

**City of Rye
Local Waterfront Revitalization Program**

Adopted:

City of Rye City Council, June 19, 1991

Approved:

NYS Secretary of State Gail S. Shaffer, June 28, 1991

Concurred:

U.S. Office of Ocean and Coastal Resource Management, September 16, 1991

**CITY OF RYE
LOCAL WATERFRONT REVITALIZATION PROGRAM**

ACKNOWLEDGEMENTS

PREPARED FOR THE RYE CITY COUNCIL BY:

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

GAIL S. SHAFFER
SECRETARY OF STATE

JUN. 28 1991

Honorable Warren R. Ross
Mayor
City of Rye
City Hall
1051 Boston Post Road
Rye, NY 10580

Dear Mayor Ross:

It is with great pleasure that I inform you that, pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act, I have approved the Local Waterfront Revitalization Program (LWRP) prepared by the City of Rye. The City is to be commended for its thoughtful and energetic response to opportunities presented along its waterfront.

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

Again, I would like to commend the City for its efforts in developing the LWRP and look forward to working with you in the years to come as you endeavor to revitalize your waterfront.

Sincerely,

A handwritten signature in cursive script, reading 'Gail S. Shaffer'.

Gail S. Shaffer

GSS:gn



CITY OF RYE

CITY HALL • RYE, NEW YORK 10580
TELEPHONE (914) 967-5400

WARREN R. ROSS
MAYOR

June 27, 1991

Honorable Gail S. Shaffer
Secretary of State
New York State Department of State
Albany, New York 12231-0001

Dear Secretary Shaffer:

I am pleased to transmit for the Department of State's final approval the Rye City Local Waterfront Revitalization Program, which was adopted by the Rye City Council on November 15, 1989, and amended in accordance with your Department's request on June 19, 1991, as indicated in the enclosed certified resolution.

We look forward to your final approval of our Local Waterfront Revitalization Program, and the implementation of its goals and objectives in the years to come.

Sincerely

Warren R. Ross
Warren R. Ross
Mayor

WRR/fez

Enclosures



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

SEP 27 1991

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

Dear Mr. Stafford:

The Office of Ocean and Coastal Resource Management concurs with your request to incorporate the City of Rye Local Waterfront Revitalization Program (LWRP) into the New York State Coastal Management Program as a Routine Program Implementation (RPI) change. We received comments from five Federal agencies, none objecting to incorporating the LWRP as a RPI. This approval assumes you will make no further changes to the document in addition to the ones submitted.

In accordance with the Coastal Management Regulations, 15 CFR 923.84, Federal Consistency will apply to the City of Rye after you publish notice of our approval.

Sincerely,

James P. Lawless
for Trudy Coxe
Director



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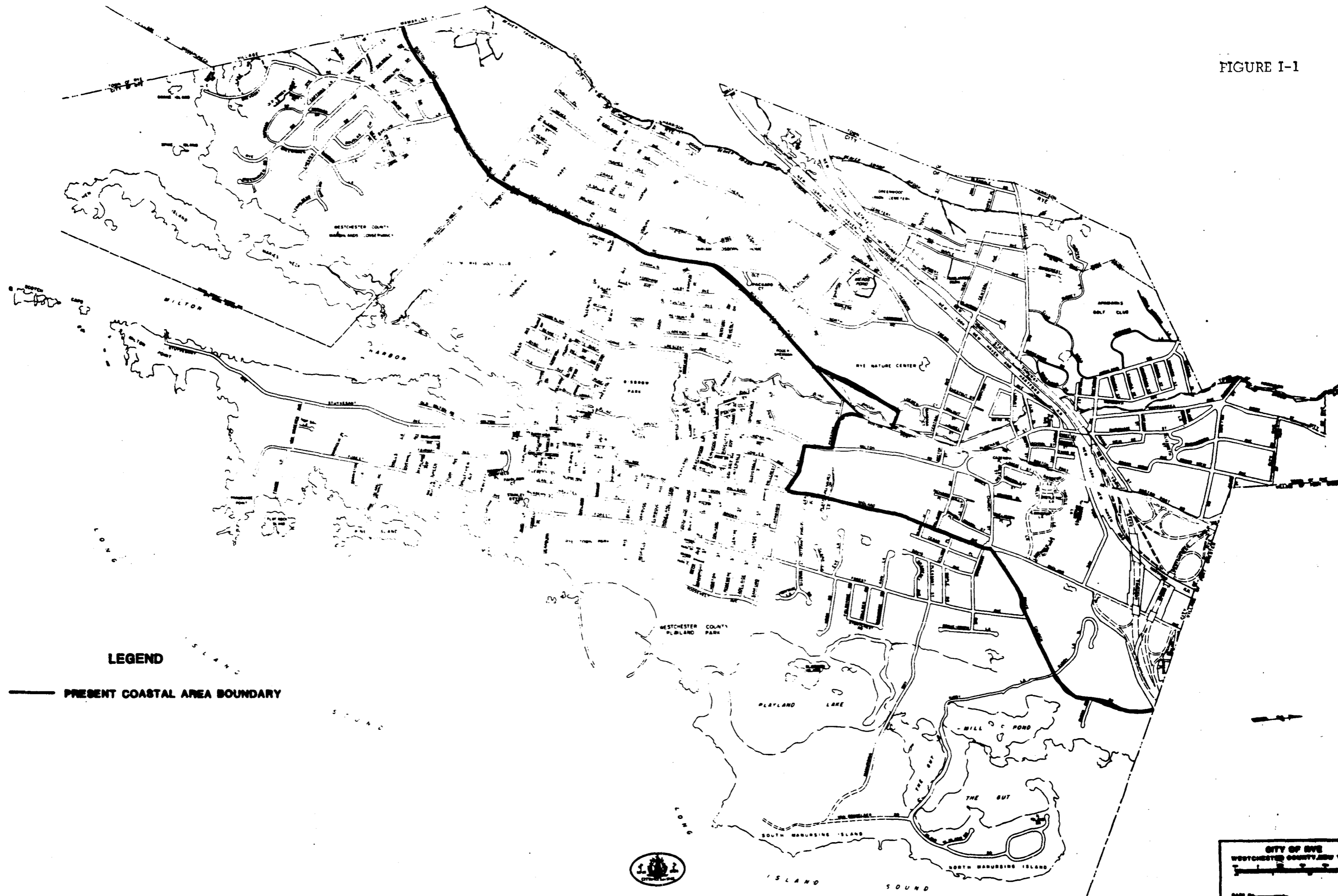
SECTION I

WATERFRONT REVITALIZATION AREA BOUNDARY

Local Waterfront Revitalization Area Boundary

The boundary follows Boston Post Road from south to north to its junction with Old Boston Post Road. The boundary crosses the Rye Nature Center to the terminus of Loewen Court. It turns eastward to its junction with Boston Post Road. The boundary then follows Boston Post Road south to its junction with Parsons Street, Parsons Street east for one block and then south along Milton Road one block to its junction with Apawamis Avenue. The boundary then heads east to Midland Avenue, north along Midland Avenue to Grace Church Street then north along Grace Church Street into Port Chester. The seaward boundary from south to north consists of the seaward legal City limits of zoning which are landward of the mean low water line and corresponds to the City's waterside municipal Boundary. This line generally conforms to the shoreline as shown in Figure I-1 and includes Hen Island, Milton Harbor around to Milton Point, Pine Island and Manursing Island (Fig-I-1).

FIGURE I-1



SECTION II
INVENTORY AND ANALYSIS

Introduction

The City of Rye covers an area of approximately 6.0 square miles in central Westchester County. The Local Waterfront Revitalization Area boundary extends from the northern border of the Long Island Sound inland to the Boston Post Road (See Section I). To the north of Rye is the Village of Port Chester, with the Village of Mamaroneck and Town of Harrison located to the south and west, respectively. The City of Rye supports a population of approximately 14,936 residents (1990 census).

Preservation of the coast of the City of Rye, with its existing balance of residential, recreational and conservation areas, is a primary goal of the Local Waterfront Revitalization Program. Revenues generated from existing privately-owned property insure a strong tax base which helps subsidize Rye's extensive publicly-owned beaches, and insures long-term waterfront access for the public. With public support, opportunities to increase public access and expand the availability of present facilities are sought and encouraged.

In keeping with the basic goal of maintaining the desirable status quo of the waterfront, the Local Waterfront Revitalization Program supports zoning changes in the waterfront area to ensure that existing water-dependent and water-enhanced uses and environmentally sensitive open space lands will be maintained and preserved. Zoning changes were made to ensure that in the unlikely event that existing water-dependent and water-enhanced uses of major properties cease to be viable, future development will comply with the objectives of the City of Rye Local Waterfront Revitalization Program.

A. ENVIRONMENTAL SETTING

This section describes current conditions in the City of Rye, particularly in the Waterfront Revitalization Area, which may be affected by implementation of the Local Waterfront Revitalization Program (LWRP).

1. Land Use and Zoning

The density or number of single-family dwelling units ranges from approximately 6.0 units per acre to less than 1.0 unit per acre. In 1980, single family units comprised approximately 70% of the City's housing stock. Mixed residential (one, two, and multi-family) areas are found in the Maple-High Street, Purchase Street, and Grapal Street - Cedar Place vicinities. Multi-family residential (apartment complexes) areas are limited and concentrated mostly in the vicinity surrounding the Central Business District. Other multiple-family units, primarily condominiums and cooperatives, are found in the waterfront area near Oakland Beach on the Sound and Milton Road at the northern end of Milton Harbor.

Light commercial zones are located primarily south of the New England Thruway (I-95) and the Metro-North Commuter Railroad. Traversing the northwestern boundary of the

City, both I-95 and the railroad provide excellent access from the surrounding metropolitan area. The City's Central Business District is located along Purchase Street in the northern end of the City, situated between the Boston Post Road (U.S. Route 1) and I-95. This district can be divided into a core area intersected by Purchase Street, Purdy Avenue, and Boston Post Road, and the surrounding peripheral zone. The City's present concern is to maintain the character of the shopping and community center through a continuation of retail use and uninterrupted vehicular and pedestrian access.

Rye's open space and recreational areas consists of parks, nature preserves, beaches, marinas and docks. Marshlands Conservancy, Rye Nature Center, Playland Park, Disbrow Park, Rye Town Park, Rye Golf Club, Apawamis Club, Manursing Island Club, Westchester Country Club Beach Annex, Coveleigh Club, Shenorock Club and American Yacht Club are the predominant establishments in the Milton Harbor and Manursing Island vicinity (see Figure II-8).

2. Water-Dependent and Water-Enhanced Uses

The City's waterfront is important to the community. It provides recreational, business, and aesthetic public access to the Long Island Sound. Maintenance of Milton Harbor as a navigable waterway for boating traffic and the provision of adequate docking and mooring space are paramount with regard to the increased demand for Rye's waterfront facilities. As in other coastal communities, development pressure is high, and only a finite amount of waterfront is available. Continuation of, and addition, to existing public access to water-dependent use areas are important factors included in the City of Rye Local Waterfront Revitalization Program. Water-dependent use areas in the City are numerous and diversified.

Their success is dependent upon the waterfront location and, as such, are highly vulnerable to redevelopment pressure. Two extremely important areas in Rye with such water-dependent uses and facilities are Milton Harbor and Manursing Island. Milton Harbor plays a central economic role in the City because of the high degree of activity centered around the marina, boat yard, clubs and private beaches. Services provided by these facilities include accommodations for various sailing and non-sailing vessels for winter storage, docking, mooring, and other support services. At present, the important City boating facilities include:

- American Yacht Club
- Coveleigh Shore Club Shenorock Boat Club
- Shongut Boat Yard
- Rye City Boat Basin
- Tide Mill Boat Basin
- Durland Scout Center

(See Figure II-8: Parks, Recreation and Open Space Plan)

With regard to beach-related uses, two private beaches, Westchester Country Club and Manursing Island Club, are located on Manursing Island and two beaches in the Greenhaven area are maintained by homeowner associations. Public beach areas are located at the Rye Town Park and the County-owned Playland Amusement Park.

In addition to Rye's water-dependent use areas, a number of areas are determined to be water-enhanced because of the enjoyment derived from a user's proximity to the waterfront zone. Some of the more important water-enhanced recreational and open space areas in Rye include:

- Marshlands Conservancy
- Rye Golf Club
- Rye Town Park
- Playland Amusement Park
- Playland Nature Preserve
- Disbrow Park

(See Figure II-8) Parks, Recreation and Open Space Plan).

Activities in these areas range from ballfields and swimming pools to trails for walking, nature study, and relaxation.

3. Underutilized, Abandoned or Deteriorated Sites

The open space system of parks and recreational areas within the Rye waterfront, combined with active residential and commercial use areas, limit the extent of sites and structures in need of renovation or redevelopment.

Playland Pier at Playland Amusement Park has been identified for redevelopment and increased use. Playland Pier has become deteriorated to the point where it is closed to the public, as the deck and railing require replacement. The pier was to be reconstructed the 1992 summer season. This is the only public fishing pier in Rye on the Long Island Sound shore.

4. Commercial Fishing Facilities

Limited commercial fishing activities exist in the City of Rye. The absence of access and support facilities for commercial fishing curtails this activity.

5. Public Water and Sewer Service Areas

Presently, the sewer collection system is owned by the City, with the trunk lines and treatment plant owned by Westchester County. The City is currently served by two water pollution control plants. Located in Disbrow Park, the Blind Brook Sewage

Treatment Plant services the majority of the City. The western portion of Rye is within the Beaver Swamp Brook watershed and serviced by the Mamaroneck Sewage Treatment Plant. As in nearly all urban areas throughout the metropolitan region, increased volumes of wastewater produced during periods of heavy rainfall extend beyond the treatment capacity of the plants. Since these plants are incapable of handling all of the wastewater during such times, sewage backup occurs and untreated materials are discharged into the Sound. It should be noted that the surface water classifications in the immediate vicinity of the two treatment plant outfalls or discharges are considerably less than the SA or SB classification of surrounding waters (see Tables 4-1 and 4-2 and Figure II-6: Water Classification). However, during periods of extended strong on-shore winds and/or water currents, water classifications, especially in bathing areas, can be temporarily reduced below acceptable standards due to a mixing of these two normally separated water masses.

As indicated by the Rye Sanitary Sewer Map (Figure II-9), almost all major areas are currently serviced. Exceptions are Manursing Island, Kirby Lane and the private roads area surrounding Van Arening Mill Pond, where residents utilize private septic systems. Isolated unserviced areas also occur in the Parsonage Point and Pine Island vicinities.

Rye's water service is maintained by two major water companies, the Westchester Joint Waterworks and the New York American Water Company. Both companies have indicated that no future supply problems are anticipated with respect to predicted developments.

6. Highways, Roads and Mass Transportation Services

The City of Rye is serviced by diverse networks of limited access highways, arterial routes, collector streets and minor streets. Local streets, designed for lesser traffic volumes, provide access to private residential neighborhoods and other local uses. Roadways within the waterfront area are as follows:

Limited Access Highways

- Intersection of the New England Thruway (I-95) and Cross Westchester Expressway (I-287).
- Playland Parkway east of Boston Post Road.

Arterial Routes

- Boston Post Road (U.S. Route 1), which is the Rye waterfront boundary separating the coastal and non-coastal designated areas of the City east to Parsons Street.

Collector Streets

- Oakland Beach Avenue
- Milton Road
- Forest Avenue
- Midland Avenue
- Grace Church Street

Of the above, streets or areas of special concern include Playland Parkway east of Boston Post Road and intersections of Milton and Forest Avenues with the Parkway (See Figure II-10: Major Streets). Level of service is frequently reduced in these areas, especially during weekends and in the summer, as a result of the high volume of traffic entering and leaving Playland Amusement Park.

Mass transportation service is supplied by the New Haven Branch of the Metro North Commuter Railroad and the Westchester County Transportation Department.

Pedestrian circulation (walkways, trailways, bike paths, jogging paths) within the waterfront area is limited to public access at some of the more scenic areas along the waterfront.

Natural Environment and Historic Resources

7. Historic Structures, Sites and Districts

Rye's historic, cultural, architectural and archaeological resources are unique. The following landmarks in the waterfront area have been listed on the National Register of Historic Places: Playland Amusement Park; Timothy Knapp House; Milton Cemetery; Boston Post Road Historical District.

In addition, Sound View Park Historic District and Church Row have been mentioned for inclusion in the National Register. Under Chapter 117 of the Rye City Code, entitled Landmarks Preservation, Alansten and Hains/Robinson have received local designation.

Although not specifically defined in the guidelines for the designation of historic structures, sites, or districts within the City of Rye, the inventory of bicentennial trees includes those of significant historic and aesthetic value, unique educational benefits exemplifying Rye's past history, or are an important historic resource which cannot be duplicated or replaced once lost.

A total of 19 bicentennial trees have been identified throughout the City, 15 of which are in the waterfront area and identified below (see Figure II-11: Bicentennial Tree Map).

<u>Species</u>	<u>Location</u>
1 White Oak	Midland Avenue (Manny)
2 White Oak	281 Midland Avenue
3 White Oak	281 Midland Avenue
4 White Oak	22 Ellsworth Street
5 White Oak	Kirby Lane (Stiassni)
9 Red Oak	66 Boston Post Road
10 Red Oak	Drake Smith Lane (Frothingham)
11 Red Oak	28 Intervale Place
12 Red Oak	390 Forest Avenue
13 Red Oak	45 Drake Smith Lane
14 Red Oak	Marion Road (Pepper)
15 Black Oak	84 Sonn Drive
17 Sweet Gum	950 Forest Avenue
18 Mt. Magnolia	240 Boston Post Road
19 Tulip Popular	36 Hix Avenue

8. Scenic Resources and Important Vistas

The scenic quality and visual characteristics of the Long Island Sound and Rye waterfront are noteworthy, although specific areas of significant or unique visual quality have not been delineated within the waterfront area at the present time. Additionally, many of Rye's historic properties are included in the National Register of Historic Places due in part to their significance as important scenic vistas. The State has not identified these areas as Scenic Areas of Statewide Significance at this time.

9. Significant Coastal Fish and Wildlife Habitats

Significant Coastal Fish and Wildlife Habitats, currently designated by the New York State Department of State, within the City of Rye are concentrated in the Milton Harbor (Marshlands Conservancy) and Manursing Island (Playland Lake and Manursing Island Flats) areas including contiguous waters, mudflats, marshes, and wetlands (See Figure II-4). Significant Coastal Fish and Wildlife Habitats are designated when one or more of the following conditions exist: the habitat is essential to the survival of a large portion of a particular fish or wildlife population; the habitat supports a population of rare, threatened, or endangered species; the habitat is a rare occurrence within the coastal region of the State; the habitat is difficult or impossible to replace once disturbed or lost; and/or the habitat supports fish and wildlife population having significant commercial, recreational, or educational value.

The boundaries associated with Marshlands Conservancy Significant Coastal Fish and Wildlife Habitat encompass the following specific locations of Maries Neck and the

Marshlands Conservancy. A complete description of the Marshlands Conservancy Significant Coastal Fish and Wildlife Habitat is in Appendix C.

Extending from the western border of Manursing Island Park and North Manursing Island, the following areas are contained within the designated Playland Lake and Manursing Island Flats Significant Coastal Fish and Wildlife Habitat: Playland Nature Preserve, The Gut, Kirby Mill Pond, and Port Chester Harbor (southern extent). A complete description of the Playland Lake and Manursing Island Flats is contained in Appendix C.

Blind Brook flows into the Marshland Conservancy Significant Habitat and is another area of particular local environmental significance. Although sport fishing is not abundant in Blind Brook, it does provide a feeding area for herring, smelt, white perch and striped bass in the lower half mile. White suckers, golden shiners, blacknose dace and goldfish are found throughout the remaining sections.

The New York State Department of Environmental Conservation Significant Habitat Unit has indicated that the entire waterfront area of Western Long Island Sound is an important waterfowl wintering area. Species most frequently encountered throughout the area and, therefore, most likely associated with Rye's waterfront area include: Black duck, Mallard, Scaup, Canvasback, Canadian Goose, Bufflehead, Redhead, Golden Eye, Baldpate, Merganser, and Swans.

One particular species of interest is the American osprey, Pandio haliaetus. The osprey is a threatened species which nests along the ocean and is found in tree tops, dead trees and on utility poles. The proximity of Blind Brook to Long Island Sound represents a potential habitat for osprey, however, heavy development and dense population might make this area unsuitable.

10. Tidal and Freshwater Wetlands

Wetlands, as defined by the New York State Department of Environmental Conservation are lands where water saturation is the dominant factor in determining the nature of soil development and the types of plant and animal communities living in the soil and on its surface. Many plants and animals depend upon wetlands for survival. The single feature that most wetlands share is soil or substrate that is at least periodically saturated or inundated by water. In the City of Rye's zoning ordinance, wetlands are defined as areas other than water courses generally covered or intermittently covered with fresh, brackish or salt water, including but not limited to, thack meadow, salt marsh, salt meadow, marsh, swamp and bog (See Figure II-5: Natural Resource Inventory).

Both tidal and freshwater wetlands offer some of the most valuable wildlife habitat within the waterfront area. In addition, wetlands are unique aesthetic, recreational, educational and ecological resources. Benefits derived from wetlands in the Rye waterfront area include:

- o Flood storage area and water supply for rivers and streams
- o Sediment trap for silt and organic matter
- o Groundwater recharge areas
- o Chemical and biological oxidation basins that help to cleanse water
- o Shoreline protection from wave and wake damage
- o Fish spawning, nursery ground and feeding area
- o Breeding, rearing and feeding ground for many wildlife species
- o Habitat for migrating waterfowl
- o Birdwatching
- o Aesthetics
- o Education and scientific research

Environmentally sensitive areas such as wetlands and marshes are extensive within the Rye waterfront area and are responsible for much of its open space and scenic quality. Tidal marshes are found on the western shores of Milton Harbor, along Blind Brook and along other portions of the City's waterfront area. Freshwater wetlands are found near Beaver Swamp Brook, Blind Brook and in the Manursing Island area. Many of these wetland resources are publicly owned, although others are maintained as private open space areas. The tidal wetland areas are officially delineated on the NYSDEC's 1974 Tidal Wetlands Inventory Map. Freshwater wetlands regulated by NYSDEC are delineated on the DEC's filed Freshwater Wetlands Map.

The following include some of the more extensive tidal wetlands: Hen Island; Maries Neck, Rye Golf Club, Milton Harbor, Blind Brook, Parsonage Point, Pine Island, Rye Town Park, Playland Park, Manursing Island Park, North Manursing Island, and The Gut.

Many of these tidal areas contain a diversity of covertypes such as intertidal marshes, high marshes, salt marshes, coastal shoals, coastal bars, and mud flats. Dominant vegetation in these areas include smooth cordgrass (Spartina alterniflora), salt hay (Spartina patens) and common reed (Phragmites sp.).

Freshwater wetlands are much less extensive than the tidal areas listed above. Significant freshwater wetlands are located in the following areas: east and west sides of Playland Parkway at its intersection with Milton Road, east and west sides of Holly Lane, north and south sides of Midland Avenue at the junction of Park Lane, Kirby Lane north of Grace Church Street, northern shoreline of Playland Lake, Manursing Island Park, and the western portion of North Manursing Island. These areas include seasonally flooded basins or flats, inland fresh meadows, inland shallow fresh marshes, inland deep fresh marshes and shrub swamps. Vegetation typically found in these areas includes smartweed (Polygonum sp.), marsh elder (Iva frutescens L.), sedges (Carex sp.), Manna grasses (Glyceria sp.), bulrush (Scirpus sp.) and alders (Alnus sp.).

11. Important Agricultural Land

No agricultural lands have been identified within the City of Rye.

12. Soil and Bedrock Formations, Steep Slopes Areas

The City of Rye is characterized by low to moderately sloping terrain scattered with select areas of steep slopes (see Figure II-5: Natural Resource Inventory). A large portion of the waterfront area is also characterized by a high water table and/or shallow soils (see Figure II-6: High Water Table/Shallow Soils). Soils found throughout Rye may be divided into three general categories: Upland Glacial Soils; Glacial Stream Soils; and Wetland Soils.

The majority of the City contains fine sandy loam, rocky fine sandy loam, with fewer distributions of silty loam and miscellaneous wetland and variable soils. The fine silty loam consists of shallow, well-drained to moderately well-drained soils where the erosion potential is medium at the surface, moderately high in the subsoil, and low in the substratum. Permeability ranges from slow to rapid depending on specific soil type. Rocky fine sandy loam is characterized by excessive drainage capacity, moderate to rapid permeability with a high degree of erodability in subsoils, especially on steep slopes. The wetland soils are generally very poorly drained, with slow permeability and high erosion potential. Land use limitations may be associated with each soil type in terms of construction difficulty, relative costs of proposed actions, and the extent of corrective or preventive measures necessary.

Development limitations within the waterfront area of Rye will most likely occur in areas with steep slopes requiring extensive cutting and filling, areas historically associated with severe flooding, siltation and erosion, and areas permanently or seasonally saturated with water.

13. Flood Hazard and Flood-Prone Areas; Coastal Erosion Hazard Areas

Bounded by the New York-Connecticut state line, the Blind Brook Watershed encompasses an area of approximately 6,980 acres. As part of this watershed, sections of Rye experience a serious threat of flooding (see Figure II-7: Flood Hazard Area). With Blind Brook and Beaver Swamp Brook, as well as significant portions of Rye's Long Island Sound and Milton Harbor coastline, within the 100-year flood hazard area, the Federal Insurance Administration of the U.S. Department of Housing and Urban Development has designated Rye as having special flood hazard areas. A Natural Protective Feature Area Boundary has been established along virtually all of Rye's waterfront under the State Coastal Erosion Hazard Area Act.

The primary land and water management concerns involving this flooding potential are problems associated with upland development. The primary floodwater damage in the

Blind Brook watershed occurs in the urbanized floodplain in the City of Rye. This damage results from bank overflow created by high runoff. High tides from Long Island Sound increase these flood levels, especially along the waterfront area. The displaced sediment is primarily deposited in Milton Harbor and the lower reaches of Blind Brook, where tidal influence and runoff contribute to the sedimentation problems presently experienced in the Harbor.

The following areas continue to be subject to periodic flooding and/or coastal erosion: the waterfront of Milton Harbor including the Marshlands Conservancy, Rye Golf Club, and the entire waterfront adjacent to Stuyvesant Avenue; Hen Island, Spike Island, Crane Island, and the Scotch Caps; Blind Brook and Beaver Swamp Brook, including adjacent residential and commercial areas; and Long Island Sound coastline which includes: Rye Town Park, Playland Park, and Manursings.

In June, 1976, the City of Rye, with assistance from the National Weather Service, installed a flood warning system for the City. It consists of a resistance-type stream gauge on Blind Brook at the Bowman Avenue Dam which can be read at the City Police station, a staff gauge at the dam for backup, and an indoor-reading rain gauge at the fire station. The system provides 24-hour monitoring of the water level upstream of the City and an advance warning of flood stages. The City also has radio monitors to receive the National Weather Service's Tidal Flood Warning broadcast. Two flood warning horns have been installed in the City: one at the Locust Avenue Fire Station and one at the Milton Fire Station. The City has also developed a flood evacuation plan and an emergency preparedness plan.

14. Surface and Groundwater Resources: Water Quality Classification

Surface waters of the State of New York have been classified according to their purity and best usage (see Figure 2-1: Water Quality Classifications). Applicable to the City of Rye's surface waters are classifications relating to both saline and freshwater ranging from A (best) to D (worst) for fresh water and SA to I for saline waterbodies. These classifications are delineated in Table 4-1.

TABLE 2-1: WATER CLASSIFICATION

<u>Classification</u>	<u>Best Usage</u>
SA	Saline-Primary and secondary contact recreation and shellfishing
SB	Saline-Primary and secondary contact recreation
C	Freshwater-Fishing and secondary contact recreation
D	Freshwater-Non-recreation use
I	Estuarine-secondary contact recreation

Primary contact recreation is defined as recreational activities where the human body may come in direct contact with water to the point of complete body submergence. Such uses include swimming, diving, water skiing, skin diving and surfing. Secondary contact recreation is defined as recreational activities when contact with the water is minimal and where ingestion of water is not probable. Such use include, but are not limited to, fishing and boating.

Surface water resources in the City of Rye consist of freshwater to brackish and saline streams, ponds and lakes. Milton Harbor and the extensive waterfront adjacent to the Long Island Sound comprise the vast majority of surface water resources within the Rye waterfront area. NYSDEC has recently upgraded all perennially flowing streams to at least a "C" classification. The following Table 4-2 lists the major surface waters and their fresh and saline classification, as identified by the NYS Department of Environmental Conservation.

TABLE 2-2: NY STATE WATER CLASSIFICATIONS

<u>Water Body</u>	<u>Classification</u>
Milton Harbor	SB
Blind Brook - Playland Parkway to Milton Harbor	I
Blind Brook - Upstream of Playland Parkway	C
Beaver Swamp Brook	C
Mill Pond	I
Playland Lake	I
Port Chester Harbor	SB
Long Island Sound Shore	SB

From the head of the Milton Harbor to the Long Island Sound and northeast along the Rye coastline, the saline surface water classification is SB. Specific water-dependent use areas affected by the classification include beaches, such as Rye Beach, Playland Beach, Milton Point and Manursing Island beaches. Beyond this east-west SB line, an area of higher classification (SA) has been designated on the Rye Coastal Zone Area Map. Blind Brook is classified as Class C throughout Rye to Playland Parkway. From this point to

Milton Harbor, the classification is I, reflecting the intrusion of more saline water from the Sound. Beaver Swamp Brook is classified as C, with the exception of the extreme northern reach at the Rye-Harrison border, which is classified as B.

15. Air Quality Maintenance Areas

The City of Rye is located within the New Jersey-New York-Connecticut Interstate Air Quality Control Region (AQCR). The New York State Department of Environmental Conservation (NYSDEC) is the agency responsible for operating and maintaining an air quality surveillance network to demonstrate whether compliance with the National and State Ambient Air Quality Standard (AAQS) exists. The nearest monitoring station with respect to Rye is located in the Village of Mamaroneck, with capabilities for measuring a wide variety of air quality parameters. For the period from 1978 to 1982 at the NYSDEC Mamaroneck Station, no contravention of the sulfur dioxide (SD2), carbon monoxide (CO), and nitrogen dioxide (NO2) AAQS applicable standards has been recorded. With respect to ozone, commonly called photochemical oxidants or smog, the NYSDEC has designated the entire County of Westchester as a non-attainment area for ozone, signifying that ozone standards are exceeded. Violations of the 0.12 parts per million standard at stations within the AQCR have prompted this designation. Because of the non-attainment status, significant new sources of pollutants will be reviewed by NYSDEC. It is therefore expected that compliance with AAQS levels within this air quality control region will be maintained within the City of Rye.

B. DESCRIPTION OF THE COASTAL AREA BY GEOGRAPHIC ZONE

In the inventory and analysis of existing conditions within the City of Rye, four main geographic zones are discussed. These zones are shown in Figure II-2.

1. Greenhaven - Rye Golf Club Area (Zone 1)

The area defined as Zone 1 extends from the Mamaroneck border north to Oakland Beach Avenue and is bounded by the western shoreline of Milton Harbor on the east and the Coastal Zone Boundary along Boston Post Road on the west (Figure II-2).

a. Land Use and Zoning

Land use in the Greenhaven area and south of Oakland Beach Avenue is primarily low to medium density residential. Situated between the two residential areas are the Marshlands Conservancy, designated for conservation use, and the Rye Golf Club, designated for waterfront recreational use. Both of these areas have been rezoned from R-2, one-family districts with a minimum lot size of one-half acre to C, Conservation District and WR, Waterfront Recreation, respectively. The City-owned Rye Golf Club will be maintained as an integral part of Rye's recreation system. The City intends to encourage the preservation of the County-owned Conservancy as a valuable passive recreational use area. The zoning districts have been created to reflect the current mix of desirable land use. Any

development which would be detrimental to the natural environmental setting will be opposed by the City.

b. Historic Resources

The preservation and maintenance of historic, cultural, architectural and archaeological resources is a primary goal of the City of Rye. An extensive historic resource area is located within Zone 1 (Figure II-3). The Boston Post Road Historical District, listed on the National Register of Historic Places, encompasses all the Marshlands Conservancy, the Rye Golf Club and the Jay Estate, which is situated at the western corner of the Conservancy adjacent to the east side of Boston Post Road. This area will be maintained as a significant historic resource in accordance with the requirements set forth in the Rye City Code for the maintenance and preservation of historical sites, district and structures. According to the NYS Museum Archaeological Site File Map, there are three and possibly four or five, 1-mile diameter sites in the City of Rye which may contain resources of archaeological significance. Public agencies shall contact the NYS Office of Parks, Recreation and Historic Preservation to determine measures to be incorporated into development decisions concerning such resources.

c. Fish and Wildlife Resources

The entire shoreline of Milton Harbor and Blind Brook is important as a fish and wildlife habitat for the breeding and wintering of numerous waterfowl species (Figure II-4).

The Marshlands Conservancy Significant Coastal Fish and Wildlife Habitat in Zone 1 has been designated by New York State Department of State and is concentrated in the Milton Harbor area, including all contiguous waters, mudflats, marshes and wetlands of the Maries Neck and Marshlands Conservancy (see Appendix C).

d. Fish and Wildlife Values of the Marshlands Conservancy

Marshlands Conservancy is one of the largest contiguous areas of undeveloped coastal land in southern Westchester County. Of special importance is the relatively undisturbed tidal wetland area, which is the largest of its kind in the County. The site is inhabited by a diverse abundance of fish and wildlife that is unusual around western Long Island Sound.

A full compliment of coastal wildlife species occurs in and around the marshes at Marshlands Conservancy. Nesting bird species include green-backed heron,

yellow-crowned night heron, Canada goose, mallard, black duck, clapper rail, fish crow, marsh wren, red-winged blackbird, sharp-tailed sparrow and seaside sparrow. This is the only mainland breeding site for yellow-crowned night herons in New York. Many species of waterfowl, shorebirds, herons, raptors and passerine birds use the area as a stopover during spring and fall migrations. Areas such as this also play an important role as habitats for commercially and recreationally important vertebrates and fishes, and function as sites for the conversion of plant production into animal biomass. The most visible evidence of this are the concentrations of hard clams, ribbed mussels, fiddler crabs, and horseshoe crabs found throughout the area. Diamondback terrapin (SC) breed on sandy spits adjoining Marshland's tidal wetlands.

In addition to the wetlands, Marshlands Conservancy provides a diversity of other fish and wildlife habitats. Upland habitats at Marshlands support many of the typical species in the region. The woodlands include both wet and well-drained areas with representative stands of oaks, hickory, beech, tulip poplars and sweetgum. Dead and fallen trees provide cover for cavity dwellers, such as woodpeckers, owls, raccoons, striped skunks, flying squirrels and bats. The meadow area is one of the largest remaining open field habitats in southern Westchester and supports mice, eastern cottontail, red fox, various passerine birds and hawks.

As an environmental education center, Marshlands Conservancy is an important facility, attracting visitors from throughout Westchester County. Public use of the area centers on birdwatching during spring and fall, environmental education classes during the school year and informal nature study and outdoor recreation throughout the year. A visitor's center and system of trails have been developed in the area.

Marsh areas are extensive within Zone 1 of the Rye waterfront area and are responsible for much of its open space and scenic quality. Much of this same shoreline area is designated by NYSDEC as a State tidal marsh wetland area (Figure II-5). NYSDEC has also inventoried freshwater wetlands, and none are designated in the waterfront area. Tidal marshes are found on the western shores of Milton Harbor. Many of these wetland resources are currently publicly owned, although others are maintained as private open space areas. They include the coastal component of the same areas designated as significant fish and wildlife habitat by NYSDOS.

The City plans to retain, as open space, properties with valuable ecological features. This would include the eastern shoreline border of both the Marshlands Conservancy and the Rye Golf Club. Rye's plans are to preserve and protect the significant environmental features within the shore zone as a public natural area. Environmentally sensitive areas within the Marshlands Conservancy will be

incorporated into a Conservation District with properties intended for conservation use only. Similar areas within the Rye Golf Club will be maintained in a manner consistent with the sensitive features of the natural setting.

e. Water Resources

Surface water resources within Zone 1 include Milton Harbor and contiguous waters around Hen Island, Spike Island and Crane Island (Figure II-6).

The current New York State classification of the Milton Harbor waters (SB) will be maintained.

f. Erosion and Flooding

Areas subject to coastal erosion and flooding are located along the entire western shoreline of Milton Harbor and Blind Brook at the head of the Harbor (see Figure II-7). Projects within the 100-year floodplain (which includes A and V zones, as recognized by the Federal Emergency Management Agency (FEMA)) would be subject to floodplain management requirements set forth in the Rye City Code. FEMA defines V zones as areas of 100-year coastal action. The V zones lie within the A zones and in many places are very similar and not discernable on a large scale map. The implementing legislation of this LWRP makes no distinction between the A and V zones and, therefore, they are not differentially mapped. Structures would be subject to the specified general flood control requirements. A detailed discussion of the Blind Brook flood-prone zones is presented under chapter B (3) of this section.

g. Infrastructure

The majority of the City of Rye is serviced by City-owned collection systems and waste is treated at the Blind Brook Sewage Treatment Plan. Most areas of Zone 1 are serviced by the City sanitary sewage collection system.

2. Milton Point - Commercial Waterfront Area (Zone 2)

a. Land Use and Zoning

The area defined as Zone 2 extends from the eastern shoreline of Milton Harbor to the coastline along the Long Island Sound south of Dearborn Avenue (see Figure II-2). Land uses include recreation, one-family residential, multi-family residential and marine commercial uses. Zoning is predominantly one-family districts, with lot sizes varying from 7,500 square feet to one acre. An apartment district (zoned RA-4) is located west of Old Milton Road adjacent to Milton

Harbor. Three areas zoned as business districts are located within Zone 2 lands, including neighborhood business (B-1 at the intersection of Milton Road and The Lane), waterfront business (B-7, west of Milton Road), and beach business (B-3, south of Dearborn Avenue).

The area, including parcels south of Halls Lane and east of Milton Harbor to the Long Island Sound in the vicinity of Pine Island, is zoned R-1, one-family residential with a minimum lot size of one acre. The American Yacht Club, Shenorock Shore Club and Coveleigh Club properties have been incorporated into a designated Membership Club District, which would maintain the existing club properties use as the permitted main use and R-1 as a permitted use subject to additional standards and requirements. Other residential use areas include single-family and multi-family residential districts south of Dearborn Avenue and east of the Milton Harbor shore zone.

Waterfront business use is designated for an area at the head of Milton Harbor west of Milton Road and includes the properties of the Rye City Marina, Rye Fish and Game Club and Shongut Boat Yard. This area is zoned as a Waterfront Business District. Included in this area is the potential for commercial fishing activities which, at present, are limited to sport fishing. Within this zone there is an opportunity to provide additional public access to waterfront areas for passive water-enhanced recreation. A waterfront vista in the area of Dearborn Avenue could be provided. Such a project would require limited improvements (park benches and trash receptacles), and is compatible with current zoning.

b. Fish and Wildlife Resources

The entire eastern shoreline of Milton Harbor and the Long Island Sound from Milton Point to Dearborn Avenue in Zone 2 provides fish and wildlife habitat for the breeding and wintering of numerous waterfowl species. This same shoreline area, including Milton Point, Scotch Caps, Pine Island and Kniffen Cove to Oakland Beach, is also designated by the NYSDEC as a tidal marsh (Figure II-5). The formation of a Membership Club District to preserve present land uses and the establishment of a public access vista area is compatible with the City's goals and policies to protect and maintain environmentally valuable areas in their natural setting.

c. Water Resources

Surface water resources within Zone 2 include Milton Harbor and the coastal waters of the Long Island Sound (Figure II-6). The present classifications of these waters (SB, primary and secondary contact recreation) will be maintained. The formation of a Membership Club District, Waterfront Recreation District and public access vista areas will be compatible with current classifications.

d. Erosion and Flooding

Areas subject to coastal erosion and flooding are located along the entire waterfront area of Zone 2 (Figure II-7). Proposed development will be subject to floodplain management requirements set forth in the Rye City Code.

e. Infrastructure

Zone 2 is serviced by the City's sewer although certain areas currently do not have collection systems. Isolated unserved areas occurring at Parsonage Point and Pine Island utilize private septic systems.

3. Blind Brook-Playland Parkway Area (Zone 3)

a. Land Use and Zoning

The area defined as Zone 3 extends north of Dearborn and Oakland Beach Avenues and west of Forest Avenue to the Waterfront Revitalization Area (WRA) Boundary (Figure II-2). Land uses include parks and recreation, single-family residential and general business uses. Zoning is predominantly single-family districts with minimum lot sizes varying from one acre to 6,000 square feet. A small neighborhood business district (zoned B-1) is located at the intersection of Riverside View and Oakland Beach Avenue. An area zoned as a multi-family residential district is located on Cedar Place, adjacent to the WRA boundary.

b. Historic Resources

Several areas identified as historic resources are located within Zone 3. Two sites located east and west of Milton Road at Rye Beach Avenue, the Timothy Knapp House and Milton Cemetery, are listed on the National Register of Historic Places. Another site is the Hains/Robinson House. These areas will be preserved in accordance with the Rye City Code.

c. Public Access and Recreation

Disbrow Park, situated north of Oakland Beach Avenue and west of Blind Brook, is the largest parcel of parks and recreational land. The incorporation of the northern portion of Disbrow Park into a Conservation District would maintain this property for use as a wildlife conservation and natural area. The southern portion of the park contains the County-owned Blind Brook Sewer District Sewage Treatment Plant. Also located on this property is the County's solid waste transfer station and the City of Rye's public works complex.

The northern area presents an opportunity to provide additional passive recreation and public access along Blind Brook by continuing the existing walkway from the Rye Nature Center to Oakland Beach Avenue. Walkway development could be a permitted accessory use within the Conservation District and would require either a new bridge at Pine Lane or an easement through the Rye Psychiatric Center. Bicycle and motor vehicle traffic should be prohibited along the walkway in order to lessen human impacts upon wildlife. By using pervious surfaces, runoff impacts would be lessened.

d. Fish and Wildlife

Blind Brook is an area of particular environmental significance. The entire length of Blind Brook within Zone 3 is designated as tidal marsh and, therefore, has an important habitat value (Figure II-5). Although sport fishing is not prevalent in Blind Brook, the brook does provide a feeding area for herring, smelt, white perch and striped bass in the lower section. White suckers, gold shiners, blacknose dace and goldfish are found throughout the remaining section. A small federally-designated freshwater wetland is located along Playland Parkway in the vicinity of Milton Road.

e. Erosion and Flooding

Bounded by the New York-Connecticut state line, the Blind Brook Watershed encompasses an area of approximately 6,980 acres. As part of this watershed, sections of Rye experience a serious threat of flooding (Figure II-7: Flood Hazard Areas). With Blind Brook, as well as significant portions of Rye's Long Island Sound and Milton Harbor coastline, within the 100-year flood hazard area, the Federal Insurance Administration of the Federal Emergency Management Agency has designated Rye as having special flood hazard areas. The primary land and water management concerns involving this flooding potential are problems associated with upland development. The primary floodwater damage in the Blind Brook watershed occurs in the urbanized floodplain in the City of Rye. This damage results from bank overflow created by high runoff. High tides from the Long Island Sound increase these flood levels, especially along the waterfront area. The displaced sediment is primarily deposited in Milton Harbor and the lower reaches of Blind Brook where tidal influence and runoff contribute to the sedimentation in Rye. The area along Blind Brook is subject to periodic flooding and/or coastal erosion.

Both of the above areas lie within the designated 100-year floodplain. Construction of a walkway would conform to the floodplain management requirements set forth in the Rye City Code, as well as all policies to protect and maintain environmentally significant areas in their natural setting. Construction

of such a walkway would, in addition, be compatible with the City's goal to acquire and maintain floodplain parcels along Blind Brook.

f. Water Resources

Surface water resources within Zone 3 are limited to Blind Brook (Figure II-6). The present classification is I (estuarine, secondary contact recreation) from Oakland Beach Avenue to Playland Parkway and C (freshwater, non-recreational use) from Playland Parkway to the Waterfront Revitalization Area boundary on Parsons Street. Current classifications are compatible with the proposed formation of a Conservation District and construction of the Blind Brook Walkway.

4. Playland Park - Manursing Island Area (Zone 4)

a. Land Use and Zoning

The area defined as Zone 4 extends north of Dearborn Avenue along Forest Avenue to the Waterfront Revitalization Area and east to the Long Island Sound. Land uses include parks and recreation, one-family residential and natural open space use. Zoning is predominantly single-family districts (R-1) with a minimum lot size of one acre. Additional residential areas are zoned with lot sizes ranging from 7,500 square feet (R-5) to 1/3 acre (R-3). The Westchester County Playland Park, zoned B-1, represents the only parcel designated as a neighborhood business district.

b. Public Access and Recreation

Playland Park, Rye Town Park and the tip of South Manursing Island are the largest parcels of parks and recreational land in the City. The incorporation of Playland (excluding the nature preserve) and the Rye Town Park into a Waterfront Recreation District makes public and private recreational use as the permitted main use and reflects current land use. This zoning category would allow R-1 residential use subject to additional standards and requirements. It is recommended that the remaining area of Playland Park, already an existing conservation area, be incorporated into a Conservation District with conservation use the permitted main use with no fall-back uses permitted to preserve this area. The Westchester Country Club and Manursing Island Club, both located on South Manursing Island, are presently within an area zoned single-family residential with a minimum lot size of one acre. Incorporation of these clubs into a Membership Club District will keep these properties in their present use as the permitted main use and R-1 the permitted use subject to additional standards and requirements. The Tide Mill Boat Basin, located in the vicinity of Kirby Lane and Kirby Mill Pond, is currently in an area zoned as R-1.

Maintaining this facility a small boating marina for public and recreational use is desirable and is to be protected via a local law allowing the re-establishment or restoration of non-conforming water-dependent uses and structures.

c. Historic Resources

One area identified as an historic resource is located within Zone 4. Listed on the National Register of Historic Places, Playland Amusement Park is the largest historic parcel within the City. It is recommended that Playland be maintained as a historic resource in accordance with the Rye City Code for the maintenance and preservation of historic sites, structures and districts.

d. Fish and Wildlife Resources

Playland Lake and Manursing Island Flats on the Manursings have been designated as a significant coastal fish and wildlife habitat by the NYSDOS for the breeding and wintering of numerous waterfowl species (see Appendix C). Playland Lake and Manursing Island Flats comprise one of the largest areas of sheltered, undeveloped tidal flats and shallows on the south shore of Westchester County. Although natural communities in Playland Lake have been altered by dredging, on-going habitat disturbance is minimal. Areas such as this are important habitats for commercially and recreationally important invertebrates and fishes and serve as feeding sites for a variety of migratory birds. Concentrations of hard clams, soft clams, ribbed mussels and fiddler crabs are found throughout the area. However, Playland Lake and Manursing Island Flats are closed to shell fishing because of water pollution problems (high coliform levels). Populations of waterfowl occurring in western Long Island Sound, such as black duck, mallard, scaup, bufflehead and common goldeneye, utilize these areas as feeding and refuge sites, especially during fall and early winter months (October freeze-up). Playland Lake and Manursing Island Flats are also valuable as nesting and feeding areas during the spring and summer months for a variety of shorebirds, gulls, terns and herons. Breeding species in the area include black duck, mallard, American bittern, green-backed heron, marsh wren and red-winged blackbird. Playland Park provides access for local residents to observe a variety of wildlife species throughout the year.

The land extending from the western border of Manursing Island North to the Port Chester Harbor shoreline area is designated as an extensive tidal marsh area (Figure II-5). Freshwater wetlands are located in Playland Lake and Manursing Island. These areas include seasonally flooded basins or flats, inland fresh meadows, inland shallow fresh marshes, inland deep fresh marshes and shrub swamps. Vegetation typically found in these areas includes smartweed (Polygoum sp.), marsh elder (Iva. frutescens), sedges (carex sp.), manna grasses (Glyceria sp.) bulrush (Scirpus sp.) and alders (Alnus sp.). The City plans to retain

properties with valuable ecological features as open space. Rye's plans are to preserve and protect the significant environmental features within the shore zone as a public natural area. The proposed formation of a Membership Club District and Conservation District will preserve and maintain shore areas in a manner consistent with the sensitive features of this natural setting.

e. Water Resources and Flooding

Surface water resources within Zone 4 include Playland Lake, Kirby Mill Pond, the Gut and the coastal waters of the Long Island Sound (Figure II-6). Playland Lake and Kirby Mill Pond are currently classified as I (estuarine, secondary contact recreation) while the Gut and coastal waters of the Long Island Sound are classified as SB (primary and secondary contact recreation). The proposed projects within Zone 4 will be compatible with current classifications.

Areas subject to coastal erosion and flooding are located along the waterfront zone (Figure II-7). Inland properties situated within the designated flood hazard area include Playland and South Manursing Island.

f. Infrastructure

Some sections of Zone 4 do not have collection systems. These areas include the Manursings, Kirby Lane and the private roads surrounding the Kirby Mill Pond area where the residents utilize private septic systems.

Generalized Existing Land Use

FIGURE E-1

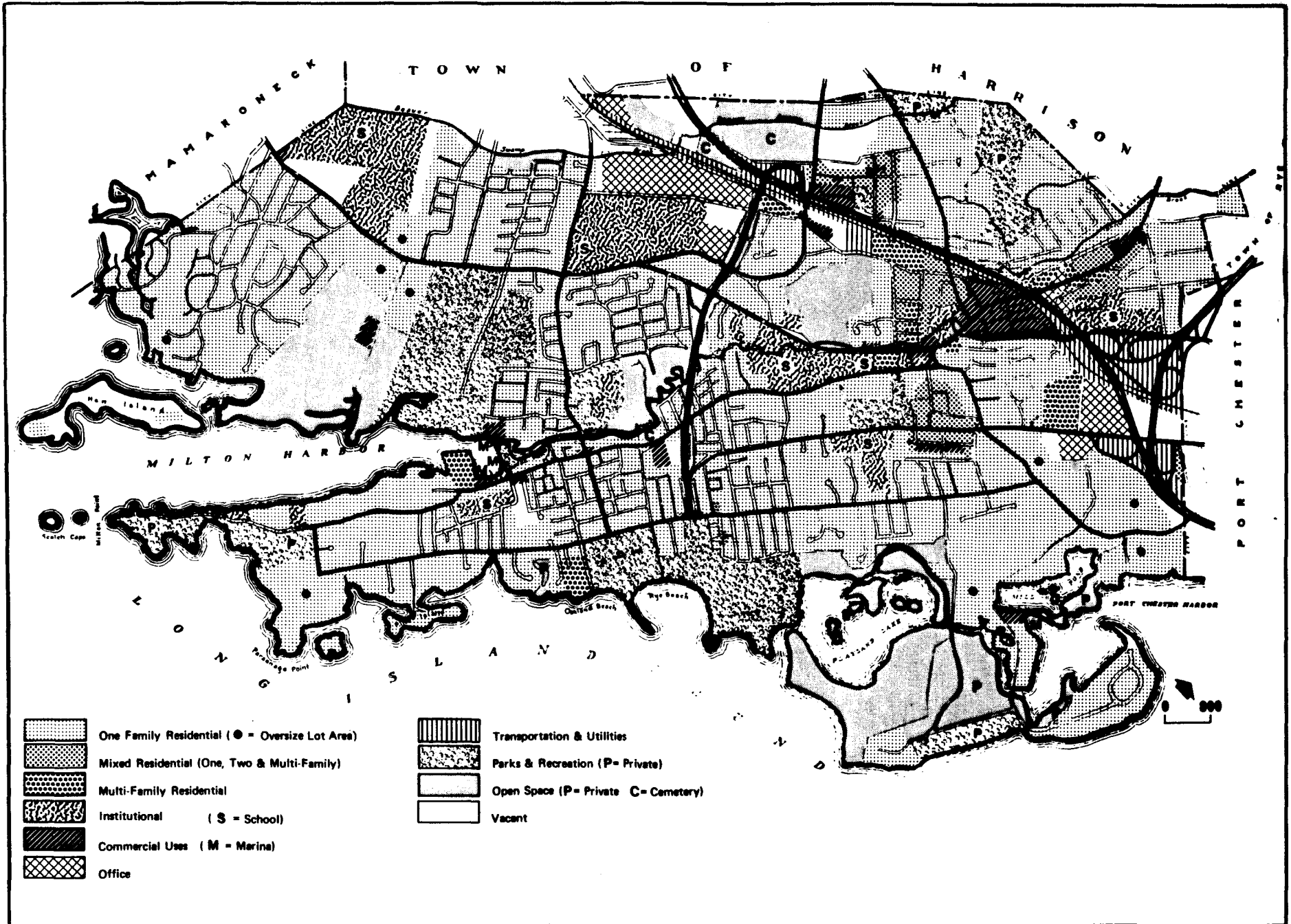


FIGURE II-2



LEGEND

—— COASTAL ZONE BOUNDARY

- - - GEOGRAPHIC ZONES

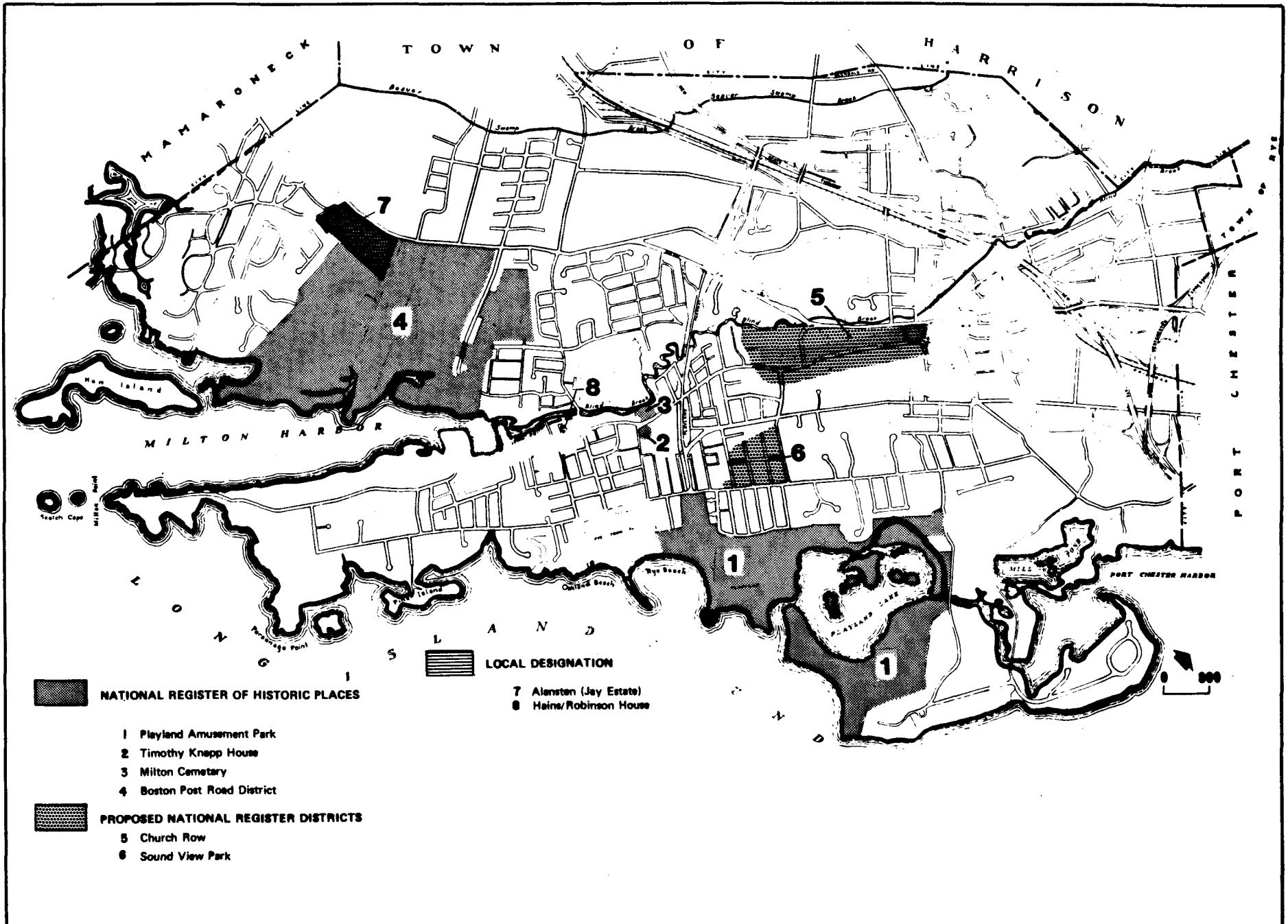
CITY OF RYE
WESTCHESTER COUNTY AND YORK

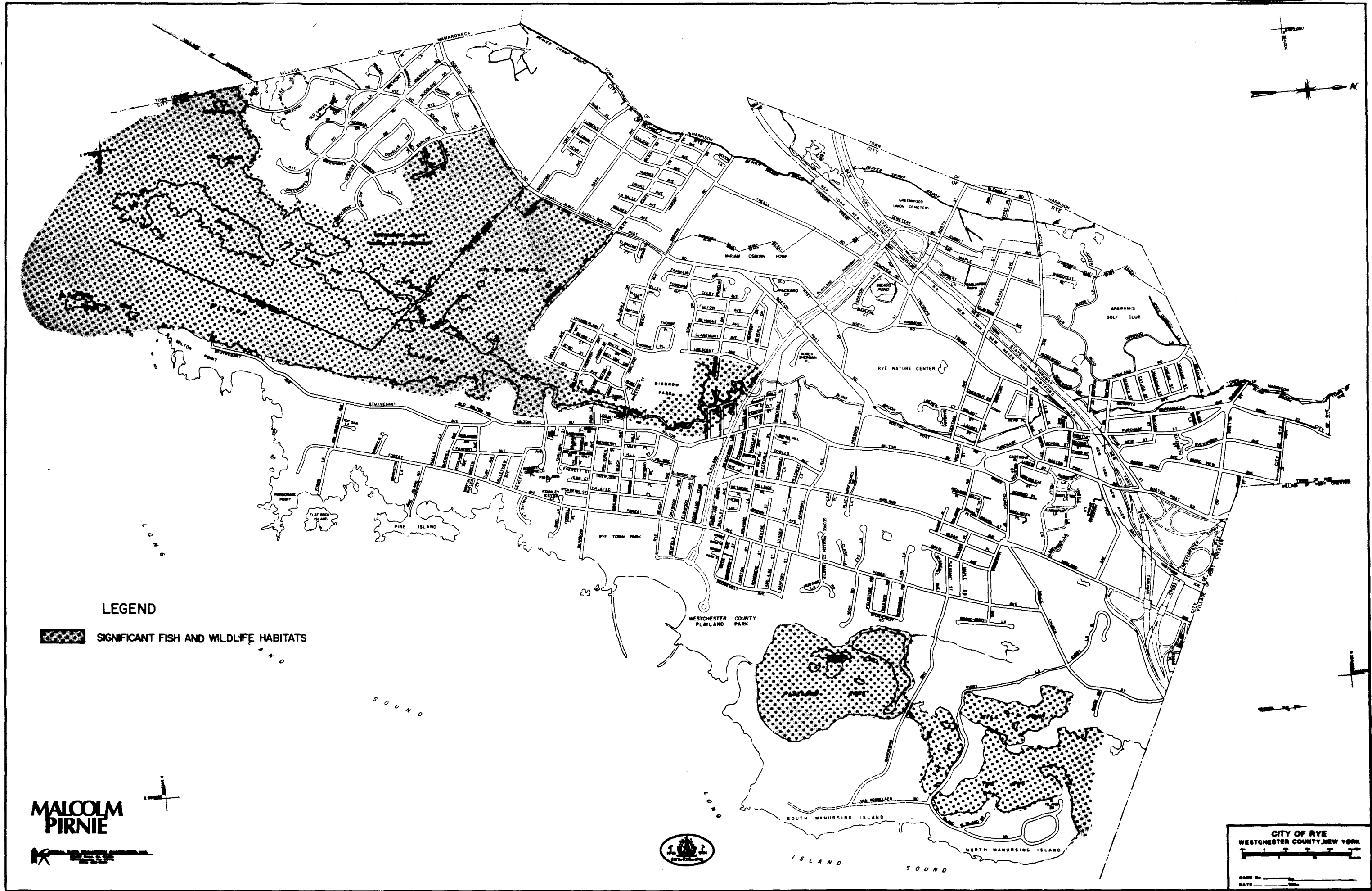
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Historic Resources

FIGURE II-3





LEGEND

 SIGNIFICANT FISH AND WILDLIFE HABITATS

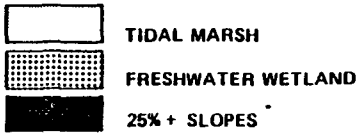
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PIRNIE**

**CITY OF RYE
WESTCHESTER COUNTY, NEW YORK**

SCALE

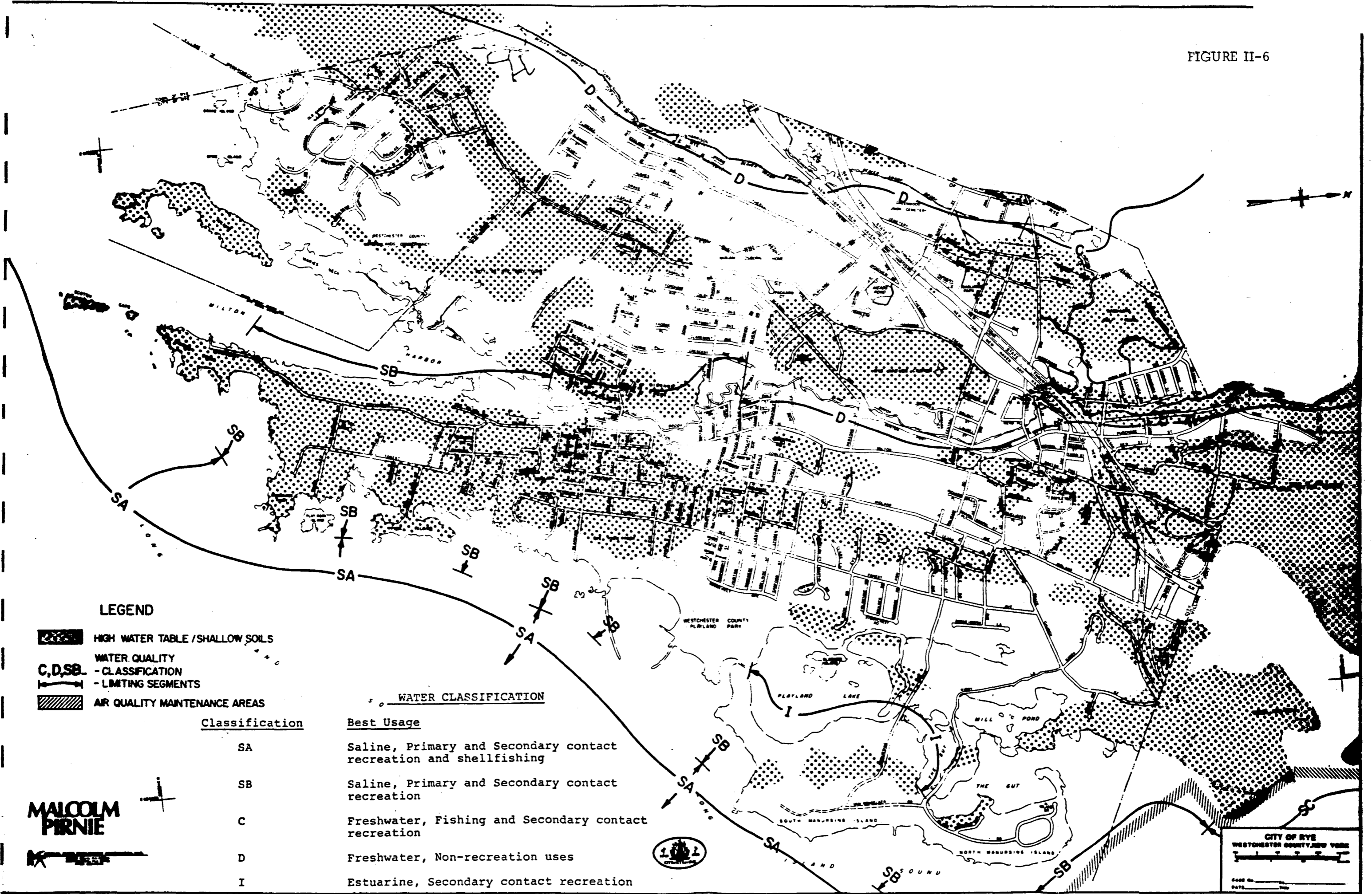
SHEET NO. _____
DATE _____ 1980

FIGURE II-5






Natural Resources Inventory
City of Rye, NY · Master Plan
CITY PLANNING COMMISSION, RYE NEW YORK

FIGURE II-6



LEGEND

-  HIGH WATER TABLE / SHALLOW SOILS
- C, D, SB** - CLASSIFICATION
-  - LIMITING SEGMENTS
-  AIR QUALITY MAINTENANCE AREAS

Classification	Best Usage
SA	Saline, Primary and Secondary contact recreation and shellfishing
SB	Saline, Primary and Secondary contact recreation
C	Freshwater, Fishing and Secondary contact recreation
D	Freshwater, Non-recreation uses
I	Estuarine, Secondary contact recreation

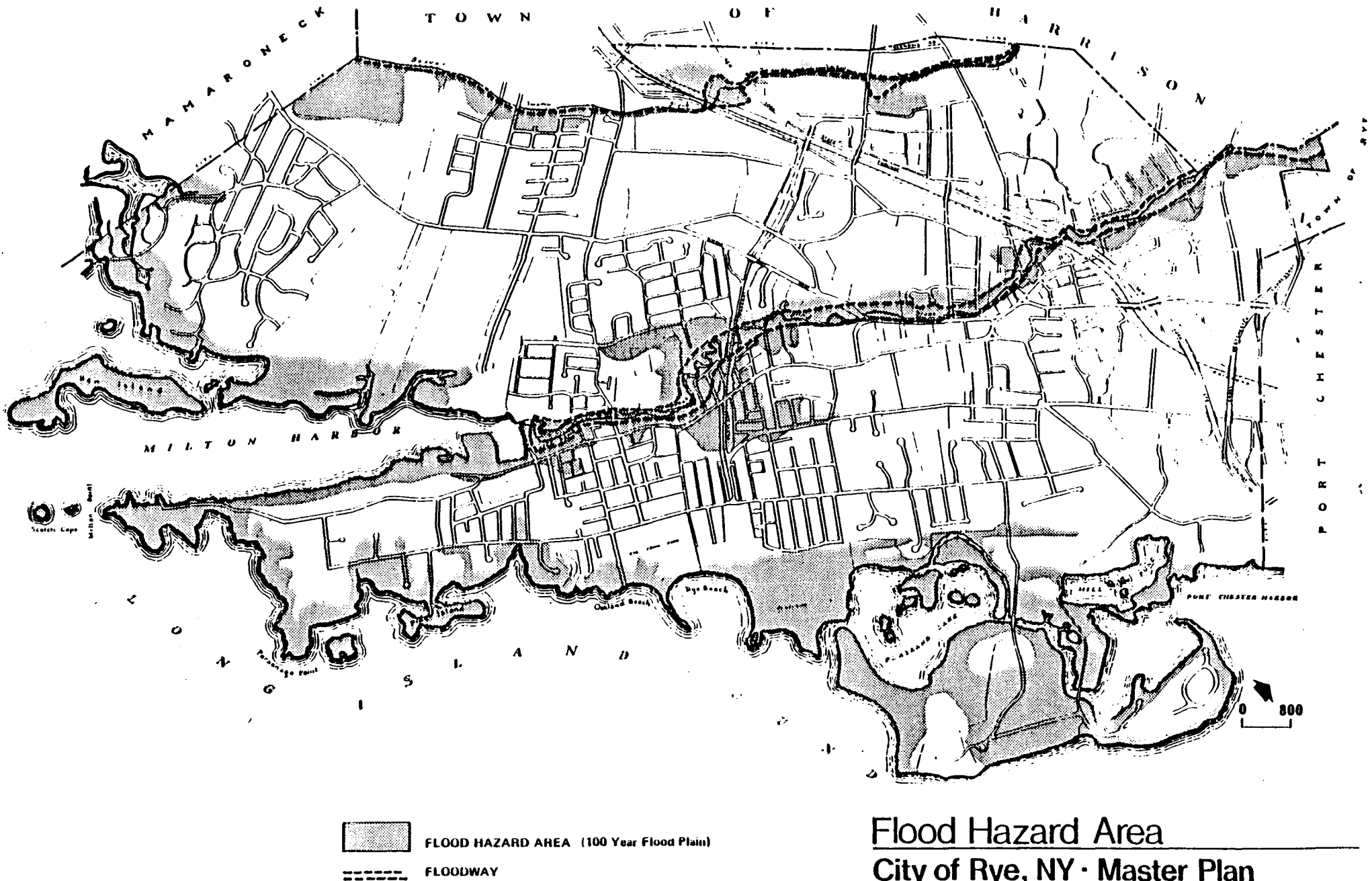
**MALCOLM
PIRNIE**

**CITY OF RYE
WESTCHESTER COUNTY, NEW YORK**

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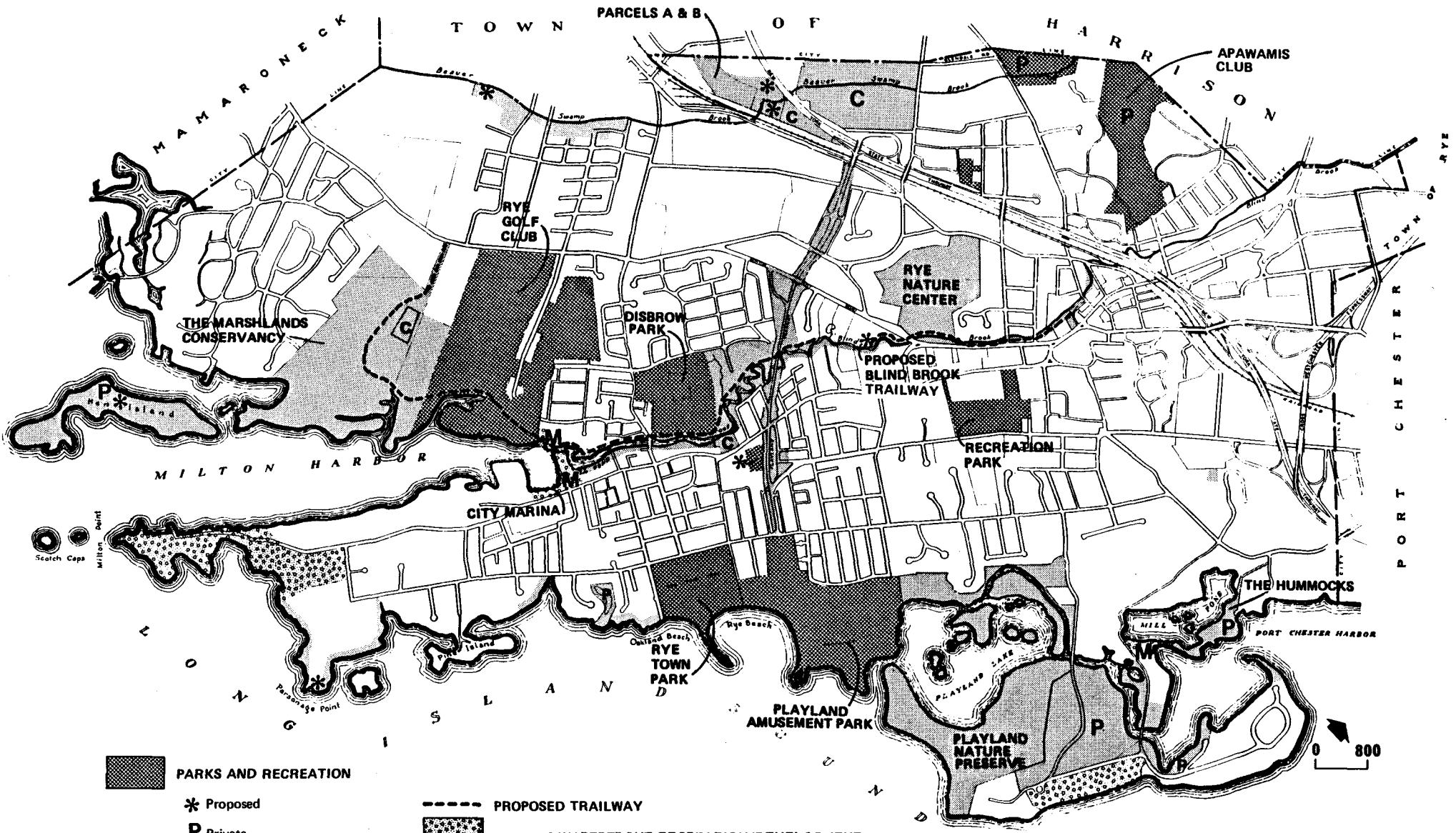
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






FIGURE II -7



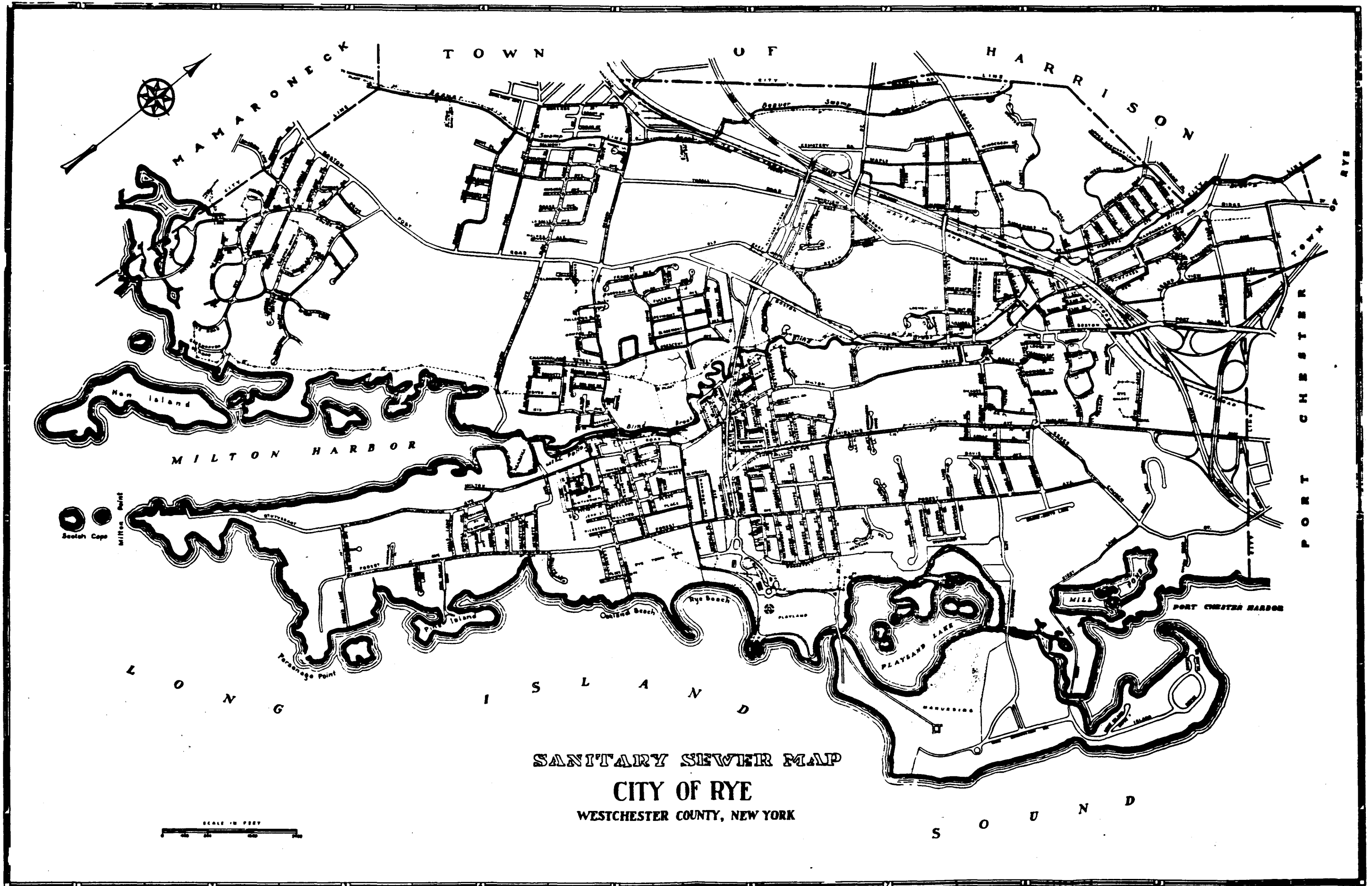
Flood Hazard Area
City of Rye, NY - Master Plan
CITY PLANNING COMMISSION, RYE, NEW YORK

FIGURE II-8



-  PARKS AND RECREATION
-  Proposed
-  Private
-  OPEN SPACE
-  Proposed
-  Private
-  Cemetary
-  PROPOSED TRAILWAY
-  PRIVATE WATERFRONT RECREATION/DEVELOPMENT
-  Marina

Parks, Recreation and Open Space Plan
City of Rye, NY - Master Plan
 CITY PLANNING COMMISSION, RYE, NEW YORK



SANITARY SEWER MAP
CITY OF RYE
WESTCHESTER COUNTY, NEW YORK

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119
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FIGURE II-10



----- LIMITED ACCESS HIGHWAYS

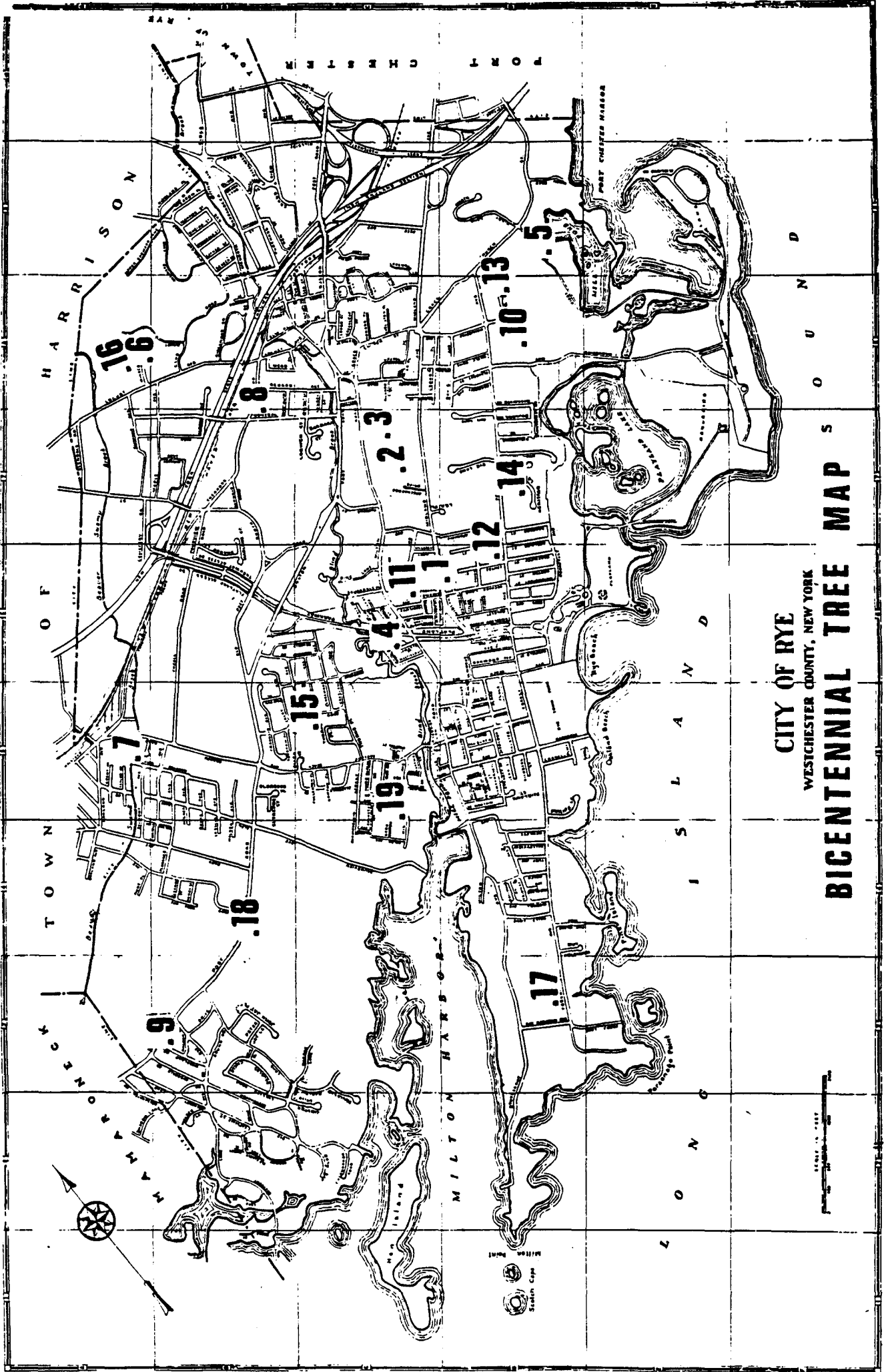
———— ARTERIAL ROUTES

———— COLLECTOR STREETS

Major Streets

City of Rye, NY · Master Plan
CITY PLANNING COMMISSION, RYE, NEW YORK

FIGURE II-11



SECTION III

WATERFRONT REVITALIZATION PROGRAM POLICIES

DEVELOPMENT POLICIES

POLICY 1 THE STATE COASTAL POLICY REGARDING THE REDEVELOPMENT OF DETERIORATED WATERFRONT AREAS IS NOT APPLICABLE TO THE CITY OF RYE.

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

Explanation of Policy

There is a finite amount of waterfront space suitable for development purposes. Consequently, while the demand for any given piece of property will fluctuate in response to varying economic and social conditions, on a statewide basis the only reasonable expectation is that long-term demand for waterfront space will intensify.

The traditional method of land allocation, i.e., the real estate market, with or without local land use controls, offers little assurance that uses which require waterfront sites will, in fact, have access to the State's coastal waters. To ensure that such water dependent uses can continue to be accommodated, State, federal and local agencies will avoid undertaking, funding, or approving non-water dependent uses when such uses would preempt the reasonably foreseeable development of water dependent uses; furthermore, State, federal and local agencies will utilize appropriate existing programs to encourage water dependent activities.

The following uses and facilities are considered to be water dependent:

1. Uses which depend on the utilization of resources found in coastal waters (for example: fishing, mining of sand and gravel, mariculture activities);
2. Recreational activities which depend on access to coastal waters (for example: swimming, fishing, boating, wildlife viewing);
3. Uses involved in the sea/land transfer of goods (for example: docks, loading areas, pipelines, short-term storage facilities);
4. Structures needed for navigational structures (for example: locks, dams, lighthouses);
5. Flood and erosion protection structures (for example: breakwaters bulkheads);
6. Facilities needed to store and service boats and ships (for example: marinas, boat repair, boat construction yards);

7. Uses requiring large quantities of water for processing and cooling purposes (for example: hydroelectric power plants, fishing processing plants, pumped storage power plants);
8. Uses that rely heavily on the waterborne transportation of raw materials or products which are difficult to transport on land, thereby making it critical that a site near to shipping facilities be obtained (for example: coal export facilities, cement plants, quarries);
9. Uses which operate under such severe time constraints that proximity to shipping facilities becomes critical (for example: firms processing perishable foods);
10. Scientific/educational activities which, by their nature, require access to coastal waters (for example: certain meteorological and oceanographic activities); and
11. Support facilities which are necessary for the successful functioning or permitted water dependent uses (for example: parking lots, snack bars, first aid stations, short term storage facilities). Though these uses must be near the given water dependent use, they should as much as possible be sited inland from the water dependent use rather than on the shore.

In addition to water dependent uses, uses which are enhanced by a waterfront location should be encouraged to locate along the shore, though not at the expense of water dependent uses. A water enhanced use is defined as a use that has no critical dependence on obtaining a waterfront location, but the profitability of the use and/or the enjoyment level of the users would be increased significantly if the use were adjacent to, or had visual access to, the waterfront. A restaurant which uses good site design to take advantage of a waterfront view and a golf course which incorporates the coastline into the course design, are two examples of water enhanced uses.

If there is no immediate demand for a water dependent use in a given area but a future demand is reasonably foreseeable, temporary non water dependent uses should be considered preferable to a non-water dependent use which involves an irreversible, or nearly irreversible commitment of land. Parking lots, passive recreational facilities, outdoor storage areas, and non-permanent structures are uses or facilities which would likely to be considered as "temporary" non-water dependent uses.

Available space along the Rye waterfront suitable for development is limited. Because long-term expectations are for increased demands for waterfront property, the properties identified in this policy will be retained for water-dependent and water enhanced uses. To insure that the desired mix of water dependent and water enhanced uses are maintained in the City of Rye, the following uses on the following properties are permitted:

A. Membership Club District

Properties

American Yacht Club
Shenorock Shore Club
Coveleigh Club
Westchester Country Club
Manursing Island Club

Permitted Main Uses

Membership clubs such as beach, yacht, and other similar water related and water enhanced clubs are the permitted main uses, but only if incorporated as not-for-profit corporations pursuant to New York State Law.

Uses Permitted Subject to Additional Standards and Requirements

A single detached residence on its own lot for not more than one family may be permitted if the following standards are met:

1. The proposed use will be appropriate in the proposed location and will have no material adverse effect on existing or prospective conforming development and the proposed site is adequate in size for the use.
2. In cases where conversion is proposed of a structure designed and built originally for other uses, the structure will be adaptable.
3. The proposed use will be provided with adequate off-street parking to meet its needs, properly screened from adjoining residential uses, and entrance and exit drives are to be laid out to minimize traffic hazards and nuisance.
4. The potential generation of traffic will be within the reasonable capacity of the existing or planned streets and highways providing access to the site.
5. There are adequate public or private facilities for the treatment, removal or discharge of sewage, refuse or other effluent that may be caused or created as a result of the use.
6. A conventional subdivision or grouped subdivision will accomplish the following:
 - a. Preserve all wetlands and floodplains.

- b. All buildings and facilities shall be so arranged as to preserve, to the maximum extent practicable, the view of the shoreline from public streets.
- c. The open space to be reserved shall include, where applicable, wetlands, and floodplains, and scenic natural and ecological features. Structures shall be sited to preserve views of the shoreline from public streets. If the foregoing does not require the full 50% of the required open space, then the remaining required open space to be reserved shall be located between the shoreline and an inland line essentially parallel to the shoreline as a buffer area to protect surface water quality.

For list of Permitted Accessory Uses, refer to p.A-7 of this document the following accessory uses are permitted when associated with a membership club or public recreational use:

Building Height and Parking Requirements

Building heights are limited to two and one-half stories. Parking requirements are as follows:

Use	Number of Spaces Per Unit	Unit of Measurement and Conditions
Small boat facilities	8	10 berths or mooring spaces
And, in addition	1	Each person to be employed on the premises
Tennis and badminton courts	8	Court
Restaurant or similar use	2	200 square feet of floor area devoted to patron use
Home for 1 or 2 families	1	Dwelling unit

B. Waterfront Recreation District

Properties

- Rye Golf Club
- Playland (excluding nature preserve)
- Rye Town Park

Permitted Main Uses

1. Public recreational uses. Municipal recreation buildings, playgrounds, parks and reservations, provided that no buildings, parking areas or grounds for picnicking or organized games or sports shall be located within the specified distance of any lot line, subject to the same regulations as 2 below.
2. Private recreational uses. Outdoor and indoor recreational uses, including but not limited to golf, badminton, tennis, paddle tennis, bathing, swimming and boating, with appurtenant clubhouses, except those where a chief activity is carried on primarily for gain, provided:
 - a. A minimum site of seven and five-tenths (7.5) acres shall be provided.
 - b. Fifty percent (50%) of any such site shall be natural ground cover, to include but not be limited to grass, trees, shrubs, plants and other natural surfaces such as rock outcroppings and sand.
 - c. No green or fairway shall be located within one-half (1/2) the specified distance from any lot line.
 - d. No building, parking area or grounds for organized games or sports shall be located within the specified distance from any side or rear lot line adjoining property zoned for residence and that such buffer space shall be so densely landscaped as to provide effective visual and sound screening of such activities or left in its natural state if this will fulfill the screening objectives.

Permitted Accessory Uses

Restaurants and lunch rooms, excluding drive-in car service stands and any outdoor service, except window-counter stands and table service in the required front yard.

Building Height and Parking Requirements

Building heights are limited to two and one-half stories. Parking requirements are as follows:

Use	Number of Spaces Per Unit	Unit of Measurement and Conditions
Small boat facilities	8	10 berths or mooring spaces
And, in addition	1	Each person to be employed on the premises
Restaurant or similar use	2	200 square feet of floor area devoted to patron use
Tennis and badminton courts	9	Court
Skating rink or other place of amusement, the capacity of which is not measurable in seats	1	200 square feet of floor area devoted to patron use
Public buildings other than schools	1	200 square feet of gross floor area

C. Conservation District

Properties

Marshlands Conservancy
Playland Park (existing conservation area)
Northern portion of Disbrow Park

Permitted Main Uses

Nature preserves, wildlife conservation areas and natural areas.

Permitted Accessory Uses

Appurtenant service buildings including caretakers and equipment housing, pavilions, auxiliary facilities for providing educational and instructional services, walkways,

bridges, service and access roadways, or other accessory transportation facilities which may be required as accessory to a permitted use.

Building Height and Parking Requirements

Building heights are limited to two and one-half stories. There are no parking standards.

D. Waterfront Business District

The following properties within Milton Harbor will provide for commercial water dependent and water enhanced development.

Properties

City Marina
Rye Fish and Game Club
Shongut Marine
Brailsford Inc.

Permitted Uses Subject to Additional Standards and Requirements

1. Small boat facilities. Structures, docks, wharves, piers and boat basins for the berthing of recreational small craft and boatyards, storage and repair facilities for the storage, maintenance and servicing of recreational small craft.
2. Marine hardware, fuel and supply sales and services, furnishing commodities or services for recreational small craft or other recreational activities.
3. Public recreational uses. Municipal recreational buildings, playgrounds, parks and reservations.
4. Private recreational uses. Private boating, fishing or game club and appurtenant clubhouses.

Permitted Accessory Uses

1. Accessory uses customarily incidental to and on the same lot with a permitted use, but not including any use customarily conducted as a main use of land not requiring waterfront access, nor any restaurant or bar except accessory to a membership club not open to the general public.

Building Height and Parking Requirements

Building heights are limited to two and one-half stories. Parking standards are as follows:

Use	Number of Spaces Per Unit	Unit of Measurement and Conditions
Small boat facilities	8	10 berths or mooring spaces
And, in addition	1	Each person to be employed on the premises
Public buildings other than schools	1	200 square feet of gross floor area
Retail trade of goods	2	200 square feet of gross floor area

Also, Tide Mill Boat Basin will be encouraged to remain a water dependent use to provide docking for pleasure boats and winter storage through an exception in the zoning regulations. This exception allows for reconstruction and restoration of non-conforming structures.

POLICY 3 THE STATE COASTAL POLICY REGARDING DEVELOPMENT OF MAJOR PORTS IS NOT APPLICABLE TO THE CITY OF RYE.

POLICY 4 STRENGTHEN THE ECONOMIC BASE OF SMALLER HARBOR AREAS BY ENCOURAGING THE DEVELOPMENT AND ENHANCEMENT OF THOSE TRADITIONAL USES AND ACTIVITIES WHICH HAVE PROVIDED SUCH AREAS WITH A UNIQUE MARITIME IDENTITY.

Explanation of Policy

This policy recognized that the traditional activities occurring in and around numerous smaller harbors throughout the State's coastal area contribute much to the economic strength and attractiveness of these harbor communities. Thus, efforts of State agencies shall center on promoting such desirable activities as recreational and commercial fishing, ferry services, marinas, historic preservation, cultural pursuits, and other compatible activities which have made smaller harbor areas appealing as tourist destinations and as commercial and residential areas. Particular consideration will be given to the visual appeal and social benefits of smaller harbors, which, in turn, can make significant contributions to the State's tourism industry.

The following guidelines shall be used in determining consistency:

1. The action shall give priority to those traditional and/or desired uses which are dependent on or enhanced by a location adjacent to the water.
2. The action will enhance or not detract from or adversely affect existing traditional and/or desired anticipated uses.
3. The action shall not be out of character with, nor lead to development which would be out of character with, existing development in terms of the area's scale, intensity of use and architectural style.
4. The action must not cause a site to deteriorate, e.g., a structure shall not be abandoned without protecting it against vandalism and/or structural decline.
5. The action will not adversely affect the existing economic base of the community e.g., waterfront development designed to promote residential development might be inappropriate in a harbor area where the economy is dependent upon tourism and commercial fishing.
6. The action will not detract from views of the water and smaller harbor areas, particularly where the visual quality of the area is an important component of the area's appeal and identity.

In the City of Rye, the City Marina and surrounding waterfront business district in Milton Harbor contributes to the economic strength and attractiveness of the coastal community by providing recreational and limited commercial fishing. Current uses of this area will be maintained (See Policy 2, 10).

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

Explanation of Policy

Development in the coastal area will be limited to areas where public services, facilities and infrastructure are adequate.

The following points shall be considered in assessing the adequacy of the infrastructure for development in the coastal area:

1. Streets and highways serving the proposed site can safely accommodate the peak traffic generated by the development;
2. Water needs (consumptive and fire fighting) can be met by the existing water supply system;
3. Sewage disposal system can accommodate the wastes generated by the development;
4. Energy needs of the proposed land development can be accommodated by existing utilities systems;
5. Stormwater runoff from the proposed site can be accommodated by on-site and/or off-site facilities;
6. Schools, police and fire protection, and health and social services are adequate to meet the needs of the population expected to live, work, shop, or conduct business in the area as a result of the development.

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

Explanation of Policy

For specific types of development activities and in areas suitable for such development, State agencies and local governments participating in the Waterfront Revitalization Program will make every effort to coordinate and synchronize existing permit procedures and regulatory programs, as long as the integrity of the regulations' objectives is not jeopardized. These procedures and programs will be coordinated within each agency. Also, efforts will be made to ensure that each agency's procedures and program are synchronized with other agencies' procedures at each level of government. Finally, regulatory programs and procedures will be coordinated and synchronized between levels of government and, if necessary, legislative and/or programmatic changes will be recommended.

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

FISH AND WILDLIFE POLICIES

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

Explanation of Policy

Habitat protection is recognized as fundamental to assuring the survival of the fish and wildlife populations. Certain habitats are critical to the maintenance of a given population and therefore merit special protection. Such habitats exhibit one or more of the following characteristics: (1) are essential to the survival of a large portion of the particular fish or wildlife population (e.g., feeding grounds, nursery areas); (2) support populations of rare and endangered species; (3) are found at a very low frequency within a coastal region; (4) support fish and wildlife populations having significant commercial and/or recreational value; and (5) would be difficult or impossible to replace.

A **habitat impairment test** must be met for any activity that is subject to consistency review under federal and State laws, or under applicable local laws contained in an approved local waterfront revitalization program. If that proposed action is subject to consistency review, then the habitat protection policy applies, whether the proposed action is to occur within or outside the designated area.

The specific **habitat impairment test** that must be met is as follows:

In order to protect and preserve a significant habitat, land and water uses or development shall not be undertaken if such actions would:

- destroy the habitat; or
- significantly impair the viability of a habitat.

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

Significant impairment is defined as reduction in vital resources (e.g., food, shelter, living space) or change in environmental conditions (e.g., temperature, substrate, salinity) beyond the tolerance range of an organism. Indicators of a significantly impaired habitat focus on ecological alterations and may include, but are not limited to, reduced carrying capacity, change in

community structure (food chain relationships, species diversity), reduced productivity and/or increased incidence of disease and mortality.

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

The range of parameters which should be considered in applying the habitat impairment test include:

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

Significant coastal fish and wildlife habitats are evaluated, designated and mapped pursuant to the Waterfront Revitalization and Coastal Resources Act (Executive Law of New York, Article 42). The New York State Department of Environmental Conservation (DEC) evaluates the significance of coastal fish and wildlife habitats, and following a recommendation from the DEC, the Department of State designates and maps specific areas.

POLICY 7A THE MARSHLANDS CONSERVANCY HABITAT SHALL BE PROTECTED, PRESERVED, AND WHERE PRACTICAL, RESTORED SO AS TO MAINTAIN ITS VIABILITY AS A HABITAT.

Explanation of Policy

Marshlands Conservancy is located on Milton Harbor, in the City of Rye. The fish and wildlife habitat is an approximate 250 acre area, encompassing all of the County-owned Marshlands

Conservancy property, and some adjacent tidal flats and shallows. Marshlands Conservancy is a wildlife sanctuary and environmental education center operated by the Westchester County Department of Parks, Recreation and Conservation. This area contains a diversity of fish and wildlife habitats, including an approximate 40-acre salt marsh, tidal flats, mature woodlands, rocky islands, fields, and freshwater ponds. The land area bordering Marshlands Conservancy is predominantly residential, including the Rye golf course on the northeast side.

Although not comprehensive, examples of generic activities and impacts which could destroy or significantly impair the habitat are listed below to assist in applying the habitat impairment test to a proposed activity.

Despite its current status as a nature preserve and environmental education center, Marshlands Conservancy remains vulnerable to a number of potential impacts. Surrounding land uses may be the most important factor affecting the fish and wildlife resources of this area. Encroachment of human disturbance, including industrial, commercial, or residential development, would have significant impacts on various species using the area. Discharges of polluted runoff (containing sediments or chemical pollutants, such as pesticides) from adjacent areas could degrade the wetland and aquatic habitats in Marshlands Conservancy.

Other forms of water pollution that would adversely affect the area include oil spills, waste disposal, and sewage discharges. Alteration of tidal patterns in wetland areas would have major impacts on fish, shellfish, and wildlife use of these areas. Dredging to maintain existing boat channels in Milton Harbor should be scheduled in late fall and winter to minimize potential impacts on aquatic organisms. Elimination of salt marsh and intertidal areas, through excavation or filling, would result in a direct loss of valuable habitat area. Construction of shoreline structures such as docks, piers, bulkheads, or revetments, in areas not previously disturbed by development (i.e., natural salt marsh or mudflats), may have a significant impact on the fish and wildlife resources of Marshlands Conservancy. Opportunities for compatible public uses of the area should be maintained or enhanced to utilize this valuable fish and wildlife resource.

**POLICY 7B PLAYLAND LAKE AND MANURSING ISLAND FLATS SHALL
BE PROTECTED, PRESERVED AND, WHERE PRACTICAL,
RESTORED SO AS TO MAINTAIN ITS VIABILITY AS A
HABITAT.**

Explanation of Policy

Playland and Manursing Island Flats is located on Long Island Sound, in the City of Rye. The fish and wildlife habitat includes all of Playland Lake, Kirby Mill Pond, the southern portion of Port Chester Harbor and various interconnecting channels, below mean high water. This approximate 220-acre area is comprised primarily of tidal mudflats, shallow open water, and limited amounts of salt marsh. Playland Lake was formed by dredging tidal marshes and mudflats between the mainland and Manursing Island; it is located within Playland Park (owned by Westchester County), and has been set aside as a conservation area. A portion of the

Parkland south of Playland Lake has been set aside as the Edith G. Read Nature Preserve and Wildlife Sanctuary. Kirby Mill Pond and the tidal flats west of North Manursing Island are privately owned and remain in a relatively natural condition. The lands bordering Playland Lake and Manursing Island Flats include the heavily used Playland amusement park to the south and predominantly low density residential areas. (See Chapter II and Figure II-4).

Although not comprehensive, examples of generic activities and impacts which could destroy or significantly impair the habitat are listed below to assist in applying the habitat impairment test to a proposed activity.

Any activity that would substantially degrade the water quality in Playland Lake and Manursing Island Flats would result in significant impairment of the habitat. All species of fish and wildlife may be affected by water pollution, such as chemical contamination (including food chain effects), oil spills, excessive turbidity or sedimentation, waste disposal, and sewage discharges.

Tidal mudflats are sensitive to such impacts because their biological activity is concentrated at the soil surface, where pollutants would tend to accumulate. Efforts should be made to improve water quality in the area, by reducing waste discharges from recreational boats and upland sources. Alteration of tidal patterns in Playland Lake and Manursing Island Flats could have major impacts on fish, shellfish, and wildlife use of these areas.

Dredging to maintain existing boat channels should be scheduled in late fall and winter to minimize potential impacts on aquatic organisms; no new navigation channels should be constructed in the area. Elimination of salt marsh and intertidal areas, through excavation or filling, would result in a direct loss of valuable habitat area, although creation of small open water areas within the tidal flats may increase suitability of the habitat for certain fish or wildlife species.

Efforts to restore natural tidal wetland communities in Playland Lake could enhance the productivity of this area. Construction of shoreline structures, such as docks, piers, bulkheads, or revetments, in areas not previously disturbed by development (i.e. natural salt marsh or mudflats), may have a significant impact on the fish and wildlife resources of Playland Lake and Manursing Island Flats.

POLICY 8 PROTECT FISH AND WILDLIFE RESOURCES IN THE COASTAL AREA FROM THE INTRODUCTION OF HAZARDOUS WASTES AND OTHER POLLUTANTS WHICH BIO-ACCUMULATE IN THE FOOD CHAIN OR WHICH CAUSE SIGNIFICANT SUBLETHAL OR LETHAL EFFECTS ON THOSE RESOURCES.

Explanation of Policy

Hazardous wastes are unwanted by-products of manufacturing processes and are generally characterized as being flammable, corrosive, reactive or toxic. More specifically, hazardous

waste is defined in Environmental Conservation Law [27-0901 (3)] as "waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed." The list of DEC-defined hazardous wastes is provided in 6 NYCRR Part 371.

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

Other pollutants are those conventional wastes, generated from point and non-point sources, and not identified as hazardous wastes but controlled through other State law (see Policies 30,33,34,37,39,40).

POLICY 9 EXPAND RECREATIONAL USE OF FISH AND WILDLIFE RESOURCES IN COASTAL AREAS BY INCREASING ACCESS TO EXISTING RESOURCES, SUPPLEMENTING EXISTING STOCKS AND DEVELOPING NEW RESOURCES. SUCH EFFORTS SHALL BE MADE IN A MANNER WHICH ENSURES THE PROTECTION OF RENEWABLE FISH AND WILDLIFE RESOURCES AND CONSIDERS OTHER ACTIVITIES DEPENDENT ON THEM.

Explanation of Policy

Recreational uses of coastal fish and wildlife resources include consumptive uses such as fishing and hunting, and non-consumptive uses such as wildlife photography, bird watching and nature study.

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

The following additional guidelines should be considered by City, State and Federal agencies as they determine the consistency of their proposed action with the above policy:

1. Consideration should be made by Federal and State agencies as to whether an action will impede existing or future utilization of the State's recreational fish and wildlife resources.
2. Efforts to increase access to recreational fish and wildlife resources should not lead to over-utilization of that resource or cause impairment of the habitat. Sometimes such impairment can be more subtle than actual physical damage to the habitat. For example, increased human presence can deter animals from using the habitat area.
3. The impacts of increasing access to recreational fish and wildlife resources should be determined on a case-by-case basis, consulting the significant habitat narrative (see Policy 7) and/or conferring with a trained fish and wildlife biologist.
4. Any public or private sector initiatives to supplement existing stocks (e.g., stocking a stream with fish reared in a hatchery) or develop new resources (e.g., creating private fee-hunting or fee-fishing facilities) must be done in accordance with existing State law.

POLICY 10 FURTHER DEVELOP COMMERCIAL FINFISH, SHELLFISH AND CRUSTACEAN RESOURCES IN THE COASTAL AREA: 1) BY ENCOURAGING THE CONSTRUCTION OF NEW, OR IMPROVEMENT OF EXISTING ON-SHORE COMMERCIAL FISHING FACILITIES; II) INCREASING MARKETING OF THE STATE'S SEAFOOD PRODUCTS; III) MAINTAINING ADEQUATE STOCKS AND EXPANDING AQUACULTURE FACILITIES. SUCH EFFORTS SHALL BE IN A MANNER WHICH ENSURES THE PROTECTION OF SUCH RENEWABLE FISH RESOURCES AND CONSIDERS OTHER ACTIVITIES DEPENDENT ON THEM.

Explanation of Policy

Commercial fishery development activities must occur within the context of sound fishery management principles developed and enforced within the State's waters by the New York State Department of Environmental Conservation and the Management Plans developed by the Regional Fisheries Management Councils (Mid-Atlantic and New England) and enforced by the U.S. National Marine Fisheries Service within the Fishery Conservation Zone. (The Fishery Conservation Zone is the area of coastal waters extending from three mile State waters boundary to the 200 mile offshore boundary of U.S. waters. The Conservation Zone is authorized by the U.S. Fishery Conservation and Management Act of 1976.) Sound resource management considerations would include optimum sustained yield levels developed for specific commercial fish species, harvest restrictions imposed by State and Federal governments, and the economic, political (uses conflicts) and technological constraints to utilizing these resources.

The following additional guidelines should be considered by State and Federal agencies as they determine the consistency of their proposed action with the above policy:

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

Commercial fishing facilities should be encouraged in the City of Rye (see Policy 4).

FLOODING AND EROSION POLICIES

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

Explanation of Policy

This policy applies to Flood Hazard and Coastal High Hazard Areas of the City, pursuant to the National Flood Insurance Program administered by the Federal Emergency Management Agency, and applies to the Erosion Hazard Areas of the City, pursuant to the Coastal Erosion Hazard Management Program administered by the New York State Department of Environmental Conservation.

Standards shall be met for development in Special Flood Hazard Zones as defined on the Flood Boundary and Flooding Map (see Figure II-7) as follows:

1. New construction and substantial improvements shall be securely anchored on pilings or columns which are designed and anchored so as to withstand all applied loads of the base flood flow and shall have the lowest floor two (2) feet above the evaluation of the base flood.

2. All new construction of substantial improvements shall be constructed with materials and utility equipment resistant to flood damage and constructed by methods and practices recognized for minimizing flood damage.
3. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and constructed by methods and practices recognized for minimizing flood damage.
4. All new and replacement septic systems, on-site sanitary waste disposal systems and sanitary sewers shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharges from the systems into the floodwaters and constructed by methods and practices recognized for minimizing flood damage.
5. New construction and substantial improvements shall be elevated so that the lowest horizontal supporting member is above the elevation of the base flood, with all space below said member so as not to impede the flow of water, except for breakaway walls, provided that they are not a part of the structural support of the building, are designed to break away under abnormally high flow of the base flood discharge, flood tides or wave action without damage to the structural integrity of the structure and that the space enclosed shall not be used for human habitation.
6. Upon completion of a structure, certification from a civil engineer with a professional engineering license that the structure as built meets the requirements of (1).
7. No fill shall be used for structural support of a structure.
8. Any alteration, repair, reconstruction or improvement to a structure shall not enclose the space below the lowest supporting member.
9. There shall be no placement of fill, construction of walls or dikes or other encroachments, other than the pilings and columns needed to support a building, structure or other improvement, except in the following specific cases:
 - a. Fill may be placed for the purpose of construction of roads and utility systems, provided that such roads will be above the elevation of the base flood, will not result in the ponding of water or will not significantly effect the runoff of surface waters.
 - b. Placement of fill in order to provide a safe means of access from one entrance of a habitable structure to the closest approved improved street for pedestrians and emergency and ordinary vehicles, provided that such

fill is designed so as not to result in the ponding of water or significantly affect the runoff of surface waters and is the minimum fill needed to provide such access.

- c. In coastal high-hazard areas fill may be placed only as part of an approved plan for the construction of a seawall or similar protective barrier, which has been designed by a civil engineer, with a professional engineering license, except that no structure shall be erected on such fill until the Flood Boundary and Floodway Map or Flood Insurance Rate Map has been amended to show that the land on which the structure is to be erected has been designated as an A, AO, AH, A1-A30, A99, B, C, or D Flood Insurance Zone.
 - d. Regrading of a site which does not involve the placement of fill.
 - e. Normal lawn and landscaping maintenance, to include the spreading of topsoil, provided that such topsoil shall not increase the elevation any place on the site by more than four (4) inches.
10. All buildings and structures shall be located landward of the reach of the mean high tide.

Standards for Development in Coastal Erosion Hazard Areas.

- 1. Areas. The Coastal Erosion Hazard Areas in the City of Rye are based upon shoreline recession rates or the location of natural protective features. The boundaries are established on the "Coastal Erosion Hazard Area Map of the City of Rye", prepared by the New York State Department of Environmental Conservation.
- 2. Requirements. No person may engage in any regulated activity in an Erosion Hazard Area as depicted on the Coastal Erosion Hazard Areas Map of the City of Rye, without first obtaining a Coastal Erosion Management Permit. No Coastal Erosion Management Permit is required for unregulated activities.
- 3. Standards.
 - (1) A Coastal Erosion Management Permit will be issued only with a finding by the Administrator that the proposed regulated activity:
 - a. Is reasonable and necessary, considering reasonable alternatives to the proposed activity and the extent to which the proposed activity requires a shoreline location.

- b. Is not likely to cause a measurable increase in erosion at the proposed site and at other locations.
 - c. Prevents, if possible, or minimizes adverse effects on natural protective features and their functions and protective values, existing erosion protection structures, and natural resources.
- (2) The installation of public service distribution, transmission or collection systems for gas, electricity, water or wastewater must be located landward of the shoreline structures.
 - (3) The construction of non-movable structures or placement of major non-movable additions to an existing structure is prohibited.
 - (4) Permanent foundations may not be attached to movable structures, and any temporary foundations are to be removed at the time the structure is moved. Below grade footings will be allowed if satisfactory provisions are made for their removal.
(See Policy 35).

POLICY 12

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

Explanation of Policy

In the City of Rye, the predominant natural feature protecting the coastal area from erosion are beaches, tidal wetlands, and nearshore areas. In addition, Hen Island, Spike Island, Pine Island, Flat Rock Island and Manursing Island act as barrier islands. There are no bluffs or dunes in the City of Rye Coastal Area. Excavation of coastal features, improperly designed structures, inadequate site planning, or other similar actions which fail to recognize their fragile nature and high protective values, lead to the weakening or destruction of these landforms. Activities or development in, or in proximity to, natural protective features must ensure that all such adverse effects are minimized.

In Coastal Erosion Hazard Areas, the following standards apply.

Beach Areas. Beaches buffer shorelands from erosion by absorbing wave energy that otherwise would be expended on the toes of bluffs or dunes. Beaches that are high and wide protect

shorelands from erosion more effectively than beaches that are low or narrow. Beaches also act as reservoirs of sand or other unconsolidated material for longshore littoral transport and offshore sandbar and shoal formation.

The following restrictions apply to regulated activities in beach areas:

1. Excavating, grading, or mining which diminishes the erosion protection afforded by beaches is prohibited.
2. Clean sand or gravel of an equivalent or slightly larger grain size is the only material which may be deposited within beach areas. Any deposition will require a Coastal Erosion Management Permit which may be issued only for expansion or stabilization of beaches.
3. Active bird nesting and breeding areas must not be disturbed unless such disturbance is pursuant to a specific wildlife management activity approved in writing by the Department of Environmental Conservation.
4. All development is prohibited on beaches unless specifically provided for by the Coastal Erosion Hazard regulations.
5. Motor vehicles must not travel on vegetation and must operate waterward of the debris line.

Wetlands. Wetlands serve as a buffer against severe storms by absorbing wave energy and protecting the mainland from erosion. See Policy 44 for standards relative to the preservation of wetlands.

Nearshore Areas. Nearshore areas dissipate a substantial amount of wave energy before it is expended on beaches, bluffs, or dunes by causing waves to collapse or break. Nearshore areas also function as reservoirs of sand, gravel, and other unconsolidated material for beaches. Sandbars, which are located in nearshore areas, control the orientation of incoming waves and promote the development of ice cap formations which help protect shorelines during winter storms. The roots of aquatic vegetation in nearshore areas bind and grain silts, clays, and organic matter to form a fairly cohesive bottom that resists erosion. See Policy 15 for standards relative to the preservation of nearshore areas.

Barrier Island Restrictions. To ensure that the barrier islands will be protected, the standards for beaches, wetlands, and nearshore areas shall be met .

POLICY 13

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

Explanation of Policy

Construction of erosion protection structures is expensive, often only partially effective over time, and may even be harmful to adjacent or nearby properties. However, in those instances where properly designed and constructed, erosion protection structures will be likely to minimize or prevent damage or destruction to public or private property, natural protective structures may be allowed. In such cases, the construction, modification, or restoration of erosion protection structures is subjected to the following requirements:

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

The following are definitions of terms used in the above:

1. "Erosion" means the loss or displacement of land along the coastline due to the action of waves, currents, tides, wind-driven water, waterborne ice, or other impacts of storms. It also means the loss or displacement of land due to the action of wind, runoff of surface waters, or ground-water seepage.

2. "Erosion protection structure" means a structure specifically designed to reduce or prevent erosion such as a groin, jetty, seawall, revetment, bulkhead, breakwater, or artificial beach nourishment project.
3. "Modification" means a change in size or design.
4. "Reconstruction" means the reconstruction of an erosion protective structure, the cost of which equals or exceeds fifty percent (50%) of the estimated full replacement cost of the structure.

The design and construction of erosion control structures in the City of Rye along Playland Park Beach, club beaches, Blind Brook and other locations as necessary will conform to demonstrated technology to provide erosion protection for the thirty-year period.

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

Explanation of Policy

The purpose of this policy is to prevent activities which will increase erosion or flooding hazards in the development areas or create problems at other locations. Erosion and flooding are processes which occur naturally. However, certain activities may increase the severity and adverse effects of those processes, causing damage to, or loss of property, and endangering human lives. Those actions include: (1) the use of erosion protection structures such as groins, jetties and bulkheads, or the use of impermeable docks which block the littoral transport of sediment to adjacent shorelands, thus increasing their rate of recession; (2) the failure to observe proper drainage or land restoration practices, thereby causing run-off and the erosion and weakening of shorelands; and (3) the placing of structures in identified floodways so that the base flood level is increased causing damage to otherwise hazard-free areas.

Within Coastal Erosion Hazard Areas, the following standards apply related to the construction, modification, or restoration of erosion protection structures:

- a. Not be likely to cause a measurable increase in erosion at the development site or at other locations.
- b. Minimize, and if possible, prevent adverse effects upon natural protective features, existing erosion protection structures, and natural resources such as significant fish and wildlife habitats.

POLICY 15

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

Explanation of Policy

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

Dredging of existing or necessary channels to support water dependent uses of Milton Harbor, Greenhaven, Kniffen Cove, Pine Island Cove, Playland Park, and Port Chester Harbor will be undertaken in accordance with Federal and State guidelines (See Policy 35).

Dredging and filling must conform to the following standards:

1. The applicant has produced evidence of marketable title to the area proposed to be dredged and/or filled.
2. The proposed dredging will not reduce the area or dimensions of an existing lot below the required minimum standards and/or the proposed filling will not create a building site not previously considered in the Rye Development Plan, unless a specific finding is made that such sites and their proposed use and structures would not adversely affect the area.
3. Such filling, dredging and proposed structures and uses are to improve such land, wetland or watercourse for reasonable activities and structures customarily incidental to a permitted use of abutting upland property of the applicant.
4. The proposed dredging, filling or development of a structure or facility shall not be of such a nature or undertaken in such a manner as to undermine, weaken or deprive of support other land or structures in the vicinity, substantially change the course of any channel, increase the danger of flooding, adversely affect navigation or cause or accelerate the drift of soil, shale, mud or bog, upland or underwater.
5. The proposed filling, dredging or development of structures shall be of such a nature and undertaken in such a manner as to have no substantial adverse impact

upon the natural movement or flow of any waters or upon a wetland or watercourse.

6. Excavating, grading, mining, or dredging which diminishes the erosion protection afforded by nearshore areas is prohibited, except construction or maintenance of navigation channels, bypassing sand around natural and man-made obstructions and artificial beach nourishment.
7. Clean sand or gravel of an equivalent or slightly larger grain size is the only material which may be deposited within nearshore areas.

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

Explanation of Policy

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

Maintenance of the beach erosion breakwaters at Playland Park and Rye Town Beach, which are not owned by the City, will be encouraged.

POLICY 17 WHENEVER POSSIBLE, USE NON-STRUCTURAL MEASURES TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION. SUCH MEASURES SHALL INCLUDE: (1) THE SET BACK OF BUILDINGS AND STRUCTURES; (2) THE PLANTING OF VEGETATION AND THE INSTALLATION OF SAND FENCING AND DRAINING; (3) THE RESHAPING OF BLUFFS; AND (4) THE FLOOD-PROOFING OF BUILDINGS OR THEIR ELEVATION ABOVE THE BASE FLOOD LEVEL.

Explanation of Policy

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

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

The use of man-made flooding and erosion protection structure should be considered only after an evaluation of available non-structural measures has been made to determine if non-structural measures can satisfactorily minimize damage to natural resources from flooding and erosion.

Non-structural measures within identified flood hazard areas shall include, but are not limited to: the avoidance of risk or damage from flooding by the siting of buildings outside the hazard area; and the flood-proofing of buildings or their elevation about the base flood level.

GENERAL POLICY

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

Explanation of Policy

Proposed major actions may only be undertaken in the waterfront area if they will not significantly impair valuable coastal waters and resources, thus frustrating the achievement of the purposes of the safeguards which the State and City have established to protect those waters and resources. Proposed actions must take into account the social, cultural, economic and environmental interests of the State and City and their citizens in such matters that would affect natural resources, water levels and flows, shoreline damage, hydro-electric power generation, and recreation.

PUBLIC ACCESS POLICIES

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

Explanation of Policy

This policy calls for achieving balance among the following factors: the level of access to a resource or facility, the capacity of a resource or facility, and the protection of natural resources. The imbalance among these factors is the most significant in the state's urban areas. Because this is often due to access related problems, priority will be given to improving physical access to existing and potential coastal recreation sites within the heavily populated urban coastal areas of the state and to increasing the ability of urban residents to get to coastal recreation areas by improved public transportation. The particular water related recreation resources and facilities which will receive priority for improved access are public beaches, boating facilities, fishing areas and waterfront parks. In addition, because of the greater competition for waterfront locations within urban areas, the Coastal Management Program and the Rye Waterfront Revitalization Program will encourage mixed use areas and multiple use of facilities to improve access. Specific sites recommended for access improvements include: increased parking at City Marina, Playland Boat Launch and Playland Breakwater and Pier.

The following guidelines will be used in determining the consistency of a proposed action with this policy:

1. The existing access from adjacent or proximate public lands or facilities to public water related resources and facilities shall not be reduced, nor shall the possibility of increasing access in the future from public lands or facilities to public water related recreation resources and facilities be eliminated, unless in the latter case, estimates of future use of these resources and facilities are too low to justify maintaining or providing increased public access or unless such actions are found to be necessary or beneficial by the public body having jurisdiction over such access as the result of a reasonable justification of the need to meet systematic objectives.

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

- a) Access - the ability and right of the public to reach and use public coastal lands and waters.

- b) Public water related recreation resources of facilities - all public lands or facilities that are suitable for passive or active recreation that requires either water or a waterfront location or is enhanced by a waterfront location.
- c) Public lands or facilities - lands or facilities held by State or City in fee simple or less-than-fee simple ownership and to which the public has access or could have access, including underwater lands and the foreshore.
- d) A reduction in the existing level of public access includes, but is not limited to, the following:
 - (i) The number of parking spaces at a public water related recreation resource or facility is significantly reduced.
 - (ii) The service level of public transportation to a public water related recreation resource or facility is significantly reduced during peak season use and such reduction cannot be reasonably justified in terms of meeting system-wide objectives.
 - (iii) Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
 - (iv) There are substantial increases in the following: already existing special fares (not including regular fares in any instance) of public transportation to a public water related recreation resource or facility, except where the public body having jurisdiction over such fares determines that such substantial fare increases are necessary; and/or admission fees to such a resource or facility, and an analysis shows that such increases will significantly reduce usage by individuals or families and incomes below the State government established poverty level.
- e) An elimination of the possibility of increasing public access in the future includes, but is not limited to, the following:
 - (i) Construction of public facilities, which physically prevent the provision, except at great expense, of convenient public access to public water related recreation resources and facilities.
 - (ii) Sale, lease, or other transfer of public lands that could provide public access to a public water related recreation resource or facility.

- (iii) Construction of private facilities which physically prevent the provision of convenient public access to public water related recreation resources or facilities from public lands and facilities.
- 2. Any proposed project to increase public access to public water related recreation resources and facilities shall be analyzed according to the following factors:
 - a. The level of access to be provided should be in accord with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.
 - b. The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resource of facility. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.
- 3. The State and City will not undertake or fund any projects which increase access to a water related resource or facility that is not open to all members of the public.
- 4. In their plans and programs for increasing public access to public water related resources and facilities, agencies shall give priority in the following order to projects located: within the boundaries of the Federal-Aid Metropolitan Urban Area and served by public transportation, within the boundaries of the Federal-Aid Metropolitan urban area but not served by public transportation; outside the defined Urban Area boundary and served by public transportation; and outside the defined urban Area boundary but not served by public transportation.

POLICY 19A MAINTAIN PUBLIC OWNERSHIP AND USE OF PLAYLAND PARK, MARSHLANDS CONSERVANCY, RYE TOWN PARK, DISBROW PARK AND RYE CITY MARINA.

Explanation of Policy

Playland Park and the Marshlands Conservancy represent public properties in County ownership which currently provide both active and passive recreation uses and access to the shorefront. Continued operation of these facilities in their present use including existing public access, shall be encouraged. Rye Town Park is owned by the Town of Rye and shall also be encouraged to remain in its current use. Disbrow Park and the City Marina are presently owned by the City. In the event they are sold, their present uses, including public access, will be maintained (see Policy 2, 9). Review of waterfront recreation properties as they become available for sale will determine on a case by case basis whether they may be feasible for City purchase.

As existing waterfront recreation properties are sold, the City of Rye will review the feasibility of owning and operating such a facility or leasing it as a concession. This is intended to keep the existing land use of the City's waterfront as it is with a desirable mix of water recreation facilities and residential development. However, a financial analysis must be performed on each property as they become available to determine the financial feasibility of City purchase.

POLICY 19B PROTECT THE LEVEL OF PUBLIC ACCESS AND SAFETY IN MILTON HARBOR.

Explanation of Policy

Public access to Milton Harbor will be protected, maintained, and where feasible increased. The harbor shall be kept sanitary and safe, making the best use of available mooring space within the waterway so as to accommodate more vessels, avoid congestion, and avoid obstruction of the channels.

To utilize Milton Harbor to its fullest, safest capacity as an active recreational resource and in an environmentally sensitive manner, certain use and safety standards are necessary:

- o No boats shall be moored within a channel, or in a manner to interfere with another mooring.
- o A maximum speed limit of five miles per hour has been imposed.
- o All vessels will operate in accordance with the Navigation Laws of the State of York.
- o No garbage, oil, sludge, paper, refuse, debris, sewage, or waste material of any kind is allowed to be discharged or permitted to fall from any boat.
- o Pumpout facilities are required at new and expanded existing marinas.

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

Explanation of Policy

In coastal areas where there are little or no recreation facilities providing specific water related recreational activities, access to the publicly-owned lands of the coast at large should be provided for numerous activities and pursuits which require only minimal facilities for their enjoyment. Such access would provide for walking along a beach or a city waterfront or to a vantage point from which to view the seashore. Similar activities requiring access would include bicycling, birdwatching, photography, nature study, beachcombing, fishing and hunting.

For those activities, there are several methods of providing access which will receive priority attention of the Coastal Management Program. These include: the development of a coastal trails system; the provision of access across transportation facilities to the coast; the improvement of access to waterfronts in urban areas; and the promotion of mixed and multi-use development.

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

The following guidelines will be used in determining the consistency of a proposed action with this policy:

1. Existing or future access from adjacent or proximate public lands or facilities to existing or future public coastal lands and/or waters shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or nearby public lands or facilities to public coastal lands and/or waters be eliminated, unless such actions are demonstrated to be of overriding regional or Statewide public benefit or, in the latter case, estimates of future use of these lands and waters are too low to justify maintaining or providing increased access.

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

- a) (See definitions under Policy 19 for "access" and "public lands or facilities").
- b) A reduction in the existing or anticipated level of public access - includes, but is not limited, to the following:
 - (i) Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
 - (ii) Pedestrian access is diminished or blocked completely by public or private development.
- c) An elimination of the possibility of increasing public access in the future - includes, but is not limited to, the following:

- (i) Construction of public facilities which physically prevent the provision, except at great expense, of convenient public access to public water related recreation resources and facilities.
 - (ii) Sale, lease, or other conveyance of public lands that could provide public access to public coastal lands and/or waters.
 - (iii) Construction of private facilities which physically prevent the provision of convenient public access to public coastal lands and/or waters from public lands and facilities.
- 2. The existing level of public access within public coastal lands or waters shall not be reduced or eliminated.
 - a) A reduction in the existing level of public access includes, but is not limited to, the following:
 - (i) Access is reduced or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
 - (ii) Access is reduced or blocked completely by any public developments.
- 3. Public access from the nearest public roadway to the shoreline and along the coast shall be provided by new land use or development, except where (a) it is inconsistent with public safety, military security, or the protection of identified fragile coastal resources; (b) adequate access exists within one-half mile; or (c) agriculture would be adversely affected. Such access shall not be required to be open to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.
- 4. The State will not undertake or directly fund any project which increases access to a water related resource or facility that is not open to all members of the public.
- 5. In their plans and programs for increasing public access, State agencies shall give priority in the following order to projects located: within the boundaries of the Federal-Aid Metropolitan Urban Area and served by public transportation; within the boundaries of the Federal-Aid Metropolitan Urban Area but not served by public transportation; outside the defined Urban Area boundary and served by public transportation; and outside the defined Urban Area boundary but not served by public transportation.

6. Proposals for increased public access to coastal lands and waters shall be analyzed according to the following factors:
 - (a) The level of access to be provided should be in accord with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.
 - (b) The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resource. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.

See Policies 2, 9, 19A, 19B.

RECREATION POLICIES

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

Explanation of Policy

Water related recreation includes such obviously water dependent activities as boating, swimming, and fishing, as well as certain activities which are enhanced by a coastal location and increase the general public's access to the coast such as pedestrian and bicycle trails, picnic areas, scenic overlooks and passive recreation areas that take advantage of coastal scenery.

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

See Policies 2, 4, 5, 6, 9, 10, 19A, 19B.

POLICY 22 **DEVELOPMENT, WHEN LOCATED ADJACENT TO THE SHORE, WILL PROVIDE FOR Water related RECREATION, AS A MULTIPLE USE, WHENEVER SUCH RECREATIONAL USE IS APPROPRIATE IN LIGHT OF REASONABLY ANTICIPATED DEMAND FOR SUCH ACTIVITIES AND THE PRIMARY PURPOSE OF THE DEVELOPMENT.**

Explanation of Policy

Many developments present practical opportunities for providing recreation facilities as an additional use of the site or facility. Therefore, whenever developments are located along the shore, they should, to the fullest extent permitted by existing law, provide for some form of water related recreation use unless there are compelling reasons why any form of such recreation would not be compatible with the development, or a reasonable demand for public use cannot be foreseen.

The types of development which can generally provide water related recreation as a multiple use include, but are not limited to:

- parks
- highways
- power plants
- utility transmission rights of way
- sewage treatment facilities
- mental health facilities*
- hospitals*
- prisons*
- schools, universities*
- military facilities*
- nature preserves*
- residential subdivisions
- shopping centers
- office buildings

***The types of recreation uses likely to be compatible with these facilities are limited to the more passive forms, such as trails or fishing access. In some cases, land areas not directly or immediately needed by the facility could be used for recreation.**

Prior to taking action relative to any development, state agencies should consult with the State Office of Parks, Recreation, and Historic Preservation, and with the City of Rye to determine appropriate recreation uses.

Appropriate recreational uses which do not require any substantial additional construction shall be provided at the expense of the project sponsor provided the costs does not exceed 2% of total project cost. In determining whether compelling reasons exist which would make recreation inadvisable as a multiple use, public safety should reflect a recognition that some risk is acceptable in the use of recreation facilities.

HISTORIC RESOURCES POLICIES

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

Explanation of Policy

Among the most valuable of the State's man-made resources are those structures or areas which are of historic, archaeological, or cultural significance. The protection of these structures must involve a recognition of their importance by all agencies. Protection must include concern not just with specific sites but with areas of significance, and with the area around specific sites. The policy is not to be construed as a passive mandate but must include effective efforts, when appropriate, to restore or revitalize through adaptive reuse. While the program is concerned with the preservation of all such resources within the coastal boundary, it will actively promote the preservation of historic and cultural resources which have a coastal relationship.

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

1. A resource, which is in a Federal or State park established, among other reasons, to protect and preserve the resource.
2. A resource on, nominated to be on, or determined eligible to be on the National or State Registers of Historic Places. These areas include:
 - o Playland Amusement Park
 - o Knapp House
 - o Milton Cemetery
 - o Boston Post Road District
 - o Church Row
 - o Sound View Park

3. A resource designated by the State Nature and Historic Preserve Trust.
4. An archaeological resource which is on the State Department of Education's inventory of archaeological sites or identified by the State Office at Parks, Recreation and Historic Preservation.
5. A local landmark, park, or locally designated historic district that is located within the boundary of an approved local waterfront revitalization program. The following sites have been recognized as having historic significance and have been preserved as local landmarks:
 - o Alansten (Jay Estate)
 - o Hains/Robinson House
6. A resource that is a significant component of an Urban Cultural Park.

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

1. Alteration of or addition to one or more of the architectural, structural, ornamental or functional features of a building, structure, or site that is a recognized historic, cultural, or archaeological resource, or component thereof. Such features are defined as encompassing the style and general arrangement of the exterior of a structure and any original or historically significant interior features including type, color and texture of building materials; entry ways and doors; fenestration; lighting fixtures; roofing, sculpture and carving; steps; rails; fencing; windows; vents and other openings; grillwork; signs; canopies; and other appurtenant fixtures and, in addition, all buildings, structures, outbuildings, walks, fences, steps, topographical features, earthworks, paving and signs located on the designated resource property. (To the extent they are relevant, the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" shall be adhered to.)
2. Demolition or removal in full or part of a building, structure, or earthworks that is a recognized historic, cultural, or archaeological resource or component thereof, to include all those features described in (a) above plus any other appurtenant fixtures associated with a building structure of earthwork.
3. All proposed actions within 500 feet of the perimeter of the property boundary of the historic, architectural, cultural, or archaeological resource and all actions within an historic district that would be incompatible with the objective of

preserving the quality and integrity of the resource. Primary considerations to be used in making judgement about compatibility should focus on the visual and locational relationship between the proposed action and the special character of the historic, cultural, or archaeological resource. Compatibility between the proposed action and the resource means that the general appearance of the resource should be reflected in the architectural style, design material, scale, proportion, composition, mass, line, color, texture, detail, setback, landscaping and related items of the proposed actions. With historic districts, this would include infrastructure improvements or changes, such as street and sidewalk paving, street furniture and lighting.

This policy shall not be construed to prevent the construction, reconstruction, alteration, or demolition of any building, structure, earthworks, or component thereof of a recognized historic, cultural or archaeological resource which has been officially certified as being imminently dangerous to life or public health. The policy shall not prevent the ordinary maintenance, repair, or proper restoration according to the U.S. Department of Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" of any building, structure, site or earthwork, or component thereof of a recognized historic, cultural or archaeological resource which does not involve a significant adverse change to the resource, as defined above. These structures will be protected and maintained in accordance with the following standards:

1. A protected site, building or structure or a building or structure in a Preservation District shall be properly secured (including fire, smoke and/or entry alarms where necessary) from vandalism, malicious mischief, and unauthorized use or casualty.
2. Attached parts shall be affixed so they will not fall and injure members of the public or property.
3. Foundations shall be adequate and sound.
4. Flooring or floor supports shall be of sufficient size to carry imposed loads with safety.
5. Members of walls, partitions or other vertical supports shall be sound and upright so that they are not split and do not lead, list or buckle.
6. Members of walls, partitions or other vertical supports shall be of sufficient size to carry imposed loads with safety.
7. Members of ceilings, roofs, ceiling and roof supports or other horizontal members shall be sound and stabilized so they do not sag or buckle and are not split.

8. Members of ceilings, roofs, ceiling and roof supports or other horizontal members shall be of sufficient size to carry imposed loads with safety.
9. Fireplaces or chimneys must be maintained so as not to settle, list or bulge.
10. Fireplaces or chimneys are of sufficient size or strengthen to carry imposed loads with safety.
11. Plaster is not cracked or loose.
12. Exterior walls, roofs, foundations or floors, including windows or doors, shall be effectively waterproofed.
13. Effective weather protection shall be provided for exterior wall coverings, including paint or other protective covering.
14. Improvements shall be structurally sound and properly watertight so that interior portions are secure from the elements.
15. Improvements shall have sufficient heat source and temperature controls so as to protect the premises (including plumbing, etc.) from excessive deterioration or actual damage due to freezing.

Given the possibility of archaeological significant sites within the waterfront area of the City (see Section II Inventory and Analysis), public agencies shall contact the NYS Office of Parks, Recreation and Historic Preservation to determine appropriate measures to be incorporated into development decisions.

SCENIC QUALITY POLICIES

POLICY 24 **THE STATE COASTAL POLICY REGARDING THE IMPAIRMENT OF SCENIC RESOURCES OF STATEWIDE SIGNIFICANCE IS NOT APPLICABLE TO THE CITY OF RYE.**

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

Explanation of Policy

When considering a proposed action which would not affect a scenic resource of Statewide significance, agencies shall ensure that the action will be undertaken so as to protect, restore or enhance the overall scenic quality of the coastal area. The siting and design guidelines listed below should be considered for proposed actions in the coastal area:

- o Siting structures and other development such as highways, power lines and signs, back from shoreline or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore;
- o Clustering or orienting structures to retain views, save open space and provide visual organization to a development;
- o Incorporating sound, existing structures (especially historic buildings) into the overall development scheme;
- o Removing deteriorated and/or degrading elements;
- o Maintaining or adding vegetation to provide interest, blend structures into the site, and obscure unattractive elements, except when selective clearing removes unsightly, diseased or hazardous vegetation and when selective clearing creates views of coastal waters;
- o Using appropriate materials, in addition to vegetation, to screen unattractive elements; and
- o Using appropriate scales, forms and materials to ensure that buildings and other structures are compatible with and add interest to the landscape.

More emphasis may need to be placed on removal of existing elements, especially those which degrade, and on addition of new elements or other changes which enhance. Removal of vegetation at key points to improve visual access to coastal waters is one such change which might be expected to enhance scenic quality.

In the City of Rye lot grouping and lot averaging is used to maintain and improve the scenic quality of the shorefront. Vista areas on and over publicly owned lands shall not be obstructed.

All proposed permanent signs having an area of three (3) square feet or more and all permanent signs whose aggregate area on one premises exceeds six (6) square feet, visible from any point off the premises, shall be approved by the City of Rye as to design, colors, illumination, location and size.

The City may disapprove signs which if erected or painted would be detrimental to the desirability, property values or harmonious development of the surrounding area by reason of:

1. A type of quality of design distinctively out of character with the existing development in the affected vicinity;
2. A size inconsistent with the size of other signs upon, or inconsistent with, the architectural detail of the surrounding buildings;
3. Colors which cover so large an area of the sign and which at the same time are so in conflict with the colors of the surrounding buildings as to appear inappropriate;
4. Lighting so intense and bright as to cause undue glare on the ground and in the sky around the nearby buildings or areas; or
5. Location in conflict with the character of the affected vicinity as established by conforming existing development or as clearly intended by the nature of other applicable zoning regulations.

In addition:

1. No sign shall be painted on a roof or mounted on or over a roof. No sign shall be mounted so that it extends above a parapet wall, protrudes more than twelve (12) inches from any wall or overhangs any right-of-way or public property. No sign shall be mounted or otherwise affixed to any tree, stone or other natural object.
2. Advertising signs, billboards, promotional decorations, searchlights, noisemaking devices, banners and moving signs shall not be permitted.
3. Any sign illuminated by other than indirect white light is prohibited.
4. In a residence district, no sign shall contain letters over three (3) inches in height.

AGRICULTURAL LANDS POLICY

POLICY 26 THE STATE COASTAL POLICY REGARDING THE CONSERVATION AND PROTECTION OF AGRICULTURAL LANDS IN THE STATE'S COASTAL AREA, IS NOT APPLICABLE TO THE CITY OF RYE.

ENERGY AND ICE MANAGEMENT POLICIES

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

Explanation of Policy

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

A determination of public need for energy is the first step in the process for siting new facilities. The directives for determining this need are set forth in the New York State Energy Law. With respect to transmission lines, Article VII of the State's Public Service Law requires additional forecasts and establishes the basis for determining the compatibility of these facilities with the environment and the necessity for a shorefront location. With respect to electric generating facilities, environmental impacts associated with siting and construction will be considered by one or more State agencies or, if in existence, an energy siting board. The policies derived from these proceedings are entirely consistent with the general coastal zone policies derived from other laws, particularly the regulations promulgated pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. The Act is used for the purposes of ensuring consistency with the Coastal Management Program and this Local Waterfront Revitalization Program.

In consultation with the City of Rye, the Department of State will comment on State Energy Office policies and planning reports as may exist; present testimony for the record during relevant certification proceedings under State law; and use the State SEQR and DOS regulations to ensure that decisions on other proposed energy facilities (other than those certified under the Public Service Law) which would impact the waterfront area, are made consistent with policies and purposes of the City of Rye Local Waterfront Revitalization Program.

The siting and construction of a major energy facility in the City of Rye is inappropriate because the City's coastal area is not a suitable location for such a facility based on the following: the City's waterfront is developed with residential, waterfront club or waterfront commercial businesses; undeveloped land areas consist of the following State designated significant Coastal Fish and Wildlife Habitats: Marshlands Conservancy, and Playland Lake and Manursing Island Flats. The City of Rye is dependent on its close association with Long Island Sound for its character and heritage. The construction of a major power facility would harm the City's environment and economy.

POLICY 28 **THE STATE COASTAL POLICY REGARDING ICE MANAGEMENT PRACTICES IS NOT APPLICABLE TO THE CITY OF RYE.**

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

Explanation of Policy

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

Matters pertaining to the OCS are the responsibility of the Department of Environmental Conservation. In 1977, the Department, in cooperation with regional and local agencies, completed a study which identified potential sites along the marine coast for on-shore OCS facilities. To date, these sites have not been developed for this purpose. The Department also actively participates in the OCS planning process by reviewing and voicing the State's concerns about federal OCS oil and gas lease sales and plans. In its review of these proposed sales and plans, the Department considers a number of factors such as the effects upon navigational safety in the established traffic lanes leading into and from New York Harbor; the impacts upon important finfish, shellfish and wildlife populations and their spawning areas; economic and other effects upon commercial and recreational fishing activities; impacts upon public recreational resources and opportunities along the marine coast; the potential for hazards; impacts upon biological communities; and water quality.

WATER AND AIR RESOURCES POLICIES

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

Explanation of Policy

Municipal, industrial and commercial discharges include not only "end-of-the pipe" discharges into surface and groundwater but also plant site runoff, leaching, spillages, sludge and other waste disposal, and drainage from raw material storage sites. Also, the regulated industrial

discharges are both those which directly empty into receiving coastal waters and those which pass through the regional treatment system before reaching the State's waterways.

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

Explanation of Policy

Pursuant to the Federal Clean Water Act of 1977 (PL 95-217) the State has classified its coastal and other waters in accordance with considerations of best usage in the interest of the public and has adopted water quality standards for each class of waters. These classifications and standards are reviewable at least every three years for possible revision or amendment. Local Waterfront Revitalization Programs and State coastal management policies shall be factored into the review process for coastal waters. However, such consideration shall not affect any water pollution control requirement establishment by the State pursuant to the Federal Clean Water Act.

Water quality classifications for surface waters in the City of Rye are currently compatible with present and proposed uses and proposed projects. (See Policies 9, 19, 19A, 19B.) See Table 4-2 in the Inventory and Analysis.

POLICY 32 THE STATE COASTAL POLICY REGARDING THE USE OF ALTERNATIVE OF INNOVATIVE SANITARY WASTE SYSTEMS IS NOT APPLICABLE TO THE CITY OF RYE.

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

Explanation of Policy

Best management practices include both structural and non-structural methods of preventing or mitigating pollution caused by the discharge of stormwater runoff and combined sewer overflows. At present, structural approaches to controlling stormwater runoff (e.g., construction of retention basins) and combined sewer overflows (e.g., replacement of combined system with separate sanitary and stormwater collection systems) are not economically feasible. Proposed amendments to the Clean Water Act, however, will authorize funding to address combined sewer overflows in areas where they create severe water quality impacts. Until funding for such projects becomes available, non-structural approaches (e.g., improved street cleaning, reduced use of road salt) will be encouraged.

Infiltration and inflow testing and analysis has been completed in the Beaver Swamp Sanitary Sewer District and the Blind Brook Sanitary Sewer District, and corrective action is being taken in both districts with respect to the elimination of illegal connections and reconstruction and sealing of the mains. See Policy 37.

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

Explanation of Policy

The discharge of sewage, garbage, rubbish, and other solid and liquid materials from watercraft and marinas into the State's waters is regulated. Priority will be given to the enforcement of this law in significant habitats and public water supply intakes which need protection from contamination by vessel wastes. Also, specific effluent standards for marina toilets have been promulgated by the Department of Environmental Conservation (6 NYCRR, Part 657). Pumpout facilities are required at expanded existing marinas and new marinas.

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

Explanation of Policy

Dredging often proves to be essential for maintaining navigation channels at sufficient depths, pollutant removal and meeting other coastal management needs. Dredging of existing or necessary channels to support water dependent uses of Milton Harbor, Greenhaven, Kniffen Cove, Pine Island Cove, Playland Park and Port Chester Harbor will be undertaken in accordance with federal and state guidelines. Such dredging projects, however, may adversely affect water quality, fish and wildlife habitats, wetlands and other important coastal resources. Often these adverse effects can be minimized through careful design and timing of the dredging operation and proper siting of the dredge spoil disposal site. Dredging permits will be granted if it has been satisfactorily demonstrated that these anticipated adverse effects have been reduced to levels which satisfy State dredging permit standards set forth in regulations developed pursuant to Environmental Conservation Law, (Articles 15, 24, 25, and 34), and are consistent with policies pertaining to the protection of coastal resources (See Policies 7, 15, 24, 25, 26 and 44).

In the City of Rye:

1. No person, firm or corporation shall commence filling or dredging in any watercourse or wetland or change in any way the nature of a watercourse or wetland without first obtaining a filling and/or dredging permit.
2. A waiver of the requirement for filing plans and obtaining local approval may be granted for minor filling and or dredging necessary to restore an eroded shoreline or a silted or obstructed channel to its original state, provided that, in the case of restoring an eroded shore line, the activity 1) is a single and complete project; 2) is less than 500 feet in length; 3) is necessary for erosion protection; 4) is limited to less than an average of one (1) cubic yard per running foot placed along the shore line bank; 5) does not involve the placement of materials in excess of the minimum needed for erosion protection in any wetland area or in any manner so as to impair surface water flow into or out of any wetland area; and 6) includes the use of only clean material free of waste metal products, organic materials, unsightly debris, etc. In cases where dredge and/or fill activities are proposed, including shore line restoration, the total volume of material involved shall not exceed ten (10) cubic yards as part of a single and complete project. In addition, the dredge and fill activity shall not cause stream diversion or connect canals or other artificial waterways to navigable waters.
3. Upon completion of the work permitted by a permit a survey and topographic map shall be submitted to the City of Rye showing the depth of area from which material has been removed and/or in which it has been deposited and the slopes from which the material has been removed and/or on which it has been deposited connecting with adjoining lands, along with a certificate from a registered land surveyor or registered engineer duly licensed by the State of New York stating that the work has been completed in accordance with the local permit.

Sites for the disposal of dredge spoils will be limited to Federal and State approved disposal sites.

POLICY 36

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

Explanation of Policy

See Policy 39 for definition of hazardous materials.

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

Explanation of Policy

Best management practices used to reduce these sources of pollution could include, but are not limited to best management principles, soil erosion control practices, and surface drainage control techniques.

In the City of Rye, activities which alter the flow of stormwater must comply with the following requirements:

1. A surface water control plan must be prepared and referred to the Westchester County Soil and Water Conservation District for their review and comments for all new construction, exclusive or buildings, additions, and accessory buildings, surfaces and structures for existing buildings.
2. The natural drainage features of the site, including natural drainage ways and permanent and periodic ponding areas, shall be preserved, except for reasonable alterations.
3. Surface water control facilities shall be constructed so as not to discharge waters onto adjoining property in such a manner as to impair the permitted use or development of that property. Surface water control facilities shall hereinafter be deemed to include pipes, ditches, culverts, water retention areas and structures, swales, slopes, and other conduits and reservoirs of water.
4. Temporary surface water and soil erosion control facilities adequate to protect adjacent property shall be installed at the commencement of the construction, grading, excavation or removal of vegetation.
5. To offset the increase in the rate and quantity of surface water runoff resulting from the proposed development, the following requirements shall be met:
 - a. Sites of four (4) acres or more shall provide for a one hundred (100) year stormwater detention facility or facilities, designed using those methods contained in "Urban Hydrology for Small Watersheds Technical Release No. 55," prepared by the United States Department of Agriculture Soil Conservation Service. In the Beaver Swamp Brook Watershed, the City

Engineer may waive or modify this one-hundred-year detention requirement after consultation with the Westchester County Soil and Water Conservation District.

- b. Sites with a proposed seventy-five percent or more net increase in impervious surfaces shall provide for a one-hundred-year stormwater detention storage facility or facilities designed using those methods contained in "Urban Hydrology for Small Watersheds Technical Release No. 55," prepared by the United States Department of Agriculture Soil Conservation Service. In the Beaver Swamp Brook Watershed, the City Engineer may waive or modify this one-hundred-year detention requirement after consultation with the Westchester County Soil and Water Conservation District.
- c. Sites of less than four (4) acres with a proposed net increase of less than a seventy-five percent in impervious surfaces shall provide for a twenty-five year stormwater detention storage facility or facilities, except in the Beaver Swamp Brook Watershed in which locations of one-hundred-year stormwater retention shall be required, designed using those methods contained in "Urban Hydrology for Small Watersheds Technical Release No. 55," prepared by the United States Department of Agriculture Soil Conservation Service or another method specified by the City Engineer after consultation with Westchester County Soil and Water Conservation District. In the Beaver Swamp Brook Watershed, the City Engineer may waive or modify this one-hundred-year detention requirement after consultation with the Westchester County Soil and Water Conservation District.
- d. Rainfall depth used in calculating required stormwater detention facilities shall be seven and two-tenths (7.2) inches in twenty-four (24) hours for a one-hundred-year storm and five and seven-tenths (5.7) inches in twenty-four (24) hours for a twenty-five (25) year storm. In each case, a Type III distribution shall be used.
- e. Detention facility maximum discharge rates for preconstruction conditions for the one-hundred-year storm and the twenty-five-year storm shall be as follows:
 - (i) One-hundred-year storm: one-hundred-fifty, twenty-five-, ten- and two-year storms.
 - (ii) Twenty-five-year storm: twenty-five, ten-, five and two-year storms.

- f. When the City Engineer finds that the increase cannot be offset by on-site retention, he may permit the increment of the increase which cannot be retained to be carried away by the land's natural drainage, provided the increased rate and quantity of flow will not impair the permitted use or development of those lands over which such water will naturally flow.
- g. When the City Engineer finds that the increase cannot be offset by on-site retention or as provided for in Subsection A(5)(f) above, he may permit that increment of the increase that cannot be so controlled to be discharged into a city surface water control facility, provided he has determined that the city facility has sufficient capacity.
- h. The City Engineer may waive or reduce the requirements of this section if it is determined by him that existing storm drains or storm drains proposed to be constructed are of adequate size, and will discharge surface water runoff directly to Long Island Sound, Milton Harbor or Port Chester Harbor.

In the City of Rye, activities which could result in erosion and sedimentation must comply with the following requirements:

1. Development shall preserve salient natural features, keep cut and fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential based upon the Best Management Practices Manual.
2. Disturbed soils shall be stabilized as soon as practicable and in any event within the time specified in the permit.
3. Temporary vegetation and/or mulching shall be used to protect exposed land areas during development.
4. The permanent (final) vegetation and mechanical erosion control measures shall both be installed within the time specified in the permit.
5. Until a disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, sediment basins, silt traps or similar measures, as more specifically may be determined in any particular instance by the City Engineer.
6. Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills.
7. All fills shall be compacted to provide stability of material and to prevent undesirable settlement.

8. Fills shall not encroach on natural watercourses or constructed channels.
9. Fills placed adjacent to or having an impact upon natural watercourses, constructed channels or floodplains shall have suitable protection against erosion during periods of flooding.
10. During grading operations, appropriate measures for dust control shall be exercised.
11. Grading equipment shall not be allowed to enter into or cross any watercourse.

In the City of Rye, activities which could result in the removal of vegetation are subject to the following conditions:

Vegetation including but not limited to trees, ground cover and aquatic vegetation, is important for retention of soil and prevention of sedimentation. Permits for activities which will interfere with such vegetation shall be conditioned upon the following:

- A. The applicant shall be guided by the requirements of the Best Management Practices Manuals.
- B. Vegetative cover shall be restored in disturbed areas.
- C. Stripping of vegetation, regrading or other development shall be done in such a way as to minimize erosion.
- D. Whenever feasible, natural vegetation, and in particular trees, shall be retained, protected and supplemented.
- E. The permanent (final) vegetation and mechanical erosion control measures shall be installed as soon as practicable, but in no event after the time specified on the approved control plan.

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

Explanation of Policy

Surface and groundwater are the principle sources of drinking water in the State, and, therefore, must be protected. Groundwater is not used as a source of water supply in the City of Rye, nor

is the surface water. However, the quality of these waters will be protected and conservation measures implemented.

1. When it is determined that an emergency exists requiring the conservation of water, it is prohibited for any persons, firm, corporation or industry to use or permit the use of water derived from said water company's facilities for:
 - a. The washing of automobiles in any form until further notice, with the exception of windshields and glasses necessary for the proper operation of the vehicle.
 - b. The cleaning or washing of the outside of buildings or any structures involving the use of water or steam in any form until further notice.
 - c. The watering of gardens, lawns, shrubbery and trees involving the use of water.
 - d. The operation of air-conditioning systems using water.
 - e. Leaking plumbing fixtures and service pipes.
 - f. Any purpose in any dwelling or multiple residence building in excess of forty-five (45) gallons [six (6) cubic feet] per person per day or in excess of such other limit as may be specified.
2. No water supply lines shall be maintained with the "bleeds" on any dock, structure or in any building for the purpose of maintaining a constant flow to prevent freezing.
3. No outdoor skating rink nor indoor skating rink requiring the use of water for ice purposes shall be operated until further notice, with the exception of such skating rinks where all the water can be reused with a tolerance of five percent (5%) of makeup purposes.
4. No swimming pools shall be operated until further notice, except such swimming pools designed and used exclusively for medical treatment, except such pools where all water can be reused with a tolerance of five percent (5%) of makeup purposes.
5. No automatic plumbing flush fixtures or apparatus using a constant or fixed periodic flow shall be maintained or operated. The flow from such apparatus shall only be by individual operation when the fixture or apparatus is in actual use.
6. The use of hose, spout or similar pressure bathing apparatus is prohibited and no constant flow from showers or similar apparatus shall be maintained. Operation of such apparatus shall be individual and only when the apparatus is in actual use.

The City of Rye also requires sewer hookup where sewer lines are within 150 feet to eliminate septic contamination of waters. See Policies 33 and 37.

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

Explanation of Policy

No storage or treatment of hazardous or solid wastes is permitted within the City.

The definitions of terms "solid wastes" and "solid wastes management facilities" are taken from New York's Solid Waste Management Act (Environmental Conservation Law, Article 27). Solid wastes include sludges from air or water pollution control facilities, demolition and construction debris and industrial and commercial wastes.

Hazardous wastes are unwanted by-products of manufacturing processes and are generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law (Section 27-0901[3]), as "waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, disposed, transported or otherwise managed." A list of hazardous wastes (NYCRR Part 366) has been adopted by DEC (6 NYCRR Part 371).

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

Present practices for solid waste disposal include pickup by private and City-contracted haulers. The wastes are delivered to the County-leased transfer station in Disbrow Park and ultimately out of the City to the County Resource Recovery Facility. All practices are undertaken consistent with New York State Solid Waste Laws.

POLICY 40 **THE STATE COASTAL POLICY REGARDING EFFLUENT DISCHARGED FROM MAJOR STEAM ELECTRIC GENERATING AND INDUSTRIAL FACILITIES IS NOT APPLICABLE TO THE CITY OF RYE.**

POLICY 41 LAND USE OR DEVELOPMENT IN THE COASTAL AREA WILL NOT CAUSE FEDERAL OR STATE AIR QUALITY STANDARDS TO BE VIOLATED.

Explanation of Policy

New York's Coastal Management Program incorporates the air quality policies and programs developed for the State by the Department of Environmental Conservation pursuant to the Clear Air Act and State laws on air quality. The requirements of the Clean Air Act are the minimum air quality control requirements applicable within the coastal area.

To the extent possible, the State Implementation Plan will be consistent with coastal lands and water use policies. Conversely, coastal management guidelines and program decisions with regard to land and water use and any recommendations with regard to specific sites for major new or expanded industrial, energy, transportation, or commercial facilities will reflect an assessment of their compliance with the air quality requirements of the State Implementation Plan.

The Department of Environmental Conservation will allocate substantial resources to develop a regulatory and management program to identify and eliminate toxic discharges into the atmosphere. The State's Coastal Management Program will assist in coordinating major toxic control programming efforts in the coastal regions and in supporting research on the multi-media nature of toxics and their economic and environmental effects on coastal resources. The Cementon industrial area should be monitored for airborne pollutants, such as dust from the cement plants.

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

Explanation of Policy

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

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

Explanation of Policy

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

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

Explanation of Policy

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

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

The benefits derived from the preservation of wetlands include but are not limited to:

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

Tidal wetlands (see Figure II-5) are protected under Department of Environmental Conservation Law, Article 25 and its implementing regulations. Freshwater wetlands are protected under Department of Environmental Conservation, Article 24 and its implementing regulations and Chapter 102 of the Rye City Code. (See Policies 7, 11, 12, and 35 for standards protecting wetlands in the City of Rye).

SECTION IV

PROPOSED LAND AND WATER USES AND PROJECTS

Land and Water Uses

The City of Rye's land use pattern is well established. The purpose of the land use plan is to insure that future development will be compatible with the present land uses and to implement the local program policies.

The four general land use categories that characterize the City's coastal area include: natural open space, park and recreation, waterfront recreation and residential.

The Greenhaven-Rye Golf Club Area (Zone 1)

Residential use will be maintained in the Greenhaven area, south of Soundview Avenue, a small area north of the Rye City Golf Course, and Hen Island. The Marshlands Conservancy is proposed for natural open space use and is part of the new Conservation District. The other predominate use is the Rye City Golf Course which is proposed for parks and recreational use and is part of the new Waterfront Recreation District. The Marshland Conservancy and Rye City Golf Course are rezoned for conservation and waterfront recreation, respectively

The Milton Point-Commercial Waterfront Area (Zone 2)

Natural open space encompasses the shoreline areas of Milton Harbor and Long Island Sound. Waterfront recreational use includes membership clubs located at Milton Point which are included in the new Membership Club Zoning District to help maintain existing club properties for recreational use. Waterfront recreational uses also include the waterfront activity at the City Marina, the Rye Fish and Game Club, the Shongut Boat Yard and the Brailsford Company which have been rezoned for Waterfront Business.

These properties, including the membership clubs at Milton Point, were zoned for residential use. The Rye Town Dock and the vista area at Dearborn Avenue were also in the recreational use category. Existing residential land use will be maintained at Parsons Point and south of Dearborn Avenue.

Blind Brook - Playland Parkway Area (Zone 3)

Natural open space areas include: The east-west corridor along Blind Brook from Oak Beach to Parsons Street including the eastern portion of the Rye Nature Center; along the north and south corridor of Playland Parkway from Forest Avenue to Boston Post Road; and the northern portion of Disbrow Park to the Playland Parkway. These properties, formerly zoned for residential use are part of the new Conservation District.

The southern portion of Disbrow Park, which includes institutional and recreational uses, will remain as such. A small commercial use area will remain in the western corner of Forest Avenue and Playland Parkway intersection. Residential use will be maintained in the remainder of Zone 3.

Playland Park- Manursing Island Area (Zone 4)

Natural open space lands include: The Playland Lake Conservation Area; the west, northwest and south sections of South Manursing Island; and the north shore of the Gut, north of South Manursing Island, east of the Tide Mill Boat Basin, and east of Kirby Mill Pond. These areas formerly zoned for residential use, are part of the new Conservation District.

Park and recreational uses are the Rye Town Park, Playland Park, and the southern section of South Manursing Island. These lands, which were zoned for residential use, are part of the new Waterfront Recreation District. Waterfront recreational use includes the membership clubs located in the northwest corner of South Manursing Island which are part of the new Membership Club Zone. These lands were zoned for residential use. Residential uses will be maintained in the rest of Zone 4 west of Playland and Manursing Island.

Projects

Various projects have been identified as part of the City's Waterfront Revitalization Program. The purpose of these projects is to fulfill combinations of several goals of the coastal zone policies. The projects are grouped as follows:

A. Water Recreation Expansion and Maintenance

- 1) Parking facilities at City Marina
- 2) Playland Boat Launch
- 3) Playland Beach Breakwater

B. Public Access

- 1) Blind Brook Walkway
- 2) Playland Pier
- 3) Waterfront Access Points

These projects represent the selected alternatives resulting from public input and discussions with local concerned groups. These projects are consistent with the goals of the Waterfront Revitalization Task Force which are to maintain the existing level and where possible, increase both active and passive waterfront recreation public access to the shorefront. The City recognizes that implementation of the following projects will promote the goals of the LWRP, however, it is also recognized that a thorough environmental analysis and, if necessary, feasibility study should be prepared for each project to determine potential environmental impacts and suitability.

Proposed Land Use Plan

City of Rye, NY

Residential

- Low-Density (1-2 DU/Acre)
- Low-Medium Density (2-6 DU/Acre)
- Medium Density (8-14 DU/Acre)
- High Density (Over 14 DU/Acre)

Business

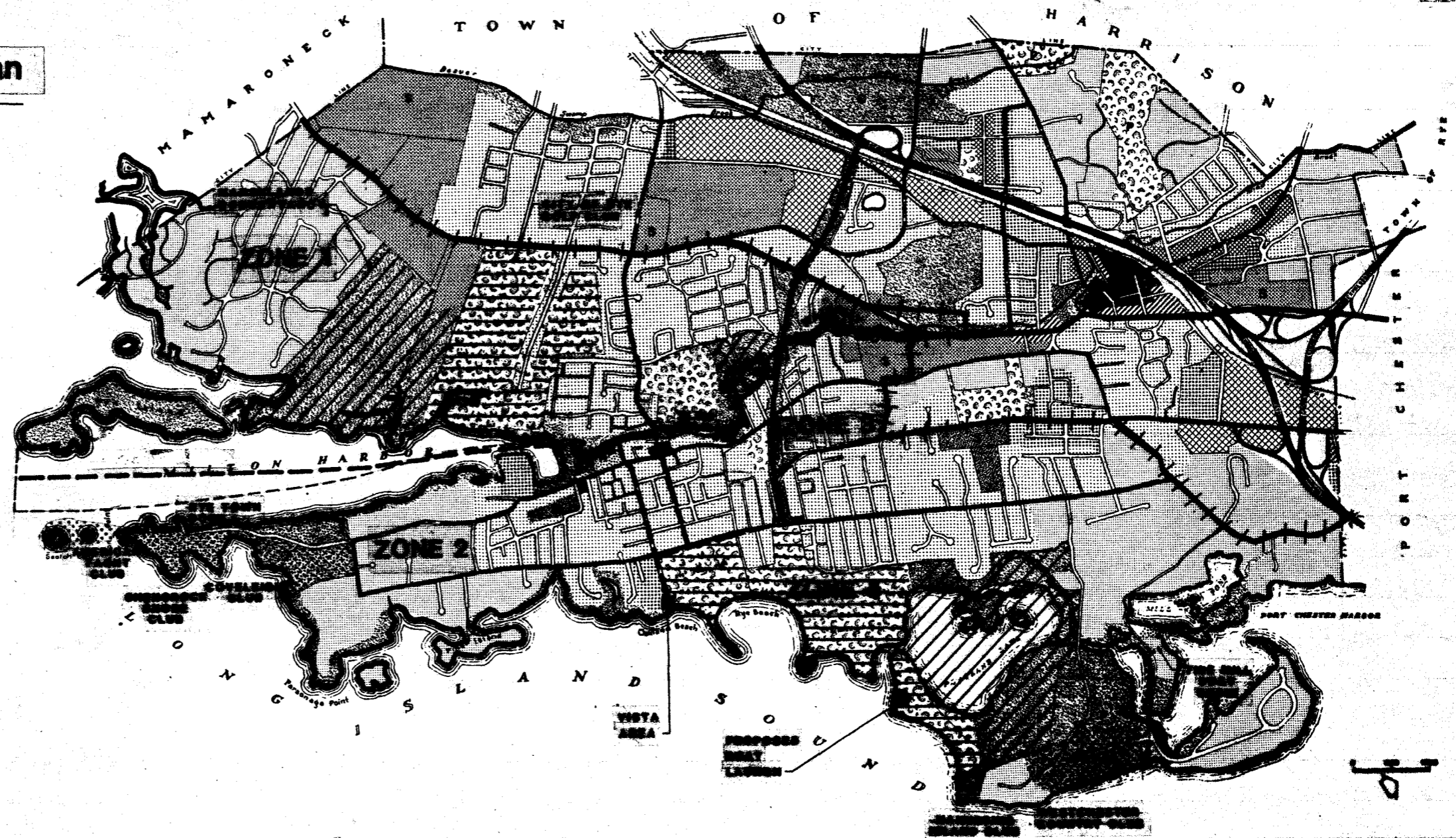
- Central Business District
- General Commercial
- Light Manufacturing / Warehousing
- Neighborhood Business
- Office
- Office / Residential

- Post Road Residential / Institutional (low-medium density) (S=school)
- Institutional (S=school)

Recreation and Open Space

- Parks and Recreation (P=private)
- Natural Open Space (P=private, C=cemetery)
- Waterfront Recreation/Development
- Transportation and Utilities

- Waterfront Business District (B-7)
- Conservation District
- Membership Club District
- Waterfront Recreation District
- Coastal Zone Boundary
- Geographic Zone



Water Recreation Expansion and Maintenance

The City of Rye has a demand for increased water recreation facilities. Zoning revisions have been made which are designed to maintain the existing level of active waterfront recreation and, in addition, increase public recreation facilities in selected areas. Projects under this category are defined as follows:

Increased Parking Facilities at City Marina

Parking needs in the vicinity of the City of Marina must be studied. Existing parking behind the commercial properties along Milton Road across the marina may be feasible. The Boat Basin Commission will identify potential parking areas which may be appropriately developed.

Playland Park Launch Facility

Improvements and new facilities at Playland Park represent an option to meet the growing demand for water related recreational needs. The recommended option is to encourage the County to develop a small craft launching facility in the vicinity of the Gasparina concession at the mouth of Playland Lake. The intent of this project is to provide public boating facilities on Long Island Sound shore of Rye to reduce pressure on facilities in Milton Harbor (Figure IV-2).

A boat launch facility in the vicinity of the seaward boundary of the Gasparini concession would be possible with minimal environmental impacts and capital improvement costs. A launching facility would serve a similar purpose at the marina by increasing boating facilities on the Long Island Sound Shore to meeting increasing demands.

Costs associated with constructing an improved surface launch facility to handle small boats would be approximately \$75,000. This would include construction of the ramp, creating additional limited improved surface parking space, and marking a navigation channel to deeper waters. These costs would be incurred by the County. Recommendations will be made to the County to undertake this development.

Playland Park Breakwaters

Recommendations will be made to the County to maintain the breakwaters around the beach area at the park (Figure IV-1). These breakwaters are important in preventing beach erosion and maintaining the beaches as an attractive swimming area. Without the breakwaters, beach erosion would eliminate the recreational value of this area.

Public Access

Maintenance of existing and provision of additional public access to the shorefront is one of the main goals of the Local Waterfront Revitalization Task Force. Projects have been recommended which, if implemented, will maintain and provide the desired level of public access in an

environmentally sensitive manner, and in a way which also respects private property ownership. Projects under this category are as follows:

Blind Brook Walkway

This project involves refurbishing and extending a walkway along Blind Brook from the Rye Nature Center through Disbrow Park to Oakland Beach Avenue. This walkway exists as an unimproved pathway from Milton Road near Playland Parkway to Disbrow Park. The intent of this project is to provide improved access to the waterfront for passive recreation (Figure IV-1, IV-3). A walkway along Blind Brook will provide access to the stream for passive recreation activities such as bird watching, walking, photographing, and enjoyment of the waterfront.

Walkway development will require obtaining an easement along the Rye Psychiatric Center as well as through the County owned property along Playland Parkway. Costs for a limited improved surface pathway, park benches, trash receptacles and landscaping would be approximately \$50,000. Maintenance of the walkway would be necessary and should be undertaken by the Recreation Department.

Playland Pier

Recommendations will be made to the County to rehabilitate the pier at Playland Park so it can be safely used as a fishing pier and vista area. Because the County would rehabilitate the pier, there would be no costs to the City. The pier and pilings already exist, therefore there would be no environmental impacts from the improvements.

Waterfront Access Points

The purpose of this project is to provide additional public access areas to the waterfront for passive water enhanced recreation. One particular recommendation is for a vista area at the end of Dearborn Avenue (Figures IV-1 and IV-4). This project would require limited improvements on existing city owned property for some park benches and trash receptacles. No parking facilities are intended to be provided. These improvements should be undertaken and maintained by the Parks Department. Capital costs of approximately \$30,000 for Dearborn Avenue would be necessary for improvements.



MALCOLM PIRNIE, INC.

FIGURE IV-2

**PLAYLAND PARK
BOAT LAUNCH**

**MALCOLM
PIRNIE**



**MALCOLM
PIRNIE**

BLIND BROOK WALKWAY

MALCOLM PIRNIE, INC.

FIGURE IV-3



MALCOLM PIRNIE, INC.

FIGURE IV-4

DEARBORN AVE
VISTA AREA

MALCOLM
PIRNIE

SECTION V

TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM

This section outlines and describes the measures used by the City of Rye to implement its Local Waterfront Revitalization Program set forth in the preceding sections. This section is organized into three major parts:

LWRP IMPLEMENTATION MEASURES

This part describes how the local program and policies are implemented by existing and recently adopted local laws, and projects. The purpose of each existing and recently adopted local law is summarized. Also described are the administrative responsibilities of the local agencies and potential funding sources.

MANAGEMENT STRUCTURE TO IMPLEMENT LWRP

This part describes the lead agency designated as responsible for overall management and coordination of the LWRP.

COMPLIANCE PROCEDURES

This part describes procedures to be used to ensure that all local actions comply with the LWRP policies and procedures to be used for the review of State and Federal actions for consistency with the LWRP.

A. LWRP IMPLEMENTATION MEASURES

Implementation techniques for the policies have been grouped by policy category since most legal, administrative and financial measures as well as land uses and projects implement more than one policy. Tables V-1 and V-2 provide a summarized description of how the policies are implemented by the City's local laws.

DEVELOPMENT POLICIES (#2, #4, #5, #6)

Legislation

Chapter 197, Zoning - A new Coastal Zone District has been adopted which will preserve the City's existing desirable land use mix along the waterfront by making the existing land use the permitted main use (see Figure II-1). This zoning change creates three new zones: Waterfront Recreation District, Membership Club District, and Conservation District. Additional legislation was adopted which allows a special exemption for non conforming water dependent uses to be reestablished if damaged or destroyed. Another provision allows existing nonconforming membership club buildings to be restored (see Appendix A). (Policy #2,#4)

Chapter 170, Subdivision of Land - Rye City Code Chapter 170 specifies site plan approval procedures and requirements for any proposed development or land use change

which must be submitted to the Planning Commission demonstrating that such action is consistent with standards of traffic, parking, screening and landscaping, environmental quality, drainage and sewage disposal, as set forth in the law, and is compatible with adjacent land uses. (Policy #5)

Chapter 73, Coastal Management - The Planning Commission has been delegated as the Coastal Zone Management Review Authority as provided for in the amended legislation (Appendix B). Simultaneous site plan and subdivision review with coastal zone review under the Planning Commission will expedite permit procedures. (Policy #6)

Chapter 87, Environmental Quality Review - Rye City Code, Chapter 87, provides for environmental quality review, under procedures in the State SEQRL law, of actions that may significantly affect the environment. (Policy #6)

Management

In order to encourage the development of activities where public services are adequate, the Planning Commission currently reviews construction projects with regard to sewage disposal, drainage, parking, traffic and environmental quality. (Policy #5) Coastal Zone Management Review will be combined with the Planning Commissions site plan and subdivision review in order to expedite the permitting review process.

FISH AND WILDLIFE POLICIES (7A, 7B, 8, 9, 10)

Legislation

Chapter 102, Freshwater Wetlands - the Rye City Code requires Planning Commission approval for actions affecting freshwater wetlands. (Policy #7A, #7B)

Chapter 173, Surface Water Erosion and Sediment Control - requires a City permit to grade, excavate, construct, remove vegetation, or alter the flow of surface water. This chapter includes erosion and sediment control regulations. (Appendix C) (Policy #7A, #7B)

Chapter 197-7, Site Development, and Chapter 170, Subdivision - regulations also include erosion and sediment control regulations to protect fish and wildlife habitats. (Policy #7A, #7B)

Chapter 157, Sanitary Regulations - regulates many facets of activities that may lead to environmental impacts or public health problems including animals, refuse, dumping, fumigation, infected trees and shrubs, water diversions, use of DDT, and littering. These regulations are important in protecting fish and wildlife habitats. (Policy #7A, #7B, #8)

Chapter 161, Sewers - requires hookup to sewer lines if they are within 150 ft. of the line to prevent septic pollution problems and protect fisheries resources. (Policy #7A, #7B, #8)

Chapter 92, Filling and Dredging Regulations - requires Planning Commission approval to fill or dredge in any wetland or watercourse. (Policy #7A, #7B)

Management

The City of Rye will be responsible for execution of the Dearborn Avenue Terminus improvements and Blind Brook Walkway Westchester County will undertake rehabilitation of Playland Pier and Playland Boat Launching Ramp Improvements. (Policy 9).

Projects

Playland Boat Launching Ramp Improvements (Policy 9)
Dearborn Avenue Terminus Improvements (Policy 9)
Playland Pier (Policy 9)
Blindbrook Walkway (Policy 9)

Funding

Westchester County Capital Budget
City of Rye Capital Budget
City of Rye Operating Budget

FLOODING AND EROSION POLICIES (#11, 12, 13, 14, 16, 17)

Legislation

Chapter 100, Floodplain Management - sets forth standards for construction in floodplains designed to minimize property damage and endangerment of human lives. (Policy 11, 14, 17)

Chapter 173, Surface Water, Erosion and Sediment Control - regulations requires Planning Commission approval to grade, excavate, construct, remove vegetation, or alter the flow or surface water. This chapter includes erosion and sediment control regulations. (Policy 11, 12)

Chapter 197-7, Site Development and Chapter 170, Subdivision - regulations include erosion and sediment control regulations. (Policy 12)

Management

Westchester County will maintain the breakwaters at Playland Park to prevent beach erosion. (Policy 16)

Projects

Maintenance of Playland Park Breakwaters (Policy 6)

Funding

County Capital Budget.

GENERAL POLICIES (#18)

Legislation

City of Rye Waterfront Revitalization Program - adoption of the Local Waterfront Revitalization Program will provide consistency between State, Federal, and local programs affecting development in the Coastal Zone. (Policy 18)

Chapter 87, Environmental Quality Review - provides for City review of projects, under procedures described in the State Environmental Quality Review Law, that may significantly affect the environment. (Policy 18)

Management

Guidelines for LWRP consistency review have been adopted by NYS Department of State (Policy 18). Rules and regulation for SEQR have been adopted by the NYS Department of Environmental Conservation (Policy 18) Guidelines.

The City of Rye has implemented Local Environmental Quality Review Procedures (Policy 18).

The City of Rye Planning Commission has adopted procedures for LWRP consistency review (Policy 18).

PUBLIC ACCESS POLICIES (#19, 19A, 19B, 20)

Legislation

Chapter 197, Zoning - A new Coastal Zone District has been established which will help to preserve the City's existing desirable land use mix along the waterfront. This zoning change creates three new zones: the Waterfront Recreation District, Membership Club

District, and Conservation District. These zones maintain the desired level of public access. (Policies 19, 19A, 20)

Chapter 64, Boats and Harbors - Provisions are included to regulate speed, waste discharge, noise and hazards to navigation. Also, mooring placement is regulated to guide the placement of moorings.

Management

City Planning Commission (Policy 19, 19A, 20)
Westchester County (Policy 19, 19A 20)
City Recreation Commission (Policy 19, 19A, 20)
City Recreation Department (Policy 19, 19A, 20)
Rye City Council (Policy 19, 19A, 20)
Rye City Police Department (Policy 19B)

Projects

Blind Brook Walkway (Policy 19,20)
Playland Park Boat Launching Ramp (Policy 19, 20)
Beach and Club Acquisition (Policy 19A, 20)
Dearborn Avenue Terminus Improvements (Policy 19, 20)
Playland Pier (Policy 19, 20)

Funding

Westchester County (Policy 19, 20)
City of Rye (Policy 19, 19A, 19B, 20)

RECREATION POLICIES (21, 22)

Legislation

Chapter 197, Zoning - A new Coastal Zone District has been established which preserves the City's existing desirable land use mix along the waterfront. This zoning change creates three new zones: the Waterfront Recreation District, Membership Club District, and Conservation District (Appendix A). This zoning change encourages and maintains the existing level of water enhanced and water dependent recreation and additionally may help provide water dependent/enhanced recreation as a multiple use. (Policy #21, 22).

Management

City of Rye Planning Commission (Policy #21, 22)
Recreation Department (Policy #21)

Uses and Projects

- Blind Brook Walkway (Policy #21)
- Playland Park Boat Launch (Policy #21)
- Beach and Club Acquisition (Policy #21)
- Dearborn Avenue Terminus Improvements (Policy #21)
- Playland Pier (Policy #21)

Funding

City of Rye Capital Budget

HISTORIC AND SCENIC RESOURCES POLICIES (23, 25)

Legislation

Chapter 117, Landmarks Preservation - contains guidelines to provide for the protection, enhancement, perpetuation and use of these districts, sites and structures which are illustrative of the growth and development of the City of Rye. This law helps to preserve those elements in the city's past which represent many and varied architectural, artistic and cultural achievements which cannot be duplicated or otherwise replaced (Policy 23, 25).

Chapter 53, Architectural Review, contains provisions to regulate excessive uniformity, dissimilarity, inappropriateness or poor quality of design in the exterior appearance of structures erected, reconstructed or altered in any area in the City of Rye. (Policy 25).

Management

- Landmarks Advisory Committee (Policy 23, 25)
- Board of Architectural Review (Policy 23, 25)

WATER AND AIR RESOURCES POLICIES

(Policies 30,31,33,34,35,37,38,39,41,42,43,44)

Legislation

Chapter 102, Freshwater Wetlands - Planning Commission approval is required for actions affecting freshwater wetlands (Policy 30,44).

Chapter 173, Surface Water Erosion and Sediment Control - requires a City permit to grade, excavate, construct, remove vegetation, or alter the flow of surface water. This chapter includes erosion and sediment control regulations (Policy 33, 37).

Chapter 197-7, Site Development and Chapter 170, Subdivision - includes erosion and sediment control regulations to protect fish and wildlife habitat (Policy 31, 33, 37).

Chapter 157, Sanitary Regulations - regulates many facets of activities which may lead to environmental impacts or public health problems including animals, refuse, dumping, fumigation, infected trees and shrubs, water diversions, use of DDT, and littering. These regulations are important in protecting water resources (Policy 30, 38, 39).

Chapter 161, Sewers - requires hookup to sewer lines if they are within 150 ft. of the line to prevent septic pollution problems and protect fisheries resource (Policy 30, 38).

Chapter 92, Filling and Dredging Regulations - requires Planning Commission approval to fill or dredge in any wetland or watercourse (Policy 35).

Chapter 64, Boats and Harbors - regulates discharges from vessels and toilet facilities in the harbor (Policy 34).

Management

City of Rye (Policy 30, 31, 33, 34, 37)

Planning Commission (Policy 31, 35, 37, 44)

Projects

Infiltration and inflow testing and analysis has been completed in the Beaver Swamp Sanitary Sewer District and the Blind Brook Sanitary Sewer District, and corrective action is being taken in both districts with respect to eliminating illegal connections and reconstruction and sealing of the mains.

**TABLE V-1
LEGISLATION INDEX**

CITY OF RYE CODE:

G	Chapter 73, Coastal Zone Management
H	Chapter 53, Architectural Review
I	Chapter 64, Boats and Harbor
J	Chapter 87, Environmental Quality Review
K	Chapter 92, Filling and Dredging Regulations
L	Chapter 100, Floodplain Management
M	Chapter 102, Freshwater Wetlands
N	Chapter 117, Landmarks Preservation
O	Chapter 157, Sanitary Regulations
P	Chapter 161, Sewers
Q	Chapter 170, Subdivision of Land
R	Chapter 173, Surface Water Erosion and Sediment Control
S	Chapter 197, Zoning
T	Chapter 197-7, Site Development
U	City of Rye Waterfront Revitalization Program

**TABLE V-2
POLICY AND LEGISLATION CROSS REFERENCE**

<u>POLICY NO.</u>	<u>CITY LEGISLATION</u> (Where Applicable)
2	S
4	S
5	Q
6	G, J
7	K, M, O, P, Q, R, T
8	O, P
11	L, R
12	R, T
13	K
14	L
15	
16	
17	L
18	J, U
19	S
19A	S, I
19B	I
20	S
21	S
22	S
23	N
25	H, N
30	K, M, O, P
31	T
33	R, T
34	I
36	
35	K
37	R, T
38	K, O, P
39	K, O
41	
42	
43	
44	K, M

B. MANAGEMENT STRUCTURE

The Rye City Planning Commission is the agency designated as responsible for the implementation and management of the LWRP. Whenever a proposed action is located in the city's coastal area, an agency shall, prior to approving, funding or undertaking the action, shall refer the action to the Rye City Planning Commission for a determination of consistency with the LWRP policy objectives and standards as described in Section III. The Rye City Planning Commission shall not be required to render consistency determinations for certain actions which are described in the City's Waterfront Consistency Review Law (see Appendix B).

C. COMPLIANCE PROCEDURES

Local Actions

1. For actions to be directly undertaken by the City of Rye, the agency proposing the action shall, as early as possible in the formulation of the action, refer the proposed action to the Planning Commission for a determination of consistency and shall not implement such action until the Planning Commission has issued such determination of consistency. A determination of consistency by the Rye City Planning Commission is not required for actions described in the City of Rye Waterfront Consistency Review Law (see Appendix B).
2. For application by persons, firms and corporations to a city agency for approval, the applicant, when making the application to such agency, shall simultaneously apply to the Planning Commission for a determination of consistency. The applicant shall prepare a Coastal Assessment Form (CAF) to assist with the consistency review. In the case of application processes which require preliminary and final applications, the application for a determination of consistency shall be made with the application for preliminary approval. The applicant need not reapply at the time of making a final application unless the scope of the project for which final approval is sought is substantially different from that of the application for preliminary approval, which determination shall be made by the agency to which the application is being made.
3. Except as provided below, the Rye Planning Commission shall make the determination of consistency based on the CAF, and such other information is as deemed to be necessary in its determination. The Rye Planning Commission shall issue its determination following the next regularly scheduled meeting. The Rye Planning Commission shall have the authority, in its finding of consistency, to impose impracticable and reasonable conditions on an action to ensure that it is carried out in accordance with the City of Rye Waterfront Consistency Review Law.

Where an agency is the City Council or, in the consideration of applications for use and area variances, the Zoning Board of Appeals, the determination of the Planning Commission shall be advisory. The consistency of an action involving the City Council or the Zoning Board of Appeals shall be determined by these boards in the process of reviewing the proposed action. However, both boards shall obtain the recommendations of the Planning Commission as provided in this law, prior to reaching a decision. Both Boards shall have the authority, in their findings of consistency, to impose practicable and reasonable conditions on an action to ensure that it is carried out in accordance with this Chapter. The Planning Commission shall be the agency authorized to make final consistency and determinations for all other actions by agencies of the City of Rye.

4. Actions to be undertaken within the City's waterfront area will be evaluated for consistency in accordance with the Rye Local Waterfront Revitalization Program and will be evaluated for consistency in accordance with the Rye Local Waterfront Revitalization Program and LWRP policy standards and conditions of the City of Rye Waterfront Consistency Review Law.

State Agency Actions

The following procedures will be followed for state agency actions:

1. When a state agency is considering a Type I or unlisted action, as defined by the State Environmental Quality Review Act, occurring within the Coastal Zone and which is an action which the Secretary of State has identified as an action requiring consistency with the Local Waterfront Revitalization Program, the state agency will notify the Planning Commission of the proposed action at least thirty (30) days prior to the state agency's decision on the action. Such notification may be accomplished by the filing of a draft environmental impact statement for the action with the chief executive Officer of the City of Rye.
2. Upon receipt of notification of a proposed action by a state agency, the Planning Commission will evaluate the proposed action against the policies and purposes of the Local Waterfront Revitalization Program and, within thirty (30) days, give written notification to the state agency that there are no conflicts between the proposed action and the policies and purposes of the Local Waterfront Program or that there are conflicts with the proposed action and the policies and purposes of the Local Waterfront Revitalization Program and identify the specific policies and purposes of the Local Waterfront Program with which the proposed action conflicts. A copy of the determination that there are conflicts shall also be forwarded to the Secretary of State.
3. Upon receipt of a notification from the Planning Commission that a proposed state agency action is in conflict with the policies and purposes of the Local Waterfront Revitalization Program, the state agency will not proceed for a period of ninety (90) days

and will contact the Planning Commission to discuss the conflicts and the means for resolving them, which discussion should occur within thirty (30) days of state agency receipt of the Planning Commission's notification of a conflict.

4. If, after consultation between the Planning Commission and the state agency, identified conflicts are not resolved, either party may request, in writing, the assistance of the Secretary of State to resolve any or all of the identified conflicts. Within thirty (30) days of receipt of a request for assistance, the Secretary of State or his designee will discuss the identified conflicts and the circumstances preventing their resolution with representatives of the State agency and the Planning Commission. If agreement among all involved parties cannot be reached during this discussion, the Secretary of State will, within fifteen (15) days, notify both parties of his findings and recommendations and the state agency will not proceed with the proposed action until the Secretary of State's findings and recommendations have been received until ninety (90) days after receipt of the Planning Commission's notification of a conflict.

Federal Agency Actions

The following procedures will be followed for federal agency actions:

For federal actions involving the issuance of permits or licenses the Department of State upon notification of a proposed action by a federal agency will forward a copy of such notification to the Planning Commission.

Within thirty (30) days of receipt, the notification from the Department of State the Planning Commission will contact the Department of State to discuss the need, if any, for additional information and any conflicts with the proposed action and the policies and purposes of the Local Waterfront Revitalization Program. If the Department of State and the Planning Commission agree on the need for additional information to complete the review, the Department of State will request the additional information and forward it to the Planning Commission.

Within thirty (30) days of receipt of the additional information or discussion possible conflicts with the Department of State, the Planning Commission will notify the Department of State that there are no conflicts between the proposed action and the policies and purposes of the Local Waterfront Revitalization Program or that there are conflicts with the proposed action and the policies and purposes of the Local Waterfront Revitalization Program and identify the specific policies and purposes of the Local Waterfront Program with which the proposed action conflicts and thereafter submit its written comments on the proposed action to the Department of State before or at the conclusion of the official public comment period.

If the Department of State does not fully concur with the Planning Commission and/or has any questions on the written comments of the Planning Commission, the Department of State will contact the Planning Commission to discuss any differences of opinion prior to issuing its letter of "concurrence" or "objection" on the action. A copy of the Department of State's "concurrence" or "objection" letter will be forwarded to the Planning Commission.

For direct federal actions, upon receipt of a consistency determination for a proposed direct federal action, the Department of State will forward a notification of the proposed direct federal action, which will state the date by which comments and recommendations must be submitted to the Department of State, and copies of the determination and descriptive information concerning the action to the Planning Commission.

Upon receipt from the Department of State of notification of a proposed direct federal action, the Planning Commission will evaluate the proposed action against the policies and purposes of the Local Waterfront Revitalization Program and, within the time period specified in the State's notification, give written notification to the Department of State that there are no conflicts between the proposed action and the policies and purposes of the Local Waterfront Revitalization Program or that there are conflicts with the proposed action and the policies and purposes of the Local Waterfront Revitalization Program and identify the specific policies and purposes of the Local Waterfront Program with which the proposed action conflicts and its recommendations.

If the Department of State does not fully concur with the Planning Commission and/or has any questions on the written comments of the Planning Commission, the Department of State will contact the Planning Commission to discuss any differences of opinion or questions prior to agreeing or disagreeing with the federal agency's consistency determination on the proposed direct federal action.

A copy of the Department of State's letter "agreeing" or "disagreeing" with the federal agency's consistency determination will be forwarded to the Planning Commission.

For federal actions involving financial assistance, the following procedures shall be followed: When the Department of State is advised of an application to a federal agency for financial assistance, the Department of State will request information from the applicant for the financial assistance for the purposes of a consistency review and a copy of the letter requesting such information will be forwarded to the Planning Commission.

Upon the Department of State's receipt of the requested information from the applicant, it will acknowledge receipt of the information and forward a copy of the acknowledgement along with the information necessary for the consistency determination to the Planning Commission. The review period will conclude thirty (30) days after the date on the Department of State's letter acknowledging receipt of information from an applicant for federal financial assistance.

Upon receipt, a copy of the Department of State's acknowledgement receipt of information from an applicant for federal financial assistance, the Planning Commission will evaluate the proposed action against the policies and purposes of the Local Waterfront Revitalization Program and, within twenty (20) days of the date on the Department of State's letter of acknowledgement, give written notification to the Department of State that there are no conflicts between the proposed action and the policies and purposes of the Local Waterfront Revitalization Program or that there are conflicts with the proposed action and the policies and purposes of the Local Waterfront Revitalization Program and identify the specific policies and purposes of the Local Waterfront Program with which the proposed action conflicts and its recommendations.

If the Department of State does not fully concur with the Planning Commission and/or has any questions on the written comments of the Planning Commission, the Department of State will contact the Planning Commission to discuss any differences of opinion or questions prior to agreeing or disagreeing with the federal agency's consistency determination on the proposed action.

A copy of the Department of State's letter of "objection" or "no objection" to the applicant will be forwarded to the Planning Commission.

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 can not be used to require a State or Federal agency to undertake an action it could not undertake pursuant to other provisions of law. Reference should be made to Section IV and Section V, which also discuss State and Federal assistance needed to implement the LWRP.

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

1. State Agencies

OFFICE FOR THE AGING

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

DEPARTMENT OF AGRICULTURE AND MARKETS

- 1.00 Agricultural Districts Program
- 2.00 Rural Development 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

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 ALCOHOL ABUSE

- 1.00 Facilities, construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
 - 2.01 Letter Approval for Certificate of Need
 - 2.02 Operating Certificate (Alcoholism Facility)
 - 2.03 Operating Certificate (Community Residence)
 - 2.04 Operating Certificate (Outpatient Facility)
 - 2.05 Operating Certificate (Sobering-Up Station)

COUNCIL ON THE ARTS

- 1.00 Facilities construction, rehabilitation, expansion, 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

DEPARTMENT OF ECONOMIC DEVELOPMENT

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

DEPARTMENT OF CORRECTIONAL SERVICES

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

DORMITORY AUTHORITY OF THE STATE OF NEW YORK

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

EDUCATION DEPARTMENT

- 1.00 Facilities construction, rehabilitation, expansion, demolition or the funding of such activities.
- 2.00 Permit and approval programs:
 - 2.01 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

ENERGY PLANNING BOARD AND ENERGY OFFICE

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

NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY

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

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of lands under the jurisdiction of the Department.
- 2.00 Classification of Waters Program; classification of land areas under the Clean Air Act.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 4.00 Financial assistance/grant programs:
 - 4.01 Capital projects for limiting air pollution
 - 4.02 Cleanup of toxic waste dumps
 - 4.03 Flood control, beach erosion and other water resource projects
 - 4.04 Operating aid to municipal wastewater treatment facilities
 - 4.05 Resource recovery and solid waste management capital projects
 - 4.06 Wastewater treatment facilities

- 5.00 Funding assistance for issuance of permits and other regulatory activities (New York City only).
- 6.00 Implementation of the Environmental Quality Bond Act of 1972, including:
 - (a) Water Quality Improvement Projects
 - (b) Land Preservation and Improvement Projects including Wetland Preservation and Restoration Projects, Unique Area Preservation Projects, Metropolitan Parks Projects, Open Space Preservation Projects and Waterways Projects.
- 7.00 Marine Finfish and Shellfish Programs.
- 8.00 New York Harbor Drift Removal Project.
- 9.00 Permit and approval programs:

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

Lands and Forest

- 9.21 Certificate of Environmental Safety (Liquid Natural Gas and Liquid Petroleum Gas)
- 9.22 Floating Object Permit
- 9.23 Marine Regatta Permit
- 9.24 Mining Permit
- 9.25 Navigation Aid Permit
- 9.26 Permit to Plug and Abandon (a non commercial, oil, gas or solution mining well)
- 9.27 Permit to Use Chemicals for the Control or Elimination of Aquatic Insects
- 9.28 Permit to Use Chemicals for the Control or Elimination of Aquatic Vegetation
- 9.29 Permit to Use Chemicals for the Control or Extermination of Undesirable Fish
- 9.30 Underground Storage Permit (Gas)
- 9.31 Well Drilling Permit (Oil, Gas, and Solution Salt Mining)

Marine Resources

- 9.32 Digger's Permit (Shellfish)
- 9.33 License of Menhaden Fishing Vessel
- 9.34 License for Non Resident Food Fishing Vessel
- 9.35 Non Resident Lobster Permit
- 9.36 Marine Hatchery and/or Off-Bottom Culture Shellfish Permits
- 9.37 Permits to Take Blue-Claw Crabs
- 9.38 Permit to Use Pond or Trap Net
- 9.39 Resident Commercial Lobster Permit
- 9.40 Shellfish Bed Permit
- 9.41 Shellfish Shipper's Permits
- 9.42 Special Permit to Take Surf Clams from Waters other than the Atlantic Ocean

Regulatory Affairs

- 9.43 Approval - Drainage Improvement District
- 9.44 Approval - Water (Diversion for) Power
- 9.45 Approval of Well System and Permit to Operate

- 9.46 Permit - Article 15, (Protection of Water) - Dam
- 9.47 Permit - Article 15, (Protection of Water) - Dock, Pier or Wharf
- 9.48 Permit - Article 15, (Protection of Water) - Dredge or Deposit Material in a Waterway
- 9.49 Permit - Article 15, (Protection of Water) - Stream Bed or Bank Disturbances
- 9.50 Permit - Article 15, Title 15 (Water Supply)
- 9.51 Permit - Article 24, (Freshwater Wetlands)
- 9.52 Permit - Article 25, (Tidal Wetlands)
- 9.53 River Improvement District Approvals
- 9.54 River Regulatory District Approvals
- 9.55 Well Drilling Certificate of Registration

Solid Wastes

- 9.56 Permit to Construct and/or Operate a Solid Waste Management Facility
- 9.57 Septic Tank Cleaner and Industrial Waste Collector Permit

Water Resources

- 9.58 Approval of Plans for Wastewater Disposal Systems
- 9.59 Certificate of Approval of Realty Subdivision Plans
- 9.60 Certificate of Compliance (Industrial Wastewater Treatment Facility)
- 9.61 Letters of Certification for Major Onshore Petroleum Facility Oil Spill Prevention and Control Plan
- 9.62 Permit - Article 36, (Construction in Flood Hazard Areas)
- 9.63 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
- 9.64 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
- 9.65 State Pollutant Discharge Elimination System (SPDES) Permit
- 9.66 401 Water Quality Certification

10.00 Preparation and revision of Air Pollution State Implementation Plan.

11.00 Preparation and revision of Continuous Executive Program Plan.

12.00 Preparation and revision of Statewide Environmental Plan.

13.00 Protection of Natural and Man-made Beauty Program.

14.00 Urban Fisheries Program.

15.00 Urban Forestry Program.

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 and grants of easement of land under water, 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 4-B, 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.

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.

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 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.

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.

POWER AUTHORITY OF THE STATE OF NEW YORK

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

NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION

- 1.00 Corporation for Innovation Development Program.

2.00 Center for Advanced Technology Program.

DEPARTMENT OF SOCIAL SERVICES

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

2.00 Homeless Housing and Assistance Program.

3.00 Permit and approval programs:

3.01 Certificate of Incorporation (Adult Residential Care Facilities)

3.02 Operating Certificate (Children's Services)

3.03 Operating Certificate (Enriched Housing Program)

3.04 Operating Certificate (Home for Adults)

3.05 Operating Certificate (Proprietary Home)

3.06 Operating Certificate (Public Home)

3.07 Operating Certificate (Special Care Home)

3.08 Permit to Operate a Day Care Center

DEPARTMENT OF STATE

1.00 Appalachian Regional Development Program.

2.00 Coastal Management Program.

3.00 Community Services Block Grant Program.

4.00 Permit and approval programs:

4.01 Billiard Room License

4.02 Cemetery Operator

4.03 Uniform Fire Prevention and Building Code

STATE UNIVERSITY CONSTRUCTION FUND

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

DIVISION OF SUBSTANCE ABUSE SERVICES

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

2.00 Permit and approval programs:

2.01 Certificate of Approval (Substance Abuse Services Program)

NEW YORK STATE THRUWAY 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 Permit and approval programs:

3.01 Advertising Device Permit

3.02 Approval to Transport Radioactive Waste

3.03 Occupancy Permit

DEPARTMENT OF TRANSPORTATION

1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Department.

2.00 Construction, rehabilitation, expansion, or demolition of facilities, including but not limited to:

(a) Highways and parkways

(b) Bridges on the State highways system

(c) Highway and parkway maintenance facilities

(d) Barge Canal

(e) Rail facilities

3.00 Financial assistance/grant programs:

3.01 Funding programs for construction/reconstruction and reconditioning/preservation of municipal streets and highways (excluding routine maintenance and minor rehabilitation)

3.02 Funding programs for development of the ports of Albany, Buffalo, Oswego, Ogdensburg and New York

3.03 Funding programs for rehabilitation and replacement of municipal bridges

3.04 Subsidies program for marginal branchlines abandoned by Conrail

- 3.05 Subsidies program for passenger rail service
- 4.00 Permits and approval programs:
 - 4.01 Approval of applications for airport improvements (construction projects)
 - 4.02 Approval of municipal applications for Section 18 Rural and Small Urban Transit Assistance Grants (construction projects)
 - 4.03 Approval of municipal or regional transportation authority applications for funds for design, construction and rehabilitation of omnibus maintenance and storage facilities
 - 4.04 Approval of municipal or regional transportation authority applications for funds for design and construction of rapid transit facilities
 - 4.05 Certificate of Convenience and Necessity to Operate a Railroad
 - 4.06 Highway Work Permits
 - 4.07 License to Operate Major Petroleum Facilities
 - 4.08 Outdoor Advertising Permit (for off-premises advertising signs adjacent to interstate and primary highway)
 - 4.09 Permits for Use and Occupancy of N.Y. State Canal Lands (except Regional Permits [Snow Dumping])
 - 4.10 Real Property Division Permit for Use of State-Owned Property
- 5.00 Preparation or revision of the Statewide Master Plan for Transportation and sub-area or special plans and studies related to the transportation needs of the State.
- 6.00 Water Operation and Maintenance Program--Activities related to the containment of petroleum spills and development of an emergency oil spill control network.

URBAN DEVELOPMENT CORPORATION and its subsidiaries 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

DIVISION FOR 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.

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).
- 5.00 Permits pursuant to EPA Section 10 and Section 404.

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

Proposed Action or Project

Appropriate State or Federal Agency Action

Blind Brook Trailway

Land acquisition and project construction grants

Dearborn Avenue Terminus Improvements

Construction grant

EPA Section 10 and Section 404 permits may be necessary for dredging and filling activities occurring in conjunction with the restoration of a local pier, the maintenance of area marinas, and the creation of a walkway along Blind Brook.

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.

SECTION VII

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

In order to coordinate program policies and projects with other governmental agencies, meetings were held with the Village of Port Chester and the Town/Village of Mamaroneck, communities which abut Rye's Coastal Zone. In addition, a meeting was held with the County of Westchester with representatives from the County Executive's Office, the Department of Planning and the Department of Parks and Recreation.

In order to coordinate with possible interested or potentially involved federal and state agencies, copies of the preliminary draft Local Waterfront Revitalization Program were forwarded to the following agencies:

U.S. Army Corps of Engineers
New York State Department of Transportation
New York State Department of Environmental Conservation
New York State Department of Parks and Recreation

The Rye City Local Waterfront Revitalization Task Force held an informational public hearing at which the major elements of the program were presented and an opportunity was given at the hearing and for a period thereafter for any agency to note any potential concerns.

Review of Draft LWRP

The Draft LWRP (with Draft EIS) was reviewed and accepted by the Rye City council and forwarded to the NYS Department of State (DOS). The DOS then initiated a 60 day review of the Draft LWRP/DEIS pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. Copies of the Draft LWRP and DEIS were distributed by DOS to all potentially affected State and federal agencies, Westchester County, and adjacent waterfront municipalities. Comments received on the Draft LWRP/DEIS were made to the LWRP, which are detailed in the Final Environmental Impact Statement.

SECTION VIII

LOCAL COMMITMENT

In order to provide for broad based involvement in the development of the Rye City Local Waterfront Revitalization Program several initial steps were taken. The City Council in establishing the Rye City Local Waterfront Revitalization Task Force elected to place on the Task Force two members each from the Rye City Council, Rye City Planning Commission, Rye City Conservation Commission/Advisory Council and the Rye City Recreation Commission, as well as one citizen member at large. In addition, the City Manager, City Planner, Superintendent of Recreation, City Naturalist, Boat Basin Supervisor and Rye Golf Manager were assigned to assist the Task Force.

At an early meeting of the Task Force, a list was compiled of all major public and private property owners in the Coastal Zone and neighborhood organizations. Letters were sent out requesting that each designate a representative to attend future meetings of the Task Force and to receive notices of meetings and public hearings. As work progressed, meeting notices were sent to the various representatives at key points in the discussion and preparation of the program. All meetings were open to the public. Periodically status reports on the Task Force's work and specifics of the program were transmitted to the City Council by the Chairman. The following is a list of the property owners and neighborhood organizations that were asked to participate:

Neighborhood Associations

Kirby Mill Pond Association
Hix Park Association
Greenhaven Rye Association
Milton Point Association
Hummocks Property Owners Association
Brevoort Rye Shore Association
Manursing Island Association
Thorne Place Association

Major Public Private Property Owners

Kuder Island Colony Association
American Yacht Club
Tide Mill Yacht Basin
Coveleigh Club
Rye Fish & Game Club
Manursing Island Club
Brailsford & Company
Shongut Yacht Yard
Nichols Yacht Yard
Shenorock Shore Club
Westchester Country Club
Rye Town Park Commission

The Rye Local Waterfront Revitalization Task Force circulated copies of the preliminary draft program for public comment and input. To facilitate input and comments, copies of the preliminary draft program were forwarded to the City Council, State, federal and County agencies, and were placed in the City Hall and library for public inspection and reproduction. In addition, the Task Force, after circulating the preliminary draft program, conducted an informational public hearing to present the program policies and projects. A public hearing was held on November 18, 1987 and substantive comments were addressed in the FEIS.

APPENDIX A
AMENDMENTS TO ZONING LAW

**CITY OF RYE
LOCAL LAW NO. 1991**

A local law amendment to Section 197 of the Code of the City and the Zoning Map of the City of Rye for the purposes of creating three new zoning districts in the Coastal Zone of the City of Rye.

Be it enacted by the City Council of the City of Rye as follows:

Section 1. Section 197-2 of the Code of the City of Rye is hereby amended to read as follows:

§197-2 Districts.

For the purposes of this chapter, the City of Rye is hereby divided into the following classes of residence, business, parking, floating, landmarks preservation and coastal zone districts:

Section 2. Section 197-2 of the Code of the City of Rye is hereby amended by adding thereto a new subdivision, to be known as subdivision F., to read as follows:

F. Coastal Zone districts.

MC Membership Club District
WR Waterfront Recreation District
C Conservation District

Section 3. Section 197-1.A. of the Code of the City of Rye is hereby amended by adding a new definition, to be known as COASTAL ZONE, to read as follows:

COASTAL ZONE - That portion of the City of Rye delineated as the Coastal Zone on the New York State Coastal Zone Area Map, and identified in the City of Rye Local Waterfront Revitalization Program (as amended) and on file in the office of the Clerk of the City of Rye.

Section 4. Section 197-86 of the Code of the City of Rye is hereby amended by adding thereto a new Table of Regulations, to be known as Table C, to read as follows:

**TABLE OF REGULATIONS: TABLE C
COASTAL ZONE DISTRICTS - USE REGULATIONS**

**Column 1
Permitted Main Uses**

(subject to the requirements and provisions of S197-7)

MC Districts

- (1) Membership clubs such as beach, yacht and other similar water related and water enhanced clubs, except those where a chief activity is carried on primarily for gain.
 - (a) A minimum site of seven and five-tenths (7.5) acres shall be provided.
 - (b) The floor area to lot area ratio shall not exceed ten-hundredths (0.10).
 - (c) Fifty percent (50%) of any such site shall be natural ground cover, to include but not be limited to grass, trees, shrubs, plants and natural surfaces such as rock outcroppings and sand.
 - (d) Any building, parking lot or other recreational use shall be subject to the same regulations as specified for educational uses in residence districts, and shall not be located in the specified distance of any lot line.

WR Districts

- (1) Public recreational uses. Municipal recreation buildings, playgrounds, parks, reservations, beaches, boating facilities and other similar water related and water enhanced recreational uses, provided that no building, parking area or grounds for picnicking or organized games or sports shall be located within the specified distance of any lot line, subject to the same regulations as for educational uses in residence districts.
- (2) Private recreational use. Outdoor and indoor recreational uses including but not limited to golf, badminton, tennis, bathing, swimming, boating and other water related and water enhanced recreational uses, with appurtenant clubhouses, except those where a chief activity is carried on primarily for gain, provided:
 - (a) A minimum site of seven and five-tenths (7.5) acres shall be provided.
 - (b) The floor area to lot area ratio shall not exceed ten-hundredths (0.10).

- (c) Fifty percent (50%) of any such site shall be natural ground cover, to include but not be limited to grass, trees, shrubs, plants and natural surfaces such as rock outcroppings and sand.
- (d) No green or fairway shall be located within the specified distance from any lot line.
- (e) Any building, parking lot or other recreational use shall be subject to the same regulations as specified for education uses in residences districts.

C Districts

- (1) Nature preserves, wildlife conservation areas and natural areas.

TABLE OF REGULATIONS: TABLE C
COASTAL ZONE DISTRICTS - USE REGULATIONS

Column 2
Uses Permitted Subject to Additional
Standards and Requirements
(Subject to the requirements and provisions of Section 197-10)

MC Districts

- (1) Main uses permitted in R-1 Districts as limited therein and subject to the following:
 - (a) Residential lots created by a subdivision after (insert effective date of the local law when printed) shall be lot grouped as permitted by S197-39 of this Chapter at an R-3 standard.
 - (b) The open space to be reserved shall be equal to or greater than 50% of the total area of the land to be subdivided and shall exclude all lands shown on the approved subdivision plat as building lots, public and private rights of way created as part of the subdivision and land, if any, reserved for conventional park and playground purposes.
 - (c) The open space to be reserved in the subdivision shall include where applicable, wetlands and floodplains, and scenic, natural, and ecological features. Structures shall be sited to preserve views of the shoreline from public streets. If the foregoing does not require the full 50% of the required open space, then the remaining required open space to be reserved shall be located between the shoreline and an inland line essentially parallel to the shoreline, as a buffer to protect surface water quality.

WR Districts

(Reserved)

C Districts

(Reserved)

**TABLE OF REGULATIONS: TABLE C
RESIDENCE DISTRICTS - USE REGULATIONS**

Column 3

Permitted Accessory Uses

(Subject to the requirements and provisions of Section 197-9)

MC Districts

- (1) Any accessory building or accessory use permitted in an R-1 District customarily incidental to and located on the same lot with a one family residence.
- (2) The following Accessory uses when associated with a membership club or public recreational use:
 - (a) Tennis courts, paddle tennis courts, swimming pools, beaches, boat docks, boat launching ramps and facilities, basketball courts, and other similar outdoor recreation uses. Lighting of recreation facilities for night use is prohibited except as permitted by Section 197-14 of this Chapter.
 - (b) Boathouses, gymnasiums, health and fitness clubs facilities, racquetball courts, squash courts, locker room, cabanas and other similar types of recreation facilities.
 - (c) Dining, entertainment and bar facilities not primarily open to the public.
 - (d) Club administrative offices, auxiliary facilities for providing related educational and instructional services, maintenance facilities, storage buildings, boat storage, fuel and oil sales to members and guests only, laundry facilities, facilities for pumping out of marine holding tanks, facilities for waste oil collection, and other similar types of club support facilities.
 - (e) Residences for caretakers and staff, seasonal residences for club members and guests.
 - (f) Fences, walls or retaining walls not exceeding six (6) feet in height above the average natural grade except that fences not less than three-quarter (3/4) inch open construction shall be permitted up to twelve (12) feet in height around tennis courts and other similar facilities. Sea walls to the minimum height necessary to provide for adequate protection against flooding.
 - (g) Navigational lights.

- (h) Other accessory buildings and accessory uses customarily incidental to the principal club use of the premises.

WR Districts

- (1) Restaurants and lunch rooms excluding drive in car service stands and any other service, except window counter service stands and table service in the required front yard.

C Districts

- (1) Appurtenant service buildings including caretakers and equipment, housing, pavilions, auxiliary facilities for providing related educational and instructional services, walkways, bridges, service and access roadways, or other accessory transportation facilities which may be required as accessory to the permitted main use.

Notes to Area, Yard and Miscellaneous Regulations

- (a) Fifty percent (50%) of any such site shall be natural ground cover, to include but not limited to grass, trees, shrubs, plants and natural surfaces such as rock outcroppings and sand.
- (b) Buildings, structures and manmade surfaces shall not have an aggregate gross floor or surface area in excess of one-half of one percent (1/2 of 1%) of the area of the site or cover more of the site than ten percent (10%) of the area of the site.

Section 5. The Zoning Map of the City of Rye is hereby amended by adding to the list of districts thereon three new districts, to be known as the MC District, WR District, and C District, to read as follows:

MC Membership Club
WR Waterfront Recreation
C Conservation

Section 6. The Zoning Map of the City of Rye is hereby amended by changing the zoning designation of those lands known on the Rye City Tax Map as Sheet 159.06, Block 1, Lot 1, and Sheet 153,18, Block 1, Lots 9 and 10, from an R-1 One-Family District to a MC Membership Club District.

Section 7. The Zoning Map of the City of Rye is hereby amended by changing the zoning designation of those lands known on the Rye City Tax Map as Sheet 147.09 Block 1, Lots 11 and 12, Sheet 147,13, Block 1, Lot 2 and that portion of Sheet 147.13, Block 1, Lot 1, shown cross hatched on the attached map entitled "R-1 District to MC District

Rezoning of Lot 1", from an R-1 One Family Residence District to a MC Membership Club District.

Section 8. The Zoning Map of the City of Rye is hereby amended by changing the zoning designation of the land known on the Rye City Tax Map as Sheet 146.20, Block 1, Lot 6, except for the Edith G. Read Natural Park and Wildlife Sanctuary as shown on the attached map, from an R-5 One Family Residence District and B-1 Neighborhood Business District to a WR Waterfront Recreation District.

Section 9. The zoning Map of the City of Rye is hereby amended by changing the zoning designation of those lands known on the Rye City Tax Map as Sheet 153.07, Block 3, Lot 93, from an R-5 One Family Residence District to a WR Waterfront Recreation District.

Section 10. The Zoning Map of the City of Rye is hereby amended by changing the zoning designation of that land known on the Rye City Tax Map as Sheet 153.05, Block 3, Lot 72, from an R-2 One Family Residence District to a WR Waterfront Recreation District.

Section 11. The Zoning Map of the City of Rye is hereby amended by changing the zoning designation of that portion of the land known on the Rye City Tax Map as Sheet 146.20, Block 1, Lot 6, shown on the attached map as the Edith G. Read Natural Park and Wildlife Sanctuary, from an R-1 One Family Residence District to a C Conservation District.

Section 12. The Zoning Map of the City of Rye is hereby amended by changing the zoning designation of that land known on the Rye City Tax Map as Sheet 153.09, Block 1, Lots 32 and 33, from an R-2 One Family Residence District to a C Conservation District.

Section 13. The Zoning Map of the City of Rye is hereby amended by changing the zoning designation of that portion of the property known on the Rye City Tax Map as Sheet 146.18, Block 4, Lot 68, from the westerly side of Playland Parkway to a line extending from the intersection of the common property line between those properties known on the Rye City Tax Map as Sheet 146.18, Block 2 Lots 59 and 60 and the westerly side of Crescent Avenue to the southwest corner of that lot known on the Rye City Tax Map as Sheet 146.18, Block 4, Lot 50, from an R-4 One Family Residence District to a C Conservation District.

Section 14. Section 197-10.A. of the Code is hereby amended by adding thereto a new subdivision, to be known as subdivision (7), to read as follows:

- (7) In a Coastal Zone District a conventional subdivision or a subdivision lot grouped pursuant to Section 197-39 will accomplish the following:

- (a) Preserve all wetlands and floodplains.
- (b) All buildings and facilities shall be so arranged as to preserve to the maximum extent practical the view of the shoreline from public streets.
- (c) Where any development borders the waterfront there shall be a one hundred (100) foot wide strip of land along the waterfront which shall not include any area of the site below mean sea level or beyond the upland property line, whichever is most protective of proper drainage, flood protection and edge effect along the waterfront.

Section 15. This local law shall take effect immediately upon filing in the Office of the Secretary of State.

Table of Regulations: Table C Coastal Districts

**CITY OF RYE
LOCAL LAW NO. 1991**

A local law amending 197-5.A.(6) of the Code of the City of Rye for the purpose of permitting the Board of Appeals to allow the reestablishment or restoration of non conforming water dependent uses and structures.

Be it enacted by the Council of the City of Rye as follows:

Section 1. Section 197-5.A. (6) of the Code of the City of Rye is hereby amended to read as follows:

- (6) No structure used for a non conforming use shall be reestablished, restored or used if the structure is destroyed, damaged or removed by any cause if the cost of such reestablishment or restoration would, according to the estimate of the Building Inspector, exceed fifty percent (50%) of the assessed value of the structure at the time of destruction, damage or removal; but if such cost would be less than 50% of such value, it may be restored or used, provided it is done within twelve (12) months of such time. In a specific case involving unnecessary hardship, the Board of Appeals may permit such reestablishment, restoration or use even though such cost would exceed fifty percent (50%) of such assessed value, provided it would not exceed fifty percent (50%) of the reproduction value of the damaged structure at such time of damage. In cases involving water dependent uses and related structures, the Board of Appeals may permit such reestablishment, restoration or use even though such cost would exceed fifty percent (50%) of the assessed value or reproduction value, provided the reestablished or restored use and structures will result in no greater intensity of activity and development than the use and structures at the time they were destroyed or damaged, the cost of the reestablishment or restoration will not exceed one-hundred percent (100%) of the reproduction value of the damaged structures at such time of damage and the work will be done within twelve (12) months after approvals are obtained from all other government agencies.

Section 2. This local law shall take immediately upon filing in the Office of the Secretary of State.

**CITY OF RYE
LOCAL LAW NO. 1991**

A local law amending 197-5.A. of the Code of the City of Rye for the purpose of permitting the reestablishment or restoration of non-conforming buildings in Membership Club Districts.

Be it enacted by the Council of the City of Rye as follows:

Section 1. Section 197-5.A. of the Code of the City of Rye is hereby amended by adding thereto a new subsection, to be known as subsection (10), to read as follows: (10) In a Membership Club District, club uses, buildings, structures, features and other development existing on that do not conform to current property line set back requirements shall be considered conforming within the meaning of this Subsection A. Such uses, buildings, structures, features and other development if destroyed or damaged may be replaced, restored or reestablished in the same location, provided the replaced, restored or reestablished uses, buildings, structures, features and other development will not be closer to a property line, larger or result in a greater intensity of activity than before they were destroyed or damaged. In addition, the cost of the replacement, reestablishment or restoration shall not exceed one-hundred percent (100%) of the reproduction value of the damaged structures at such time of damage and the work shall be done within twelve (12) months after approvals are obtained from all other government agencies.

Section 2. This local law shall take effect immediately upon filing in the Office of the Secretary of State.

APPENDIX B
LWRP MANAGEMENT

**CITY OF RYE
LOCAL LAW NO. 1991**

A local law amending the Code of the City of Rye by adding thereto Chapter 73, Coastal Zone Management, for the purpose of managing development in the Coastal Zone of the City of Rye.

Be it enacted by the Council of the City of Rye as follows:

Section 1. The Code of the City of Rye is hereby amended by adding thereto a new chapter, to be known as Chapter 73, to read as follows:

CHAPTER 73

COASTAL ZONE MANAGEMENT

Section 73-1. Title

This local law will be known as the City of Rye Waterfront Consistency Review Law.

Section 73-2. Authority and Purpose

1. This local law is adopted under the authority of the Municipal Home Rule Law and the Waterfront Revitalization and Coastal Resources 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 City of Rye to consider the policies and purposes contained in the Local Waterfront Revitalization Program when reviewing applications for actions or direct agency actions located in the coastal area; and to assure that such actions and direct action are consistent with the said policies and purposes.
3. It is the intention of the City of Rye that the preservation, enhancement and utilization of the natural and manmade resources of the unique coastal area of the City take place in a coordinated and comprehensive manner to ensure a proper balance between natural resources and the need to accommodate population growth and economic development. Accordingly, this local law is intended to achieve such a balance, permitting the beneficial use of coastal resources while preventing: loss of living esturine resources and wildlife; diminution of open space areas or public access 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 a City Local Waterfront Revitalization Program which has been adopted in accordance

with Article 42 of the Executive Law of the State of New York.

Section 73-3. Definitions

For the purpose of the Chapter, the following terms, phrases and words and their derivations shall have the following meanings given herein:

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; and
 - d. any combinations of the above.
2. "Agency" means any board, agency, department, office, other body, or officer of the City of Rye.
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 City of Rye, as shown on the Coastal Area map on file in the office of the Secretary of State and as delineated in the City of Rye Local Waterfront Revitalization Program.
4. "Coastal Assessment Form (CAF)" means the form, contained in Appendix D used by an agency to assist it in determining the consistency of an action with the 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 Local Waterfront Revitalization Program of the City of Rye, approved by the Secretary of State pursuant to the Waterfront Revitalization and Coastal Resources Act (Executive Law, Article 42), and from time to time amended, a copy of which is on file in the Office of the Clerk of the City of Rye.

Section 73-4. Review of Actions

1. Whenever a proposed action is located in the city's Coastal Area, an agency shall, prior to funding or directly undertaking the action by an agency, or prior to approval, refer the action to the Rye City Planning Commission for a determination that it is consistent with the LWRP policy standards and conditions set forth in Section 73-5D herein.
2. For the purposes of this Chapter a determination of consistency by the Rye City Planning Commission shall not be required for the following actions:
 - A. Excluded, exempt and Type II actions as defined by Chapter 87 of the Code of the City of Rye and the State Environmental Quality Review Act, and as amended.
 - B. Approval of an application to implement any part of an action or approval of an action which was previously determined by the Rye City Planning Commission to be consistent with the Rye City Local Waterfront Revitalization Program, except when the determination was made in connection with an amendment to Code of the City of Rye including but not limited to an amendment to the Zoning Map of the City of Rye or to Chapter 197 of the Code of the City of Rye.
 - C. The approval of applications for any action involving the construction or alteration of a single family or two family residence and its accessory buildings and appurtenances.
 - D. Appellate and Interpretative jurisdiction of the Rye City Board of Appeals pursuant to §197-80 and §197-81 of Rye City Code.
 - E. Rye City Planning Commission Local Waterfront Revitalization Program determinations of consistency.
 - F. Legislative Action taken by the City Council.

Sections 73-5. Application for determination of consistency

- A.** For actions to be directly undertaken by the City of Rye, the agency proposing the action shall, as early as possible in the formulation of the action, refer the proposed action to the Planning Commission for a determination of consistency and shall not implement such action until the Planning Commission has issued such determination of consistency.

- B.** For applications by persons, firms and corporations to a city agency for approval the applicant when making the application to such agency shall simultaneously apply to the Planning Commission for a determination of consistency. The applicant shall prepare a Coastal Assessment Form (CAF) to assist with the consistency review. In the case of application processes which require preliminary and final applications, the application for a determination of consistency shall be made with the application for preliminary approval and need not be re-applied for at the time of making a final application unless the scope of the project for which final approval is sought is substantially different from that of the application for preliminary approval, which determination shall be made by the agency to which the application is being made.

- C.** Except as provided below, the Rye Planning Commission shall make the determination of consistency based on the CAF, and such other information as is deemed to be necessary in its determination. The Rye Planning Commission shall issue its determination following the next regularly scheduled meeting. The Rye Planning Commission 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 Chapter.

Where the agency is the City Council or, in the consideration of applications for use and area variances, the Zoning Board of Appeals, the determination of the Planning Commission shall be advisory. The consistency of an action involving the City Council or the Zoning Board of Appeals shall be determined by these boards in the process of reviewing the proposed action. However, both boards shall obtain the recommendations of the Planning Commission as provided in this law, prior to reaching a decision. Both Boards shall have the authority, in their findings of consistency, to impose practicable and reasonable conditions on an action to ensure that it is carried out in accordance with this Chapter. The Planning Commission shall be the agency authorized to make final consistency determinations for all other actions by agencies of the City of Rye.

- D.** Actions to be undertaken within the Coastal 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 City of Rye LWRP, a copy of which is on file in the City Clerk's office

and available for inspection during normal business hours. In the case of direct actions, the agency shall also consult with Section IV of the LWRP in making their consistency determination. The action shall be consistent with the policy to:

1. Revitalize deteriorated and underutilized waterfront areas (Policy 1).
2. Retain and promote recreational water-dependent uses (Policy 2).
3. Strengthen economic base of smaller harbor areas by encouraging traditional uses and activities (Policy 4).
4. Ensure that development occurs where adequate public infrastructure is available to reduce health and pollution hazards (Policy 5).
5. Streamline development permit procedures (Policy 6).
6. Protect significant and locally important fish and wildlife habitats from human disruption and chemical contamination (Policies 7, 7A, 7B, 8).
7. Maintain and expand commercial fishing facilities to promote commercial and recreational fishing opportunities (Policies 9 and 10).
8. Minimize flooding and erosion hazards through non-structural means, carefully selected, long-term structural measures and appropriate siting of structures (Policies 11, 12, 13, 14, 16, 17, and 28).
9. Safeguard economic, social and environmental interests in the coastal area when major actions are undertaken (Policy 18).
10. Maintain and improve public access to the shoreline and to water-related recreational facilities while protecting the environment (Policies 2, 19, 19A, 19B, 20, 21, 22).
11. Protect and restore historic and archeological resources (Policy 23).
12. Protect and upgrade scenic resources (Policy 25).
13. Site and construct energy facilities in a manner which will be compatible with the environment and contingent upon the need for a waterfront or water location (Policies 27, 29, 40).
14. Prevent ice management practices which could damage significant fish and wildlife and their habitats (Policy 28).

15. Protect surface and groundwaters from direct and indirect discharge of pollutants and from overuse (Policies 30, 31, 32, 33, 34, 35, 36, 37, 38).
 16. Perform dredging and dredge spoil disposal in a manner protective of natural resources (Policies 15, 35).
 17. Handle and dispose of hazardous wastes and effluents in a manner which will not adversely affect the environment nor expand existing landfills (Policy 39).
 18. Protect air quality (Policies 41, 42, 43).
 19. Protect tidal and freshwater wetlands (Policy 44).
- E. If it is determined 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 determining agency makes a written finding with respect to the proposed action that:
1. 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;
 2. the action would be undertaken in a manner which will minimize all adverse effects on such LWRP policy standards and conditions;
 3. the action will advance one or more of the other LWRP policy standards and conditions; and
 4. the action will result in an overriding city, regional or state-wide public benefit.

Such a finding shall constitute a determination that the action is consistent with the LWRP policy standards and conditions.

- F. The Rye Planning Commission shall maintain a file for each action made the subject of a consistency determination. The Planning Commission shall issue a "Certificate of Consistency" for each approved action. Such files shall be made available for public inspection upon request.

Section 73-6. Fees

Upon the filing of an application for a determination of consistency, excluding reviews of federal and state agency action's and actions proposed to be directly undertaken by an agency of the

City of Rye, the following fee shall be payable:

Application fee: \$100.00

Section 73-7. Enforcement

The City Building Inspector shall be responsible for enforcing this Chapter. No work or activity on a project in the Coastal Area which is subject to review under this Chapter shall be commenced or undertaken until the building inspector has been presented with a Certificate of Consistency from the Rye Planning Commission. In the event that an activity is not being performed in accordance with this Chapter or any condition imposed thereunder, the building inspector 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.

Section 73-8. Violations

1. A person who violates any of the provisions of, or who fails to comply with any condition imposed by, this Chapter 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 violation.
2. The City Counsel 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.

Section 73-9. 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 or provision hereof other than the provision so found to be invalid.

Section 73-10. Effective Date

This local law shall take effect immediately upon its filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

APPENDIX C

COASTAL FISH & WILDLIFE HABITAT RATING FORMS AND SUMMARIES

COASTAL FISH & WILDLIFE HABITAT RATING FORM

Name of Area: Marshlands Conservancy

Designated: November 15, 1987

County: Westchester

Town(s): Rye

7½' Quadrangle(s): Mamaroneck, NY

Score Criterion

- 9 Ecosystem Rarity (ER)
 The only sizeable, undisturbed, salt marsh and tidal flat community
 in Westchester County.
- 16 Species Vulnerability (SV)
 Diamondback terrapin (SC) breeding area.
- 6 Human Use (HU)
 Environmental education programs and opportunities for informal
 (recreational) nature study attract visitors from throughout
 Westchester County. Additive division: $4 + 4/2 = 6$.
- 4 Population Level (PL)
 Concentrations of various fish and wildlife species associated with
 tidal wetlands (especially marsh-nesting birds) are unusual in
 Westchester County.
- 1.2 Replaceability (R)
 Irreplaceable.

SIGNIFICANCE VALUE = [(ER + SV + HU + PL) X R]

= 42

SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS PROGRAM
A PART OF THE NEW YORK COASTAL MANAGEMENT PROGRAM

BACKGROUND

New York State's Coastal Management Program (CMP) includes a total of 44 policies which are applicable to development and use proposals within or affecting the State's coastal area. Any activity that is subject to review under Federal or State laws, or under applicable local laws contained in an approved local waterfront revitalization program will be judged for its consistency with these policies.

Once a determination is made that the proposed action is subject to consistency review, a specific policy aimed at the protection of fish and wildlife resources of statewide significance applies. The specific policy statement is as follows: "Significant coastal fish and wildlife habitats will be protected, preserved, and, where practical, restored so as to maintain their viability as habitats." The New York State Department of Environmental Conservation (DEC) evaluates the significance of coastal fish and wildlife habitats, and following a recommendation from the DEC, the Department of State designates and maps specific areas. Although designated habitat areas are delineated on the coastal area map, the applicability of this policy does not depend on the specific location of the habitat, but on the determination that the proposed action is subject to consistency review.

Significant coastal fish and wildlife habitats are evaluated, designated and mapped under the authority of the Coastal Management Program's enabling legislation, the Waterfront Revitalization and Coastal Resources Act (Executive Law of New York, Article 42). These designations are subsequently incorporated in the Coastal Management Program under authority provided by the Federal Coastal Zone Management Act.

This narrative, along with its accompanying map, constitutes a record of the basis for this significant coastal fish and wildlife habitat's designation and provides specific information regarding the fish and wildlife resources that depend on this area. General information is also provided to assist in evaluating impacts of proposed activities on parameters which are essential to the habitat's values. This information is to be used in conjunction with the habitat impairment test found in the impact assessment section to determine whether the proposed activities are consistent with the significant coastal habitats policy.

DESIGNATED HABITAT: MARSHLANDS CONSERVANCY

HABITAT DESCRIPTION:

Marshlands Conservancy is located on Milton Harbor, in the City of Rye, Westchester County (7.5' Quadrangle: Mamaroneck, N.Y.).

The fish and wildlife habitat is an approximate 250 acre area, encompassing all of the County-owned Marshlands Conservancy property, as well as adjacent salt marsh to the east of the Marshlands property (south of the Rye golf course), tidal flats and shallows in Milton Harbor, tidal flats of Greenhaven Harbor southwest of the Marshlands property and salt marsh areas surrounding Hen Island. Marshlands Conservancy is a wildlife sanctuary and environmental education center operated by the Westchester County Department of Parks, Recreation, and Conservation. This area contains a diversity of fish and wildlife habitats, including salt marsh, tidal flats, mature woodlands, rocky islands, fields, and freshwater ponds. The land area bordering Marshlands Conservancy is predominantly residential, including the Rye golf course on the northeast side.

FISH AND WILDLIFE VALUES:

The Marshlands Conservancy and its adjacent wetlands comprise one of the largest contiguous areas of undeveloped coastal land in southern Westchester County including an undisturbed tidal marsh area in the Marshlands, which is the largest of its kind in the county (about 40 acres). The productive and relatively undisturbed wetlands and uplands of the Marshlands and adjacent areas in Milton Harbor, Greenhaven Harbor and Hen Island are all part of an integral system which supports a diversity and abundance of wildlife species that is unusual around western Long Island Sound.

A full complement of coastal wildlife species occur in and around the marshes at Marshlands Conservancy. Nesting bird species include green-backed heron, yellow-crowned night heron, Canada goose, mallard, black duck, clapper rail, fish crow, marsh wren, red-winged blackbird, sharp-tailed sparrow, seaside sparrow, Virginia rail and possibly least bittern (SC). Many species of waterfowl, shorebirds, herons, raptors, and passerine birds, use the area as a stopover during spring and fall migrations. At low tide, the exposed tidal flats of Milton Harbor and Greenhaven Harbor support large concentrations of wading birds and shorebirds. These flats also provide important feeding habitat for overwintering waterfowl especially after freeze-up in other areas. Areas such as this also play an important role as habitats for commercially and recreationally important invertebrates and fishes, and function as sites for the conversion of plant production into animal biomass. The most visible evidence of this are the concentrations of hard clams, ribbed mussels, fiddler crabs, and horseshoe crabs found throughout the area. Diamondback terrapin (SC) breed on sandy spits adjoining Marshland's tidal wetlands.

In addition to the wetlands, Marshlands Conservancy has a diversity of other fish and wildlife habitats. Upland areas at Marshlands support many of the typical species in the region. The woodlands include both wet and well-drained areas with representative stands of oaks, hickory, beech, tulip poplars, and sweetgum. Dead and fallen trees provide cover for cavity dwellers, such as woodpeckers, owls, raccoon, striped skunk, flying squirrel, and bats. The meadow area is one

of the largest remaining open field habitats in southern Westchester County, and supports mice, eastern cottontail, red fox, various passerine birds, and hawks. As an environmental education center, Marshlands Conservancy is an important facility, attracting visitors from throughout Westchester County. Public use of the area centers on birdwatching during spring and fall, environmental education classes during the school year, and informal nature study and outdoor recreation throughout the year. A visitor's center and system of trails have been developed in the area.

IMPACT ASSESSMENT:

A habitat impairment test must be met for any activity that is subject to consistency review under federal and State laws, or under applicable local laws contained in an approved local waterfront revitalization program. If the proposed action is subject to consistency review, then the habitat protection policy applies, whether the proposed action is to occur within or outside the designated area.

The specific habitat impairment test that must be met is as follows.

In order to protect and preserve a significant habitat, land and water uses or development shall not be undertaken if such actions would:

destroy the habitat; or,

significantly impair the viability of a habitat.

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

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

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

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

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

Although not comprehensive, examples of generic activities and impacts which could destroy or significantly impair the habitat are listed below to assist in applying the habitat impairment test to a proposed activity.

Despite its current status as a nature preserve and environmental education center, Marshlands Conservancy remains vulnerable to a number of potential impacts. Surrounding land uses may be the most important factor affecting the fish and wildlife resources of this area. Encroachment of human disturbance, including industrial, commercial, or residential development, would have significant impacts on various species using the area. Discharges of polluted runoff (containing sediments or chemical pollutants, such as pesticides) from adjacent areas could degrade the wetland and aquatic habitats in Marshlands Conservancy.

Other forms of water pollution that would adversely affect the area include oil spills, waste disposal, and sewage discharges.

Alteration of tidal patterns in wetland areas would have major impacts on fish, shellfish, and wildlife use of these areas. Dredging to maintain existing boat channels in Milton Harbor should be scheduled in late fall and winter to minimize potential impacts on aquatic organisms. Elimination of salt marsh and intertidal areas, through excavation or filling, would result in a direct loss of valuable habitat area. Construction of shoreline structures such as docks, piers, bulkheads, or revetments, in areas not previously disturbed by development (i.e., natural salt marsh or mudflats), may have a significant impact on the fish and wildlife resources of Marshlands Conservancy. Opportunities for compatible public uses of the area should be maintained or enhanced to utilize this valuable fish and wildlife resource.

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Phone: (518)783-3932

COASTAL FISH & WILDLIFE HABITAT RATING FORM

Name of Area: Playland Lake and Manursing Island Flats

Designated: November 15, 1987

County: Westchester

Town(s): Rye

7½' Quadrangle(s): Mamaroneck, NY

Score Criterion

- 9 Ecosystem Rarity (ER)
 Relatively undeveloped, sheltered, tidal flats and shallows; unusual
 in Westchester County.
- 0 Species Vulnerability (SV)
 No endangered, threatened or special concern species reside in the
 area.
- 4 Human Use (HU)
 This is a popular birdwatching area for Westchester County
 residents.
- 0 Population Level (PL)
 Concentrations of wintering waterfowl occur throughout the
 Westchester County area of Long Island Sound, but population levels
 at Playland are not known to be significant.
- 1.2 Replaceability (R)
 Irreplaceable.

SIGNIFICANCE VALUE = [(ER + SV + HU + PL) X R]

= 16

SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS PROGRAM
A PART OF THE NEW YORK COASTAL MANAGEMENT PROGRAM

BACKGROUND

New York State's Coastal Management Program (CMP) includes a total of 44 policies which are applicable to development and use proposals within or affecting the State's coastal area. Any activity that is subject to review under Federal or State laws, or under applicable local laws contained in an approved local waterfront revitalization program will be judged for its consistency with these policies.

Once a determination is made that the proposed action is subject to consistency review, a specific policy aimed at the protection of fish and wildlife resources of statewide significance applies. The specific policy statement is as follows: "Significant coastal fish and wildlife habitats will be protected, preserved, and, where practical, restored so as to maintain their viability as habitats." The New York State Department of Environmental Conservation (DEC) evaluates the significance of coastal fish and wildlife habitats, and following a recommendation from the DEC, the Department of State designates and maps specific areas. Although designated habitat areas are delineated on the coastal area map, the applicability of this policy does not depend on the specific location of the habitat, but on the determination that the proposed action is subject to consistency review.

Significant coastal fish and wildlife habitats are evaluated, designated and mapped under the authority of the Coastal Management Program's enabling legislation, the Waterfront Revitalization and Coastal Resources Act (Executive Law of New York, Article 42). These designations are subsequently incorporated in the Coastal Management Program under authority provided by the Federal Coastal Zone Management Act.

This narrative, along with its accompanying map, constitutes a record of the basis for this significant coastal fish and wildlife habitat's designation and provides specific information regarding the fish and wildlife resources that depend on this area. General information is also provided to assist in evaluating impacts of proposed activities on parameters which are essential to the habitat's values. This information is to be used in conjunction with the habitat impairment test found in the impact assessment section to determine whether the proposed activities are consistent with the significant coastal habitats policy.

DESIGNATED HABITAT: PLAYLAND LAKE AND MANURSING ISLAND FLATS

HABITAT DESCRIPTION:

Playland Lake and Manursing Island Flats is located on Long Island Sound, in the City of Rye, Westchester County (7.5' Quadrangle: Mamaroneck, N.Y.). The fish and wildlife habitat includes all of Playland Lake, Kirby Pond, the southern portion of Port Chester Harbor, and various interconnecting channels, below mean high water. The habitat area also includes a segment of the Long Island Sound shoreline south of Playland Lake comprised of intertidal marsh, sand bars, shoal mudflats and adjacent beach.

This approximate 220 acre area is comprised primarily of tidal mudflats, shallow open water, and limited amounts of salt marsh. Playland Lake was formed by dredging tidal marshes and mudflats between the mainland and Manursing Island; it is located within Playland Park (owned by Westchester County), and has been set aside as a conservation area. A portion of the Park land south of Playland Lake has been set aside as the Edith G. Read Nature Preserve and Wildlife Sanctuary. Kirby Pond and the tidal flats west of North Manursing Island are privately owned, and remain in a relatively natural condition. The lands bordering Playland Lake and Manursing Island Flats include the heavily used Playland amusement park of the south, and predominantly low density residential areas.

FISH AND WILDLIFE VALUES:

Playland Lake and Manursing Island Flats comprise one of the largest areas of sheltered, undeveloped, tidal flats and shallows on the south shore of Westchester County. Although natural communities in Playland Lake have been altered by dredging, on-going habitat disturbance is minimal. Areas such as Manursing Island Flats and the shoreline south of Playland Lake are important habitats for commercially and recreationally important invertebrates and fishes, and serve as feeding sites for a variety of migratory birds.

Concentrations of hard clams, soft clams, ribbed mussels, and fiddler crabs are found throughout the area. However, Playland Lake and Manursing Island Flats is closed to shellfishing because of water pollution problems (high coliform levels).

Populations of waterfowl occurring in western Long Island Sound, such as black duck, mallard, greater or lesser scaup, bufflehead, and common goldeneye, utilize these areas as feeding and refuge sites, especially during fall and early winter months (October-freeze up). Playland Lake and Manursing Island Flats are also valuable as nesting and feeding areas during the spring and summer months for a variety of shorebirds, gulls, terns, and herons. Breeding species in the area include black duck, mallard, American bittern, green-backed heron, marsh wren, and red-winged blackbird.

Diamondback terrapin (SC) have been observed in the channel between Playland Lake and the Manursing Island Flats and nested in 1987 on the sandy and grassy southern shoreline of Playland Lake in the Read Nature Preserve.

Playland Park including the Read Nature Preserve, provides access year round for informal nature study, environmental education and birdwatching for Westchester county residents.

IMPACT ASSESSMENT:

A habitat impairment test must be met for any activity that is subject to consistency review under federal and State laws, or under applicable local laws contained in an approved local waterfront revitalization program. If the proposed action is subject to consistency review, then the habitat protection policy applies, whether the proposed action is to occur within or outside the designated area.

The specific habitat impairment test that must be met is as follows.

In order to protect and preserve a significant habitat, land and water uses or development shall not be undertaken if such actions would:

destroy the habitat; or,

significantly impair the viability of a habitat.

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

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

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

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

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

Although not comprehensive, examples of generic activities and impacts which could destroy or significantly impair the habitat are listed below to assist in applying the habitat impairment test to a proposed activity.

Any activity that would substantially degrade the water quality in Playland Lake and Manursing Island Flats would result in significant impairment of the habitat. All species of fish and wildlife may be affected by water pollution, such as chemical contamination (including food chain effects), oil spills, excessive turbidity or sedimentation, waste disposal, and sewage discharges.

Tidal mudflats are sensitive to such impacts because their biological activity is concentrated at the soil surface, where pollutants would tend to accumulate. Efforts should be made to improve water quality in the area, by reducing waste discharges from recreational boats and upland sources. Alteration of tidal patterns in Playland Lake and Manursing Island Flats could have major impacts on fish, shellfish, and wildlife use of these areas.

Dredging to maintain existing boat channels should be scheduled in late fall and winter to minimize potential impacts on aquatic organisms; no new navigation channels should be constructed in the area. Elimination of salt marsh and intertidal areas, through excavation or filling, would result in a direct loss of valuable habitat area, although creation of small open water areas within the tidal flats may increase suitability of the habitat for certain fish or wildlife species.

Efforts to restore natural tidal wetland communities in Playland Lake could enhance the productivity of this area. Construction of shoreline structures, such as docks, piers, bulkheads, or revetments, in areas not previously disturbed by development (i.e., natural salt marsh or mudflats), may have a significant impact on the fish and wildlife resources of Playland Lake and Manursing Island Flats.

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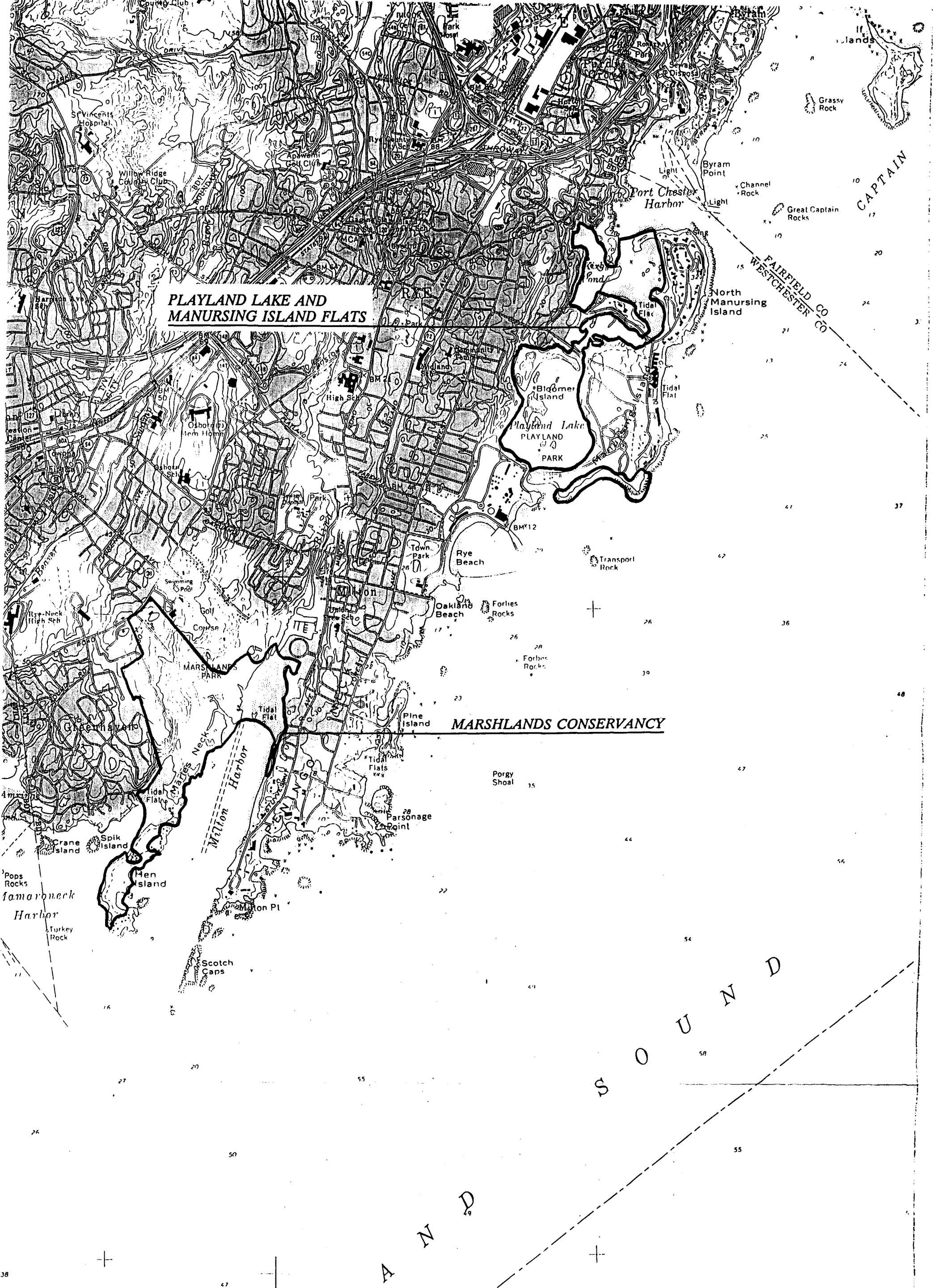
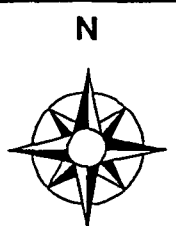
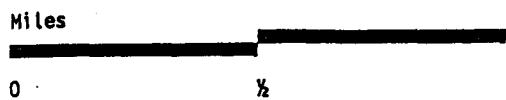
NYSDEC Information Services
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Latham, NY 12110
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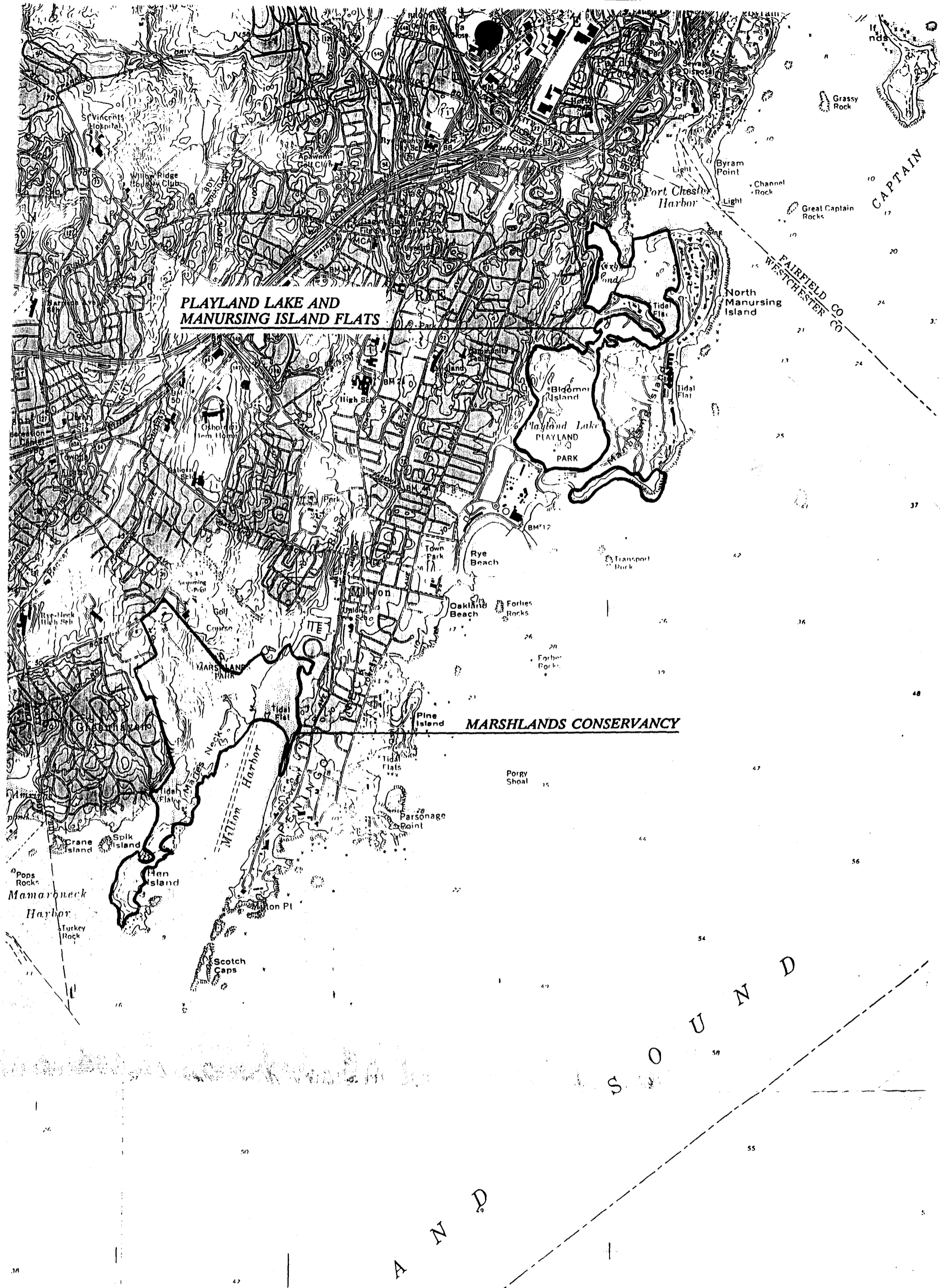
**PLAYLAND LAKE AND
MANURSING ISLAND FLATS**

MARSHLANDS CONSERVANCY

SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS

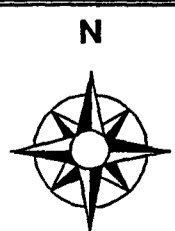
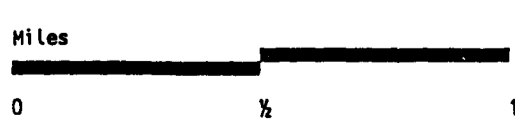
**Marshlands Conservancy / Playland Lake
and Manursing Island Flats**





SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS

Marshlands Conservancy / Playland Lake and Manursing Island Flats



APPENDIX D
COASTAL ASSESSMENT FORM

COASTAL ASSESSMENT FORM

A. INSTRUCTIONS (Please print or type all answers)

1. Applicants, or in the case of direct actions, city agencies, shall complete this CAF for proposed actions which are subject to the consistency review law. This assessment is intended to supplement other information used by a city agency in making a determination of consistency.
2. Before answering the questions in Section C, the preparer of this form should review the policies and explanations of policy contained in the Local Waterfront Revitalization Program (LWRP), a copy of which is on file in the city clerk's office. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the coastal area.
3. If any question in Section C on this form is answered "yes", then the proposed action may affect the achievement of the LWRP policy standards and conditions contained in the consistency review law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to making a determination that it is consistent to the maximum extent practicable with the LWRP policy standards and conditions. If an action cannot be certified as consistent with the LWRP policy standards and conditions, it shall not be undertaken.

B. DESCRIPTION OF SITE AND PROPOSED ACTION

1. Type of city agency action (check appropriate response):
 - (a) Directly undertaken (e.g. capital construction, planning activity, agency regulation, land transaction) _____
 - (b) Financial assistance (e.g. grant, loan, subsidy) _____
 - (c) Permit, approval, license, certification _____
 - (d) Agency undertaking action: _____
2. Describe nature and extent of action: _____

3. Location of action

(Street or Site Description)
4. Size of site _____

5. Present land use _____
6. Present zoning classification _____
7. Describe any unique or unusual land forms on the project site (i.e. bluffs, dunes, swales, ground depressions, other geological formations): _____

8. Percentage of site which contains slopes of 15% or greater _____
9. Streams, lakes, ponds or wetlands existing within or contiguous to the project area?
 - (a) Name _____
 - (b) Size (in acres) _____
10. If an application for the proposed action has been filed with the city agency, the following information shall be provided:
 - (a) Name of applicant _____
 - (b) Mailing address _____
 - (c) Telephone number: Area Code () _____
 - (d) Application number, if any _____
11. Will the action be directly undertaken, require funding, or approval by a state or federal agency?
 Yes ___ No ___ If yes, which state or federal agency? _____

C. COASTAL ASSESSMENT (Check either "yes" or "no" for each of the following:

- | | <u>YES</u> | <u>NO</u> |
|---|------------|-----------|
| 1. Will the proposed action be located in, or contiguous to, or have a potentially adverse effect upon any of the resource areas identified on the coastal area map:..... | ___ | ___ |
| (a) Significant fish or wildlife habitats?..... | ___ | ___ |
| (b) Scenic resources of local or statewide significance? | ___ | ___ |
| (c) Natural protective features in an erosion hazard area? _____ | ___ | ___ |

If the answer to any question above is yes, please explain in Section D any measures which will be undertaken to mitigate any adverse effects.

2. Will the proposed action have a significant adverse effect upon:
- (a) Commercial or recreational use of fish and wildlife resources?
 - (b) Scenic quality of the coastal environment?
 - (c) Development of future, or existing water dependent uses?
 - (d) Land or water uses within a small harbor area?
 - (e) Stability of the shoreline?
 - (f) Surface or groundwater quality?

YES NO

- (g) Existing or potential public recreation opportunities?
- (h) Structures, sites or districts of historic, archaeological or cultural significance to the city, State or nation?

3. Will the proposed action involve or result in any of the following:

- (a) Physical alteration of land along the shoreline, land under water or coastal waters?
- (b) Physical alteration of two (2) acres or more of land located elsewhere in the coastal area?
- (c) Expansion of existing public services or infrastructure in undeveloped or low density areas of the coastal area?
- (d) Energy facility not subject to Article VII or VIII of the Public Service Law?
- (e) Mining, excavation, filling or dredging in coastal waters?
- (f) Reduction of existing or potential public access to or along the shore?
- (g) Sale or change in use of publicly-owned lands located on the shoreline or underwater?

- (h) Development within a designated flood or erosion hazard area?.....
- (i) Development on a beach, dune, barrier island or other natural feature that provides protection against flooding or erosion?.....
- (j) Construction or reconstruction of erosion protective structures?.....
- (k) Diminished surface or groundwater quality?.....
- (l) Removal of ground cover from the site?.....

4. Project YES NO

- (a) If project is to be located adjacent to shore:
 - (1) Will water-related recreation be provided?.....
 - (2) Will public access to the foreshore be provided?
 - (3) Does the project require a waterfront site?.....
 - (4) Will it supplant a recreational or maritime use?
 - (5) Do essential public services and facilities presently exist at or near the site?.....
 - (6) Is it located in a flood prone area?.....
 - (7) Is it located in an area of high erosion?.....
- (b) If the project site is publicly owned:
 - (1) Will the project protect, maintain and/or increase the level and types of public access to water-related recreation resources and facilities?.....
 - (2) If located in the foreshore, will access to those and adjacent lands be provided?.....
 - (3) Will it involve the siting and construction of major energy facilities?.....
 - Will it involve the discharge of effluents from major steam electric generating and industrial facilities into coastal facilities?.....

- | | | | |
|-----|---|------------|-----------|
| (c) | Is the project site presently used by the community neighborhood as an open space or recreation area?... | — | — |
| (d) | Does the present site offer or include scenic views or vistas known to be important to the community?..... | — | — |
| (e) | Is the project site presently used for commercial fishing or fish processing..... | — | — |
| (f) | Will the surface area of any waterways or any wetland areas be increased or decreased by the proposal?..... | — | — |
| (g) | Does any mature forest (over 100 years old) or other locally important vegetation exist on this site which will be removed by the project?. | — | — |
| | | <u>YES</u> | <u>NO</u> |
| (h) | Will the project involve any waste discharges into coastal waters?..... | — | — |
| (i) | Does the project involve surface or subsurface liquid waste disposal?..... | — | — |
| (j) | Does the project involve transport, storage, treatment or disposal of solid waste or hazardous materials?..... | — | — |
| (k) | Does the project involve shipment or storage of petroleum products?..... | — | — |
| (l) | Does the project involve discharge of toxics, hazardous substances or other pollutants into coastal waters?..... | — | — |
| (m) | Does the project involve or change existing ice management practices?..... | — | — |
| (n) | Will the project affect any area designated as a tidal or freshwater wetland?..... | — | — |
| (o) | Will the project alter drainage flow, patterns or surface water runoff on or from the site?..... | — | — |

- (p) Will best management practices be utilized to control storm water runoff into coastal waters?...
- (q) Will the project utilize or affect the quality or quantity of sole source or surface water supplies?.....
- (r) Will the project cause emissions which exceed federal or state air quality standards or generate significant amounts of nitrates or sulfates?

D. REMARKS OR ADDITIONAL INFORMATION. (Add any additional sheets necessary to complete this form.)

If assistance or further information is needed to complete this form, please contact city clerk at

Preparer's Name _____ Telephone Number: () _____

Title: _____ Agency: _____ Date: _____