



FINAL DRAFT REPORT

VILLAGE OF OCEAN BEACH

**LOCAL WATERFRONT
REVITALIZATION
PROGRAM**

Prepared for:

Incorporated Village of Ocean Beach
Bay Walk
Ocean Beach, New York 11770

Natalie Katz Rogers, Mayor

Prepared by:

Cashin Associates, P.C.
1200 Veterans Memorial Highway
Hauppauge, New York 11788

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Table of Contents

<u>Section</u>	<u>Title</u>	<u>Page No.</u>
I	LOCAL WATERFRONT REVITALIZATION AREA BOUNDARY.....	1-1
	1.1 New York State Coastal Management Program Boundary.....	1-1
	1.2 Proposed Changes to the CMP Boundary.....	1-1
II	INVENTORY OF RESOURCES	2-1
	2.1 Orientation and Community Profile	2-1
	2.1.1 Historic Development.....	2-3
	2.2 Natural Resources.....	2-5
	2.2.1 Surface Geology and Topography.....	2-5
	A. Geological and Topographic Setting.....	2-5
	B. Soils	2-6
	2.2.2 Surface Water Resources.....	2-6
	A. Surface Waters in the Village Coastal Area.....	2-7
	B. Applicable Water Quality Standards and Related Criteria.....	2-9
	C. Existing Water Quality Conditions.....	2-10
	D. Stormwater and Non-Point Source Pollution.....	2-13
	2.2.3 Groundwater Resources	2-13
	2.2.4 Wetland Ecology	2-13
	A. Tidal Wetlands	2-14
	B. Freshwater Wetlands.....	2-14
	2.2.5 Upland Ecology.....	2-15
	2.2.6 NYS Designated Significant Coastal Fish and Wildlife Habitats.....	2-17

FINAL DRAFT REPORT
Village of Ocean Beach
Local Waterfront Revitalization Program

July 23, 2004

Table of Contents (continued)

<u>Section</u>	<u>Title</u>	<u>Page No.</u>
2.2	<i>Natural Resources (Continued)</i>	
2.2.7	Fire Island National Seashore.....	2-20
2.2.8	Flooding and Erosion.....	2-22
	A. Summary of Flooding and Erosion History in the Village.....	2-22
	B. Natural Protective Features	2-23
	C. Man-Made Shoreline Conditions.....	2-24
	D. FEMA Flood Zones.....	2-25
	E. Coastal Surge Elevations.....	2-26
	F. Flood Mitigation Planning.....	2-26
2.2.9	Scenic Resources.....	2-27
2.3	Land and Water Uses, and Zoning.....	2-28
2.3.1	Existing Land Use.....	2-28
	A. Water-Dependent and Water-Enhanced Uses.....	2-30
	B. Underutilized, Deteriorated and Abandoned Sites.....	2-32
2.3.2	Surface Water Uses.....	2-33
	A. Vessel Facilities	2-33
2.3.3	Zoning.....	2-34
2.3.4	Public Access and Recreation.....	2-37
	A. Public Recreational Resources and Open Space	2-37
	B. Community Association Recreational Resources	2-40
	C. Public Trust Doctrine and Underwater Land Ownership	2-41
2.3.5	Historic Resources.....	2-43

FINAL DRAFT REPORT
Village of Ocean Beach
Local Waterfront Revitalization Program

July 23, 2004

Table of Contents (continued)

<u>Section</u>	<u>Title</u>	<u>Page No.</u>
2.3.6	Infrastructure.....	2-43
A.	Public Water Supply	2-43
B.	Wastewater Disposal.....	2-45
C.	Roadways, Traffic Circulation, Parking and Public Transportation.....	2-46
D.	Storm Drainage Systems.....	2-47
E.	Other Utilities.....	2-47
2.3.7	Vessel Usage of Waterways Within the Village Coastal Area.....	2-48
2.3.8	Commercial and Recreational Shellfish Harvesting and Finishing.....	2-50
A.	Commercial Fishing.....	2-50
B.	Recreational Fishing	2-50
2.4	Summary of Issues.....	2-51
III	LOCAL WATERFRONT REVITALIZATION PROGRAM POLICIES	3-1
3.1	Overview.....	3-1
3.2	General Policy.....	3-2
3.3	Economic Development Policies.....	3-5
3.4	Waterfront Natural Resources Policies	3-10
3.5	General Environmental Policies.....	3-26
3.6	Recreational and Cultural Policies.....	3-30

FINAL DRAFT REPORT
Village of Ocean Beach
Local Waterfront Revitalization Program

July 23, 2004

Table of Contents (continued)

<u>Section</u>	<u>Title</u>	<u>Page No.</u>
IV	PROPOSED LAND AND WATER USES AND PROPOSED PROJECTS	4-1
4.1	Proposed Land Uses.....	4-1
4.2	Proposed Harbor Management Plan.....	4-1
4.3	Proposed Projects and Other Actions.....	4-6
4.3.1	Proposed Land Acquisitions	4-6
4.3.2	Proposed Capital Projects	4-6
4.3.3	Proposed or Recommended Procedural Actions	4-10
4.3.4	Recommended Studies.....	4-11
4.3.5	Proposed Public Education Programs.....	4-12
V	TECHNIQUES FOR IMPLEMENTATION OF THE PROGRAM.....	5-1
5.1	Existing Local Laws and Regulations	5-1
5.2	Proposed New Local Laws and Amendments to Local Laws and Regulations Necessary to Implement the LWRP	5-10
5.3	Proposed Zoning Changes Necessary to Implement the LWRP	5-11
5.4	Other Public and Private Actions Necessary to Implement the LWRP	5-12
5.5	Management Structure Necessary to Implement the LWRP.....	5-12
5.6	Financial Resources Necessary to Implement the LWRP	5-20
5.7	Summary Chart of Actions that Implement LWRP Policies.....	5-21
VI	STATE AND FEDERAL ACTIONS AND PROGRAMS LIKELY TO AFFECT IMPLEMENTATION	6-1
VII	CONSULTATION WITH OTHER AFFECTED FEDERAL, STATE, REGIONAL AND LOCAL AGENCIES.....	7-1

FINAL DRAFT REPORT
Village of Ocean Beach
Local Waterfront Revitalization Program

July 23, 2004

Table of Contents (continued)

VIII OBTAINING LOCAL COMMITMENT.....8-1

MAPS

Map 1	Local Waterfront Revitalization Area Boundary.....	Follows Section 1
Map 2	Existing Land Use.....	Follows Section 2
Map 3	Existing Zoning	Follows Section 2
Map 4	Environmental Features	Follows Section 2
Map 5	Proposed Land Use.....	Follows Section 4
Map 6	Proposed Water Use.....	Follows Section 4
Map 7	Proposed Zoning.....	Follows Section 5

APPENDICES

Appendix A	Draft Waterfront Consistency Review Law
Appendix B	Draft Harbor Management Law



Section I

Local Waterfront Revitalization Area Boundary

SECTION I LOCAL WATERFRONT REVITALIZATION AREA BOUNDARY

In 1981, the New York State Legislature enacted the Waterfront Revitalization and Coastal Resources Act (Article 42 of the Executive Law) to implement the State Coastal Management Program (CMP) at the State level. The CMP and Article 42 establish a balanced approach for managing development and providing for the protection of resources within the State's designated coastal area by encouraging local municipalities to prepare Local Waterfront Revitalization Programs (LWRPs). An LWRP may expand the coastal boundary to include additional areas would benefit from being included in the coastal area.

1.1 NEW YORK STATE COASTAL MANAGEMENT PROGRAM BOUNDARY

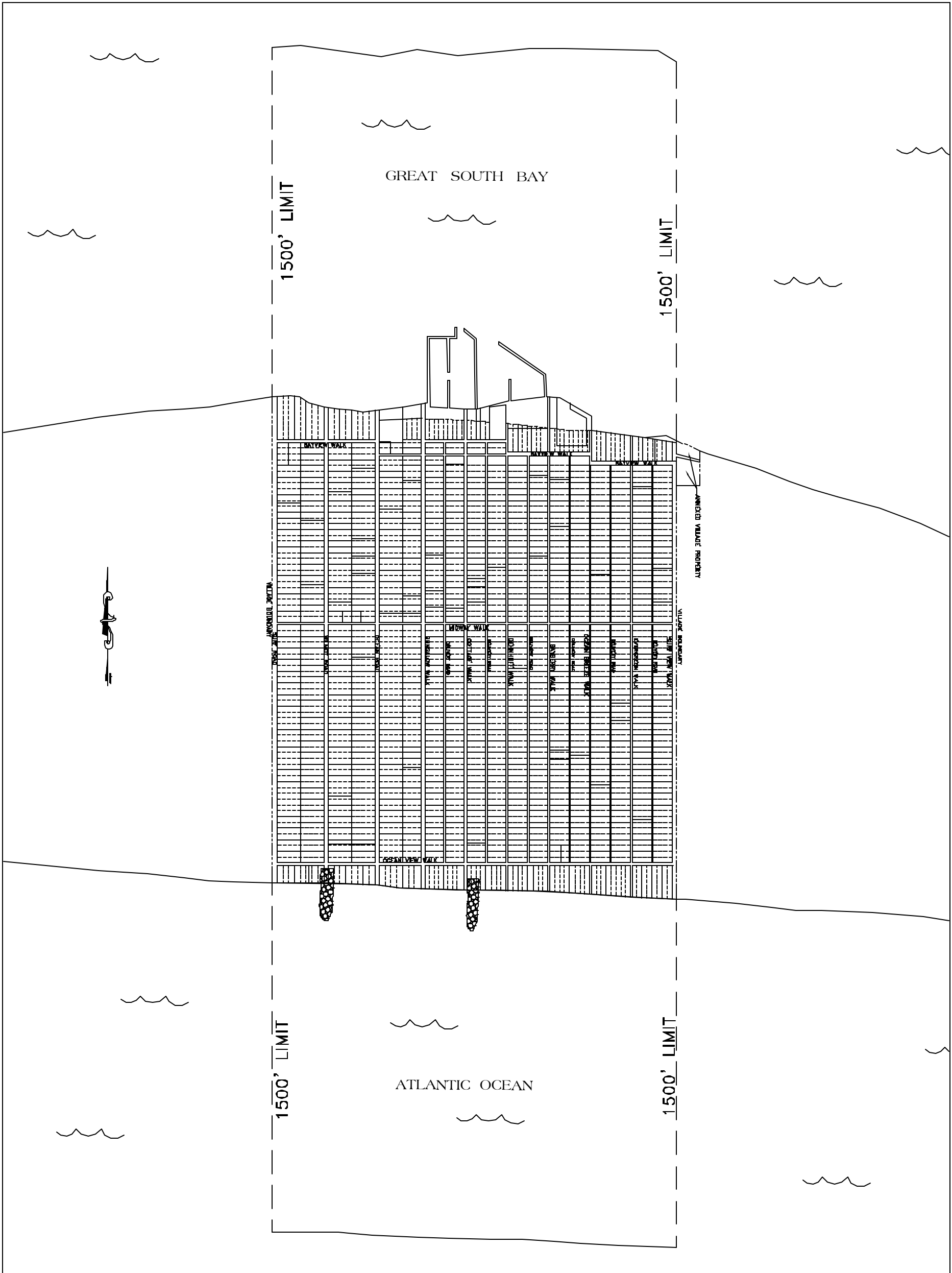
The existing New York State coastal area boundary encompasses the entire upland area of the Incorporated Village of Ocean Beach. In general the Village's corporate boundary follows the mean high water line on both the ocean and bay sides.

The existing New York State coastal area also encompasses all of the area within Great South Bay (and including a portion of the south shore of the Long Island mainland), and the area within the Atlantic Ocean out to the three-mile territorial limit.

1.2 PROPOSED CHANGES TO THE CMP BOUNDARY

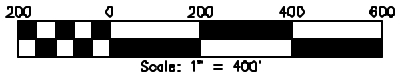
No changes to the State coastal area boundary are proposed.

As illustrated in Map 1, the Local Waterfront Revitalization Area for the Village of Ocean Beach includes the entire upland area of the Village, as well as the water area in both Great South Bay and the Atlantic Ocean up to 1,500 feet seaward of the mean high water line. Within this water surface area, the Village has the authority to regulate the use, speed, operation, anchorage and mooring of vessels, pursuant to Section 46-a of the New York State Navigation Law. These coastal waters also are part of Fire Island National Seashore and are within the jurisdiction of the National Park Service, as is the entire upland area of the Village (see Section 2.2.7 for further discussion).



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MAP 1
 VILLAGE OF OCEAN BEACH
 LOCAL WATERFRONT REVITALIZATION PROGRAM
 BOUNDARY MAP
 JULY 2004





Section II

Inventory and Analysis

SECTION II

INVENTORY AND ANALYSIS OF RESOURCES

2.1 ORIENTATION AND COMMUNITY PROFILE

The Village of Ocean Beach is located on Fire Island, in the Town of Islip, Suffolk County, New York. The community began as two separate hamlets, Ocean Beach and Stay-a-While Beach Estates, which were subdivided into small lots in the early 1900s. These two hamlets were incorporated into the Village of Ocean Beach in 1921. The study area for this LWRP includes the entire geographic area situated within the corporate boundaries of the Village of Ocean Beach, as well as the adjacent waters of Great South Bay to the north and the Atlantic Ocean to the south.

The original boundaries of the Village, at the time of its incorporation in 1921, spanned from Surf Road to the west and Surfview Walk to the east, and between the ocean to the bay. In 1992, the Village purchased additional property immediately to the east of Surfview Walk, comprising two parcels of vacant land on either side on Bayview Walk. The southerly parcel contains a one-story frame house which was unoccupied at the time of acquisition. The northerly parcel has approximately 109 feet of frontage on the bay. In 1995, the Village of Ocean Beach requested, and the Islip Town Board consented, to the Village's annexation of this property. The Village Board of Trustees finalized the annexation by resolution in June 1995.

The Village of Ocean Beach, presently encompasses a total upland area of approximately 78 acres. The Atlantic Ocean shoreline of the Village is approximately 1,750 feet in length, while the bay-side shoreline is approximately 2,100 feet in length. The barrier island in the Village is approximately 2,000 feet in width.

The topography within the community ranges from flat to gently sloping with a well-stabilized, vegetated coastal dune and retaining wall located on the south side of the Village, along Ocean View Walk, just inland of the Atlantic beach. The crest of this primary dune system represents the point of highest elevation within the Village. The coastline and dunes are dynamic features which are continuously undergoing morphological adjustment and migration due to the erosive and depositional forces of wind and water. The Village holds an annual Dune Day which is devoted to projects that protect, preserve and enhance the structural integrity of the coastal dune system and the capacity of this feature to provide storm and flood protection. Dune Day has included community projects such as dune grass restoration and has been instrumental in sustaining the stability and integrity of the dune system, which is critical to protecting life and public and private property from severe storms. Dune "walk-over" stairways, which have been constructed at the ends of eight of the ten north-to-south walkways in the Village (i.e., all except Evergreen Walk and Dehnhoff Walk), facilitate public access to the Atlantic shoreline and prevent the occurrence of pedestrian disturbances to the dune system and its stabilizing vegetation.

The Village fronts on both Great South Bay to the north and the Atlantic Ocean to the south. The physical characteristics of these two water bodies and shorelines are very different. Great South Bay is a semi-enclosed, shallow embayment or estuary, which is relatively well-protected from wave action during storms. The bay experiences somewhat restricted tidal flushing due to its limited connections to the sea, the nearest being Fire Island Inlet located approximately five miles to the west and Moriches Inlet located more than 20 miles to the east. As a result, pollutants discharged to the bay can remain for extended periods of time before being flushed out to sea. The limited tidal exchange also promotes the settling of sediment particles and associated pollutants into the bay-bottom sediments.

Because of its protected nature and its location adjacent to dense development along the south shore of the Long Island mainland, Great South Bay supports a variety of fairly intensive water-dependent uses. The Village's Great South Bay shoreline is developed with a number of such uses and related facilities, including the Village Marina, a ferry basin, freight dock, Boat House, a small bay-side bathing beach, recreational area including tennis and a basketball courts, small open-space (non-developed) areas, fishing area, wagon park (for transporting supplies and commodities from the freight and ferry off-loading areas), institutional/governmental offices, public facilities, and limited commercial retail development. These facilities are essential for transport of people and freight to and from the Village, and for the Village's overall quality of life, recreational opportunities, and economic viability.

The Village of Ocean Beach has been subject to periodic flooding, related to its position between the bay and ocean, in conjunction with the presence of a high groundwater table, relatively flat topography and resulting poor drainage. Unusually high tides, strong winds, and major storm events or some combination of these factors can result in saturated soils, exacerbate poor runoff conditions, and lead to flooding. Severe waves during major storms can cause coastal erosion and physical damage to waterfront structures.

Outside of the small area of recreational and commercial development on the bay-side, the Village of Ocean Beach consists almost exclusively of high density, single-family detached residential properties. The average lot size is less than 6,000 square feet. These areas are primarily zoned R-4 Residence.

The ferry basin and Village Marina, tennis courts and outdoor basketball court, bay swimming area, Boat House, police station, wagon park, and attendant structures are included within the Bay Recreational District (BRD). Adjacent and immediately to the south of the BRD is the Village's Commercial (C) District, which comprises properties located near and parallel to the bay shoreline, extending eastward from the center of the Village to Surf View Walk and westward to Ocean Road. This zoning district comprises a variety of commercial uses, including grocery stores, restaurants, taverns, small shops, the Village Green, and a mix of institutional uses.

The shoreline beach and dune system along the Village's ocean frontage comprise the "Dune District" (DD). This zoning district includes the area extending from the mean low tide line of the Atlantic Ocean to a point 40 feet landward of the crest of the primary dune. In areas where the primary dune has been breached, the northern limit of the Dune District is delineated at a distance of 40 feet inland from an imaginary line drawn between the existing dune crest to the east and west. The Dune District was developed in conjunction with the recommendations of the *General Management Plan of the Fire Island National Seashore* and has been established with the primary purpose of protecting the public's health, safety, and welfare in relation to potential hazards from storms and the protection afforded by the primary dune system. It is recognized that the dune is in long-term retreat and that the Village will have to work cooperatively with New York State and federal agencies in the future to address this issue.

The Village is essentially fully developed at the present time. There remain only a few scattered parcels of sufficient size and satisfactory physical conditions to be considered buildable under the Village's zoning requirements.

2.1.1 HISTORIC DEVELOPMENT

The first humans on Fire Island were Native Americans, who traveled to the barrier beach from the Long Island mainland for shellfishing, fishing, and hunting. No prehistoric sites have been uncovered on Fire Island.

The Dongan Patent of 1686 conveyed the mainland of Long Island to the respective towns, but failed to address the land comprising Fire Island and the underwater lands in the bay. Subsequently, William "Tangier" Smith claimed ownership of Fire Island, Great South Bay, and Moriches Bay, as well portions of the adjacent Long Island "mainland". In total, Tangier Smith's lands covered approximately 40,000 acres. Tangier Smith was active in colonial government, holding a number of positions of authority, including commander of the Suffolk militia, a member of Provincial Council, Associate Justice and then Chief Justice of the Supreme Court of New York, and briefly held the position of Acting Governor.

Tangier Smith died in 1705, leaving his estate to his heirs including his eldest son, Henry, who inherited the western half of Fire Island. Henry had dreamed of subdividing the land and conveying these properties both through private sale and transfer to his heirs, but the provisions of his father's will precluded this. In 1779, Henry's great-grandson, also named Henry, inherited his great-grandfather's land. However, since the younger Henry wanted to continue his ties with the Province of Nova Scotia, he was not interested in retaining the land. In 1789, the property was sold to twenty yeomen who held the property in common and utilized the land for the grazing of livestock.

Although the general settlement of Fire Island did not occur until the second half of the 19th century, this area was used prior to that time to access important natural resources. In

particular, whaling was commonly undertaken from the beach until about 1750, when whales no longer ventured close to shore. By the late 1700s, Fire Island had acquired a reputation as a dangerous place, inhabited by pirates.

Controversy about the ownership of the land discouraged settlement of Fire Island until the late 1800s. In 1845, David Sammis began acquiring shares of land on Fire Island. Although Sammis was able to acquire several shares, records pertaining to subdivisions and land transfers were lost, many shareholders had passed away, and their heirs were unknown. By this time, however, Sammis had assembled a total of 120 acres on western Fire Island, where he established a hotel. Through time, land disputes arose between Sammis and individuals utilizing the surrounding lands as pasture. The land disputes continued to escalate, and in 1871, the case of *Green versus Sammis* was filed by people who questioned the legality of Sammis' title to land. The "Great Partition of 1878" was promulgated as the basis for the eventual settlement of this dispute, which allowed Sammis to develop his Surf Hotel resort and also allowed development of lots for summer homes. Although further lawsuits disputing land ownership on Fire Island continued through 1923, the courts invariably dismissed these cases on the grounds that any claims to the land should have been made before 1878.

In 1908, a land speculator named John A. Wilbur acquired a large tract of land on Fire Island, including the majority of what would eventually become the Incorporated Village of Ocean Beach, in order to create a resort community. Wilbur divided the land into approximately 1,000 lots, which were sold over the course of five years, primarily to residents of Brooklyn. In 1912, a small adjacent community at the west end of the present-day Village (at Ocean, Wilmot and Surf Roads), known as "Stay-a-While Beach Estates" was developed by the heirs of Wilmot M. Smith. These two communities were merged in 1921 into what is known today as the Village of Ocean Beach. As an Incorporated Village, Ocean Beach became empowered with the authority to establish its own local governing body, including a mayor and four trustees, a Village court, and its own fire, police, water, sewage, and public works departments.

The Fire Island National Seashore Act was adopted in 1964, creating the Fire Island National Seashore (FINS). FINS's jurisdiction comprises a total of 26 miles of the 32 mile-long Fire Island barrier, and in some places extends a distance of up to 4,000 feet into Great South Bay (but only 1,500 feet adjacent to the Village of Ocean Beach's bay shoreline), and 1,000 feet into the Atlantic Ocean. The primary purpose for the creation of FINS was to provide a regulatory framework for managing the rich, unique, and critical natural resources of Fire Island, and the adjacent bay and ocean. The impending threat of the construction of a highway along the spine of the island, along the model of Ocean Parkway on Jones Island to the west of Fire Island Inlet, galvanized the community to support the establishment of FINS.

According to data in the *2000 Long Island Population Survey* published in the Long Island Power Authority (LIPA), the estimated year-round population of Ocean Beach on January 1, 2000 was 161 persons. As a beach community, the Village's population increases significantly in the summer. In 1990, it was estimated that the Village's summer population increased to a

maximum of approximately 2,500 residents, while day-trip visitors peaked at 12,000 during that period.

2.2 NATURAL RESOURCES

2.2.1 SURFACE GEOLOGY AND TOPOGRAPHY

A. Geological and Topographic Setting

A number of geologic formations underlie the Fire Island barrier system. These consist primarily of igneous and metamorphic basement rock, which is overlain by unconsolidated sedimentary strata, including a cap of glacial deposits which have been reworked by recent action of wind and water.

The igneous/metamorphic bedrock is estimated to be of Precambrian to Upper Paleozoic age, and forms the foundation for Long Island's layered sedimentary deposits. Over the course of millions of years the crystalline rock surface was exposed to weathering and erosion. These processes continued until approximately 130 million years ago when, during the Cretaceous Period, a shallow sea covered the area, resulting in the deposition of sands, silts, and clay. These variably textured sedimentary layers were deposited to form what is known today as the Lloyd Sand and Clay Members of the Raritan Formation. The Lloyd Sand member consists of fine to coarse sand and gravel, interspersed with thick layers of clay and silt which overly the weathered bedrock. The Raritan Clay sits atop this sand/gravel stratum.

Overlying the Raritan Formation is the Cretaceous-aged Magothy Formation. The Magothy geologic formation consists primarily of undifferentiated glacial till (heterogeneous mixture of clay, sand, boulders and rock fragments) and glacial outwash (stratified and semi-stratified sand and gravel).

Above the Magothy Formation are glacial sediments. These materials include both poorly sorted glacial till and moraines deposited directly from the glacier, and well-sorted and layered outwash sediments deposited from glacial meltwater. The result of glacial processes is a variety of landforms, including terminal moraines, rolling ground moraine, glacial mounds, kettles, and glacial outwash plains. As the Wisconsin Glacier melted and receded to the north, sea level began to rise. The waves, tides, and long-shore currents that accompanied sea level rise reworked the glacial sediments to form various recent landforms, including Fire Island and the rest of the barrier beach system on the south shore of Long Island.

The barrier beach complex on which the Village of Ocean Beach is situated is dynamic, consisting of beaches, dunes, wetlands and back-barrier flats which were formed by and are still changing due to the action of wind, waves, rising sea level, tides and currents in the time since the glacier last retreated from this area. The dimensions, location and overall morphology of the

barrier island and associated features undergo constant readjustment, reworking, and reconfiguration as a result of energetic coastal processes. Addressing shoreline change caused by natural coastal processes is a long-term issue of critical importance for the Village.

Currently, a well-stabilized primary dune system is situated adjacent to and parallel with the Atlantic coastline. This dune is maintained by the continuous efforts of the Village and its residents. Aside from the oceanfront dune system, the Village's terrain is flat to gently sloping.

No streams or surface water bodies are present within the upland area of the Village. However, wetland-like conditions occur in areas where the high groundwater table lies close to the land surface.

B. Soils

The taxonomy and characteristics of the Village's soils and surface sediment deposits have been identified by the *Soil Survey of Suffolk County, New York* prepared by the United States Department of Agriculture (USDA, 1975). The USDA has identified these soils and unconsolidated sediment as consisting mainly of dune-land sediments (Du) and beach deposits (Bc). These materials are composed of unconsolidated sands and gravels of glacial origin, which have developed a thin veneer of soil in most areas and have been exposed to the effects of physical and chemical processes which have ultimately formed the Village's beaches and dunes.

According to the *Soil Survey*, dune-land deposits generally consist of well-sorted, well-rounded mature wind-blown sands composed primarily of the mineral quartz. These sands are very limited in their fertility due to insufficient soil development, low organic and nutrient content, and high permeability which affects the sand's water-holding capacity during dry periods. Despite these limitations, dune deposits can support a limited number of adapted plant species, such as dune grass, which contribute to the stabilization of dunes and other sandy areas

Beaches consist of sand, gravel and cobbles that are eroded, transported, and deposited from waves, swash, backwash, and currents that are augmented by tidal cycle. Beach-land is identified along the Atlantic Ocean coastline extending from mean sea level to the seaward toe of the coastal dunes.

In addition to the two soil types discussed above, Fire Island contains hydric muck soils, which characteristically form in back barrier tidal flats and fringing marshlands. However, most of the bay-side shoreline in the Village of Ocean Beach has been bulkheaded or otherwise structurally stabilized and developed, and the natural features in this area have been largely disturbed or eliminated.

2.2.2 SURFACE WATER RESOURCES

The Atlantic Ocean and Great South Bay make a dominating contribution to the Village's overall character. These coastal water bodies sustain recreational activities (e.g., swimming, fishing, boating, beach walks, etc.) which play an important role in the community's quality of life, but also pose the most significant threat to the Village's long-term future in terms of potential flooding and erosion.

The following subsections discuss various aspects of the Village's surface water resources, including an overall description of the surface water resources in the Village, applicable water quality standards and related criteria, existing water quality conditions in the LWRA, and stormwater and non-point source pollution. Information regarding waterway usage by vessels is considered in Section 2.3.7.

A. Surface Waters in the Village Coastal Area

Fresh Surface Waters

The Village contains a number of low-lying areas with poor natural drainage which are susceptible to periodic flooding and the temporary retention of standing water. However, permanent freshwater ponds, streams, and significantly large freshwater wetland areas are not present in the Village, due to the high permeability of its sandy soils.

Saline Surface Waters

The Village of Ocean Beach is framed by saline coastal waters to the north and south. The two bordering water bodies, Great South Bay and the Atlantic Ocean, are quite distinct from one another in their physical characteristics.

Great South Bay comprises a subsection of the 173-square mile Long Island South Shore Estuary system, which is the largest shallow estuarine bay in the State of New York. A number of streams carry freshwater flow from the Long Island mainland into the bay, including Connetquot River which is located almost directly to the north across the bay from Ocean Beach. This is balanced against the input of saltwater from the ocean, primarily through Fire Island Inlet located approximately five miles to the west. The mixing of seawater introduced into the bay via the inlets and freshwater discharged from the land surface is a defining characteristic of estuaries like Great South Bay.

The mean tidal range in Great South Bay in the vicinity of Ocean Beach is less than one foot. The range is approximately 0.61 foot (7.3 inches) at West Fire Island and 0.70 foot (8.4 inches) at Point O' Woods.

Great South Bay is a shallow water body, with depths in the area between the Village of Ocean Beach and the Long Island mainland generally not exceeding 10 feet at mean low tide. The East

Channel is the primary vessel access route to the Fire Island communities in the Town of Islip. This channel is situated to the north of Fire Island, and to the south of West Fire Island and East Fire Island and their surrounding shoals. Depths in East Channel in the vicinity of Ocean Beach exceed 15 feet at mean low water. At its eastern end, East Channel connects to the central portion of Great South Bay. To the west, East Channel links to Fire Island Inlet and West Channel.

Because of the lack of a formal roadway linkage to the mainland, the majority of travel to and from the Village, as well as the delivery of commodities and removal of wastes, occurs over the waters of Great South Bay, via ferry, water taxi, and similar modes of transportation. The ferry terminal, which is centrally located on the Village's bayfront, provides the primary linkage between the Village and the Long Island mainland. The northerly terminal for this ferry is located on Penataquit Creek, at the end of Maple Avenue, in Bay Shore.

Great South Bay has suffered declining water quality as a result of the urbanization of Long Island and associated non-point pollution. Elevated levels of coliform bacteria stemming from stormwater runoff, discharge of wastewater from vessels, sewage effluent, wild and domesticated animal wastes (especially from waterfowl) have resulted in the closure of thousands of acres of shellfish beds, especially in the immediate vicinity of the developed shoreline. In addition, the loss of coastal wetlands and fringing upland habitats resulting from development and the structural stabilization of the shoreline has reduced the bay's biological productivity and has compromised feeding, nursing, spawning, and cover for coastal fish and wildlife.

The south side of the Village of Ocean Beach fronts directly on the Atlantic Ocean. This interface is an essential element of the Village's character, serving as the primary scenic backdrop which contributes to the Village's aesthetic appeal and providing the main resource for recreational enjoyment. However, the ocean also poses the biggest threat to the Village, with the potential for significant damage to occur due to surge and wave impacts during a major storm.

The predominant active use of the waters of the Atlantic Ocean by Village residents and visitors is ocean bathing, water-related sports, and recreational activities on the beach. The ocean also provides vistas that greatly enhance passive recreational pursuits, such as walking.

Because of high-energy waves and tides, even during periods of relative calm, the Atlantic Ocean enjoys excellent water quality. Any contaminants that are discharged to the ocean from the adjacent upland are rapidly dispersed.

The bathymetric profile of the shoreline on the Village's ocean side includes a gently-sloping platform within about 1,000 feet of the shore, which gradually deepens to approximately 12 feet below mean low water. Proceeding further offshore, the bottom depth increases rapidly to approximately 18 feet, and thereafter descends somewhat more gradually.

B. Applicable Water Quality Standards And Related Criteria

Water quality is monitored in Suffolk County coastal waters on a regular basis by the New York State Department of Environmental Conservation (NYSDEC) Bureau of Shellfisheries and the Suffolk County Department of Health Services (SCDHS) Office of Ecology. NYSDEC's monitoring program has been directed at delineating those coastal waters that are suitable for the harvesting of shellfish for human consumption, as defined in terms of measured coliform levels and potential coliform releases from certain uses (such as sewage treatment plants, marinas, anchorages, and mooring areas). The SCDHS primarily has been concerned with ensuring that the waters off public bathing beaches meet public health requirements, also based on coliform bacteria concentrations.

New York State Shellfish Harvesting Criteria

New York State (in 6 NYCRR, Part 701.20) classifies waters on the basis of best intended use. Waters that are identified for the harvesting of shellfish for market purposes are classified as "SA", which signifies the highest level of water quality. In order to be certified as a shellfish harvesting area, the median total coliform level for any series of samples must be no greater than 70 MPN/100 ml (where MPN/100 ml is the most probable number of organisms per 100 milliliters of water sample, according to the standard methodology for coliform testing).

An SA classification is not always indicative of actual water quality conditions. Certain water bodies that have been classified SA consistently fail to meet the SA coliform standards. In these cases, the SA designation is used by the State to set discharge standards aimed at improving water quality, with the ultimate goal being that conformance with the SA criteria will eventually be attained and the area of certified shellfish beds will be expanded. Portions of Great South Bay are included among those coastal waters that have not been able to meet SA criteria consistently and, thus, have been closed both seasonally and year-round to shellfish harvesting. The waters adjacent to Ocean Beach's bay shoreline have been subject to seasonal shellfishing closures, during the period from May 15 through September 30. This particular closure area encompasses an expanse of water extending along the bay shoreline from Atlantique to Ocean Bay Park, to a distance of at least 1,500 feet bayward from the shoreline. The closure of shellfish beds in this area, which includes the waters directly off the Village of Ocean Beach within the LWRA, is primarily attributed to the presence of coliform bacteria and associated pathogenic microorganisms stemming from urbanization and polluted stormwater runoff and groundwater flow.

Point Source Discharge Standards

Point source discharges to surface waters in New York State are regulated by the State Pollution Discharge Elimination System (SPDES) permit program, which sets specific water

quality standards and establishes a compliance schedule for each regulated discharge. The Village operates a small wastewater treatment facility which provides secondary treatment to the municipal sewage generated within the Village and discharges the treated effluent to the Bay. The outfall is located off the northeast corner of the Village. The discharge from this outfall is regulated under the SPDES program. The operation of the Village's sewage collection and treatment system is discussed in detail in Section 2.3.6.B.

Suffolk County Bathing Beach Criteria

When the fecal coliform level of the waters at any bathing beach exceeds acceptable limits, the beach is closed for swimming. The New York State standard for waters to qualify for an SB classification, in which primary contact recreation (including swimming and bathing) is the best intended use, requires that: the monthly median total coliform level be between 70 and 2400 MPN/100 ml; no more than 20 percent of the samples can exceed 5000 MPN/100 ml total coliforms; and the monthly geometric mean fecal coliform level cannot exceed 200 MPN/100 ml for a minimum of five samples. The Village's bathing beaches, on both the ocean and bay sides, have not been subject to recent closure due to excessive bacterial concentrations.

C. Existing Water Quality Conditions

The range of activities for which a given body of surface water can be used is dependent on the level of contamination within the water column and the bottom sediments. The presence of certain contaminants above specified levels will preclude the use of a water body for certain activities that require a high level of water quality, particularly shellfish harvesting and swimming.

Water quality is measured in terms of a large number of variables, including the presence of micro-organisms (e.g., total coliform and fecal coliform bacteria, viruses, etc.), nutrients (e.g., nitrogen, phosphorus, etc.), organic compounds (e.g., polychlorinated biphenals, polyaromatic hydrocarbons, solvents, industrial chemicals, pesticides, herbicides, etc.), and inorganic constituents (e.g., metals). The levels of bacterial contamination are generally the most important water quality factor in estuarine waters. Fecal coliforms originate in the intestinal tracts of warm-blooded animals. Although fecal coliform are not harmful, *per se*, they can serve as indicators of the presence of more hazardous and difficult to identify, pathogenic bacteria and viruses which can cause a variety of illnesses (e.g., gastroenteritis, dysentery, hepatitis, cholera, typhoid, and others). Consequently, the presence of elevated fecal coliforms in surface waters is a widely used indicator for the likely presence of pathogenic micro-organisms that are often associated with human and animal wastes.

Nutrient concentrations are also of concern, especially where elevated nutrient loadings lead to increased phytoplankton growth. After these microscopic plants die and sink to the bottom, the subsequent decay of accumulated organic matter by naturally occurring microorganisms can cause depressed oxygen concentrations which results in a condition commonly known as "hypoxia". The South Shore Estuary has exhibited seasonal hypoxia due to elevated levels of

nutrients and the consumption of oxygen from the aforementioned process termed “cultural eutrophication”. Hypoxia has been identified to be especially problematic along the South Shore Estuary’s northerly shore and at the mouths of the freshwater tributaries. The *Long Island South Shore Estuary Reserve Comprehensive Management Plan* (April 2001) recognizes that several water quality issues currently impact the area’s waters including, among others, nutrient loading, cultural eutrophication, and the development of hypoxic conditions. The plan offers a number of broad recommendations which provide a framework for combating these water quality concerns.

Contamination by metals and organic compounds is often a problem in industrialized coastal areas. Pesticide, herbicide, and fertilizers loadings to surface waters are most often associated with agricultural activities and residential and commercial landscaping efforts where large amounts of fertilizers and pesticides might be applied. Most metals precipitate out of suspension in stagnant waters and some organic chemicals have an affinity to bind to soil particles or volatilize and, therefore, do not exist in a free state within the water column. Consequently, metals and organic compounds are most often found in elevated concentrations in the bottom sediments of poorly flushed urbanized water bodies.

Many contaminants, including metals and organic compounds, tend to accumulate in the fatty tissues of aquatic animals. Thus, these substances “bioaccumulate”, such that the concentration in the affected animals is greater than the ambient concentration in the environment. Additionally, the contaminants tend to become “biomagnified” in animals that are higher up on the food chain, such that the top predators typically have much higher levels of tissue contaminants than herbivores and lower tier predators.

Contaminants that adversely affect surface water quality can originate from a myriad of sources. These sources can be grouped into two general categories: non-point sources and point sources. A point source is any input that emanates from a discrete, easily identifiable location, such as a pipe outfall. A non-point source is a diffuse input over a large area, such as “sheet” runoff derived directly from precipitation or groundwater inflow. The distinction between these two categories is not always obvious. Stormwater runoff, for example, may start as a non-point source originating from a large area. However, if runoff is collected and discharged to receiving waters via an outfall pipe, this can be considered to be a point source.

The principal sources of bacterial loading to surface waters generally include: stormwater runoff, groundwater underflow, wastes from waterfowl, failing septic systems or leaking sewer mains, poorly treated wastewater effluent, and wastewater discharges from boats. According to the *Long Island South Shore Estuary Reserve Comprehensive Management Plan*: “Nonpoint source pollution poses potential hazards to human health, causes the periodic closures of bathing beaches, and has forced the closure of approximately 34,643 acres of hard clams in the [South Shore Estuary] Reserve. The study further found that “[a]t least five reports, the first dating from 1978—the *208 Areawide Waste Treatment Study*, *Long Island Segment of the Nationwide Urban Runoff Program*, *Nonpoint Source Handbook*, *Nonpoint Water Quality Strategy for Nassau County*, and *Suffolk County Water Quality Strategy*—concluded that

nonpoint source pollution was a priority concern and that, in particular, polluted stormwater runoff was the primary source.” Despite the development of a wide variety of strategies by these studies to address non-point stormwater concerns, the programs and initiatives have not yet been fully effectuated.

Fecal wastes from waterfowl and other wildlife populations can contribute significantly to the overall coliform levels. This problem can be exacerbated by recreational feeding of waterfowl, resulting in increased population levels at certain locations and interrupted seasonal migratory patterns.

Waste discharges from vessels also contribute to pollution, especially in areas that have restricted flushing. The waters on the Village’s bay side are heavily used for recreational boating on a seasonal basis. In cases where a significant number of occupied vessels are confined to a restricted area, such as a marina basin, the discharge of sanitary wastes into the surrounding water will elevate coliform levels.

Presently there are no private or municipally-owned and operated marine sanitation pumpout stations in the Village of Ocean Beach. Efforts should be made to include such equipment in any substantial project to improve recreational vessel facilities in the Village. A number of vessel waste pumpout stations are located throughout eastern Great South Bay. Most of these facilities are located on the Long Island mainland (e.g., Anchorage Marine, Lindenhurst; Babylon Marine, Inc.; Bay Shore Marina; Captree State Park, Babylon; Coastal Yacht Marina, Bay Shore; Delmarine, Inc., Amityville; East Islip Marin; Morgan’s Swan River Marina, Patchogue; Patchogue Marine, Inc.; Surfside 3 Marina, Lindenhurst; Timber Point County Marina, Great River; and West Sayville Boat Basin) and, therefore, are not conveniently available to boaters in Ocean Beach. The nearest pumpout facility, on Fire Island, is located at Atlantique Marina, less than one mile to the west of the Village.

The Village’s municipal wastewater treatment plant discharges secondary-treated effluent directly into Great South Bay from an outfall located approximately 200 feet offshore near the northeast corner of the Village. The plant, to which all of the homes and commercial and institutional buildings in the Village are connected, has a design capacity to process wastewater at a rate of 0.5 million gallons per day (MGD). During the summer, the sewage flow averages approximately 0.44 MGD. Although, this suggests that the wastewater facility has the capacity to treat an additional 60,000 gallons per day in the summer, infiltration of groundwater into deteriorated sewer piping mains causes the plant to operate at or near capacity during the summer season. Flows decrease greatly during the off-season, due to the significant decline in the resident population and activity at local businesses. See Section 2.3.6.B for further discussion of the Village’s sewage treatment operations.

In addition to the contaminant sources discussed above, unauthorized or accidental releases of hazardous materials from industrial and commercial facilities, such as vessel fueling facilities, will

degrade water quality in coastal waters. The Village of Ocean Beach currently does not have a public fuel dispensing facility within its jurisdiction.

D. Stormwater and Non-Point Source Pollution

A number of factors, including those listed below, are important in contributing to the high level of coastal water contamination caused by surface runoff from lands within the Great South Bay watershed, including the Village of Ocean Beach.

In many cases, runoff flows via stormwater outfalls directly to surface waters, receiving little or no filtering of contaminants prior to discharge.

The Village of Ocean Beach is extensively developed. Essentially 100 percent of the precipitation onto paved surfaces becomes runoff (minus a small amount lost through evaporation), which is approximately three to four times higher than the runoff rate for areas covered with native vegetation. The removal of native vegetation in order to construct buildings and pavement is a common consequence of residential and commercial development. The filling and grading of low-lying areas and the construction of impervious surfaces (i.e., roofs, concrete walkways, etc.) restrict the infiltration of precipitation in some areas and may cause water to accumulate in other low-lying areas or significantly increasing the rate of runoff.

2.2.3 GROUNDWATER RESOURCES

The entire Village of Ocean Beach is situated within Hydrogeologic Zone VII, as delineated and defined by the Long Island Regional Planning Board's *Long Island Comprehensive Waste Treatment Management Plan* (1978), also known as the 208 Study. This area is considered to be within the south shore shallow flow system, in which the groundwater primarily moves laterally to the north and south from the central axis of the barrier island. There may even be some degree of upward flow as the groundwater discharges to the surface water bodies. A significant proportion of the precipitation into Zone VII runs off into the Great South Bay system. The fraction of precipitation entering the groundwater has not been accurately determined, but appears to vary locally from 0 to 50 percent.

The Village of Ocean Beach operates and maintains its own municipal drinking water system, which is served by three functional wells located immediately west of Cottage Walk and north of the primary dune on the south side of the community. These wells extend to a depth of approximately 450 feet. The Village's potable water supply system is discussed in detail in Section 2.3.6.A.

2.2.4 WETLAND ECOLOGY

Wetlands in New York State are classified as either tidal or freshwater, based on soil conditions, hydrology, and botanical indicators. The type of vegetation is largely determined by salinity and the length of time the soil remains saturated. That is, different plant species have varying degrees of tolerance to certain environmental conditions; those that thrive in wetland areas have unique adaptations to the particular physical and chemical conditions at hand. The depth of water and the predominance of certain vegetative indicator species distinguish different types and classes of wetlands.

A. Tidal Wetlands

Tidal wetlands constitute one of the most biologically productive natural ecosystems. They serve as nurseries for fish and shellfish, are vital to marine food production, and provide valuable wildlife habitat. Tidal wetlands also serve several other functions including flood and storm control, pollutant removal and ecosystem cleansing, and control of sedimentation.

Tidal wetlands have been inventoried and mapped by NYSDEC on 1974 aerial photographs. Tidal wetland boundaries were officially adopted in 1977 when the State's Tidal Wetlands Regulations (6 NYCRR Part 606, adopted pursuant to Article 25 of the Environmental Conservation Law) went into effect.

The area immediately adjacent to the Great South Bay shoreline of the Village of Ocean Beach is designated "SM" (coastal shoals, bars and mudflats) on NYSDEC tidal wetlands inventory maps. This zone includes areas that are exposed at low tide or covered by water to a maximum depth of one foot, and typically not vegetated by smooth cordgrass (*Spartina alterniflora*). The SM zone extends for a distance of approximately 300 to 400 feet from the Village's bay-side shoreline.

Beyond the SM zone on the Village's bay side, and in the area extending offshore on the ocean side, lies the littoral zone, which is designated as LZ on NYSDEC inventory maps. This is a zone of open water which includes shallow bay bottoms with a maximum depth of six feet measured from mean low water elevation. This is a highly productive zone of great value to waterfowl, fisheries and shellfish.

The NYSDEC inventory maps do not identify any areas in the Village of Ocean Beach that contain vegetated tidal wetlands, such as intertidal marsh or high marsh (salt meadow). In their natural state, barrier beaches such as Fire Island characteristically contain marsh lands along the back-barrier or bayward side. However, marshes are absent from the northern shoreline of Ocean Beach because land development and the installation of shoreline stabilization structures (e.g., bulkheads and revetments) resulted in the removal of these natural features long ago.

B. Freshwater Wetlands

Pursuant to the 1975 passage of the Freshwater Wetlands Act (Article 24 of the Environmental Conservation Law) NYSDEC inventoried freshwater wetlands. As originally adopted, the regulations controlled activities in all designated freshwater wetlands greater than 12.4 acres in size. With the passage of “Interim Permit” procedures in February of 1984, NYSDEC assumed regulatory authority over freshwater wetlands of less than 12.4 acres in size that were of unusual local importance. NYSDEC updated the 1975 freshwater wetland inventory maps to include these significant wetlands.

The Village of Ocean Beach does not contain any areas that are identified as freshwater wetlands on the NYSDEC inventory maps. Therefore, the New York State Freshwater Wetland regulations do not apply in the Village. However, the federal government also has the authority to regulate wetlands, pursuant to Section 404 of the Clean Water Act. The U.S. Army Corps of Engineers is the agency given the primary regulatory authority in this process. The determination as to whether a given area is subject to federal regulation as a wetland is based on the presence or absence of three wetland characteristics — wetland soils, wetlands hydrology, and wetlands vegetation — as determined in the field based on the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands* (1987). Only areas that meet all three of these criteria are classified as federal jurisdictional wetlands. There is no minimum threshold with respect to the size of a wetland that is subject to federal regulation; therefore, all wetland areas, no matter how small, theoretically are governed by federal law.

There are a number of small, low-lying, poorly drained areas in the Village that are susceptible to regular flooding. These areas could be subject to federal wetland regulation under Section 404. A determination of the applicability of these requirements would have to be made on a case-by-case basis.

2.2.5 UPLAND ECOLOGY

Much of the native vegetation within the Village of Ocean Beach has been removed by development activities. The Village has, nevertheless, retained some of its native species. Species that are considered indigenous to Fire Island can be categorized into several unique community types based on the location of their occurrence, including: ocean beach; dune/swale; and maritime forest.

Plant species that have been found to be associated with these community classifications on Fire Island are as follows:

Ocean Beach — sea rocket (*Cakile edentula*) and American beachgrass (*Ammophila breviligulata*)

Dune/Swale — American beachgrass, beach plum (*Prunus maritima*), bayberry (*Myrica pennsylvanica*), poison ivy (*Rhus radicans*), bearberry (*Arctostaphylos sp.*), beach

heather (*Hudsonia tomentosa*), seaside goldenrod (*Solidago sempervirens*), and Virginia creeper (*Parthenocissus quinquefolia*)

Maritime Forest — red cedar (*Juniperus virginiana*), pitch pine (*Pinus rigida*), wild black cherry (*Prunus serotina*), winged sumac (*Rhus copallina*), winterberry holly (*Ilex verticillata*), include American Holly (*Ilex opaca*), sassafras (*Sassafras albidum*), shadbush (*Amelanchier sp.*), highbush blueberry (*Vaccinium sp.*), poison ivy, briar (*Smilax sp.*), Virginia creeper, and grape (*Vitis sp.*).

The influence of introduced ornamental plant species is readily apparent throughout the Village, especially along the woodland edges, disturbed areas, and within residential neighborhoods. Aggressive and adaptive ornamental tree species — such as Norway maple, tree-of-heaven, ash, catalpa, princess-tree and weeping willow — have invaded clearings within the developed areas and along shorefronts, and dominate the canopy. Native shrub species including mountain laurel, highbush blueberry, arrowwood, and chokeberry, have been replaced by a wide variety of ornamental landscaping shrubs and groundcovers in a large portion of the residential area within the Village. However, pockets of native vegetation still remain scattered throughout this area, and the Village Environmental Commission has vigorously sought local legislation that provides some protection to this resource, in the form of tree-clearing regulations and/or open space preservation.

The Village undertakes a regular program of dune restoration, which includes the artificial placement of dune grass plugs. These efforts are aimed at augmenting the vegetative cover on the dunes, so as to enhance the protective function served by these features with respect to the erosive power of storm surge and waves.

Fire Island supports a varied community of wildlife, especially in the wilderness area. Wildlife in the developed communities, such as Ocean Beach, is significantly less diverse, as species that are tolerant of proximity to humans become more abundant and more reclusive species disappear altogether.

The bird fauna of Fire Island, in particular, is extremely diverse, both throughout the year and during the spring and fall migration periods. More than 330 species of birds have been recorded on Fire Island, accounting for approximately one-third of all the avian species found in North America. The percentage of these species that occur in the Village of Ocean Beach is not known.

Mammals are another well-represented group of wildlife on Fire Island. White-tailed deer, red fox, gray squirrel, eastern cottontail rabbit, racoon, masked shrew, and long-tailed weasel are abundant.

Populations of white-tailed deer on Fire Island have exploded due to the lack of natural predators and the absence of effective programs to control this species. Residents of Ocean Beach and

other Fire Island communities have adapted fairly well to the presence of deer within developed areas. For example, landscaping plans often consist of plant species that are not appealing to deer, or else barriers have been erected to prevent deer from foraging on plants they otherwise would include in their diets. Starting in 1995, one other innovative method that has been used in the effort to control deer populations on Fire Island is contraception to reduce the generation of offspring. An immuno-contraceptive compound, porcine zona pellucida (PZP, which is derived from the protein that surrounds pig eggs), is delivered to mature female deer via darts. PZP prompts the treated animals to produce antibodies which prevent their eggs from being fertilized. Deer censuses conducted in the PZP study area have shown that this method has reduced populations by 50 percent over the seven-year period since its inception (see the National Park Service's web site for further discussion of this issue, at www.nps.gov/fiis/deerpeople/deer.html).

Coinciding with the large white-tailed deer populations on Fire Island is the problematic deer tick and the potential for the transmission of Lyme disease to humans. Although this condition currently is effectively treated in early stages with antibiotics, and a vaccine recently became available to prevent infection, the potential still exists for the symptoms to go unnoticed or to be mis-diagnosed. If a prolonged period after infection transpires without proper treatment, permanent effects usually result, including possible neurological and joint problems.

2.2.6 NEW YORK STATE DESIGNATED SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS

The area directly to the north of the Village of Ocean Beach, including the Village's 1,500-foot area of extra-territorial jurisdiction under Section 46-a of the New York State Navigation Law, lies within the New York State-designated Great South Bay-West Significant Coastal Fish and Wildlife Habitat. This designation is incorporated into the State Coastal Management Program, and provides special protection for important natural resources during the permitting process at the State and federal level.

The following description is based on the habitat narrative prepared by the Department of State in 1987, which is planned for updating in the future.

Location and Habitat Description

Great South Bay-West is located along the south shore of Long Island, north of Fire Island, in the Towns of Babylon and Islip, Suffolk County. The entire fish and wildlife habitat is an approximate 32,000-acre area, generally defined by the mean high water elevation on the north and south sides, by the Gilgo Boat cut on the west, and by the Islip-Brookhaven town line to the east. Great South Bay-West includes extensive areas of undeveloped salt marsh, tidal flats, dredge spoil islands, and a variety of open-water areas.

Water depths in this area are generally less than six feet at mean low water, except in Fire Island Inlet and in some dredged navigation channels. Tidal fluctuations in the bay average approximately 1.4 feet at the western end and approximately 4.1 feet at the inlet. The bay is bordered on the north and east by dense residential and commercial development, including extensive marina and harbor facilities, which support a thriving recreational boating industry. The remainder of the area is bordered by State parklands, open water, and low density residential development on Fire Island.

Fish and Wildlife Values

Great South Bay-West comprises approximately one-half of the largest protected, shallow, coastal bay area in New York State. A tremendous diversity of fish and wildlife species occur in this vast wetlands area. Many species of migratory birds nest among the salt marshes and spoil islands in Great South Bay-West. In recent years, common terns (State-listed threatened) have been confirmed nesting on Elder Island, Seganus Thatch, on a marsh island north of Gilgo Beach and on the southeastern end of Captree Island. An estimated 315 breeding pairs of common terns were observed in Great South Bay-West in 1985 and 340 pairs in 1984, with the largest concentrations in both years located at Seganus Thatch. Least terns (State-listed endangered) nested on Nazerus Island (a large spoil island east of Cedar Island) in 1982 and 1983, but were absent in 1984 and 1985. Approximately 65 pairs of least terns nested there in 1983. Other bird species which nest in Great South Bay-West include Canada goose, herring gull, great black-backed gull, American oystercatcher, black skimmer, black duck, mallard, gadwall, willet, Virginia rail, clapper rail, marsh wren, sharp-tailed sparrow, and seaside sparrow. Several heronries have been located on islands in Great South Bay-West, including Gilgo Island, Sexton Island, Seganus Thatch, and an unnamed spoil island southwest of Nezeras Island. Species nesting in these areas include great egret, snowy egret, yellow-crowned night heron, black-crowned night heron, green-backed heron, little blue heron, tri-colored heron, and glossy ibis, with the largest concentrations in 1984 on the island southwest of Nezeras Island. Several pairs of northern harrier (State-listed threatened) have been confirmed nesting in the northeastern end of Gilgo State Park, between Cedar Island and Oak Island. The locality of one of the largest areas of unditched salt marsh on Long Island; it is the only area in New York State where black rails (State-listed species of special concern) have been regularly found, and is the only documented breeding location for soras on Long Island. Northern harriers and short-eared owls (State-listed species of special concern) are common winter residents of the marshes in Great South Bay-West.

The vast salt marshes, intertidal flats, and shallows in this area provide valuable feeding areas for birds throughout the year, including species nesting in the area and large concentrations of shorebirds during migration. In addition, Great South Bay-West is one of the most important waterfowl wintering areas (November through March) on Long Island, especially for brant and scaup. Mid-winter aerial surveys of waterfowl abundance for the ten-year period 1975-1984 indicate average concentrations of over 2,900 birds in the bay each year, including approximately

1,400 scaup (12,000 in peak year), and 330 black ducks (900 in peak year), along with lesser numbers of Canada goose, goldeneye, red-breasted merganser, mallard, oldsquaw, and bufflehead. Based on these surveys, it appears that Great South Bay-West supports one of the largest wintering waterfowl concentrations in New York State. Waterfowl use of the bay during winter is influenced in part by the extent of ice cover each year. Generally, brant and geese feed in open water areas through mid-winter, while later in the spring (prior to migration), the birds feed extensively in the salt marshes. Concentrations of waterfowl also occur in the area during spring and fall migrations (March through April and October through November, respectively). Nearly all of Great South Bay-West is open to the public for waterfowl hunting, and the area supports regionally significant hunting pressure.

In addition to having significant bird concentrations, Great South Bay-West is an extremely productive area for marine finfish, shellfish, and other wildlife. Much of this productivity is directly attributable to the salt marshes and tidal flats within the area. Great South Bay-West serves as a major nursery and feeding area (April through November, generally) for bluefish, winter flounder, summer flounder, kingfish, tautog, scup, blue claw crab, and forage fish species such as Atlantic silverside, mummichog, striped killifish, northern pipefish, and sticklebacks. A total of 56 fish species were collected during an intensive survey of Great South Bay in 1981. Fire Island Inlet is an especially significant component of the habitat; as a corridor for fish migrations, as a source for the exchange and circulation of bay waters, and as an area where feeding by many fish and wildlife species is concentrated. As a result of the abundant fisheries resources in the bay (summer flounder especially), Great South Bay-West receives heavy recreational fishing pressure, of statewide significance. Commercial bait fisheries have been established in shoal areas near Fire Island Inlet. The entire bay area is inhabited by hard clams, and the islands along the south shore support soft clams and ribbed mussels. Most of the bay waters are certified for shellfishing, resulting in a commercial and recreational harvest of statewide significance. Clam Pond, on the north shore of Fire island, also contains a population of bay scallops which have been reduced to the area. Diamondback terrapin (State-listed species of special concern) resides among the salt marsh islands in the bay, and utilize sandy areas along the shore for egg-laying.

Impact Assessment

Any activity that would substantially degrade the water quality in Great South Bay-West would adversely affect the biological productivity of this area. All species of fish and wildlife would be affected by water pollution, such as chemical contamination (including food chain effects), oil spills, excessive turbidity, and waste disposal. It is essential that high water quality be maintained in this area, through control of sewage discharges from recreational boats and upland sources. Alteration of tidal patterns in Great South Bay-West, by modification of inlet configurations or other means, would have major impacts on the fish and wildlife communities present. Excavation of new navigation channels in the bay should be minimized. Dredging to maintain existing boat channels (including the inlet) should be scheduled in late summer and fall to minimize potential impacts on aquatic organisms, and to allow for spoil disposal when wildlife

populations are least sensitive to disturbance. Elimination of salt marsh and intertidal areas, through excavation or filling, would result in a direct loss of valuable habitat area. Unregulated dredge spoil disposal in this area would be detrimental, but such activities may be designed to maintain or improve the habitat for certain species of wildlife. Nesting birds inhabiting the marshes and islands of Great South Bay-West are highly vulnerable to disturbance by humans from mid-April through July. Recreational activities (e.g., boat landing, picnicking) in the vicinity of bird-nesting areas should be minimized during this period, through the use of annual posting or fencing. Construction of shoreline structures, such as docks, piers, bulkheads, or revetments, in areas not previously disturbed by development (i.e., natural beach, tidal flat, or salt marsh), may result in the loss of productive areas which support the fish and wildlife resources of Great South Bay-West.

2.2.7 FIRE ISLAND NATIONAL SEASHORE

The unique natural resources of Fire Island and its adjacent wetlands and coastal waters, and the need to provide for enhanced protection of these resources, are reflected at the national level by the establishment of Fire Island National Seashore (FINS) by the U.S. Congress in September 1964 under the Fire Island National Seashore Act. The act states, in part, that the intent of this legislation was “for the purpose of conserving and preserving for the use of future generations certain relatively unspoiled and undeveloped beaches, dunes, and other natural features within Suffolk County, New York, which possess high values to the nation as examples of unspoiled areas of great natural beauty in close proximity to large concentrations of urban population...”.

The area within FINS encompasses 26 miles of Fire Island’s 32-mile length, excluding Robert Moses State Park at the barrier’s western end. The FINS boundary extends a variable distance northward into Great South Bay (approximately 1,500 to 2,000 feet adjacent to the Village of Ocean Beach) and 1,000 feet southward into the Atlantic Ocean. Besides Fire Island, some 25 smaller islands in Great South Bay are contained within FINS, including East and West Fire Island to the west of Ocean Beach.

FINS covers a total of approximately 19,500 acres (about 30.5 square miles), roughly a third of which is federally-owned, with the remainder being non-federal land. Within the non-federally-owned area are lands owned by other government entities (New York State, Suffolk County, Towns of Islip and Brookhaven, and villages), as well as privately-owned properties within 17 distinct communities on Fire Island.

The mission statement for FINS, as set forth in the *Strategic Plan* (revised November 2000) written by the National Park Service (NPS), U.S. Department of the Interior, which administers the national seashore, is:

“The National Park Service is committed to preserving Fire Island National Seashore’s cultural and natural resources, its values of maritime and American history, barrier island dynamics and ecology, biodiversity, and recreational and educational opportunities to Fire

Island National Seashore’s visitors in this natural and cultural setting close to densely populated urban and suburban areas, and to maintaining and exemplifying the policies of the National Park Service.”

The mission statement concisely synthesizes the management goals of the NPS as being focused on natural resource preservation. However, the NPS’s *Fire Island General Management Plan* (1978) also recognizes that:

“Fire Island National Seashore does not exist as an isolated entity, rather it is located within the nation’s largest urbanized area, and cooperative planning between local public and governmental authorities is required to ensure that mutually compatible goals are achieved.”

The NPS assumes an active role in the management of the entire area within the FINS boundary, including the private communities, and holds that:

“Proper land-use controls and related regulations within the communities of Fire Island are necessary for the long-term preservation of the resource, thereby requiring National Park Service involvement in community zoning activities, as intended by the 1964 Fire Island National Seashore Act.” (from the *General Management Plan*)

The NPS manages FINS in order to achieve the following general objectives, as stated in the *General Management Plan*, pursuant to its legislated mandate and other management documents:

- “To preserve the natural and cultural resources within administrative boundaries.
- To permit hunting, fishing, and shellfishing within boundaries in accordance with U.S. and New York State laws.
- To provide for public access, use, and enjoyment.
- To work with the communities within the park to mutually achieve the goals of both the park and the residents.”

The 17 communities situated within the park boundaries constitute a separate management unit of FINS, which are governed by the following additional objective:

- “To establish direct federal involvement with local government jurisdictions in a cooperative effort to provide appropriate land uses within the exempted communities of the national seashore.” (from the *General Management Plan*)

The practical impetus behind the establishment of FINS in 1964 was the advancement of a proposal to construct a roadway along the spine of Fire Island, similar to Ocean Parkway on

Jones Island to the west. The creation of FINS, which was brought about largely through the efforts of the residents of the Fire Island communities, effectively terminated consideration of a parkway on Fire Island. However, this action also resulted in the introduction of an additional layer of governmental review, at the federal level, for development projects and a wide range of other human activities within the boundaries of the national seashore.

The communities on Fire Island, including the Village of Ocean Beach, are subject to NPS regulations. Although, as noted above, the NPS's planning objectives include local involvement in the decision-making process, the Service has consistently staked a strong position in favor of resource preservation. At times, this position has been at odds with the objectives of property owners and local officials, including those in the Village of Ocean Beach, which has been a significant source of frustration.

The NPS has approval authority for land development projects within FINS, and has consistently objected to the construction of bulkheading on the bay and homes in the dune district along the oceanfront. The NPS has allowed repair of pre-existing "grandfathered" development in the dune district, but not the expansion of such structures or restoration when damage exceeds 50 percent of fair market value. The NPS has concluded that approximately 90 percent of the homes on Fire Island are not in the dune area, and pose no threat to the island's integrity.

The NPS regulates vehicle travel within FINS, by means of a permit system, pursuant to the requirements of the Code of Federal Regulations. All vehicles other than police vehicles must have a permit in order to be legally operated on seashore lands. These permits have been notoriously difficult to secure, consistent with provisions of the *General Management Plan* calling for limitations on all categories of permits. This policy can be especially problematic for residents and others traveling to and from Fire Island during the off-season, when the ferry schedule is very limited. These circumstances also have greatly increased the cost of public and private construction projects in the Village, since material transport typically must occur by ferry due to the difficulty contractors encounter in securing vehicle access permits. Furthermore, such projects generally are undertaken during the off-season, in order to minimize conflicts with the summer period of peak activities, which results in additional expenses because of the constraints of the ferry operations at that time of year.

2.2.8 FLOODING AND EROSION

Due to its close association with coastal waters to the north and south, and its low topographic relief, the Village of Ocean Beach is susceptible to flooding and erosion. Coastal storms are the primary agent of flooding and erosion in the Village, and are of particular concern with respect to the stability of the protective beach and dunes along the Atlantic shorefront, which has profound implications for the long-term welfare of the entire Village. Flooding also occurs at some interior locations in the Village because of poor stormwater drainage.

A. Summary of Flooding and Erosion History in the Village

The Village of Ocean Beach, like all of Fire Island, has been subject to active and ongoing erosion, especially along the oceanfront, and episodic flooding caused primarily by the inundation of coastal waters from both the bay and ocean. Erosional losses have been especially severe at the western end of the Village. This is evidenced by the fact that Ocean View Walk originally extended the entire east-to-west width of the Village, with full row of lots to the south of this walkway. However, the entire western half of Ocean View Walk has been lost to shoreline recession, such that this walkway now terminates at Cottage Walk. Several lots that had been situated to the north of Ocean View Walk also have been eroded away by the advancing ocean at the extreme western end of the Village. Currently there are only five developed lots on the south side of Ocean View Walk.

Since the late 1970s, the Village has been impacted by five major winter storms and four major hurricanes. The cumulative damages incurred over this time have totaled more than \$5 million, accounted for almost entirely by incidents during the period between the mid-1980s and 1993. The major storms that occurred during that period include: March 1984 northeast coastal storm, Hurricane Gloria (1985), Hurricane Bob (1991), 1991 Halloween Storm, December 1992 northeast coastal storm, and Blizzard of March 1993.

Weather conditions have been relatively quiet since 1993. However, erosion of the Village's oceanfront beach in between the two groins (i.e., the rock "jetties" extending perpendicular to the shoreline at Cottage Walk and Wilmot Road) has continued on a nearly continuous basis during this time period, according to an investigation conducted by Michael S. Bruno (*Coastal Erosion Analysis: Village of Ocean Beach, Suffolk County, New York*; April 29, 1999), with the eroded beach material apparently being deposited in an off-shore bar located slightly to the west of the westerly groin. A northeast coastal storm in October 1996 resulted in some damages in the Village; and an Atlantic hurricane in October 1998 resulted in severe erosion along the segment of ocean shoreline adjacent to the Village's water supply well field, even though that storm never made landfall on Long Island. The Village performed emergency activities to arrest erosion in this area, which consisted of the installation of "geotubes" as discussed further in Section 2.2.8.C below.

B. Natural Protective Features

The south side of the Village, along the Atlantic Ocean, has experienced coastal erosion and in the past, and is susceptible to future erosion due to surge and waves during major storms. This shorefront serves a critical role in protecting the substantial public and private investment in development throughout the Village.

The primary protection against flooding and erosion on the ocean-side of the Village is provided by "natural protective features", which include the nearshore and intertidal zone (i.e., extending seaward from the high tide line), the berm of the beach (i.e., the area between the high tide line

and the toe of the primary dunes), and the dune system. These features form a continuous line of protection along the Village's entire frontage on the Atlantic Ocean.

The primary dunes are carefully maintained by the Village, with the assistance of volunteers during annual dune planting events. Snow fencing has been installed in an effort to trap wind-blown sand. Dune walk-overs are provided at the southerly terminus of eight of the ten north-south walkways in the Village, thereby providing convenient access to the beach and discouraging illegal trespassing onto the dunes.

The Village also periodically has undertaken "beach scraping" along the Atlantic shorefront, under a permit from NYSDEC, in an effort to bolster the protective capability of the beach. In beach scraping, a thin layer of sand is excavated from the lower portion of the beach and this material is transferred to the upper portion of the beach, typically at the toe of the existing dune.

Development of the bay-side of the Village many decades ago resulted in the loss of wetland areas that previously were present along that shorefront. Consequently, there are no significant areas of marsh or other natural protective features, except for the tidal flat areas that lie just offshore.

C. Man-Made Shoreline Conditions

In response to the threat of coastal flooding and erosion, man-made alterations have occurred along both shorelines of the Village of Ocean Beach. On the south side, the situation is highly dynamic and complex, and a number of measures have been implemented to address this issue. The Village's northerly shoreline is essentially fully bulkheaded, both for municipal and private purposes, except for the small beach area (approximately 20 feet in length) at the end of Surf Road, to the west of the Village Marina.

In addition to the previously mentioned efforts to augment the natural protective characteristics of the Atlantic shorefront (by means of dune planting, placement of snow fencing, beach scraping, etc.), structural shore protection has been installed along the Village's Atlantic shoreline. A pair of rubble-mound/concrete groins were constructed between 1969 and 1970, at the end of Wilmot Road and just east of Cottage Walk, in order to mitigate chronic beach erosion. The groins extend to a length of roughly 200 feet and are situated approximately 650 feet apart. The materials used in the construction of the two groins include two-ton and five-ton concrete armor "sta-pods" and stone. The western groin is constructed of two parallel rows of five-ton sta-pods within the surf zone and seaward, and two parallel rows of two-ton sta-pods on the beach, with stone used to fill the middle of the entire length. The eastern groin is constructed of sta-pods along its seaward half and is composed of stone on the landward side.

Groins are built perpendicular to a shoreline, and extend outward into the sea, in order to intercept sand carried by long-shore currents (littoral drift) traveling parallel to the shoreline. The direction of this sand flow is tied to the long-term average angle of wave approach to the

shoreline, which is toward the west along the Atlantic coast of Fire Island. Overall, groins have had mixed success in reducing erosion and trapping sediment, and often have resulted in reduced sediment supplies and erosion of down-drift locations.

The integrity of the eastern (Cottage Walk) groin has deteriorated over time, resulting in accelerated coastal erosion. The Village has sought permits to reconstruct the groins, but has not received favorable consideration from the involved regulatory agencies. Consequently, the long-term prospects for the maintenance of these structures are uncertain.

The physical deterioration of the groins over time, and the resulting decrease in their effectiveness in trapping sand, has prompted the Village to explore other alternatives for addressing the chronic beach erosion problem that is threatening residential structures and the community's potable water supply wells. This led to the installation of a pair of stacked, sand-filled geotextile tubes ("geotubes") along the landward side of the groin compartment at the toe of the primary dune, an emergency project that was complete in early 1999.

As discussed previously, in association with development of the land along the Village's bay-side waterfront, natural wetland vegetation that previously occurred at this location has been removed and replaced with man-made, protective structures or armoring. These structures are mostly in the form of timber or sheet-pile bulkheads. Although these structures provide some protection from wave action, their primary purpose is to partition uplands from the water and to retain the earth (often composed of fill) in place on the upland side. While these devices serve to ensure a stable and secure shoreline along the length of the structure, they sometimes can compromise the stability of unprotected shoreline to either side, as wave and current energy is deflected away and concentrated on adjacent areas.

D. FEMA Flood Zones

The Village of Ocean Beach in its entirety is situated within an area that been designated by the Federal Emergency Management Agency (FEMA) as being susceptible to potential flood damage resulting from the movement of adjacent coastal waters onto the land surface during severe storm events, such as northeast storms ("nor'easters") and hurricanes. FEMA has prepared Flood Insurance Rate Maps (FIRMs) to delineate such flood-prone areas, and has classified flood zones into several general categories, based on the degree of susceptibility to potential flood damage. These flood zones define the limit of 100-year flooding within the Village (where the 100-year flood has a probability of occurring once in every 100 years, or a one percent probability in any given year), as summarized below:

Zone VE: encompasses the land area that would be inundated by water to a specified depth (termed the "base flood elevation") and would be subject to breaking waves of three feet or greater in height during the 100-year storm.

Zone AE: encompasses the land area that would be inundated by water to a specified depth (i.e., the base flood elevation) during the 100-year storm, but would not be subject to significant wave action.

The flood plain within the LWRA is illustrated in Map 4, and summarized as follows:

Zone VE occurs as a continuous band across the entire east-to-west width of the Village, extending inland from the Atlantic Ocean shoreline a distance of approximately 500 feet.

Zone AE occurs as a continuous band across the entire east-to-west width of the Village, extending northward from Zone VE all the way to the Great South Bay shoreline.

E. Coastal Storm Surge Elevations

Within the Village of Ocean Beach, the base flood elevation (defined as the floodwater elevation that would occur during the 100-year flooding event) has been calculated by FEMA to be 13 feet in the immediate vicinity of the Atlantic Ocean shoreline, while the remainder of Zone VE has a base flood elevation of 12 feet. Base flood elevation in Zone AE incrementally decreases northward, from 11 feet in the area immediately adjoining Zone VE, to 6 feet along the bay shore.

Based on modeling undertaken by the U.S. Army Corps of Engineers, in cooperation with FEMA, projected hurricane surge elevations within the vicinity of the Village of Ocean Beach have been calculated as follows:

at Atlantique Beach (approximately one mile west of Ocean Beach) — ranging from 6.8 feet for a category 1 storm (wind speed 74 to 95 mph) to 19.8 feet for a category 4 storm (wind speed 131 to 155 mph);

at Fire Island Pines (approximately five miles east of Ocean Beach) — ranging from 6.5 feet for a category 1 storm to 19.1 feet for a category 4 storm; and

in central Great South Bay, at a point approximately two miles north of Ocean Beach — ranging from 2.9 feet for a category 1 storm to 19.3 feet for a category 4 storm.

F. Flood Mitigation Planning

In 1999, the Ocean Beach Village Board of Trustees adopted a Comprehensive All-Hazards Code, which addresses mitigation planning for flooding and various other hazards. The All-Hazards Code is incorporated into Chapter 164 of the Village Code (Zoning), and is discussed further in Section 5.1 of this LWRP.

The Village of Ocean Beach has initiated a program, administered and partially funded by FEMA, which provides grant monies to raise homes above the base flood elevation, so as to decrease the susceptibility of these structures to future flood damage. Starting with initial project meetings in 1998, the Village has been very active and successful in this program, securing \$2 million for the elevation of 37 homes. The first phase of this project involved the expenditure of \$242,000 to raise three houses. The second phase is ongoing, and involves \$1 million expended to raise 25 houses. A number of homeowners who decided not to apply during the initial round of funding now see the benefits of the program and have expressed a desire to be included on the list for future funding opportunities. The Village has hired an engineer/administrator, who is responsible for overseeing the program, from construction to reimbursement. The administrator's compensation is included in the grant funding.

2.2.9 SCENIC RESOURCES

Visual quality is largely subjective by nature, and therefore, requires a description of the major elements or features which, together, make up the local scenery. Ultimately, however, it is the individual viewer who determines whether or not an area is aesthetically pleasing. The visual quality of the coastal area is a significant resource which plays a vital part in attracting people to the waterfront. The scenic qualities and values of coastal resources enhance the user's experience. Maintaining the visual quality of these coastal resources is, therefore, a priority. Although no scenic resources of State-wide importance have been identified in the Village, the aesthetic significance of the existing visual resources in this clearly cannot be understated

The Ocean Beach's Great South Bay and Atlantic Ocean shorelines offer spectacular views, which contribute significantly to the desirability of the Village for residential dwellings and recreational pursuits. Considerable public access is provided to viewing locations, in the form of docks, piers, walkways, dune cross-over stairways, and the beaches themselves. Protection of these vistas is of critical importance to the perpetuation of the Village's quality of life.

The built-up environment within the Village also possesses significant aesthetic character. The architectural styling of the residential dwellings, the quaint and compact business, and the focus of community activities at the water (i.e., in the Bayfront Recreation and Business Districts) are typical of a traditional classic beach community. The relatively small size of most of the individual buildings and the widespread use of natural building materials, evocative of the original bungalow-style residential construction of the early 1900s, contribute strongly to the Village's identity. The pedestrian-oriented transportation network in the Village also is important in this regard.

The visual quality of the Village's business district is adversely affected to a certain degree by the lack of consistent facade treatment. There has been discussion regarding the possible institution of an architectural review process to address this issue, but no action has been taken to date. The Planning Board is in the process of reviewing its prior proposal for architectural

review, focusing primarily on the commercial district and addressing the reconstruction of existing buildings.

The Village has also recently considered a draft property maintenance law. Although no action has been taken relative to this issue, there is still concern that continuing poor maintenance of some highly visible buildings is detracting from the overall aesthetic quality of the Village.

A specific concern has been identified with regard to the updating and reconstruction of buildings using materials that are not in keeping with the Village's traditional architecture, especially the use of plastic siding on building exteriors. Presently, only a few houses have such siding, and the consensus is that further use of this material would not be in keeping with the character of existing development in the Village. Other restoration projects involving more modern designs have been able to integrate effectively into the Village where colors and detailing are compatible with the styles of the early 1900s which characterize the community.

The existing public lighting system in the Village is believed by many residents to generate an excessive level of illumination which negatively affects the Village's rustic setting. The Village has initiated an ongoing, multi-phase light replacement project to address this issue.

Electrical distribution in the Village is provided by means of overhead lines, which are widely perceived as detracting for the Village's aesthetic quality. This issue is discussed further in Section 2.3.6.E.

2.3 LAND AND WATER USES, AND ZONING

2.3.1 EXISTING LAND USE

As shown in Map 2, the Village of Ocean Beach primarily is developed with single-family detached residential dwellings at a fairly high density. A variety of commercial, municipal, water transportation, and social/recreational land uses are located on the north side of the Village along Great South Bay. To the south of the primary dune line is the public bathing beach on the Atlantic Ocean.

The Village's 78-acre area contains approximately 600 homes and businesses. This translates to an approximate average lot size of less than 6,000 square feet, or 7.7 homes and businesses per acre.

The Village of Ocean Beach is the most commercially-developed community on Fire Island. However, there has not been any new commercial development in the Village in the past 20 years. In fact, there is one less commercial establishment than there had been previously.

Achieving an appropriate balance of commercial development in a community that is predominantly residential has been one of the major challenges facing Ocean Beach. This topic has been subject to heated debate, and is among the most controversial issues for the Village and its residents. However, this situation, entailing a basic divergence of opinion among stakeholders with different interests, is fairly common on Long Island and elsewhere. Wherever two or more contrasting uses adjoin or lie in close one proximity to one another, the potential exists for conflict. In this case, many Ocean Beach residents see that the peaceful enjoyment of their properties has become impaired by the high level of activity that occurs in the Village's business district during certain time periods on summer weekends. The complaints include inordinate noise and the spillover of patrons from the business district, mostly visitors from outside the community, into adjacent residential areas.

It should be pointed out that the issues described above are not entirely a matter of conflict between commercial uses versus residential uses. Even among the homeowners, as many as one-third rent out their houses either seasonally or monthly, which brings in a significant influx of people who generally do not possess as high a level of community interest and concern as occurs with owner occupancy. Additionally, complaints arising from excessive noise on residential properties have not been uncommon. However, the juxtaposition of activities on commercial and residential properties has been particularly polarizing for the community, and merits special attention.

At the Mayor's urging, the Advisory Committee for the LWRP included representation on all sides of the debate between commercial interests and residential interests. Despite the apparent polarization of views on this issue, the Committee expressed unanimous consensus that "the Village's business district becomes very crowded with people on weekend nights during the summer" and that in general, "actions that would further increase the number of people congregating in the business district during those time periods would be undesirable, and would not be in the general best interests of the Village." Although questions were raised as to the specific time frame for which this problem actually exists, indicating that further refinement is needed, it is clear that some common ground has been established for developing meaningful actions to address the issue. In fact, certain measures already have been implemented to moderate the crowds in the Village during the time periods of primary concern. These include the following measures, adopted via resolution by the Village Board of Trustees in the fall of 2001, which were implemented for the summer of 2002:

The lateral ferry is prohibited from docking in the Village of Ocean Beach after 10:00 p.m. on Fridays, Saturdays, and holidays. This curtails late-night traffic from neighboring communities.

Water taxis are prohibited from making drop-offs after midnight and pick-ups after 2:00 a.m. on weekends. These terms have been incorporated into the Village's new licensing agreements with the water taxi operators, which are executed on an annual basis.

The Board of Trustees has indicated that it will continue to monitor the situation closely, and will make further revisions as appropriate. The Board hopes this action will receive a positive result.

In an effort to address noise, which has been identified as the most significant problem faced by residents whose homes are located near the downtown area, the Village's police patrols for violations of the Village noise ordinance, and the issuance of summonses as warranted, were increased toward the end of the summer of 2001, which was further enhanced in 2002, and will continue thereafter.

The Village has initiated investigation into the possibility of establishing a Business Improvement District (BID). A BID committee was established, and the first few steps of a complicated process were completed, including the creation of a BID map. However, the process has stalled at the petition phase. The establishment of a BID requires signatures representing 51 percent of the ad valorem commercial tax base. Although the Village has not yet been able to exceed this threshold, the process is still continuing.

A. Water-Dependent and Water-Enhanced Uses

Water-dependent uses contribute significantly to the long-term economic vitality and public enjoyment of coastal areas. A water-dependent use is a use that requires a location on, or directly adjacent to, the water in order to function or exist. A water-enhanced use does not require a location on or adjacent to the water in order to function or exist; however, the enjoyment level of the users would be increased if such a use were located adjacent to, or had visual access to, the waterfront. Restaurants and hotels are examples of water-enhanced uses.

As noted previously, the bay shoreline of the Village of Ocean Beach consists of a mix of uses, some of which are water-dependent, including the ferry terminal and Village Marina. The restaurants that front on the bay are generally considered to be water-enhanced uses; however, these establishments exhibit a certain degree of water-dependency since they each provide a small amount of dockage for patrons (approximately 30 slips at Matthew's Restaurant, and five to six slips each at Island Mermaid Restaurant and Hideaway Restaurant). The Village also contains a number of hotels, which provide lodging for visitors which mostly is available only between May through September or October; these seasonal accommodations are available at Cleggs Hotel, Houser Hotel on the Bay, and Place in the Sun. The Seasons Bed and Breakfast is the only hotel in Ocean Beach that is open year-round.

Ferry Terminal

The ferry terminal is a vital facility, providing the primary means of access to the Village of Ocean Beach for people and freight, as well as for mass evacuation in the event of an emergency (e.g., hurricane). Accurate information is not available regarding the flow of people through the Ocean Beach ferry terminal. Although the ferry operator compiles ticket sales and

passenger counts on a daily basis, these data cannot be readily segregated among the various communities served by the ferry.

The “Boat House” portion of the ferry terminal building is utilized for Village Board meetings, public meetings, and youth and resident activities. However, the condition of this facility has deteriorated over the years, as maintenance has not kept pace with the effects of the harsh coastal environment. Rehabilitation or reconstruction of the ferry terminal is needed in order to ensure continued access. The pilings of the ferry terminal have deteriorated due to the effects of 65 years of salt water exposure. Therefore, under any plan for this facility, the pilings have to be replaced. Additionally, the building will have to be elevated, pursuant to current FEMA requirements.

The Village of Ocean Beach was approved for a \$243,000 grant from the New York State Department of Transportation Ferry Boat Discretionary Fund. However, this award lapsed because the Village was unsuccessful in acquiring additional funding needed to undertake the project. A new application was submitted for a \$950,000 grant from the Ferry Boat Discretionary Fund for fiscal year 2004, which would be combined a \$25,000 grant that NYSDEC has awarded for project design. It is estimated that the total project cost will be between approximately \$1.2 and \$1.7 million.

The requirement to elevate the ferry terminal above base flood level will necessitate the integration of the project into the surrounding area, by means of ramping and other related work. The implications of the project should be thought all the way through to avoid unforeseen but avoidable secondary problems. The number of stories (one or two) for the new facility has not been determined. The current plan is to design the new pilings to accommodate two stories in case this is called for in the final plan.

The Village of Ocean Beach always has been oriented primarily to pedestrian travel. Consequently, wagons have become an essential mode of transport for materials to and from the ferry terminal. A wagon park located adjacent to the ferry terminal provides secure storage for residents’ wagons. However, this facility was developed many years ago, and the size and number of wagons has increased over the years, such that the current space is overcrowded.

Village Marina

The Village Marina is governed by a ten-year capital improvement program. The first year of the program, involving 108 feet of dock rehabilitation, is in progress.

The Village has obtained from NYSDEC a four-year permit (expiring in June 2006) to undertake maintenance dredging of the Village Marina basins to a depth of six feet below mean low water, with the dredged material to be placed on the bay beach to the west of the Marina and also to be used in rebuilding and stabilizing the dune near the Village pump station. In addition, a special

permit for this work has been received from the National Park Service. However, as of March 14, 2003, the Village still was awaiting a permit from the Army Corps of Engineers.

Several years ago, available boat slips were plentiful at the Village Marina. Seeking revenue, the Village opened use of this facility to neighboring communities. In recent years, however, the demand for seasonal boat slips within the Village marina has exceeded availability. Early in the year 2001, after due consideration, the Village decided to develop new rules and regulations and to adjust the rental priority order and current dockage fee schedule to address this issue. These new fees and regulations were established in order to meet the escalating expenses associated with maintenance and repairs of dockage and to ensure their primary availability to Ocean Beach property owners and renters, respectively.

Currently, the level of demand for space at the Village Marina indicates that there may be a need for additional dockage capacity. However, a detailed study is needed to verify whether expansion of this facility is warranted and, if so, how such expansion would be best accommodated. The issue of the clientele for new slips (i.e., residents versus transients) will be resolved if and when it is determined that the need exists for a marina expansion.

B. Underutilized, Deteriorated, and Abandoned Sites

Based on current lot area requirements, physical and environmental constraints to development, and an assessment of the availability of vacant land within Ocean Beach, it is evident that the Village has very little potential for new development. Only an estimated one-half to one percent of the total number of properties in private ownership remain undeveloped at this time.

The Village owns several undeveloped parcels to the south of Ocean View Walk, along the Atlantic shoreline and primary dune system, as well as a few small parcels dispersed along the bay shoreline, including a recently annexed property in the northeast corner of the Village, the Village Green, two small adjacent parcels located at the bay swimming area to the immediate west of the Village Marina, and portions of the six remaining “delivery lanes” located east of Bungalow Walk. The Village offered to sell delivery lane property to abutting land owners at a cost of \$5.00 per square foot, which was considered to be the fair market value of the land in the spring of 2000, with the admonition that adjustments for inflation may occur subsequent to the March 31, 2001 deadline. Under this arrangement, the Village provides a quit claim deed and deed description to the purchaser; while survey costs, and legal and filing fees are the responsibility of the purchaser. The transferred lane parcels are be encumbered by an easement which would prevent future development.

The eight-foot width of the delivery lane is split equally between the abutting property owners to either side, such that each is eligible to receive four feet of the lane along the entire width of his/her parcel. Purchase of a portion of delivery lane is beneficial in some instances where land owners need additional space in order to comply with rear yard setback requirements for proposed structures, for increasing floor area ratio allowances, or for legalizing existing

structures that do not currently comply with zoning requirements. The proceeds to the Village from the sale of the delivery lane parcels have been earmarked for partial financing of a comprehensive multi-year refurbishment program for the concrete walks traversing the community.

The Village was quite successful at selling portions of the delivery lanes formerly located west of Bungalow Walk. As of March 5, 2003, 150 delivery lane parcels have been transferred into private ownership, out of a total of 395 such parcels that have been offered for sale.

Also, identified within the Village are two vacant, federally-owned parcels. These parcels include one in the southwestern corner of the Village and another along the Atlantic Shoreline, northeast of the easternmost groin.

There are a small number of isolated, vacant private properties within the interior of the Village.

The Village-owned Community House is considered to be an underutilized resource. The Village has targeted this facility for a project to update its antiquated systems and physical condition, which is intended to augment utilization and restore the historic prominence of the Community House as a focus of Village activities.

There are no other significantly underutilized, deteriorated, or abandoned properties within the Village of Ocean Beach.

2.3.2 SURFACE WATER USES

Existing surface water uses in the nearshore area of the Village of Ocean Beach are illustrated in Map 2.

A. Vessel Facilities

Use of the surface waters in and adjacent to Ocean Beach consists primarily of recreational boating and fishing, and transportation of passengers and freight to and from the Village via ferry.

The Village's bay shorefront contains a ferry terminal, freight dock, water taxi service, and Village Marina. The Village does not have designated mooring or anchorage areas, private marinas, boat yards, yacht clubs, dry rack storage areas, cranes, or any marine commercial facilities of this type.

The ferry terminal comprises the primary point of access to the Village of Ocean Beach. The ferry terminal is owned by the Village, but is operated by a private entity, Fire Island Ferries, which has an exclusive ten-year lease extending until December 31, 2010. The ferry runs frequently during the summer months and on a greatly restricted schedule in the winter.

The ferry terminal consists of an enclosed basin, which lies to the east of the terminal building and dock. The terminal building has been identified for a major capital project, which is in the early planning stages (see Section 2.3.1.A).

The Village Marina is heavily utilized during the boating season. Over the past four years, the marina has operated at full capacity. This facility contains 128 vessel slips (110 seasonal and 18 transient), in addition to 16 pads for personal watercraft (PWCs, also commonly referred to as “jet skis”). The maximum vessel size that can be berthed at this location is 35 feet. The Village marina is equipped with water; however, electricity is not available. The Village has no cranes, boat yards, dry boat storage racks, boat yards, wastewater pump-out facilities, fueling stations, lifts or cranes, or boat repair services. The use of houseboats or any vessels for overnight lodging is prohibited in the Village of Ocean Beach.

In addition to the dockage provided at the Village marina, three bay-side restaurants provide slips for patrons: Island Mermaid Restaurant, Matthew’s Restaurant, and Hideaway Restaurant.

Water taxi service is available in Ocean Beach. This service operates under individual licensing agreements with the Village, for a term of one year, with passenger transfers occurring at the Village Marina.

2.3.3 ZONING

As shown in Map 3, there are four zoning districts within the Incorporated Village of Ocean Beach. These zoning districts are defined in Chapter 164 of the Village Code, and summarized as follows:

Residence District (R-4) — This is the dominant zoning district in the Village of Ocean Beach, comprising approximately 80.1 percent of the total area in the Village, extending from the Dune District along the Village’s south shore to the bay shoreline at the northeast and northwest corners of the Village. Permitted principle uses in this district are single-family detached dwellings. Uses allowed by special permit include public utilities, community buildings, places of worship, historical or memorial monuments, extensions of non-conforming buildings, doctor or dentist offices that are part of a residence, municipal uses, apartments, and receiving or transmission towers. The minimum lot requirement is 4,000 square feet.

The R-4 District contains a number of operating commercial uses, most of which lie directly outside the Village’s Business District. These are legal non-conforming uses, which either predate the current zoning (and have been “grandfathered-in”) or are covered by special use permits.

Business District (C) — This district comprises approximately 5.4 percent of the area in the Village, occupying a contiguous swath of land along Bayview Walk at the north end of the Village. The C district extends to the shoreline between Evergreen Walk and Bayview Walk, immediately to the east of the ferry terminal. No uses are permitted as-of-right in the C zone. Uses which are allowed by special permit include uses permitted in the R-4 district, retail stores that sell goods and services in support of community living, professional offices, solar energy systems and equipment, receiving or transmission towers, and existing residential rental rooms. The Zoning Code pertaining to the C district (under §164-33) specifically prohibits the construction, expansion, conversion or alteration of the following uses: apartments, multiple dwellings, apartment hotels, showers, lockers, changing rooms, guest houses, boardinghouses, lodging houses, boatels, hotels, swimming pools and other similar water-intensive uses, eating and drinking establishments, discotheques, dance halls, cabarets, manufacturing or industrial uses which dangerous or harmful to people and property, retail stores above the ground floor, and other uses which are not expressly permitted.

The Village Zoning Code, at §164-31, recognizes the need to achieve a suitable balance between the overall residential character of the Village and the Village’s long-standing commercial district, as follows:

“The Board of Trustees of the Village of Ocean Beach finds that commercial development in the village should provide necessary conveniences and services to the residents of the village. Consistent with the General Management Plan for the Fire Island National Seashore and the Village Comprehensive Plan and mindful of protecting the viability of existing businesses, preserving and protecting the residential character and appearance of the Business District, the Board of Trustees hereby enacts regulations designed to control the proliferation of business inconsistent with the objectives of the Village and the National Seashore, to allow the proper development and redevelopment of businesses which provide necessary public services and are consistent with a predominantly residential community.”

Bayfront Recreation District (BRD) — This district comprises approximately 5.2 percent of the area in the Village, including the area within the Village Marina basin and the ferry basin. The BRD district was established “..to regulate ownership and control of property situate and lying in a certain area immediately adjacent to the Great South Bay, for the recreational use, quiet enjoyment, public health, safety and welfare of the residents of the village.” (§164-80) Construction, expansion, conversion or alteration of commercial uses is prohibited in the BRD district.

Oceanfront Dune District (DD) — This district comprises approximately 9.3 percent of the area in the Village, extending along the full east-to-west width of the Village’s oceanfront as far south as the mean low tide mark. The northerly limit of the DD zone is a line 40 feet north of the crest of the primary dune, which corresponds to the dune

district boundary set forth by the NPS. Presently, Ocean View Walk forms the northern limit of the DD zone at the east end (east of Dehnhoff Walk). West of this point, the DD zone extends northward across Ocean View Walk by a distance of as much as 150 feet. The only new uses permitted in the DD zone are elevated pedestrian dune walkways and fencing designed to hold the sand in place on the dune. Expansion of existing uses in this district is prohibited.

In addition to the provisions of the Village Zoning Code, all development in the Village is governed by the provisions of the *General Management Plan* for Fire Island National Seashore. Accordingly, all development (as well as many other activities) in the Village requires a special permit from the National Park Service, which administers the Seashore on behalf of the U.S. Department of the Interior, as discussed in Section 2.2.7.

Pursuant to the enabling legislation for Fire Island National Seashore, regulations were established to provide federal standards for local zoning in order to protect and conserve Fire Island. All local ordinances for Fire Island must conform to these standards, as set forth in Section 28 of 36 CFR. These standards are intended to:

- 1) promote the protection and development of the land within the Seashore, for the purposes of the Fire Island National Seashore Act (the Act), by means of size, location, or use limitations or restrictions on commercial, residential, or other structures with the objective of controlling population density and protecting the island's natural resources;
- 2) limit development and use of land to single-family homes, to prohibit development and use of multiple family homes, and to prohibit the conversion of structures to multiple family homes;
- 3) prohibit commercial or industrial uses initiated after September 11, 1964 or the expansion of existing commercial or industrial uses on any property within the Seashore which is inconsistent with the Federal standards and approved local ordinances or the purposes of the Act, is likely to cause a significant harm to the resources of the Seashore or will not provide a service to Fire Island;
- 4) recognize that the zoning authorities have the primary responsibility for zoning enforcement within the Seashore;
- 5) provide that private property within the Community Development District may be retained by its owner as long as it is maintained in accordance with approved local ordinances and the Federal standards;
- 6) provide that, within the Seashore District, private "improved property" may be retained by its owner as long as it is maintained in accordance with approved local ordinances, and the Federal standards;

- 7) provide that, in the Dune District, private undeveloped property, if otherwise subject to condemnation, may be retained by its owner as long as it is maintained in its natural state; and
- 8) provide a mechanism for the Superintendent to inform landowners and the zoning authority if a use or development will be inconsistent with the Federal standards or the purposes of the Act and may subject the property to condemnation, subject to available funds.

There are three federally-designated districts within the Seashore:

- 1) the Community Development District, which encompasses the 17 communities, including the Village of Ocean Beach;
- 2) the Seashore District, which comprises all portions of the lands and waters within the boundary of the Seashore that are not included in the Community Development District, with the exception of the headquarters facilities at Patchogue and the William Floyd Estate at Mastic; and
- 3) the Dune District, which extends from the mean high water line to 40 feet landward of the primary natural high dune crest, as defined on map overlays maintained in the Office of the Superintendent of the Seashore. The Dune District overlaps portions of the Community Development District and the Seashore District.

The local Zoning Code of the Incorporated Village of Ocean Beach is consistent with the federal zoning standards for Fire Island National Seashore.

2.3.4 PUBLIC ACCESS AND RECREATION

A. Public Recreational Resources and Open Space

Overview of Recreational Resources

The residential population of the Village of Ocean Beach undergoes a significant seasonal cycle, with the summertime population expanding by a factor of more than 15 compared to the number of year-round residents. As such, public recreational resources are of vital importance to the character and appeal of the Village. These resources focus mainly on warm-weather activities, especially those related to the adjacent waters of the ocean and bay. A concentration of active and passive recreational facilities is present in the Bayfront Recreation District (BRD). The Village's public beach on the ocean also provides an important resource, principally for passive recreational pursuits such as sunbathing and swimming.

Pursuant to a court order issued to conclude a prolonged litigation process, the Village recently constructed public restrooms at Cottage and Ocean View Walks, in the vicinity of the public bathing beach on the ocean. These new facilities, constructed using federal grant monies, are open during beach hours when lifeguards are on duty. Public restroom facilities also are located at the Community House and Boat House, on the bay side of the Village.

The BRD zone lies to the north of Bayview Walk, between Ocean Road and Ocean Breeze Walk. Uses supported in this area include boating (docking and vessel access), fishing, swimming, strolling, sight-seeing, photography, basketball, tennis, and playground activities. The ferry terminal also lies in this area.

Ocean Beach Youth Group Building and Ocean Beach Community House

The Ocean Beach Youth Group Building (“Windswept”) and the Ocean Beach Community House provide a variety of recreational, social and cultural activities to serve the community. Funding from the Village covers maintenance of these two buildings. Activities and programs are operated separately by a number of different entities.

The private, not-for-profit Ocean Beach Youth Group (OBYG) program is based at Windswept, which is located at the northwest corner of Ocean Road and Bayview Walk. This program provides counselors who instruct the Village’s contingent of children (as well as youths from neighboring barrier communities) in sports, fishing, swimming, sailing and boating instruction, cooking, arts and crafts, and sports, as well as participation in a variety of theatrical productions, trips, and special activities. In 2003, the OBYG served more than 300 campers. The facilities at Windswept have deteriorated over the years and are no longer considered to be adequate to serve the needs of the program. The OBYG’s Board of Directors is developing a business plan to identify and implement improvements.

The Ocean Beach Community House, located at the northeast corner of Bungalow Walk and Bayview Walk, is the headquarters of the Ocean Beach Historical Society and the Village Justice Court Office. The Historical Society, which is an independently chartered not-for-profit organization, exhibits Village memorabilia, including photographs, scrap books, and a computerized archival information base.

The Community House also is used for movie showings and dances. These activities occur through lease arrangements with the Village.

As noted previously, the Community House has suffered from inadequate maintenance, but is targeted for restoration.

Public Access to the Waterfront

Several elevated walkways cross over the primary dune to provide convenient pedestrian access to the oceanfront, while preventing deterioration to the dune system that results from direct foot traffic in this fragile area. A cut through the primary dune at the terminus of Cottage Walk was eliminated many years ago, so that presently there is no location in the Village for vehicles to cross the dune line.

One of the dune cross-over points, at Surf View Walk, has been designed for handicapped accessibility. While the possibility of developing additional handicapped-accessible dune cross-overs and viewing platforms has been considered, concerns have been raised about costs that would be associated with frequent damage to these structures due to storms and erosion.

The existing “west walk”, situated between Ocean Road and the west end of the ferry terminal, was described as being very popular means of public access to the Village’s bay-side waterfront. Usage of this amenity possibly could be enhanced by extending the shorefront walkway further to the east. However, the property to the east of the existing walkway is privately owned, and some type of arrangement (e.g., purchase, lease, partnership, etc.) would have to be reached in order to allow its use for public access. Expansion of pedestrian access in this area could be undertaken independently of a potentially more controversial marina expansion project, but it would be necessary to engage the public actively in the decision-making process so that they are properly informed of the exact nature of the action.

The Village currently lacks a public launching area for small, non-motorized vessels (e.g., canoes, kayaks, sunfish sailboats, etc.), and has indicated that the establishment of this type of facility is a high priority. The Village’s bay beach, situated directly to the west of the Village Marina, was identified as the most promising location for a public small boat launching ramp. However, any such project would have to be tied into the overall improvement of the bay beach, a project whose fate presently is not know because of uncertainty regarding the scope of work that will be permitted by NYSDEC and the U.S. Army Corps of Engineers.

The Village is seeking approvals to perform dredging to enhance the bay beach. In undertaking this project, the Village’s first priority will be the creation of a suitable swimming area, through the establishment of a graduated beach profile. Provision of small boat access at this location will be of secondary importance.

The construction of storage racks was identified as an important element of the Village’s plan to enhance facilities for the operation of small boats. In order to provide a level of convenience that will ensure their use, any new storage racks would have to be placed in close proximity to the launching location. The Windswept property, which is located just west of the bay beach, was identified as a possible site for the installation of public racks for small boat storage. This property is owned by the Village and leased to the not-for-profit Ocean Beach Youth Group. Consultation with the lessee will be necessary prior to the site being used for public facilities.

Open Space Resources

Development density in the Village of Ocean Beach is approaching the maximum build-out capacity allowed under lot area requirements of the Zoning Code, and limited open spaces remain. Currently, there are less than ten acres of undeveloped land within the Village. These parcels consist of both publicly and privately-owned parcels which are widely distributed throughout the community. The largest contiguous area of open space occurs on the south side of the Village, along the primary dune and ocean beach, consisting of a string of separate tax lots that are under various ownership (i.e., Village, County, Federal government, and private interests). These limited areas of open space in the Village serve as habitat for wildlife, provide areas for excess flood waters and runoff to collect and infiltrate into the ground, contribute to the aesthetics and small-community neighborhood character of the Village, and provide “islands” of green space in an otherwise densely developed area.

The coastal waters of the bay and ocean provide vast areas of open space directly adjacent to the Village, which serve for the passive visual enjoyment of shore-bound viewers, as well as for those engaged in water-related recreational activities. In addition, a small vacant parcel owned by the Village is located in the northeast corner of the study area, near the wastewater treatment facility.

Located in the Commercial district, the Village Green and Commons contain one of the largest undeveloped tracts within the Village. Surrounding this area are the Post Office, the Village municipal offices, retail stores and shops, the Community House, the Historical Society, Village Courts, public restrooms, and drinking and eating establishments. Most of these structures have second-story rooms, which are utilized for both rentals and seasonal staff. The Green and Commons significantly enhance the appearance of the area by breaking up the mass of concrete and buildings in the commercial district and providing an island of greenery which makes for a more visually appealing commercial environment.

The Village developed a Village Green Restoration/Reconstruction Plan (March 21, 2000), which defines a comprehensive program of recommended landscaping and physical improvements and amenities for this area, and has recently invested money received from the Suffolk County Downtown Revitalization Program to effectuate some of these improvements. The program has provided \$10,000 for lighting and landscaping improvements, of which \$3,000 was invested in the purchase and planting of vegetation in the Village Green. The Village also received \$5,000 from NYSDEC’s Urban and Community Forestry Program for landscaping improvements. Nevertheless, additional funds are still needed to fully implement the Village Green Plan.

Vacant parcels situated in the interior portions of the Village consist primarily of small, dispersed, privately-owned tax lots that offer little in the way of passive open space, greenways, significant recreational opportunities, or large or contiguous blocks of open space.

B. Community Association Recreational Resources

The Ocean Beach Association does not have facilities or common resources for its members. Meetings of the association are held periodically, both in the Village (using Village-owned facilities, such as the Boat House and the Community House) and in New York City to disseminate information. Historically, the Ocean Beach Association had owned a significant area of common lands. However, these lands were transferred to the Village shortly after incorporation in 1921.

C. Public Trust Doctrine and Underwater Land Ownership

The underwater land in Great South Bay adjacent to the Village's shoreline, seaward of the mean high water line, is owned by the Town of Islip. The Village Marina basin and the basin for the ferry terminal lie within the Village of Ocean Beach, and the underwater lands contained therein are shown on the Suffolk County tax maps as being owned by the Village of Ocean Beach; however, Village records indicate that at least a portion of this underwater land area actually is owned by the Town of Islip and leased by the Village.

On the ocean side, the underwater lands, seaward of the Village boundary, are subject to the concurrent jurisdiction of the State of New York and the National Park Service. This underwater land is owned by the State; however, the Park Service has been granted use and occupancy rights in perpetuity, out to a distance of 1,000 feet from the shoreline and extending laterally along the entire 26-mile length of Fire Island National Seashore.

Early European settlers on Long Island obtained deeds from Native American tribes, and land patents from colonial Dutch, and later English, governors. In 1664, under English colonial rule, Charles II of England granted to the Duke of York absolute control of lands that stretched from northern Maine to Delaware including all of Long Island. Imposition of English rule over the colonies of the "New World" included the Town of Islip as it existed at that time, including underwater lands.

Unlike the other Long Island Towns, the Town of Islip was not created by a colonial patent. The lands within what was to become the upland portion of the Town of Islip had been the subject of previous private land patents, which conferred ownership interest to a number of individuals (including William Nicoll, Andrew Gibb, Stephan Van Courtlandt, Richard and Thomas Willett, and John Mowbray), but did not create a municipal corporation. As discussed in Section 2.1.1, the underwater lands that presently lie within the Town of Islip, in addition to all of Fire Island, were originally claimed by William "Tangier" Smith.

In 1710, the colonial legislature of New York created Islip Town in roughly its present-day configuration, including the underwater lands. The Town boundary between Islip and Brookhaven in Great South Bay is unusual in that the Town of Brookhaven owns the underwater lands in the area of the bay lying offshore of the Town of Islip between Bayport to the east and Nicoll Point to the west. Within the bay, the Islip-Brookhaven town line extends due north from

the easterly boundary of the unincorporated community of Seaview, which adjoins the Village of Ocean Beach to the east, and intersects the shoreline of the mainland (at the mean high water line) just east of Nicoll Point.

The original concept of the Public Trust Doctrine, as defined under English common law, dictates that certain lands and waters were vitally important to the public for the purposes of fishing and navigation, and that these areas should be retained for use by the public. The public trust in the State of New York refers to those underwater lands, including the foreshore landward to the high tide line that are influenced by the ebbing and flowing of the tide. Subsequently, additional rights became incorporated into the Public Trust Doctrine, including the rights to swim in these waters and to pass along the shoreline for the purpose of enjoying the scenic resources. These public rights are balanced with the littoral/ riparian rights of private waterfront landowners who may access these waters. This public right, or the “jus publicum” has now been recognized in New York State and many other States as superior to the rights of private individuals, or the “jus privatum”.

Notwithstanding the mandate of the Public Trust Doctrine, some underwater lands have been lawfully transferred from States to private individuals who own abutting uplands for “commercial purposes” or for their “beneficial enjoyment”. Nonetheless, these conveyances of fee title ownership must be consistent with the best public use and is not contrary to the public welfare. Although the transfer of underwater lands by states to private individuals are constrained by a requirement for “exceptional circumstances” deemed to be consistent with the public trust doctrine, Towns have greater latitude to transfer these lands not only to abutting upland owners but to anyone, as long as the transfer of lands does not affect the public’s interest in the remaining publically owned lands. Any conveyances that results in injury to the public good or proves to be inconsistent with the best public use, may be revoked.

A number of lawsuits have been filed at the state level which have sought clarification to public trust/private property land ownership conflicts and issues. In short, these cases have elaborated on a number of issues including the boundaries of those areas held in the public trust. The area held in trust for public use, passage, and navigation is not fixed and is subject to interpretation by a means determined by local custom. Natural and artificial coastal process that cause erosion, accretion, and submergence, as well as tidal cycles, affect the boundary of the land held in the public ownership, by altering the location of the high tide mark and resulting n adjustment of the area of land ownership (unless filling was initiated by a land owner who served to benefit from such filling).

The State of New York, in recognizing the colonial Patents given to the Town of Islip, granted to the Town Trustees the duty and obligation of enforcing the trust doctrine on lands titled in their name in trust for the people of Islip. During colonial times, the English view was that lands which were subject to the ebb and flow of the tide were public trust lands.

The public right of access to Public Trust lands and waters, is one of “lateral access”. That is, there is no public right to cross private property to reach public waters or the lands beneath them through “perpendicular access”. In New York, as in all states, the public’s rights are to lateral access along the foreshore between the mean high water (MHW) and the low water lines during low tide and access to the surface waters covering such underwater lands. Such access is afforded primarily through the Village’s beaches.

In some instances the public is unable to walk along the foreshore simply because there is none. Years ago the shoreline along the bay side of Ocean Beach was bulkheaded and adjacent waters were dredged to facilitate the growing desire and need for recreational boating. These structures have resulted in the loss of segments of the foreshore, thereby eliminating the ability of the public to walk along the land between the MHW and the low water line.

2.3.5 HISTORIC RESOURCES

The Village of Ocean Beach does not currently contain a designated historic district. No individual buildings, structures, landmarks or places within the Village are listed on the National or State Registers, or have been otherwise officially designated as having historic significance. No Village historic preservation law is in effect identifying historic resources of local significance. Since development on Fire Island didn’t really begin to take hold until early in the 20th Century, the Village does not have the history of some other Long Island communities, primarily on the mainland. The Village Historical Society provides a computerized archival data base and, photographs and scrap books that are available for public viewing.

In the late 1970s, the Suffolk County Division of Historic Resources conducted an architectural field survey on Fire Island, including Ocean Beach. However, the Village has not been successful in its effort to obtain a copy report generated by this survey. The most recent request was submitted in August 2002. However, the Village does want to maintain its distinct cottage-resort community character, which has defined the historic character of the Village since the 1920s.

2.3.6 INFRASTRUCTURE

A. Public Water Supply

The Village of Ocean Beach manages and operates its own municipal public drinking water facility which furnishes potable drinking water throughout the community. The water supply system originated in 1915, with the construction of the first water tank and distribution piping. Major portions of this original system still are in place.

Typical winter water demand in the Village during the winter months is approximately 100,000 gallons per day (gpd). During the height of the summer season, typical water demand increases to 550,000 gpd. Based on the water flow at the Village’s sewage treatment plant, the Village

engineer estimates that approximately ten percent of the flow is lost through leakage, which is considered acceptable by industry standards.

The water supply in Ocean Beach is considered to be of high quality. However, the raw water has exhibited elevated levels of iron which, although not hazardous to human health, can impart an undesirable taste or cause staining of bathroom fixtures and laundered clothing, and could limit flow capacity due to iron build-up on the inner surface of the supply piping. In order to address this concern, treatment is provided in the form of the addition of an iron sequestering agent to the raw water. The Village Water Department also undertakes annual flushing of the water supply system to remove iron deposits. Additional treatment of the water supply entails the introduction of lime to stabilize the pH and chlorine for disinfection to ensure the delivery of water that is free from pathogenic microorganisms.

The public water supply system consists of three functional wells, a treatment facility, and distribution system. The water supply wells are located adjacent to the Village's Atlantic Ocean shoreline, at Cottage Walk. Two of these wells (i.e., #2 and #3) serve as the primary source of potable water supply for the Village. Well #2 has a pumping capacity of 800 gallons per minute (gpm); this well was installed in 1962, with a ten-inch casing, to a depth of 450 feet. Well #3 has a pumping capacity of 1,000 gpm; this well was installed in 1988, with a twelve-inch casing, also to a depth of 450 feet. Wells #2 and #3 have consistently yielded a suitable supply of potable water, and no significant water shortages, water quality problems, or saltwater intrusion has been reported to date. The third well (#1), which is the oldest and smallest of the three, is tested regularly and maintained in reserve, and could be tapped for water supply if the need arose.

The Village's water mains are mostly composed of cast iron piping, which generally is corroded but stable. A 12-inch main composed of PVC piping was installed within the past ten years, which has improved water distribution.

An Atlantic hurricane in October 1998 created a breach in the sand bar that lies offshore from the Village of Ocean Beach, which in turn has caused severe erosion at the segment of shoreline adjacent to the Village's water supply well field. Even though the hurricane never reached Long Island, the consequent erosion resulted in retreat of the dune scarp line to within 40 feet of the water distribution piping and approximately 65 feet from well # 2. The Village has performed emergency activities to arrest the erosion being experienced and is pursuing funding sources for relocation of the wells.

The Village has initiated a five-year capital plan for the maintenance of the water tower and improvements to the delivery system. The first year project work included painting of the water tower and replacement of 880 feet of water main along the ocean to create a loop in the system. The components of the water delivery system will be placed into GIS mapping, which will facilitate maintenance and other activities.

The Village also maintains 35 hydrants throughout the community. These hydrants have been replaced as necessary, based on the occurrence of hydrant failures or leaks. All existing hydrants are reported to be in good condition.

B. Wastewater Disposal

The Village of Ocean Beach operates and manages its own wastewater treatment system, which handles all sewage generated within buildings in the Village. The Town of Islip established Ocean Beach as a sewer district prior to its incorporation as a village in 1921. The sewage disposal system installed at that time was the only one on Long Island east of Jamaica.

The Village of Ocean Beach wastewater treatment plant provides secondary treatment to collected wastewater through a multi-phased process, which includes: the addition of polymers to promote the coagulation of solids; discharge to the system's two primary settling tanks for the removal of solids; and final disinfection by means of contact chlorination. The wastewater is circulated through carbon towers during the summer, when waste flows are highest, in order to enhance treatment. The facility discharges the treated effluent through an outfall pipe located approximately 200 feet off shore in Great South Bay, near the northeast corner of the Village. The effluent discharge is regulated under the State Pollution Discharge Elimination System permit program which is administered by NYSDEC. The sludge generated by the treatment process is stored on-site in a holding tank until being shipped for disposal to the Bergen Point Wastewater Facility, located on the south shore of the Long Island mainland.

The Village has completed an engineering analysis of the treatment plant and, on the basis of the findings of that analysis, has initiated a five-year capital plan for plant maintenance and a full engineering evaluation of the total system. The ongoing capital improvement program consists mostly of the replacement of system components that have deteriorated due to age.

The sewer mains are composed of clay piping, which were first installed in about 1914. Some of this piping has collapsed. Once these lines break, deterioration accelerates as tree roots grow rapidly into the nutrient-rich breaches. Problems related to deficiencies of the sewage collection system have been known for a long time. However, the magnitude of these problems has been exacerbated in recent years due to increased flows which have resulted from a growing year-round population and a general increase in the usage of houses that still serve as vacation homes (e.g., from weekend to full-week occupancy).

The Village recognizes the need for a systematic program of sewer pipe replacement, ideally on a street-by-street basis. It is estimated that completion of this program throughout the Village would take a total of ten years, at an approximate cost that can be as high as \$2 million per street.

Addressing deficiencies to the sewage collection system is a high priority, because of public health and quality-of-life concerns related to system failures. The Village has been performing

spot repairs as specific problems arise. The problems are not universal throughout the system; some areas are more severely affected than others.

C. Roadways, Traffic Circulation, Parking and Public Transportation

The Village of Ocean Beach primarily is a pedestrian-based community. The present-day street/walkway system consists of a grid network of concrete pedestrian walkways. The original system of walkways was constructed with wood, but these were replaced by concrete in the 1920s.

Ten walkways run in a north-to-south direction, one walkway (Midway Walk) runs through the center of the Village from east to west, and additional east-west walkways lie near the bay (Bayview Walk) and ocean (Ocean View Walk). The walkways generally are sufficiently wide to accommodate single-file vehicular traffic.

Use of the walkways is restricted to pedestrians and hand-pulled wagons, golf carts, and bicyclists under certain restrictions set forth in the Village Code. Although motor vehicles are generally prohibited, permits may be issued by the Village when their use is determined to be essential, with solid waste removal service and construction contractors being two of the uses that most commonly are granted permits.

Vehicular access to the Village is available only by four-wheel-drive vehicle along the Atlantic shoreline. All such motor vehicle access to the beach is regulated through a permit process which requires authorization from the Village of Ocean Beach, the Town of Islip, and FINS.

Recently, the Village eased restrictions on the operation of bicycles, allowing for bicycle riding during summer weekdays, but retaining the ban on bicycles during summer weekends (previously, bicycles were prohibited throughout the summer). A special committee has been formed to address this topic.

Bicycle storage racks also are in short supply in the Village. This deficiency is especially apparent at the Ferry Terminal and the playground, which are popular destinations for bicycle riders. The lack of adequate rack space often has prompted riders to secure their bicycles, illegally, to public and privately-owned fences.

The Village has initiated a five-year capital program at a total cost of approximately \$1.5 million to upgrade and refurbish its walkway system. This project is directed largely at reducing a persistent flooding problem on the walkways. Some walkways already have been completed (i.e., Wilmont Road north of Midway and Midway west of Bungalow Walk). Future projects have been prioritized based on the severity of flooding and the degree to which the walkways provide critical access (e.g., access to firehouse and other publicly accessible facilities have a high priority). The Village is seeking grant funding in an application to NYSDOT, which would cover 80 percent of the cost of the remaining work.

The Village has established a gross weight limit of 8,600 pounds for vehicles operating on Village roadways/walkways. Fire trucks are exempt from this requirement. However, a significant percentage of trucks that travel in the Village exceed the four-ton limit. This situation, along with other factors (e.g., high groundwater elevations), has accelerated the deterioration of the concrete in the walkways, especially with respect to cracking of the edges of the slabs. This progressive damage to the walkways has resulted in the Village being subject to costly litigation as a result of alleged trip-and-fall incidents.

Enforcement of the vehicle weight limit is problematic, since the Village does not possess nor have access to a vehicle scale. As part of its vehicle permit application process, the Village verifies that the unloaded vehicle weight does not exceed the limit. However, many trucks carry heavy loads (e.g., solid wastes, construction materials, demolition debris in roll-off containers, etc.), which cause the gross weight to exceed 8,000 pounds, sometimes by a substantial margin.

The Village recognizes that it would not be desirable or practical to ban truck traffic on its roadways, since these vehicles provide essential services to the Village and its residents.

The walkway refurbishment project calls for a new layer of reinforced concrete on top of the existing walkways, rather than demolition of existing walkways. It is possible that this reinforcement will alleviate deterioration of the concrete roadways/walkways. However, the Village will continue to monitor the situation. If it is found that the strengthened slabs continue to be susceptible to truck-induced damage, further action may be required. The establishment of an additional fee for commercial vehicles, with the proceeds used to undertake roadway/walkway maintenance, is one possible measure that was discussed by the LWRP Advisory Committee.

D. Storm Drainage Systems

Stormwater drainage in the Village of Ocean Beach occurs almost entirely via surface flow of runoff and natural infiltration. There is minimal stormwater drainage infrastructures in place.

Although the types of sandy soils that dominate in the Village generally are highly permeable, certain physical conditions tend to retard infiltration. In particular, the Village's minimal topographic relief and a high groundwater table cause puddling of stormwater at certain locations, especially along some segments of the concrete walkway system. As discussed previously, the Village is undertaking a program of capital improvements that entails the raising of the walkways, which will mitigate the flooding problem by allowing stormwater to drain more efficiently from the areas of pavement to the surrounding pervious lands.

E. Other Utilities

In the Village of Ocean Beach, like most of the Long Island's older communities, the distribution of electricity (and certain other utilities, such as telephone and cable television) occurs via overhead lines strung on utility poles, which is widely perceived as detracting from the Village's aesthetic quality. Furthermore, downed power lines resulting from harsh weather conditions have been a recurring safety problem for Village residents and businesses. The Village has long sought the underground placement of utility lines. Generally high groundwater levels have been cited by utility service providers in the past as a factor that would impede this type of project. However, the Village is not aware that a site-specific engineering study has been performed to assess the feasibility of burying the electrical lines in Ocean Beach.

Buildings in the Village of Ocean Beach are heated via electricity, exchangeable propane tanks, or fuel oil, which transit through the freight dock at the ferry basin. No natural gas is available.

2.3.7 VESSEL USAGE OF WATERWAYS WITHIN THE VILLAGE COASTAL AREA

Although, the Village Police Department patrols Ocean Beach's interior and shorelines, and the Village has established regulations for navigation and vessel use of the adjoining off-shore waters, the Town of Islip and the Marine Patrol of the Suffolk County Police Department have primary direct responsibility for overseeing vessel operation along Ocean Beach's shorelines within Great South Bay. Town and Village regulations specifically addressing vessel usage within the coastal area are discussed in Section 5 of the LWRP.

The area of most significant vessel activity occurs along the bay shore on the northern side of the Village, where the Village Marina, ferry and water taxi service, freight dock, and private commercial slips (associated with several restaurants) are located. These facilities are discussed in more detail in Section 2.3.2.A.

The Village of Ocean Beach has the extra-territorial authority to regulate the over-water use and mooring of vessels upon the waters within 1,500 feet of the Village shoreline, on both the bay and ocean side, under Section 46-a of the New York State Navigation Law. This gives the Village the capacity to regulate mooring and anchoring, vessel speed, the use of personal watercraft (commonly known by the trade name "jetski"), and recreational activities such as water skiing and wind surfing within those offshore areas.

The Village has no officially designated areas for moorings or anchorages. The Village Code expressly prohibits mooring or cruising within 250 feet of the bay shoreline and the operation of vessels, other than hand-operated boats, within 1,500 feet of swimmers in the Atlantic Ocean. Although Great South Bay is a relatively shallow estuarine system, the West, North and Range Channels of the bay contain sufficient depth to accommodate the draft of larger boats such as the Fire Island ferries, which provide year-round service to Ocean Beach for passengers and freight deliveries.

The National Park Service (NPS) has issued a system-wide ban against the operation of personal watercraft, including FINS, in which the Village of Ocean Beach is situated. Implementation of this ban was temporarily deferred, while the NPS considered input from the public regarding this issue. To facilitate such comment, the NPS developed a series of four policy options for personal watercraft in FINS, one of which is implementation of the proposed ban.

The Village recognizes the impacts that are associated with personal watercraft use, especially with respect to noise, which have translated into significant public opposition to these vessels. However, it was also noted that a small segment of the community's population engages in personal watercraft operation, which has been based at the 16 PWC pads at the Village Marina. These spaces have been fully rented in recent years, and there has been a request for additional spaces. The Village has reviewed the four policy alternatives identified by the NPS for personal watercraft operation in FINS. During a Board of Trustees meeting in December 2001, the Village adopted as its official position on this matter an alternative which would allow the continued operation of personal watercraft throughout the waters of FINS in the same manner as occurred before the ban was adopted. The evaluation period ended on April 22, 2002, at which time the NPS determined to retain the ban on personal watercraft, which action is binding upon the Village.

Waterway hazards and obstructions within the navigable waters of Great South Bay include, shoals, bars, and small islands within or in close proximity to navigation channels, and the general shallow depths within the Great South Bay, outside the main navigation channels. With the exception of two primary navigation channels which lead from the Long Island mainland to the Ocean Beach shoreline, the Great South Bay is a shallow estuary. The West Channel trends in a southerly direction from Great Cove along the Bay Shore shoreline, until terminating at or near Ocean Beach and points west. Use of the North and Range Channels provides an alternative route. Like the West Channel, the North Channel begins at Great Cove and trends in an easterly direction before turning south toward Fire Island and Ocean Beach (Range Channel).

Although shoals, tidal flats, shallow water, and a series of small islands may result in hazards or obstructions to navigation within the Great South Bay, the area of the bay within the Village's LWRP boundaries is relatively unencumbered. Maintenance dredging of the Village Marina basins is planned. Permits for this work already have been obtained from NYSDEC and the National Park Service; however, as of March 14, 2003, the U.S. Army Corps of Engineers permit application was still pending.

2.3.8 COMMERCIAL AND RECREATIONAL SHELLFISH HARVESTING AND FINFISHING

A. Commercial Fishing

Great South Bay is very productive finfish and shellfish habitat. However, no commercial fishing operations are based in the Village of Ocean Beach.

B. Recreational Fishing

Recreational fishing occurs within the waters of Great South Bay and Atlantic Ocean off the Village of Ocean Beach. Aside from an established recreational fishing area located on the northwest end of the dock at the Village Marina, there are no other formalized locations for shore-based fishing. However, there are a number of community access points and beach areas that may be used by surf casters. Fishing also occurs from the recreational boats of Village residents and visitors.

Great South Bay provides feeding, breeding and/or nursery habitat for a variety of finfish species. This includes the following species:

Fish that spawn in Great South Bay — winter flounder (*Pseudopleuronectes americanus*), weakfish (*Cynoscion regalis*), scup (*Stenotomus chrysops*), blackfish (or tautog, *Tautoga onitis*), cunner (*Tautoglabrus adspersus*), northern puffer (*Sphoeroides maculatus*), common mummichog (*Fundulus heteroclitus*), striped killifish (or striped mummichog, *Fundulus majalis*), sheepshead minnow (*Cyprindon variegatus*), Atlantic silversides (*Menidia menidia*), fourspine stickleback (*Apeltes quadracus*), threespine stickleback (*Gasterosteus aculeatus*), northern pipefish (*Syngnathus fuscus*), oyster toadfish (*Opsanus tau*), and bay anchovy (*Anchoa mitchilli*)

Fish that spawn in the Atlantic Ocean in the vicinity of Great South Bay — Atlantic menhaden (*Brevoortia tyrannus*), bluefish (*Pomatomus saltatrix*), summer flounder (*Paralichthys dentatus*), black sea bass (*Centropristis striata*), and American sand lance (*Ammodytes americanus*)

Fish that spawn in freshwater — striped bass (*Morone saxatilis*)

A large number of rare finfish are collected in Great South Bay from time to time; however, these represent expatriates of primarily southern species, which do not rely on the bay for vital habitat, and do not contribute significantly to the area's recreational finfishery.

Recreational fishing, primarily from private boats, accounts for the largest share of overall landings from Great South Bay, with winter and summer flounder comprising the majority of the catch.

In addition to finfish, a variety of shellfish and crustaceans inhabit the bay and coastal areas within the LWRA. In the Great South Bay, these include: hard clams (*Mercenaria mercenaria*), soft clams (*Mya arenaria*), bay scallops (*Argopecten irradians*), blue mussels (*Mytilus edulis*), and blue crab (*Callinectes sapidus*). In the nearshore/littoral areas of the Atlantic Ocean, American lobster (*Homarus americanus*), hard clams (*Mercenaria mercenaria*), soft clams (*Mya arenaria*), and Atlantic surf clams (*Spisula solidissima*) occur. Recreational shellfishing requires a permit which can be obtained only by Town of Islip residents from the Town Clerk for a small fee. Clams, oysters, and blue mussels are the primary species of shellfish sought by local recreational fishermen.

2.4 SUMMARY OF ISSUES AND OPPORTUNITIES

The issues and opportunities to be addressed by this LWRP were discussed during a series of meetings of the Village's LWRP Advisory Committee that were held on October 27 and December 1, 2001 (see Section VIII). The discussion that occurred regarding these issues and opportunities was summarized in official minutes that were accepted by the Advisory Committee, as set forth below, with minor revisions as appropriate to update certain information:

1. House elevations

This is a federal program, administered through FEMA, which provides grant monies to raise homes above the base flood elevation, so as to decrease the susceptibility of these structures to future flood damage. Starting with initial project meetings in 1998, the Village has been very active and successful in this program, securing \$2 million for the elevation of 37 homes. The first phase of this project involves the expenditure of \$1 million within two years for 25 homes.

A number of homeowners who decided not to apply during the first round of the program now see the benefits of the program and have expressed a desire to be included on the list for the next round of funding.

The Village has hired an administrator, who is responsible for overseeing the program, from construction to reimbursement. The administrator's compensation is included in the grant funding.

It was indicated that the pace of pay-outs under the program has been slower than desired. Often, there has been a significant lag between the expenditure of personal funds by the involved homeowners and the receipt of reimbursement from FEMA. The Village stated that reimbursement should have a quicker turnaround in the future, because the system has been refined from the initial "practice run" with the first three houses.

2. Concrete walkways

The Village has initiated a five-year capital program at a total cost of approximately \$1.5 million. This project should reduce persistent flooding on walkways throughout the Village.

Some walkways already have been completed (i.e., Wilmont Road north of Midway and Midway west of Bungalow Walk). Future projects have been prioritized based on the severity of flooding and the degree to which the walkways provide critical access (e.g., access to firehouse and other publicly accessible facilities). The Village is seeking grant funding in an application to NYSDOT, which will cover 80 percent of the cost of the remaining work.

It was indicated that by having completed the project design and the first phase of construction for this project, the Village would have a competitive advantage over others who might seek such grant funding for capital improvements. CA concurred with this position.

The project design calls for a new layer of concrete on top of the existing walkways, rather than demolition of existing walkways.

3. Water Delivery System

The Village has initiated a five-year capital plan for the maintenance of the water tower and improvements to the delivery system. The first year project work includes painting of the water tower and replacement of 880 feet of water main along the ocean to create a loop in the system. The components of the water delivery system will be placed into GIS mapping, which will facilitate keeping track of everything.

The Village reported that the water mains, composed of metal, generally are corroded but stable.

Much of the discussion of issues related to the Village's water system was undertaken in combination with the sewer system, as summarized under agenda item #4 below.

4. Sanitary Sewer System

The Village has completed an engineering analysis of the treatment plant and, on the basis of the findings of that analysis, has initiated a five-year capital plan for plant maintenance (mostly consisting of improvements to replace system components that have deteriorated due to age) and a full engineering evaluation of the total system.

The sewer mains are composed of clay piping, which were first installed in about 1914. Some of this piping has collapsed. Once these lines break, deterioration accelerates as tree roots grow rapidly into the nutrient-rich breaches.

Addressing deficiencies to the sewage collection system is a high priority, because of quality-of-life concerns related to system failures. The Village has been performing spot repairs as specific problems arise. The problems are not universal throughout the system; some areas are more severely affected than others.

Problems related to deficiencies of the sewage collection system have been known for a long time. However, the magnitude of these problems has been exacerbated recently due to increased flows which have resulted from a growing year-round population and a general increase in the usage of houses that still serve as vacation homes (e.g., from weekend to full-week occupancy).

There should be a systematic program of sewer pipe replacement, ideally on a street-by-street basis. It is estimated that completion of this program throughout the Village would take a total of ten years, at an approximate cost that can be as high as \$2 million per street.

The sewer lines all have gravity flow, so that it will be necessary to maintain proper grades in any pipe replacement work.

Overhead utility lines are present in some areas where sewer mains are located. Special measures may be required in these areas to accommodate repairs to the sewer lines while still maintaining utility service.

It also will be necessary to clear existing vegetation to gain access to sewer lines. This includes sections of the Village to the east of Bungalow Walk where “delivery lane” rights-of-way are present behind the houses, and sections to the east of Bungalow Walk where the rear property lines of the housing lots directly abut one another.

In some areas, sewer mains and water mains lie side-by-side. Because of current regulations which call for a greater separation distance between these two types of piping, it will be necessary to relocate the water lines in the affected areas before the sewer lines are replaced.

The engineering analysis and GIS mapping project that have been (or shortly will be) approved by the Board of Trustees will provide critical baseline information that is required in order to formulate a systematic capital improvement program for both the sewer and water systems which addresses the logistical problems and issues outlined above. The results of this analysis and the GIS mapping should be available in time to allow the information to be included in the LWRP.

The Village has been conducting preliminary investigations of potential sources of funding for capital improvements to the water and sewer systems. As with the walkway elevation program, the Village believes that the completion of the design and initial construction phases of the project will provide the Village with a competitive advantage in procuring grant monies.

5. Ferry Boat Terminal

NYSDEC has awarded the Village a \$25,000 grant for project design costs to renovate the ferry terminal building. The Village was awarded a \$243,000 construction grant from the NYSDOT Ferry Boat Discretionary Fund; however, this grant award has remained unspent because the amount of funding required from the Village would make the project unfeasible. The Village now is seeking an additional grant from the same source, to provide a total of \$950,000, which it is believed will provide sufficient outside funding toward the full project cost, estimated at between approximately \$1.2 and \$1.7 million.

The pilings of the ferry terminal have deteriorated due to the effects of 65 years of salt water exposure. Therefore, under any plan for this facility, the pilings have to be replaced. Additionally, the building will have to be elevated, pursuant to current FEMA requirements.

Unless the Village acts quickly on this project with the funding it already has received, the insurance on the building will lapse. The insurer will not renew a policy that provides reimbursement for a flood-prone structure when the funding is on-hand to correct the problem.

The requirement to elevate the building above base flood level will necessitate the integration of the project into the surrounding area, by means of ramping and other related work. The implications of the project should be thought all the way through to avoid unforeseen but avoidable secondary problems.

The number of stories (one or two) for the new facility has not been determined. The current plan is to design the new pilings to accommodate two stories in case this is called for in the final plan. It was suggested that there be an evaluation of the relative costs to construct a second story at this time, even if this additional space is not immediately needed and is left as an unfinished shell. This information would allow an informed decision that could help to avoid unnecessary additional costs which would be incurred if a one-story building were initially constructed but space needs in the not-too-distant future require the extra floor area that would be provided by a second story.

6. Marina

This facility is governed by a ten-year capital improvement program. The first year of the program, involving 108 feet of dock rehabilitation, is in progress. The Village has a current

permit from the Army Corps of Engineers (which is valid through April 2009) for maintenance dredging of the marina basin, and is awaiting final approval of the permit renewal from NYSDEC.

The question was raised: is there a reasonable plan for additional docking facilities in the Village? This prompted discussion as to whether any new docking facilities would serve Village residents or transients. It was resolved that the LWRP would only identify areas that may be appropriate for expansion, if it is determined that additional facilities are needed in the future. The issue of the clientele for new slips would have to be resolved if and when it is determined that the need exists for a marina expansion, but would not be addressed in the LWRP.

During the discussion regarding the marina, the possible expansion of pedestrian access along the bay-side waterfront also was addressed. The existing “west walk” was described as being very popular, and usage of this amenity possibly could be enhanced by extending the shorefront walkway further to the east. However, the property to the east of the existing walkway is privately owned, and some type of arrangement (e.g., purchase, lease, partnership, etc.) would have to be reached in order to allow its use for public access. Expansion of pedestrian access in this area could be undertaken independently of a potentially more controversial marina expansion project, but it would be necessary to engage the public actively in the decision-making process so that they are properly informed of the exact nature of the action.

7. Dune Management

NYSDEC issued a consent order which allowed the Village to install “geotubes” in the vicinity of the public water supply building and to begin the process of rebuilding the groins, with the stipulation that the “geotubes” be removed when the beach setting is restored. At the present time, the consent order is being redefined, outside of the Village’s control, to retain the “geotubes” and delete reconstruction of the groins.

It was decided that the LWRP should not contain specific recommendations regarding the “geotubes” or groin restoration.

The LWRP should allow for regular beach scraping, at a frequency of twice per year when conditions are favorable. This method of erosion control has received favorable consideration from NYSDEC. This activity requires the timely issuance of permits from NYSDEC.

There was discussion regarding the possible use of sand dredged from the bay-side navigation channel, as an emergency measure, to protect the ocean dunes. (However, it has been indicated that NYSDEC, which has regulatory approval authority over this type of activity, would not likely be favorably inclined toward such a proposal).

The LWRP policies should contain a general statement to the effect that the Village will undertake any and all actions with respect to dune management as are necessary to protect the health, safety and welfare of its residents. The LWRP can include a list of the types of actions that may satisfy this policy under varying sets of circumstances, including measures (e.g., creation of artificial reefs on the ocean-side and reconstruction of the groins) that should be given due consideration in the event of extraordinary dune loss resulting from a particularly severe storm. However, the language of the policy statement should leave the Village's options open.

It is important that the LWRP address erosion issues on the bay side, as well as on the oceanfront.

8. Bay Beach

At the time of the Advisory Committee's discussion, the Village was seeking permits to undertake dredging to create a graduated water depth for the bay-side bathing beach and to provide sand replenishment to enhance the adjacent playground area. Subsequently, the requisite approvals for this action were obtained from NYSDEC, the Army Corps of Engineers and the National Park Service, and the project has been completed.

With restoration of the bay beach, it may be necessary to undertake annual replenishment to maintain the beach.

It was determined that this project should provide a full-size beach that is capable of accommodating all bathers, including small children and seniors, by means of shallow depths which facilitate wading.

9. Street Lighting

The LWRP should recommend that street lighting be improved throughout the Village. New lighting should reflect the rural setting of the Village, and should eliminate the excessive light pollution caused by some existing fixtures.

10. Community House Renovation

This important resource is not utilized to its fullest capacity and is continuing to deteriorate due to inadequate maintenance.

The ultimate goal of this project should be to restore Community House to its historic prominence as a focus of community activities in the Village.

As a first step in the restoration process, a comprehensive engineering analysis is needed. This analysis should document all engineering deficiencies and deteriorated conditions, and should establish a phased program of capital improvements based on priority needs.

The restoration program for the Community House should consist of two components: a plan for the physical renovations, and a comprehensive facility use plan.

The Village should investigate sources of funding for the restoration work, including the Columbia University preservation program.

The facility use plan should accommodate youth group activities.

11. Pedestrian Access to the Village's Waterfront

CA opened discussion of this topic by cautioning the Committee that "public access" can take many forms, and includes passive access that is targeted to the recreational enjoyment of community residents.

An existing promenade extends along the bay side of the Village, between Ocean Road at the west end and the ferry terminal at the east end. There has been recent discussion among interested parties regarding the possibility of extending this walkway further to the east, across the frontage of commercial properties which adjoin the ferry terminal. Concerns were raised that such a project could only occur if the land for the extended promenade was in Village ownership. However, a number of mechanisms were identified which would allow this type of project to proceed, including: negotiated sale, condemnation, easement, and joint public-private venture. Further investigation would be needed in order to determine whether such action would be in the Village's best interests and, if so, which implementation option should be pursued.

The Committee agreed that there is adequate access to the Village's oceanfront beach, via a series of dune crossover structures. However, at that time, all of these structures consisted of stairways, which did not allow for wheelchair access. After discussion, it was decided that the Village would examine all of the existing dune crossovers to determine which of these structures would lend itself most readily to retrofitting with the ramp(s) necessary to provide wheelchair access. It was determined that some form of handicapped access to the oceanfront should be provided, even if only to allow wheelchairs physical access to the top of the dune in order to gain visual access. Subsequently, in November 2002, a wheelchair access ramp was installed by the Village.

The concept of a bridge across the mouth of the ferry terminal was mentioned as a possible way to create a "gateway" to the Village. However, this type of project may not be practical, because extensive ramps would be needed to provide the requisite handicapped access in a manner that does not hinder the passage of ferry boats into the docking basin. It

was suggested that perhaps some other type of structure could be conceived to serve as a suitable “gateway” feature.

Bicycle access also was discussed. Recently, the Village eased restrictions on the operation of bicycles, allowing for bicycle riding during summer weekdays, but retaining the ban on bicycles during summer weekends (previously, bicycles were prohibited throughout the summer). Further input will be provided from a special committee which has been formed to address this topic, whose report is anticipated in the early spring.

12. Vehicular Traffic Within the Village

The Village has established a gross weight limit of 8,000 pounds for vehicles operating on Village roadways/walkways. Fire trucks are exempt from this requirement.

A significant percentage of trucks that travel in the Village exceed the four-ton limit, which has accelerated the deterioration of the concrete, especially with respect to cracking of the edges of the slabs. This progressive damage to the walkways has resulted in the Village being subject to costly litigation as a result of alleged trip-and-fall incidents.

It was noted that excessive vehicle weight was only one of a number of factors that has contributed to this problem. High groundwater elevations and other environmental conditions also are involved.

Enforcement of the vehicle weight limit is problematic, since the Village does not possess nor have access to a vehicle scale. As part of its vehicle permit application process, the Village verifies that the unloaded vehicle weight does not exceed the limit. However, many trucks carry heavy loads (e.g., solid wastes, construction materials, demolition debris in roll-off containers, etc.), which cause the gross weight to exceed 8,000 pounds, sometimes by a substantial margin.

The Village recognizes that it would not be desirable or practical to ban truck traffic on its roadways, since these vehicles provide essential services to the Village and its residents.

As discussed at the October 27 meeting, the Village’s ongoing roadway/walkway maintenance program involves the placement of a layer of reinforced concrete over the existing concrete slabs. It is possible that this reinforcement will alleviate deterioration of the concrete roadways/walkways, which would render the issue moot. However, the Village will continue to monitor the situation. If it is found that the strengthened slabs continue to be susceptible to truck-induced damage, further action may be required. The establishment of an additional fee for commercial vehicles, with the proceeds used to undertake roadway/walkway maintenance, is one possible measure that was discussed.

13. Vessel Operations

Fire Island Ferries operates under an exclusive ten-year lease which extends until December 31, 2010. The water taxi companies that serve Ocean Beach operate under individual licensing agreements with the Village, for a term of one year.

The National Park Service (NPS) has issued a system-wide ban against the operation of personal watercraft (commonly known by the trade name “jetski”), which includes Fire Island National Seashore (FINS) in which the Village of Ocean Beach is situated. The National Park Service has advised the Village that personal watercraft use will be allowed in FINS on a limited basis, pending the publication of final regulations in the *Federal Register*, which is expected to occur in July 2003 and will be binding upon the Village.

The Village recognizes the impacts that are associated with personal watercraft use, especially with respect to noise, which have translated into significant public opposition to these vessels. However, it was also noted that a small segment of the community’s population engages in personal watercraft operation, which has been based at the 14 “jetski pads” at the Village Marina. These spaces have been fully rented in recent years, and there has been a request for additional spaces.

The Village currently lacks a public launching area for small, non-motorized vessels (e.g., canoes, kayaks, sunfish, etc.), and has indicated that the establishment of this type of facility is a high priority. The Village’s bay beach, situated directly to the west of the Village Marina, was identified as the most promising location for a public small boat launching ramp. However, any such project would have to be tied into the overall improvement of the bay beach, a project whose fate presently is not known because of uncertainty regarding the scope of work that will be permitted by the New York State Department of Environmental Conservation (NYSDEC).

At that time, the Village was seeking approvals to undertake dredging to enhance the bay beach. In undertaking this project, which was completed in the spring of 2003, the Village’s first priority was the creation of a suitable swimming area, through the establishment of a graduated beach profile. Provision of small boat access at this location will be of secondary importance.

The northern end of Surf Road, at the northwest corner of the Village, was identified as another possible location for small boat access. This site lacks bulkheading, and previously had been used for this purpose. However, one Committee member noted that this area has tricky currents.

The construction of storage racks was identified as another important element of the Village’s plan to enhance facilities for the operation of small boats. In order to provide a level of convenience that will ensure their use, any new storage racks will have to be placed in close proximity to the launching location.

It was stated that the Village should charge a fee for the use of any public small boat storage facilities, and that effective policing and monitoring of these racks will be necessary.

The Windswept property, which is located just west of the bay beach, was identified as a possible site for the installation of public racks for small boat storage. This property is owned by the Village and leased to a not-for-profit organization for the operation of a youth program. Consultation with the lessee will be necessary prior to the site being used for public facilities.

14. Protection of Ecological Resources and Open Space

Discussion on this topic was brief, and centered on tree protection in the Village. Currently the Village's Environmental Committee is working on formulating a recommended policy relative to this matter.

It was pointed out that most, if not all, of the larger trees present in the Village are introduced, and have been planted for landscaping on private properties.

15. Conflicts and Inconsistencies Arising from Multi-agency Jurisdiction of Activities in the Village

Many of the people in the room expressed frustration with the level of regulation to which the Village of Ocean Beach is subjected, which includes tight oversight at both the State level (primarily by the Department of Environmental Conservation, NYSDEC) and the federal level (primarily by the NPS). It is of particular concern that the policies and decisions of these two involved regulatory entities can be inconsistent with one another, which makes project planning especially problematic.

The fact that the Village is situated in FINS results in an additional layer of federal regulation which has a great effect on activities that can occur in the Village. However, the need to obtain permits from NYSDEC for most activities along both shorelines was identified as the greatest impediment to implementing various projects in the Village.

Several Committee members expressed their belief that a number of other East Coast states have better coordination among the various involved agencies, including New Jersey, Delaware, North Carolina, and Florida.

The Committee stated that the LWRP should stress the critical importance to the Village of protecting the oceanfront.

16. Main Street Facade Review — This item was taken out of order from what was listed in the agenda.

There has been discussion in the Village regarding the possible establishment of an Architectural Review Board. However, no action has been taken on this matter due to concerns that the decision-making process would be too subjective, which would leave the Village open to litigation.

The Planning Board drafted an architectural review law, and submitted its recommendation to the Board of Trustees. This law could be implemented by the existing Planning Board, without the creation of a separate Architectural Review Board.

The Village Board recently considered a draft property maintenance law. However, this proposal was tabled without action, and there is no specific schedule for taking up this matter again.

The consensus of the LWRP Advisory Committee was that action is needed to implement some form of architectural review in the Village. It is believed that architectural review probably should focus first on commercial buildings, and should address the reconstruction of existing buildings. The Mayor proposed that the Planning Board “resurrect” and resubmit its prior recommendation to the Board of Trustees, revised as appropriate.

A specific concern regarding building exteriors is the use of plastic siding. Presently, only a few houses have such siding, and the consensus is that further use of this material anywhere in the Village should be prevented.

It may be easier to achieve consensus regarding the specific requirements for facade improvements (e.g., materials, architectural styling, etc.) if grant money is procured which is tied into specific facade improvement requirements. CA has completed preliminary research on the availability of grant monies for facade improvements, which indicates that there are a few programs for which the Village of Ocean Beach may be eligible. The Village Administrator requested that CA submit a proposal to complete this research and follow through with applications for grant funding.

17. Appropriate Balance Between Commercial Activity and Other Uses

CA initiated the discussion by pointing out that everyone in the room knows that this is a hot-button issue; and, in fact, it may be the most difficult issue facing the Village. This is no different than many other communities that are wrestling with this issue.

CA asked if anyone in the room disagreed with the following statement: “The Village’s business district becomes very crowded with people on weekend nights during the summer.” No dissent was expressed.

CA followed up by asking if anyone disagreed with the following statement: “Actions that would increase the number of people congregating in the business district during those time

periods would be undesirable, and would not be in the general best interests of the Village.” Again, no overall dissent was expressed. However, questions were raised as to the time frame for which this policy would apply, and whether the term “weekend nights” was too broad. This indicates that further refinement of the statement may be needed in order to incorporate it into a local policy for the Village of Ocean Beach LWRP.

The Village Board of Trustees pointed out that it has recognized the problem with crowds on summer weekends, and has taken certain actions (via resolutions at the last board meeting) to alleviate the problem. These actions, which were implemented in the summer of 2002, include:

- C. The lateral ferry is prohibited from docking in the Village of Ocean Beach after 10:00 p.m. on Fridays, Saturdays, and holidays. This will curtail late-night traffic from neighboring communities.
- D. Water taxis are prohibited from making drop-offs after midnight and pick-ups after 2:00 a.m. These terms have been incorporated into the Village’s new licensing agreements with the water taxi operators, which are executed on an annual basis.

The Board of Trustees indicated that it will continue to monitor the situation, and would make further revisions as appropriate.

It was indicated that noise is the biggest problem faced by residents whose homes are located near the downtown area. The Village patrols for violations of the Village noise ordinance, and issues summonses as warranted. This activity was “ratcheted up” toward the end of the summer of 2001, which will be carried over to next year and thereafter.

The Village of Ocean Beach is the most commercially-developed community on Fire Island. However, it is necessary to reach a “happy medium” between commercial activity and residential uses in the Village.

It was pointed out that there has not been any new commercial development in the Village in the past 20 years. In fact, there is one less commercial establishment than there had been previously.

It was suggested that the appropriate balance would be “no further commercialization”. However, this was seen by some as being too restrictive if it precludes the re-occupancy of vacant storefronts. It was pointed out that the rules for FINS prohibit the expansion of businesses in the Village.

18. Other Issues

A Village-issued permit is required for any house that is used for rental purposes. Village records indicate that the number of rental units has been declining over recent years, from approximately 150 three years ago to 108 this year.

A new law targets rental houses for stronger oversight. If any such house receives two code violations (e.g., noise violation, excessive occupancy, etc.), the rental permit can be revoked.

There appeared to be a consensus that “tourist destination” was not an appropriate label for the Village of Ocean Beach. However, there was debate about whether the term “tourist” was being applied too widely. Some objected that group renters should not be categorized as “tourists”, since many people who are now long-time homeowners first were exposed to the Village of Ocean Beach via group rental houses.

The actions discussed above pertain to people who are “external to the Village”. It was noted that there also are problems with certain homeowners, particularly with respect to noise.

The Village recently looked into the possibility of establishing a Business Improvement District (BID). A BID committee was established, and the first few steps of a complicated process were completed, including the creation of a BID map. However, the process stalled at the petition phase. The establishment of a BID requires signatures representing 51 percent of the commercial tax base. The Village was not able to exceed that threshold.

GREAT SOUTH BAY

GENERAL VESSEL USE AREA

GENERAL VESSEL USE AREA

BRD

BRD

BAYVIEW WALK

C

BAYVIEW WALK

BAYVIEW WALK

R-4

R-4

C

R-4

VILLAGE BOUNDARY

SURF ROAD

WILNOT ROAD

OCEAN ROAD

BUNGALOW WALK

DELIVERY ROAD

COTTAGE WALK

DELIVERY ROAD

DELINDEFT WALK

DELIVERY ROAD

BAYBERRY WALK

DELIVERY ROAD

OCEAN BREEZE WALK

DELIVERY ROAD

EVERGREEN WALK

DELIVERY ROAD

SURF VIEW WALK

VILLAGE BOUNDARY

ANNEXED VILLAGE PROPERTY

R-4

R-4

OCEAN VIEW WALK

DD

SWIMMING

AREA

ATLANTIC OCEAN

-----VILLAGE BOUNDARY

FINAL DRAFT

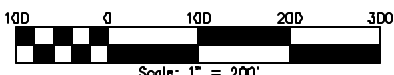
MAP 3

VILLAGE OF OCEAN BEACH

LOCAL WATERFRONT REVITALIZATION PROGRAM

EXISTING ZONING

JULY 2004



Scale: 1" = 200'



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GREAT SOUTH BAY

ONLY NON-BULKHEADED SECTION OF BAYFRONT SHORELINE

BAYVIEW WALK

BAYVIEW WALK

BAYVIEW WALK

ANNEXED VILLAGE PROPERTY

VILLAGE BOUNDARY

VILLAGE BOUNDARY

SURE ROAD

WILMOT ROAD

OCEAN ROAD

BUNGALOW WALK

DELIVERY ROAD

COTTAGE WALK

DELIVERY ROAD

DELINQOTT WALK

DELIVERY ROAD

BAYBERRY WALK

DELIVERY ROAD

OCEAN BREEZE WALK

DELIVERY ROAD

EVERGREEN WALK

DELIVERY ROAD

SURF VIEW WALK

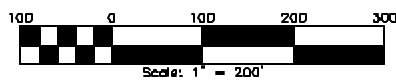
MIDWAY WALK

OCEAN VIEW WALK

WEST GROIN

EAST GROIN

ATLANTIC OCEAN


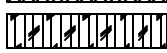




FINAL DRAFT

MAP 4

VILLAGE OF OCEAN BEACH
 LOCAL WATERFRONT REVITALIZATION PROGRAM
 ENVIRONMENTAL FEATURES

JULY 2004

-  APPROXIMATE LOCATION OF OCEANFRONT DUNE
-  SHOALS, BARS AND MUDFLATS

-  COASTAL EROSION HAZARD AREA LINE
-  HARDENED SHORELINE (I.E., BULKHEADING)

Cashin Associates, P.C.
 ENGINEERING · PLANNING · CONSTRUCTION MANAGEMENT
 1200 Veterans Memorial Highway, Hightstown, New Jersey 08520-3900



Section III

Local Waterfront Revitalization Program Policies

SECTION III

LOCAL WATERFRONT REVITALIZATION PROGRAM

POLICIES

3.1 OVERVIEW

This section of LWRP presents the coastal management policies that shall apply to the Village of Ocean Beach Local Waterfront Revitalization Area (LWRA). These local policies follow the 13 amended policies that were issued by the New York State Department of State (NYS DOS) in June 1996, which have been refined from the original 44 State Coastal Policies. The main policy statements have been retained verbatim from the NYS DOS policy document. The sub-policies and policy explanations have been modified and expanded to reflect the unique conditions in the Village of Ocean Beach, and new sub-policies have been added as appropriate to address issues of special local importance.

The local policies for the Village of Ocean Beach are organized under four headings: developed coast policies, natural coast policies, public coast policies, and working coast policies.

General Policy

Policy 1 Foster a pattern of development in the Village of Ocean Beach coastal area 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.

Economic Development Policies

Policy 2 Protect water-dependent uses, promote siting of new water-dependent uses in suitable locations, and support efficient harbor operation.

Policy 3 Protect agricultural lands.

Policy 4 Promote sustainable use of fish and wildlife resources.

Waterfront Natural Resources Policies

Policy 5 Protect and restore ecological resources, including significant fish and wildlife habitats, wetlands, and rare ecological communities.

Policy 6 Protect and improve water resources.

Policy 7 Minimize loss of life, structures, and natural resources from flooding and erosion.

General Environmental Policies

Policy 8 Protect and improve air quality.

Policy 9 Promote appropriate use and development of energy and mineral resources.

Policy 10 Minimize environmental degradation from solid waste and hazardous substances and waste.

Recreation and Cultural Policies

Policy 11 Improve public access to and use of public lands and waters.

Policy 12 Enhance visual quality and protect outstanding scenic resources.

Policy 13 Preserve historic resources.

3.2 GENERAL POLICY

Policy 1 Foster a pattern of development in the Village of Ocean Beach coastal area 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 character of Ocean Beach is defined by the pattern of land development. The Village mostly consists of high density residential development. A significant commercial district, the largest on fire Island, consisting of shops, restaurants, hotels, and other businesses, is located on the bay-side. Various public and community facilities (e.g., sewage treatment and water supply systems, ferry terminal, Village Marina, community house, recreational and maintenance facilities, etc.) are found at various locations throughout the Village, primarily on the bay-side.

Ocean Beach is a year-round community which experiences a significant increase in residents during the summer. The number of daily visitors to the Village during the peak of the summer season can be five times the number of seasonal residents.

The Village is essentially fully developed at the present time, and the primary open space area comprises the oceanfront beach and dune. The limited acreage of open space in the Village lends

special significance to this area, which provides ecological, scenic, recreational, and economic benefits to Village residents.

When storm damage occurs, at some point it will be necessary to get equipment in for demolition and reconstruction. For this reason lot line setbacks, road access, and easements should be maintained and building size should be limited.

Policy 1 will be implemented by the proposed improvements to the Village's water distribution and sanitary waste collection and treatment systems (maintenance of vital infrastructure), proposed restoration of the Community House and Windswept facility, proposed facade review and property maintenance investigations, proposed Business Improvement District, and continued monitoring of activities in the Business District.

1.1 Concentrate development and redevelopment in order to revitalize deteriorated and underutilized areas and strengthen the traditional waterfront focus of the Village.

The Village of Ocean Beach already is essentially fully developed, with very few remaining parcels of vacant land. Therefore, the focus of this policy is on redevelopment, rather than new development, including the restoration of the Community House and Windswept facilities.

New development should be located where infrastructure is adequate or can be upgraded to accommodate such development.

The following planning principles should be used to guide investment and preparation of development strategies and plans:

- Scale development to be appropriate to the setting.
- Design development to highlight existing resources, such as local history and important natural and man-made features, in order to reinforce community identity.
- Design the waterfront as a focus for activity that draws people to the coast.
- Balance community needs and market demands in making development choices.
- Recognize environmental constraints as limiting development.
- Restore environmental quality to degraded areas wherever practicable.

All development and uses should recognize the unique qualities of a coastal location by:

- designing buildings and development sites so as to optimize the beneficial use of the coastal location and associated coastal resources;
- minimizing consumption of waterfront lands and potential adverse impacts on natural resources;
- limiting the alteration of segments of natural shoreline;
- incorporating recreational activities, public access, open space, or related amenities, as appropriate to the use, to enhance the site and the surrounding community, and to increase visual and physical access to the coast;
- attracting people to the coast, as appropriate to the use;

- ensuring that design and siting of uses and structures complements the surrounding community and landscape;
- using indigenous plants as components of landscape design to improve habitat and water quality, and to lessen water demand; and
- reinforcing community identity by highlighting local history and important natural and man-made features.

1.2 Protect stable residential areas.

Residential homes comprise the predominant land use in the Village, and it is the intent of this policy to maintain stable residential areas and allow for continued compatible residential and supporting development in and adjacent to such areas. Continued monitoring of activities in the Village's business district will implement this policy.

Avoid actions that would increase the number of people congregating in the Village's commercial district during periods of peak activity during the late night hours of summer weekends and holidays. Such actions would be undesirable, since they would adversely impact residents' peaceful enjoyment of their properties, and would not be in the general best interests of the Village.

Continue to seek effective solutions to reduce conflicts between the Village's residential uses and activities occurring within the Village's business district. Recent actions by the Board of Trustees, such as the imposition of restrictions on the operation of the lateral ferry and water taxis during the late night hours of summer weekends and holidays, are expected to moderate the magnitude of the crowds in the Village during those peak periods. The Board of Trustees shall continue to monitor the situation and implement additional measures as appropriate to advance the goal of reducing conflicts between the Village's residential and commercial uses.

1.3 Maintain and enhance natural areas, recreation facilities, and open space.

The intent of this policy is to protect natural areas, recreational facilities, and open space, which serve a crucial role in the quality of life that is enjoyed by Village residents and the recreational experience that is available to visitors.

Avoid loss of economic, environmental, and aesthetic values associated with natural areas, recreational facilities, and open space.

Maintain natural, recreational, and open space values including those associated with beach clubs and community association facilities.

1.4 Minimize adverse impacts of new development and redevelopment.

It is expected that land use in the Village of Ocean Beach will evolve over time, as is generally true in most communities. To a certain degree, such change should be welcomed, since it maintains economic vitality. However, in order for such benefits to be meaningful on a community-wide basis, it is critically important to ensure that new development and redevelopment occurs in a manner that does not cause significant impacts to existing development.

Minimize potential adverse environmental, economic and land use impacts that would result from proposed development by applying the following standards:

- Avoid introduction of discordant features which would detract from the community by ensuring that new development and redevelopment is consistent with existing mass and distribution of structures, scale, intensity of use, architectural style, land use pattern, and other indicators of community character.
- Mitigate adverse impacts among existing incompatible uses by avoiding expansion of conflicting uses, promoting mixed-use development approaches which that reduce potential for conflict, mitigating potential conflicts by segregating incompatible uses, and providing buffers, or using other design measures to reduce conflict between incompatible uses.
- Protect the surrounding community from adverse impacts due to substantial introductions of or increases in odors, noise or traffic.
- Integrate the Village waterfront with inland areas by providing physical linkages between the waterfront and inland areas, matching new uses to community needs, particularly as related to demographic characteristics, and limiting actions that would preclude access to the waterfront.

Minimize the potential for adverse impacts from types of development that individually may not result in a significant adverse environmental impact, but when taken together could lead to or induce subsequent significant adverse impacts.

3.3 ECONOMIC DEVELOPMENT POLICIES

Policy 2 Protect water-dependent uses, promote siting of new water-dependent uses in suitable locations, and support efficient harbor operation.

The character and appeal of the Village of Ocean Beach is strongly influenced by its coastal setting. A critical component of the established character of the Village is its water-dependent uses. A water-dependent use is one which requires a location on the waterfront in order to be viable, such as a marina, yacht club, boatyard, or coastal recreational facility (e.g., beach, boat ramp, fishing pier, waterfront parkland, etc.). Thus, in a very real sense, any action that diminishes

the viability of water-dependent uses also reduces the community's connection to the water and, consequently, generally should be avoided.

The intent of this policy is to protect existing water-dependent commercial, industrial, and recreational uses and to promote their future siting in accordance with the reasonably expected demand for such uses. It is also the intent of this policy to foster orderly water use management to address the problems of conflict, congestion, and competition for space in the use of surface waters and underwater lands.

Policy 2 will be implemented by proposed improvements to the ferry boat terminal, Village Marina, and Wagon Park.

2.1 Protect existing water-dependent uses.

The water-dependent uses in the Village of Ocean Beach include the ferry terminal and the Village Marina. Because a waterfront location is a prerequisite for any water-dependent use, such uses should be given priority over non-water-dependent uses for siting along the shoreline.

Any actions that would displace, or otherwise significantly impact or interfere with existing, functional water-dependent uses, should be avoided. Caution should be exercised, however, to ensure that the overall intensity of water-dependent uses is maintained at an appropriate level, so as to suitably complement the other uses in the Village and not to adversely alter the character of the area. An over-intensification of water-dependent uses along the Ocean Beach shoreline would significantly alter the character of the community and, therefore, would not be desirable.

Provide suitable incentives to promote the continued viability of existing water-dependent uses in the Village.

2.2 Promote the siting of desirable new water-dependent uses, and expansion of existing water-dependent uses, at suitable locations.

In general, new water-dependent uses, should be located within areas that already contain concentrations of water-dependent commercial and/or recreational uses, and essential support facilities. A new water-dependent use should not be located in an undeveloped area unless there is a demonstrated demand for the use, there is a lack of suitable sites within a nearby developed area, the use has unique siting requirements that necessitate a particular site in an undeveloped area, the use is small-scale and has the principal purpose of providing access to a waterway, and the use is consistent with the character of the area.

Adverse impacts resulting from new and expanded water-dependent uses should be minimized by siting such uses where:

- the need for dredging is minimized;

- water-side and land-side access, as well as upland space for parking and other facilities, is adequate;
- the necessary infrastructure exists or is easily accessible, including adequate shoreline stabilization structures, roads, water supply, and public bathroom facilities; and
- the proposed new or expended use is compatible with surface water quality classifications.

New or expanded marinas also should:

- not encroach upon existing navigation channels, fairways, or channel buffer areas; and
- avoid or minimize adverse impacts to natural resources and existing neighborhoods.

Locations that exhibit important natural resource values, such as wetlands and fish and wildlife habitats, should be avoided in siting new or expanded water-dependent uses.

2.3 Provide sufficient infrastructure for water-dependent uses.

Protect and maintain existing public and private navigation lanes and channels at depths consistent with the needs of water-dependent uses.

Use suitable dredged material for beach nourishment, dune reconstruction, or other beneficial uses.

Avoid shore and water surface uses that would impede navigation.

2.4 Encourage appropriate non-water dependent uses in the waterfront area to support and improve the economic viability of water-dependent uses.

Water-enhanced uses do not require a location on or adjacent to the shoreline in order to function, but can add to public enjoyment and use of the water's edge, if properly designed and sited. Water-enhanced uses include restaurants, where clientele can enjoy waterfront vistas while dining. There are several restaurants on the Village's bay frontage (some of which serve a water-dependent function since they offer dockage for patrons). Such uses should be encouraged where they are compatible with surrounding development and make beneficial use of their coastal location by:

- attracting people to or near the waterfront and providing opportunities for access that is oriented to the coast,
- providing public views to or from the water,
- not interfering with the viability or operation of water-dependent uses, and
- not causing significant adverse impacts to community character and surrounding land and water resources.

Uses that are not water-dependent or water-enhanced can be included as part of an integrated, mixed-use development plan for the waterfront, provided that said uses:

- are not sited directly on the water's edge or over the water,
- do not displace existing, functional water-dependent or water-enhanced uses, and
- are not incorporated into a development plan in lieu of appropriate, viable water-dependent and water-enhanced uses.

A use should be avoided on the waterfront if it:

- results in unnecessary and avoidable loss of coastal resources or access to coastal resources,
- ignores the coastal setting through inappropriate design or orientation (e.g., a building that faces away from the waterfront or blocks views of the water from significant public vantage points), or
- does not, by its nature, derive economic benefit from a waterfront location.

2.5 Promote the efficient management of surface waters and underwater lands.

Surface waters are an important resource, which serve multiple purposes, including both commercial and recreational uses. Lack of effective water use management contributes to congestion and competition for space within harbors, surface waters, and underwater lands. As a result, natural resources can be degraded and communities are not able to take advantage of tourism and economic growth opportunities. The purpose of this policy is to ensure the equitable allocation of limited surface water resources for the optimal benefit of all uses. The proposed new Harbor Management Law will implement this policy.

Marinas, in-water structures, and surface water uses should not encroach upon navigation channels and fairways.

Uses that are not water-dependent, such as private decks and platforms, should not be allowed on or over surface waters. An over-water structure of this type may be considered for approval if said structure provides access to the general public.

Various water use zones should be established for uses such as docks, moorings, navigation channels, turning basins, and any special recreational use areas (bathing, water skiing, etc.).

The establishment of future water use zones and the siting of in-water structures should be undertaken in a manner that minimizes potential impacts on sensitive resources, such as wetlands and habitat areas.

Use of personal watercraft (commonly referred to by the trade name "Jetski") should be controlled within 1,500 feet of the Village shoreline to minimize environmental impacts.

Policy 3 Protect agricultural lands.

This policy is not applicable to the Village of Ocean Beach, which lacks agricultural land.

Policy 4 Promote sustainable use of fish and wildlife resources.

The living marine resources of the Great South Bay and Atlantic Ocean play an important role in the local and regional social and economic well-being. Commercial products provide high-protein food sources to consumers and are distributed throughout the state and nation, and to expanding international markets. In addition to the food value of local living marine resources, they have economic significance in the commercial development of value-added food stuffs, pharmaceuticals, cosmetics, and oils. These same resources provide recreational experiences and important accompanying economic activity.

Continued use of the living resources from the marine waters adjacent to the Village of Ocean Beach depends on maintaining long-term health and abundance of fishery populations and their habitats, and on ensuring that the resources are sustained in usable abundance and diversity for future generations. This requires the State's 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. Allocation and use of the available resources: must be consistent with the restoration and maintenance of healthy stocks and habitats; and must maximize the benefits of resource use so as to provide valuable recreational experiences and viable business opportunities for commercial and recreational fisheries.

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

Ensure that commercial and recreational uses of living marine resources are managed in a manner that: results in sustained usable abundance and diversity of the marine resource; does not interfere with population and habitat maintenance and restoration efforts; uses best available scientific information in managing the resources; and minimizes waste and reduces discard mortality of marine fishery resources.

Ensure that the management of the state's trans-boundary and migratory species is consistent with interstate, state-federal, and inter-jurisdictional management plans.

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

Foster occurrence and abundance of marine resources by: protecting spawning grounds, habitats, and water quality; and enhancing and restoring fish and shellfish habitat, particularly for anadromous fish, oysters, and hard clams.

4.2 Provide for commercial and recreational use of coastal fisheries.

Promote programs to enhance and restore shellfish populations.

Maximize the benefits of marine resource use so as to provide a valuable recreational resource experience and viable business opportunities for commercial and recreational fisheries.

Where fishery conservation and management plans require actions that would result in resource allocation impacts, ensure equitable distribution of impacts among user groups, giving priority to existing fisheries in the state.

Protect the public health and the marketability of marine and fishery resources by maintaining and improving water quality.

Provide adequate infrastructure to meet recreational needs including appropriate fishing piers, dockage, parking, and livery services.

Conduct research to address information gaps regarding the environmental factors and management methods for shellfish populations, so as to mitigate potential adverse impacts to these populations related to harvesting activities.

3.4 WATERFRONT NATURAL RESOURCES POLICIES

Policy 5 Protect and restore ecological resources, including significant fish and wildlife habitats, wetlands, and rare ecological communities.

The ecosystem in the Great South Bay and Atlantic Ocean consists of physical (non-living) components, biological (living) components, and their interactions. The physical components include environmental factors such as water, soils, geology, energy, and contaminants. The biological components include the aquatic plants and animals, and all other living things that inhabit the coastal area and utilize its resources for survival and propagation.

Certain natural resources that are important for their contribution to the quality and biological diversity of the coastal ecosystem have been specifically identified by the state 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 coastal ecosystem also depends on more common, broadly distributed natural resources, such as the extent of forest cover, the population of overwintering songbirds, and the health and stability of benthic communities. These more common natural resources collectively affect the quality and biological diversity of the ocean and estuary ecosystems.

Policy 5 will be implemented by enhanced public education programs.

5.1 Protect Significant Coastal Fish and Wildlife Habitats.

Significant Coastal Fish and Wildlife Habitats have been identified by the Department of Environmental Conservation and designated by the Secretary of State as being critical to the maintenance or re-establishment of species of fish and wildlife in the coastal zone. These areas must be protected for the habitat values they provide and to avoid permanent adverse changes to the coastal ecosystem.

Uses or activities should be avoided that would:

- A. destroy habitat values through direct physical alteration, disturbance, or pollution, or the indirect effects of actions which would result in a loss of habitat; or
- B. significantly impair the viability of a habitat beyond the tolerance range of fish and wildlife species through:
 - 1. degradation of existing habitat elements,
 - 2. change in environmental conditions,
 - 3. functional loss of habitat values, or
 - 4. adverse alteration of physical, biological, or chemical characteristics.

Where destruction or significant impairment of habitat values cannot be avoided, potential impacts of land use or development should be minimized through appropriate mitigation. Mitigation measures which are likely to result in the least environmentally-damaging alternative include:

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

The area directly to the north of the Village of Ocean Beach, including the Village's 1,500-foot area of extra-territorial jurisdiction under Section 46-a of the New York State Navigation Law,

lies within the New York State-designated Great South Bay-West Significant Coastal Fish and Wildlife Habitat. The characteristics of this area is described in the Inventory and Analysis (Section 2) of this LWRP. The specific requirements for protecting natural resources, as set forth in the Impact Assessment portion of the Project Descriptions compiled by NYSDOS, that are relevant to this LWRP include the following:

- high water quality should be maintained, through prohibition of discharges from recreational boats and control of discharges from upland sources;
- Efforts should be made to include vessel waste pumpout equipment as part of any substantial project to improve recreational vessel facilities in the Village.
- excavation of new navigation channels should be minimized;
- dredging to maintain existing boat channels should be conducted in the late summer and fall to minimize potential impacts to aquatic organisms, and to allow for the disposal of dredged material when wildlife populations are least sensitive to disturbance;
- elimination of wetlands would result in the direct loss of valuable habitat;
- unregulated dredged material disposal would be detrimental , but may be designed to maintain or improve habitat for certain wildlife species; and
- construction of shoreline structures (e.g., docks, piers, bulkheads, revetments, etc.) in areas not previously disturbed by development (i.e., natural salt marsh, tidal flats, or littoral areas) may result in the loss of productive areas which support the fish and wildlife of the bay.

5.2 Support the restoration of Significant Coastal Fish and Wildlife Habitats wherever possible so as to foster their continued existence as natural, self-regulating systems.

Measures that can be undertaken to restore significant habitats include:

- A. reconstructing lost physical conditions to maximize habitat values,
- B. adjusting adversely altered chemical characteristics to emulate natural conditions, and
- C. manipulating biological characteristics to emulate natural conditions through re-introduction of indigenous flora and fauna

5.3 Protect and restore ecological communities within the Village of Ocean Beach.

Concerns have arisen in the Village of Ocean Beach regarding the spread of non-native landscaping plants, and the associated displacement of the Village's native flora. This policy is intended to mitigate this situation by prompting a shift toward more natural plant species, thereby enhancing the quality of the Village's ecological communities.

Avoid development projects that would result in a significant adverse change to the ecological system of the Village.

Maintain and establish contiguous areas of wetlands, open space, and ecological communities.

Avoid further fragmentation of ecological communities and maintain corridors between ecological communities. Maintain structural and functional relationships between natural ecological communities to provide for self-sustaining systems.

Promote public education and awareness programs in order to enhance environmental stewardship by Village residents.

Maintain values associated with natural ecological communities.

Retain and expand indigenous plant populations.

Avoid permanent adverse change to ecological processes.

Reduce or eliminate adverse ecological impacts of existing development to the greatest extent practical.

Mitigate ecological impacts of new development.

5.4 Implement suitable habitat restoration/enhancement projects in those areas identified as being at risk or vulnerable to the impacts of new development and/or redevelopment projects.

In any case where potential impacts to important ecological communities cannot be avoided for a new development or redevelopment project, compensatory mitigation should be implemented in the form of suitable habitat restoration or enhancement.

5.5 Protect and, to the extent practicable, restore existing tidal and freshwater wetlands.

Wetlands are an important ecological resource that should be protected from actual and potential impacts related to existing and future development. This includes avoiding the direct loss of wetland area due to excavation or the placement of fill in existing wetlands, maintaining adequate buffers between wetlands and adjacent uses and areas of development, and complying with the requirements of State and local wetland regulations.

In addition, the following actions also are recommended:

- restore degraded wetlands wherever practical, in an effort to enhance their ecological function and natural resource value; and
- promote the implementation of best management practices for all development or redevelopment projects within the Village, to minimize impacts to wetlands.

5.6 Undertake mosquito control programs in a manner that does not result in significant adverse impacts to ecological resources.

Increased publicity recently has been given to the occurrence of mosquito-borne diseases in coastal areas in the Northeast region. Consequently, mosquito control is an important concern to the residents of Ocean Beach, due to the occurrence of extensive wetland areas within the Village and, especially, in adjacent areas. However, care must be taken to identify control strategies that provide effective reduction of mosquito populations, while also ensuring that significant adverse impacts to important ecological resources are avoided.

Policy 6 Protect and improve water resources.

The purpose of this policy is to protect the quality and quantity of water in the Village of Ocean Beach. Water quality considerations include both point source and non-point source pollution management, and require a strategy that both manages new sources of pollution and remediates existing sources. The primary quantity consideration is the maintenance of an adequate supply of potable water for the Village.

The coastal waters of Great South Bay adjacent to the Village of Ocean Beach are part of the South Shore Estuary Reserve (SSER), which is a interconnected system of lagoons lying behind the barrier beach on the south shore of Long Island. The SSER extends from the Hempstead bay complex on the west, through Great South Bay, Narrow Bay and Moriches Bay adjacent to the LWRA, and to Shinnecock Bay to the east. The SSER *Interim Report* (1998) concludes that the major sources of water pollution are non-point in origin, derived from developed upland areas. The *Interim Report* identifies two primary types of pollutants affecting south shore waters, pathogens and nutrients, and makes several recommendations to improve the water quality in this area, including: abate and control non-point source pollution; refine water quality improvement strategies; estimate total loading of non-point sources of pollution in relation to point sources; and undertake research regarding system-wide ecological consequences of the presence of toxic substances, human pathogens, excessive nutrients and low dissolved oxygen levels. The management of coastal waters in the LWRA should follow these strategies.

Consistency with the SSER's water quality protection and improvement policies will render numerous benefits to the LWRA. It is widely understood that the lack of adequate water quality controls can result in profound, negative, and wide-ranging direct effects on ecological resources. High levels of toxic materials in coastal waters will adversely impact most aquatic organisms, and at an extreme will cause mortality. Excess nitrogen discharges will prompt consumption of dissolved oxygen, which is detrimental to aquatic life, particularly less mobile species that live on the bottom. Additionally, effective control of certain types of contaminants in coastal waters also can have positive economic implications. For example, reduction of pathogen concentrations can increase the availability of shellfish resources for harvest. However, a somewhat less apparent, but no less important, effect is the enhancement of human enjoyment of coastal water resources: cleaner water and the resulting increase in wildlife diversity and abundance is more aesthetically appealing.

Policy 6 will be implemented by improvements to the Village's sanitary waste collection and disposal systems, and enhanced public education programs.

6.1 Prevent direct and indirect discharges to coastal waters that would cause or contribute to contravention of water quality standards and targets.

Point sources include discrete, well-defined discharges, such as outfall pipes, sluiceways, stream channels, and the like. Point sources, especially sewage outfalls, can be significant contributors of contamination to coastal waters. The purpose of this policy is to control and, to the extent practicable, reduce point-source discharges from the upland area in the Village of Ocean Beach to Great South Bay and the Atlantic Ocean.

Point source discharges should be avoided or mitigated, and land and water uses should be managed, so as to avoid any action that would:

- A. exceed applicable effluent limitations, or
- B. cause or contribute to contravention of water quality classification and use standards, or
- C. materially adversely affect the water quality of receiving waters.

Reduce impairments caused by existing contaminated sediment, and prevent the introduction of new contaminated sediment into coastal waters.

Protect the water quality of LWRA coastal waters from adverse impacts associated with excavation, fill, dredging, and disposal of dredge materials.

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

To the extent practicable, retrofit existing stormwater drainage systems with treatment capabilities to provide the removal of contaminants prior to discharge to coastal waters.

Protect water quality based on 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).

Ensure that the Village's sewage collection and treatment facilities operate efficiently and effectively. Undertake system improvements and upgrades as necessary to effectuate this policy.

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

Non-point contamination is derived from widely dispersed, indistinct sources, such as stormwater runoff from the upland surface. Non-point sources comprise the largest input to coastal waters on a region-wide basis. The purpose of this policy is to control and, to the extent practicable, reduce non-point discharges from the upland area in the Village of Ocean Beach to Great South Bay and the Atlantic Ocean.

Protect water quality by ensuring that new development includes the following measures:

- A. protect areas that provide important water quality benefits, especially wetlands and buffer areas, and
- B. maintain the natural characteristics of drainage systems, and
- C. protect of areas that are particularly susceptible to erosion and sediment loss, and
- D. prevent the direct discharge of stormwater to coastal waters, and
- E. provide suitable treatment to all stormwater discharges to coastal waters, and
- F. wherever practical, restore natural drainage patterns, and
- G. wherever practical, restore wetlands in order to improve the overall water quality within the LWRA.

In order to enhance coastal water quality further, existing developments should be retrofitted with the measures outlined above, to the extent practicable.

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

- A. As a first priority, avoid non-point pollution by limiting non-point sources. This can be accomplished by the following measures:
 - 1. reduce or eliminate the introduction of materials which may contribute to non-point pollution;
 - 2. avoid activities that would increase off-site stormwater runoff and transport of pollutants;
 - 3. control and manage stormwater runoff to:
 - a. minimize transport of pollutants, and
 - b. on sites where degraded stormwater runoff conditions exist, restore such sites to emulate natural stormwater runoff conditions, or
 - c. achieve no net increase of runoff where unimpaired stormwater runoff conditions exist;
 - 4. retain or establish vegetation to maintain or provide:
 - a. soil stabilization, and
 - b. filtering capacity in riparian and littoral zones;
 - 5. preserve natural hydrologic conditions through the following actions:

- a. maintain natural surface water flow characteristics,
- b. retain natural watercourses and drainage systems where present,
- c. 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, and
 - use closed drainage systems only where site constraints and stormwater flow demands make open water systems infeasible.

B. As a second-level priority, reduce pollutant loads to coastal waters by managing unavoidable non-point sources and use appropriate best management practices as determined on the basis of site characteristics, design standards, operational conditions, and maintenance programs. Best management practices shall be promoted for: new construction projects (including both private and publicly-sponsored projects); construction of new roads; expansion of existing roads; landscaping; shoreline restoration projects; and any other project that is determined to have the potential for adversely affecting the water quality of the LWRA's water bodies.

6.3 Reduce non-point pollution using management measures that are targeted to the specific land use and pollution source categories that apply to the LWRA.

This policy is intended to provide more specific guidance for the control of non-point contaminants within the LWRA. 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, consistent with the standards presented in *Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters* (U.S. EPA, 840-B-92-002).

- A. In urban/suburban settings, such as the Village of Ocean Beach, the following policies shall be applied:
 1. For new development, manage runoff so that the total suspended solids load delivered to receiving waters is no greater than pre-development loadings.
 2. For site development, avoid or mitigate activities that increase erosion or the volume or velocity of stormwater runoff.
 3. For construction sites, reduce erosion and retain sediment on site, and limit and control the use of chemicals and nutrient sources.
 4. For new on-site sewage disposal systems, ensure that siting, design, maintenance, and operation prevent discharge of pollutants to adjacent surface waters.
 5. Plan, site, and design roadways to manage erosion and sediment loss, and limit disturbance of land and vegetation.
 6. Plan, site, and design bridges to protect ecosystems.

7. For roadways and bridges, minimize the runoff of contaminants to coastal waters, to the extent practical.
- B. For marinas and similar facilities, the following policies shall be applied:
1. Site and design marinas and similar facilities such that tides and/or currents will aid in the flushing of the site or renew its water regularly.
 2. Assess water quality impacts as part of facility siting and design. Avoid siting new marinas and similar facilities in Class SA waters.
 3. Manage stormwater runoff, discharge of hazardous substances, and solid wastes to minimize adverse impacts to coastal waters.
- C. With respect to floatables (i.e., water-borne debris) and litter, the following policies shall be applied:
1. Prohibit all direct or indirect discharges of refuse or litter into coastal waters or upon public lands contiguous to and within 100 feet of coastal waters.
 2. Limit entry of floatables to surface waters through containment and prevention of litter.
 3. Remove and dispose floatables and litter from surface waters and shorelines.
 4. Implement pollution prevention and education programs to reduce the discharge of floatables and litter into storm drains.

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

Prevent contamination of potable waters by limiting discharges of pollutants so as to maintain water quality according to water quality classification, and limiting land use practices which are likely to contribute to contravention of groundwater quality classifications for potable water supplies.

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.

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

Policy 7 Minimize loss of life and damage to structures and natural resources from flooding and erosion.

Flooding and erosion are two closely associated but distinct problems in coastal areas, such as the Village of Ocean Beach. Both problems relate to damages that are incurred primarily during major storm events. In the context of this policy, flooding pertains mainly to damages that result to structures and other development features (e.g., roadways, utilities, and other infrastructure). Erosion refers to the loss of upland area due to sediment removal by the action of storm waves and surge, which can increase the susceptibility of development to flooding and wave action. The primary purpose of this policy is to set standards that minimize the adverse effects suffered by humans and their property, and natural resources, as a result of flooding and erosion.

Both the ocean and bay shorelines of the Village have been subject to the damaging effects of flooding and coastal erosion. As compared to the shoreline of the Atlantic Ocean, the Great South Bay is relatively well-protected from large destructive wave action generated during severe coastal storms. Nevertheless, the entire Village is situated within the 100-year floodplain, and can experience inundation from both the ocean and the bay during severe coastal storms.

Flooding - The land area in the Village of Ocean Beach is characterized by minimal topographic relief, and is situated within the 100-year coastal flood plain as delineated by the Federal Emergency Management Agency (FEMA). According to this designation, the entire Village is susceptible to flooding during major storm events. Areas directly along the ocean shoreline are situated in zone VE, whereby they would experience wave impacts during the 100-year storm, in addition to still-water flooding.

The majority of the dwellings in the Village were constructed prior to the promulgation of the FEMA flood mitigation requirements. Consequently, these houses mostly do not provide adequate elevation or flood-proofing to avert flooding during the 100-year storm, nor do most of the houses in zone VE possess the structural features specified by FEMA that are designed to resist wave impacts. New development and substantial modification of existing structures require compliance with the applicable FEMA standards, which reduces, but does not entirely eliminate, the potential for storm damage. However, flood damage susceptibility remains a significant concern with respect to pre-existing structures that do not conform with these standards.

The Village has initiated a program that uses Federal monies to elevate existing houses that have not been constructed in accordance with FEMA flood damage prevention standards. Because the per-house cost for this type of project is substantial, only a limited number of properties have been addressed to date, or are anticipated to be addressed in the upcoming round of work. A long-term commitment will be necessary to achieve the goal of substantially reducing the flood susceptibility of Ocean Beach on a Village-wide basis.

Erosion - The primary concern relative to erosion in the Village of Ocean Beach is ensuring the integrity of the natural protective features (i.e., nearshore area, beach, and dune) on the oceanfront. These features provide the only available buffer for absorbing the energy of ocean waves and surge. Significant loss of sand from these features would pose a threat of catastrophic damage to the many millions of dollars of public and private improvements within the Village.

Policy 7 will be implemented by the Village's ongoing dune management and house elevation programs, proposed walkway elevation program, proposed improvements to the ferry boat terminal, proposed flooding and erosion study, improved inter-agency coordination, sand management plan, and enhanced public education programs.

7.1 Minimize potential adverse impacts due to flooding and erosion hazards by using the following management measures for shoreline protection, which are presented in order of priority:

- A. To the maximum extent practicable, minimize potential loss and damage by locating development and structures away from flooding and erosion hazards. The following standards advance this policy:
 - 1. Avoid developing new structures and uses in the Dune District, in accordance with State and federal policy, or reconstruction of existing structures damaged by 41 percent or more of their market value, in areas which are likely to be exposed to hazards unless:
 - a. the structure or use functionally requires a location on the coast or in coastal waters, or
 - b. the new development would be located in an area of substantial public investment.
 - 5. Locate new structures which are not functionally dependent on a location on or in coastal waters, are not in areas of substantial public investment, or do not reinforce the role of a developed working waterfront, as far away from flooding and erosion hazards as possible. To effectuate this policy, new development is not permitted in natural protective feature areas (nearshore areas, beaches, bluffs, primary dunes, and wetlands as defined under 6 NYCRR Part 505), except as specifically allowed under the relevant portions of 6 NYCRR 505.8.
 - 6. Reduce recurring flood damage to existing development by raising structures in place, to attain a first-floor height that exceeds the base flood elevation. Investigate other measures that would decrease susceptibility of existing structures to flooding, and pursue the implementation of those measures that are consistent with the other policies, goals and objectives of this LWRP.
 - 7. Where practical, moving existing structures and development which are exposed to hazards away from the hazard is preferred over maintaining such structures

- and development in place. Moving existing structures from flood-prone areas in the LWRA to new locations should be effected on a voluntary basis only.
8. Provide public infrastructure in or near identified VE zones, structural hazard areas, or natural protective features only if the infrastructure:
 - a. will not promote new development or expansion of existing development in these areas, and
 - 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.
- B. As the second level of priority for minimizing flooding and erosion hazards in cases where development cannot be sited outside of hazard areas, use non-structural, vegetative measures that have a reasonable probability of successfully controlling flooding and erosion, based on site-specific shoreline characteristics such as exposure, geometry, and sediment composition. Protect those portions of the shoreline that currently are vegetated. Promote the revegetation of those areas of the shoreline that are at risk of erosion.
- C. In cases where vegetative measures are not effective, enhance existing natural protective features and use non-structural measures that have a reasonable probability of managing erosion. In particular, enhance the protective capabilities of beaches by using fill, artificial nourishment, disposal of suitable dredged material, or by restoring coastal processes. Beach nourishment projects should conform to the following standards:
1. use only clean sand compatible with native beach sand at the disposal site, and
 2. 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.
- D. Use hard structural erosion protection measures for control of erosion only under the following conditions:
1. Avoidance of the hazard is not appropriate because a structure is: functionally dependent on a location on or in coastal waters; or located in an area of extensive public investment.
 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, and

- b. based on sound engineering practices
- 6. Appropriate vegetative methods have been included in the project design and implementation to enhance the overall effectiveness of the project.
- 7. Adequate mitigation is provided and maintained to ensure that there is no adverse impact to adjacent property, natural coastal processes or natural resources and, if undertaken by a private property owner, does not incur significant direct or indirect public costs.

7.2 Preserve and restore natural protective features.

Prevent development in natural protective features (i.e., nearshore areas, beaches, primary dunes, etc.), except development as specifically allowed in 6 NYCRR Part 505.8.

Maximize the protective capabilities of natural protective features by:

- A. avoiding alteration or interference with shorelines in a natural condition
- B. augmenting the protective function of existing natural protective features, through actions such as beach scraping and natural dune enhancement
- C. restoring the condition of impaired natural protective features, wherever practical
- D. using practical vegetative approaches to stabilize natural shoreline features
- E. managing activities to limit damage to the protective capacities of the natural shoreline
- F. undertaking actions to reverse damage that has diminished the protective capacities of the natural shoreline
- G. providing relevant signage or other educational or interpretive material to increase public awareness of the importance of natural protective features, including signage and enforcement to discourage foot traffic on the oceanfront dune
- H. continuing to sponsor community participation in events such as the planting of dune grass during the Village's annual "Dune Day" and other measures which are directed at preserving and enhancing natural protective features

Minimize interference with natural coastal processes.

- A. Provide for the natural supply and movement of unconsolidated materials and for water and wind transport.
- B. Limit intrusion of new structures into coastal waters that interfere with littoral transport of sediment.
- C. Limited interference with coastal processes may be allowed where the principal purpose of the new structure is to:
 - 1. simulate natural processes where existing structures have impaired them, or
 - 2. provide necessary public benefits for flooding and erosion protection, or
 - 3. provide for the efficient operation of water-dependent uses.
- D. In any case where such limited interference occurs, appropriate mitigation shall be implemented in order to ensure that there is no adverse impact to adjacent property or

to natural coastal processes and natural resources. Any action undertaken by private property owners shall not incur significant direct or indirect public costs.

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

Retain ownership of public trust lands which have become upland areas due to fill or accretion resulting from erosion control projects.

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.

Mitigate unavoidable impacts on adjacent property, natural coastal processes and natural resources, and on public trust lands and their use.

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

Design channel construction and maintenance projects to protect and enhance natural protective features and prevent the destabilization of adjacent areas by:

- A. using adequate dredging setbacks from established channel edges
- B. establishing finished slopes at stable gradients, considering sediment characteristics, hydrologic conditions, and other relevant variables
- C. locating channels away from erodible features, where feasible
- D. preventing adverse alteration of hydrologic conditions
- E. including by-passing methods, where appropriate, to maintain navigability and reduce frequency of dredging

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

7.5 Ensure that expenditure of public funds for projects to mitigate flooding and erosion problems results in a public benefit.

Give priority in expenditure of public funds to actions that:

- A. protect public health and safety;
- B. mitigate flooding and erosion problems caused by previous human intervention;
- C. protect areas of intensive development; and
- D. protect substantial public investment in land, infrastructure, and facilities.

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

- A. economic benefits derived from protection of public infrastructure and investment and protection of water-dependent commerce;
- B. protection of significant natural resources and maintenance or restoration of coastal processes;
- C. preservation of the integrity of natural protective features;
- D. extent of public infrastructure investment; and
- E. extent of existing or potential public use.

Actions that will implement this policy include the Village's ongoing dune management and house elevation programs, proposed walkway elevation program, proposed improvements to ferry boat terminal, and recommended flooding and erosion protection study.

7.6 Consider sea level rise when siting and designing projects involving substantial public expenditures.

Projects should be sited at a sufficient distance from the current shoreline to prevent flooding and erosion damages related to anticipated long-term rise in sea level over the expected project life.

7.7 Continue to pursue appropriate flood and erosion mitigation grants offered by FEMA and other government agencies which may be available to the Village of Ocean Beach, so as to reduce the susceptibility of development to flooding and erosion hazards.

As noted previously, a large proportion of the development in the Village of Ocean Beach predates the enactment of the construction standards promulgated by FEMA to mitigate flooding and erosion hazards. Such older construction generally does not conform to current FEMA requirements and, therefore, remains more vulnerable to storm damage than newer structures. In order to reduce the level of hazard to which existing development in the Ocean Beach is exposed, it is recommended that the Village, with the support and cooperation of the affected community, continue to seek grant funding that may be available from FEMA and other government agencies to retrofit present structures with more effective flooding and erosion mitigation measures.

7.8 Avoid the issuance of variances from FEMA structural design requirements for new construction and substantial improvements to existing structures.

The FEMA standards for building construction in the flood plain have been designed specifically to minimize potential damages resulting from severe storm events. The issuance of variances from these regulations is contrary to this LWRP's overall policy goal to "minimize loss of life, structures and natural resources from flooding and erosion". Therefore, such variances should be entertained only under special circumstances, and not as a matter of normal procedure, even in the case where the development in the area surrounding any given proposed project site does not conform to FEMA requirements.

7.9 Protect the integrity of the primary dune.

The primary dune is Ocean Beach's line of last defense against powerful storm waves and surge from the Atlantic Ocean. Maintaining a dune of adequate dimensions is critical to protecting the Village from the devastating effects of an overwash or breach. Therefore, the Village should fully explore its options and should undertake all appropriate actions with respect to dune management as are necessary to protect the health, safety and welfare of its residents.

The annual community dune planting event and regular beach scraping are measures that the Village has undertaken on a regular basis over the years, and should be carried on in the future as long as they continue to prove effective. If dune preservation and enhancement efforts are seen to fall short of the level of protection needed to safeguard the Village and its residents, and especially in the event of extraordinary dune loss resulting from a particularly severe storm, due consideration should be given to any and all practicable flooding and erosion mitigation alternatives, including offshore measures.

7.10 Protect the integrity of Fire Island, so as to ensure its continued function as a effective barrier against flooding and erosion for the Long Island mainland.

Barrier landforms that protect significant public investment or natural resources should be maintained by means of soft structural protection methods, so as to conform with the natural coastal processes. This objective should be effected by using clean, compatible dredged material, when feasible, for beach nourishment, dune enhancement, offshore bar building, and/or back-barrier marsh creation projects.

Continuation or the restoration of coastal processes, including washovers, breaches, and inlet migration, should be encouraged where it:

1. restores natural sediment movement patterns that enhance the barrier; and
2. does not impair densely developed areas.

3.5 GENERAL ENVIRONMENTAL POLICIES

Policy 8 Protect and improve air quality.

This policy provides for protection of the Village of Ocean Beach from air pollution generated within the Village or from outside sources that may adversely affect the Village.

8.1 Control or abate existing air pollution and prevent new air pollution.

Limit pollution resulting from new or existing stationary air contamination sources, consistent with applicable standards, plans, and requirements.

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

Limit pollution resulting from vessel operation.

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

8.3 Limit sources of atmospheric deposition in adjacent coastal waters, particularly from nitrogen sources.

Policy 9 Promote appropriate use and development of energy and mineral resources.

The purpose of this policy is to promote the conservation of energy resources, to encourage the use of alternative energy sources, to set standards to ensure maximum efficiency and minimum environmental impacts when siting energy facilities, and to set standards to minimize the impact of fuel storage facilities and mineral extraction activities.

Energy costs on Long Island are among the highest in the nation. The region faces the prospect of ever-increasing fuel prices and potential energy shortages due to its dependence on imported petroleum for electric generation and home heating. Strong reliance on motor vehicle transportation also contributes to Long Island's dependency on imported petroleum; however, this is not an issue in the village of Ocean Beach, in which pedestrian travel is the primary mode of transportation.

Energy efficiency in transportation and site design, and efficiency in energy generation are the most effective means for reducing energy demand. The goals of energy policy should be directed at increasing energy efficiency, so as to reduce the need for new energy-generation facilities that may have an adverse impact on coastal waters. In addition to impacts associated with new facilities, the potential impacts of oil and gas extraction and storage, and mineral extraction must be considered.

9.1 Conserve energy resources

Promote and maintain energy-efficient modes of transportation, including inter-modal facilities, waterborne cargo and passenger transportation, mass transit, and alternative forms of transportation

Plan and construct sites using energy-efficient design.

Improve energy-generating efficiency through design upgrades of existing facilities.

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

In siting solar and wind-powered facilities: avoid interference with coastal resources, including migratory birds, and coastal processes; and minimize visual impacts.

9.3 Ensure maximum efficiency and minimum adverse environmental impact when siting energy-generating facilities.

The Village of Ocean Beach presently does not contain a major energy-generating facility, and is not considered to be an appropriate location for such a use due to the existing land use pattern (i.e., almost fully developed, primarily with residential uses and a small business district), and significant environmental constraints (important ecological resources, high groundwater table, etc.).

9.4 Minimize adverse impacts from fuel storage facilities.

The Village of Ocean Beach does not presently contain a regional petroleum reserve facility, and is not considered to be an appropriate location for such a use, due to the aforementioned land use and environmental constraints.

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

Site and operate liquified petroleum gas storage and transfer facilities in a manner that ensures public safety.

9.5 Minimize adverse impacts associated with mineral exaction.

The Village of Ocean Beach does not presently support commercial mineral extraction operations, and is not considered to be an appropriate location for such a use, due to the aforementioned land use and environmental constraints.

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

Policy 10 Minimize environmental degradation from solid waste and hazardous substances and wastes.

The disposal of solid waste is a major issue on Long Island. Many existing municipal and private facilities are at or above capacity, and some are producing leachates which degrade both surface waters and groundwater aquifers (although no such disposal facilities are present in the Village of Ocean Beach). A variety of substances, ranging from improperly disposed household hazardous wastes to industrial waste dumps, may pose immediate problems and can preclude or delay appropriate reuse of coastal lands. Smaller and more incremental solid waste problems arise from littering.

The intent of this policy is to establish standards for the proper control and management of wastes and hazardous materials, in order to safeguard the residents of the Ocean Beach from the sources of contamination and to protect the Village's natural and coastal resources from degradation. These standards pertain to: requirements for minimizing potential exposures during the handling, storage, and transportation of solid waste; New York State management priorities for the reduction, reuse, and disposal of solid wastes; prevention of environmental degradation resulting from discharges of toxic substances; protocols for spill cleanup; and criteria for the siting of solid and hazardous waste facilities.

The Village of Ocean Beach does not presently contain a solid waste management facility, and is not considered to be an appropriate location for such a use

Policy 10 will be implemented by enhanced public education programs.

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

Plan for proper and effective solid waste disposal prior to undertaking major development or activities that will generate solid waste.

Manage solid waste in accordance with the following solid waste management priorities:

- A. Reduce the amount of solid waste generated.
- B. Reuse material for the purpose for which it was originally intended or recycle material that cannot be reused.
- C. Use land burial or other approved methods to dispose solid waste that is not being reused or recycled.

Prevent the discharge of solid waste into the environment by using proper handling, storage, and transportation practices.

10.2 Manage hazardous wastes to protect health and control pollution.

Manage hazardous waste in accordance with the following priorities:

- A. Eliminate or reduce the generation of hazardous waste to maximum extent practical.
- B. Recover, reuse, or recycle remaining hazardous wastes to the maximum extent practical.
- C. Use detoxification, treatment, or destruction technologies to dispose hazardous waste that cannot be reduced, reused, or recycled.
- D. Use land disposal as a management method of last resort.

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

Remediate inactive hazardous waste disposal sites. The proposed or anticipated future use of any such site should determine the appropriate level of remediation.

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

Prevent the release of substances that would have a deleterious effect on fish and wildlife resources.

Prevent environmental degradation due to persistent toxic pollutants by: limiting discharge of bioaccumulative substances, avoiding resuspension of toxic pollutants and hazardous substances and waste, and avoiding reentry of bioaccumulative substances into the food chain from existing sources.

Prevent and control environmental pollution due to radioactive materials.

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

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

Promote public awareness and education regarding the deleterious effects of toxic substances commonly used by homeowners for lawn and garden care and for general maintenance of home and auto. In particular, such public education programs should include proper handling and disposal guidelines for toxic substances.

10.4 Prevent and remediate discharges of petroleum products.

Minimize adverse impacts from potential oil spills through the appropriate siting of petroleum offshore loading facilities.

Maintain and implement adequate plans for prevention and control of petroleum discharges in-place at any petroleum-related facility.

Prevent discharge of petroleum products by following approved handling and storage, and facility design and maintenance principles.

Clean up and remove any petroleum discharge, giving first priority to eliminating human safety hazards and minimizing environmental damage by: responding quickly to contain petroleum spills, and containing discharges immediately after discovery.

Recover and recycle petroleum discharges using the best available practices.

To the extent practicable, incorporate best management practices into the proposed improvements to the Village Marina in order to mitigate potential impacts from petroleum products used in vessel operations.

3.6 RECREATIONAL AND CULTURAL POLICIES

Policy 11 Improve public access to and use of public lands and waters.

The Village of Ocean Beach has frontage on both the Atlantic Ocean and Great South Bay totaling approximately 4,000 feet in length. The availability of access to these shorelines is an important public amenity which plays a vital role in the life of the community. Besides facilities that allow people to engage in physical access to the water for activities such as boating, fishing and swimming, the coastal setting and natural resources of the Ocean Beach can be further appreciated through the establishment of visual and scenic corridors. As such, the LWRP also addresses the issue of visual access to the waterfront from designated areas within the Village.

The Village of Ocean Beach is a pedestrian community, with bicycles providing an increasingly popular secondary mode of transportation. Implementing the LWRP's public access policy requires actions that facilitate and ensure these methods of travel throughout the Village, both internally and along the two shorelines, and actions that maintain and enhance the linkages among these three areas.

Continuous pedestrian access is available to the public along the entire oceanfront beach, connecting to the adjoining communities of Cornielle Estates to the west and Seaview to the east. Elevated

pedestrian passage over the primary dune is available at the southerly terminus of most of the north-south walkways in the Village.

Continuous public access is not available to the shoreline of Great South Bay in Ocean Beach, due primarily to the presence of private property along the waterfront to the east of the ferry terminal. However, there still are ample opportunities for public access via the existing “west walk” which extends along the bulkhead of the ferry basin and the Village Marina, as well as at the northerly termini of the walkways that lie outside this area.

This policy has been formulated to address inadequacies and impairments to suitable public access and recreation at the Village’s waterfront, by means of measures to ensure that use of existing access sites and facilities is optimized in order to accommodate existing demand and projected future demand. It also is the goal of this policy to take appropriate advantage of available opportunities to provide additional visual and physical public access to the waterfront.

Policy 11 will be implemented by the following actions: ongoing walkway elevation and maintenance program, proposed improvements to ferry boat terminal, proposed improvements to the Village Marina, proposed bay beach improvement, proposed improvements in handicapped access to the ocean, proposed restoration of the Community House and Windswept facility, proposed Village Green beautification, possible extension of promenade on bayfront, improved bicycle access, improved access for small boats, additional bicycle racks, and proposed improvements to Wagon Park.

11.1 Promote appropriate and adequate physical public access and recreation throughout the Village of Ocean Beach.

Provide a level and type of public access and recreational use that takes into account proximity to population centers, public demand, natural resource sensitivity, accessibility, compatibility with on-site and adjacent land uses, and needs of special groups (e.g., proposed improvements to handicapped access to the oceanfront).

Wherever feasible, promote water-related recreational uses on publicly-owned waterfront lands. Feasibility shall be assessed on the basis of natural resource sensitivity, accessibility, compatibility with on-site and adjacent land uses, and other relevant factors.

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

Protect and maintain existing public access and water-related recreation facilities by:

- A. preventing physical deterioration of facilities due to overuse or lack of maintenance; and

- B. preventing any on-site or adjacent development project or activity from directly or indirectly impairing physical access and recreation, or adversely affecting the quality of the access or recreational facilities; and
- C. protecting and maintaining established access and recreation facilities; and
- D. protecting and maintaining the infrastructure that supports public access and water-related recreational facilities.

Restore, enhance and improve existing points of public access to the shoreline that may be in disrepair or inadequate for current or anticipated use by the public (e.g., proposed improvements to the Village's bay beach, the ferry boat terminal, and the Windswept facility).

Provide additional physical public access and recreation facilities at public sites throughout the coastal area by:

- A. promoting acquisition of additional public park lands to meet existing and anticipated future public access and recreation needs; and
- B. providing for public access and recreation facilities on non-park public waterfront lands as a secondary use; and
- C. providing for appropriate public access at streets terminating at the shoreline; and
- D. in any action involving the transfer of interest in publicly-owned lands immediately adjacent to the shore, retaining a level public interest in these lands that will be adequate to preserve the opportunity for public access and recreation.

Promote the use of public easements and pedestrian cross-access agreements with the owners of private land, as necessary, to extend public access along the waterfront.

Implement suitable improvements at publicly-owned waterfront sites in order to enhance physical access to the water and public enjoyment derived therefrom.

Include physical public access and/or water-related recreation facilities as part of any development project that is likely to limit the public's use and enjoyment of public coastal lands and waters.

Restrict public access and water-related recreation on public lands only where such access is determined to be incompatible with public safety or the protection of important natural resources.

Facilitate pedestrian travel throughout the Village.

Facilitate bicycle use at appropriate times and locations within the Village.

Provide incentives to encourage private development to include public access and/or water-related recreation facilities.

Ensure that access to the general public is provided at any location where State and/or Federal funds are used to acquire, develop, or improve recreational facilities.

Promote the acquisition of additional properties for public use that would support and augment the access available at existing public lands.

Manage vacant, publicly-owned parcels in a manner that provides a suitable balance between natural resource protection and public access. Wherever feasible, provide for an appropriate level of public access on such lands.

Promote, restore, expand and/or continue to maintain public swimming areas, and identify new areas that are suitable for public swimming.

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

Limit grants, leases, easements, permits or lesser interest in public underwater lands, 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 of any such action:

- A. environmental impact; and
- B. values for natural resource management, public recreation, and commerce; and
- C. size, character, and effect of the transfer in relation to neighboring uses; and
- D. potential for interference with navigation, public uses of waterways, and riparian rights; and
- E. effect of the transfer on the natural resources associated with the lands; and
- F. water-dependent nature of the use; and
- G. adverse economic impact on existing commercial enterprises; and
- H. 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.

Limit the transfer of interest in public trust lands to the minimum necessary to achieve project objectives.

Retain a public interest in underwater lands, which will be adequate to preserve public access, recreation opportunities, and other public trust purposes.

Consider grants in fee of underwater lands only in exceptional circumstances.

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.

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.

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.

Provide free and substantially unobstructed passage to the public along public trust shorelands.

Interference with the opportunity for public passage along the shoreline should be limited to the minimum extent necessary to gain access from the upland to the water.

Where public access along public trust shorelands is substantially impeded, provide suitable and effective passage around impedances through adjacent upland easements or other mitigation.

Require that perpendicular access to public trust lands be provided on all publicly-owned upland properties on the waterfront, whenever compatible with the principal use of the public upland.

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. Piers, docking facilities, and catwalks must not result in an unnecessary interference with navigation and the use of public trust lands. Alternatives to long piers or docks include the use of dinghies to reach moored boats and mooring in nearby marina facilities. Dredging generally is not considered an acceptable means of accommodating deeper vessel draft closer to the shore, except where such dredging is undertaken at an existing facility which serves the public benefit.

Obstruction of public use, including navigation, may be allowed in navigable waters only:

- A. for water-dependent uses involving navigation and commerce which require structures or activities in water as part of the use; or
- B. for commercial recreational boating facilities, provided that the loss of navigable waters and use of underwater lands is offset by sufficient public benefits; or
- C. in order to gain reasonable access to navigable waters from riparian lands.

Where obstruction of navigable waters and underwater lands is justified, said obstruction shall be limited:

- A. so that it does not interfere with commercial navigation - the right of commercial navigation is superior to all other uses on navigable waters and may not be obstructed; and
- B. to the minimum degree necessary to attain access to navigable waters, where “minimum” shall be defined in terms of the following factors:
 - 1. the extent of the use’s dependence on access to navigable waters,
 - 2. the range of tidal water level fluctuation,
 - 3. the size and nature of the body of water,
 - 4. the nature of public use of the adjacent waters,
 - 5. the traditional means of access used by surrounding similar uses, and
 - 6. whether or not alternative means to gain access are available; and
- C. by the extent and characteristics of the developable adjacent upland area and its ability to support in-water development for the water-dependent use; and
- D. by the potential adverse effects on natural resources and their uses; and
- E. by the potential adverse effects on public safety.

Structures extending beyond the minimum necessary for access to navigable waters can impair public trust interests and open space values associated with the water’s surface. Such structures may be allowed 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; or
- B. for commercial recreational boating facilities provided that:
 - 1. the loss of navigable waters and use of underwater lands is offset by sufficient public benefit, and
 - 2. obstruction of commercial navigation does not result; or
- C. when the principal purpose of the structure is necessary:
 - 1. to provide public access for recreational uses, or
 - 2. for improvements for navigation, or
 - 3. for protection from coastal hazards, or
 - 4. for essential public transportation or infrastructure facilities.

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

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

- A. intensity of the associated recreational, scientific, or educational activity
- B. 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:
 - 1. motorized activities
 - 2. active, non-motorized activities, including water-dependent and water-related uses

- 3. passive activities
- 4. avoidance of the area
- C. sensitivity of the natural resources involved and the extent of the ecological benefits associated with avoidance of the area

Limit public access and recreational activities where uncontrolled public use would lead to impairment of natural resources. Appropriate application of the following actions would advance this policy:

- A. establish suitable seasonal limitations on access and recreation in order to minimize adverse impacts on fish and wildlife species during sensitive time periods;
- B. establish an effective stewardship program directed at controlling anticipated adverse impacts before providing public access;
- C. limit or prohibit physical public access to those areas whose principal natural resource values are based on the lack of human disturbance; and
- D. provide educational, interpretive, research, and passive uses of natural resources through appropriate design and control of public access and recreation.

Provide public access for activities involving the direct use of fish and wildlife resources, including fishing and hunting, only if that level of access would not result in a loss of resources necessary to continue supporting these uses.

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 caused by access structures extending through these open space areas based on:

- A. the value of the open space, as indicated by unfragmented size or mass of the wetland or other natural resources, distance to navigable water, and wetland value; and
- B. the size, length, and design of proposed structures.

11.4 Preserve visual access from public lands to coastal lands and waters. Where appropriate and feasible, enhance existing public facilities and provide new opportunities for the viewing of scenic resources within and adjacent to the Village of Ocean Beach.

Promote the designation of scenic corridors within the Village to coincide with designated pedestrian/bicycle corridors along the shoreline, public waterfront lands, publicly-accessible road ends, and similar locations that provide physical public access to the shoreline.

Avoid the loss of existing visual access to scenic resources by:

- A. limiting physical blockage caused by development or human activities due to the scale, design, location, or type structures or facilities; and

- B. protecting existing view corridors provided by roadways and other public areas leading to the coast; and
- C. protecting visual access to open space areas associated with natural resources; and
- D. providing for view corridors to the coast in those locations where new structures would block views of the coast from inland public vantage points; and
- E. using structural design and building siting techniques to preserve visual access and minimize obstruction of views; and
- F. considering a reduction of screening requirements where site conditions, including vegetative cover or natural protective features, block potential views.

Wherever feasible, in cases where new development blocks visual access from inland public vantage points, provide public visual access from suitable locations on the development site. As an alternative, provide for additional and comparable visual access at nearby locations if physical access cannot be provided on-site.

Policy 12: Enhance visual quality and protect outstanding scenic resources.

The visual quality of the coastal zone in the Village of Ocean Beach is a major component of the overall character of the area. The Village contains a variety of natural visual attributes, including the estuarine waters of Great South Bay, a complex land and water interface on the bay side, and a dynamic beach and dune system on the ocean side. The public has a strong appreciation of the coastal environment and character of the landscape, and fully recognizes that these features make an important contribution to the desirability of this community as a place to live and recreate.

The intent of this policy is to protect and enhance the overall visual quality of the Village of Ocean Beach and recognized scenic resources within the area. This policy will be implemented by the proposed restoration of the Community House and the Windswept facility, proposed street lighting improvements, proposed Village Green beautification, proposed facade review and property maintenance investigations, and proposed placement of utility lines underground.

12.1 Protect and improve visual quality.

Protect scenic values that are based on the quality of natural resources within the Village. The following measures are useful in protecting natural scenic values:

- A. maintain or restore original landforms, except where altered landforms provide useful screening or contribute to scenic quality; and
- B. avoid structures or activities that introduce visual interruptions to natural landscapes including:
 - introduction of intrusive artificial light sources,
 - fragmentation of and structural intrusion into open space areas, and
 - changes to the continuity and configuration of natural shorelines and associated vegetation.

Preserve those vacant parcels that are identified as contributing significantly to the visual quality of the Village.

Promote the use of vegetative buffers around developed areas to preserve the visual character of adjacent natural areas and to minimize the impact of development on the overall visual appeal of the Village.

Enhance the existing scenic characteristics of the Village by minimizing introduction of discordant features.

Restore deteriorated visual elements and remove degraded elements.

Preserve and augment existing vegetation to enhance scenic quality.

Group or cluster development to maximize the extent of contiguous open space.

Recognize water-dependent uses as important additions to the visual interest of the Village. Provide adequate maintenance to the structures and facilities of water-dependent uses, so as to minimize visual impacts.

Promote the designation of scenic corridors public rights-of-way that provide vistas to the water.

Promote the use of native plant species in landscape designs during the site plan review process for non-residential uses proposed in the Village, so as to provide visual continuity and consistency with the natural setting of the area.

Encourage the creation of design standards and performance standards for new development (i.e., buildings, structures, roads) that coincide with the objectives of maintaining or enhancing the visual quality of the Village.

Promote the preservation and enhancement of the visual quality of the shoreline in order to maintain and improve waterside views.

Promote the preservation or enhancement of aesthetic quality as a performance standard, based on criteria that address the importance of the community character and coastal environment, and that address visual access and aesthetics from both land-side and water-side perspectives.

Implement actions to enhance property maintenance and mitigate visually blighted properties.

12.2 Protect the aesthetic values associated with recognized areas of high scenic quality.

Protect the contributing scenic values associated with any area that has been officially designated as scenic area either through local or statewide action.

Prevent the impairment of scenic components that contribute to high scenic quality in such areas.

12.3 Improve street lighting throughout the Village.

New street lighting in the Village lighting should reflect the rural setting of the Village, and should eliminate the excessive light pollution caused by some of the existing fixtures.

Policy 13: Preserve historic resources.

The intent of this policy is to preserve the cottage-beach resort character of the Village of Ocean Beach.

This policy will be implemented by the proposed facade review investigation.

13.1 Maximize preservation and retention of the Village's cottage-beach resort character.

Preserve the cottage-beach resort character of the resources by protecting the materials and features, or by making repairs using appropriate measures.

Relocate a cottage-beach resort resource only when it cannot be preserved in place and:

- A. the resource is imperiled by a proposed activity which has no viable alternative or by surrounding conditions which are likely to result in degradation or inadequate maintenance of the resource; and
- B. the resource cannot be adapted for use on the existing site in a manner that would result in preservation of the resource; and
- C. a suitable site for relocation is available; and
- D. it is technically and economically feasible to move the resource.

Allow for the demolition of a cottage-beach resort resource only when:

- A. the resource cannot be adapted for use on the existing site in a manner that would result in preservation of the resource; and
- B. it is not feasible to protect the resource through relocation; and
- C. the resource has been officially certified as being imminently dangerous to life or public health.

Document in detail the character-defining elements of a cottage-beach resort resource in its original context prior to the relocation or demolition of the resource.

Avoid potential adverse impacts of development proximate to cottage-beach resort resources by:

- A. designing the development to a size, scale, proportion, and mass, and with a spatial relationship that are compatible with the cottage-beach resort resource; and
- B. designing and constructing the development using materials, features, forms, details, textures, and colors that are compatible with similar features of the resource.

Protect adjacent resources that contribute to cottage-beach resort resources.

Provide for the efficient, compatible use of cottage-beach resort resources by means of the following measures:

- A. foster uses that maximize retention of the cottage-beach resort character of the resource:
 - 1. to the extent practicable, use the resource as it was historically used, so as best to achieve retention of cottage-beach resort character; or
 - 2. if the resource cannot be used as it was historically used, adapt a use to the resource that maximizes retention of character-defining materials and features.
- B. Minimize alterations to the resource, in order to preserve and retain its cottage-beach resort character, by the following measures:
 - 1. Minimize potential negative impacts on the resource's character due to necessary updates in systems to meet health and safety code requirements or to conserve energy.
 - 2. Make alterations to the resource only as needed to ensure its continued use and provided that adverse impact on the resource is minimized. In order to minimize adverse impact on the resource, alterations should not obscure, destroy, or radically change character-defining spaces, materials, features, or finishes. Alterations may include selective removal of features that are not historic elements of the resource and its setting and that detract from the overall cottage-beach resort character of the resource.
 - 3. Construct new additions only after it is determined that an exterior addition is the only viable means of assuring continued use of the resource.
 - 4. In constructing new additions, use appropriate design and construction to minimize adverse impact on the resource's character. Adverse impacts can be minimized in new additions and the integrity of the resource can be preserved by:
 - a. using compatible design in the new addition, relative to the original materials, forms and details, size, scale and proportion, and massing of the resource; and

- b. constructing new additions in a manner that, if removed in the future, the essential form and integrity of the cottage-beach resort resource and its setting would not be impaired.

Minimize the potential adverse cumulative impacts on cottage-beach resort resources caused by a series of otherwise minor interventions.

Minimize impacts on any cottage-beach resort resource which is a member of a group of related resources that may be adversely impacted by the loss or diminution of any one of the members of the group.

Minimize potential impacts to cottage-beach resort resources caused by development in adjacent areas.

13.2 Protect and enhance resources that are significant to the coastal culture of the south shore waters and the Village of Ocean Beach.

Prevent unauthorized collection of artifacts from shipwrecks.

Preserve and enhance navigational structures by providing long-term protection through the least degree of intervention necessary to preserve the structure. Consider extensive shoreline stabilization only if relocation of navigational structure is not feasible.

13.3 Increase public awareness of the historical resources of the South Shore waters and the cottage-beach resort resources of the Village of Ocean Beach.

Promote public awareness of the cottage-beach resort resources present in the Village. This can be accomplished through a number of measures, including:

- the installation of signs that convey information regarding local resources
- information kiosks in the business district to provide information regarding the heritage of the Village of Ocean Beach and Fire Island.



Section IV

Proposed Land and Water Uses and Proposed Projects

SECTION IV PROPOSED LAND AND WATER USES AND PROPOSED PROJECTS

4.1 PROPOSED LAND USES

The Village of Ocean Beach consists of several well-defined land use areas, as delineated by the Village zoning map. The majority of the Village, more than four-fifths of its total area, contains single-family houses on small lots. The remaining area is approximately evenly divided among the business district, bayfront recreation district, and undeveloped open space. The business district contains a mix of commercial uses at the north end of the Village, in the vicinity of the ferry terminal. The bayfront recreation district contains the ferry terminal, Village Marina, and various municipal and recreational facilities. Undeveloped open space in the Village is concentrated primarily along the oceanfront, within the Dune District. In general, these are long-established uses in the Village, and shall be retained, as shown in Map 5.

4.2 PROPOSED HARBOR MANAGEMENT PLAN

4.2.1 Introduction

Article 42 of the New York State Executive Law, Section 922 – Waterfront Revitalization of Coastal Areas and Inland Waterways – authorizes local governments to prepare a Harbor Management Plan (HMP) as part of their Local Waterfront Revitalization Program (LWRP). In the course of preparing an LWRP, the Village of Ocean Beach recognized the need to manage water activities in areas adjacent to the Local Waterfront Revitalization Area (LWRA) proposed in their program. To that end, the Village has integrated a HMP within the LWRP. As outlined below, the HMP addresses conflict, congestion, and competition for space in the use of surface waters and underwater lands and identifies various alternatives for the optimum use of the waterfront and adjacent water surfaces. LWRP Section II identifies those areas within the LWRA that are recognized as important Village resources; LWRP Section III contains policies which provide specific guidance for the HMP area; LWRP Section IV (i.e., this section) and Section V recommend specific planning principles, capital projects, local laws, and other actions for implementing the policies, based on key harbor management issues concerning surface water use in the Village which are summarized in Subsection 2.4; and LWRP Section VI identifies the authorities of various New York State agencies.

As previously described in Section I (Waterfront Revitalization Area Boundary) and Section II (Inventory and Analysis), specifically Subsection 2.2.2, the Village of Ocean Beach is located on a barrier island, with the Atlantic Ocean on one side and Great South Bay on the other and is part of the Fire Island National Seashore. The Village does not have what is considered to be a traditional harbor, but does have harbor- and water-dependent uses and activities along its waterfronts which

need to be considered in the Ocean Beach Local Waterfront Revitalization Program/Harbor Management Plan.

The Village's Atlantic Ocean shoreline is approximately 1,750 feet in length and has a topography which gently slopes from Ocean View Walk to the ocean along a vegetated and well-stabilized coastal dune. In order to facilitate public access to the ocean, a series of dune walkovers have been constructed. The land/water interface is an essential element of the Village's character, serving as the scenic backdrop for recreational activity including swimming, water related sports, and beach activities. However, the Atlantic Ocean also poses the largest threat to the Village of Ocean Beach due to the danger of flooding and erosion. The Village residents are aware of the situation, which is demonstrable by a 1981 addition to the Village Code which reads, "over the last 20 years the area has been impacted by five major blizzards and winter storms, four major northeast coastal storms and four major hurricanes, in addition to numerous local severe storm events which greatly exceeds the predicted average by over 400%"¹

Great South Bay is a shallow, estuarine water body between the south shore of the Long Island mainland and Fire Island. The Village of Ocean Beach has approximately 2,100 linear feet of shoreline on the bay, which is relatively shallow and is protected by the barrier island against the direct impact of strong ocean waves during storms. The bay's nearest connection to the sea is Fire Island Inlet, located five miles to the west of the Village, resulting in locally restricted tidal flushing and the associated accumulation bay-bottom sediments and sediment-bound pollutants.

The waters surrounding Ocean Beach have an SA classification, which indicates that the best intended use is for shellfish harvesting for human consumption, as well as swimming and other primary contact recreational activities. However, the bay has suffered a decline in water quality as a result of the urbanization of Long Island and the associated non-point source pollution. Elevated levels of pathogens carried by stormwater runoff, discharges of vessel waste, sewage effluent and animal waste have resulted in the closure of shellfish beds and reduced the productivity of coastal wetlands and habitats. The waters adjacent to the bay shoreline of Ocean Beach are seasonally closed to shellfish harvesting during the period between May 15 and September 30. None of the Village's beaches on either shore have been subject to closure due to bacterial contamination in the recent past.

The Village's Great South Bay shoreline, because of its protected nature and location across from the heavily developed south shore of Long Island, supports a variety of water-dependent uses. These include: the Village Marina, a ferry basin, a freight dock, a boat house, a bathing beach, a recreational area with tennis courts and basketball courts, a fishing area, a wagon park, government/institutional offices, public facilities, and the Village's limited commercial/retail area (see Map 2).

¹ Code of the Village of Ocean Beach Code. Section 164-40.5.A, Findings. General Code Publishers Corp. Spencerport, NY. 1981. p. 16432.

The following sections address the required elements of a Harbor Management Plan, as promulgated in 19 NYCRR 603.3, Harbor Management – Contents.

4.2.2 Harbor Management Boundary

The coastal area boundary for the Village of Ocean Beach LWRP encompasses the entire area of the Village from its corporate boundaries on the eastern and western sides, out into the water bodies on the north (Great South Bay) and south (Atlantic Ocean) to a distance of 1,500 feet from the Village shoreline, as described in Section I of the LWRP and shown on Map 1.

4.2.3 Inventory of Existing Uses, Features and Conditions in the Harbor Management Area

Section II of this LWRP contains the full inventory and analysis covering both the upland and water areas within the Village of Ocean Beach’s coastal area boundary. The following subsections are particularly relevant to the water areas and shorefront properties covered by this HMP:

- 2.2.2 – Surface Water Resources
- 2.2.4 – Wetland Ecology
- 2.2.6 – NYS Designated Significant Coastal Fish and Wildlife Habitats
- 2.2.8 – Flooding and Erosion
- 2.3.1 – Land Uses (including water-dependent and water-enhanced uses, and underutilized, deteriorated and abandoned sites)
- 2.3.2 – Surface Water Uses
- 2.3.4 – Public Access and Recreation
- 2.3.6 – Infrastructure (including wastewater disposal and storm drainage systems)
- 2.3.7 – Vessel Usage
- 2.3.8 – Commercial and Recreational Shellfish Harvesting and Finfishing

4.2.4 Analysis of Harbor Management Issues and Opportunities

As discussed in Subsection 2.4 of this LWRP, the issues and opportunities to be addressed by the Village of Ocean Beach LWRP (including this HMP component) were discussed during a series of meetings of the Village’s LWRP Advisory Committee that were held on October 27 and December 1, 2001. The following is a listing of the issues and opportunities that are pertinent to this HMP (see the relevant portions of Subsection 2.4 for a full discussion):

- House elevations (mitigation of flooding impacts)
- Concrete walkways (mitigation of flooding impacts)
- Sanitary sewer system
- Ferry boat terminal
- Village Marina

- Dune management
- Bay beach
- Community House renovation (to restore this facility to its former prominence as a focus of community activities in the Village)
- Pedestrian access
- Vessel operations
- Protection of ecological resources and open space
- Conflicts and inconsistencies arising from multi-agency jurisdiction of activities in the Village
- Appropriate balance between commercial activity and other uses

4.2.5 Harbor Management Goal, Objectives, and Policies

The coastal management goals and objectives of the Village of Ocean Beach are set forth in the Policies, comprising Section III of this LWRP. The policies that are particularly relevant to this HMP are listed as follows (see the relevant portions of Section III for a full discussion):

- Policy 1 Foster a pattern of development in the Village of Ocean Beach coastal area 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 Protect water-dependent uses, promote siting of new water-dependent uses in suitable locations, and support efficient harbor operation.
- Policy 4 Promote sustainable use of fish and wildlife resources.
- Policy 5 Protect and restore ecological resources, including significant fish and wildlife habitats, wetlands, and rare ecological communities.
- Policy 6 Protect and improve water resources.
- Policy 7 Minimize loss of life, structures, and natural resources from flooding and erosion.
- Policy 11 Improve public access to and use of public lands and waters.
- Policy 12 Enhance visual quality and protect outstanding scenic resources.

4.2.6 Harbor Management Plan Implementation

The proposed techniques for implementing the Village of Ocean Beach are described in Sections IV and V of this LWRP. The implementation techniques that are particularly relevant to this HMP are listed as follows (see the referenced portions of Sections IV and V for a full discussion):

- Proposed land use plan (Subsection 4.1), as illustrated in Map 5
- Proposed water use plan (Subsection 4.2.7) , as illustrated in Map 6
- Proposed capital projects (Subsection 4.3.2) – including dune management, house elevation program, walkway elevation and maintenance program, improvement of sanitary waste collection and disposal system, ferry boat terminal, Village Marina, bay beach improvement, improved handicapped access to the ocean, Community House restoration, Village Green beautification, additional bicycle racks, Windswept improvements, and redesign and improvements to wagon park
- Proposed/recommended procedural actions (Subsection 4.3.3) – including improved agency coordination, continued monitoring of activities in the business district, and business improvement district
- Recommended studies (Subsection 4.3.4) – including flooding and erosion protection, possible extension of the promenade on the Village’s bayfront, improved bicycle access, improved access for small boats, sand management plan, and underground placement of utility lines
- Proposed public education programs (Subsection 4.3.5) – including initiatives related to water quality improvement, mitigation of floatable debris, flooding and erosion abatement, and environmental stewardship
- Proposed new and amended local laws (Subsection 5.2) – comprising a new local consistency review law; no other revisions to the Village Code are proposed

4.2.7 Proposed Water Use Plan

As described above, the bay waters adjacent to the north shore of the Village of Ocean Beach presently support a variety of uses, including commercial, transportation, and recreational. The ocean waters directly off the Village shoreline are used primarily for recreational activities. These uses shall be retained, as shown in Map 6, which depicts the location of channels, fairways and basins, swimming areas, and other proposed water uses within the Village’s LWRA. These water uses are defined as follows:

- Channels – Primary travel-ways for vessels. Moorings (including docking facilities) and anchoring are prohibited in channels in order to ensure safe vessel movement.
- Fairways – Secondary vessel travel-ways, connecting docking facilities to channels. Moorings (including docking facilities) and anchoring also are prohibited in fairways.
- Basins – Areas occupied by docking structures (e.g., the Village Marina basin) and/or which are intended to accommodate near-shore turning movements for large vessels (e.g., the ferry terminal basin).
- Swimming areas – Surface water areas that are used in conjunction with active bathing beaches. Boating activities are excluded from swimming areas; except, however, that access by hand-launched boats (i.e., canoes, kayaks, sunfish, etc.) may be compatible with

the concurrent use of an area for swimming provided that adequate distances are maintained between the boats and bathers.

4.3 PROPOSED PROJECTS AND OTHER ACTIONS

4.3.1 PROPOSED LAND ACQUISITIONS

No land acquisitions are proposed by the Village at this time.

4.3.2 PROPOSED CAPITAL PROJECTS

The following is a list of capital projects that are proposed to implement the goals and objectives of the LWRP. The execution of these projects is contingent upon the availability of sufficient funding and the cooperation of other involved agencies.

- A. Dune Management — The primary dune provides the Village’s last line of defense against storm waves and surge from the Atlantic Ocean. Therefore, the Village will undertake all reasonable efforts to maintain and, to the extent practicable, augment the primary dune. In the past, these efforts had included an annual “Dune Day” event, which provided for community participation in the planting of dune grass to enhance the stability of the dune. In 2001 and 2002, dune planting was performed by Village staff, due to liability concerns that arose when volunteers in the 2000 Dune Day event sustained injuries because of over-exertion. In order to address these concerns in the future, hired personnel covered by Workers’ Compensation may be used in the dune planting program. This project will implement Policy 7.

In addition to the maintenance of dune vegetation, a program of regular beach scraping and/or beach nourishment also will be pursued, at a frequency of approximately twice per year when conditions are favorable. These methods of erosion control bolster the protective capacity of the primary dune without causing significant adverse impacts to the shorefront environment.

- B. House Elevation Program — The Village is participating in this federal program to raise homes above the base flood elevation, so as to decrease the susceptibility of these structures to future flood damage. The ongoing first phase of this project involves the expenditure of \$2 million within two years for 25 homes. This is considered to be an incremental step in a long-term, ongoing commitment by the Village to abate flood hazards throughout Ocean Beach, in accordance with the *Village of Ocean Beach Flood Mitigation Plan* (October 1998). The Village will continue to pursue available sources of funding for the house elevation program until all of the homeowners who wish to take part have done so. This project will implement Policy 7.

- C. Walkway Elevation and Maintenance Program— The Village has initiated a five-year capital program for the maintenance and elevation of its walkway system, at a total cost of approximately \$1.5 million. This project will serve multiple purposes, to ensure the continuing acceptable conditions of the only means of transportation within the Village. The use of the walkways by trucks that carry on necessary functions (e.g., solid waste removal, construction contracting, etc.), combined with other factors such as high groundwater elevation, has resulted in cracking of the concrete slabs in many locations, creating a pedestrian hazard. The ongoing program involving the placement of a layer of reinforced concrete over the existing concrete slabs is expected to alleviate the physical deterioration of the walkways, and improve pedestrian safety. Since this project will increase the elevation of the walkway surfaces throughout the Village, persistent flooding of these vital travel ways will also be abated. This project will implement Policies 7 and 11.
- D. Improvement of Water Supply System— The Village has initiated a five-year capital plan for the maintenance of the water tower and improvements to the delivery system. The first year project work includes painting of the water tower and replacement of 880 feet of water main along the ocean to create a loop in the system. Future work will include: relocation of the water supply wells from the current location near the Ocean, where they are susceptible to ongoing erosion and inundation by saltwater; and replacement of all old, cast iron waters lines with PVC. This project will implement Policy 1.
- E. Improvement of Sanitary Waste Collection and Disposal System— The Village has completed an engineering analysis of the treatment plant and, on the basis of the findings of that analysis, has initiated a five-year capital plan for plant maintenance (mostly consisting of improvements to replace system components that have deteriorated due to age) and a full engineering evaluation of the total system.

The sewer mains were first installed in about 1914, and are composed of clay piping. Some of this piping has collapsed, and the entire system eventually will have to be replaced. Addressing this issue is a high priority, because of quality-of-life and public health concerns related to system failures. The magnitude of problems caused by deficiencies of the sewage collection system have been exacerbated recently due to increased flows resulting from a growing year-round population and a general increase in the usage of houses that still serve as vacation homes (e.g., from weekend to full-week occupancy). There will be a systematic program of sewer pipe replacement, ideally on a street-by-street basis. It is estimated that completion of this program throughout the Village would take a total of ten years, at an approximate cost that can be as high as \$2 million per street.

The sewer lines all have gravity flow, so that it will be necessary to maintain proper grades in any pipe replacement work. Overhead utility lines are present in some areas

where sewer mains are located. Special measures may be required in these areas to accommodate repairs to the sewer lines while still maintaining utility service. It also will be necessary to clear existing vegetation to gain access to sewer lines. This includes sections of the Village to the east of Bungalow Walk where “delivery lane” rights-of-way are present behind the houses, and sections to the east of Bungalow Walk where the rear property lines of the housing lots directly abut one another.

In some areas, sewer mains and water mains lie side-by-side. Because of current regulations which call for a greater separation distance between these two types of piping, it will be necessary to relocate the water lines in the affected areas before the sewer lines are replaced.

This project will implement Policies 1 and 6.

- F. Ferry Boat Terminal— The ferry terminal serves a vital function for the Ocean Beach, providing the only means of access between the Village and the Long Island mainland for most travelers and freight. However, this facility has deteriorated due to years of exposure to a harsh marine environment. It is estimated that the total cost to reconstruct this facility will be between approximately \$1.2 and \$1.7 million.

The pilings of the ferry terminal have deteriorated due to the effects of 65 years of salt water exposure. Therefore, under any plan for this facility, the pilings have to be replaced, as will the bulkhead. Additionally, the building will have to be elevated, pursuant to current FEMA requirements. The requirement to elevate the building above base flood level will necessitate the integration of the project into the surrounding area, by means of ramping and other related work. The implications of the potential project should be thought all the way through to avoid unforeseen but avoidable secondary problems and reduce long-term costs.

No decision has been made to build at the ferry terminal. However, in anticipation of the ultimate need, the Village Board has investigated two plans. The number of stories (one or two) for the new facility has not been determined. The current concept is to design the new pilings to accommodate two stories in case this is called for in the final plan. There shall be an evaluation of the relative costs to construct a second story at this time, even if this additional space is not immediately needed and is left as an unfinished shell. This information would allow an informed decision that could help to avoid unnecessary additional costs which would be incurred if a one-story building were initially constructed but space needs in the not-too-distant future require the extra floor area that would be provided by a second story.

This project will implement Policies 2, 7, and 11.

- G. Village Marina — This facility is governed by a ten-year capital improvement program. The first year of the program, involving the installation of 75 feet of new dock, including the selection of vinyl sheeting over wood to enhance durability, has been completed. The Village is seeking a ten-year dredging permit from NYSDEC and the Army Corps of Engineers. This project will implement Policies 2 and 11.
- H. Bay Beach Improvement — The Village has received a dredging permit from NYSDEC to create a graduated water depth for the bay-side bathing beach and to provide sand replenishment to enhance the adjacent playground. This project is expected to commence in April 2003, and should provide a full-size beach that is capable of accommodating all bathers, including small children and seniors, by means of shallow depths which facilitate wading. Provision of small boat access at this location will be of secondary importance. This project will implement Policy 11.
- I. Improved Handicapped Access to the Ocean — The Village will examine the existing dune crossovers leading to the oceanfront beach in order to identify the most practical means of improving handicapped access to this area. If direct physical access to the beach is not feasible, enhanced access to the top of the dune will be considered to allow wheelchair-bound individuals to gain visual access to the ocean. This project will implement Policy 11.
- J. Community House Restoration — This facility is underutilized, largely because of its antiquated systems and physical condition. The ultimate goal of this project would be to restore Community House to its historic prominence as a focus of community activities in the Village. As a first step in the restoration process, a comprehensive engineering analysis is needed. This analysis will document all engineering deficiencies and deteriorated conditions, and will establish a phased program of capital improvements based on priority needs.

The restoration program for the Community House will consist of two components: a plan for the physical renovations, and a comprehensive facility use plan. The facility use plan shall accommodate youth group activities. There also has been discussion about having an annual “Fire Island Film Festival” in the off-season, which would enhance the use of the facility as well. Other appropriate uses could also be incorporated into the final plan.

This project will implement Policies 1, 11, and 12.

- K. Street Lighting — The Village is undertaking ongoing improvements to the local street lighting system. This project will continue until it has been completed throughout the entire Village. New lighting will reflect the Village’s rural setting, and will eliminate the excessive light pollution caused by some existing fixtures. Fixtures for use in this project

have been selected by the street lighting committee. This project will implement Policy 12.

- L. Village Green Beautification — The Village will continue to augment landscaping and undertake other appropriate improvements to the Village Green in order to enhance the aesthetic appeal of this important focal point of activities in the Village. This project will implement Policies 11 and 12.
- M. Additional Bicycle Racks — There is a shortfall of bicycle storage racks in the Village, especially at the Ferry Terminal and the playground. Given that travel within the Village predominantly occurs via foot and bicycle, the availability of sufficient facilities to properly and securely store bicycles is important to the overall adequacy of the Village’s transportation system. This project will implement Policy 11.
- N. Windswept Improvements — Windswept’s facilities have deteriorated over the years and are no longer considered to be adequate to serve the needs of the Ocean Beach Youth Group, which is a not-for-profit organization that leases this building from the Village and uses it as a base of operation for a local youth program. The Board of Directors of the Youth Group is developing a business plan to identify and implement improvements to Windswept. These improvements are expected to include an expanded art room, additional space for younger campers who spend more time indoors, rehearsal and studio space for the performing arts program, modernized administrative and nursing space, improved entrances and egresses, additional storage and housing areas, upgraded plumbing and electrical systems, replacement of windows, roofing and siding, and similar repairs. This project will implement Policies 1, 11, and 12.
- O. Redesign and Improvements to Wagon Park — This facility, located near the ferry terminal, was developed many years ago, and requires enlargement and upgrading to accommodate the larger size and number of wagons that are now in use. This project will implement Policies 2 and 11.

4.3.3 PROPOSED OR RECOMMENDED PROCEDURAL ACTIONS

- A. Improved Agency Coordination — The Village of Ocean Beach is subject to multiple levels of regulatory jurisdiction, surpassing what most regulated entities are subjected to. This includes tight oversight at both the State level (primarily by NYSDEC) and the federal level (primarily by the National Park Service and the Army Corps of Engineers). It is of particular concern that the policies and decisions of these involved regulatory entities can be inconsistent with one another, which makes project planning especially problematic. Improved coordination among these agencies would provide a more predictable and comprehensible regulatory framework, which would facilitate the achievement of coastal management goals and objectives by the Village of Ocean Beach. This action will implement Policy 7.

- B. Continued Monitoring of Activities in the Business District — The Village Board shall continue to seek effective solutions to reduce conflicts between the Village’s residential uses and activities occurring within the Village’s business district. This shall entail ongoing monitoring of activities in the business district, especially during the late night hours of summer weekends and holidays, and implementation of additional measures as appropriate to achieve a harmonious balance between the Village’s residential and commercial uses. This action will implement Policy 1.
- C. Business Improvement District — The Village shall continue to pursue the creation of a BID in an effort to enhance economic vitality in the Village’s commercial district. This action will implement Policy 1.

4.3.4 RECOMMENDED STUDIES

- A. Flooding and Erosion Protection — In addition to the ongoing and recommended dune protection measures discussed in Section 4.3.2 above, the Village will explore the full range of options available for mitigating flooding and erosion, including offshore measures. This study will implement Policy 7.
- B. Possible Extension of Promenade on Bayfront — The existing “west walk” was described as being very popular, and usage of this amenity possibly could be enhanced by extending the shorefront walkway further to the east. However, the property to the east of the existing walkway is privately owned, and some type of arrangement (e.g., purchase, lease, public-private partnership, etc.) would have to be reached in order to allow its use for public access. Expansion of pedestrian access in this area could be undertaken independently of a potentially more controversial marina expansion project, but it would be necessary to engage the public actively in the decision-making process so that they are properly informed of the exact nature of the action. This study will implement Policy 11.
- C. Improved Bicycle Access — A special committee has been formed to examine the existing restrictions on bicycle operation in the Village and to develop recommendations to allow increased bicycle access in a manner that does not adversely affect the primary use of the Village’s walkway system for pedestrian traffic. This study will implement Policy 11.
- D. Improved Access for Small Boats — The Village will identify actions that can be implemented to enhance the access available to the bay for small non-motorized boats (e.g., kayaks, canoes, sunfish, etc.). Various sites have been discussed for this type of use, but a systematic analysis has not yet been undertaken to identify the most appropriate location and facilities (including the construction of storage racks) to best advance this objective. This study will implement Policy 11.

- E. Facade Review — The Village will undertake an investigation to identify the most appropriate means of improving the aesthetic appeal of the commercial district. This study will focus on formulating a mechanism that can be implemented to regulate architectural design during the reconstruction of the existing buildings. The restriction or use of plastic siding on building exteriors throughout the Village also will be addressed. This study will implement Policies 1, 12, and 13.
- F. Property Maintenance — The Village will undertake an investigation to identify the most suitable means of ensuring that property owners effect appropriate maintenance of their premises. This study would be directed at addressing concerns that continuing poor maintenance of some highly visible buildings is detracting from the overall aesthetic quality of the Village, and to assist in the continued revitalization of areas throughout the Village to attract new businesses, promote the public interest in continued development, ensure regular maintenance and improvements to existing structures, safeguard against blight and preserve property values and community standards. This study will implement Policies 1 and 12.
- G. Sand Management Plan — The Village is preparing a plan, in conjunction with NYSDEC, to address the issues of dredging, sand storage and beach scraping. Satisfactory completion of this plan is a priority for the Village, due to the local importance that providing adequate storm protection and response has with respect to the long-term future of the community. For this project, the Village Engineer is seeking to negotiate specifics for an Environmental Impact Statement that satisfies the requirements of both the State Environmental Quality Review Act (SEQRA) and the National Environmental Policy Act (NEPA). This plan will implement Policy 7.
- H. Underground Placement of Utility Lines — The existing overhead utility lines in the Village detract from local aesthetic quality, and create a safety hazard when electrical lines are downed by storms. A site-specific engineering study will be undertaken to assess the feasibility of burying these utility lines. This study will implement Policy 12.

4.3.5 PROPOSED PUBLIC EDUCATION PROGRAMS

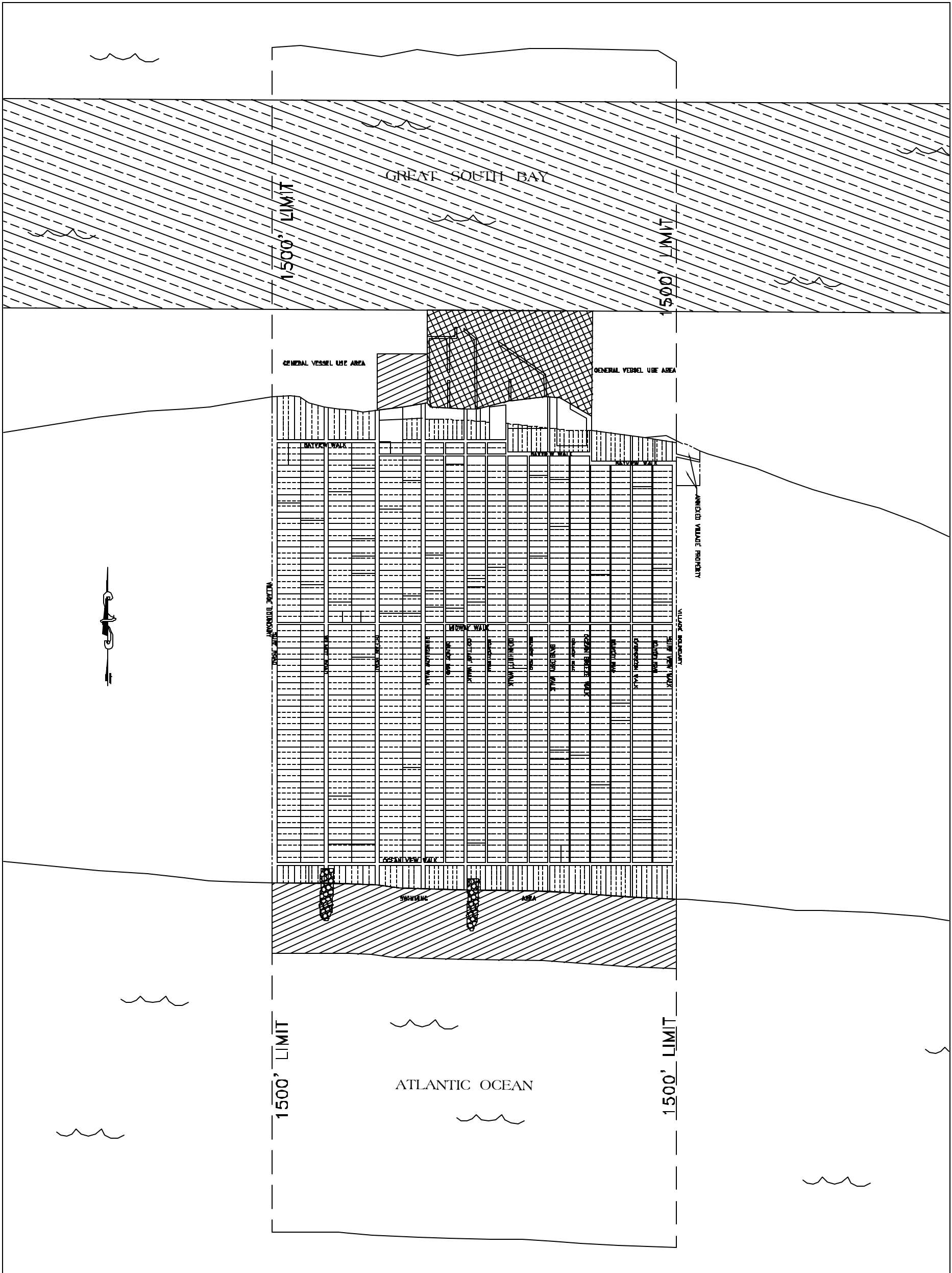
Education efforts will be augmented with respect to actions that can be taken by the general public to mitigate the following problems:


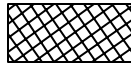

- water quality impacts related to the improper disposal of household hazardous wastes and vessel wastes, and the need to properly dispose these materials;
- littering and dumping, which detracts from visual quality and can lead to the discharge of floatables into coastal waters;
- erosion, and the manner that this problem can be mitigated by the preservation of natural protective features; and

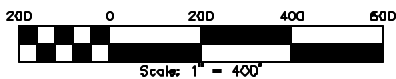
- excessive application of fertilizer and turf chemicals, which can accelerate dissolved oxygen depletion and introduce harmful contaminants to the coastal ecosystem.

Additionally, it is recommended that the responsibility of members of the general public to act as stewards of the environment be emphasized whenever possible. The Village will undertake efforts to promote public awareness of the cottage-beach resort resources present in the Village.

The proposed enhancement to public education will implement Policies 5, 6, 7, and 10.



-  CHANNEL
-  FAIRWAY OR BASIN
-  SWIMMING AREA



FINAL DRAFT

MAP 6
VILLAGE OF OCEAN BEACH

LOCAL WATERFRONT REVITALIZATION PROGRAM
PROPOSED WATER USE (HARBOR MANAGEMENT MAP)

JULY 2004



Section V

Techniques for Implementation of The Program

SECTION V TECHNIQUES FOR IMPLEMENTATION OF THE PROGRAM

5.1 EXISTING LOCAL LAWS AND REGULATIONS

Incorporated Village of Ocean Beach Laws and Regulations

The following existing local laws are relevant to the implementation of this LWRP.

Community House and Boat House (Chapter 9)

Chapter 9 establishes an application procedure for the use of the premises known as the “Community House” and the “Boat House”. Both facilities are Village-owned, and their use serves to provide large spaces for community and private events and generates revenue for the Village.

The Community House presently contains several uses, including the Village’s Historical Society in the eastern portion of the building, the Village’s Court facility in the western portion of the building; and a public assembly area and seasonal Village movie house in the central area. The centralized waterfront location and the mix of land uses and activities that occur within and immediately adjacent to the Community House makes this location a center of intense seasonal activity.

The Boat House is utilized by the Village for its Village Trustees meetings and other public meetings as well as for miscellaneous youth and community activities. Situated at on the Village’s bay waterfront, at the Villa ge’s ferry terminal and adjacent to the Village’s tennis basketball and tennis courts and marinas, this public facility is also recognized as an area of bustling seasonal activity and is the center for the Village’s recreational program and marina management operations. One of the Village’s public restroom facilities is located at the boat house.

Conservation Commission (Chapter 10)

The Conservation Commission consists of seven members who are appointed by the Mayor, with the advice and consent of the Board of Trustees. The Commission adopts rules and procedures for its meetings, keeps accurate and complete records of its meetings and activities and files annual reports to the Village. The Commission’s duties include: providing advice to the Board of Trustees on matters affecting the preservation, development and use of the Village’s natural and man-made environment; conducting a program of public information in the community to foster increased understanding of environmental problems and issues; conducting and maintaining an inventory of natural resources in the Village; maintaining an up-to-date index of all open spaces; acting as a liaison on programs and activities pertaining to the quality of the environment; working in cooperation

with the Planning Board to make recommendations for updates of the Village Master Plan related to environmental improvements; and other duties and responsibilities prescribed under the law.

Bicycles and Other Vehicles (Chapter 56)

Chapter 56 defines the rules and requirements associated with the use of bicycles, golf carts, motor scooters, motorcycles, roller skates, roller blades, scooters, skateboards, and other vehicles within the Village.

Boats and Swimming (Chapter 59)

Chapter 59 defines regulations regarding the use of the Village's jurisdictional waters, including:

- The dumping or discharging of oil, refuse, garbage, paper or waste of any kind in the waters within or in the waters adjoining the shorelines of the Village of Ocean Beach to a distance of 1,500 feet is prohibited.
- No boat or vessel shall moor, cruise or be operated in or on the Great South Bay within 250 feet of the shoreline of the Village of Ocean Beach, in the area formed by projecting the east line of Bungalow Walk on the west and east line of Cottage Walk on the east, northerly from the shoreline.
- No water craft shall cause a wake in any no-wake zone, including the area extending 1,500 feet from the Village's entire bayfront shoreline.
- No boat shall moor, tie up or dock at land or enter into any boat basins, bulkheads or piers or upon any other properties owned or operated by the Incorporated Village of Ocean Beach adjoining or in the waters of the Great South Bay, except with consent of the Board of Trustees, or as otherwise allowed under Village law.
- No person shall utilize any snorkel or other underwater breathing device while swimming or bathing in any of the waters in the Village of Ocean Beach or within 300 feet of any shoreline of the Village.
- Water skiing is regulated, including: requirement for an observer in the boat, other than the operator; prohibition on waterskiing within 300 feet of the Village's bay shoreline between the period from one hour after sunset to one hour before sunrise; prohibition on waterskiing (or use of surfboard or similar device) within 300 feet of the Village's bay shoreline (except to depart and arrive perpendicularly to/from the shoreline), or within 150 feet of any public or semipublic bathing beach or public dock, or within 50 feet of any swimmer or bather.

- Swimming or bathing is prohibited at any Village beach which is unattended by a Village lifeguard.
- The Village Board of Trustees makes a legislative finding that the State of New York, by means of its Public Health Law, has imposed an unfunded mandate that public bathrooms must be provided for municipalities who provide lifeguard services.
- Swimmers and bathers in Village waters must comply with the directions issued by Village lifeguards.
- Adoption of the *Navigation Law of Town of Islip* to the waters of the Village of Ocean Beach, to the extent that the provisions of the Town of Islip Navigation Law are not inconsistent with other sections of the Village Code.

Building Construction (Chapter 64)

The Village’s Building Construction law outlines the administrative requirements applicable for all new construction, alteration, repair, relocation, removal and demolition of buildings and structures; the installation and use of materials and equipment therein; and the location, use, occupancy and maintenance thereof. Chapter 64 also sets forth the duties and responsibilities of the Village Building Inspector, defines the requirements for the Village’s annual building moratorium which extends from July through the day following Labor Day of every year, and outlines the exceptions to the requirements of the annual moratorium.

Business Improvement Districts (Chapter 66)

This Chapter allows the creation of a Village of Ocean Beach Business Improvement District (BID), and identifies the applicable statutes for the establishment or extension of BIDs in the Village. As discussed in Section 2.3.1, the Village had initiated the process to establish a BID, but the process stalled at the petition phase. Such action may be addressed in the near-future as properties change hands.

Dogs and Other Animals (Chapter 76)

Chapter 76 requires the proper removal and disposal of domestic animal feces from public areas, and prohibits the presence of unrestrained domestic animals on beaches and municipal recreational areas, except that dogs may run loose on the oceanfront beach within the Village between September 15 and May 15 when in control of a person. The law also prohibits the feeding of wild animals on Village property and the placement of animal feed in an exposed or open container, except for domestic animal feed on the property owner’s premises and enclosed bird feeders or table feeders. The law does, however, include a provision for allowing feeding of wildlife as part of scientific studies when authorized by the Village Board of Trustees.

Freight (Chapter 93)

The purpose of Chapter 93 is to ensure that municipal docking facilities exposed to physical deterioration caused by the loading and unloading of freight are properly maintained and that the cost of maintenance is defrayed through the exaction of fees from the consignees or other receivers of the freight. The law authorizes the Village Board of Trustees to develop a fee schedule for the transportation of freight, requires that records be kept of all charges and that monthly reports be filed, and establishes penalties for the failure to pay and other program offenses. Passengers are not permitted to travel with freight shipments.

Garbage, Rubbish and Refuse (Chapter 96)

This chapter regulates the collection of solid waste in the Village. The law establishes hours of collection, defines appropriate solid waste storage containers, establishes requirements for materials to be set out for collection, defines materials required to be recycled and the proper handling procedures for such materials, prohibits dumping of waste materials, and promulgates standards for setting assessments for solid waste collection service.

Licenses (Chapter 106)

Chapter 106 is divided into four articles: I) Water Taxis and Charter Boats; II) Rooming Houses; Dining, III) Dancing and Entertainment Establishments; and IV) General Regulations. Article I establishes a licensing system to regulate charter boats and water taxis landing and picking up or discharging passengers within the Village and within 1,500 feet of the shoreline. The license agreement allows the Village to establish restrictions on the date, time schedule, and other terms of the operation of these vessels within the Village.

Article II regulates and supervises rooming houses and multi-family dwellings in the Village, by means of a licensing requirement. Article III regulates dining and dancing establishments and restaurants, by means of a licensing requirement. Any license granted pursuant to Article II or Article III can be revoked, rendering the subject use illegal, in the event of violation of other sections of the Village Code, unsafe conditions, or police attention resulting in persistent or frequent convictions for violations of the Village Noise law or other Village laws relating to peace and good order.

Noise (Chapter 112)

This law is intended to preserve the peace and quiet enjoyment of Village residents by preventing unnecessary noise from crossing property lines. A series of specific acts considered to generate unreasonable noise are enumerated, and specific allowable decibel levels are defined based on the use and time of day. A special variance procedure is established to provide for persons to seek relief from the Code requirements for limited times.

Peace and Good Order (Chapter 123)

Chapter 123 places restrictions on a number of activities in order to ensure the peace and good order of the Village. The regulated activities include riotous and disorderly conduct, peddling or soliciting, indecent language, indecent exposure, defacing of public property, ball playing and other amusements on beaches, swimming, walking on dunes, use of tennis courts, placing of obstructions in public streets and walkways, disturbance of landscaping on public properties, unlawful intrusion or trespass on public or private property.

Rental Properties (Chapter 127)

Chapter 127 regulates rental properties in the Village, by means of a permit requirement. Any permit granted pursuant to this law can be revoked, thereby prohibiting the rental use of the subject property illegal, in the event of two or more independent criminal convictions for violations.

Sewers (Chapter 139)

Chapter 139 provides the regulations, prohibitions, standards, specifications, and permit procedures and requirements relating to the collection, treatment and discharge of wastewater within the boundaries of the Village of Ocean Beach. This Chapter includes language specifying the requirements associated with: connection to the public sewerage system; the general procedures and permitting requirements for construction and abandonment of private, on-site wastewater disposal systems, and connection to public facilities; the materials and procedures for the construction and installation of sewers; prohibition against the discharge of surface runoff and groundwater to public sanitary sewers; prohibition against the discharge of certain materials including hazardous, toxic, and corrosive substances, liquids with a temperature greater than 150° F, and materials which would clog system piping, thereby restricting flow; powers and authority of the Superintendent, including but not limited to right of entry, rejection of waste, discontinuance of service and requirements for pretreatment of wastewater; and establishment and collection of sewer rents, penalties, and fees.

Streets and Sidewalks (Chapter 145)

Chapter 145 establishes regulations to prevent litter accumulation in the Village; prohibits leaving any handcart, wagon, bicycle, or other vehicle on any public walk or in any public place; prohibits the outdoor display of merchandise in the Business District; prohibits the outdoor consumption of food and beverages in public places; and requires Board of Trustee permission for the erection of any sign or posting or issuance of any handbill in any public place.

Vehicles and Traffic (Chapter 156)

Chapter 156 requires a Village-issued permit for the operation of any motor vehicle in the Village; except that operation of government agency vehicles and emergency vehicles on official business shall be allowed without a Village permit, provided that they are covered by permits as required from the Fire Island National Seashore and the Town of Islip. This law establishes restrictions on vehicle use and vehicle permit requirements and procedures (including, but not limited to permissible vehicle weight, size, speed, and vehicle type, and times, days, and locations of vehicle operation), and defines parking restrictions.

Water (Chapter 160)

Chapter 160 establishes requirements for the maintenance, operation, and administration of the public water system, as well as applicable public water conservation standards determined to be necessary to ensure delivery of a suitable supply of potable water for residential and commercial uses, sanitary purposes, and fire protection during periods of excessive consumption and/or extended periods of drought.

Zoning (Chapter 164)

Chapter 164 contains 13 Articles which provide the primary land use regulations and establishes specific land use classifications, or districts, which govern development and redevelopment actions for the Village of Ocean Beach, in accordance with the General Management Plan of the Fire Island National Seashore (FINS). This law addresses: general provisions, including the regulation of amusement devices, regulations concerning FINS, use district boundaries on the official zoning map, and regulations pertaining to apartment and apartment hotels; non-conforming uses; administration and enforcement; regulations and requirements governing the Residence R-4 District, Business C District, Oceanfront DD Dune District, and Bayfront Recreation District; provisions of the comprehensive all-hazards code; flood damage prevention standards; Coastal Erosion Hazard Area management; and procedures, powers and duties of the Board of Appeals.

The Village of Ocean Beach Zoning Code specifically acknowledges the regulations of FINS related to notification requirements for applications for variances, special permits, zoning amendments, and

certain types of development. The boundaries of the use districts are shown upon the official Zoning Map of the Village of Ocean Beach, as most recently amended.

Permitted uses within the Residence R-4 District are restricted to single-family dwellings with accessory buildings allowed to be erected on the same lot, provided that all requirements of Chapter 164 are met. Uses allowed by special permit include: public utilities, community buildings, places of worship, historical or memorial monuments, municipal parks, municipal playgrounds, municipal recreation buildings or municipal and receiving or transmission towers. Under certain conditions, apartments and home-based physicians or dental offices also may be allowed in the R-4 District.

The portion of the Zoning Code covering the Business C District specifies: uses that are permitted, prohibited or require special permit review and approval by the Village and FINS; building and structural height restrictions; regulations and standards for signage; specific application review procedures for commercial site plan and special permit applications; and the need for a comprehensive review by the Planning Board for the conversion of residential property situated within the business district to commercial uses, in order to ensure that the use is proper and necessary for the commercial development of the Village.

Special regulations have been enacted to govern the Oceanfront DD Dune District, in recognition of the vulnerability of this primary dune to flooding, erosion and the destructive forces of high winds, storm surges and associated wave action, and in keeping with the *General Management Plan of the Fire Island National Seashore*. This law provides that no structure shall be erected or used or occupied by any person except as an elevated pedestrian dune crossing or an approved fence which is designed to hold or increase the volume of the dune. The purpose of this restriction is to preserve the ecology of the dunes and grasses and by doing so to safeguard life and property in the Incorporated Village of Ocean Beach. Expansion of existing uses in the DD District is prohibited. Reconstruction of any structure within the DD District that is destroyed by a natural disaster or other event is subject to the provisions of the Zoning Law and Building Code and the approval by FINS.

The Bayfront Recreation District is reserved for the recreational use, quiet enjoyment, public health, safety and welfare of residents of the Village. In accordance with and pursuant to the general plans of the Village and the *General Management Plan of the Fire Island National Seashore*, no land, building, structure or premises or any part thereof shall be used, occupied, erected, expanded, changed, converted, constructed or altered for any commercial use, nor shall any commercial store, shop or other commercial establishment be permitted.

The Village's Comprehensive All-Hazards Code was adopted by the Board of Trustees on September 25, 1999, and presents regulations, standards, and specifications relating to land use and construction requirements, where necessary to address flooding, coastal and floodplain management, erosion, stormwater management, the effects of strong winds, and other hazards. The initiatives of the program have been designed, as required by law, to incorporate standards that are more restrictive than those required by State and/or Federal law and which are considered to be essential to the protection of human life, private property, public utilities and infrastructure, and the

preservation of unique and valuable natural resources from the effects of major storm events. The Village of Ocean Beach Comprehensive All-Hazards Management Program specifically addresses the following topics: standardization of base flood elevations, to conform to FEMA mapping of flood zones; incorporation of freeboard requirements, above estimated base flood elevation for all new residential structures or additions, reconstruction, rehabilitation, or substantial repair to existing residential structures; breakaway requirements below flood elevation; utility standards; stormwater management requirements; increased wind resistance standards; elaboration upon minimum flood-proofing standards for nonresidential structures; and standards for the certification of base flood elevation of residential and nonresidential structures.

The Village's flood plain management requirements are promulgated under Article VI which includes sub-articles titled *Flood Damage Prevention* and *Coastal Erosion Hazard Area [CEHA] Management*. The requirements of the flood damage prevention standards and the local CEHA law are applicable to all new structures, as well as the reconstruction, rehabilitation, addition, repair, or other improvements of existing structures within the Village of Ocean Beach. The Village's CEHA zone is situated within the Village's dune district.

Appendices: Chapter A168

The Appendix of the *Code of the Village of Ocean Beach, New York*, includes Chapter A168, *Marina Rules and Regulations*. Because of the particular relevance of this Chapter to the Village's LWRP, the rules and regulations section (§ A168-1) is provided below in its entirety.

The following rules and regulations shall apply to the Ocean Beach Marina:

- Berth fees will not be refunded once a permit is issued. (In the event of revocation of permit by the Village, the fee paid shall be considered the fee for the period space was assigned.)
- No refuse, cans, bottles or material of any other kind shall be thrown overboard and the toilet shall not be flushed or discharged in the Marina.
- No oil or gasoline shall be pumped out of bilges or thrown into the water of the Marina.
- No one will be permitted to use a boat for living quarters while in the Marina Basin.
- No person shall place or keep any boat, rigging or material of any kind upon the bulkhead walk or upon the property of the Village adjacent to the Marina.
- Boats shall be properly and safely tied so as to prevent damage to bulkheads and adjacent boats. Extra care and precautions should be taken in the event of a forecast of high winds and storms.
- Boats in the Marina shall proceed, at all times, at the slowest possible speed, and there shall be no wake in the Marina when entering and leaving.
- Space may not be sublet or assigned or used by any person other than the applicant or a member of his immediate family.
- Resident property owners in the Village of Ocean Beach shall have priority in the issuance of permits.
- Applications for space must be submitted in triplicate and accompanied by a fee as per schedule. Check or money order should be payable to the Village of Ocean Beach.

- The boat owner shall affix to the boat, in a conspicuous place, the numbers supplied by the Village to indicate the berth assigned.

Town of Islip Laws

Chapter 59 of the Ocean Beach Village Code consents to the application of the provisions of the Navigation Law of the Town of Islip to the waters adjoining the Village of Ocean Beach, where this law is consistent with those of the Village. The following sections from Chapter 37 (Navigation Law) of the Town of Islip are applicable to the navigable waters adjacent to the Village:

§ 37-52 — Gives the Commissioner of Environmental Control (or his/her designee, the “Harbor Master”) the authority to enforce Chapter 59.

§ 37-53 — Regulates construction in or on navigable waters.

§ 37-54 — Prohibits the discharge of refuse, litter and sewage.

§ 37-55 — Regulates mooring and docking.

§ 37-56 — Establishes requirements for the removal of hazards to navigation (e.g., sunken or derelict vessels, and obstructions).

§ 37-57 — Establishes requirements for equipment and lights on vessels.

§ 37-59 — Establishes rules for vessel speed and standards for reckless operation.

§ 37-62 — Establishes requirements for boat operators.

Rules and Regulations Governing Fire Island National Seashore (FINS)

In order to preserve and protect the Fire Island National Seashore (FINS), the enabling legislation adopted to institute FINS required the Secretary of the Interior to develop certain rules and regulations, including the following:

36 CFR Part 7— These regulations (*Parks, Forests, and Public Property, Department of Interior, Special Regulations, Areas of National Park System, Fire Island National Seashore*) pertain to the operation of motor vehicles, including terrestrial vehicles, commercial transportation vessels, seaplanes and amphibious aircrafts.

- Section 7.20 sets forth the routes for motor vehicle travel along the landward side of the Atlantic shoreline. Within the area of FINS’s jurisdiction along the Atlantic shoreline, all vehicles be operated between the water’s edge and 20 feet seaward of the beach grass line. If the water is

higher than this 20-foot line, no vehicle travel is permitted. Covers the posting of officially-designated areas for dune crossings, alternative waterborne transportation that are licensed for hire and provide transportation from the “mainland” to Fire Island (e.g., ferries and water taxis), issuance of permits for hired transportation and motor vehicles and establishment of permit conditions and standards. Permit eligibility is broken down into various permittee categories including full-time residents; part-time residents; firms, partnership, corporations, organizations, or agencies which provide essential services to the public; construction and business vehicles; municipal employees; recreational vehicles; and owners of real property who demonstrate the need for temporary access. Sets forth limitations on the types of vehicles, the time periods and locations that vehicles can travel. Establishes rules of travel, including speed limits (maximum of 20 mph on FINS land), and “other rules of the road”. Establishes violations and sets the limit on the number of permits to be issued. Outlines the requirements for operation of seaplanes and amphibious aircraft within FINS’s jurisdiction.

36 CFR Part 28 — These regulations (*Parks, Forests, and Public Property, Department of Interior, Part 28, Fire Island National Seashore: Zoning Standards*) sets forth the baseline requirements, standards, and specifications to be utilized in developing lands located within the FINS district. The law specifically defines the physical jurisdiction of FINS including its Seashore, Dune, and Community Development Districts, and the permitted and prohibited uses; regulations pertaining to nonconforming uses; minimum and/or maximum dimensional zoning requirements and development standards, so as to ensure conformance with the regulatory framework mandated by FINS; variance procedures and commercial and industrial development review processes, including mandates for communities to make development application referrals to FINS; provisions to permit temporary uses in emergency situations; approvals of local zoning ordinances; relinquishment of FINS authority to condemn private properties in those communities that demonstrate compliance with the federal standards and provisions of the Act, those improved properties within the Seashore District, or those that are unlikely to cause substantial damage to the natural resources.

5.2 PROPOSED NEW LOCAL LAWS AND AMENDMENTS TO LOCAL LAWS AND REGULATIONS NECESSARY TO IMPLEMENT THE LWRP

The following is a description of the proposed amendments to the Village of Ocean Beach laws and regulations which are necessary to implement this LWRP.

A. LOCAL CONSISTENCY REVIEW LAW

In order to implement this LWRP, the Village of Ocean Beach must adopt a local coastal consistency review law for actions that occur within the Village's coastal area. It is recommended that coastal consistency review be incorporated into the Village's current SEQRA review process. To provide information necessary for the consistency evaluation, each applicant involved in a Type I or unlisted action within the Village would be required to submit a completed Coastal Consistency Assessment Form. See Section 5.5 for more details on the administrative process to be used by the Village to implement this review process.

B. AMENDMENTS TO THE VILLAGE ZONING ORDINANCE

No amendments to the Village of Ocean Beach Zoning Code are proposed in relation to this LWRP.

C. HARBOR MANAGEMENT LAW

In order to implement the proposed water uses illustrated in Map 6, a new local law is proposed. This law will establish standards for activities within the coastal waters adjacent to the Village of Ocean Beach, including those activities relating to:

- channels, which serve as the primary routes of vessel movement;
- fairways, which are vessel travelways connecting docking facilities to channels;
- basins, which are used for vessel docking; and
- swimming areas, which define areas for swimming and bathing, within which areas boating activity would be excluded

The proposed water use map will be adopted through a new local law which describes the purpose of the map, establishes the authority behind the law (including Section 46-a of the Navigation Law), defines terms, delineates boundaries, establishes enforcement authority, sets penalties for offenses, etc. This new law will adopt the proposed Water Use Map (as set forth in Map 6 of this LWRP) by reference.

5.3 PROPOSED ZONING CHANGES NECESSARY TO IMPLEMENT THE LWRP

No changes to the zoning designations of properties within the Village of Ocean Beach area proposed in relation to this LWRP, as shown in Map 7.

5.4 OTHER PUBLIC AND PRIVATE ACTIONS NECESSARY TO IMPLEMENT THE LWRP

A number of public and private projects have been identified that would advance the policies and objectives of the LWRP. These projects are described in Section 4.3.

5.5 MANAGEMENT STRUCTURE NECESSARY TO IMPLEMENT THE LWRP

VILLAGE AGENCY INVOLVEMENT

For any given action, the responsibility for conducting consistency review, pursuant to this LWRP, shall lie with the Village agency that presently is responsible for completing the overall environmental review under SEQRA (i.e., the “Village Lead Agency”). The consistency review shall be conducted concurrently with the SEQRA review.

Within the Village of Ocean Beach, there are three agencies that may be involved in issuing approvals for any given action and which may, therefore, assume responsibility for completing the requirements of SEQRA. These agencies are described as follows:

- ***Board of Trustees*** — issues final determination/findings for all actions involving Village Board of Trustees approval (e.g., applications for zoning changes, allocation of Village funds, adoption of planning documents and policy statements, amendments to Village law, Village resolutions, etc.).
- ***Planning Board*** — acts in an advisory capacity to the Village Board of Trustees; is responsible for the review of site plan and subdivision applications and submits recommendations for action by the Board of Trustees; and frequently is given the authority by the Board of Trustees to draft planning documents and to recommend changes to the Village Code and other Village regulations and procedures.
- ***Zoning Board of Appeals*** — issues final determination/findings for all zoning variance applications.

LWRP CONSISTENCY REVIEW PROCEDURES

LWRP consistency review will be performed in conjunction with the environmental review process which is conducted within the Village under the requirements of SEQRA. Subsequent to the adoption of this LWRP, a determination of consistency shall be included in each Negative Declaration and SEQRA Statement of Findings issued by the Village for Type I and unlisted actions within the Village’s LWRA.

Note that an “action”, as defined herein, is essentially the same as the term is applied under SEQRA, and includes: any project directly undertaken or funded by the Village; any project requiring the issuance of a discretionary permit or approval by the Village; any planning activity by a Village agency that commits the Village to a future course of action (such as a comprehensive land use plan); and any municipal rules, regulations and policy making decisions.

A. LOCAL ACTIONS

In order to provide a framework for the Village of Ocean Beach to consider the policies and purposes contained in the LWRP when reviewing direct agency actions and applications for actions in the Village, and to assure, to the maximum extent practicable, that such actions are consistent with the LWRP policies and purposes, a local consistency law will be adopted.

The Village Lead Agency shall assume responsibility for conducting LWRP coastal consistency reviews on the Village’s behalf. Any such action undertaken directly by the Village or other local government agency or by a private entity shall be reviewed in accordance with the procedures that are outlined below.

- 1) The Village’s SEQRA review agency (i.e., the Board of Trustees, Planning Board, or Zoning Board of Appeals) shall classify the action according to SEQRA. Type II and exempt actions are not subject to LWRP consistency review.
- 2) Since the LWRA encompasses the entire Village, all actions within the Village that are classified as Type I or unlisted under SEQRA shall be subject to LWRP consistency review.
- 3) For each action subject to LWRP consistency review, the Village Lead Agency shall require the completion of a Coastal Consistency Assessment Form (CCAF), which will be an addendum to the SEQRA Environmental Assessment Form (EAF). For any action within the Village involving a private development application, the applicant shall be required to prepare the CCAF. The Village Lead Agency shall prepare the CCAF for any direct action by the Village.
- 4) Upon receipt of the CCAF submission, the Village Lead Agency shall determine if the documentation constitutes a complete statement for the purpose of determining consistency with the LWRP, and may request any additional material as may be deemed necessary to complete the review.
- 5) If it is determined that there are other involved agencies which must review the coastal consistency assessment materials, a copy of the CCAF, SEQRA Environmental Assessment Form, application, and any other pertinent supporting materials shall be forwarded to each such involved agency. Additional copies shall be made available to interested parties.

- 6) The Village Lead Agency shall make a consistency determination based upon its review of the CCAF and related materials and any input received from other involved agencies and interested parties. Said consistency determination shall be made in writing within 30 days following the Village Lead Agency's receipt of a complete submission of the CCAF and other required information. This will allow sufficient time for the review of the CCAF and comment by other involved agencies and interested parties. This 30-day comment period may be extended by mutual agreement between the Village and the applicant in the case of private development proposals.
- 7) If the Village Lead Agency determines that a given action would not be consistent with one or more of the LWRP policy standards and conditions, such action shall not be undertaken, funded or approved by the Village of Ocean Beach unless it is determined by the Village lead agency that **all four** of the following conditions apply to that action:
 - a) the proposed action would not significantly hinder the overall implementation of the LWRP; and
 - b) no reasonable alternative exists that would permit the action to be undertaken in a manner that is consistent with the specific LWRP policy standards and conditions in question; and
 - c) the proposed action and any required mitigation measures would be undertaken in a manner that would minimize all adverse effects on natural and man-made resources within the Village, and would minimize the extent to which the implementation of LWRP policy standards and conditions are hindered; and
 - d) the proposed action would result in an overriding local, regional or state-wide public benefit.

An action that satisfies all four of the conditions described above shall be deemed to be "consistent to the maximum extent possible" with respect to the policies and purposes of the LWRP.

- 8) The sponsor of a given action, whether the Village of Ocean Beach or other government agency or private applicant, can propose modifications for any action that is determined to be inconsistent with this LWRP. If the Village Lead Agency deems that the modifications are sufficient to result in LWRP consistency, said modifications shall become conditions to project approval. All such conditions shall be incorporated into the Conditioned Negative Declaration or the SEQRA Statement of Findings, whichever applies.

- 9) The Village Lead Agency shall maintain a file for each action subject to a consistency determination. This file shall be made available for public inspection upon request, subject to the requirements of the Freedom of Information Law.

B. STATE ACTIONS

1) *Purposes of Guidelines*

- a) The Waterfront Revitalization and Coastal Resources Act (Article 42 of the Executive Law) and the associated Department of State regulations (19 NYCRR Part 600) require certain state agency actions identified by the Secretary of State to be consistent to the maximum extent practicable with the policies and purposes of approved LWRPs. These guidelines are intended to assist state agencies in meeting that statutory obligation with respect to actions proposed in the Village of Ocean Beach.
- b) The Act also requires that state agencies provide timely notice to the local government whenever an identified action will occur within an area covered by an approved LWRP. These guidelines describe a process for complying with this notification requirement. They also provide procedures to assist the Village in carrying out its new responsibilities in a timely manner.
- c) The Secretary of State is required by the Act to confer with state agencies and local government when notified that a proposed state agency action may conflict with the policies and purposes of an approved LWRP. These guidelines establish a procedure for resolving such conflicts.

2) *Notification Procedure*

- a) When a State agency is considering an action in the Village of Ocean Beach, said State agency shall notify the Village Mayor (the Mayor) at the following address:

Incorporated Village of Ocean Beach
Office of the Mayor
Ocean Beach, NY 11770

Telephone: (631) 583-5940

- b) Notification of a proposed action by a State agency:

shall fully describe the nature and location of the action;

shall be accomplished by use of either the State Clearinghouse, other existing State agency notification procedures, or through any alternative procedure agreed upon by the State agency and the Village; and

shall be provided to the Mayor as early in the planning stages of an action as possible, but in any event, at least 30 days prior to the State agency's decision on the action. The timely filing of a completed CCAF with the Mayor shall be considered adequate notification of a proposed action.

- c) If the proposed action will require the preparation of a draft environmental impact statement, the filing of this draft document with the Mayor will serve as the State agency's notification to the local government.

3) *Local Government Review Procedure*

- a) Upon receipt of notification from a State agency, the Village will be responsible for reviewing the proposed action for consistency with the policies and purposes of the Village's approved LWRP. Upon the request of the Village Lead Agency, the State agency should promptly provide the Village Lead Agency with whatever additional information is available to assist the Village Lead Agency in evaluating the proposed action.
- b) To the extent practicable, the coastal consistency review process, including public notification requirements, shall be coordinated with and conducted concurrently with the SEQRA review process.
- c) If the Village cannot identify any conflicts between the proposed action and the applicable policies and purposes of the approved LWRP, the Village should inform the State agency in writing of its finding. Upon receipt of the findings, the State agency may proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
- d) If the State agency does not receive written notification of the Village's findings within the established review period, the State agency may then presume that the proposed action does not conflict with the policies and purposes of the Village's approved LWRP.
- e) If the Village notifies the State in writing that the proposed action does conflict with the policies and/or purposes of the Village's approved LWRP, the State agency shall not proceed with its consideration of, or decision on, the proposed action until the "Resolution of Conflicts" procedures established in the following paragraph 4 have been satisfactorily completed. The Village shall forward written notice of the identified conflicts to the Secretary of State at the time that the State agency is notified. When

notifying the State agency, the Village shall identify the specific policies and purposes of the LWRP with which the proposed action conflicts.

4) *Resolution of Conflicts*

The following procedure shall apply whenever the Village has notified the Secretary of State and involved State agency that a proposed action conflicts with the policies and/or purposes of its approved LWRP.

- a) Upon receipt of notification from the Village that a proposed action conflicts with its approved LWRP, the involved State agency should contact the Village Agency issuing said notification to discuss the content of the identified conflicts and the means for resolving them. A meeting of State agency and Village representatives may be necessary to discuss and resolve the identified conflicts. This discussion should take place within 30 days of the receipt of a conflict notification from the Village.
- b) If the discussion between the Village and the involved State agency results in the resolution of the identified conflicts, then, within seven days of the discussion, the Village shall notify the State agency in writing, with a copy forwarded to the Secretary of State, that all of the identified conflicts have been resolved. Said notification should specify the terms and conditions that have been mutually agreed upon between the Village and the involved State agency to resolve the conflicts. Upon the receipt of this correspondence, the State agency may then proceed with its consideration of the proposed action in accordance with those terms and conditions, pursuant to the requirements of 19 NYCRR Part 600.
- c) If the consultation between the Village and the involved State agency does not lead to the resolution of the identified conflicts, either party may request, in writing, the assistance of the Secretary of State to resolve any or all of the unresolved conflicts. This request must be received by the Secretary of State within 15 days following the discussion between the Village and the State agency. The party requesting the assistance of the Secretary of State shall forward a copy of its request to the other party.
- d) Within 30 days following the receipt of a request for assistance, the Secretary of State or a Department of State (DOS) official or employee designated by the Secretary, will discuss the identified conflicts and circumstances preventing their resolution with appropriate representatives from the involved State agency and the Village.
- e) If agreement among all parties cannot be reached during this discussion, the Secretary shall notify both parties within 15 days of his/her findings and recommendations.

C. PROCEDURES FOR THE REVIEW OF FEDERAL ACTIONS FOR CONSISTENCY WITH THE LWRP

1) *Direct Actions*

- a) After acknowledging the receipt of a consistency determination and supporting documentation from a Federal agency, the DOS shall forward copies of the determination and other descriptive information regarding the proposed direct action to the Mayor and to other interested parties.
- b) Said notification shall indicate the date by which all comments and recommendations must be submitted to the DOS and will identify the DOS's principal reviewer for the proposed action.
- c) The Village shall follow the same procedures set forth under Subsection B above with respect to State actions.

2) *Permits and Licenses*

- a) The DOS shall acknowledge the receipt of an applicant's consistency certification and application materials, and at that time forward a copy of the submitted documentation to the Mayor.
- b) Within 30 days of receiving such information, the Village should contact the assigned DOS reviewer to discuss the need to request additional information for review purposes and any possible problems pertaining to the consistency of a proposed action with local coastal policies.
- c) When the DOS and the Village agree that additional information is necessary, the DOS shall request the Federal applicant to provide said information. A copy of this information shall be provided to the Village upon receipt by the State.
- d) Within 30 days of receiving the requested additional information or discussing the potential problems of the proposed action with the DOS reviewer (whichever is later), the Village should notify DOS of the reason(s) why the action may be inconsistent or consistent with Village coastal policies.
- e) After such notification, the Village should submit written comments and recommendations on the proposed action to the DOS before the conclusion of the official comment period. If such comments and recommendations are not forwarded to the DOS by the end of the public comment period, the DOS will presume that the Village has "no opinion" on the consistency of the proposed action with the coastal policies of the LWRP.

- f) If the DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the Village, the DOS shall contact the Village Agency submitting said recommendations to discuss any differences of opinion prior to issuing a letter of “concurrence” or “objections” to the applicant.
- g) A copy of the DOS “concurrence” or “objections” letter shall be forwarded to the Mayor.

3) *Direct Actions*

- a) After acknowledging the receipt of a consistency determination and supporting documentation from a Federal agency, the DOS shall forward copies of the determination and supporting documentation and any other descriptive information on the proposed direct action to the Mayor.
- b) This notification shall state the date by which all comments and recommendations must be submitted to DOS and will identify the assigned DOS reviewer.
- c) The review period will last approximately 25 days. If comments and recommendations are not received by the end of the established review period, the DOS will presume that the Village has “no opinion” on the consistency of the proposed direct Federal agency action with Village coastal policies.
- d) If the DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the Village, the DOS shall contact the Village Agency submitting said recommendations to discuss any differences of opinion or questions prior to agreeing or disagreeing with the Federal agency’s consistency determination on the proposed direct action.
- e) A copy of the DOS agreement or disagreement letter to the Federal agency shall be forwarded to the Mayor.

4) *Financial Assistance Actions*

- a) The DOS shall request information on a proposed financial assistance action from the applicant (State or Village agency) for consistency review purposes. A copy of this letter shall be forwarded to the Mayor and will serve as notification that the proposed action may be subject to review.
- b) If the applicant is a Village agency, the DOS shall contact the agency and request copies of any application documentation for consistency review purposes. If the

proposed action has already been reviewed by the Village for consistency with the LWRP, the Village will notify the DOS of the outcome of the review.

- c) The Village shall acknowledge receipt of the requested information and send a copy to the DOS.
- d) If the applicant is a State agency, the DOS shall request the involved agency to provide a copy of the application documentation to the Mayor.
- e) The DOS shall acknowledge the receipt of the requested information and provide a copy of this acknowledgment to the Mayor.
- f) The review period will conclude 30 days after the date of the Village's or DOS's letter of acknowledgment.
- g) The Village must submit comments and recommendations on the proposed action to the DOS within 20 days from the start of the review period. If comments and recommendations are not received within that 20 day period, the DOS will presume that the Village has "no opinion" on the consistency of the proposed financial assistance action with Village coastal policies.
- h) If the DOS does not fully concur with or has any questions on the comments and recommendations submitted by the Village, the DOS shall contact the Village Agency submitting said recommendations to discuss any differences of opinion prior to agreeing or objecting to the Federal agency's consistency determination on the proposed financial assistance or action.
- i) A copy of the DOS' "no objection" or "objection" letter to the applicant shall be forwarded to the Mayor.

5.6 FINANCIAL RESOURCES NECESSARY TO IMPLEMENT THE LWRP

The financial resources necessary to implement this LWRP will be derived from a variety of sources. It is recognized that some Village revenues will be needed for certain projects. The implementation of such projects would be accelerated or, in some cases, actually made possible, by the procurement of matching State and/or Federal funding. Funding sources that will be investigated as appropriate to provide financial assistance for capital improvements necessary to implement the LWRP include those established under the: New York State Clean Air/Clean Water Bond Act of 1996, New York State Environmental Protection Fund, and the Federal Transportation Equity Act for the 21st Century (TEA-21), which has superseded the Inter-modal Surface Transportation Efficiency Act (ISTEA). Other potential funding sources are identified in Section VI.

Except as noted below, it is anticipated that the management and administrative functions necessary to implement the LWRP can be performed by existing Village staff and using existing Village equipment, and that all costs associated with these functions will be included in the Village’s regular municipal budget.

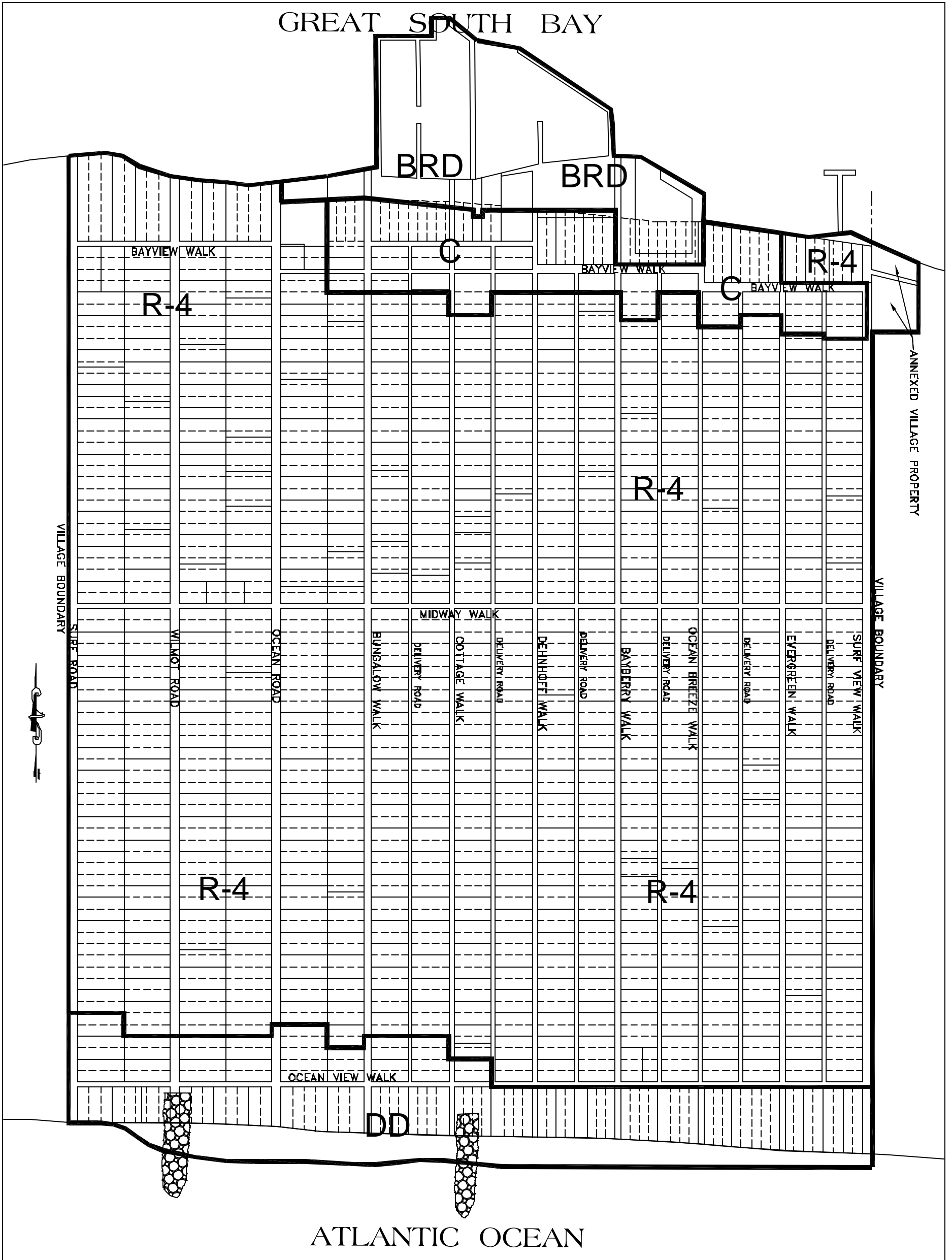
5.7 SUMMARY CHART OF ACTIONS THAT IMPLEMENT LWRP POLICIES

POLICY #	IMPLEMENTED OR ENFORCED BY
Policy 1 (Development)	Chapter 64 of the Village Code (Building Construction) Chapter 66 of the Village Code (Business Improvement Districts) Chapter 106 of the Village Code (Licenses) Chapter 123 of the Village Code (Peace and Good Order) Chapter 127 of the Village Code (Rental Properties) Chapter 139 of the Village Code (Sewers) Chapter 160 of the Village Code (Water) Chapter 164 of the Village Code (Zoning) Improvement of water supply system Improvement of sanitary waste collection and disposal system Community House restoration Windswept restoration Proposed facade review investigation Proposed Business Improvement District Proposed property maintenance investigation Continued monitoring of activities in the Business District SEQRA review process
Policy 2 (Water-Dependent Uses)	Chapter 93 of the Village Code (Freight) Chapter 106 of the Village Code (Licenses) Proposed new Harbor Management Law Improvements to ferry boat terminal Improvements to Village Marina Proposed improvements to Wagon Park SEQRA review process
Policy 3	Not Applicable (Agricultural Lands Policy)
Policy 4 (Sustainable Resources)	SEQRA review process
Policy 5	Chapter 10 of the Village Code (Conservation Commission)

POLICY #	IMPLEMENTED OR ENFORCED BY
(Ecological Resources)	Chapter 76 of the Village Code (Dogs and Other Animals) Enhanced public education programs SEQRA review process
Policy 6 (Water Resources)	Chapter 139 of the Village Code (Sewers) Improvement of sanitary waste collection and disposal system Enhanced public education programs SEQRA review process
Policy 7 (Flooding and Erosion)	Chapter 164 of the Village Code (Zoning) Dune management program House elevation program Walkway elevation program Improvements to ferry boat terminal Improved inter-agency coordination Flooding and erosion protection study Sand management plan Enhanced public education programs SEQRA review process
Policy 8 (Air Quality)	Chapter 112 of the Village Code (Noise) SEQRA review process
Policy 9 (Energy and Minerals)	SEQRA review process
Policy 10 (Solid and Hazardous Wastes)	Chapter 96 of the Village Code (Garbage, Rubbish and Refuse) Enhanced public education programs SEQRA review process
Policy 11 (Public Access)	Chapter 56 of the Village Code (Bicycles and Other Vehicles) Chapter 59 of the Village Code (Boating and Swimming) Chapter 145 of the Village Code (Streets and Sidewalks) Chapter 156 of the Village Code (Vehicles and Traffic) Proposed new Harbor Management Law Walkway elevation and maintenance program Improvements to ferry boat terminal Improvements to Village Marina Bay beach improvement Improved handicapped access to the ocean Community House restoration Windswept restoration

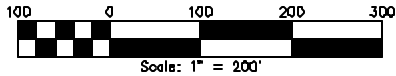
POLICY #	IMPLEMENTED OR ENFORCED BY
	Village Green beautification Possible extension of promenade on bayfront Improved bicycle access Improved access for small boats Additional bicycle racks Proposed improvements to Wagon Park SEQRA review process Chapter 37 of the Town of Islip Code (Navigation Law)
Policy 12 (Visual Resources)	Chapter 10 of the Village Code (Conservation Commission) Community House restoration Windswept restoration Street lighting improvements Village Green beautification Facade review investigation Property maintenance investigation Proposed placement of utility lines underground SEQRA review process
Policy 13 (Historic Resources)	Facade review investigation SEQRA review process Enhanced public education programs

GREAT SOUTH BAY



-----VILLAGE BOUNDARY

FINAL DRAFT



MAP 7
 VILLAGE OF OCEAN BEACH
 LOCAL WATERFRONT REVITALIZATION PROGRAM
 PROPOSED ZONING
 (NO CHANGE FROM EXISTING ZONING)

JULY 2004



Section VI

State and Federal Actions and Programs Likely to Affect and Be Affected by Program Implementation

SECTION VI

STATE AND FEDERAL ACTIONS AND PROGRAMS LIKELY TO AFFECT IMPLEMENTATION

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

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

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

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

1. STATE AGENCIES

OFFICE FOR THE AGING

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

DEPARTMENT OF AGRICULTURE AND MARKETS

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

ALBANY PORT DISTRICT COMMISSION (regional agency)

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

DIVISION OF ALCOHOLIC BEVERAGE CONTROL/STATE LIQUOR AUTHORITY

- 1.00 Permit and Approval Programs:
 - 1.01 Ball Park - Stadium License
 - 1.02 Bottle Club License
 - 1.03 Bottling Permits
 - 1.04 Brewer's Licenses and Permits
 - 1.05 Brewer's Retail Beer License
 - 1.06 Catering Establishment Liquor License
 - 1.07 Cider Producer's and Wholesaler's Licenses

- 1.08 Club Beer, Liquor, and Wine Licenses
- 1.09 Distiller's Licenses
- 1.10 Drug Store, Eating Place, and Grocery Store Beer Licenses
- 1.11 Farm Winery and Winery Licenses
- 1.12 Hotel Beer, Wine, and Liquor Licenses
- 1.13 Industrial Alcohol Manufacturer's Permits
- 1.14 Liquor Store License
- 1.15 On-Premises Liquor Licenses
- 1.16 Plenary Permit (Miscellaneous-Annual)
- 1.17 Summer Beer and Liquor Licenses
- 1.18 Tavern/Restaurant and Restaurant Wine Licenses
- 1.19 Vessel Beer and Liquor Licenses
- 1.20 Warehouse Permit
- 1.21 Wine Store License
- 1.22 Winter Beer and Liquor Licenses
- 1.23 Wholesale Beer, Wine, and Liquor Licenses

DIVISION OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES

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

COUNCIL ON THE ARTS

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

DEPARTMENT OF BANKING

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

NEW YORK STATE BRIDGE AUTHORITY (regional agency)

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

BUFFALO AND FORT ERIE PUBLIC BRIDGE AUTHORITY (regional agency)

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

CAPITAL DISTRICT TRANSPORTATION AUTHORITY (regional agency)

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Authority.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition.
- 3.00 Increases in special fares for transportation services to public water-related recreation resources.

CENTRAL NEW YORK REGIONAL TRANSPORTATION AUTHORITY (regional agency)

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Authority.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition.
- 3.00 Increases in special fares for transportation services to public water-related recreation resources.

OFFICE OF CHILDREN AND FAMILY SERVICES

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

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

DEPARTMENT OF CORRECTIONAL SERVICES

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

DORMITORY AUTHORITY OF THE STATE OF NEW YORK

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

EMPIRE STATE DEVELOPMENT/EMPIRE STATE DEVELOPMENT CORPORATION

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

EDUCATION DEPARTMENT

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

NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY

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

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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

Air Resources

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

Construction Management

- 9.08 Approval of Plans and Specifications for Wastewater Treatment Facilities

Fish and Wildlife

- 9.09 Certificate to Possess and Sell Hatchery Trout in New York State
- 9.10 Commercial Inland Fisheries Licenses
- 9.11 Fishing Preserve License
- 9.12 Fur Breeder's License
- 9.13 Game Dealer's License
- 9.14 Licenses to Breed Domestic Game Animals
- 9.15 License to Possess and Sell Live Game
- 9.16 Permit to Import, Transport and/or Export under Section 184.1 (11-0511)
- 9.17 Permit to Raise and Sell Trout
- 9.18 Private Bass Hatchery Permit
- 9.19 Shooting Preserve Licenses
- 9.20 Taxidermy License
- 9.21 Permit - Article 15, (Protection of Water) - Dredge or Deposit Material in a Waterway
- 9.22 Permit - Article 15, (Protection of Water) - Stream Bed or Bank Disturbances
- 9.23 Permit - Article 24, (Freshwater Wetlands)

Hazardous Substances

- 9.24 Permit to Use Chemicals for the Control or Elimination of Aquatic Insects

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

Lands and Forest

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

Marine Resources

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

Mineral Resources

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

Solid Wastes

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

Water Resources

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

ENVIRONMENTAL FACILITIES CORPORATION

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

FACILITIES DEVELOPMENT CORPORATION

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

OFFICE OF GENERAL SERVICES

- 1.00 Administration of the Public Lands Law for acquisition and disposition of lands, grants of land, grants of easement and issuance of licenses for land underwater, including for residential docks over 5,000 square feet and all commercial docks, issuance of licenses for removal of materials from lands under water, and oil and gas leases for exploration and development.
- 2.00 Administration of Article 4B, Public Buildings Law, in regard to the protection and management of State historic and cultural properties and State uses of buildings of historic, architectural or cultural significance.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition.
- 4.00 Administration of Article 5, Section 233 of the Education Law regarding the removal of archaeological and paleontological objects under the waters of the State.
- 5.00 Administration of Article 3, Section 32 of the Navigation Law regarding location of structures in or on navigable waters.

GREENWAY HERITAGE CONSERVANCY FOR THE HUDSON RIVER VALLEY (regional agency)

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of lands under the jurisdiction of the Conservancy.
- 2.00 Financial assistance/grant programs
- 3.00 Model Greenway Program
- 4.00 Greenway Trail Activities

DEPARTMENT OF HEALTH

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

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

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

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

HOUSING FINANCE AGENCY

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

HUDSON RIVER VALLEY GREENWAY COMMUNITIES COUNCIL (regional agency)

- 1.00 Greenway Planning and Review
- 2.00 Greenway Compact Activities
- 3.00 Financial Assistance/Grants Program
- 4.00 Greenway Trail Activities

INTERSTATE SANITATION COMMISSION (regional agency)

- 1.00 Adoption and enforcement of air and water pollution standards within the Interstate Sanitation District.

JOB DEVELOPMENT AUTHORITY

- 1.00 Financing assistance programs for commercial and industrial facilities.

MEDICAL CARE FACILITIES FINANCING AGENCY

- 1.00 Financing of medical care facilities.

OFFICE OF MENTAL HEALTH

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

- 2.04 Operating Certificate (Outpatient Facility)

OFFICE OF MENTAL RETARDATION AND DEVELOPMENT DISABILITIES

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

METROPOLITAN TRANSPORTATION AUTHORITY (regional agency)

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

DIVISION OF MILITARY AND NAVAL AFFAIRS

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

NATURAL HERITAGE TRUST

- 1.00 Funding program for natural heritage institutions.

NEW YORK CITY TRANSIT AUTHORITY (regional agency)

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

NIAGARA FALLS BRIDGE COMMISSION (regional agency)

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

NIAGARA FRONTIER TRANSPORTATION AUTHORITY (regional agency)

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Authority.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 3.00 Increases in special fares for transportation services to public water-related recreation resources.

OGDENSBURG BRIDGE AND PORT AUTHORITY (regional agency)

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

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

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

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

PORT AUTHORITY OF NEW YORK AND NEW JERSEY (regional agency)

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

PORT OF OSWEGO AUTHORITY (regional agency)

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

POWER AUTHORITY OF THE STATE OF NEW YORK

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

ROCHESTER-GENESEE REGIONAL TRANSPORTATION AUTHORITY (regional agency)

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Authority.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 3.00 Increases in special fares for transportation services to public water-related recreation resources.

NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION

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

DEPARTMENT OF STATE

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

STATE UNIVERSITY CONSTRUCTION FUND

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

STATE UNIVERSITY OF NEW YORK

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

THOUSAND ISLANDS BRIDGE AUTHORITY (regional agency)

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

THRUWAY AUTHORITY /CANAL CORPORATION/CANAL RECREATIONWAY COMMISSION (regional agency)

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land and other resources under the jurisdiction of the Thruway Authority, Canal Corporation, and Canal Recreationway Commission.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition.
- 3.00 Permit and approval programs:
 - 3.01 Advertising Device Permit
 - 3.02 Approval to Transport Radioactive Waste
 - 3.03 Occupancy Permit
 - 3.04 Permits for use of Canal System lands and waters.
- 4.00 Statewide Canal Recreationway Plan

DEPARTMENT OF TRANSPORTATION

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Department.

- 2.00 Construction, rehabilitation, expansion, or demolition of facilities, including but not limited to:
 - (a) Highways and parkways
 - (b) Bridges on the State highways system
 - (c) Highway and parkway maintenance facilities
 - (d) Rail facilities

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

- 4.00 Permits and approval programs:
 - 4.01 Approval of applications for airport improvements (construction projects)
 - 4.02 Approval of municipal applications for Section 18 Rural and Small Urban Transit Assistance Grants (construction projects)
 - 4.03 Approval of municipal or regional transportation authority applications for funds for design, construction and rehabilitation of omnibus maintenance and storage facilities
 - 4.04 Approval of municipal or regional transportation authority applications for funds for design and construction of rapid transit facilities
 - 4.05 Certificate of Convenience and Necessity to Operate a Railroad
 - 4.06 Highway Work Permits
 - 4.07 License to Operate Major Petroleum Facilities

- 4.08 Outdoor Advertising Permit (for off-premises advertising signs adjacent to interstate and primary highway)
- 4.09 Real Property Division Permit for Use of State-Owned Property
- 5.00 Preparation or revision of the Statewide Master Plan for Transportation and sub-area or special plans and studies related to the transportation needs of the State.
- 6.00 Water Operation and Maintenance Program--Activities related to the containment of petroleum spills and development of an emergency oil-spill control network.

URBAN DEVELOPMENT CORPORATION and its subsidiaries and affiliates

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

DIVISION OF YOUTH

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

2. FEDERAL AGENCIES

DIRECT FEDERAL ACTIVITIES AND DEVELOPMENT PROJECTS

DEPARTMENT OF COMMERCE

National Marine Fisheries Services

- 1.00 Fisheries Management Plans

DEPARTMENT OF DEFENSE

Army Corps of Engineers

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

Army, Navy and Air Force

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

DEPARTMENT OF ENERGY

- 1.00 Prohibition orders.

GENERAL SERVICES ADMINISTRATION

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

DEPARTMENT OF INTERIOR

Fish and Wildlife Service

- 1.00 Management of National Wildlife refuges and proposed acquisitions.

Mineral Management Service

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

National Park Service

- 3.00 National Park and Seashore management and proposed acquisitions.

DEPARTMENT OF TRANSPORTATION

Amtrak, Conrail

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

Coast Guard

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

Federal Aviation Administration

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

Federal Highway Administration

- 6.00 Highway construction.

St. Lawrence Seaway Development Corporation

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

FEDERAL LICENSES AND PERMITS

DEPARTMENT OF DEFENSE

Army Corps of Engineers

- 1.00 Construction of dams, dikes or ditches across navigable waters, or obstruction or alteration of navigable waters required under Sections 9 and 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401, 403).
- 2.00 Establishment of harbor lines pursuant to Section 11 of the Rivers and Harbors Act of 1899 (33 U.S.C. 404, 405).
- 3.00 Occupation of seawall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the U.S. pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408).
- 4.00 Approval of plans for improvements made at private expense under USACE supervision pursuant to the Rivers and Harbors Act of 1902 (33 U.S.C. 565).
- 5.00 Disposal of dredged spoils into the waters of the U.S., pursuant to the Clean Water Act, Section 404, (33 U.S.C. 1344).

- 6.00 All actions for which permits are required pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
- 7.00 Construction of artificial islands and fixed structures in Long Island Sound pursuant to Section 4(f) of the River and Harbors Act of 1912 (33 U.S.C.).

DEPARTMENT OF ENERGY

Economic Regulatory Commission

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

Federal Energy Regulatory Commission

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

ENVIRONMENTAL PROTECTION AGENCY

- 1.00 NPDES permits and other permits for Federal installations, discharges in contiguous zones and ocean waters, sludge runoff and aquaculture permits pursuant to Section 401, 402, 403, 405, and 318 of the Federal Water Pollution Control Act of 1972 (33 U.S.C. 1341, 1342, 1343, and 1328).
- 2.00 Permits pursuant to the Resources Recovery and Conservation Act of 1976.

- 3.00 Permits pursuant to the underground injection control program under Section 1424 of the Safe Water Drinking Water Act (42 U.S.C. 300h-c).
- 4.00 Permits pursuant to the Clean Air Act of 1976 (42 U.S.C. 1857).

DEPARTMENT OF INTERIOR

Fish and Wildlife Services

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

Mineral Management Service

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

INTERSTATE COMMERCE COMMISSION

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

NUCLEAR REGULATORY COMMISSION

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

DEPARTMENT OF TRANSPORTATION

Coast Guard

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

Federal Aviation Administration

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

FEDERAL ASSISTANCE*

DEPARTMENT OF AGRICULTURE

- 10.068 Rural Clean Water Program
- 10.409 Irrigation, Drainage, and Other Soil and Water Conservation Loans
- 10.410 Low to Moderate Income Housing Loans
- 10.411 Rural Housing Site Loans
- 10.413 Recreation Facility Loans
- 10.414 Resource Conservation and Development Loans
- 10.415 Rural Renting Housing Loans
- 10.416 Soil and Water Loans
- 10.418 Water and Waste Disposal Systems for Rural Communities
- 10.422 Business and Industrial Loans
- 10.424 Industrial Development Grants
- 10.426 Area Development Assistance Planning Grants
- 10.429 Above Moderate Income Housing Loans
- 10.430 Energy Impacted Area Development Assistance Program
- 10.901 Resource Conservation and Development
- 10.902 Soil and Water Conservation
- 10.904 Watershed Protection and Flood Prevention
- 10.906 River Basin Surveys and Investigations

DEPARTMENT OF COMMERCE

- 11.300 Economic Development - Grants and Loans for Public Works and Development Facilities
- 11.301 Economic Development - Business Development Assistance

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

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

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

DEPARTMENT OF INTERIOR

- 15.400 Outdoor Recreation - Acquisition, Development and Planning
- 15.402 Outdoor Recreation - Technical Assistance
- 15.403 Disposal of Federal Surplus Real Property for Parks, Recreation, and Historic Monuments
- 15.411 Historic Preservation Grants-in-Aid
- 15.417 Urban Park and Recreation Recovery Program
- 15.600 Anadromous Fish Conservation
- 15.605 Fish Restoration
- 15.611 Wildlife Restoration

- 15.613 Marine Mammal Grant Program
- 15.802 Minerals Discovery Loan Program
- 15.950 National Water Research and Development Program
- 15.951 Water Resources Research and Technology - Assistance to State Institutes
- 15.952 Water Research and Technology - Matching Funds to State Institutes

DEPARTMENT OF TRANSPORTATION

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

GENERAL SERVICES ADMINISTRATION

- 39.002 Disposal of Federal Surplus Real Property

COMMUNITY SERVICES ADMINISTRATION

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

SMALL BUSINESS ADMINISTRATION

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

ENVIRONMENTAL PROTECTION AGENCY

- 66.001 Air Pollution Control Program Grants

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

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

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

Specific agency actions and programs that would or can advance the Village of Ocean Beach LWRP, or which otherwise will have a significant effect upon the implementation of the LWRP, are highlighted with ***bold italic*** text. More detailed project descriptions are provided in Section 4, as indicated.

1. STATE AGENCIES

OFFICE OF GENERAL SERVICES

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

DEPARTMENT OF ECONOMIC DEVELOPMENT

- 1. Any action or provision of funds for the development or promotion of tourism related activities or development. ***This includes assistance with the Village’s efforts to establish a Business Improvement District in an effort to enhance economic vitality in the Village’s commercial district (see Section 4.3.3.C, along with relevant background information in Section 2.3.1 regarding the Village’s prior efforts to establish a Business Improvement District).***
- 2. Any action involving the Seaway Trail.

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

1. Planning, development, construction, major renovation, or expansion of facilities in waterfront, including recreational improvement projects. ***Included under this category are the proposed improvements to the ferry boat terminal (see Section 4.3.2.F), and the proposal to improve coordination among the agencies that regulate activities in the Village (see Section 4.3.3.A). It is anticipated that a NYSDEC tidal wetland permit will be required to undertake improvements at the ferry boat terminal.***
2. Advance assistance under the Small Communities and Rural Wastewater Treatment Grant Program and a subsequent construction grant subsidy. ***This includes any financial assistance that may be available to facilitate the Village's proposed improvements to its sanitary waste collection, treatment and disposal system (see Section 4.3.2.E).***
3. Review of actions within National Register Districts pursuant to SEQR. No such districts presently are designated in the Village of Ocean Beach.
4. Funding for stormwater mitigation projects under the Clean Water/Clean Air Bond Act and similar programs. ***This includes initiatives by the Village, via drainage improvement projects, to mitigate persistent flooding on its walkway network (see Section 4.3.2.C).***
5. Any proposed activity, including dredging and construction, in or adjacent to any waterway and/or wetland areas must secure the appropriate wetlands permit and water quality certification from NYSDEC. Such actions must be coordinated with the State and local policies. ***This includes continued maintenance dredging of critical vessel access facilities (e.g., ferry terminal and Village Marina basins, etc.) on the Village's bay-side waterfront (see Section 4.3.2.G); as well as periodic re-contouring of the bay bottom to maintain the functionality of the Village's bay beach facility (see Section 4.3.2.H), which provides an important recreational resource for segments of the population (such as the elderly, handicapped, young children and others) for whom the Village's oceanfront beach is not suitable. It is anticipated that any such project would require a NYSDEC tidal wetland permit, as well as a water certification.***
6. Any proposed flood mitigation project in or adjacent to wetland areas must secure the appropriate permit from NYSDEC. ***This includes the Village's ongoing efforts to maintain the protective capabilities of its vital oceanfront dune system (see Section 4.3.2.A), as well as the proposed investigation to formulate a sand management plan (see Section 4.3.4.G). Depending upon the specific nature of a given project, required NYSDEC approvals may include a tidal wetland permit, water quality certification, excavation and fill in navigable waters, and/or coastal erosion control.***

7. It is expected that many of the other implementation measures proposed in this LWRP would require approvals from NYSDEC, particularly with regard to capital projects sited within the area of jurisdiction of the tidal wetland regulations.

DIVISION OF HOUSING AND COMMUNITY RENEWAL

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

JOB DEVELOPMENT AUTHORITY

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

OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION

1. Planning, development, construction, major renovation or expansion of recreational facilities or the provision of funding for such facilities.
2. Provision of funding for State and local activities from the Land and Water Conservation Fund or the Clean Water/Clean Air Bond Act. *This may possibly include extension of the promenade along the Village's bayfront (see Section 4.3.4.B).*
3. Planning, development, implementation or the provision of funding for recreation services programs.
4. Certification of properties within the National Register Districts.
5. Provision of funding for State and local historic preservation activities.
6. Review of Type I actions within the National Historic Districts.
7. Activities under the Urban Cultural Park program.

DEPARTMENT OF STATE

1. Provision of funding and technical assistance for the implementation of an approved LWRP. *This includes assistance with the range of implementation actions identified in Section IV of this LWRP (see Sections 4.3.1 through 4.3.5).*
2. Provision of funding under the Community Services Block Grant program.

STATE EMERGENCY MANAGEMENT OFFICE

1. Funding for implementation of flood damage mitigation projects. *This includes assistance with the Village's ongoing program to elevate flood-prone structures (see Section 4.3.2.B).*

COUNCIL ON THE ARTS

1. Assistance from the Architecture and Environmental Arts program for a harborfront plan. *This possibly may include assistance associated with the proposed restoration of the Community House and Windswept facility (see Sections 4.3.2.J and 4.3.2.N, respectively).*
2. Grant funding assistance for programs related to the education of the public in the natural sciences, historic resources and associated projects.

DEPARTMENT OF TRANSPORTATION

1. Assistance for street repairs through the Consolidated Highway Improvements Program.
2. *Financial assistance to implement proposed improvements to the Village ferry boat terminal, via the Ferry Boat Discretionary Fund or other available funding lines pursuant to the federal Transportation Equity Act for the 21st Century (TEA-21) program (see Section 4.3.2.F).*

LONG ISLAND POWER AUTHORITY

1. *Assistance and cooperation in undertaking an engineering investigation to determine the feasibility of burying utility lines in the Village, which currently are strung on overhead lines that are susceptible to storm damage and detract from the Village's aesthetic character (see Section 4.3.4.H).*

2. FEDERAL AGENCIES

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

1. Funding under the Urban Development Action Grant Program for core area and Madison Barracks projects.
2. Funding under the Community Development Block Grant Program for improvements in the waterfront.

DEPARTMENT OF THE INTERIOR

National Park Service

1. Provision of funding under the Land and Water Conservation Fund Program.
2. Review of federal actions within the National Register Districts pursuant to NEPA.
3. *Most actions within the Village (including, but not limited to, land development, dredging, and flood mitigation projects) have to secure an approval from the National Park Service, pursuant to the applicable provisions of federal law pertaining to Fire Island National Seashore. The NPS's cooperation and assistance is vital to the success of this LWRP.*

DEPARTMENT OF THE TREASURY

1. Continuation of Incentives for Qualified Building Rehabilitation.
2. Provision of appropriate tax-exempt status for non-profit agencies active in the coastal area.

ECONOMIC DEVELOPMENT ADMINISTRATION

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

DEPARTMENT OF TRANSPORTATION

United States Coast Guard

1. Maintenance/rehabilitation of facilities.



Section VII

Consultation With Other Affected Federal, State, Regional and Local Agencies

SECTION VII

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

The Village of Ocean Beach LWRP will affect and be affected by the actions of adjacent municipalities and County, regional, State, and Federal agencies. This section describes the efforts by the Village to inform and involve other agencies in the development of the Village of Ocean Beach LWRP.

The New York State Department of State (NYS DOS) has been intimately involved in the formulation of the scope and outline for this LWRP. NYSDOS developed the work program under which the preparation of the LWRP primarily has been guided. Preliminary versions of Sections 1 through 5 of the LWRP were submitted to NYSDOS for its consideration before the document was assembled into the “final draft” version which was circulated for public review.

The Village has not received any correspondence or had any discussion with affected agencies that would suggest real, potential or imagined conflicts with the LWRP. Should any such conflict arise, the Village will interact with the respective agency to seek an appropriate resolution.

The LWRP will be reviewed in accordance with the requirements of the State Environmental Quality Review Act (SEQRA). Since the implementation measures for the LWRP largely comprise a continuation and enhancement of the Village’s existing programs to maintain and protect important resources, and will not include any action that entails potentially significant environmental impacts, it is not anticipated that an Environmental Impact Statement (EIS) will be necessary. Accordingly, it is expected that a Negative Declaration issued by the Village Board of Trustees, as lead agency, will satisfy the requirements of SEQRA in regard to the adoption of the LWRP.

The LWRP will be distributed by NYSDOS to all involved and affected federal, state, and local agencies to elicit their comments. A public hearing will be conducted at the appropriate time during the 60-day review period to provide further opportunity for comment from involved and interested agencies (and the public). All written and oral comments received with respect to the draft LWRP will be addressed in the final version of the document, prior to the State’s approval of the program.



Section VIII

Obtaining Local Commitment

SECTION VIII OBTAINING LOCAL COMMITMENT

In order to achieve local commitment to the LWRP, the Village of Ocean Beach has engaged in a public participation process. A public meeting was conducted on July 7, 2001 to introduce the LWRP and seek initial input regarding key community goals and objectives.

Subsequent to the initial public meeting, a special committee was established by the Village Board of Trustees to provide guidance for the preparation of the LWRP. This LWRP Advisory Committee included the Village Mayor and Board of Trustees, Planning Board, Zoning Board of Appeals, Environmental Commission, Village Administrator, Village Water/Sewage Department, Village Recreation Department, Village Police Department, Village Fire Department/Emergency Medical Services, Ocean Beach Association, Ocean Beach Chamber of Commerce, Ocean Beach Community Fund, and School Board.

The first meeting of the Advisory Committee was held on October 27, 2001 to review the purpose and benefits of an LWRP, and to discuss key issues facing the Village based on a preliminary list of issues that was developed for the Committee's consideration and use. A follow-up meeting of the Committee was conducted on December 1, 2001 to complete the discussion of the list of key issues. Written minutes were prepared for both of these meetings and distributed to Committee members for their review and acceptance.

Subsequent to the December 1, 2001 Advisory Committee meeting, a preliminary draft version of Sections 1 through 5 of the LWRP was prepared. This document was distributed to Committee members in July 2002. The Committee was reconvened on August 24, 2002 to discuss the preliminary draft LWRP and to provide the opportunity for the members of the Committee to comment upon the document before it was to be released for public review. The current version of the LWRP addresses the input received during the August 24, 2002 Advisory Committee meeting.

Because the most Village of Ocean Beach residents are absent from the community during the fall and winter months, logistical considerations dictated that release of the LWRP to the public should be delayed into early 2003. This scheduling lag was necessary to ensure that the 60-day review period and public hearing would occur at a time when the majority of residents normally are present, so that meaningful public participation could be assured.

Upon the completion of the 60-day review period, the LWRP will be further amended to address substantive comments that are received from the public and involved agencies, and other interested parties.



Appendix A

Draft Waterfront Consistency Review Law

VILLAGE OF OCEAN BEACH

LOCAL LAW No. _____ OF THE YEAR 2007

BE IT ENACTED BY THE VILLAGE BOARD OF TRUSTEES
OF THE VILLAGE OF OCEAN BEACH AS FOLLOWS:

GENERAL PROVISIONS

I. TITLE:

This Local Law will be known as the Village of Ocean Beach Waterfront Consistency Review Law.

II. AUTHORITY AND PURPOSE:

1. This Local Law is adopted under the authority of the Municipal Home Rule Law and the Waterfront Revitalization of Coastal Areas and Inland Waterways Act of the State of New York (Article 42 of the Executive Law).
2. The purpose of this Local Law is to provide a framework for agencies of the Village of Ocean Beach to consider the policies and purposes contained in the Village of Ocean Beach Local Revitalization Program when reviewing applications for actions or direct agency actions located in the coastal area; and to assure for that such actions and direct actions are consistent with the said policies and purposes.
3. It is the intention of the Village of Ocean Beach that the preservation, enhancement, and utilization of the natural and manmade resources of the unique coastal area of the Village take place in a coordinated and comprehensive manner to ensure a proper balance between natural resources and the need to accommodate population growth, economic development, and the public. Accordingly, this Local Law is intended to achieve such a balance, permitting the beneficial use of coastal resources while preventing: loss of living estuarine resources and wildlife; diminution of open space areas or public accesses to the waterfront; erosion of shoreline; impairment of scenic beauty; losses due to flooding, erosion and sedimentation; or permanent adverse changes to ecological systems.
4. The substantive provisions of this Local Law shall only apply while there is in existence an Ocean Beach Local Waterfront Revitalization Program which has been adopted in accordance with Article 42 of the Executive Law of the State of New York.

III. DEFINITIONS:

1. "Actions" mean either Type I or unlisted actions as defined in SEQRA regulations (6 N.Y.C.R.R. 617.2) which are undertaken by an agency and which include:
 - (a) projects or physical activities, such as construction or other activities that may affect the environment by changing the use, appearance or condition of any natural resource or structure, that:
 - (i) are directly undertaken by an agency; or
 - (ii) involve funding by an agency; or
 - (iii) require one or more new or modified approvals from an agency or agencies;
 - (b) agency planning and policy making activities that may affect the environment and commit the agency to a definite course of future decisions;

- (c) adoption of agency rules, regulations and procedures, including Local Laws, codes, ordinances, executive orders and resolutions that may affect the environment;
- (d) any proposed action within the Village's Local Waterfront Revitalization Area that requires Site Plan Review and approval by the Village of Ocean Beach Planning Board; and
- (e) any combination of the above.

This law does not apply to Type II, excluded or exempt actions as defined in the S.E.Q.R.A. regulations 6 N.Y.C.R.R. Part 617.

- 2. " Agency" means any board, agency, department office, other body, or officer of the Village Ocean Beach.
- 3. "Coastal area" means that portion of New York State coastal waters and adjacent shorelands as defined in Article 42 of the Executive Law which is located within the boundaries of the Village of Ocean Beach, as shown on the Coastal Area Map on file in the office of the Secretary of State and as delineated in the Ocean Beach Local Waterfront Revitalization Program.
- 4. "Waterfront Assessment Form (WAF)" means the form used by an agency to assist it in determining the consistency of an action with the Ocean Beach Local Waterfront Revitalization Program.
- 5. "Consistent" means that the action will fully comply with the LWRP policy standards and conditions and, whenever practicable, will advance one or more of them.
- 6. "Direct Actions" mean actions planned and proposed for implementation by an agency, such as, but not limited to a capital project rule making, procedure making and policy making.
- 7. "Local Waterfront Revitalization Program" ("LWRP") means the Village of Ocean Beach Local Waterfront Revitalization Program approved by the Secretary of State pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42), a copy of which is on file in the Office of the Clerk of the Village of Ocean Beach.
- 8. "Planning Board" means the Planning Board of the Village of Ocean Beach.

IV. VILLAGE OF OCEAN BEACH PLANNING BOARD:

- 1. The Planning Board is hereby authorized to review and make all determinations regarding the consistency of proposed actions with the Village of Ocean Beach Local Waterfront Revitalization Program policy standards and conditions.

V. REVIEW OF ACTIONS:

- 1. Whenever a proposed action is located within the Village's Waterfront Area, an agency shall, prior to approving, funding or undertaking the action, refer to and receive from the Planning Board, a determination from the Planning Board that it is consistent with the LWRP policy standards and conditions set forth in Paragraph 7 herein (unless a determination from the Planning Board is not forthcoming as identified in Paragraph 5).
- 2. Whenever an agency receives an application for approval or funding of an action or as early as possible in the agency's formulation of a direct action to be located in the Waterfront Area, the applicant, or in the case of a direct action, the agency, shall prepare a Waterfront Assessment Form (WAF) to assist with the consistency review of the proposed action.

3. The agency shall refer a copy of the completed WAF to the Planning Board within ten (10) days of its submission and prior to approving, funding, or undertaking the action, shall consider the determination of the Planning Board with reference to the consistency of the proposed action with the Village of Ocean Beach Local Waterfront Revitalization Program.
4. After referral from an agency, the Planning Board shall consider whether the proposed action is consistent with the LWRP policy standards and conditions set forth in Paragraph 7 herein. The Planning Board shall require the applicant to submit all completed applications, WAFs and any other information deemed to be necessary to its consistency review and determination.
5. The Planning Board shall render its written consistency determination to the agency within thirty (30) days following referral of the WAF from the agency, unless extended by mutual agreement of the Planning Board and the applicant or in the case of direct action, the agency. The consistency determination shall indicate whether, in the opinion of the Planning Board, the proposed action is consistent with or inconsistent with one or more of the LWRP policy standards or conditions and shall elaborate in writing the basis for its determination.

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

In the event that the Planning Board's consistency determination is not forthcoming within the specified time, the referring agency shall make its own consistency decision without the benefit of the Planning Board's determination.

6. The Planning Board (or the agency, in the case when a Planning Board's determination is not forthcoming within the specified time as identified in Paragraph 5) shall make the determination of consistency based on the WAF and such other information as is deemed to be necessary in its determination. The Planning Board shall issue its determination within thirty (30) days following receipt of the application and WAF or submission by the applicant of any additional required information. The Planning Board (or the agency, in the case when a Planning Board's determination is not forthcoming within the specified time as identified in Paragraph 5) shall have the authority, in its finding of consistency, to impose practicable and reasonable conditions on an action to ensure that it is carried out in accordance with this Local Law.
7. Actions to be undertaken within the Village of Ocean Beach Waterfront Area shall be evaluated for consistency in accordance with the following LWRP policy standards and conditions, which are derived from and further explained and described in Section III of the Village of Ocean Beach LWRP, a copy of which is on file in the Village Clerk's office and available for inspection during normal business hours. Agencies which undertake direct actions shall also consult with Section IV of the LWRP in making their consistency determination. The action shall be consistent with the policy to:
 - (a) Foster a pattern of development that enhances the community's character, preserves open space, makes efficient use of infrastructure, makes a beneficial use of a waterfront location, and minimizes adverse effects of development (Policy 1).
 - (b) Protect existing water-dependent uses, promote siting of new water-dependent uses in suitable locations, and support efficient marina operation (Policy 2).
 - (c) Promote the sustainable use of fish and wildlife resources. (Policy 4).
 - (d) Protect and restore ecological resources, including significant fish and wildlife habitats and wetlands (Policy 5).
 - (e) Protect and improve water resources (Policy 6).

- (f) Minimize loss of life, structures, and natural resources from flooding and erosion (Policy 7).
 - (g) Protect and improve air quality (Policy 8).
 - (h) Promote appropriate use and development of energy and mineral resources (Policy 9).
 - (i) Minimize environmental degradation from solid waste and hazardous substances and wastes (Policy 10).
 - (j) Improve public access to and use of public lands and waters (Policy 11).
 - (k) Enhance visual quality and protect scenic resources in Village of Ocean Beach (Policy 12).
 - (l) Preserve historic resources (Policy 13).
8. If the Planning Board (or the agency, in the case when a Planning Board's determination is not forthcoming within the specified time as identified in Paragraph 5), determines that the action would not be consistent with one or more of the LWRP policy standards and conditions, such action shall not be undertaken unless the Planning Board or agency makes a written finding with respect to the proposed action that:
- (a) No reasonable alternatives exist which would permit the action to be undertaken in a manner which will not substantially hinder the achievement of such LWRP policy standards and conditions.
 - (b) The action would be undertaken in a manner which will minimize all adverse effects on such LWRP policy standards and conditions.
 - (c) The action will advance one or more of the other LWRP policy standards and conditions; and
 - (d) The action will result in an overriding Village, regional or statewide public benefit.
- Such a finding shall constitute a determination that the action is consistent with the LWRP policy standards and conditions.
9. The Planning Board and, if applicable, each agency, shall maintain a file for each action made the subject of a consistency determination. Such files shall be made available for public inspection upon request.

VI. ENFORCEMENT:

The _____ shall be responsible for enforcing this Local Law. No work or activity on a project in the Waterfront Area which is subject to review under this Local Law shall be commenced or undertaken until the has been presented with a written determination from the Planning Board or an agency that the action is consistent with the LWRP policy standards and conditions. In the event that an activity is not being performed in accordance with this Local Law or any conditions imposed thereunder, the shall issue a stop work order and all work shall immediately cease. No further work or activity shall be undertaken on the project so long as a stop work order is in effect.

VII. VIOLATIONS:

1. A person who violates any of the provisions of, or who fails to comply with any conditions imposed by this Local Law shall have committed a violation, punishable by a fine not exceeding five hundred dollars for a conviction of a first offense and punishable by a fine of one thousand dollars for a conviction of a second or subsequent offense. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional offense.

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

VIII. SEVERABILITY:

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

IX. EFFECTIVE DATE:

This Local Law shall take effect immediately upon filing with the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.



Appendix B

Draft Harbor Management Law

Chapter __
HARBOR MANAGEMENT
ARTICLE I

General Provisions

- §. **Purpose.**
- §. **Jurisdiction.**
- § **Definitions.**
- §. **Harbor Management Committee.**
- §. **Harbor Management Chart.**
- §. **Operation of vessels.**
- §. **Speed limits.**
- §. **Wake responsibility.**
- §. **Use of vessels as abodes.**
- §. **Operation near bathers.**
- §. **Water skiing.**
- §. **Swimming/Underwater Devices.**
- §. **Operation of aircraft.**
- §. **Marina Rules and Regulations.**
- §. **Mooring at Village Property.**
- §. **Dumping in Waters Prohibited.**

ARTICLE II

Enforcement, Violations and Penalties

§. **Enforcement authority.**

§. **Violations**

§. **Penalties for offenses.**

ARTICLE III

Severability

§. **Severability.**

ARTICLE IV

§. **Harbor Management Chart**

ARTICLE I

General Provisions

§. Purpose.

- A. The harbor area in the Village of Ocean Beach, on Great South Bay, accommodates waterfront activities, including recreational boating, docking at the Village marina, ferry service, and swimming.
- B. The purpose of this chapter is to establish standards, requirements, and procedures for the operation of vessels and matters relevant to navigation, safety environmental protection, and the use of surface waters and underwater lands in the harbor area of the Village of Ocean Beach.

§. Jurisdiction.

- A. This chapter is adopted pursuant to §46-a of the Navigation Law and Chapter 59 of the General Legislation and A168 of the Code of the Village of Ocean Beach, New York
- B. The provisions of this chapter shall apply to all docks, moorings, and waters and their use within the Village of Ocean Beach and to all waters bounding the Village of Ocean Beach to a distance of one thousand five hundred (1,500) feet from the shore as described on the Water Use Map.

§. Definitions.

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

ANCHOR - To secure a vessel temporarily to the harbor bottom by dropping an anchor or other ground tackle from a vessel.

BOAT - Includes every type and description of watercraft and other mechanical contrivance used on, in or capable of being used as a means of transportation or propulsion or used for buoyancy in or on the water.

CHANNEL - The primary travelways for vessels. Moorings (including docking facilities) and anchoring are prohibited in channels in order to insure safe vessel movement.

FAIRWAY - Secondary vessel travelways connecting docking facilities to channels. Moorings (including docking facilities) and anchoring are prohibited in fairways. An area in the harbor, other than a designated channel, where structures, moorings or anchorages are not permitted in order to keep an open access way between marine structures or designated channels, buffer areas and mooring areas.

HARBOR - The Village of Ocean Beach harbor management area as defined above under §4.2.2 of the Village of Ocean Beach LWRP.

HARBOR MANAGEMENT CHART - Defines the use of the Harbor and identifies the pier and bulkhead line, channels, mooring areas, anchorages, fairways, and swimming areas in the Village of Ocean Beach. Said Chart is hereby adopted by the Village Board, incorporated herein as Article IV of this Chapter and declared to be a part hereof

HARBOR MANAGEMENT PLAN - A plan as adopted by the Village Board and approved by the Secretary of State and composed of policies, goals, objectives, standards for harbor management.

MARINA - A structure built or maintained for the purpose providing, for monetary gain, a berthing place for four or more vessels or boats.

MARINA PERIMETER - The limits of property ownership, grant, or easement to lands underwater and encompassing all related structures such as docks, bulkheads, breakwaters, pilings, piers, platforms, or moorings as well as travel lanes, and berthing areas, that together function as a marina.

MOOR- To tie a vessel to a mooring.

MOORING - A device with its associated tackle, such as chains, floats, and other equipment manufactured and used specifically for the permanent or semi-permanent securing of a vessel to the harbor bottom. This device typically consists of an anchoring weight (mushroom or other) which is placed on the bottom and is connected to a floating device (i.e., ball) by cables, chains, or lines. Moorings also include stake moorings which are post devices affixed to land that may or may not be regularly submerged.

NAVIGATIONAL AID - A sign, buoy or floating object, buoyant or affixed to land or a structure, and possibly lighted or emitting a sound, that has been installed by a local, State, or Federal agency, or a private entity with the approval of such government agency, for the sole purpose of assisting in the safe operation of a vessel or identifying a way to port or other marine-related destination.

NO WAKE ZONE - An area established within a body of water, whether said body is natural or man-made, wherein water displacement and/or disturbance caused by the movement or operation of a watercraft shall not be permitted and /or is not otherwise lawful.

PERMIT HOLDER - A person or entity granted a permit.

SHORELINE - The mean high waterline.

SPEED - The rate of movement of a vessel over slack water as measured in statute miles covered per hour.

SWIMMING AREA - A water area set aside for public swimming.

VESSEL (WATERCRAFT) - Any watercraft, including a boat, used or capable of being used as a means of transportation in, over or upon the water including non-displacement craft.

VESSEL OWNER - The person or entity under whose name the vessel was last registered in accordance with the provisions of 46 U.S.C., Chapters 121-125, or the State Vehicle and Traffic Law and in any other case the last known owner or the person who claims lawful possession of such vessel by virtue of legal title or equitable interest therein which entitles them to such possession.

VILLAGE BOARD - The Board of Trustees of the Village of Ocean Beach.

VILLAGE DOCKS AND MOORINGS- All docks and piers under the ownership of and operated by the Village.

WATERCRAFT (VESSEL) - A vessel, including a boat, used or capable of being used as a means of transportation in, over or upon the water including non-displacement craft.

§. Harbor Management Committee.

- A. The Village Board shall appoint a “Village of Ocean Beach Harbor Management Committee” (the “Committee”) whose members shall represent a range of harbor interests, including but not limited to, navigation and boating safety, commercial operations, recreational marinas, marine infrastructure, and special events and maritime history. The Committee shall be composed of five members and shall meet at least monthly.
- B. Committee members shall serve a term of three (3) years. Initial appointments shall be staggered. There will be no limit on the number of terms that can be served. Vacancies shall be filled as necessary and in accordance with the initial appointment.

- C. The Committee shall maintain records on recreational boating and marinas; navigation and safety; navigational aids; depth of water and dredging needs; marine structure conditions and the need for repair and the ferries; the use of local docks and facilities; and special events.
- D. The Committee shall make recommendations regarding the use of the Harbor waters as requested by the Village Board and as the Committee may otherwise deem appropriate.
- E. The Committee shall review the Village of Ocean Beach Harbor Management Plan and this Chapter and recommend revisions to the Village Board as necessary. The Harbor Management Plan shall be reviewed, and updated if necessary, at least once every five (5) years.
- F. The Committee shall, when requested by the Village Board, act as a mediator in dispute resolution where conflicts may develop between water-dependent and non-water-dependent waterfront uses.

In cases of conflict, the Committee shall seek to resolve disputes to the satisfaction of the parties at hand and meeting the goals and objectives of the adopted Harbor Management Plan. To commence its review, the Committee must be formally notified by the Village Board of a particular conflict, with a description of the issue at hand. In handling such cases, the Committee shall examine the sites of the proposed activities and affected areas, current zoning, whether such activities are occurring during the normal course of business, compliance with this and other sections of the Village Code, and prior dispute resolution cases.

Recommendations shall be made to the Village Board regarding resolution of the dispute.

- H. A Chairman shall be elected annually by the members of the Committee at the first meeting of the year.
- I. A Committee member may be removed for cause or in the event of absence from three consecutive meetings.

§ Harbor Management Chart.

There is hereby authorized to be created a Village of Ocean Beach Harbor Management Chart which defines the use of the Harbor and identifies the pier and bulkhead line, channels, mooring areas, anchorages, fairways, and swimming areas in the Village of Ocean Beach. Said Chart is hereby adopted by the Village Board, incorporated herein as Article V of this Chapter and declared to be a part hereof. The Village Board may amend the Harbor Management Chart, from time to time, by local law without the necessity of amending any other article, section or provision of this Chapter.

§. Operation of vessels.

All vessels operating in the waters of the Village of Ocean Beach are to observe the Federal Inland Navigation Rules and Article 4 of the New York State Navigation Law.

§. Speed limits.

- A. No boat or vessel propelled other than by hand shall cruise or be operated within 1,500 feet of the southerly shoreline of the village.
- B. No boat or vessel shall moor, cruise or be operated in or on the Great South Bay within 250 feet of the shoreline of the Village of Ocean Beach, in an area formed by projecting the east line of Bungalow Walk on the west and east line of Cottage Walk on the east, northerly from the shoreline.
- C. Boats in the Marina shall proceed, at all times, at the slowest possible speed, and there shall be no wake in the Marina when entering and leaving.

§. Wake responsibility.

No person shall operate a vessel in a manner so as to cause the creation of a wake in an area established within a body of water whether said body of water is natural or man-made, wherein water displacement and/or disturbance caused by the movement and/or operation of watercraft shall not be permitted and/or is otherwise unlawful.

§. Use of vessels as abodes.

No one will be permitted to use a boat for living quarters while in the marina basin.

§. Operation near bathers.

- A. No boat or vessel propelled other than by hand shall cruise or be operated within 1,500 feet of the southerly shoreline of the Village of Ocean Beach.
- B. No boat or vessel shall moor, cruise or be operated in or on the Great South Bay within 250 feet of the shoreline of the Village of Ocean Beach, in an area formed by projecting the east line of Bungalow Walk on the west and east line of Cottage Walk on the east, northerly from the shoreline.

- C. It is the policy of the Village Board of Trustees of Ocean Beach to regulate the wakes of ships, boats, watercraft, and water vessels within the Incorporated Village of Ocean Beach or along the shoreline thereof or within 1,500 feet of the shoreline thereof or anyplace in the water above where the bay bottom is owned and/or leased by the Village and in order to avoid the abuse of waterside village facilities, the preservation of which is necessary for the well-being of the Village inhabitants.

§. Water skiing.

- A. No person shall, within 300 feet of the northerly shoreline of the Village of Ocean Beach, operate a boat or vessel for towing a person on water skis, a surfboard or similar device unless there is in such boat or vessel a person other than the operator in a position to observe the progress of the person being towed.
- B. No person shall, within 300 feet of the northerly shoreline of the Village of Ocean Beach, ride on water skis or use or operate a boat or vessel to tow a person thereon between a period from one hour after sunset to one hour before sunrise.
- C. No person shall ride on water skis, a surfboard or similar device or use or operate a boat or vessel to tow a person thereon within the waterways of the Great South Bay adjoining the Village of Ocean Beach or within 150 feet of any public place or semi public bathing beach or public dock or within 50 feet of any swimmer or bather, nor shall any such person engage in such activities come within 300 feet of the northerly shoreline of the Village of Ocean Beach, unless they approach or depart perpendicularly to the shoreline and solely for the purpose of commencing or ending the ride.
- D. No person shall swim, bathe, or use or operate a surfboard or similar device in any waters in the Village of Ocean Beach or within 1,500 feet of the shoreline of the Village of Ocean Beach in any area where a lifeguard is employed by the Village of Ocean Beach shall direct such person not to swim, bathe, or use or operate a surfboard or similar device.

§ Swimming/ Underwater devices

- A. No person shall swim in the waters located within one thousand five hundred (1,500) feet south of the Village of Ocean Beach, except in areas as may be designated by lifeguards duly appointed by the Village of Ocean Beach.
- B. No person shall utilize any snorkel or other underwater breathing device while swimming in any of the waters in the Village of Ocean Beach or within 300 feet of any shoreline of the village.

§. Operation of aircraft.

No person shall take off or land any aircraft within the Harbor of the Village of Ocean Beach.

§. Marina Rules and Regulations

The following rules and regulations shall apply to the Ocean Beach Marina.

- A. Berth fees will not be refunded once a permit is issued. (In the event of a revocation of a permit by the Village, the paid fee shall be considered the fee for the period space was assigned.)
- B. No refuse, cans, bottles or material of any other kind shall be thrown overboard and the toilet flushed or discharged in the Marina.
- C. No oil or gasoline shall be pumped out of the bilges or thrown into water of the Marina.
- D. No one will be permitted to use a boat for living quarters while in the Marina Basin.
- E. No person shall place or keep any boat, rigging or material of any kind upon the bulkhead, bulkhead walk or upon the property of the village adjacent to the Marina.
- F. Boats shall be properly and safely tied so as to prevent damage to bulkheads and adjacent boats. Extra care and precautions should be taken in the event of a forecast of high winds and storms.
- G. Boats in the Marina shall proceed, at all times, at the slowest possible speed, and there shall be no wake in the Marina when entering and leaving.
- H. Space may not be sublet or assigned or used by any person other than the applicant or a member of his immediate family.
- I. Resident property owners in the Village of Ocean Beach shall have priority in the issuance of permits.
- J. Applications for space must be submitted in triplicate and accompanied by a fee as per schedule. Check or money order should be payable to the Village of Ocean Beach.
- K. The boat owner shall affix to the boat, in a conspicuous place, the numbers supplied by the village to indicate the berth assigned.

§. Mooring at Village Property

No boat shall moor, tie up or dock at, land at or enter into any boat basins, bulkheads or piers or upon any other properties owned or operated by the Incorporated Village of Ocean Beach adjoining or in the waters of the Great South Bay, except with the consent of the Board of Trustees of said village or in accordance with any other local law of the Incorporated Village of Ocean Beach. Any such consent shall be subject to all pertinent rules and regulations promulgated by the Board of Trustees. Such consent may be revoked by the Board of Trustees upon failure of any person to comply therein. Upon such revocation or consent, the boat shall be removed immediately from the boat basin, bulkheads, piers or other properties.

§. Dumping in Waters Prohibited

The dumping or discharging of oil, refuse, garbage, paper or waste of any kind in the waters adjoining the shorelines of the Village of Ocean Beach to a distance of 1,500 feet is prohibited.

ARTICLE II

Enforcement, Violations and Penalties

§. Enforcing authority.

- A. The Village of Ocean Beach Police Department is empowered to enforce the provisions of this chapter. Every person in charge of a vessel must at all times obey the lawful orders of the police officer.
- B. The Village Board is empowered to issue application forms, permit forms, mooring tackle standards, and otherwise promulgate such forms and information as may be necessary for the administration of this chapter.

§. Violations

- A. It shall be a violation of this Chapter for any person to refuse to move or stop on oral command or order of the police officers and exercising the duties lawfully assigned to them.
- B. Owners shall be responsible for their own conduct and that of their vessel, and failure to abide by the laws or unseaman-like conduct of master or crew may result in the immediate suspension of the permit, in the discretion of the police officer.
- C. No person shall tie to or berth a vessel at a Village-operated dock or bulkhead unless the determined user fee has been paid to the Village for use and occupancy of such space by

such vessel. Any person who fails to move such vessel when ordered by the police, or any lawful enforcing authority, shall be in violation of this Chapter and subject to its penalties. Each day that the violation continues shall constitute a separate additional violation.

- D. Violations shall subject the violator to the penalties imposed by Chapter A168. Said penalties shall include but are not limited to immediate revocation of permit, fine or imprisonment.

§. Penalties for offenses.

In addition to or as may be limited by the laws of the State of New York, a violation of any provision of this chapter shall be punishable by not more than fifteen (15) days incarceration or a fine of two hundred fifty dollars (\$250.) for each violation. Each day of violation shall be deemed a new violation and shall be treated accordingly.

**ARTICLE III
Severability**

§. Severability.

The provisions of this chapter are hereby declared to be severable and, if any section, sentence, clause or phrase hereof shall for any reason be held to be invalid, ineffective, in conflict with regulations of the Federal or State authorities or unconstitutional, such decision shall not affect the validity of the remaining portions hereof, but such portions shall remain in full force and effect.

**ARTICLE IV
Harbor Management Chart**

§. Harbor Management Chart