numerous access points to its shoreline and waterfront recreation facilities. The main objective of the Town is to improve these facilities, providing increased public access to the shoreline and waterfront recreation facilities for residents and visitors. In addition to these improvements the Town has identified opportunities to increase public access to the shoreline, and to waterfront recreation facilities, as well as to link existing and proposed access and recreation sites within the Town. Southold will take the necessary steps to maximize the appropriate use of the waterfront to ensure public access in a manner that will not adversely impact sensitive natural resources.

In some parts of Southold, physical and visual access by the public to coastal lands and waters is limited. Problems in accessing or viewing the coast are further heightened by the limited degree of access and of recreational opportunities that are available to local residents. In addition, private waterfront development has made parts of the coast physically and visually inaccessible. In some places, opportunities to provide additional public access have been diminished or lost altogether. With the current trend toward redevelopment of waterfront lots with larger structures, there have been cases of reduced visual accessibility due to the loss of vantage points or outright blockage of views. In some places, access along public trust lands of the shore has been impeded by the construction of long docks, and groins between private property and the public shore.

This aside, Southold's shoreline has the potential to offer a continuous right of access along the shore. Given the increase in shoreline development, the opportunity to walk the shoreline of the Long Island Sound and the Peconic Estuary is a valuable public asset. It remains, however, an unrealized asset because the right of continuous access is useless without the ability to get to the shore and, once on the shore, to walk unfettered. As noted earlier, there are stretches of Southold's shoreline where the public's rights in the foreshore have been constrained, and

sometimes precluded, by the design and nature of private residential development. This is a major public policy concern. The Town of Southold will work to protect the community's Public Trust Rights to the shoreline.

Many of the important scenic components in the Town of Southold can be viewed from local roads, street ends and from the public parks along the shoreline. In particular, NY Route 25 runs the length of Southold and is one of the Town's major aesthetic roadways, offering extensive and varied views. The Town will promote the protection of the scenic components associated with NY Route 25 through the preparation and implementation of a Scenic Byway Corridor Management Plan. County Route 48 and New Suffolk Avenue also provide important visual access. Policies have been developed for the protection of scenic resources in Policy 13.

This policy incorporates measures to provide public access throughout the Town of Southold. The need to maintain and improve existing public access and facilities is among these measures, and is necessary to ensure that use of existing access sites and facilities is optimized in order to accommodate existing demand. Another measure is to capitalize on all available opportunities to provide additional visual and physical public access along with appropriate opportunities for recreation.

The Town of Southold will address these issues through the preparation of a comprehensive study of public access and recreation in the Town. It will evaluate the quality and quantity of Park District, Town, County and State facilities, and the ability of existing facilities to accommodate residents and visitors. It will examine the opportunities to increase recreational opportunities for Town residents within the existing park district structure and the fee structures at Town facilities for residents and visitors. This study will provide information on where public access problems and opportunities exist, where more access is needed or is lacking, and how to address these issues. Without a thorough understanding of these important issues, the Town cannot effectively accommodate current and future recreational needs.

Policy Standards

9.1 Promote appropriate and adequate physical public access and recreation to coastal resources.

A. Provide a level of public access and type of recreational use which takes into account the following factors:

1. proximity to population centers,
2. public demand for access and recreational use,
3. type and sensitivity of natural resources affected,
4. purpose of public institutions which may exist on the site,
5. accessibility to the public access site or facility,
6. the needs of special groups such as the elderly and persons with disabilities,
7. the potential for adverse impacts on adjacent land uses,
8. the potential for adverse impacts on the transportation network.

B. Provide convenient, well-defined physical public access to and along the coast for water-related recreation.

C. *Protect and maintain existing public access and water-related recreation facilities.*

1. Prevent physical deterioration of facilities due to lack of maintenance or overuse.
2. Prevent any on-site or adjacent development project or activity from directly or indirectly impairing physical public access and recreation or adversely affecting its quality.
3. Protect and maintain established access and recreation facilities.
4. Protect and maintain the infrastructure supporting public access and recreational facilities.

D. *Provide additional physical public access and recreation facilities at public sites throughout the Town of Southold.*

1. Promote acquisition of additional public park lands to meet existing public access and recreation needs.
2. Provide for public access and recreation facilities on non-park public waterfront lands as a secondary use.
3. Provide for public access at streets terminating at the shoreline.
4. Provide access and recreation facilities to all members of the public whenever access or recreation is directly or indirectly supported through federal or state projects or funding.
6. Retain a public interest which will be adequate to preserve public access and recreation opportunities in publicly owned lands immediately adjacent to the shore in any transfer of public lands.

E. *Provide physical access linkages throughout the Town of Southold among public access sites, open space areas, public trust lands, and nearshore surface waters.*
The Town of Southold Transportation Commission has identified the need to link these individual sites through a network of hiking trails, bikeways and kayak trails. This network, known as the "The Seaview Trails of the North Fork", is a key element in the Commission's Intermodal Transportation concept, which calls for a comprehensive approach to transportation planning that utilizes all the available transportation hubs and linkages in an effort to reduce the increasing traffic pressure on the Town's road network.

The Town of Southold will implement "the Seaview Trails of the North Fork". The network of access linkages is illustrated on *Map II-13*. Wherever possible, the trail will utilize public lands. Where this is not possible, trail links will be developed in close cooperation with local landowners to develop trail easements.

F. *Include physical public access to, and/or water-related recreation facilities on, coastal lands and waters whenever development or activities are likely to affect the public's use and enjoyment of public coastal lands and waters. Provide incentives to private development projects which provide public access and/or water-related recreation facilities.*

G. *Restrict public access and recreation only where incompatible with public safety, and the protection of natural resources.*

9.2 Protect and provide public visual access to coastal lands and waters from public sites and transportation routes where physically practical.

A. Avoid loss of existing visual access.

1. Limit physical blockage of existing visual access by development or activities due to the scale, design, location, or type structures.
2. Protect view corridors provided by streets and other public areas leading to the coast.
3. Protect visual access to open space areas associated with natural resources.
4. Use Community Preservation Project Plan funds to obtain scenic easements to protect key scenic vistas from transportation corridors and other public sites.
5. Include public visual access criteria in the Conservation Opportunities Process.

B. Minimize adverse impact on visual access.

1. Provide for view corridors to the coast in those locations where new structures would block views of the coast from inland public vantage points.
2. Use structural design and building siting techniques to preserve or retain visual access and minimize obstruction of views.
3. Visual access requirements may be reduced where site conditions, including vegetative cover or natural protective features, block potential views.
4. Vegetative or structural screening of an industrial or commercial waterfront site is allowed if the resulting overall visual quality outweighs the loss of visual access.

C. Mitigate for loss of visual access.

1. Provide public visual access from vantage points on the site where development of the site blocks visual access from inland public vantage points.
2. Provide for additional and comparable visual access at nearby locations if physical access cannot be provided on-site.

D. Increase visual access to the coast whenever practical.

1. Provide pulloffs along public roads at appropriate locations to enhance opportunities for visual access to coastal lands and waters.
2. Provide interpretative exhibits at appropriate locations for visual access to enhance public understanding and enjoyment of views of coastal lands and waters and its associated water-dependent uses.
3. Provide visual access to areas of high visual quality including hamlet waterfronts, water-dependent uses, agriculture, natural resources, and panoramas of the Long Island Sound and the Peconic Estuary.

E. Protect visual access to the natural shoreline from the water.

1. Prevent loss of natural vegetation due to excessive land clearing and inappropriate non-native landscaping.

9.3 Preserve the public interest in and use of lands and waters held in public trust by the state and the Town of Southold.

A. *Limit grants, leases, easements, permits or lesser interest in lands underwater in accordance with an assessment of potential adverse impacts of the proposed use, structure, or facility on public interest in public lands under water. Use the following factors in assessing potential adverse impact:*

1. environmental impact,
2. values for natural resource management, public recreation, and commerce,
3. size, character, and effect of the transfer in relation to neighboring uses,
4. potential for interference with navigation, public uses of waterway, and riparian rights,
5. effect of the transfer of interest on the natural resources associated with the lands,
6. water-dependent nature of use,
7. adverse economic impact on existing commercial enterprises,
8. consistency with the public interest for purposes of navigation and commerce, fishing, bathing, and access to navigable waters and the need of the owners of private property to safeguard development.

B. *Limit the transfer of interest in public trust lands to the minimum necessary conveyance of public interest.*

1. Provide the minimum conveyance using the legal instrument that results in the least reduction of public interest.
2. Limit the physical extent of any conveyance to the minimum amount of land necessary.

C. *Limit grants-in-fee of underwater lands to exceptional circumstances.*
The only exceptional circumstances that appear to exist the Town of Southold may be a grant for formerly underwater land where a grant is the only means available to achieve clear, marketable title to adjacent upland.

D. *Retain a public interest in the transfer of interest in underwater lands that will be adequate to preserve public access, recreation opportunities, and other public trust purposes.*

E. *Private uses, structures, or facilities on underwater lands are limited to those circumstances where ownership of the underwater lands or riparian interest has been legally validated either through proof of ownership of the underwater lands or adjacent riparian parcel, or by assignment of riparian interest by the riparian owner.*

F. *Avoid substantial loss of public interest in public trust lands by assessing the cumulative impact of individual conveyances of grants, easements, and leases of public trust lands.*

G. Resume and re-establish public trust interests in existing grants which are no longer being exercised according to terms of the grant, or where the use is not in conformity with the public trust doctrine.

9.4 Assure public access to public trust lands and navigable waters.

A. Provide free and substantially unobstructed passage along public trust shorelands.

B. Ensure that interference with passage along the shoreline is limited to the minimum extent necessary to gain access from the upland to the water.

C. Where public access is substantially impeded, provide passage around interferences on public trust lands through adjacent upland easements or provide other mitigation.

D. Require that all publicly owned land allow for perpendicular access to trust lands whenever compatible with the principal use of the public land.

E. Provide access to, and reasonable recreational use of, navigable waters and public trust lands under water.

1. Provide for free and unobstructed public use of all navigable waters below the line of mean high water for navigation, recreation, and other public trust purposes, including the incidental rights of public anchoring.
2. Permit limited obstruction of public use, including navigation, in navigable waters:
    a. for water-dependent uses involving navigation and commerce which require structures or activities in water as part of the use.
    b. for commercial recreational boating facilities, provided that the loss of navigable waters and use of underwater lands is offset by sufficient public benefits.
    c. in order to gain reasonable access to navigable waters from riparian lands.
3. Obstruction of navigable waters and underwater lands is limited:
    a. to the extent that it interferes with commercial navigation. The right of commercial navigation is superior to all other uses on navigable waters and may not be obstructed.
    b. to the minimum necessary for access to navigable waters. The minimum is determined by evaluating the following factors:
        (i) the extent of the use's dependence on access to navigable waters,
        (ii) the range of tidal water level fluctuation,
        (iii) the size and nature of the body of water,
        (iv) the nature of public use of the adjacent waters,
        (v) the traditional means of access used by surrounding similar uses,
        (vi) whether or not alternative means to gain access are available.

Piers, docking facilities, and catwalks must not result in an unnecessary interference with use of public trust lands. Alternatives to long piers or docks include use of dinghies to reach moored boats and mooring in nearby marinas. Dredging solely to accommodate the draft of larger boats is not a recommended alternative.

c. by extent and characteristics of the developable adjacent upland area and its ability to support in-water development for the water-dependent use.

d. by potential adverse effects on natural resources and their uses, and

e. by potential adverse effects on public safety.

4. Structures extending beyond the minimum necessary for access to navigable waters impair public trust interests and open space values associated with the water's surface. Allow such structures only in the following circumstances:

a. when necessary for practical and convenient operation of water-dependent industry or commerce, and provided that obstruction of commercial navigation does not result.

b. for commercial recreational boating facilities provided that:

(i) the loss of navigable waters and use of underwater lands is offset by sufficient public benefit, and

(ii) obstruction of commercial navigation does not result.

c. when the principal purpose of the structure is necessary:

(i) to provide public access for recreational uses

(ii) for improvements for navigation

(iii) for protection from coastal hazards, or

(iv) for essential public transportation and transmission facilities.

5. Ensure that navigable waters and marine navigation, whether on land or sea, are not obscured or rendered ineffective through poorly placed or directed lighting.

9.5 Provide access and recreation that is compatible with natural resource values.

A. Provide appropriate access and associated recreational activity that will avoid potential adverse impacts on natural resources. Use the following factors in determining the potential for adverse environmental effects:

1. intensity of the associated recreational, scientific, or educational activity,

2. level of likely disturbance associated with the proposed activity. The following types of access or associated activities are listed in decreasing order of potential for disturbance:

a. motorized activities,

b. active, non-motorized activities, including water-dependent and water-related uses,

c. passive activities,

d. avoidance of the area.

3. Sensitivity of the natural resources involved and the extent of the ecological benefits associated with avoidance of the area.

B. *Limit public access and recreational activities where uncontrolled public use would lead to impairment of natural resources.*

1. Establish appropriate seasonal limitations on access and recreation in order to minimize adverse impacts on fish and wildlife species.
2. Provide stewardship that is capable of controlling anticipated adverse impacts before providing public access.
3. Physically limit or avoid provision of public access to natural resource areas whose principal values are based on the lack of human disturbance.
4. Provide educational, interpretive, research, and passive uses of natural resources through appropriate design and control of public access and recreation.

C. *Provide public access for fish and wildlife resource related activities, including fishing and hunting, provided that the level of access would not result in a loss of resources necessary to continue supporting these uses.*

D. *Provide access using methods and structures that maintain and protect open space areas associated with natural resources. Determine the extent of visual and physical impairment by structures extending through these open space areas based on:*

1. the value of the open space as indicated by un-fragmented size or mass of the wetland or other natural resources, distance to navigable water, and wetland value.
2. the size, length, and design of proposed structures.

WORKING COAST POLICIES

Policy 10	**Protect Southold's water-dependent uses and promote siting of new water-dependent uses in suitable locations.**

Maritime activity in Southold traditionally has been concentrated in the harbors, inlets and creeks. As noted earlier, Policy 1 promotes a continuation of this traditional pattern of maritime activity, supporting the economic base, maintaining the maritime character of the Town, and avoiding disturbance of the remaining natural shoreline and water areas. It also recognized that Mattituck Inlet and Creek, identified by the state as a regional Maritime Center, Mill Creek and the Village of Greenport are the primary focus of maritime activity within the Town of Southold. The intent of this policy is to protect existing water-dependent commercial, industrial, and recreational uses and to enhance the economic viability of water-dependent uses by ensuring adequate provision of infrastructure for water-dependent uses and their efficient operation. This is relevant to Southold because other important concentrations of water-dependent uses are located at Orient Point, Orient hamlet, Gull Pond, Mill Creek/Budds Pond, Town/Jockey Creek, New Suffolk, James Creek and West Harbor.

Commercial fishing and shellfishing are a prominent water-dependent use and these uses are addressed separately in Policy 3.

Policy Standards

10.1 (a) Protect existing water-dependent uses.

The term *Water-dependent use* means a business or other activity which can only be conducted in, on, over, or adjacent to a water body because such activity requires direct access to that water body, and which involves, as an integral part of such activity, the use of the water. Existing uses should be maintained and enhanced where possible and appropriate.

10.1 (b) Improve the economic viability of water-dependent uses by allowing for non-water dependent accessory and multiple uses, particularly water enhanced and maritime support services where sufficient upland exists.

The term *water-enhanced use* means a use or activity which does not require a location adjacent to coastal waters, but whose location on the waterfront adds to the public use and enjoyment of the water's edge. Water-enhanced uses are primarily recreational, cultural, retail, or entertainment in nature. These uses may be necessary for the successful financial operation and viability of *water-dependent uses*.

Marine I and II zoning districts have been identified within the Town's harbors, inlets and creeks. These locations are illustrated on *Map II-6*. These specific areas are where new water-dependent or water-enhanced uses will be accommodated or where existing uses will be permitted to expand within limits.

Currently the Town's Zoning Code permits a range of land uses within the Marine districts. Most of the uses are commercial in nature, but some are residential, recreational or institutional. While most of the uses are water-enhanced, only some are water-dependent. The primary differences between the Marine I and II districts lie with the types of uses permitted within each zone. (The complete listing of uses permitted in Marine I and II is listed in Table 1 on the next two pages.) Marine II is more intensive than Marine I. It permits more water-enhanced uses as well as a greater intensity of water-dependent development. For this reason, most Marine II sites are located directly on Peconic Bay or near the mouth of tidal creeks where flushing action is strong and where supporting infrastructure is available. The one exception to this rule is in Mattituck Creek on Long Island Sound (Reach 1) which contains Marine II zoning at the head of the Creek.

The Town's marine zoning will be examined to further define those uses that are water-dependent and their appropriate location relative to the Bay and the Sound. It has been suggested that the mix of permitted uses be reviewed to see if a more supportive mix of accessory uses appropriate to water-dependent uses should be added. Key factors in this review will be the capability of public infrastructure to support the revised mix and desired intensity of development. This capability review will include an analysis of transportation, water, sewage and other services to support the water-dependent and enhanced mix.

Table 1

The following types of water-dependent and water-enhanced uses are permitted or permitted by special exception in Marine Zones I and II:

Marine I

Permitted Uses:

1. One (1) One-family detached dwelling per single and separate lot of record in existence as of the date of adoption of this local law.
2. Marinas for the docking, mooring and accommodation of recreational or commercial boats, including the sale of fuel and oil primarily for the use of boats accommodated in such marinas.
3. Boat docks, slips, piers or wharves for pleasure or fishing trips or for vessels engaged in fishery or shellfishery.
4. Boat yard for building, storing, repairing, renting, selling or servicing boats which may include the following as an accessory use: office for the sale of marine equipment or products, dockside facilities for dispensing of fuel and where pumpout stations are provided restroom and laundry facilities to serve overnight patrons.
5. Boat and marine engine repair and sales and display, yacht broker, marine insurance broker.
6. Buildings, structures and uses owned or operated by the Town of Southold, School Districts, Park Districts and Fire districts.
7. Retail sale or rental of fishing, diving, bathing supplies and equipment if accessory to marina or boat yard of ships loft or chandlery.

Special Exception Uses:

1. Beach club, yacht club or boat club including uses accessory to them such as swimming pools, tennis courts, and racquetball facilities.
2. Mariculture or aquaculture or research and development.

Marine II

Permitted Uses:

1. One (1) one-family detached dwelling per single and separate lot of record in existence as of the date of adoption of this local law.
2. Marinas for the docking, mooring and accommodation of recreational or commercial boats, including the sale of fuel and oil primarily for the use of boats accommodated in such marina.
3. Boat docks, slips, piers or wharves for charter boats carrying passengers on excursions, pleasure or fishing trips or for vessels engaged in fishery or shellfishery.
4. Beach club, yacht club or boat club including uses accessory to them such as swimming pools, tennis courts, racquetball facilities.
5. Boat yard for building, storing, repairing, renting, selling or servicing boats which may include the following as an accessory use: office for the sale of marine equipment or products, dockside facilities for dispensing of fuel and where

pumpout stations are provided, restroom and laundry facilities to serve overnight patrons.

6. Mariculture or aquaculture operations or research and development.
7. Boat and marine engine repair and sales and display, yacht broker, marine insurance broker.
8. Buildings, structures and uses owned or operated by the Town of Southold, School Districts, Park Districts and Fire Districts.
9. Retail sale of rental of fishing, diving, bathing supplies and equipment if accessory to marine or boat yard of ships loft or chandlery.

Special Exception Uses:

1. Restaurants excluding outdoor counter service, drive-ins or curb service establishments. Such prohibition shall not prevent service at tables on a covered or uncovered terrace or porch incidental to a restaurant.
2. Ferry Terminal
3. Transient hotels or motels subject to the following Conditions:
   (a) The minimum area for such use shall be not less than three acres.
   (b) The number of guest rooms permitted in the hotel or motel shall be determined by: the proportion of the site utilized for such use, and the availability of public water and sewer. The maximum number of guest units shall be one unit per (4,000) square feet of land with public water and sewer.
4. Fish processing plant.

A. Avoid actions which would displace, adversely impact, or interfere with existing water-dependent uses.

Due to the limited amount of marine zoned property, the Town's policy is to promote maximum and efficient use of those properties without creating undue negative environmental impacts on the coastal environment.

B. Encourage water-enhanced uses where they are compatible with surrounding development and are designed to make beneficial use of their coastal location.

To ensure that water-enhanced uses make beneficial use of a coastal location, they should be sited and designed to:

1. be compatible with surrounding development,
2. reflect the unique qualities of a coastal location through appropriate design and orientation,
3. attract people to or near the waterfront and provide opportunities for public access,
4. provide public views to or from the water ,
5. minimize consumption of waterfront land,
6. not displace or interfere with the operation of water-dependent uses,
7. not cause significant adverse impacts to community character, the transportation network and surrounding land and water resources.

10.2 Promote Mattituck Inlet and Creek, Mill Creek and the Village of Greenport as the most suitable locations for water-dependent uses within the Town of Southold.

Mattituck Inlet and Creek, identified by the state as a regional Maritime Center, and the Village of Greenport are the primary focus of maritime activity within the Town of Southold. Give water-dependent development precedence over other types of development at suitably zoned waterfront sites within Mattituck Inlet and Creek and the Village of Greenport.

A. Ensure that public actions enable Mattituck Inlet, Mill Creek and the Village of Greenport to continue to function as centers of water-dependent uses.

B. Protect and enhance the economic, physical, cultural, and environmental attributes which make up the character of Mattituck Inlet and Creek, Mill Creek and the Village of Greenport.

10.3 Allow for continuation and development of water-dependent uses within the existing concentration of maritime activity in harbors, inlets and creeks.

In addition to Mattituck Inlet and Creek and the Village of Greenport, important concentrations of water-dependent uses are located at Orient Point, Orient hamlet, Gull Pond, Mill Creek/Budds Pond, Town/Jockey Creek, New Suffolk, James Creek and West Harbor. Individual marinas and other water-dependent uses are located outside of the concentrations of maritime activity.

A. Ensure that public actions enable these harbors, inlets and creeks to continue to function as concentrations of water-dependent uses.

B. Protect and enhance the economic, physical, cultural, and environmental attributes which make up the character of these harbors, inlets and creeks.

10.4 Minimize adverse impacts of new and expanding water-dependent uses and provide for their safe operation.

A. Limit the potential for adverse impacts associated with development of a new water-dependent use by promoting the location of new development at appropriate sites. Appropriate sites include:

1. sites which have been previously developed,
2. sites which require minimal physical alteration to accommodate development,
3. sites that already possess public infrastructure or locational characteristics that would support a water-dependent use.

B. Avoid development of new water-dependent uses at sites that are located outside of the traditional concentrations of water-dependent uses or at sites that exhibit important natural resource values or where the proposed use will cause significant adverse affects on community character, surrounding land and water uses, or scenic quality.

C. Site marinas, yacht clubs, boat yards, and other boating facilities in suitable locations.

The Town of Southold has identified the traditional concentrations of maritime activity located in the harbors, creeks and inlets, as the most appropriate locations for the development and expansion of marinas, yacht clubs, boat yards, and other boating facilities. These sites are zoned for these uses: either Marine I or II. In general, the necessary infrastructure and services to support these uses already exists in these areas, and due to the general level of previous development of these areas, the potential for significant adverse impact on the remaining natural resources is likely to be less than in other locations. Siting maritime uses outside of MI and MII zoning districts increases the potential for adverse impacts on coastal resources.

Note: As used in this document, the term "boating facility" means a business or accessory use that provides docking for six or more boats and encompasses 4,000 square feet or greater of surface waters, as measured by the outermost perimeter of the dock.

1. a. seek to minimize adverse impacts on coastal resources by siting new marinas, yacht clubs, boat yards, and other boating facilities only in areas identified as appropriate for water-dependent uses;
   b. avoid siting new marinas, yacht clubs, boat yards, and other boating facilities outside of the areas identified as appropriate for water-dependent uses.
2. Use the following standards in the siting of new and the expansion of existing marinas, yacht clubs, boat yards, and other boating facilities:
   a. upland space for parking, storage and support facilities is sufficient,
   b. waterside and landside access is adequate,
   c. nearshore depth is adequate,
   d. wetlands, shellfish beds, or fish spawning grounds would not be adversely affected,
   e. water quality classifications are compatible,
   f. in-water dredging and maintenance dredging is minimized,
   g. basin morphometry or other means ensures adequate water circulation,
   h. on-site stormwater retention and filtration is ensured, along with rinse water from boat washdown pads.
3. Ensure that new or expanding marinas:
   a. consider marine services and boat repair, when feasible, to meet a range of boating needs,
   b. do not displace or impair the operation of existing water-dependent transportation, industry, or commerce,
   c. do not encroach upon navigation channels, channel buffer areas, or public mooring areas,

d. incorporate public access to the shore through provisions, such as including access from the upland, boat ramps, and transient boat mooring,
e. limit discharge of sewage by providing pump out facilities unless the State's Clean Vessel Act plan indicates that adequate pumpout facilities exist.

D. Maintain existing ferry services to Fishers Island and to Orient Point.

Within certain parameters, the existing ferry services to Fishers Island and Orient Point should be maintained. The ferry service to Fishers Island provides the only access on and off the island other than by private boat. Maintenance of that service is essential to the economic survival of Fishers Island and the health, safety and welfare of its residents.

The service to Orient Point provides a needed outlet to the Northeast, without which all auto and freight travel would be forced to go west through New York City or through Port Jefferson Harbor to Bridgeport. However, that service provides ridership to a wider geographic area than just Southold Town. Escalating levels of service are resulting in negative impacts on the quality of life and the transportation network within the Town.

Use the following considerations in the evaluation of proposals to expand existing ferry operations or the establishment of new ferry services:

1. compatibility of the proposal with the surrounding community,
2. public demand for the intended route,
3. adequately sheltered terminal site location and ferry waiting area,
4. adequate waterside access and dock facilities,
5. adequate size and design of terminal and parking area to accommodate the intended volume of passengers during peak use,
6. availability of public rest rooms,
7. adequate road access to handle the volume of vehicle traffic generated during peak use,
8. mitigation of all adverse environmental impacts,
9. degree to which expansion will serve local demand (as opposed to pass through demand for portions of Long Island lacking direct ferry service.

10.5 Provide sufficient infrastructure for water-dependent uses.

The Town of Southold has identified Mattituck Inlet and Creek, Mill Creek and the Village of Greenport as the focus of its maritime activity. These will be the targets for improvements to existing infrastructure, such as water and sewer lines, maintenance dredging of navigation channels and anchorage basins, docks and piers, bulkheads, boat ramps, and pump out stations. This infrastructure, which is often too expensive for many water-dependent businesses to maintain or provide on their own, is necessary to sustain water-dependent uses.

A. Provide adequate navigation infrastructure.

Dredging is an essential activity but with costs and impacts that require it to be undertaken only to the extent necessary to meet the current and future needs of water-dependent uses of the Town of Southold. The Town of Southold will work

in cooperation with New York State, Suffolk County, the Village of Greenport and private owners of water-dependent uses to:

1. Protect and maintain existing public and private navigation lanes and channels which provide access to the Town's water-dependent uses.
2. Maintain necessary public and private channels and basins at depths consistent with the needs of water-dependent uses. Discontinue or modify navigation channel or basin maintenance dredging where project depths exceed vessel needs
3. Limit in-water and overhead obstructions that impede commercial, industrial, and recreational navigation.
4. Provide new or expanded navigation lanes, channels, and basins when necessary to support new, or expansion of existing, water-dependent uses. Dredging may be necessary to support a water-dependent use when:
   a. an existing use, or a new use in a suitable location, would be generating vessel traffic that requires the navigation infrastructure,
   b. the amount of dredging, including the project depth, is consistent with shipping needs, and
   c. an alternative site with access to adequate water depth or less need for dredging is not available.
5. Avoid placement of dredged material in Long Island Sound when upland alternatives exist.
6. Put clean dredge material to beneficial use for either beach nourishment or dune reconstruction.
7. Give priority to commercial or industrial navigation in determining rights to navigable waters where commercial or industrial navigation activity exists.
8. Provide for services and facilities to facilitate commercial, industrial, and recreational navigation.

B. *Provide and maintain efficient infrastructure for water-dependent uses.*

Maintain existing infrastructure and improve or provide new infrastructure, particularly in Mattituck Inlet and Creek, Mill Creek and the Village of Greenport, for commercial and recreational vessels and water-dependent uses. The Town of Southold will work with the federal government, New York State, Suffolk County, the Village of Greenport and private owners of water-dependent uses to:

1. Maintain existing sound infrastructure for continued or potential future use by preventing loss through abandonment and neglect.
2. Demolish and remove alternative infrastructure which is likely to present hazards to harbor operations.
3. Maintain existing, and, where necessary for water-dependent uses, construct new, shoreline stabilization and engineering structures such as piers, wharves, jetties, and bulkheads.
4. Maintain facilities to meet safety requirements associated with vessel operations.
5. Maintain and provide for upland structures such as warehouses, off-loading yards, necessary adjacent upland areas, or other storage facilities.

6. Maintain and, where necessary for existing water-dependent uses, improve landside infrastructure such as sewer and water lines, sewage treatment facilities, parking areas, and roads for harbor uses.
7. Promote the provision of appropriate vessel services for commercial and recreational vessels, including berthing, repairs, information, and fueling services.
8. Maintain stabilized inlets at Mattituck Inlet and Silver Eel Pond.

10.6 Promote efficient harbor operation.

Conflicts between water-dependent and non-water-dependent uses, and conflicts among water-dependent uses within Southold's harbors, inlets and creeks have increased in recent years. Increased demand has created competition for space on the foreshore, surface waters, and underwater lands of the Town's harbors. These conflicts have the potential to degrade the natural and cultural characteristics of harbors and their ability to support a range of uses.

The harbor management issues along the Long Island Sound shoreline are concentrated solely in Mattituck Inlet and Creek. The harbor management issues along the Peconic Estuary shoreline are concentrated in the numerous creeks. The highest priority issues are located in Stirling Basin, Gull Pond, and in the vicinity of Mill Creek/Budd's Pond, and Brickyard Cove. The most significant harbor management issues on Fishers Island occur in West Harbor and Silver Eel Pond.

Harbor management plans have been prepared for Mattituck and Fishers Island. A harbor management plan addresses conflict, congestion and competition for space in the use of a community's surface waters and underwater land. It provides consideration of and guidance and regulation on the managing of boat traffic, general harbor use, optimum location and number of boat support structures, such as docks, piers, moorings, pumpout facilities, special anchorage areas, and identification of local and federal navigation channels. It also provides the opportunity to identify various alternatives for optimum use of the waterfront and adjacent water surface, while at the same time analyzing the probable environmental effects of these alternatives.

A. *Prepare harbor management plans as needed for key harbors, inlets and creeks.*
The Town of Southold may prepare harbor management plans for Stirling Basin, Gull Pond, the vicinity of Mill Creek/Budd's Pond, and Brickyard Cove at some point in the future.

B. *Promote efficient harbor operation in Mattituck Inlet and Creek*
The harbor management plan for Mattituck Inlet is included within the Town of Southold LWRP in *Section IV*. Following a review of the inventory and analysis and an assessment of the key issues in Mattituck Inlet and Creek, the Town of Southold has established the following guidelines for the harbor management of Mattituck Inlet and Creek:
1. Protect and improve water-dependent uses and the working waterfront.
2. Promote reuse of underutilized, previously disturbed waterfront properties for environmentally appropriate water-dependent uses.

3. Maintain navigation, including use of the Town's only federal harbor, including the federal anchorage, maintenance dredging, and the protection of navigation channels.
4. Expand access to the water for natural recreation, navigation and shellfishing.
5. Reduce conflicts between marine uses and the environment.
6. Improve water quality and reduce pollution sources.
7. Maintain natural resources within the inlet, such as significant fish and wildlife habitats, wetlands, and shellfish beds.
8. Provide opportunities for shellfishing and aquaculture.

C. Promote efficient harbor operation in the waters off Fishers Island

In response to the increasing congestion and competition for the use of the waters and harbors of Fishers Island, the Town of Southold appointed the *Fishers Island Harbor Committee*. Established in May 1994, they were charged with preparing a harbor management plan for all the Town waters and harbors surrounding Fishers Island. The *Fishers Island Harbor Management Plan* is included in the LWRP in *Section IV*. On the recommendation of the Committee, the Town of Southold has established the following guidelines for the harbor management of the waters surrounding Fishers Island:

1. Ensure balance among existing use of the Island's surrounding waters and harbors.
2. Protect and maintain the shoreline character, heritage, and existing quality of life.
3. Promote and support access to the Island's surrounding waters and other resources in the shoreline areas for all Island residents.
4. Provide for and regulate multiple uses of the Island's surrounding waters and harbors in a manner that assures safe, orderly and optimum use of the water and shorefront resources.
5. Maintain the chemical, physical and biological integrity of the Island's surrounding waters and harbors and their dependent habitats.

Policy 11	**Promote sustainable use of living marine resources in Long Island Sound, the Peconic Estuary and Town waters.**

The living marine resources of the Town of Southold play an important role in the social and economic well being of the community. Fishermen and baymen have been an integral, but vanishing part of the local scene. Commercial and recreational harvesting of these living marine resources also contributes significantly to the economy of the region and the state. The close proximity of the Town to the New York metropolitan area means that the resource is heavily used commercially and recreationally.

Continued use of the Town's living marine resources depends on maintaining the long-term health and abundance of marine fisheries resources and their habitats. Ensuring that the resources are sustained in usable abundance and diversity for future generations requires the active management of marine fisheries, protection and conservation of habitat, restoration of habitats in areas where they have been degraded, and maintenance of water quality at a level that will foster

occurrence and abundance of living marine resources. Habitat protection and restoration must include an active program of protecting existing wetlands and preventing further loss of wetlands (and other habitat) to inappropriate bulkheading or other shoreline hardening structures. The quality of existing habitat needs to be protected from intrusions due to poor siting of moorings and other boating activity. Finally, allocation and use of the available resources must be consistent with the restoration and maintenance of healthy stocks and habitat and must maximize the benefits of resource use so as to provide valuable recreational experiences and viable business opportunities for commercial and recreational fisheries.

Management of these resources must take place not only with Town boundaries, but within the Peconic Estuary and the Long Island Sound. The land use and resource management decisions of other Towns also factor into the equation. This means that estuarine resource management must include brokered agreements among the bordering Towns and Villages, as well as State and County agencies, about how to protect and manage the resource within their boundaries. The Town's Trustees support the creation of a task force to accomplish this. This also is one of the goals of the *Peconic Estuary Program.* In Long Island Sound, resource management efforts must include the cooperation of the State of Connecticut and its constituent counties and towns. Where certain threatened or endangered species of national significance are concerned, the active cooperation of the federal government will be necessary in order to provide adequate protection of the fishery.

Policy Standards

11.1 Ensure the long-term maintenance and health of living marine resources.

A. Ensure that commercial and recreational uses of living marine resources in the Town of Southold are managed in a manner that:

1. places primary importance on maintaining the long-term health and abundance of marine fisheries,
2. results in sustained useable abundance and diversity of the marine resource,
3. does not interfere with population and habitat maintenance and restoration efforts,
4. uses best available scientific information in managing the resources
5. minimizes waste and reduces discard mortality of marine fishery resources,
6. restricts commercial and recreational activities, including the use of certain gear types, gear sizes and practices that have negative impacts on marine habitats.

B. Protect and manage native stocks and restore sustainable populations of indigenous fish and wildlife species and other marine living resources.

The protection of native stocks includes protecting the genetic integrity of recognizable native populations that can be placed at risk by inappropriate stocking. Native stocks also need to be protected from adverse impacts due to introduction of non-indigenous species.

C. Foster the occurrence and abundance of the Town's marine resources through:

1. protection of spawning grounds, habitats, and water quality,
2. enhancement and restoration of fish and shellfish habitat,
3. the prevention of over-fishing.

11.2 Provide for commercial and recreational use of the Town of Southold's finfish, shellfish, crustaceans, and marine plants.

A. Maximize the benefits of marine resource use so as to provide:

1. a valuable recreational resource experience,
2. viable business opportunities for commercial and recreational fisheries.

B. Where fishery conservation and management plans require actions that would result in resource allocation impacts, ensure equitable distribution of impacts among user groups.

C. Protect the public health and the marketability of marine and fishery resources by:

1. restricting the harvest of shellfish when the sanitary condition of waters exceeds public health standards,
2. restricting the harvest of fish and shellfish when they are contaminated with toxics exceeding established public health thresholds,
3. limiting the availability of shellfish from uncertified waters by depleting (transferring) shellfish stocks to levels which would discourage illegal harvest,
4. maintaining and improving water quality of fishery and marketable marine resources to protect public health.

D. Promote the restoration and protection of over-fished resources through the development of a region-wide management plan for fisheries.

11.3 Maintain and strengthen a stable commercial fishing fleet in the Town of Southold

The commercial fishing industry is both historically and economically significant in Southold. It is critical to maintain a stable commercial harvesting fleet and adequate levels of support facilities and infrastructure to prevent the irreversible loss of an industry that provides basic nourishment for the people of the Town, region and the state. However, it is also clear that the health of the harvested fisheries will be a dominant factor in the size, stability and viability of the commercial fleet. The Town is not advocating subsidy of a fleet in excess of the capacity of the fishery resource to regenerate itself. Over-fishing or harvesting of any resource should be avoided at all costs.

A. Protect and strengthen commercial fishing harvest operations and facilities to support a stable commercial fishing industry.

1. Promote the improvement of existing and support the expansion of fishing operations and facilities for offshore commercial fishing in Mattituck Inlet and Creek and the Village of Greenport.
2. Protect and maintain nearshore harvest throughout the Town by providing access, berthing, and off-loading facilities suitable for nearshore operators.

B. Maintain existing commercial fishing infrastructure and promote the development of new commercial fishing infrastructure to support a stable commercial fishing fleet by promoting the provision of:

1. commercial fishing support facilities, including docks and dock space; off-loading areas; gear storage space; commercially-priced fuel and service yards; ice and refrigeration; road access to commercial fishing docks; and affordable housing for fishery industry personnel,
2. fish processing facilities,
3. appropriately scaled baymen's docks in suitable locations near areas of significant harvest activity.

C. Protect commercial fishing support facilities from interference or displacement by competing land and water uses.

11.4 Promote recreational use of marine resources.

Direct public use of marine resources provides recreational experiences and economic benefits that are integral to the coastal identity of Southold. Recreational use of marine resources includes fishing from the beach and clamming near the shoreline. Commercial charter and party boats provide additional opportunities for recreational fishing in Southold for those who don't own their own boats.

As with the commercial fishing industry, the recreational fishing industry is both historically and economically significant in Southold. The recreational fishing industry has the capacity to over-harvest in much the same way as the commercial industry. The Town does not support increasing the recreational harvest or the size of the recreational fleet (party/charter boats) in excess of the capacity of the fishery to regenerate itself. The enforcement of recreational harvest quotas is within the purview of both the Town's Bay Constables and the State Department of Environmental Conservation.

A. Provide opportunities for recreational use of marine resources throughout the Town, and not just through marine- zoned properties.

B. Provide adequate infrastructure at existing public waterfront parks to meet recreational needs including appropriate fishing piers, dockage, and parking.

C. Promote commercial charter and party boat businesses in Mattituck Inlet and the Village of Greenport.

D. Enforce harvest quotas.

11.5 Promote managed harvest of shellfish originating from uncertified waters.

Microbiological cleansing of shellfish from uncertified waters in depuration facilities, and relaying of shellfish from uncertified to certified areas for cleansing and eventual harvest, provide a means of marketing a valuable resource that would remain unused otherwise. This activity takes place within the Town. Shellfish from uncertified waters outside the Town also are transferred within for cleansing before harvest and sale. The

Plock Shellfisher Preserve and the Suffolk County Marine Environmental Learning Center at Cedar Beach County Park, both in Reach 7, are land-based centers for the managed cleansing of shellfish.

It should be noted here, however, that the use of mechanical and/or hydraulic gear to harvest shellfish is an issue of concern because of its potential to damage shellfish habitat. Improper or careless use of this type of gear also has the potential to injure juvenile finfish habitat, eelgrass beds and other marine habitat within Peconic and Gardiner's bays.

A. Allow for harvest of shellfish from uncertified waters, provided protocols are adhered to for protection of public health.

In order to ensure that there is minimal environmental disturbance of the harvest area, harvesters will:

1. use the scale or method of shellfish harvesting operations that is most appropriate to the resource and the physical characteristics of the harvest area,
2. allow sufficient shellfish spawning stock to remain in the harvest area to maintain the resource while reducing the likelihood of illegal harvesting.

B. Promote harvesting stock for depuration and for relays by nearshore hand harvesters.

11.6 Promote aquaculture.

Aquaculture is a desired water-dependent use in Southold. Aquaculture of economically important species can not only provide additional economic opportunities, it can relieve pressure on and enhance wild stocks that may be adversely affected by pollution, loss of habitat, over-fishing, or other factors. Aquaculture is encouraged for the purpose of restoring native stock and reseeding the creeks and bays; with the primary objective of providing for local economic opportunities, both commercial and recreational in nature, but at a scale appropriate for the resource itself and the marine environment in which the operation is located. The siting of aquaculture facilities within inland portions of creeks should take into account and mitigate negative environmental impacts on the native ecology. The placement of aquaculture facilities within open waters also should be sited so that existing fishery resources are not negatively impacted. More specifically, the effect on finfish of the loss of habitat resulting from aquaculture operations should be a major consideration in any leasing program within the Peconic Bays. Finally, the Town supports the continued activities of the Plock Shellfisher Preserve and the Suffolk County Marine Environmental Learning Center at Cedar Beach County Park in the area of promoting sustainable aquaculture.

A. Encourage and promote aquaculture of economically important species.

B. Protect native stocks from potential adverse biological impacts due to aquaculture.

Biological impacts to be addressed include direct displacement, competition, introduction of disease, exposure to antibiotics, animal wastes, and potential loss of genetic integrity as well as loss of habitat.

The Town of Southold may provide leases of Town-owned underwater lands for aquaculture only in areas which are not naturally significant shellfish producing areas or which are not supporting significant shellfish hand-harvesting. Similarly, leases of state-owned underwater lands for aquaculture should only occur in areas that are not already significant shellfish producing areas or which are not currently supporting significant shellfish hand-harvesting.

Policy 12 Protect agricultural lands in the Town of Southold.

The intent of this policy is to conserve and protect agricultural land in Southold by preventing the conversion of farmland to other uses. This policy requires a corollary commitment to protecting, promoting and encouraging agricultural activity including that of support services. Although Southold's agricultural acreage has been declining over the last 50 years, it still retains approximately 10,000 acres, nearly one-third of its entire land base. All of this acreage is prime soil for agricultural use. This loss has occurred primarily due to residential development that is transforming the landscape from that dominated by agrarian uses and activities to that dominated by single family residences. Protecting the remaining agricultural land in the Town of Southold is critical to ensuring preservation of the Town's agricultural economy, its 350+ year farming heritage, open space, and scenic quality. In January 2000, the Town adopted a *Farm and Farmland Protection Strategy*, the recommendations of which have been incorporated, into this document.

Note:
As used in this report and the Farm and Farmland Protection Strategy*, the term "agricultural land" is defined as land included in agricultural districts as created under Article 25 - AA of the New York State Agricultural and Markets Law. The term also signifies lands comprised of soils classified in soil groups 1,2,3, or 4 according to the New York State Department of Agriculture and Markets Land Classification System; or lands used in agricultural production, as defined in Article 25-AA of the Agriculture and Markets Law. For the purposes of the Town's policy towards protecting and promoting agricultural land and production, all viable agricultural land has been targeted, not just those lands registered with an agricultural district.*

Policy Standards

12.1 Protect agricultural lands from conversion to other land uses.

Elimination of agricultural production due to conversion to other land uses, primarily residential, is the major threat to agricultural lands in the Town of Southold. Conversion can occur through piecemeal or cumulative physical loss of land to development. Minor and major subdivisions of land contribute to the loss of viable farmland. The trend towards subdivision, as opposed to consolidation, of land has been longstanding. This trend poses a significant threat to the long-term stability of the agricultural industry as well as its land mass.

In addition to the direct conversion of agricultural land, indirect threats contribute to the conversion of agricultural land to other uses. Indirect threats include: incompatibility of new development with existing farming, introduction of private driveways that cut through, and essentially divide, active farmland, and loss of prime soil by contamination or wind or water erosion. The Town has moved aggressively to protect against some of these threats with its Farmland Bill of Rights, which was adopted in 1997. (Article XXII, Chapter 100, Zoning, Town Code)

A. *Avoid conversion of agricultural lands to non-agricultural uses.*
Priority has been given to preservation of approximately 10,000 acres of land that is in active production, fallow or used for support purposes. The Town's goal is to have agricultural land remain in large contiguous blocks. This land has been targeted in the *Farm and Farmland Protection Strategy*.

B. *Prevent encroachment of commercial, industrial, institutional, or residential development on agricultural lands.*
Rezoning of commercial-zoned properties within the targeted agricultural area, particularly along CR 48 has been completed. *The Water Supply Management & Watershed Protection Strategy* defined a Watershed Protection Zone (WPZ) within which development density would be discouraged and the preservation of open space and agricultural land would be encouraged. The proposed boundaries of the WPZ more or less coincide with much of the agricultural land targeted under the *Farm and Farmland Protection Strategy*.

C. *Protect existing agricultural use and production from adverse impacts due to:*
1. public infrastructure and facility development including:
    a. unnecessary encroachment of public projects into agricultural lands,
    b. introduction of infrastructure or facilities, such as public roads or water or sewer facilities into agricultural lands,
    c. dividing active farms with obstacles, such as highway construction and right-of-ways,
2. creation of other conditions which are likely to lead to conversion of agricultural lands, such as loss of necessary support services,
3. environmental changes which are likely to reduce agricultural productivity or quality, including, but not limited to, changes in groundwater quantity and quality.

D. *Provide buffers between agricultural and non-agricultural uses.*
New development located adjacent or in proximity to agricultural land or uses should provide sufficient buffer between agricultural and non-agricultural lands to protect agricultural uses from interference from non-agricultural uses, and protect non-agricultural lands from potentially offensive agricultural practices.

12.2 Establish and maintain favorable conditions which support existing or promote new coastal agricultural production.

Loss of agricultural lands is often exacerbated by conditions that reduce the profitability of farming, such as high costs related to land, labor, and utilities. Creating a favorable economic environment to support agriculture is an important component in ensuring that agriculture is sustained in Southold. Avoidance of activities that would alter market conditions also is a consideration. The following standards should be used to guide decisions that might impact on agricultural production.

A. Promote new and maintain existing local support services and commercial enterprises necessary to support agricultural operations.

B. Provide economic support of existing agriculture by allowing appropriate accessory uses which would assist in retention of the agricultural use.

C. Promote activities and market conditions that would help prevent conversion of farmlands to other land uses.

1. Promote activities that protect and expand agricultural commodity markets, such as value-added venues.
2. Promote greater use of reduced density, preservation-oriented subdivisions and voluntary conservation techniques to assist landowners in retaining the most valuable agricultural land in production.

D. Support acquisition of development rights of agricultural lands.

1. Promote partnerships between different levels of government, private foundations and landowners to acquire or gift development rights to prime agricultural lands.
2. Expedite acquisitions where the Community Preservation Project Plan has been used to identify and target land for preservation.

12.3 Minimize adverse impacts on agriculture from unavoidable conversion of agricultural land.

Where farmland is converted to residential or other non-agricultural land use, the adverse impacts of that change on the remaining agricultural land should be minimized. To the maximum extent possible, clustering and other techniques should be utilized to retain sufficient land suitable for agricultural opportunities within the new development area. Arrangements for keeping viable fields in production through lease arrangements or easements should be encouraged. Site design should minimize potential conflicts between new residential or commercial uses and the agricultural use.

A. Minimize encroachment of commercial, industrial, institutional, or residential development of agricultural lands.

B. Retain or incorporate opportunities for continuing agricultural use.

C. Locate and arrange development to maximize protection of the highest quality agricultural land in large contiguous tracts for efficient farming.

12.4 Preserve scenic and open space values associated with the Town's agricultural lands.

Scenic and open space values associated with agricultural lands should be protected. Farming, as an element of landscape, makes a particularly important and dominant contribution to the community character of the Town of Southold. It must be recognized that visual and open space qualities are reliant on an active and viable agricultural industry. This requires that farmers be allowed the flexibility to farm in an economically viable fashion, incorporating modern techniques and farm operations, as well as farm structures.

A. Locate and arrange new development to maximize protection of agricultural land in large contiguous tracts to protect associated scenic and open space values.

B. Allow farms to operate using appropriate modern techniques and structures.

Policy 13 Promote appropriate use and development of energy and mineral resources.

It has been observed that the Long Island region faces more serious energy problems than any other region in the State of New York. The Town, along with the rest of Long Island faces recurring price hikes and the danger of energy shortages. The Sound region is heavily dependent on oil for electric generation and home heating. (One exception to this is the Village of Greenport, which taps into hydroelectric supplies brought in by underground cable from upstate and Canada.) Natural gas has been available, but in limited quantities throughout the region, including Southold Town. The situation has been aggravated by the region's strong reliance on motor vehicle transportation. Further, the decommissioning of the Shoreham nuclear power plant has resulted in what are considered the highest electricity prices in the continental United States.

In response, the first order of action should be to promote the conservation of energy. Energy efficiency in transportation, site design, and energy generation are effective means of reducing energy demands. Better use of solar design principles and the integrated harnessing of solar and wind power in residential home design also may reduce the degree of dependence on the traditional sources of oil, gas and electricity. The climate within the Town of Southold is well suited towards use of solar and wind power in certain small-scale situations. Further, as land continues to be preserved for farming and open space uses, the growth potential and future demand for energy may slow down. Another option for individuals is lifestyle choices that result in reduced energy consumption. In the long run, a lessened demand for energy will reduce the need for construction of new facilities that may have adverse impacts on coastal resources.

During the national oil crises of the 1970s, oil and gas extraction, as well as storage and refining, off the Northeast coastline (specifically the Georges Bank) was given serious consideration. Should that scenario be revived, the potential impacts on the Town would have to be explored, particularly with regard to the potentially adverse impacts on its sole source aquifer and its fragile marine ecosystem.

Policy Standards

13.1 Conserve energy resources.

A. *Promote energy efficient modes of transportation:*

1. Promote and maintain rail freight and intermodal facilities.
2. Promote and maintain appropriate waterborne cargo and passenger transportation within the capacity of the land-based transportation network.
3. Promote and maintain mass transit.
4. Promote alternative forms of transportation, including the provision of safe bicycle lanes in new highway construction and rehabilitation of existing highways.

B. *Plan and construct sites using energy efficient design.*

1. Promote use of energy efficient design through local building codes and site plan review.

C. *Capture waste heat from industrial processes for heating and electric generation.*

D. *Promote energy generating efficiency through design upgrades of existing facilities.*

13.2 Promote alternative energy sources that are self-sustaining, including solar and wind powered energy generation.

In siting such facilities, avoid interference with coastal resources, including migratory birds, wetland and woodland habitats, scenic resources and coastal processes.

13.3 Ensure maximum efficiency and minimum adverse environmental impact when siting major energy generating facilities.

A. *Major energy generating facilities may be located in a coastal location where a clear public benefit is established using the following factors:*

1. There is a demonstrated need for the facility.
2. The facility will satisfy additional electric capacity needs or electric system needs.
3. Alternative available methods of power generation and alternative sources of energy cannot reasonably meet the public need.
4. Upgrades of existing facilities cannot reasonably meet the public need.
5. The facility incorporates feasible public recreational uses.
6. The facility is designed to minimize environmental and visual impacts to the Town's environmental, scenic, historic and cultural resources.

B. *Achieve maximum transmission efficiency by siting major energy generating facilities close to load centers.*

C. *Preclude the potential degradation of coastal resources by siting and constructing new electric energy generating and transmission facilities so that they would not adversely affect:*

1. commercial navigation,
2. commercial and recreational fishing,

3. agricultural lands,
4. designated Significant Coastal Fish and Wildlife Habitats,,
5. habitats critical to vulnerable fish and wildlife species, vulnerable plant species, and rare ecological communities
6. wetlands,
7. historic resources,
8. scenic resources.

13.4 Minimize adverse impacts from fuel storage facilities.

A. Regional petroleum reserve facilities are inappropriate in the coastal area of the Town of Southold.

B. The production, storage, or retention of petroleum products in earthen reservoirs is prohibited.

C. Liquefied Natural Gas facilities must be safely sited, screened and operated.

D. Protect natural resources by preparing and complying with an approved oil spill contingency plan.

13.5 Minimize adverse impacts associated with mineral extraction.

A. Commercial sand and aggregate mining is generally presumed to be an inappropriate use in the Town of Southold. Factors to be used in determining the appropriateness of a commercial mining operation include:
1. compatibility with adjacent uses,
2. loss of use of the site for other potential uses,
3. alteration of coastal geological landforms,
4. impact on designated sole-source aquifers,
5. adverse impact on natural resources,
6. degradation of visual quality.

B. Preserve soils and overburden using appropriate site preparation techniques and subsequent site reclamation in accordance with an approved plan for the suitable use of affected lands, including:
1. drainage and water control to reduce soil erosion,
2. proposed future use of the affected lands, and
3. specific activities, including:
    a. revegetation,
    b. disposal of refuse or dredged materials,
    c. drainage and water control features,
    d. grading and slope treatment,
    e. proposals for the prevention of pollution and the protection of the environment.

C. Limit subaqueous sand and gravel extraction to activities necessary for navigation or erosion control.