



November 25, 2020

N.Y.S.D.E.C.
Division of Environmental Permits
SUNY @ Stony Brook | 50 Circle Road
Stony Brook, NY 11790-3409

Attn: Eugene Zamojcin

RE: Application #1-4728-05908/00001
Village of Ocean Beach Walkways & Retaining Wall Construction
Cottage Walk to Surf View Walk | Fire Island

Dear Mr. Zamojcin:

Based on my conversation with Eric Star today, please find enclosed a CEHA Variance Request for the above referenced project.

If you have any questions or require additional information to enable review and permit issuance, please contact me at (631) 727-2400 or krisotto@landuse.us. Thank you.

Sincerely,

Kelly Risotto
Senior Ecologist

Enc.
CC: Eric Star, via email w/attachments

Ocean Beach Walkway & Retaining Wall Construction
Village of Ocean Beach, Fire Island | Cottage Walk to Surf View Walk

CEHA Variance Request

As required based on correspondence received from NYSDEC, a variance is hereby requested under Article 34 of the Environmental Conservation Law (ECL), Coastal Erosion Hazard Areas (CEHAs). Specifically, a variance is requested to §505.8(d) of Article 34, which prohibits development in a primary dune, to allow for the construction of the retaining wall along Ocean View Walk on the landward side of the primary dune. Reasons supporting the granting of a variance are outlined in the following paragraphs.

(1) No reasonable, prudent, alternative site is available.

Reasons supporting the variance request: The CEHA line is located north of Ocean View Walk, and as such, the entirety of the project is within the CEHA. As stated in the Project Narrative, the purpose of the proposed new retaining wall along the south side of Ocean View Walk is to prevent sand from migrating into the roadway. Sand migrating into the roadway creates a public health and safety issue where emergency vehicles, as well as utility and sanitation trucks, cannot access and safely travel along Ocean View Walk.

The Ocean Beach Fire Department is located on Midway between Bayberry Walk and Ocean Breeze Walk. During the summer season, there are multiple calls daily wherein emergency responders must get to the Lifeguard Building at Cottage Walk, or even to the beach. The emergency response route is to travel south on Bayberry or Ocean Breeze Walk to Ocean View Walk. A buildup of sand in the roadway from the back of the dune results in difficulties for emergency response teams to navigate the turns and Ocean View Walk, which could increase response times.

In addition to emergency response, utilities and sanitation trucks must be able to safely access the length of Ocean View Walk to maintain utility poles and wires, and to collect refuse. Sand buildup in the roadway makes safe navigation of Ocean View Walk difficult, and sometimes impossible without continuous removal.

It is for these reasons that the Village of Ocean Beach is applying to construct approximately 470 linear feet of retaining wall along the south side of Ocean View Walk. The wall shall be set 3 feet south of the roadway to avoid the public water line that is buried approximately 1-2 feet south of the roadway.

In conclusion, there are no alternative locations for the proposed retaining wall, as its purpose is to prevent sand migration from the primary dune onto the existing Ocean View Walk.

(2) All responsible means and measures to mitigate adverse impacts on natural systems and the functions and protective values described in section 505.3 of 6NYCRR Part 505 have been incorporated into the project design and will be implemented at the developer's expense.

Reasons supporting the variance request: Construction of a new 3-foot high timber retaining wall along Ocean View Walk is proposed along approximately 470 linear feet of the 960 linear foot right-of-way. It is only proposed in areas where the landward side of the dune is sparsely vegetated and sand migrates into the roadway, to minimize potential impacts to the primary dune.

The proposed retaining wall is located as close to the public right-of-way as possible to minimize impacts to the primary dune. It shall be set 3 feet south of the roadway to avoid the public water line that is buried approximately 1-2 feet south of the roadway.

In addition to the location of the retaining wall, the wall design minimizes impacts to the primary dune. The wall shall be 2" x 10" tongue and groove CCA timber, supported by 6" x 6" timber posts and a 2" x 8" timber cap. Support for the wall will also be achieved through installation of 6" x 6" deadmen and 5/8" tie rods landward of posts in locations where the deadmen will not impact existing woody vegetation. Deadmen will not be installed in areas of woody vegetation to minimize impacts to the vegetation and dune system.

(3) The development will be reasonably safe from flood and erosion damage.

Reasons supporting the variance request: The proposed retaining wall will be reasonably safe from flooding and erosion, as it is sited on the northern edge of the primary dune, as close to the concrete right-of-way as possible. As stated in the Project Narrative, the retaining wall is a minimum of 144 feet landward of MHW, with a beach and dune system between the wall and the ocean. The beach is 40-95 feet wide from MHW to the sand fencing at the toe of the dune, based on recent aerial imagery. The dune along Ocean View Walk, measured from the sand fencing installed at the seaward toe of the dune to the south side of Ocean View Walk, is approximately 105-180 feet wide, and the landward portion of the dune is densely vegetated.

(4) The variance requested is the minimum necessary to overcome the practical difficulty which was the basis for requesting it.

Reasons supporting the variance request: As stated above, the proposed retaining wall is only proposed where the landward side of the dune is sparsely vegetated and sand migrates into the roadway, rather than along the entire length of Ocean View Walk. The wall shall be located as far landward (north) as possible. It is proposed 3 feet south of the concrete right-of-way to avoid the public water line that is located 1-2 feet south of Ocean View Walk. In addition, the height of the wall is minimized at 3 feet, to deter pedestrians from walking on the dune while providing the function of preventing sand migration into the roadway. Finally, deadmen supports are only proposed where the deadmen will avoid woody vegetation. The proposed wall is therefore the minimum necessary to overcome the practical difficulty that is the reason for requesting it.

(5) Where public funds are utilized, the public benefits clearly outweigh the long-term adverse effects for any proposed activities and development.

Reasons supporting the variance request: As stated in #1 above, and in the Project Narrative, the purpose of the proposed new retaining wall along the south side of Ocean View Walk is to prevent sand from migrating into the roadway. Sand migrating into the roadway creates a public health and safety issue where emergency vehicles, as well as utility and sanitation trucks, cannot access and safely travel along Ocean View Walk.

The Ocean Beach Fire Department is located on Midway between Bayberry Walk and Ocean Breeze Walk. During the summer season, there are multiple calls daily wherein emergency responders must get to the Lifeguard Building at Cottage Walk, or even to the beach. The emergency response route is to travel south on Bayberry or Ocean Breeze Walk to Ocean View Walk. A buildup of sand in the roadway from the back of the dune results in difficulties for emergency response teams to navigate the turns and Ocean View Walk, which could increase response times.

In addition to emergency response, utilities and sanitation trucks must be able to safely access the length of Ocean View Walk to maintain utility poles and wires, and to collect refuse. Sand buildup in the roadway makes safe navigation of Ocean View Walk difficult, and sometimes impossible without continuous removal.

The need for safe and continuous access for emergency response, as well as sanitation and utility trucks, clearly outweigh any adverse impacts construction of the retaining wall may have on the landward edge of the primary dune.