



# Local Waterfront Revitalization Program

Village of Mamaroneck

*November, 2017*

Prepared for the Village of Mamaroneck  
Board of Trustees

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# **SECTION I**

## Introduction

## **INTRODUCTION**

### **PURPOSE**

The Local Waterfront Revitalization Program (LWRP) for the Village of Mamaroneck has been prepared as a comprehensive, long-range guide to ensure that local actions are consistent with the Village's vision for protection and enhancement of the quality of Mamaroneck's waterfront community.

The Local Waterfront Revitalization Program is a New York State-sponsored program under the direction of the State Coastal Management Program. An LWRP is intended to be a comprehensive, realistic program for the beneficial use, revitalization and production of a community's waterfront resources. Its major components are:

- Delineation of the boundary of the local waterfront revitalization area.
- An inventory and analysis of the natural and man-made characteristics of the waterfront area.
- Policies for the management of the waterfront area which apply to the State coastal policies expressed in the State Coastal Management Program and the Long Island Sound Coastal Management Program to specific waterfront resources and conditions and to reflect local objectives.
- Proposed land and water uses for the entire waterfront area and proposed waterfront projects.
- Local techniques for implementing the policies of the LWRP and ensuring that local actions will comply with the LWRP.

Once completed, an LWRP is submitted to the New York Secretary of State and the U.S. Department of Commerce for approval. After approval, the local program replaces the State Coastal Management Program within the local waterfront area and becomes the official plan for governing local, State and Federal actions affecting the defined waterfront revitalization area.

### **BACKGROUND**

The Village of Mamaroneck adopted its original LWRP in 1984. The original LWRP has served as a blueprint for land use and development in the Village for over 30 years. It was designed to protect and enhance the Village's coastal resources and environment, seeking to prevent unwanted deterioration of water quality, preserve the working waterfront and enhance access to and use of the Village's coastal and other water resources.

The original LWRP has provided the Village with an excellent framework within which to evaluate proposed development and changes to local laws. However, given that the original LWRP is now over 30 years old, it was time to review and update the original LWRP to reflect updates in State coastal policies, review areas in need of particular focus and review and reflect possible changes in the community's approach to protecting and enhancing its coastal and other water resources.

For example, over the last 30 years, the Village has experienced significant additional development and is currently faced with increased pressure for further development and redevelopment. In addition, water quality of our coastal waters and streams and rivers has deteriorated. Finally, several significant flooding events over the last 30 years, together with issues related to potential impacts of global warming, have raised awareness of and sensitivity to flooding risks in the Village.

## **REQUIREMENTS**

The purpose of the Local Waterfront Revitalization Program is to promote a balance between economic development and preservation in order to permit the beneficial use of coastal resources while preventing the loss of living marine resources and wildlife, diminution of open space areas or public access to the waterfront, impairment of scenic beauty, or permanent adverse changes to ecological systems.

The program is a means of implementing State coastal management policies on a local level. The policies are modified where appropriate to reflect the particular situations and circumstances unique to the community. Special provision is made for the continued use of the coastal area for access by the public for water-dependent activities and for measures to improve harbor and watershed management as well as measures to better manage and protect land and water resources. The program encourages coordinated planning, development, and resource management while the policies themselves serve to guide future activities in the coastal area.

Specific land and water uses and procedural mechanisms are identified as essential to implementation of key policies. Among these are the preservation of the maritime "working port" character of the waterfront, including the update of the harbor management plan, appropriate siting of water-dependent uses, and the maintaining or increasing of the present level of access by the public to the waterfront areas. Improved floodplain and watershed management are also identified as necessary to minimize flooding problems and protect existing land uses. Significant coastal resources such as fish and wildlife habitats are identified as valuable land and water uses, and the program recognizes the need to provide additional protection for and management of these areas.

A key element of the program is the refinement of techniques to implement the policies. These include amendments to local laws; establishment of a management structure with provision for

consistency review; and specific projects, including additional study leading to the update of the harbor management plan. The implementation techniques fall into four general areas: access by the public, watershed management, natural resource protection, and harbor management.

The Public Access Plan implements access by the public policies and several of the development policies and recreation policies. It facilitates the siting of water-dependent uses on the coastal areas, strengthens the tax base by promoting the traditional waterfront recreational uses of Mamaroneck and Larchmont Harbor, and ensures at a minimum the present level of access by the public.

The Watershed Management Plan implements several of the water/air resources policies as well as many of the flooding/erosion hazards policies. It provides for "zero increase" in peak rates of stormwater discharge in order to minimize to the extent possible flooding and erosion impacts on the coastal area and coastal waters. The need is recognized for a mechanism whereby the combined problems of flooding/sewage overflows/harbor sedimentation can be addressed on a watershed-wide level.

The Natural Resources Protection Plan implements several of the water/air resources policies, the wetlands policy, the fish/wildlife policies, and some of the recreation policies. It provides for formal recognition of environmentally significant areas so as to ensure that impacts on such areas are adequately addressed as part of the SEQRA process prior to undertaking potential actions and to minimize, for wetland areas, some of the adverse environmental impacts which may potentially results from adjacent high density development. Protection or historical and archeological resources is achieved through application of the appropriate policies as well as through a Historic Preservation Ordinance.

The Harbor Management Plan, when updated, would implement several of the development and recreation policies as well as some of the public access and water/air resources policies.

## **BENEFITS**

An LWRP reflects community consensus, and as such, it significantly increases a community's ability to attract appropriate development and re-development that will respect its unique cultural and natural characteristics.

Key benefits of an LWRP include the following:

- A municipality has the opportunity to evaluate its waterfront resources, to develop a comprehensive strategy for the best use of those resources and to put in place a local program to carry out that strategy.
- The consistency provisions of the Coastal Management Program require State and Federal agencies to adhere to the policies of an approved Local Waterfront

Revitalization Program when those agencies undertake, fund or grant a permit for a project within an LWRP area.

- An LWRP establishes a long-term partnership among local government, community-based organizations and the Department of State, providing a source of technical assistance to develop and implement the LWRP.
- An LWRP presents a unified vision for a community's coastal zone, and, as a result, increases a community's chances to obtain funding for implementation projects.

## **APPROACH**

As stated above, the initial LWRP provided an excellent framework within which to review and analyze local actions. Therefore, rather than starting from scratch with a new framework for development of LWRP policies, this revised LWRP reflects analysis and rethinking of the existing policies and has modified those as appropriate, to reflect the community's desire to protect and improve the quality of water in our waterways, encourage appropriate water-dependent uses and access by the public.

Importantly, the revised LWRP maintains the boundary of the revitalization area as the entire Village. Given the nature of the Village as a watershed area, with several streams and rivers running through it to the Mamaroneck Harbor, it is important that the entire Village be included in the area covered by the LWRP (See Figure I).

Natural corollaries of including the entire Village in the LWRP are that (1) references to "coastal" areas in the LWRP mean all land within the Village, and not just land immediately adjacent to Long Island Sound and its harbors, (2) references to "waters" and "waterways" includes all waters within the Village, including rivers, streams, brooks and ponds, in addition to Long Island Sound, and (3) references to "waterfronts" include property fronting on all waters and waterways in the Village.

All references in the LWRP to "including" is meant to be expansive rather than limiting in nature and to mean "including, without limitation".

## **Goals of the Local Waterfront Revitalization Program**

The primary goal of the Local Waterfront Revitalization Program (LWRP) is to ensure that decisions of government bodies and agencies (including the adoption of laws and the granting of approvals or other actions relating to private property) affecting our coastal community and its resources are coordinated and are consistent with the values and objectives that are articulated in the Policies supplemented with these goals and the inventory contained in this LWRP. These values and objectives have served, and will continue to serve, as a basis for developing and reviewing Village laws and local agency actions.

The LWRP serves as a blueprint for the management, use and development of our Village resources over time. It is, therefore, critical that our governing bodies and local government agencies (1) sustain the values articulated in the Policies and (2) ensure that their actions and decisions are consistent with the Policies contained in the LWRP. These governing bodies and agencies serve as the first line of protection for the values embedded in the LWRP and the first bulwark against erosion of the coastal resources we are responsible for maintaining. It is also critical that the Village land use boards that determine consistency (presently the Harbor and Coastal Zone Management Commission and Planning Board) be supported and provided with sufficient information and time to fulfill their responsibility to review and determine consistency.

The Policies carry out the intention of the New York State Legislature that there be “a balance between economic development and preservation that will permit the beneficial use of coastal resources while preventing the loss of living marine resources and wildlife, diminution of open space areas or public access to the waterfront, shoreline erosion, impairment of scenic beauty, or permanent adverse changes to ecological systems”.

The Village’s LWRP and the Policies have been developed to achieve the following goals:

- 1) To maintain and enhance the unique coastal character of the Village and protect and enhance Mamaroneck and Larchmont Harbors, Long Island Sound shoreline and its rivers, streams, brooks, creeks and ponds;
- 2) To preserve and expand water-dependent uses (and discourage non water-dependent uses) along our Village waters;
- 3) To protect fish and wildlife habitats and protect our fragile marsh and wetland buffer areas;
- 4) To preserve the public interest in, and use of, lands and waters that are held in public trust;
- 5) To protect and enhance passive and active access by the public to Village waters;
- 6) To improve and protect water quality of the Village’s waters;
- 7) To cope with erosion and flooding hazards, and mitigate dangers to life and property from flooding and erosion;
- 8) To protect and enhance the Village’s scenic areas and view corridors to and from waters throughout the Village.
- 9) To protect and enhance green and open space areas throughout the Village; and
- 10) To protect historic areas and resources.

**Existing LWRP Boundary**

The waterfront revitalization area covered by this program coincides with the boundaries of the Village of Mamaroneck jurisdictional limits, including the harbors, coves, and inlets appearing on the official village survey (of 1911) on file in the office of the Building Inspector as well as the vessel regulation area extending from the mean high waterline to 1500 feet offshore including the common demarcation boundaries with the City of Rye, Town of Rye and Town of Mamaroneck (including the Village of Larchmont) (See Figure I).

**Definitions**

The term "coastal" is defined as the entire land areas within the Village of Mamaroneck and not just the harbors and Long Island Sound shoreline.

"Waters," "waterways" and "waterfronts" include all of the waters and shorelines within the territorial limits of the Village including, but not limited to, Long Island Sound shorelines, Mamaroneck and Larchmont Harbors, rivers, streams, brooks, creeks and ponds.

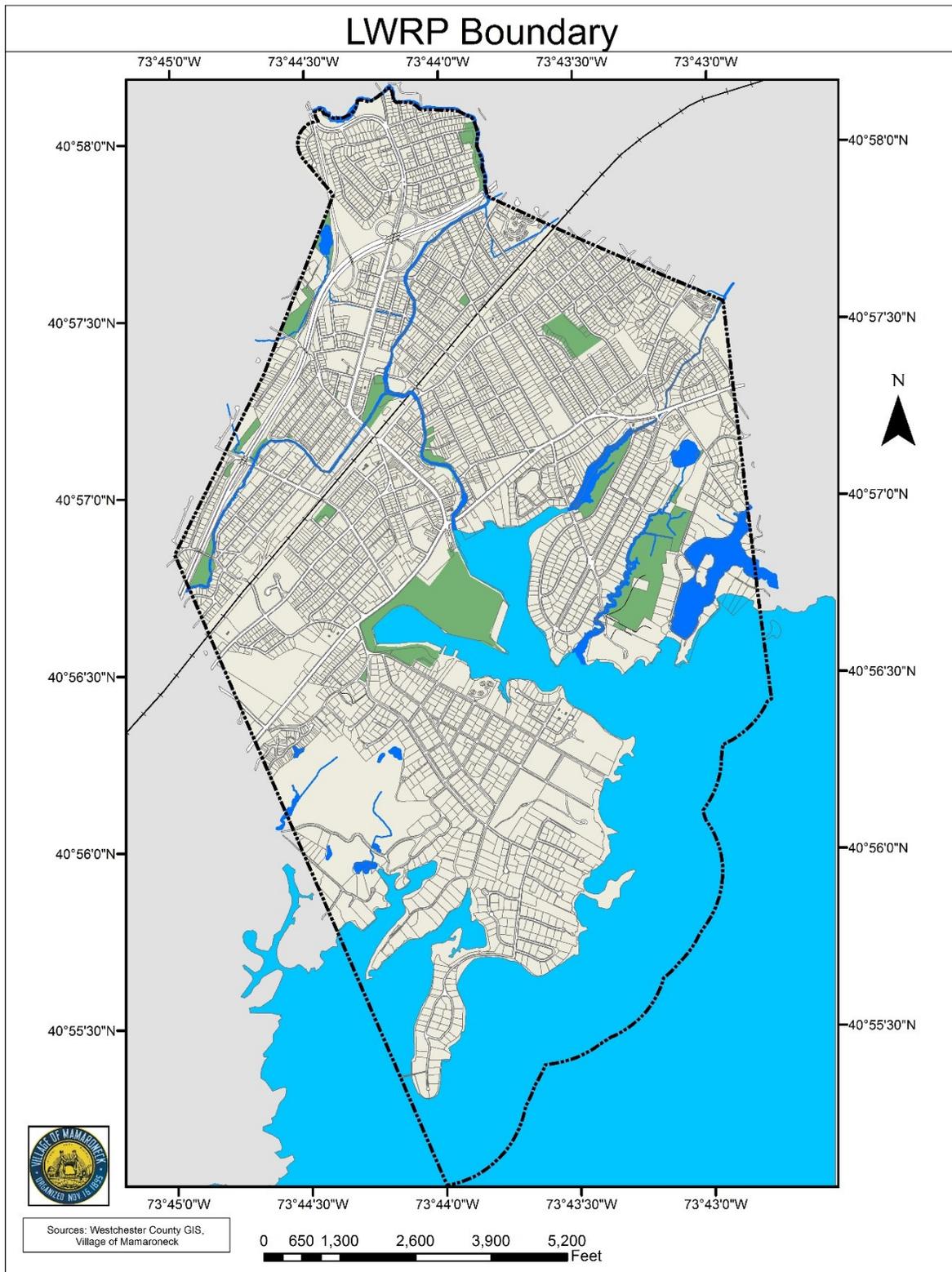


Figure 1

# **SECTION II**

## **INVENTORY AND ANALYSIS**

## **Introduction**

The Village of Mamaroneck is a low-lying coastal community on western Long Island Sound in Westchester County, located about 23 miles northeast of New York City at the confluence of the Mamaroneck and Sheldrake Rivers. The Village is bordered by the Town/Village of Harrison to the north, the unincorporated area of the Town of Mamaroneck to the south and west and the City of Rye and Long Island Sound to the east. The Village of Mamaroneck encompasses a total land area of 6.7 square miles, of which 3.5 square miles is under water, leaving 3.2 square miles, or 2,048 acres, of land area. It is an incorporated village located partially within the Town of Mamaroneck and partially within the Town of Rye.

According to the U.S. Census Bureau, Mamaroneck's population totaled 19,375 in 2015. The Village is a largely built-out residential suburban community within the New York metropolitan area. Population density is approximately 6,055 people per square mile of land area for an average density of 9.5 persons per acre.

## **Existing Land and Water Conditions**

Mamaroneck's character and land use (see Figure II) are largely defined by its Long Island Sound and riverine coastlines. Much of the Village lies in flood plains - both coastal and riverine. The Village has approximately 9 miles of coastline along the Sound, all developed, and the centerpiece is Mamaroneck Harbor. Use impairments in this portion of the Sound, an area of poor circulation, include shellfishing and fishing. Seasonal hypoxia (low dissolved oxygen) in the bottom waters of the western Sound cause crustacean kills and finfish to avoid the area. Hypoxia is largely the result of excessive amounts of nitrogen in the water, which produces excessive amounts of algae. The decay of this algae consumes oxygen. According to the Long Island Sound Study (LISS), the low dissolved oxygen is primarily due to algal die off and to a lesser extent the discharge of oxygen-demanding materials from sewage treatment plants, combined sewer overflows and storm water runoff from throughout the Sound's New York and Connecticut watershed.

Mamaroneck harbor is delineated into several distinct areas. The outer harbor extends from Van Amringe Point (at Mamaroneck Beach & Yacht club) and Orienta Point (at Beach Point Club) seaward to 1,500 feet offshore. The entrance channel area extends from the outer harbor northward to the intersection of the two channels leading to the east and west basins, at Shore Acres Point. The east basin is bounded by Harbor Island Park to the west, a marine commercial area to the north and the residential neighborhoods of Harborlawn and Shore Acres to the east. The west basin is bounded by Harbor Island Park to the east, north and northeast; and several boatyards and the Orienta residential neighborhood to the southwest.

Several other coves and bays in the Village have shaped its development and provide wildlife habitats. Delancey Cove and Larchmont Harbor, located in the southern part of Mamaroneck along Long Island Sound, provide significant coastline and views for much of the Orienta

neighborhood and Hampshire Country Club. Delancey Cove, Larchmont Harbor and Hampshire Country Club were designated as local Conservation and Open Space Areas under the Village's original LWRP and Hampshire Country Club is also a locally designated Critical Environmental Area (CEA). Van Amringe Mill Pond, a Conservation and Open Space Area and a CEA, is located in southeastern Mamaroneck and defines the waterfront area of the Shore Acres neighborhood.

Occupying a prominent location within the inner harbor area and at the southern entrance to the downtown area is the 44-acre Harbor Island Park, the Village's largest and most well-used park. Bounded on its watersides by a stone seawall, it includes a 700-foot beach, a fishing pier, boat launch, kiddie spray park, playground, athletic fields and the Village's recreation center. Tennis courts run by a concessionaire are located in the center of the park. Other large parks include Florence Park (8.9 acres) and Columbus Park (6 acres).

Mamaroneck's rivers have played a major role in its development and continue to affect land use today. Approximately 2.25 miles of the Mamaroneck River and 1.15 miles of the Sheldrake River run through the Village before draining into Mamaroneck Harbor, and about 1.38 square miles of the Village are in the Mamaroneck River watershed. Mamaroneck's location at the foot of four drainage basins - the Sheldrake River, Mamaroneck River, Beaver Swamp Brook and Pine Brook - is most directly associated with many of the area's most serious flooding problems. North of the train station lies a highly productive aquifer whose water table is only slightly below grade in some areas. Riverine flooding has been particularly devastating for Columbus Park, Washingtonville, Harbor Heights, and the industrial area and northern parts of the central business district. Regional land development has exacerbated flooding problems, while soil erosion and storms have carried large amounts of sediments to Village watercourses, waterbodies and the harbor.

High flood flows have resulted in extensive damage to residential and commercial properties as well as resulting in siltation/sedimentation and significant degradation of water quality. Along with soil absorbency, the shape of a drainage basin is a major factor in determining flood severity. A long, narrow drainage basin does not produce as severe a flood as a basin which is wider in proportion to its length. The wider the basin, the higher the resulting rates of stormwater runoff. The Mamaroneck Basin is wider in proportion to its length than any other in lower Westchester County. Although Mamaroneck itself is characterized by poor drainage associated with floodplains, shallow soils, steep slopes, and a high water table, elsewhere in the Mamaroneck/Sheldrake watershed topography and soil types favor high water absorption. In the past, this tended to offset the higher rates of runoff associated with the basin's wide shape. However, land development throughout the combined watersheds has reduced this absorption effect. As a result, floods become higher and more frequent as more and more absorbent land is paved over and built upon. These problems are not unique to the Village of Mamaroneck but are faced by many communities, particularly the Sound Shore communities, located at or near the bottom of one or more drainage basins (See Figure VIII).

Upland watershed watercourses that drain through Mamaroneck and empty into Long Island Sound often carry high amounts of nutrients and pollutants as a result of inland and coastal development and land uses. The degradation of habitat has had direct and indirect impacts on Mamaroneck's and the regional economy and quality of life. Health advisories warn against eating too much Long Island sound fish and shellfish, the size of commercial and recreational fish catches has diminished over the past several years, and beaches suffer closures due to pathogen contamination and other pollutants. These issues signal an urgent need for watershed wide management strategies for pollution control and loss of habitat.

Residential uses account for the vast majority of Mamaroneck's land area, encompassing a diverse range of housing types. Office and commercial uses are concentrated along Mamaroneck Avenue from the NYS Thruway to Boston Post Road and along the Post Road from the Town of Mamaroneck border to the City of Rye border; and parts of Old White Plains Road, Halstead Avenue and North Barry Avenue in the vicinity of Metro-North railroad. The commercial area along Mamaroneck Avenue between the railroad and the Post Road comprises Mamaroneck's Central Business District. The industrial area is in the northwest portion of the Village, centered at the Waverly Avenue/Fenimore Road intersection. Due to past industry uses there are several Superfund sites regulated under the auspices of NYS DEC. There are also solid waste transfer stations located along the Sheldrake River. Key community and institutional uses included the water-treatment plant, municipal buildings, schools and houses of worship.

In addition to neighborhood residential uses, Mamaroneck's waterfront area contains the marine commercial and marine recreation zones established to promote water-dependent uses. The two marine commercial zones (as well as the marine recreational zone that includes the waterfront clubs) were established in response to Mamaroneck's original LWRP, which stated that the Village's commercial boatyards and marinas contribute significantly to the local character and economy, and provide a substantial level of public access to waterfront recreation. At the time, the properties' residential zoning classification was noted as inappropriate, given that it made the marinas and boatyards nonconforming and therefore subject to potential redevelopment as residential uses. Such development pressure made the preservation of existing marinas and boatyards a key focus of the original LWRP which was successful in this goal which continues to be a goal of this LWRP update.

The natural coast is comprised of a rich diversity of natural resources that are the basis for the productivity of Long Island Sound as well as a source of scenic beauty, recreational enjoyment and regional economic benefits. The Coastal Management Program concentrates on the integrity of ecological communities, appropriate responses to natural coastal processes and improved management of water resources and overall water quality.

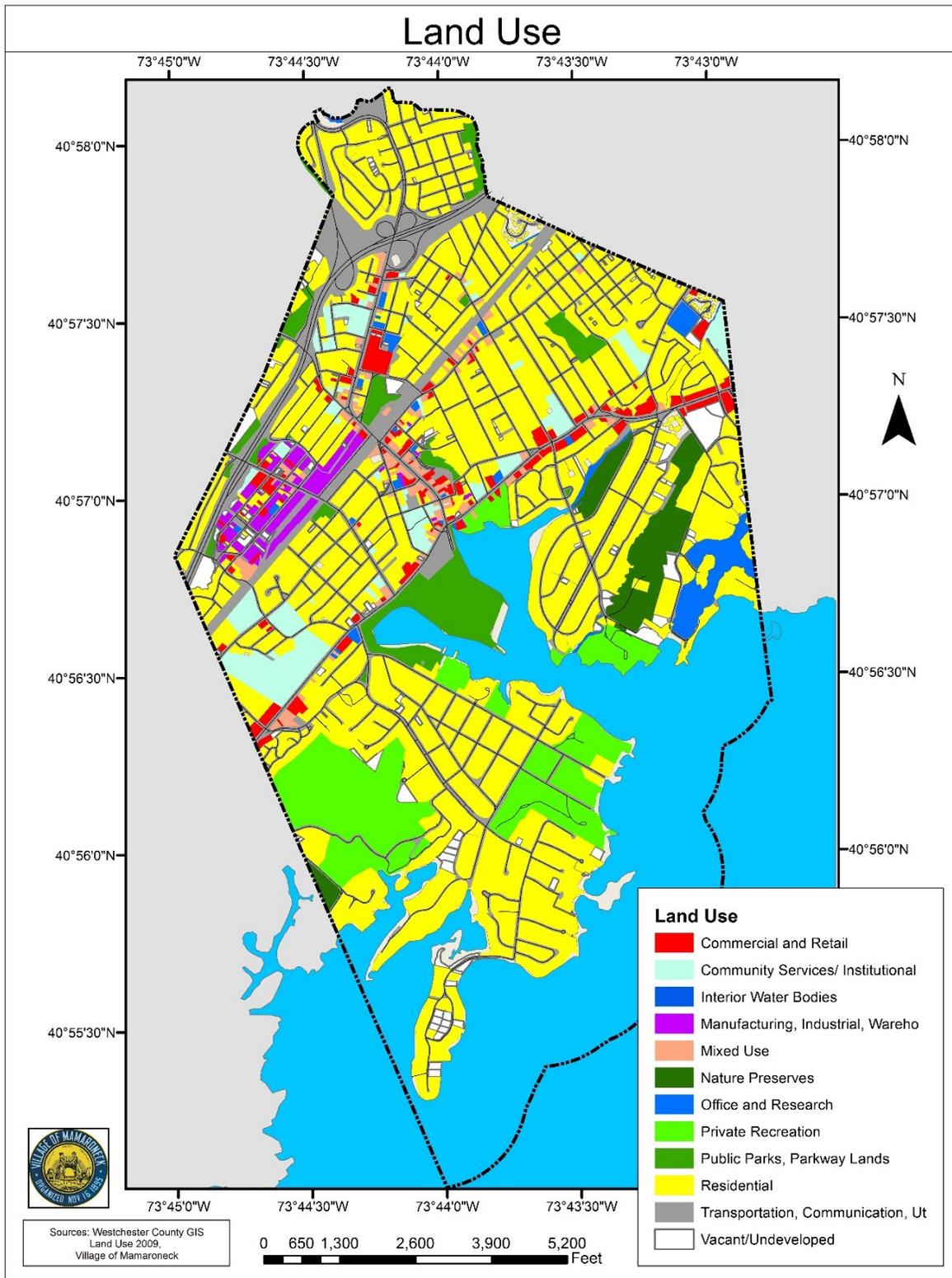


Figure 2

The Long Island Sound region is a complex ecosystem consisting of physical (non-living) and biological (living) components and their interactions. The physical components include the open waters, embayments and tributaries of the Sound, as well as coastal lowlands, headlands, bluffs, adjacent upland areas, small offshore islands, and soils. These features continue to develop and change through the action of tides and offshore currents, and through weathering by precipitation and surface runoff. The biological components include the plants and animals that make up a wide range of ecological communities in and around the Sound. These ecological communities provide vital habitat for waterfowl, finfish and shellfish.

While population levels have been relatively stable for the Long Island Sound region in recent years, development in coastal areas, including locations of dynamic shoreline change, has steadily increased. As growing numbers of people choose to live in these areas, greater numbers of structures and lives are at risk.

Population growth and associated development have also had negative effects on water quality in the Village of Mamaroneck. In urban areas, numerous point and nonpoint sources of pollution have degraded the waters. Wastewater treatment facilities discharge permitted levels of pollutants into the Sound. Flooding creates sanitary sewer overflows discharging untreated materials into storm drains that lead to Long Island Sound.

In response to pollution at the Harbor Island Park Beach, a handful of Village residents proposed The Marine Education Center at Harbor Island Park to educate the public about marine life in the Harbor and advocate for clean water for swimming. In 2013, elected and appointed Village Officials helped situate the Center by re-purposing space on the East Basin. The Marine Education Center opened in the spring of 2013 with saltwater aquaria stocked with Long Island Sound marine animals and provides the framework upon which various "hands-on" programs, exhibits and projects are developed. Admission is free to visitors of all ages.

### **Visual Quality**

Harbor Island Park, all shorelines of Long Island Sound, the harbors, rivers, brooks, streams, ponds and their shorelines, wetlands, large open space, parks and recreation areas are all identified in this program as significantly contributing to overall scenic quality and interest. Views both from and to the water and open space areas merit protection and should be considered in assessing potential impairment of scenic quality.

### **Sites of Historic, Architectural or Archeological Importance**

Prehistoric and historic archeological remains may potentially exist in the Village. The Mamaroneck Harbor area has been designated as an archeologically sensitive area on the New York State Archeological Site Location Map. Mamaroneck is a very old community, having first been settled in 1661, and therefore has numerous sites of historic or architectural importance.

In the 1980's, the Village of Mamaroneck's Historical Society and Landmarks Advisory Committee identified 54 sites of Historic, Architectural or Archeological importance, which were identified in the 1984 LWRP. Figure III and the following table identifies the historic and cultural sites documented in the 1984 LWRP, and the historic and cultural resources subsequently identified within the Village. The following resources are comprised of designated Village (VoM) Landmarks; National Register of Historic Places listed and eligible sites; American Institute of Architects (AIA) award recipient sites; and other LWRP Historic Resources.

Site	Map ID No.	National Register - listed	National Register - eligible	Designated VoM Landmark	Other LWRP Historic Resources	AIA - Recipient
"Old Mill"	1			X		
The American Legion Hall	2			X		
100 Mamaroneck Avenue	3			X		
Hook and Ladder Company No. 1 Firehouse	4			X		
Mamaroneck Railroad Stationhouse (1888)	5		X			
John Richbell Monument & Cemetery	6				X	
Site of Disbrow House (1677)	7				X	
DeLancey House (Fenimore Cooper House) (1792) Development	8				X	
Disbrow Cemetery	9				X	
Site of Flandreau House	10				X	
Site of Polycarpus Nelson House	11				X	
St. Thomas Episcopal Church Complex	12	X				
John Flandreau Cottage ("Vue de L'Eau") Church Rectory (1867); Banta House (Staff, 1890)	13		X			
Site of First School House	14				X	
DeLancey Cemetery	15				X	
Florence and Powell Cemetery	16				X	
Gedney Farmhouse - Circa 1800 (demolished)	17				X	
The Gatehouse	18				X	
Site of Deall's Dock	19				X	
The Mamaroneck United Methodist Church	20	X				X

Site	Map ID No.	National Register - listed	National Register - eligible	Designated VoM Landmark	Other LWRP Historic Resources	AIA - Recipient
Site of Battle of Heathcote Hill (1776)	21				X	
Site of Heathcote Manor House (at Women's Club overlooking harbor circa 1702)	22				X	
Site of 18th Century Dam and Mill Pond	23				X	
Site of "Closet Hall" of Fenimore Cooper	24				X	
Old Village Square (Madison Square)	25				X	
Guion Cemetery	26				X	
Town of Rye Dock Property	27			X		
Toll Gate House (1805)	28				X	
Gedney Cemetery	29				X	
Later Gedney Cemetery	30				X	
Dingee Cemetery	31				X	
Site of Depot School (1885)	32				X	
The Town of Mamaroneck Cemetery	33			X		
Tompkins Avenue Bridge ("Where the Salt Water Meets the Fresh")	34				X	
Site of First Kindergarten (1901)	35				X	
Melbourne Avenue Historic District (Old Rye Neck)	36				X	
Columbus Park Monument	37				X	
Mamaroneck Project Building (Sewage Treatment Plant Tower & Administration, 1931)	38		X			
Harbor Island Park (Pavilion, 1934; Seawalls; Memorial Grove and Firemen's Memorial)	39				X	
Stanford White-designed Gatehouse and Stables (Mamaroneck Beach and Yacht Club, 1885); Cottage Gatehouse	40				X	

Site	Map ID No.	National Register - listed	National Register - eligible	Designated VoM Landmark	Other LWRP Historic Resources	AIA - Recipient
Daniel Warren Schoolhouse (Conrad Henne, Architect, 1930)	41					X
Mamaroneck Free Library (1927); Emelin Theatre (1972)	42				X	
Mamaroneck Village Hall (Johnson Park and World War II Memorial)	43				X	
Weatherbee Mansion (Westchester Day School, circa, 1880)	44				X	
Old Central School (First High School, 1888)	45				X	
Strait Gate Church (1945); Rev. Martin Luther King Center	46				X	
Barry Avenue A.M.E. Zion Church (1903)	47				X	
Holy Trinity Church (1885)	48				X	
Tompkins Park (Memorial to World War I Veterans) with Milestone "23 Miles to N.Y. City"	49				X	
Oriente Beach Club	50				X	
Beach Point Club Mansion	51				X	
St. Vito's Church (1930)	52				X	
Satan's Toe, Site of Flagler Estate and D.W. Griffith Studio	53				X	
Highview Street Historic District	54				X	
The "Skinny House"	55	X		X		
Walter's Hot Dog Stand	56	X				
Albert E. & Emily Wilson House	57	X				
The Lichtenstein Building	59			X		
The Bedelle Homestead and Cottage	60			X		

Notes: Any site or structure that has been deemed eligible under the State Office of Parks, Recreation and Historic Preservation Program merits the same protection under the LWRP.

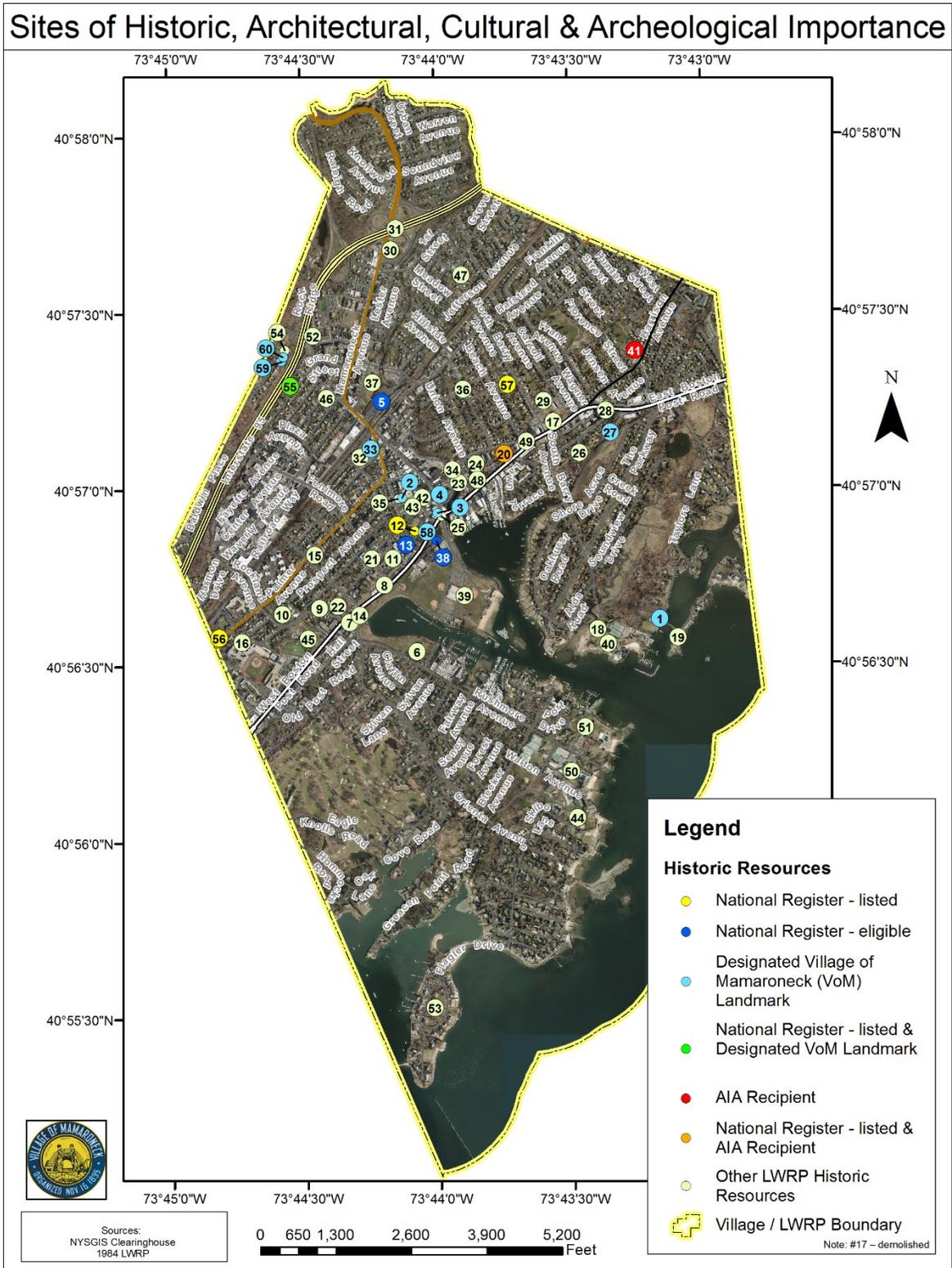


Figure 3

**Flooding**

Extensive portions of Mamaroneck lie within both the 100-year floodplain and coastal flood zones, while an even larger area is within the 500-year floodplain. Mamaroneck's location at the bottom of four drainage basins - the Sheldrake River, Mamaroneck River, Beaver Swamp Brook and Pine Brook - is most directly associated with many of the most pressing environmental issues - particularly flooding. These basins drain approximately 28 square miles of land and are often subject to flooding. The watersheds for these riverine water bodies span several other municipalities and therefore the Village has no direct jurisdiction or authority over many land use decisions that can affect stormwater management and local flooding issues within the Village, where Federal and NYS permitting is required for waters, this mandates compliance with NYS Coastal Policies as they relate to flooding specified in our approved LWRP. In order to fully protect our coastal zone and the environs the Village must be vigilant and participate in actions outside of our jurisdictional boundaries to the extent permitted by State and Federal law and this LWRP (See Figure IV and V). For more detailed flood mapping data visit the Village of Mamaroneck [GIS website](#) and open the flood zone finder.

**Wetlands, Watercourses and Water Bodies**

The Village of Mamaroneck comprises a total 6.7 square miles, and 3.5 square miles is under water, containing tidal and freshwater wetlands, watercourses and water bodies. Wetlands greatly mitigate flooding and pollution by retaining water from surrounding developed land and gradually discharging it into local watercourses. This is especially important in a flood-prone community such as Mamaroneck. All naturally occurring wetlands, watercourses (rivers and streams) and waterbodies (ponds and reservoirs) together with their buffers merit strict protection and pose development constraints.

In addition to the [Village's Code Chapter 192](#) (Freshwater Wetlands), wetlands are regulated on the state and federal level. On the federal level, the U.S. Army Corps of Engineers (USACE) regulates disturbance to virtually any wetland, watercourse or water body under Section 404 of the Clean Water Act. Freshwater wetlands greater than 12.4 acres in size are mapped and protected by the New York State DEC. Magid Pond is currently the only freshwater wetland falling under this state regulatory designation. Activity in these areas is strictly regulated and includes a 100-foot buffer area. A buffer is a protected area adjacent to a resource where activities or encroachment are prohibited (See Figures VI and VII). The USACE's regulatory program applies to both freshwater and tidal wetlands.

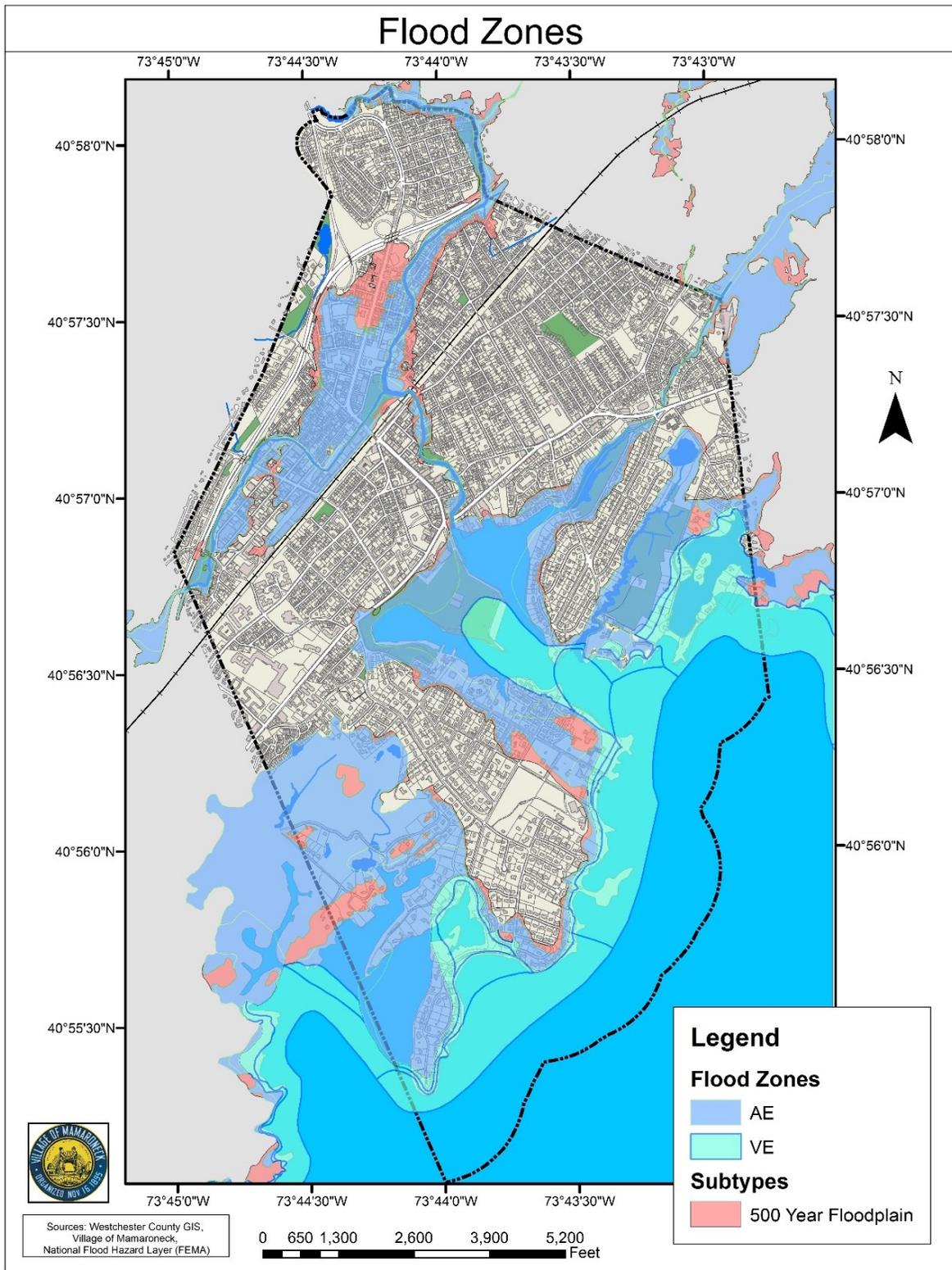


Figure 4

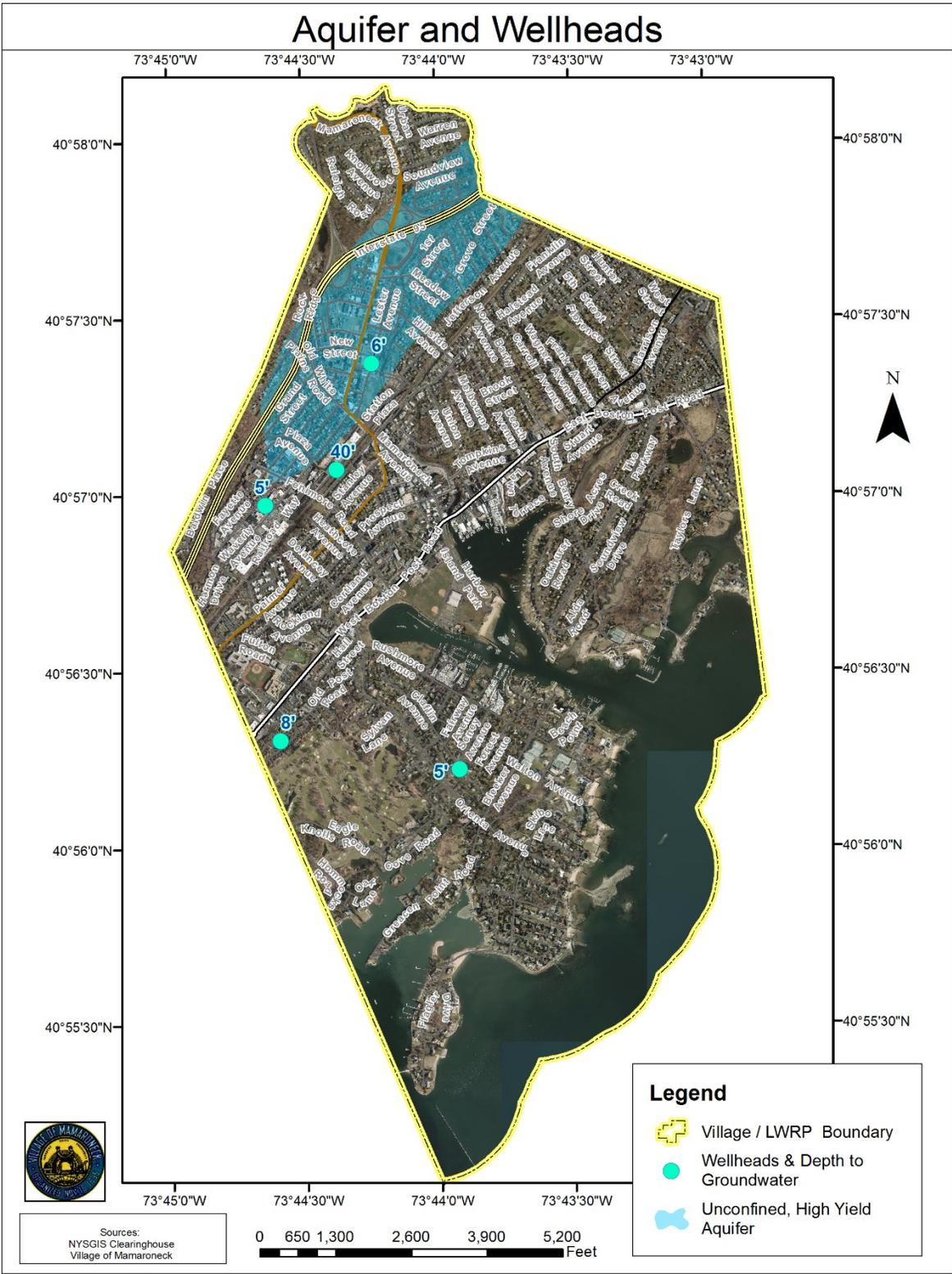


Figure 5

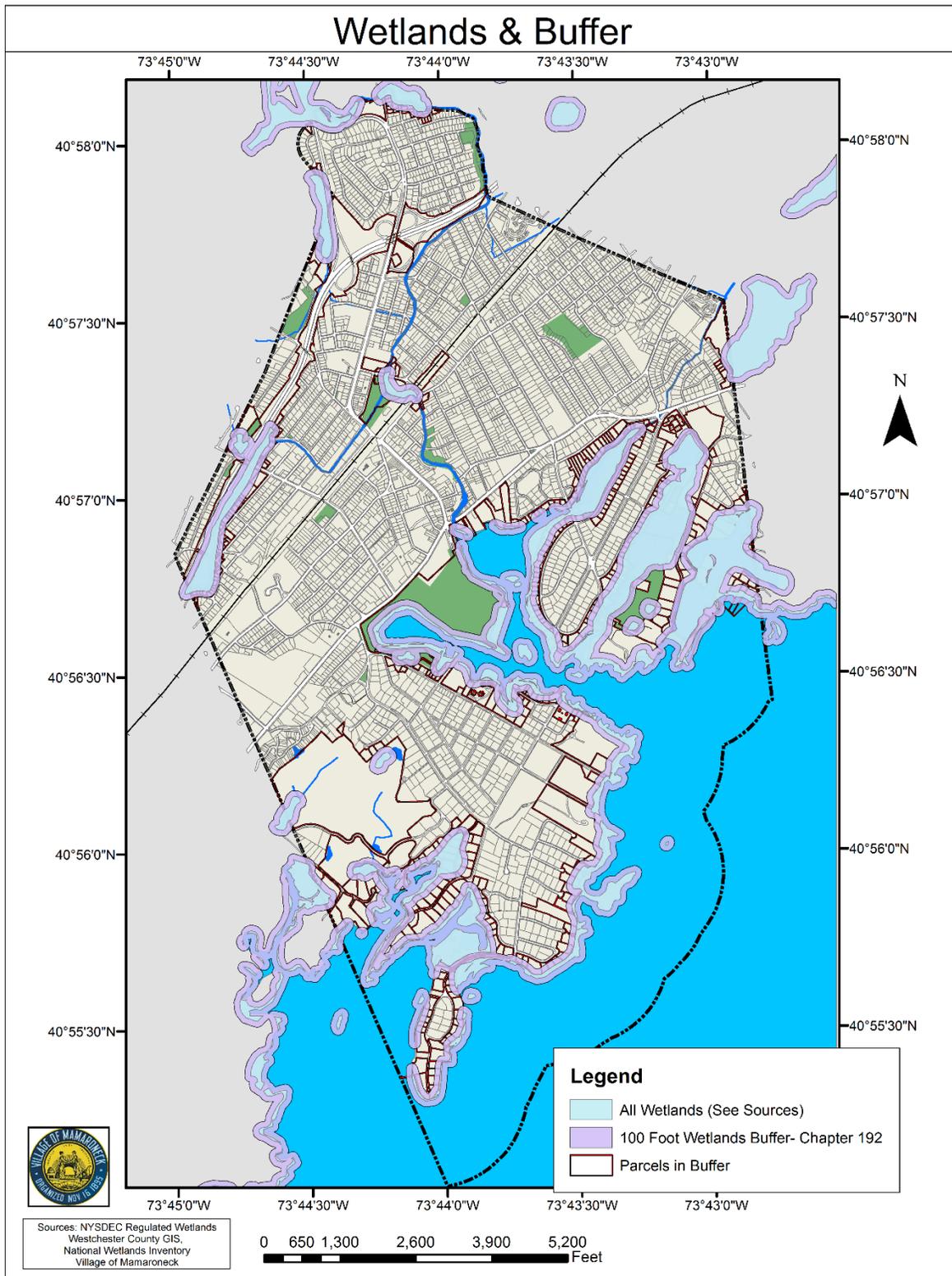


Figure 6

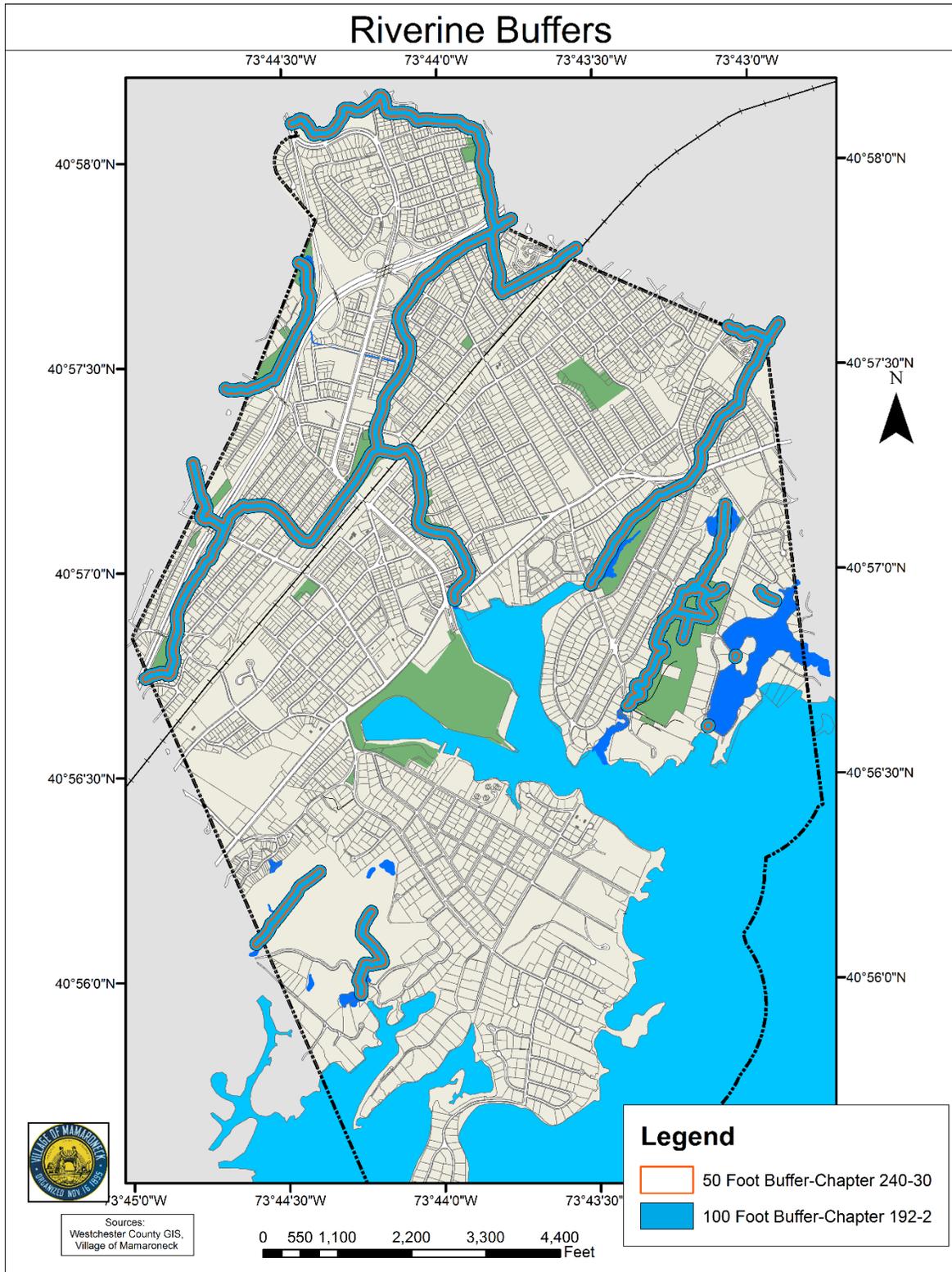


Figure 7

Tidal wetlands are both federally and state regulated. The USACE regulates tidal wetlands under Section 404 of the Clean Water Act. The State regulates tidal wetlands under the Tidal Wetlands Act (Article 25 of the Environmental Conservation Law) and its implementing regulations 6 NYCRR Part 661. For more detailed maps of wetland locations refer to the Village of Mamaroneck [geoportal](#) mapping application.

### **Water Quality**

Water quality has a major impact on the Village's water-dependent uses and recreation. Use impairments in the western portion of Long Island Sound, an area of poor circulation, include shellfishing and fishing. Seasonal hypoxia (low dissolved oxygen) in the bottom waters causes crustacean kills and finfish to avoid the area.

The Village has made some progress to protect the Harbor and its shorelines and waters. The beaches at Harbor Island Park have often been closed to the public due to elevated coliform counts. The installation of a Gunderboom (an 800 foot curtain filter) reduces floatable pollutants. After rain events Westchester County closes most area beaches as a precaution to protect public health due to high levels of contamination.

The Village operates two pump-out stations in the east and west basins of the Harbor and a pump-out boat that provides mobile service. Mamaroneck Harbor is a State-designated no-discharge zone which prohibits the discharge into the harbor of treated vessel wastes.

NYS DEC's Water Quality Standards Program assigns a letter classification to all waters in the state that denotes their best uses. Letter classes such as A, B, C and D are assigned to fresh surface waters, and SA, SB, SC I and SD to salt waters. In general, both fresh and saline surface waters with an "A" classification have the highest water quality and are suitable for drinking. As the classification proceeds to B,C,D, water quality constraints limit the potential uses of these waters.

Within the Village of Mamaroneck, the DEC has classified the following surface waters (excluding reservoirs):

- Long Island Sound, Westchester County SA
- Mamaroneck Harbor SB
- Larchmont Harbor SB
- Mamaroneck River and tributaries SC/C
- Sheldrake River and tributaries C
- Beaver Swamp Brook SC/C

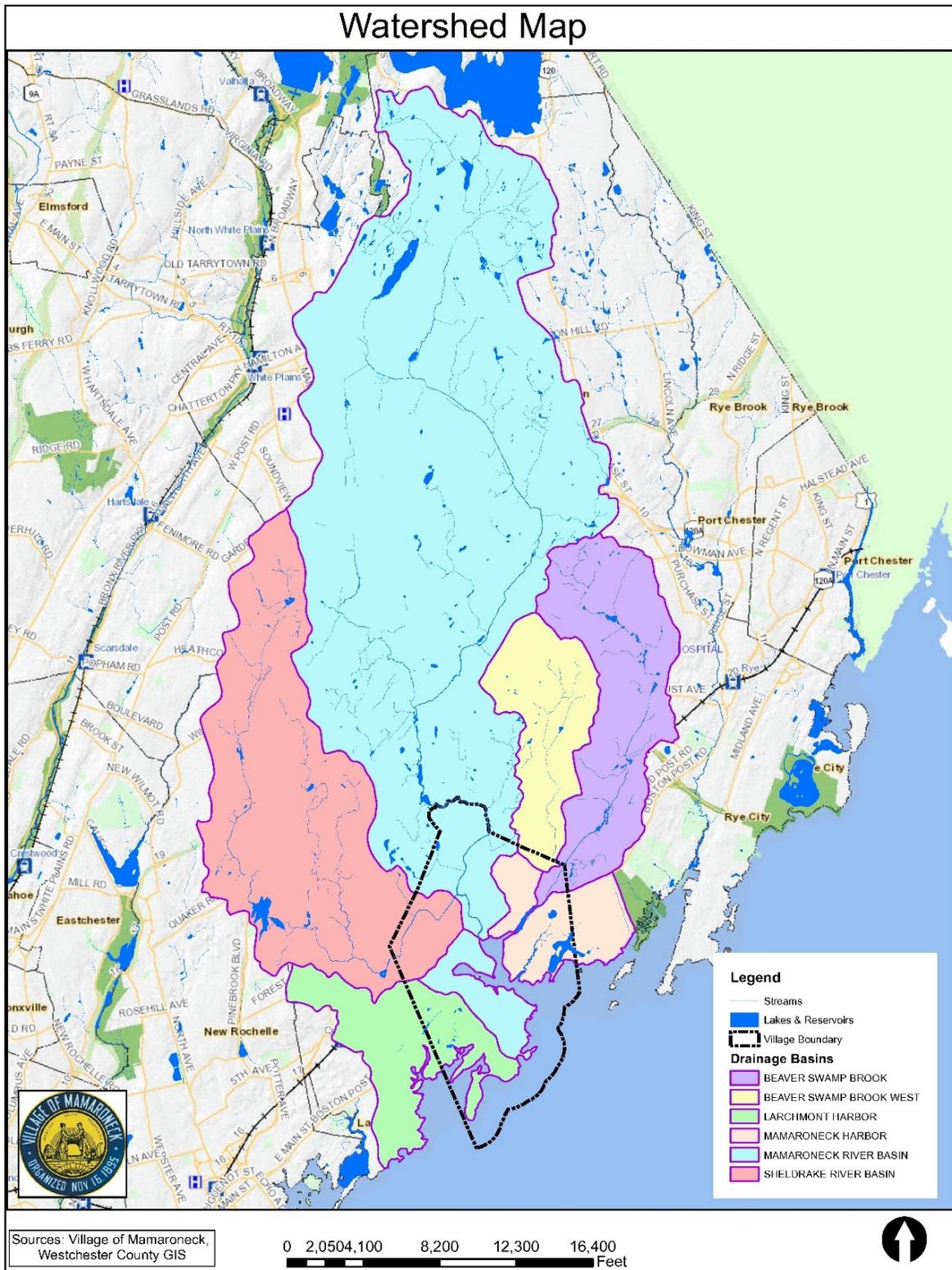


Figure 8

The classifications indicate that, in general, the best use for the waters within Mamaroneck is fishing. However, more detailed assessments have provided further guidance on the appropriate usage of the water bodies. The DEC's priority Waterbodies List provides regular, periodic assessments of the quality of the state's water resources and their ability to support specific uses. The database is used to record the most recent water quality information, characterize known or suspected water quality issues and track progress toward their resolution. Identified water bodies in Mamaroneck Village are: Long Island Sound, Mamaroneck Harbor, Larchmont Harbor, Mamaroneck River and Sheldrake River.

In January, 2001, Westchester County completed a report from a watershed advisory committee *Controlling Polluted Stormwater: A Management Plan for the Sheldrake and Mamaroneck Rivers and Mamaroneck Harbor* (WAC 4 Report), which identified water quality-impaired sites in a study area that included the Town/Village of Harrison, the Village of Mamaroneck, the Town of Mamaroneck, New Rochelle, Scarsdale and the City of White Plains. The study identified six impaired sites in the watershed area and one in Mamaroneck Harbor and outlined recommendations to address impairments (See Figure VIII).

### **Stormwater and Drainage**

A significant driver of water pollution is stormwater runoff. Land development often eliminates natural features that moderate stormwater runoff and exposes soil to erosion. Stormwater runoff carries soil and other pollutants into streams, lakes, rivers and estuaries. In severe storm events bank erosion, flooding, road washouts and flooded basements are a direct result of uncontrolled stormwater runoff. Preventing these problems requires precautions during and after land development.

In addition to stormwater runoff, a major contributor to water pollution is the illegal connection of sanitary sewers to stormwater drains which then flow directly into water bodies. In 2010 and early 2011, the EPA conducted sampling inspections at outfalls and catch basins within the Village, specifically sampling for fecal coliform and total coliform. The samplings indicated that water quality standards were exceeded at all locations, supporting evidence for a high potential of illicit sanitary connections to storm sewers. Based on the samplings, the EPA issued an administrative order in March 2011 finding that the Village failed to comply fully with the requirements of the MS 4 permit. The order requires the Village to prepare, implement and enforce a Stormwater Management Program to specifically identify and address illegal connections. See WAC 4 report for recommendations and future projects.

### **Critical Environmental Areas, Conservation Areas and Wildlife**

A Critical Environmental Area (CEA) is a State or locally designated geographic area with special or unique physical and environmental characteristics. Typically, a CEA is established by identifying fragile or threatened environmental conditions within the State Environmental Quality Review Act (SEQRA). There are seven locally designated CEAs in Mamaroneck:

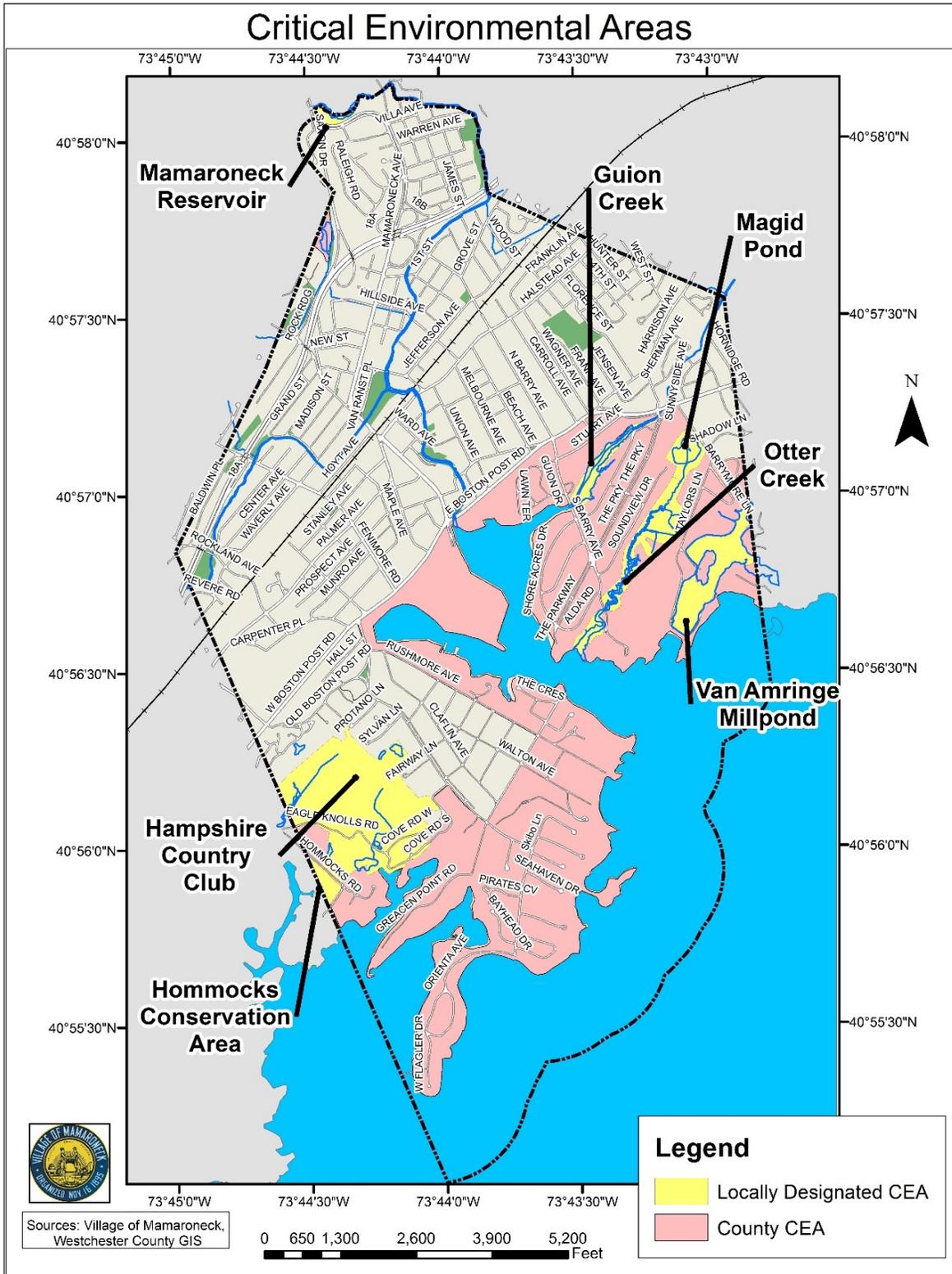


Figure 9

- Otter Creek (Tidal estuary, tidal wetlands; habitat for resident, overwintering and migratory waterfowl, birds, fish, shellfish and mammals)
- Guion Creek (Tributary stream and major tidal wetlands; habitat for resident, overwintering and migratory waterfowl and birds; open space; empties into the East Basin, Mamaroneck Harbor)
- Magid Pond (Freshwater wetlands; major habitat for resident, overwintering and migratory waterfowl and birds; open space and winter creation; concentration of wildlife)
- Van Amringe Millpond (Littoral zone; tidal wetlands; habitat for resident, overwintering and migratory waterfowl, birds, fish, shellfish; concentration of fish and waterfowl)
- Mamaroneck Reservoir (Mamaroneck portion - flood control and water quality benefits)
- Hampshire Country Club (Tidal and freshwater wetlands; open space and recreation; floodplains; highly sensitive drainage area with potential to affect the Hommocks Conservation Area)
- Hommocks Conservation Area (Mamaroneck portion - marsh, woodland, meadows; shorebird, waterfowl and upland bird nesting area; open space; environmental education; passive recreation)
- In addition, Westchester County has designated Long Island Sound and Saxon Woods County Park as County CEAs within Mamaroneck.

Development proposed in a CEA is subject to a more rigorous review than other areas. Proposed development and/or re-development wholly or partially within or substantially contiguous to a CEA requires a thorough study of potential impacts (See Figure IX).

The Village has also identified a total of 15 local Conservation and Open Space Areas which provide habitats for abundant and diverse wildlife, including several rare species (See Figure X). The local Conservation and Open Space Areas include the seven locally designated CEAs as well as the following areas:

- Delancey Cove (littoral zone and wetlands; shorebird and waterfowl concentration area)
- Greacen Point Marsh (Littoral zone and wetlands; shorebird and waterfowl concentration area)
- Shadow Island/Pops Rocks (Littoral zone, tidal wetlands and mudflats; shorebird and waterfowl overwintering habitat)
- Larchmont Harbor (portion within Village of Mamaroneck - littoral zone and wetlands; shorebird and waterfowl concentration area)
- Mamaroneck Reservoir (portion in Village of Mamaroneck - flood control and water quality benefits, waterfowl habitat adjacent to Saxon Woods)
- Rockland Avenue Thruway Pocket (Low-lying vegetated area adjacent to Sheldrake River; flood buffer; waterfowl habitat)

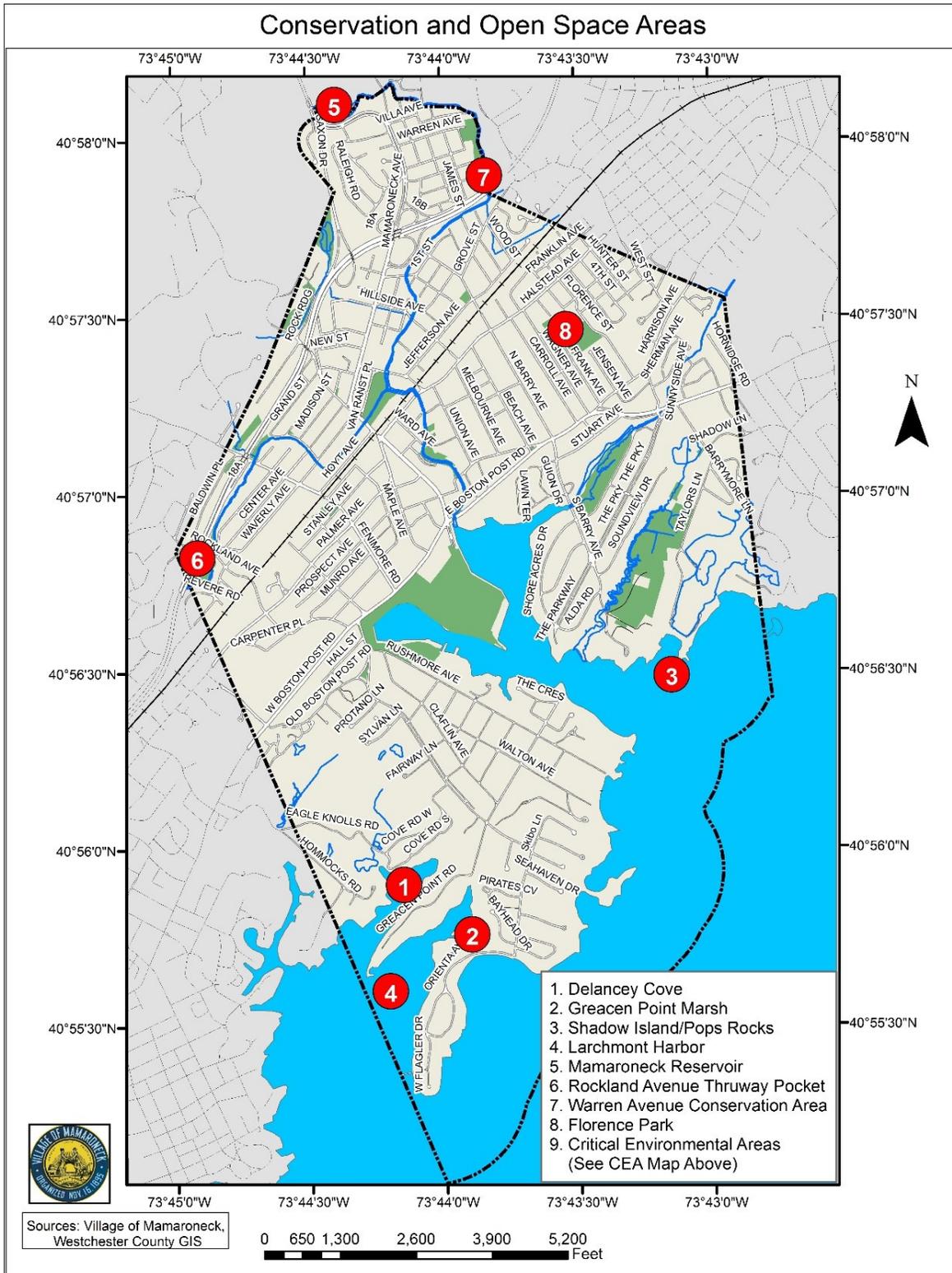


Figure 10

- Warren Avenue Conservation Area (Vegetative area buffering New England Thruway; floodway buffer)
- Florence Park (Formerly a freshwater wetland, now open grassed park developed as a recreation site)

As part of Mamaroneck's original 1984 LWRP a total of 225 species of birds were identified from 1977 to 1985 in the vicinity of Guion Creek, Magid Pond, Mamaroneck Harbor, Otter Creek and the Van Amringe Mill Pond. Some of these species are currently identified by the DEC as endangered, threatened or of special concern as follows\*:

- Least Bittern (Threatened)
- Bald Eagle (Threatened)
- Osprey (Special Concern)
- Common Tern (Threatened)
- Common Nighthawk (Special Concern)
- Vesper Sparrow (Special Concern)
- Seaside Sparrow (Special Concern)

*\*It should be noted that the 1984 LWRP classified several bird species as "vulnerable"; the DEC no longer uses this classification. Only species that fall within the current classifications of endangered, threatened or special concerned are included in the above list.*

Our locally designated significant fish and wildlife habitats are identified in the original 1984 LWRP as being considered for New York State designation. Although New York State designation has not occurred they continue to be locally designated (see Figure XI).

Information has been received by volunteer residents at the Marine Center as to what they have recently observed in the Village's waters and upland areas. The lists are not complete and may not reflect all migratory, nesting or year-round wildlife.

### **Climate Change and Sea Level Rise**

With increasing global temperatures leading to rising sea levels, coastal communities like Mamaroneck can anticipate more frequent flooding events, including a shortened 100-year flood recurrence period and greater losses from storms. As a result, general adaptation planning should be a priority for the Village's future. Potential strategies include conducting an inventory of critical infrastructure at risk of being affected by sea level rise, improving capacity for disaster recovery efforts and an aggressive approach to ease the strain on the stormwater system by reducing runoff (See Figure XII).

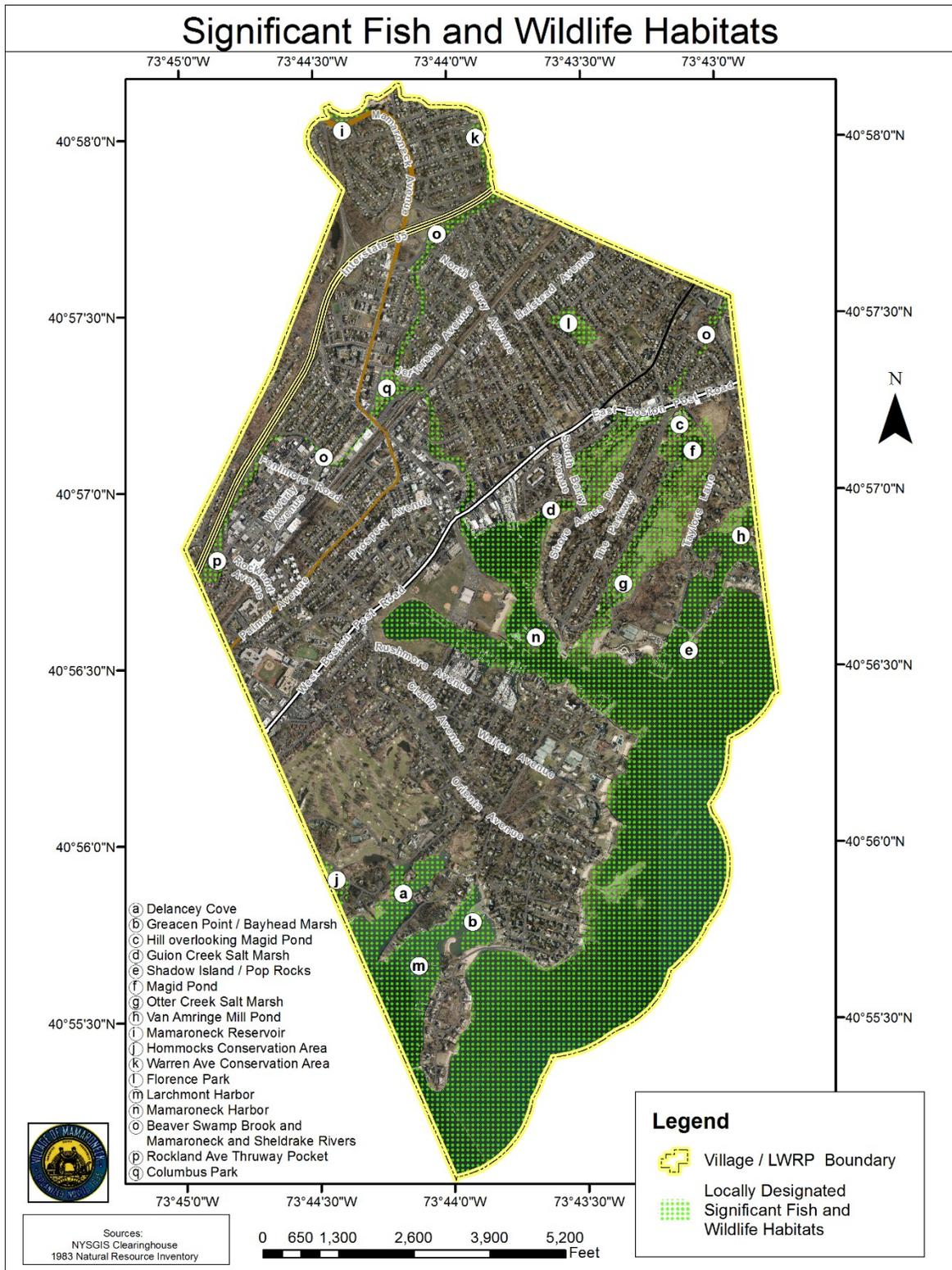


Figure 11

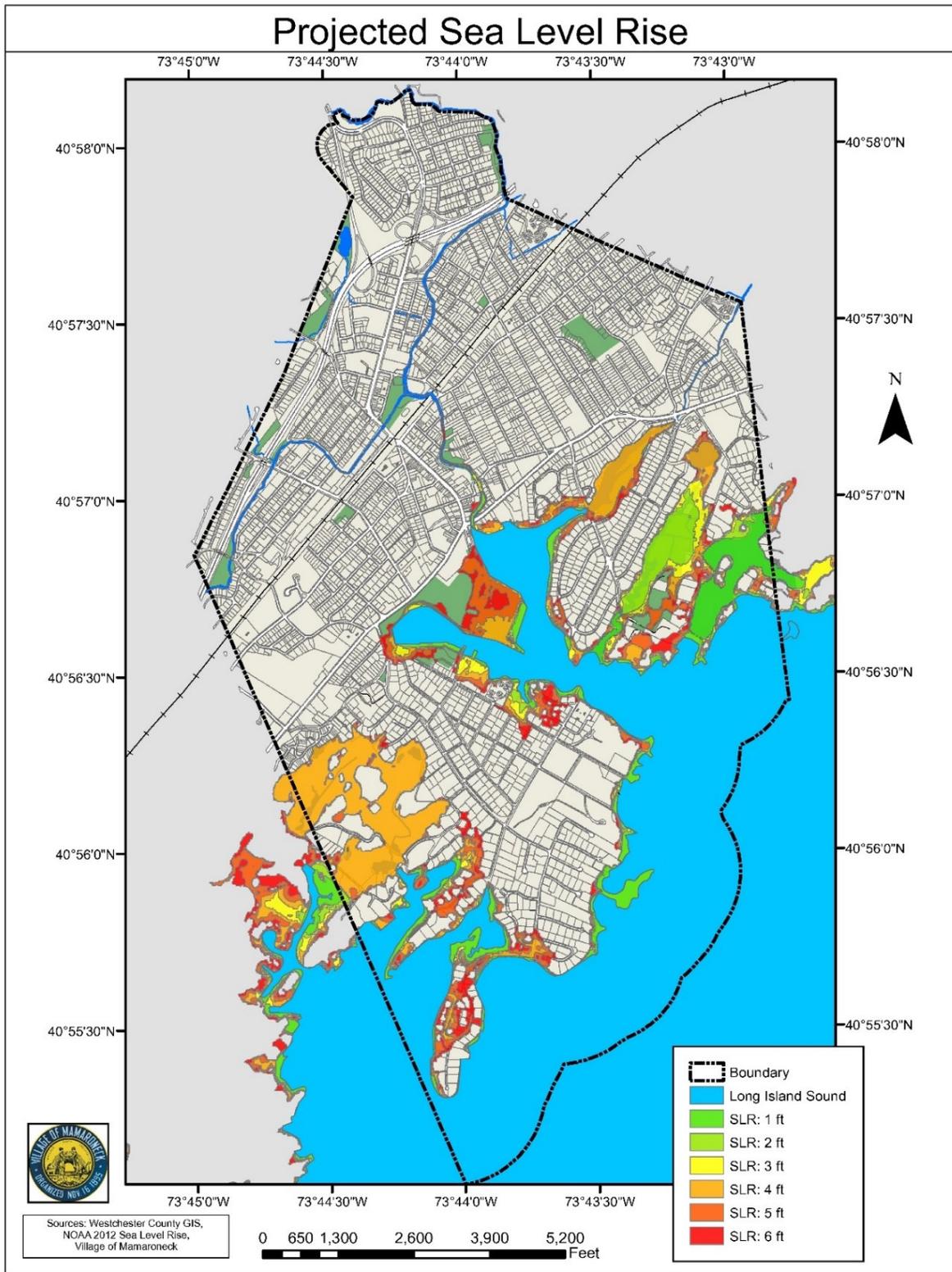


Figure 12

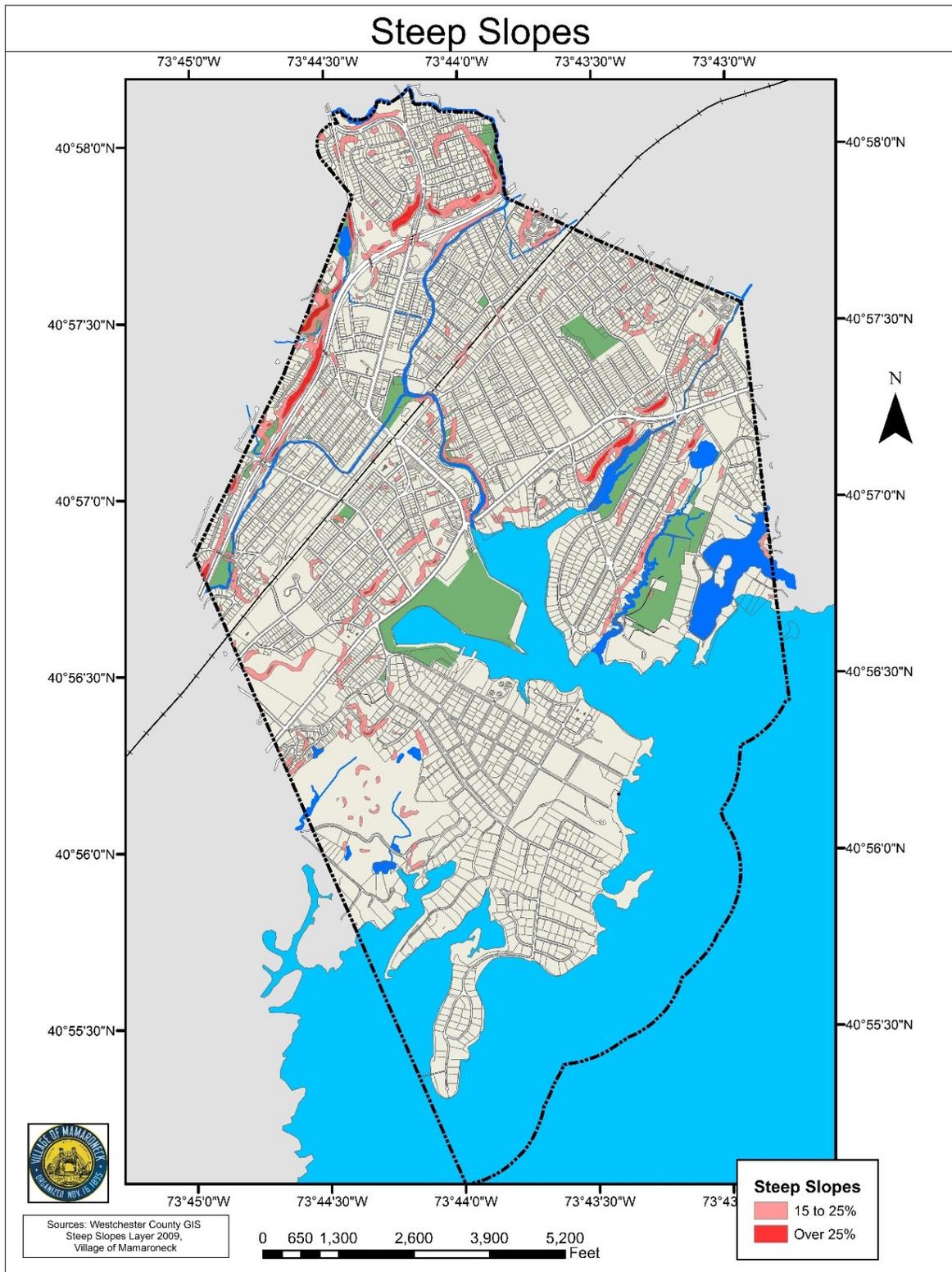


Figure 13

### **Steep Slopes**

The Village's Comprehensive Plan includes references to steep slopes. Overall, elevations throughout the Village range from sea level to a high of about 120 feet. Although most of the Village is located within low-lying floodplains that do not contain steep slopes, Westchester GIS maps illustrate Village-wide steep slopes of 15% and 25% gradients. Sloping topography typically has a greater propensity to erode and recommendations in our Comprehensive Plan include that steep slopes should be added as development constraints for the Planning Board to consider under the Village's site plan and subdivision controls (See Figure XIII).

### **Superfund Sites**

NYS DEC maintains a list and regulatory requirements of identified Superfund sites in the Village. These are areas where previous industrial uses and activities and contamination has occurred. Any development and/or re-development potential of these sites requires coordination with NYS DEC. See NYS DEC website under "[Superfund Sites](#)" for a complete list.

### **Access to the water by the public**

The public's right to gain physical and visual access to the recreational opportunities and beauty of New York's coastal resources has long been recognized. However, this right has not always been easily exercised, particularly in the Long Island Sound region. The nature of existing, as well as continuing, development can make the provision of additional coastal access and recreation facilities difficult. Visual access to the waters and shores of the Sound is often blocked by development. The basic right to use and enjoy public trust lands can be hindered by structures that limit the public's ability to reach public trust lands.

There is a finite amount of coastline and, in the Village, it is completely developed. Land uses that cannot exist without a waterfront location such as our boatyards and beach clubs are highly vulnerable to redevelopment pressures - include boatyards and beach clubs. Boatyards, with their summer dockage, winter storage and repair services provide essential services to, and need public access for, recreational boaters. Similarly, private membership clubs with their beaches and/or marinas, clubhouses, tennis course and open space provide facilities and limited public access for people seeking to enjoy Mamaroneck's waterfront.

Wise management of this tremendous resource was the major goal of our original LWRP and continues to be a major goal so that the Village of Mamaroneck's character as a maritime center can be preserved and promoted.

Recreational access to Long Island Sound is available through: 1) municipal parkland, beach and marina; 2) commercial boatyards; and 3) private access through membership clubs. Municipal docks accommodate mostly power boats on the smaller side but the park offers tremendous passive waterfront access and the Harbor Island Beach is the largest in the Village. Clubs offer a limited number of facilities for a wider variety of watercraft as well as swimming and water-

enhanced sports and social amenities. Commercial boatyards offer the most boating facilities to the greatest number of people, accommodating the widest variety of watercraft on a year-round basis as well as being the sole source of essential support services.

Action should be continued in order to protect the marine economy and the present level of public access, attempt to increase access by the public, ensure the future vitality of the harbor and maximize the Village's coastal assets and opportunities. In the years since the original LWRP was enacted there has been an increasing interest in passive waterfront recreation including but not limited to: kayaking, bird watching, canoeing, windsurfing, paddle boarding and fishing.

Overall long-range harbor preservation and enhancement should include provision for: maintenance dredging, preservation of sea walls, public access, access to anchorage areas, compatible recreation programs, environmental concerns, the County Sewage Treatment Plant, compatible adjacent parks and waterfront access, expanded marine facilities, transient docking facilities, breakwaters, fishing wharfs and pump-out facilities.

Harbor Island Park is a 44-acre park that includes a 700-foot beach, marina with boat launch, docks and fishing floats, tennis courts, picnic tables, showers/restrooms and ballfields. The Westchester county Wastewater Treatment Plant is located on a 4.3 acre parcel of land at the main entrance to the park.

In addition to Harbor Island, the Village has 14 other parks. While Harbor Island Park serves more than 100,000 visitors each year (both resident and non-resident), the smaller parks tend to serve local neighborhoods or schools.

While Mamaroneck has significant public access to the harbor via Harbor Island Park, as well as limited public access with the various waterfront clubs, access to the Village's rivers and streams is extremely limited. Currently, riverine public access is limited to sections of the Sheldrake River in the industrial area, Columbus Park, the Gedney Pond Stream, the Guion Creek Nature Trail and Otter Creek Preserve. Much of the Mamaroneck and Sheldrake Rivers and the Gedney Pond Stream is not publicly accessible nor is Magid Pond which has been identified as a local Conservation and Open Space Area and a Critical Environmental Area. Much of the land bordering the rivers and other waterways and water bodies is privately owned and therefore unavailable for public open space and recreational use. However, opportunities for expanding public access along these waterways may be found and should be actively pursued.

### **Maritime Center**

Maritime centers are identified to enable better protection of existing water-dependent uses, to foster the development of new water-dependent uses in appropriate locations where growth opportunities exist, to protect and ensure the wise use of underutilized commercial

waterfront land that is suitable for water-dependent uses and to ensure the efficient and effective operation of water-dependent uses.

A maritime center is defined as:

A discrete portion or area of a harbor or bay that is developed with, and contains concentrations of, water-dependent commercial and industrial uses or essential support facilities. The harbor or bay area is a center for waterborne commerce, recreation, or other water-dependent business activity, making it an important component of the regional transportation system.

Mamaroneck Harbor is one of the 10 maritime centers identified along the Long Island Sound coast. These areas are the most suitable and appropriate locations for the expansion of existing or the development of new water-dependent commercial and industrial areas.

# **SECTION III**

## **POLICIES**

**For purposes of these 44 policies: (1) references to “coastal” areas in the LWRP mean all land within the Village, and not just land immediately adjacent to Long Island Sound and its harbors, (2) references to “waters” and “waterways” includes all waters within the Village, including rivers, streams, brooks and ponds, in addition to Long Island Sound, and (3) references to “waterfronts” include property fronting on all waters and waterways in the Village.**

## **DEVELOPMENT POLICIES**

### **POLICY 1**

**Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational and other compatible uses.**

#### Explanation:

It must be recognized that revitalization and protection of coastal areas are among the most effective means of encouraging and preserving the unique quality of life and economic growth in the State and Village.

In responding to, evaluating and applying this policy with respect to actions undertaken with respect to deteriorated and underutilized waterfront areas, several other policies as well as earlier sections of the LWRP are to be considered: (1) Uses requiring a location abutting the waterfront (water dependent uses) must be given priority over water enhanced uses or other uses in any redevelopment effort (See Policy 2); (2) an action should enhance existing and anticipated uses and lead to development which is compatible with the character of the area; with consideration given to scale, architectural style, density, surrounding uses and scenic vistas (See Policy 24 & 25), intensity of use and burden on infrastructure; (3) the action should have the potential to improve the existing economic base of the community without adversely impacting the quality of Village neighborhoods. (4) the action should improve adjacent and upland views of the water and views from the water and the surrounding area; and, at a minimum, must not adversely affect these views in an insensitive manner; and (5) the action should have the potential to improve the potential for multiple water-dependent uses of the site.

While the Village of Mamaroneck has few areas which are underutilized and deteriorated and because the Village is long established and aging, actions with respect to re-development of existing properties are likely to occur in the future. It is recognized that the Village's infrastructure (sanitary, stormwater, etc.) is aged and has

limited capacity; therefore, development (and re-development) shall only be undertaken in a manner that does not overburden these systems and provides for improvements to them as necessary.

As described in the Inventory and Analysis Section, the Long Island Sound waterfront area in the Village is generally well utilized and maintained with a mix of residential, recreational and marine recreational and membership clubs and maritime-related commercial uses. The Village's waterfront revitalization efforts will focus on maintaining vibrant and active marine recreational and marine commercial districts and fostering the expansion of water-dependent recreational uses wherever possible, including in connection with any proposed re-development projects. The Village's proactive waterfront redevelopment or revitalization efforts should be focused on the following areas:

- 1) Rye Town Dock
- 2) Stabilizing and revitalizing the jetty and southwest end of Harbor Island
- 3) Riverine and/or industrial areas opening up river access for passive and active use by the public
- 4) The provision of increased access to the shorelines as set forth in the Village's Comprehensive Plan, and
- 5) The preservation and enhancement of the low-rise/low-density Village character of the community with views to and from the water

## **POLICY 2**

### **Facilitate the siting of water dependent uses and facilities on or adjacent to coastal waters.**

#### Explanation:

There is a finite amount of waterfront property in the Village suitable for development. Consequently, while the demand for any given piece of property will fluctuate in response to varying economic and social conditions, the expectation is that long-term demand for waterfront property will intensify, including from non water-dependent uses. (See Policy 4)

The traditional method of land allocation, i.e., the real estate market, with or without local land use controls, offers little assurance that waterfront property will in fact (a) be used for uses which require waterfront sites and (b) provide access for the public to the coastal waters and water-dependent uses. To ensure that such water dependent uses can continue to be accommodated and/or expanded, agencies shall avoid undertaking, funding, or approving non-water dependent uses when such uses would preempt the

reasonably foreseeable development of water dependent uses; furthermore, Village, State and Federal agencies will utilize appropriate existing programs to encourage water dependent activities.

The Village enjoys a unique maritime identity which is derived from its excellent harbors and the waterfront and related activities, including passive and active access by the public and water dependent commercial activity. The attractiveness of Mamaroneck and Larchmont Harbors is dependent upon not only their geographical location but also upon the availability of these Harbors to the public, through parks and other municipally owned properties, membership clubs, neighborhood associations and the working commercial marine facilities (with their full-service commercial marine facilities available to recreational boaters using Western Long Island Sound) located directly on Mamaroneck Harbor. The vibrancy of the Harbors benefit the Village by contributing to its economy and character.

A water dependent use is an activity which can only be conducted on, in, over or adjacent to a water body because such activity requires direct access to that water body, and which involves, as an integral part of such activity, the use of the water. The following uses and facilities are among those considered as water dependent:

- 1) Uses which depend on the utilization of resources found in coastal waters (for example: fishing, mining of sand and gravel, aqua-culture activities);
- 2) Recreational activities which depend on access to coastal waters (for example: swimming, fishing, boating, kayaking, wildlife viewing);
- 3) Flood and erosion protection structures (for example: breakwaters, bulkheads, riprap and seawalls); and,
- 4) Facilities needed to store and service boats and ships (for example: marinas, boat repair, and boat construction yards) and primarily fall into recreational and commercial uses as further defined below:

Recreational uses: including but not limited to in-water and on-land storage (summer and winter and includes dry and wet storage as well as rack storage), wash down areas, service boats, boatyards, marinas, individual and group docking facilities, boat service and repair, engine service and repair, ships store, pumpout operations from boat and holding tanks, waste oil collection and parking for recreational activities.

Commercial uses: including but are not limited to the recreational uses listed above, fishing operations, dock and mooring servicing, repair and building operations, boat building, maintenance and repair, boat cleaning, bait stations, retail and wholesale marine related businesses such as boat and engine sales, brokerage, insurance, ships store, sail and canvas shops, makers, boater

assistance and rescue operations, sale of fuel for boats and parking lots for permitted activities.

- 5) Scientific/educational activities which, by their nature, require access to coastal waters (for example: certain meteorological and oceanographic activities); and
- 6) Support facilities which are necessary for the successful functioning of permitted water-dependent uses (for example: parking lots, snack bars/restaurants, 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, those uses which are enhanced by a waterfront location should be encouraged to locate along the shore, though not at the expense of existing or reasonably expected future water dependent uses. A water-enhanced use is defined as a use or activity that does not require a location adjacent to or over coastal waters, but whose location on land adjacent to the shore adds to the public use and enjoyment of the water's edge. Water-enhanced uses are primarily recreational, cultural, retail, or entertainment uses. A restaurant which uses good site design to take advantage of a waterfront views is an example of a water-enhanced use. Other uses that derive benefit from a waterfront location, such as low-rise residential uses in traditional areas of low-rise residences, should be allowed in appropriate locations with demonstrated compliance with Chapter 186, Flood Damage Prevention. High rise structures that are not water-dependent are inappropriate along coastal waters if they have high profiles that significantly alter scenic vistas or create visual blockage walls.

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.

### **POLICY 3 Not Applicable**

### **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 their unique maritime identity.**

Explanation:

The Village of Mamaroneck is widely known for its waterfront recreational facilities (public parks, marinas, boatyards, membership clubs, and neighborhood associations) and is recognized as a maritime center of exceptional boating facilities and an abundance of marine-related retail businesses. The Village is home to approximately 2,000 boats, five boatyards, one commercial shipbuilding/repairing facility, one public marina, five yacht, beach and/or golf clubs, three mooring contractors, seven neighborhood associations with water access, one public and one private launching ramp, a boat-and-bait fishing station, a Coast Guard Auxiliary station, and numerous marine retail businesses. In 1984, marine activity contributions to the local economy were estimated at more than \$18 million annually. The recreational industry accounts for several hundred year-round jobs. Mamaroneck Harbor has been designated as a Maritime Center by NYS Department of State.

The continued health of the recreational economy is largely contingent upon implementation of Policies 1 and 2. Development and enhancement of the Village's maritime uses and activities can only be accomplished if local land use controls are implemented to prevent the displacement of water-dependent uses by water-enhanced uses. In general, the marine recreational industry should be encouraged and water-dependent uses (public, club, and commercial marine) should be promoted.

It is recognized that the waterfront of the Village of Mamaroneck is an asset which gives the Village its character and value - and that this is a fragile asset vulnerable to destruction by increasing pressures for re-development. Such pressures can result in the elimination of water-dependent uses and that result would be inconsistent with the policies of this program.

Maintaining safe navigation for the boats of today and tomorrow requires both maintenance and new dredging of the Federal channels, fairways, anchorage areas (Federal and non-Federal), docking facilities and marinas. Dredging is also needed for navigational and stormwater controls of our rivers, streams, creeks, retention ponds and brooks. It is the policy of the Village to encourage and promote environmentally safe dredging and relocation of the dredged materials upland, where possible, as well as within Long Island Sound (see Policy 35). It is further recommended that where feasible and practical to encourage those who need to dredge to undertake such activities on a wider and coordinated basis with other property owners.

The Harbor Management Plan should be an integral tool to implementing these policies, the long-term operations of the Village waterways, including the safe passage of vessels, maintenance of public facilities, regulations of future development of the harbor and planning for dredging. The plan should be periodically updated by the Harbor & Coastal Zone Management Commission in conjunction with the Harbormaster, the working marine industry, the public and other stakeholders.

The following guidelines shall be used in determining consistency:

- 1) The action shall give priority to those traditional and/or desired water uses which are dependent on a location adjacent to the water.
- 2) When no water-dependent uses exist or are reasonably anticipated, traditional and/or desired water-enhanced uses are given priority over other uses.
- 3) The action will enhance or not detract from or adversely affect existing traditional and/or desired anticipated uses.
- 4) 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. Of particular importance is creating and/or maintaining low profile structures in order to retain or enhance view corridors. An exception is for marine dependent structures necessary for water-dependent uses.
- 5) 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.
- 6) 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.
- 7) The action will not detract from views of the water and smaller harbor area, particularly where the visual quality of the area is an important component of the area's appeal and identity (See Policy 25).
- 8) In applying the above guidelines, the information in the Village's Harbor Management Plan developed pursuant to Article 42 of the NYS Executive Law and local laws that would implement it shall be considered.

## **POLICY 5**

**Encourage the location of development in areas where public services and facilities essential to such development are adequate.**

Explanation:

Most of the Village is already developed so typically re-development will be the challenge and particularly re-development proposals that will increase the density of use.

Our municipal infrastructure is aged and in great need of rehabilitation. Water, sewer, and storm drain lines are all degraded. The severity of the degradation of these systems was not recognized in the original LWRP. Streets are narrow and can become

bottlenecks with truck traffic or increased vehicular movement. Movement of emergency apparatus during storms can be compromised by street and bridge access flooding.

The working marine industry requires winter and summer storage of boats on land but coastal lands are at very low elevations. Raising these lands in a manner that does not cause significant adverse impacts to adjacent properties is allowed for the safe storage of boats.

Building and covered shelters for the purpose of serving the marine industry may be acceptable for scenic vista purposes depending upon the circumstances.

Proposed redevelopment must consider the cumulative impact when implementing coastal policies.

## **POLICY 6**

**Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.**

Explanation:

When development activities in the Village’s coastal area involve New York State, Federal or State agencies will make every effort to coordinate their permit procedures and regulatory programs with those of the Village of Mamaroneck as well as with other involved State and Federal agencies. A similar effort for the coordination of Village agency permits and procedures should be pursued.

## **FISH AND WILDLIFE POLICIES**

### **POLICY 7**

**Significant coastal fish and wildlife habitats will be protected, preserved, and where practical, restored so as to maintain their viability as habitats.**

Explanation:

The Long Island Sound ecosystem consists of physical (non-living) components, biological (living) components, and their interactions. In the Summer of 1987, three years after the adoption of the Village of Mamaroneck LWRP, the Sound's ecosystem collapsed due to hypoxia as documented in Tom Andersen's book "A Fine Piece of

Water”. In the three decades since, some ecosystems have recovered more than others, with additional work required at all levels.

Certain natural resources that are important for their contribution to the quality and biological diversity of the Sound ecosystem have been specifically identified by the State for protection. There are no State-designated Significant Coastal Fish and Wildlife Habitats in Mamaroneck.

Certain habitats are particularly critical to the maintenance of a given population and therefore merit special protection. Such habitats exhibit one or more of the following characteristics:

- 1) They are essential to the survival of a large portion of a particular fish or wildlife population (e.g. feeding grounds, nursery areas, wetlands both saltwater and freshwater together with adjacent open areas);
- 2) They support populations of rare, endangered, and threatened species;
- 3) They are found at a very low frequency within a coastal region and/or are on a migratory path;
- 4) They support fish and wildlife populations having significant commercial and/or recreational and/or educational value; and
- 5) They would be difficult or impossible to replace.

State-wide designation of habitats has not yet been finalized. When designations are finalized, this Program is updated by reference to include these designations. The locally identified/designated significant fish and wildlife habitats merit and afford the same protections as the state designated significant fish and wildlife habitats.

## **POLICY 7a**

**The following areas are specifically identified as significant fish and wildlife habitats; and they will be protected, preserved, and where practical, restored so as to maintain their viability as habitats.**

### **a. Delancey Cove**

Delancey Cove is located south of Cove Road, and is designated as a local Conservation and Open Space Area. The Cove features littoral zone and wetland area, which supports shorebird and waterfowl populations.

**b. Greacen Point/Bayhead Marsh areas**

The Greacen Point/Bayhead Marsh areas are located east of Greacen Point Road, and is designated as local Conservation and Open Space Area. The marsh areas feature littoral zone and wetland area, which supports shorebird and waterfowl populations.

**c. The Hill overlooking Magid Pond**

Magid Pond is located west of Taylor Lane at the north end of Otter Creek. The five-acre pond is a Class I NYSDEC regulated freshwater wetland that provides habitat for resident, overwintering and migratory waterfowl and bird populations. The pond is a locally designated CEA and designated local Conservation and Open Space Area. The hill provides suitable habitat for the same populations.

**d. Guion Creek Salt Marsh**

Guion Creek Salt Marsh is located northeast of the East Basin of Mamaroneck Harbor, and west of Shore Acres Drive. Beaver Swamp Brook drains into Guion Creek and discharges to Mamaroneck Harbor. The 11-acre salt marsh is a locally designated CEA and designated local Conservation and Open Space Area. The salt marsh is comprised of tributary stream area and major tidal wetlands, and serves as a habitat for resident, overwintering and migratory waterfowl and birds. It is also home to the Guion Creek Nature Trail.

**e. Shadow Island/Pops Rocks**

Shadow Island/Pops Rocks is located southeast of Taylors Lane in Mamaroneck Harbor. The island features littoral zone, tidal wetlands and mudflats, and supports shorebird and waterfowl overwintering habitat. The Island is also designated local Conservation and Open Space Area.

**f. Magid Pond**

Magid Pond is located west of Taylor Lane at the north end of Otter Creek. The five-acre pond is a Class I NYSDEC regulated freshwater wetland that provides habitat for resident, overwintering and migratory waterfowl and bird populations. The pond is a locally designated CEA and designated local Conservation and Open Space Area.

**g. Otter Creek Salt Marsh**

The Otter Creek Salt Marsh is located between Soundview Drive and Taylors Lane. The 42-acre marsh features tidal estuary and wetland area, and is a habitat for resident, overwintering and migratory waterfowl, and birds, fish, shellfish and mammals. The

marsh is a locally designated CEA and is designated local Conservation and Open Space Area. It is also home to the Otter Creek Nature Preserve.

**h. Van Amringe Mill Pond**

Van Amringe Mill Pond is located east of Taylors Lane, and features littoral zone and tidal wetland areas that support habitat for resident, overwintering and migratory waterfowl, and birds, fish, shellfish. The 25-acre area is a locally designated CEA and is designated local Conservation and Open Space Area.

**i. Mamaroneck Reservoir**

Mamaroneck Reservoir (the portion in Village of Mamaroneck) is located north of Mamaroneck Avenue in the northern portion of the Village. The 3.5-acre area is used for flood control and water quality benefits, and supports waterfowl habitat. The reservoir is a locally designated CEA and designated local Conservation and Open Space Area.

**j. Hommocks Conservation Area**

Hommocks Conservation Area (Village of Mamaroneck portion) is located along Hommocks Road, and immediately south of the Hampshire Country Club. The area is comprised of marsh, woodland, and meadows, and supports shorebird, waterfowl and upland bird nesting area. The area is a locally designated CEA and designated local Conservation and Open Space Area.

**k. Warren Avenue Conservation Area**

The Warren Avenue Conservation Area is located between West and Arlington Streets, north of the New England Thruway. The area provides vegetative buffering between the New England Thruway and nearby residences, and serves as a floodway buffer to Mamaroneck River. The area is also designated local Conservation and Open Space Area.

**l. Florence Park**

Florence Park is located west of Florence Street, and is a former freshwater wetland that has been developed in to a park featuring recreation and open grassland area. The area is 8.9 ac. is also designated local Conservation and Open Space Area.

**m. Larchmont Harbor**

The Larchmont Harbor (the portion located within the Village) is characterized by littoral zone and wetlands that support shorebird and waterfowl populations. The area is also designated as local Conservation and Open Space Area.

**n. Mamaroneck Harbor**

The Village has approximately 9 miles of coastline along the Sound, all developed, and the centerpiece is Mamaroneck Harbor. Mamaroneck harbor is delineated into several distinct areas, including Outer Harbor, Van Amringe Point, Orienta Point and several other coves and bays. The entrance channel area extends from the outer harbor northward to the intersection of the two channels leading to the east and west basins, at Shore Acres Point. The east basin is bounded by Harbor Island Park to the west, a marine commercial area to the north and the residential neighborhoods of Harborlawn and Shore Acres to the east. The west basin is bounded by Harbor Island Park to the east, north and northeast; and several boatyards and the Orienta residential neighborhood to the southwest. The Harbor is home to shorebird and waterfowl populations and fish, shellfish and mammals.

**o. Mamaroneck, Sheldrake and Blind Brook Rivers**

Approximately 2.25 miles of the Mamaroneck River and 1.15 miles of the Sheldrake River run through the Village before draining into Mamaroneck Harbor, and about 1.38 square miles of the Village are in the Mamaroneck River watershed. Upland watershed watercourses that drain through Mamaroneck and empty into Long Island Sound often carry high amounts of nutrients and pollutants as a result of inland and coastal development and land uses. The degradation of habitat has had direct and indirect impacts on Mamaroneck's and the regional economy and quality of life. Health advisories warn against eating too much Long Island sound fish and shellfish, the size of commercial and recreational fish catches has diminished over the past several years, and beaches suffer closures due to pathogen contamination and other pollutants.

**p. Rockland Avenue Thruway Pocket**

The Rockland Avenue Thruway Pocket is located south of Rockland Avenue, east of the New England Thruway. The area is a low-lying vegetated area adjacent to Sheldrake River, which provides a flood buffer and is home to waterfowl habitat. The area is also designated as local Conservation and Open Space Area.

**q. Columbus Park wetland**

The Columbus Park wetland is located west of the Mamaroneck Metro North Railroad Train Station. The Sheldrake and Mamaroneck Rivers meet at the six-acre park and drain into Mamaroneck Harbor.

**Explanation:**

In order to protect and preserve these significant habitats, land and water uses or development shall be undertaken only if such actions are consistent to the maximum extent practicable with the intent and purpose of this policy. When the action significantly reduces a vital resource (e.g., food, shelter, living space) or changes environmental conditions (e.g., temperature, substrate, salinity) beyond the tolerance range of an organism, then the action would be considered to significantly impair the habitat. Indicators of a significantly impaired habitat may include: reduced carrying capacity, changes in community structure (food chain relationships, species diversity), reduced productivity and/or increased incidence of disease and mortality.

The range of physical, biological and chemical parameters which should be considered include:

- 1) Physical parameters such as living space, circulation, flushing rates, tidal amplitude, turbidity, water temperature, depth (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, behavioral patterns, and migratory patterns; and
- 3) Chemical parameters such as dissolved oxygen, carbon dioxide, ph, dissolved solids, nutrients, organics, salinity, pollutants.

When a proposed action is likely to alter any of the biological, physical or chemical parameters as described above beyond the tolerance range of the organisms occupying the habitat, the viability of the habitat has been significantly impaired or destroyed. Such action, therefore, would be inconsistent with the above policy.

**POLICY 8**

**Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which bioaccumulate in the food chain or which cause significant sublethal or lethal effect on those resources.**

Explanation:

The handling of hazardous wastes is regulated by State law, and those regulations are considered adequate for the purposes of this policy. However, other pollutants are of local concern, including conventional wastes (especially sewage), oil fuel, herbicides, pesticides, swimming pool disinfectants – from both point and non-point sources. Other pollutants are those conventional wastes, generated from point and non-point sources, and not identified as hazardous wastes but controlled through other State laws. Both intentional dumping of pollutants into rivers and catch basins as well as pollutant-carrying stormwater runoff generated by new development can be harmful to fish and wildlife resources and rare ecological communities, and such actions should be prevented.

**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.**

Explanation:

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

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 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.

**POLICY 10**

**Further develop commercial finfish, shellfish and crustacean resources in the coastal area by encouraging the construction of new, or improvement of existing on-shore commercial fishing facilities, increasing marketing of the State's seafood products, maintaining adequate stocks, and expanding aquaculture facilities.**

Explanation:

Since reaching a nadir after the 1987 hypoxia collapse, commercial finfishing and lobstering continue to exist on a small scale as in 1984.

Commercial finfishing and lobstering on a small scale are not incompatible with the traditional recreational uses of Mamaroneck Harbor when in conformance with the Village Harbor Management Plan except when lobster pots, placed in channels, fairways and anchorage areas, jeopardize the safe passage and mooring of vessels. On-shore facilities which promote commercial fishing and lobstering are a desirable use where appropriate standards are met, and they should be promoted and enhanced.

Atlantic jackknife clam (*Ensis directus*), softshell clam (*Mya arenaria*), and hard clam (*Mercenaria mercenaria*) are associated with the shoal areas located along the north side of Harbor Island Park. However, consumption of these species is not recommended due to contaminated sediments, and all shellfish beds are currently closed. Promote managed harvest of shellfish originating from uncertified waters. Allow for harvest of shellfish from uncertified waters, provided shellfish sanitation protocols are adhered to for protection of public health. Limit environmental disturbance of the harvest area by using the scale or method of shellfish harvesting operations that is most appropriate to the resource and the physical characteristics of the harvest area. Allow sufficient shellfish spawning stock to remain in the harvest area to maintain the resource while reducing the likelihood of illegal harvesting. Promote hand-harvesting of stock for depuration and for relays by nearshore harvesters.

**FLOODING & EROSION HAZARDS POLICIES**

**POLICY 11**

**Buildings and other structures will be sited in the coastal area so as to minimize damage to property, and the endangering of human lives caused by flooding and erosion.**

Explanation:

Local, State, and Federal laws regulate the siting of buildings in coastal erosion hazard areas, coastal high hazard areas, floodplains and floodways. On coastal lands identified as Coastal Erosion Hazard Areas, buildings and similar structures shall be set back from the shoreline a distance sufficient to minimize damage from erosion unless no reasonable prudent alternative site is available as in the case of water-dependent uses such as piers, docks and other structures necessary to gain access to coastal waters to be able to function.

Development and redevelopment in these hazard areas need to be managed to reduce exposure to hazards. Hardening of the shoreline is to be avoided except when alternative means, such as soft engineering alternatives, are not effective.

Most of the shoreline has been "hardened" and historically have provided necessary protection for the adjacent upland and associated structures. This policy allows maintaining, replacing and rebuilding shoreline protection features as they exist with specific attention to areas subject to exposed and/or high energy waves, high velocity currents and other erosive conditions as well as the working waterfront. Sheltered shorelines such as but not limited to Otter Creek and Guion Creek should utilize more appropriate protection features such as natural wetland grasses.

In coastal lands identified as being subject to high velocity waters caused by hurricane or other storm wave wash – a coastal high hazard area – walled and roofed building or fuel storage tanks shall be sited landward of mean high tide and in accordance with applicable regulations.

In evaluating any action, the following management measures should be used in evaluating any action:

- 1) avoid development other than water-dependent uses in coastal hazard areas;
- 2) locate or move development and structures as far away from hazards as practicable;
- 3) enhance existing natural protective features and processes, and use vegetative and other nonstructural measures which have a reasonable probability of managing erosion, based on shoreline characteristics, including exposure, geometry and sediment composition for non-water dependent uses;
- 4) use hard structural erosion protection measures for control of erosion only where the above measures are not sufficient to protect the principal use, or the use is water-dependent or reinforces the role of a maritime center or a waterfront redevelopment area. Preference is to be given in the following order: non-mortared riprap on batter sized for the site, vertical stone walls, concrete walls and bulkheads.
- 5) consider sea level rise when siting and designing projects involving substantial public expenditures.
- 6) manage development in floodplains outside of coastal hazard areas so as to avoid adverse environmental effects, to minimize the need for structural flood protection measures, and to meet Village and State floodplain regulations, and Federal flood insurance program standards.

Where human lives and/or property may be endangered by major coastal storms or riverine flooding, all necessary emergency preparedness measures should be taken including disaster preparedness-planning.

## **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.**

### Explanation:

Natural protective features (including wetlands, floodplains, trees, beaches, and offshore islands) help safeguard coastal lands and property from damage, as well as reduce danger to human life, resulting from flooding and erosion. Improperly designed structures or alterations, inadequate site planning, or other similar actions which fail to recognize their fragile nature and high protective values, lead to the weakening or destruction of those landforms.

Maximize the protective capabilities of natural protective features by: avoiding alteration or interference with shorelines, including riverbanks, in a natural condition; enhancing existing natural protective features; restoring impaired natural protective features; and managing activities to minimize interference with, limit damage to, or reverse damage which has diminished the protective capacities of the natural shoreline.

Activities or development in, or in proximity to, natural protective features must ensure that all such adverse effects are minimized. Wetlands function as important flood-mitigators and will be protected from all encroachments which could impair their flood-reducing capacity.

## **POLICY 13**

**The construction or reconstruction of erosion protection structures shall be undertaken only if they have 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:

Erosion control structures are often needed to stabilize riverbanks to mitigate the accumulation and transport of silt, which can diminish river-carrying capacity and/or increase harbor siltation. This policy is not directed at temporary structures erected to control siltation during construction projects

Erosion protection structures are widely used throughout the State's coastal area. However, because of improper design, construction and maintenance standards, many fail to give the protection which they were presumed to provide. As a result, development is to be sited in areas where it is not subject to damage or loss due to erosion. This policy will help ensure the reduction of such damage or loss.

#### **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:

Coastal erosion and flooding are processes which occur naturally. However, by their actions, people can increase or decrease the severity and adverse effects of those processes, causing damage to or loss of property, and endangering human lives. Those actions include: the use of erosion protection structures such as groins, or the use of impermeable docks which block the littoral transport of sediment to adjacent shorelands, thus increasing their rate of recession; the failure to observe proper drainage or land restoration practices such as Best Management Practices for soil erosion and stormwater management (See Policy 33), thereby causing runoff and the erosion and weakening of riverbanks and shorelands and downstream flooding; and the placing of structures in identified floodways so that the base flood level is increased causing damage in otherwise hazard-free zones.

#### **POLICY 15 Not Applicable**

#### **POLICY 16 (Previously Not Applicable)**

**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:

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

**POLICY 17**

**Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible.**

Explanation:

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

“Nonstructural measures” include the use of minimum setbacks, the avoidance of risk or damage by siting of buildings outside high hazard areas, and the floodproofing of buildings or their elevation above the base flood level. It also applies to the planning, siting and design of proposed development, including measures to protect existing activities and development. It applies to nonstructural measures to minimize damage to natural resources and property from flooding and erosion from riverine flooding. Before an approval is granted to allow construction of erosion protection structures, the purpose, function, impact, and alternatives to a structure need to be carefully evaluated to determine that the erosion protection structures are necessary and to avoid adverse impacts.

To ascertain consistency with the policy, it must be determined if any one, or a combination of, non-structural measures would afford the degree of protection appropriate both to the character and purpose of the activity or development, and to the hazard. If non-structural measures are determined to offer sufficient protection, then consistency with the policy would require the use of such measures, whenever possible.

Best Management Practices shall be used to minimize erosion during construction. Westchester County and the Village have determined that these include a policy of "zero increase" in peak rates of stormwater discharge. This policy means that building projects and other development and re-development shall not result in increased peak rates of stormwater discharge beyond predevelopment levels. The planning, siting, and design of proposed development in a floodplain will be in accordance with the Flood Damage Prevention Ordinance and all planning, siting, and design of proposed development regardless of location shall conform to Best Management Practices (See Policies 33 and 37).

### **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:

Proposed actions may only be undertaken if they will not significantly impair valuable waters and resources, thus frustrating the achievement of the purposes of the safeguards which the State and Village have established to protect those waters and resources. Proposed actions must take into account the social, economic and environmental interests of the State and the Village in such matters that would affect natural resources, water levels and flows and shoreline damage (both saltwater and riverine), and recreation.

All proposed actions must minimize (1) adverse impacts of new development and re-development, (2) potential adverse land use, environmental, and economic impacts that would result from proposed development, and (3) the potential for adverse impacts of types of development, which, individually may not result in a significant adverse environmental impact, but when taken together could lead to or induce subsequent significant adverse impacts.

**PUBLIC ACCESS POLICIES**

**POLICY 19**

**Protect, maintain, and increase the level and types of access to public water-related recreation resources and facilities.**

Explanation

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. Priority will be given to improving physical access (active and passive) to existing and potential coastal recreation sites, and to providing public visual access from public lands to coastal lands and waters or open space at all sites where physically practical.

This policy is also intended to promote appropriate and adequate physical access by the public and recreation throughout the Village, including rivers, streams, ponds, brooks and creek areas.

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. Access by the public and water-related recreation on public lands should be restricted only where incompatible with public safety and protection of natural resources.

The factors noted above should be balanced so that the Villages water-related recreation resources and facilities may be fully utilized by all the public in accordance with reasonably anticipated public recreation needs and the protection of historic and natural resources.

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

- 1) The existing access, including both physical and visual access, from adjacent or proximate public lands or facilities to public water-related recreation resources and facilities shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or proximate 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 access by the public, 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 system-wide 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 by land or water and use public coastal lands and riverine waters.
  - b. Public water-related recreation resources or facilities - all public lands, or facilities 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 local government in fee simple or less-than-fee simple ownership and to which the public has access or could have access, including underwater lands and the foreshore.
  - d. A reduction in the existing level of access by the public - includes but is not limited to the following:
    - (1) The number of parking spaces at a public water-related recreation resource or facility is significantly reduced.
    - (2) Pedestrian access by land or water is diminished or eliminated.
    - (3) Loss of visual access, for example as a result of physical blockage by development or activities.
  - e. An elimination of the possibility of increasing public access in the future - includes but is not limited to the following:
    - (1) Construction of public facilities which physically prevent the provision, except at great expense, of convenient access by the public to public water-related recreation resources and facilities.
    - (2) Sale, lease, license or other transfer of public lands that could provide access by the public to a public water-related recreation resource or facility.
    - (3) Construction of private facilities which physically prevent the provision of convenient access by the public to public water-related recreation resources or facilities from public lands and facilities.
- 2) Any proposed project to increase access by the public 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.
  - b. The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resource or facility, or would be incompatible with public safety and protection of natural resources.
- 3) Incentives should be provided to private development which provides access by the public and/or water-dependent recreation facilities.
  - 4) The Village shall preserve the public interest in, and use of, lands and waters the Village and State hold in public trust. The Village shall evaluate opportunities to re-establish public trust interests in existing grants which are not used in accordance with the terms of the grant, or are in violation of the terms of the lease, or where there are significant limitations on public benefits provided by the public trust doctrine.
  - 5) Physical access linkages with neighboring communities shall be provided where feasible.
  - 6) Village facilities, commercial marine facilities and marine recreation club facilities, as well as other water-related recreational facilities, shall be encouraged, protected, maintained and increased where appropriate (See Policies 1, 2, and 4).

## **POLICY 20**

**Access to the publicly-owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly-owned shall be provided, and it shall be provided in a manner compatible with adjoining uses.**

### Explanation:

In areas where there are little or no recreation facilities providing specific water-related recreational activities, access to publicly-owned lands should be provided for activities and pursuits which require only minimal facilities for their enjoyment. Such access would provide for activities such as walking, bicycling, bird watching, photography, nature study, fishing and opportunities for passive enjoyment (such as appreciation of scenic views), through, for example, walking paths, bicycling paths and scenic overlooks. Publicly-owned lands include not only Village-owned property but also the State-owned property. Similar considerations relating to access and providing opportunities for activities such as walking, bicycling, bird watching, photography, nature study and opportunities for passive enjoyment should be encouraged in the Village's riverine areas.

The regulation of projects and structures, proposed to be constructed adjacent to, in or over lands underwater, is necessary to responsibly manage such lands, to protect vital public-owned assets to ensure that waterfront owners' reasonable exercise of freshwater riparian or salt water littoral rights and access to navigable waters shall be consistent with the public interest in reasonable use and responsible management of waterways and such public lands for the purposes of navigation, commerce, fishing, bathing, recreation, environmental and aesthetic protection, and access to the navigable waters and lands underwater.

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

- 1) Existing access from adjacent or proximate public lands or facilities to existing 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 public benefit.

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

- a. See definitions under Policy 19 of "access" and "public lands or facilities" and "a reduction in the existing level of access by the public".
  - b. An elimination of the possibility of increasing access by the public in the future - includes but is not limited to the following:
    - (1) Construction of public facilities which physically prevent the provision, except at great expense, of convenient access by the public to public coastal lands and/or waters.
    - (2) Sale, lease, license or other conveyance of public lands that could now or at some future time provide access by the public to public coastal lands and/or waters.
    - (3) Construction of private facilities which physically prevent the provision of convenient access by the public to public coastal lands and/or waters from public lands and facilities.
- 2) The existing level of access by the public within public coastal lands or waters shall not be reduced or eliminated. Reserve such interests or attach such conditions to preserve the public interest in use of underwater lands and waterways which will be adequate to preserve public access, recreation opportunities, and other public trust purposes. Opportunities to re-establish public trust interests in existing grants which are not used in accordance with the terms of the grant, or are in violation of the terms of the lease, or where there are significant limitations on public benefits

- resulting from the public trust doctrine should be evaluated.
- 3) Publicly-owned foreshore and lands in the Village that are publicly-owned shall be retained in public ownership and not otherwise be encumbered for non water-dependent uses. As such, grants, easements, permits, or lesser interests in lands underwater will be limited to those instances where they are consistent with the public interest in the use of public trust lands. Ownership, riparian interest, or other legal right should be determined prior to approving private use of public trust lands under water.
  - 4) Access by the public from the nearest public roadway to the shoreline and along the coast shall be provided by new land use or re-development except where (a) it is inconsistent with public safety or the protection of identified fragile coastal resources; or (b) adequate access exists within one-half mile. 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 access way.
  - 5) Proposals for increased access by the public 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.
    - b. The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the coastal lands or waters.
  - 6) Interference with access by the public for riparian/littoral water-dependent uses shall be permitted in order to gain the minimum necessary reasonable access to navigable waters. The following factors shall be used in determining the minimum access necessary: the range of tidal fluctuation, the size and nature of the water body, the uses of the adjacent waters by the public, the traditional means of access used by surrounding similar uses, and whether alternative means to gain access are available. Mitigate substantial interference or obstruction of public use of public trust lands and navigable waters.

## **RECREATION POLICIES**

### **POLICY 21**

**Water-dependent and water-enhanced recreation will be encouraged and facilitated, and will be given priority over non water-related uses along the coast.**

Explanation:

Water-related recreation includes such water-dependent activities as boating, swimming, and fishing as well as certain activities which are enhanced by a water location and increase the general access by the public to the coastal and riverine areas, such as pedestrian and bicycle trails, picnic areas, scenic overlooks and passive recreation areas that take advantage of coastal and riverine 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, and provided demand exists, water-related recreation development is to be increased and such uses shall have a higher priority than any non-coastal or riverine-dependent uses, including non-water-related recreation uses. In addition, water-dependent recreation uses shall have a higher priority over water enhanced recreation uses. Determining a priority among coastal dependent uses will require a case by case analysis.

Among priority areas for increasing water-related recreation opportunities are those areas where access to the recreation opportunities can be provided by new or existing public transportation services and those areas where the use of the waterfront is severely restricted by existing intensive land use or development.

The siting or design of new public development in a manner which would result in a barrier to the recreational use of a major portion of a community's shore should be avoided as much as practicable.

Among the types of water-dependent recreation, provision of adequate boating services (including essential storage and repair services) to meet present and future demand is to be encouraged by this Program. The siting of boating facilities must be consistent with preservation and enhancement of other coastal resources and with their capacity to accommodate demand. The provision of new public boating facilities is essential in meeting this demand. Boating facilities will, as appropriate, include parking, park-like surroundings, toilet facilities, and pump-out facilities.

In the Village, boatyards, yacht and beach clubs, as well as public marinas and launching ramps provide waterfront access for water-dependent recreation uses. The provision of adequate land-based boating services is a major concern of this policy. The membership clubs and the public marinas provide limited summer dockage and mooring space but land-based support services are provided only by the commercial marine enterprises. These services include dry sailing, dry storage, full-service repair and maintenance, etc. essential for the continued enjoyment of the present level of recreational boating activity in Mamaroneck Harbor.

**POLICY 22**

**Development (and redevelopment) when located adjacent to the shore shall provide for water-related recreation whenever such use is compatible with reasonably anticipated demand for such activities, and is compatible with the primary purpose of the development.**

Explanation:

Many developments present practical opportunities for providing recreation facilities as well as access for the public as an additional use of the site or facility. Therefore, whenever developments are located adjacent to the shore, they should to the fullest extent permitted by existing law provide for some form of water-related recreation use and/or access unless there are compelling reasons why any form of such recreation or access 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
- utility transmission rights of way
- the Sewage Treatment Plant
- schools (e.g., Westchester Day School)\*
- nature preserves\*
- residential subdivisions
- 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.*

Appropriate recreation uses which do not require any substantial additional construction shall be provided at the expense of the project sponsor provided the cost does not exceed 2% of total project cost.

In determining whether compelling reasons exist which would make inadvisable recreation as a multiple use, safety considerations should reflect recognition that some risk is acceptable in the use of recreational facilities.

**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:

The intent of the policy is to (1) maximize preservation and retention of historic resources, (2) protect and preserve archaeological resources and (3) protect and enhance resources that are significant to the culture of Long Island Sound and the Village of Mamaroneck, including protection and preservation of the historic maritime character of the Village of Mamaroneck.

Among the most valuable of the State's and the Village's man-made resources are those structures and areas which are of historic, archeological, architectural or cultural significance. The protection of these structures and sites must involve recognition of their importance by all agencies and the ability to identify and describe them. Protection must include concern not just with specific sites but with areas of significance, and with the area around specific sites. The quality of adjacent areas is often critical to maintaining the quality and value of the resource. The policy is not to be construed as a passive mandate but must include active efforts when appropriate to restore or revitalize. 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, which is recognized as being of special importance.

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

- a. A resource which is in a Federal, State or Village park established, among other reasons, to protect and preserve the resource.
- b. A resource on, or nominated to be on, or determined eligible to be on the National or State Registers of Historic Places.
- c. A resource on or nominated to be on the State Nature and Historic Preserve Trust.
- d. An archeological resource which is on a State designation of archeological sites.
- e. A local landmark, park, or locally designated historic district and sites or structures designated under the Village Historic Preservation Law.

Sixty sites have been identified as being of local historic, architectural or cultural significance (see Figure III). The Sewage Treatment Plant Tower is an important local landmark as it serves as a navigational aid.

In addition, the Mamaroneck Harbor area has been designated as an archeologically sensitive area on the New York State Archeological Site Location Map. Prior to development which may affect these resources, full consideration should be given to their value and appropriate mitigating measures employed. Planning should be coordinated with appropriate agencies.

Protection under this Program shall mean that all practicable means shall be used to protect structures, districts, areas or sites that are of significance in the history, architecture, archeology or culture of the State, its communities or the Nation. "All practicable means" includes 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:

- a. 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, architectural, cultural, or archeological resource, or component thereof.
- b. Demolition or removal in full or part of a building, structure, or earthworks that is a recognized historic, cultural, or archeological resource or component thereof.
- c. All proposed actions within 500 feet of the perimeter of the property boundary of the historic, architectural, cultural, or archeological resource and all actions within an historic district that would be incompatible with the objective of preserving the quality and integrity of the resource. Primary considerations to be used in making judgment about compatibility should focus on the visual and location relationship between the proposed action and the special character of the historic, cultural, or archeological resource. Compatibility between the proposed action and the resource means that the general appearance of the resource should be reflected in the architectural style, design material, scale, proportion, composition, mass, line, color, texture, detail, setback, landscaping and related items of the proposed actions: With historic districts this would include infrastructure improvements or changes, such as, street and sidewalk paving, street furniture and lighting.

This policy shall not be construed to prevent the construction, reconstruction, alteration, or demolition of any building, structure, earthwork, or component thereof of a recognized historic, cultural or archeological resource which has been officially certified as being imminently dangerous to life or public health. Nor shall the policy be construed to prevent the ordinary maintenance, repair, or proper restoration according to the U.S. Department of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings of any building, structure, site or earthwork, or component thereof of a recognized historic, cultural or archeological resource which does not involve a significant adverse change to the resource, as defined above.

## **SCENIC QUALITY POLICIES**

### **POLICY 24**

#### **Prevent impairment of scenic resources of statewide or local significance.**

##### Explanation:

No scenic resources of statewide significance have been identified in the Village, however, Harbor Island Park, other parks and recreation areas, Mamaroneck & Larchmont Harbors, Long Island Sound coastlines, marshes, rivers, streams, creeks, brooks, ponds, wetlands, water retention areas and neighborhood character are identified in this Program as being of local significance. They are scenic resources when viewed from inland or from the water, and impairment should be prevented. If any additional resources are identified in the future the following are to be implemented:

When considering a proposed action, agencies shall first determine whether the action could affect a scenic resource of statewide or local significance. This determination would involve: 1) a review of the coastal area map to ascertain if it shows an identified scenic resource which could be affected by the proposed action, and 2) a review of the types of activities proposed to determine if they would be likely to impair the scenic beauty or character of an identified resource.

Impairment will include: (i) the irreversible modification of geologic forms; the destruction or removal of vegetation; the modification, destruction, or removal of structures, whenever the geologic forms, vegetation or structures are significant to the scenic quality of an identified resource; and (ii) the addition of structures which because of siting, scale, bulk or form will reduce identified views or which because

of scale, form, or materials will diminish the scenic quality and character of an identified resource; and (iii) signs not in compliance with the local sign ordinance.

The following siting and facility-related guidelines are to be used to achieve this policy, recognizing that each development situation is unique and that the guidelines will have to be applied accordingly. Guidelines include:

siting structures and other development such as highways, power lines, and signs, back from shorelines or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views, view corridors and elevations within the coastal area;

- Clustering or orienting structures to retain views and the character of the area, save open space and recreation areas and provide visual organization to a development;
- incorporating sound, existing structures (especially historic buildings) into the overall development scheme;
- removing deteriorated and/or degrading elements;
- maintaining or restoring the original land forms, except when changes screen unattractive elements and/or add appropriate interest;
- maintaining or adding vegetation to provide interest, encourage the presence of wildlife, blend structures into the site, and obscure unattractive elements, except when selective clearing removes unsightly, diseased or hazardous vegetation and when selective clearing creates views of coastal waters;

## **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:

Harbor Island Park, all shorelines of Long Island Sound, the harbors, rivers, brooks, marshes, streams, ponds and their shorelines, wetlands, large open space, parks and recreation areas and neighborhood character are all identified in this program as significantly contributing to overall scenic quality and interest. Views both from and to the water and open space areas and within neighborhoods should be considered in assessing potential impairment of scenic quality.

The following general criteria have and shall be applied to determine significance:

**Quality** - The basic elements of design (i.e., two- dimensional line, three- dimensional form, texture and color) combine to create all high quality landscapes. The water, landforms, and man-made components of scenic coastal landscapes exhibit variety of line, form, texture and color. This variety is not, however, so great as to be chaotic. Scenic coastal landscapes also exhibit unity of components. This unity is not, however, so complete as to be monotonous. Example: the Thousand Islands where the mix of water, land, vegetative and man-made components creates interesting variety, while the organization of these same components creates satisfying unity.

Often, high quality landscapes contain striking contrasts between lines, forms, textures and colors. Example: A waterfall where horizontal and vertical lines and smooth and turbulent textures meet in dramatic juxtaposition.

Finally, high quality landscapes are generally free of discordant features, such as structures or other elements which are inappropriate in terms of siting, form, scale, and/or materials.

**Uniqueness** - The uniqueness of high quality landscapes is determined by the frequency of occurrence of similar resources in a neighborhood, region of the State or beyond.

**Public Accessibility** - A scenic resource of significance must be visually and, where appropriate, physically accessible to the public.

**Public Recognition** - Widespread recognition of a scenic resource is not a characteristic intrinsic to the resource. It does, however, demonstrate people's appreciation of the resource for its visual, as well as evocative, qualities. Public recognition serves to reinforce analytic conclusions about the significance of a resource.

When considering a proposed action, which would not affect a scenic resource of statewide significance, agencies shall undertake to ensure that the action would be undertaken so as to protect, restore or enhance the overall scenic quality of the coastal area. Activities which could impair or further degrade scenic quality are the same as those cited under the previous policy, i.e., modification of natural landforms, removal of vegetation, etc.

The siting and design guidelines listed under the Policy 24 should be considered for proposed actions in the general coastal area. More emphasis may need to be placed

on removal or significant alteration 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.

**POLICY 26 Not Applicable**

**POLICY 27 Not Included**

**POLICY 28 Not Applicable**

**POLICY 29 Not Included**

**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:

The purpose of this policy is to protect the quality of waters in the Village and Long Island Sound. Quality considerations include both point source and non-point source pollution management. Municipal, residential, industrial, and commercial discharges include not only "end-of-the pipe" discharges into surface and groundwater but also run-off, leaching, spillages, sludge and other waste disposal, and drainage. Discharges are both those which directly empty into receiving waters and those which pass through municipal treatment systems before reaching the streams, rivers, waterways, or coastal waters. This policy also applies to discharge of sewage into coastal waters; and therefore, it applies to the Westchester County's Wastewater Treatment Plant. Federal water quality standards must be met without variance in order to protect coastal water quality.

This policy seeks to:

1. Protect water quality based on physical factors (Ph, dissolved oxygen, dissolved solids, nutrients, odor, color, and turbidity), health factors (pathogens, chemical contaminants, and toxicity) and aesthetic factors (oils, floatables, refuse, and

- suspended solids).
2. Restore water quality by: limiting nitrogen loadings from wastewater treatment plants to levels at or below levels occurring in 1990, reducing nitrogen discharges sufficient to limit the occurrence of hypoxia, remediating existing contaminated sediment, limiting the introduction of new contaminated sediment, reducing demand on facilities and avoiding or reducing loading of toxic materials.
  3. Avoid land and water uses which may result in point and non-point sources of pollution.
  4. Manage the sanitary sewerage collection system, on-site systems, and private sewer laterals to avoid sanitary sewer overflows, inflow and infiltration, exfiltration, other ground water discharges, and illegal connections.
  5. Maintain separation of storm and sanitary sewers and eliminate any CSO's (Combined Sewer Overflows).
  6. Protect water quality by ensuring that watershed development protects areas that provide important water quality benefits, maintains natural characteristics of drainage systems and protects areas that are particularly susceptible to erosion and sediment loss.
  7. Limit the impacts of individual development projects to prevent cumulative water quality impacts upon the watershed which would result in a failure to meet water quality standards and/or overloading of the infrastructure capacities.

### **POLICY 31**

**State coastal area policies and management objectives 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:

Pursuant to the Federal Clean Water Act, 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 and State coastal management policies shall be factored into the review process for streams, rivers, waterways, and coastal waters. However, such consideration shall not affect any water pollution control requirement established by the State pursuant to the Federal Clean Water Act.

The State has identified certain stream segments as being either “water quality limiting” or “effluent limiting.” Waters not meeting State standards and which would not be expected to meet these standards even after applying “best practicable treatment” to effluent discharges are classified as “water quality limiting.” Those segments meeting standards or those expected to meet them after application of “best practicable treatment” are classified as “effluent limiting,” and all new waste discharges must receive “best practicable treatment.” However, along stream segments classified as “water quality limiting,” waste treatment beyond “best practicable treatment” would be required, and costs of applying such additional treatment may be prohibitive for new development.

### **POLICY 32**

**Encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high, given the size of the existing tax base of these communities.**

Explanation:

The purpose of this policy is to encourage the use of alternative or innovative sanitary waste systems and green infrastructure in the Village. Alternative systems include other subsurface disposal systems, dual systems, small systems serving clusters of house-holds or commercial users, and pressure or vacuum sewers. Green infrastructure practices maintain or restore stormwater's natural flow pattern by allowing the water to slowly permeate into the ground and be used by plants. These practices include rain gardens, vegetated swales, green roofs and porous pavements. Green infrastructure also includes preserving or restoring natural areas, such as forests, stream buffers and wetlands, and reducing the size of impervious surfaces.

### **POLICY 33**

**Best management practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters.**

Explanation:

Due to its location, the Village is faced with great challenges relative to the management of stormwater and there is a pressing need for additional and innovative stormwater management. Uncontrolled drainage and runoff associated with land

development within the Sheldrake, Beaver Swamp Brook, Pine Brook and Mamaroneck watersheds both within and outside the Village has a significant impact upon the health, safety and welfare of the community.

Best management practices include both structural and non-structural methods of preventing or mitigating pollution caused by the discharge of storm water runoff, sanitary sewer overflows, and combined sewer overflows, which degrade streams, rivers, waterways and coastal waters. Located at the bottom of a watershed which is topographically vulnerable to flash-flooding, Mamaroneck is subject to recurrent riverine and coastal flooding, sanitary sewer overflows, and steady sedimentation of the harbor. All practicable measures should be taken to mitigate these problems in all Village waterways.

Structural methods include flood control projects (Federal and other) which increase the carrying capacity of rivers without creating velocity erosion or downstream flooding, and possible relocation of storm sewers and infrastructure.

Nonstructural methods include best management practices and watershed management planning on a local and a regional basis.

New development or construction should provide adequate stormwater runoff retention and management so that peak rates of discharge are reduced or, at a minimum, not increased beyond predevelopment or pre-construction levels. This is referred to as the “zero increase” policy. Until watershed management planning can be accomplished and implemented on a regional basis, the zero increase policy is the most effective nonstructural method for protecting coastal waters in accordance with the intent and purposes of this Policy.

As part of this policy it is recognized that there are limited stormwater retention areas within the Village that capture storm water runoff, and such retention areas should not be compromised, diminished and/or removed. It is also recognized that most of the Village's infrastructure was designed and constructed decades ago and was not sized for current (and future) demands and predicted sea level rise.

Where stormwater is retained on site and is discharged into Village waters through a Village stormwater system, the discharges will not cause an increase in the volume or velocity of stormwater running through the Village stormwater system. Consideration is to be given to the cumulative impacts of proposed development and re-development.

**POLICY 34**

**Discharge of waste materials into coastal waters from vessels subject to State jurisdiction into coastal waters will be limited so as to protect significant fish and wildlife habitats, recreational areas and water supply areas.**

Explanation:

All untreated sanitary waste from vessels is prohibited from being discharged into the waterways and coastal waters. Discharges from all vessels whether treated or not is prohibited. Vessel waste pump-out stations will be promoted and required at all facilities where more than 25 boats have holding tanks. All waters are no-discharge zones (which includes garbage, rubbish, solid and liquid wastes and contaminated materials) and such materials are prohibited from being discharged into any waterways.

The Village has two public sanitary pump-out facilities - one in the East Basin and the other in the West Basin of Mamaroneck Harbor. These facilities should be upgraded to commercial capacity/pumping facilities.

**POLICY 35**

**Dredging and filling in coastal waters and disposal of dredged material 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:

The Village is at the bottom of multiple drainage basins and is the recipient of silt caused by upland development and ineffective stormwater management as well as erosion from water velocities and waves from severe storms.

Dredging, excavation, filling and dredge material relocation are activities that are needed for navigation, waterfront revitalization and development for pollutant removal, flood control and other water management needs. It is also a priority for our working waterfront in order to maintain navigation in Village waters.

Dredging and related activities will be done in accordance with applicable State and Federal regulations. Whenever feasible the Village will encourage dredging to be undertaken on a wide and coordinated basis with property owners. Such projects should be undertaken for long-term effectiveness and undertaken to avoid adverse impacts upon water quality, fish and wildlife habitats, wetlands and other important coastal resources.

Adverse effects will be minimized through careful design and timing of the dredging, excavation or filling activities, proper siting of dredge material relocation sites, and the beneficial use of dredged material. Whenever possible, dredged material will be 1) relocated upland, on adjacent or in nearby waterfront sites in a manner that minimizes potential erosion back into waters, b) applied for beneficial uses, or c) relocated to federal and state approved sites within Long Island Sound. Relocation may be within Long Island Sound on an environmentally acceptable basis with federal and State permits utilizing the adopted Dredge Material Management Plan as amended.

This policy seeks to: (1) minimize disturbance of streams, including their beds and banks, in order to prevent erosion of soil; increased turbidity; and irregular variation in velocity, temperature, and level of water; (2) protect water quality of coastal waters from adverse impacts associated with excavation, fill, dredging, and disposal of dredged material and (3) removing siltation and obstructions as part of flood control and pollutants as part of improving water quality

## **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:

This policy applies to spills into all Village waterways. See Policy 39 for the definition of hazardous materials.

In addition to coastal waters, this policy also includes the rivers which drain into the coastal waters of the Village. (See Policy 8.) The rivers which empty into Mamaroneck Harbor are subject to accidental and intentional dumping of petroleum products and

other hazardous materials. Hazardous materials include toxic chemicals and nuclear wastes being transported overland. These activities are regulated by local, federal and state laws, and it is desirable that this policy be implemented thoroughly.

**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:

Best management practices used to reduce these sources of pollution include but are not limited to, soil erosion control practices, and surface drainage control techniques, green infrastructure and other non-point source controls. Non-point source controls are designed to regulate, and limit pollution from non-point sources, such as urban runoff, agricultural runoff, domestic animals, road construction, timber harvests, boats, and septic systems. All possible measures should be taken to mitigate non-point source pollution. Organic pest management products, where practicable, should be used to eliminate adverse impacts to fragile habitats particularly with regard to mosquito control in wetlands (See Policies 8, 12, 17, 33).

**POLICY 38**

**The quality and quantity of surface and groundwater supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.**

Explanation:

It is paramount to conserve and protect the quality and quantity of surface and groundwater supplies in the Village. Some private drinking and irrigation wells still exist in the Village.

**POLICY 39**

**The transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within coastal areas will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation**

areas, important agricultural lands and scenic resources.

Explanation:

The definitions of terms "solid wastes" and "solid wastes management facilities" are those in the NYS Environmental Conservation Law (Article 27). Solid wastes include sludge from air or water pollution control facilities, demolition and construction debris and industrial and commercial wastes.

Hazardous wastes are unwanted by-products of manufacturing processes generally characterized as being flammable, corrosive, reactive, or toxic. Examples of solid waste management facilities include resource recovery facilities, sanitary landfills and solid waste reduction facilities. Although a fundamental problem associated with the disposal and treatment of solid wastes is the contamination of water resources, other related problems may include: filling of wetlands and littoral areas, atmospheric loading, and degradation of scenic resources.

The intent of this policy is to protect people from sources of contamination and to protect the Village's coastal resources from degradation through proper control and management of wastes and hazardous materials. In addition, this policy is intended to promote the expeditious remediation and reclamation of hazardous waste sites and other areas to permit redevelopment. Attention is also required to identify and address sources of soil and water contamination resulting from landfill and hazardous waste sites and in-place sediment contamination in the Long Island Sound region.

The handling of hazardous substances is regulated by State law, and those regulations are considered adequate for the purposes of this policy. However, other pollutants, including oil, fuel, herbicides, pesticides and swimming pool disinfectants, are of local concern – both from point and non-point sources.

To minimize environmental degradation from solid wastes and hazardous substances, this policy requires:

- 1) Planning for and requiring proper and effective solid waste disposal prior to undertaking major development or activities generating solid wastes.
- 2) Management of solid waste by reducing the amount of solid waste generated, reusing or recycling materials and using land burial or other approved methods to dispose of solid waste that is not otherwise being reused or recycled.
- 3) Preventing the discharge of solid wastes into the environment by using proper handling, management and transportation practices.
- 4) Operate solid waste management facilities to prevent or reduce water, air and noise pollution and other conditions harmful to the public health.

- 5) Managing hazardous waste in accordance with the following priorities: (1) eliminate or reduce generation of hazardous wastes to the maximum extent practical; (2) recover, reuse or recycle remaining hazardous wastes to the maximum extent practical; (3) use detoxification, treatment or destruction technologies to dispose of hazardous wastes that cannot be reduced, recovered, reused or recycled; and (4) use land disposal as a last resort.
- 6) Phase out land disposal of industrial hazardous wastes.
- 7) Ensure maximum public safety through proper management of industrial hazardous waste treatment, storage and disposal.
- 8) Remediate inactive hazardous waste disposal sites.
- 9) Prevent release of toxic pollutants or substances hazardous to the environment that would have a deleterious effect on fish and wildlife resources.
- 10) Prevent environmental degradation due to persistent toxic pollutants by: limiting discharge of bio-accumulative substances, avoiding resuspension of toxic pollutants and hazardous substances and wastes, and avoiding reentry of bio-accumulative substances into the food chain from existing sources.
- 11) Prevent and control environmental pollution due to radioactive materials.
- 12) Protect public health, public and private property and fish and wildlife from inappropriate use of pesticides.
- 13) Take appropriate action to correct all unregulated releases of substances hazardous to the environment.
- 14) Prevent discharges of petroleum products by following approved handling and storage, and facility design and maintenance principles.
- 15) Clean up and remove any petroleum discharge, giving first priority to minimizing environmental damage.
- 16) Transport solid waste and hazardous substances and waste in a manner which protects the safety, well-being and general welfare of the public; the environmental resources of the State; and the continued use of transportation facilities.
- 17) Ensure solid and hazardous waste facilities avoid potential degradation of coastal resources.

**POLICY 40 Not Applicable**

**POLICY 41**

**Land use or development in the coastal area will not cause national or State air quality standards to be violated.**

Explanation:

The LWRP incorporates the air quality policies and programs developed by the Department of Environmental Conservation pursuant to the Clean Air Act and State Laws on air quality as subsequently amended. The requirements of the Clean Air Act are the minimum air quality control requirements applicable within the Village. The Village is a New York State Climate Smart Community, which seeks to reduce greenhouse gas (GHG) emissions and prepare for impacts of climate change. The six main greenhouse gases are carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride. Emissions of carbon dioxide represent a large proportion of the total greenhouse gas emissions in the State, and the vast majority of these emissions result from fuel combustions. Other sources of greenhouse gases include electricity distribution; refrigerant substitutes; management of municipal waste, municipal wastewater and agriculture; and natural gas leakage. Therefore, as a Climate Smart Community, the Village conducted a municipal and community GHG inventory for a baseline year of 2005, mitigates GHG effects, decreases community energy use, and promotes alternative energy use through the following implementation policies and practices.

- 1) Climate smart waste management practices;
- 2) Low-energy and alternative energy use in municipal facilities and fleet;
- 3) Pesticide and fertilizer reduction policy, and
- 4) Implementation of climate smart land use policies.

In addition, the Village was included in the community wide inventory conducted as a part of the Mid-Hudson Regional Inventory for baseline year 2010.

In addition, several Village policies work to limit sources of atmospheric deposition of pollutants to the Long Island Sound that are indirectly deposited upland and on surface waters adjacent to the Sound and is carried in to the Sound when rain falls or as particles settle during dry period.

The primary sources of atmospheric nitrogen are direct atmospheric emissions generated by various combustion processes that use fossil fuels (e.g., energy production, fueling of motor vehicles and other machinery). As noted above, Village policies encourage low-energy and alternative energy use and climate smart land use policies. Similarly, efforts to limit discharges of atmospheric radioactive material to a level that is as low as practicable is codified through Federal, State and local regulations.

LWRP decisions with regard to land and water use and any recommendations with regard to activities, plans and programs will reflect an assessment of their compliance with these air quality policies and programs.

#### **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:

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 Not Applicable**

#### **POLICY 44**

**Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.**

Explanation:

The Village's tidal and freshwater wetlands and buffers will be preserved and protected to the maximum extent practicable. (See Policies 7 & 8)

It is a well-documented that wetlands are a critical component in the protection of

both surface and groundwater quality. Wetlands absorb and contain floodwaters and remove significant quantities of pollutants through a combination of physical, chemical and biological processes. A wetland buffer is the protected area adjacent to this resource where certain activities or encroachment is prohibited. There are local, federal and state regulatory and permitting programs pertaining to wetlands. Wetlands come in various forms with the major categories including tidal (saltwater), freshwater and estuarine/marine deepwater. The NYSDEC, US Army Corps of Engineers (regulatory and permit program) and NYSDOS regulate activities in wetlands. The US Army Corps of Engineers regulates disturbances to virtually any wetland or waterbody under Section 404 of the Clean Water Act.

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 and are also identified in this program but are known to change and therefore must be field mapped/verified for any proposed project (See Figure VI).

Freshwater wetlands include marshes, swamps, bogs, and flats supporting aquatic and semi-aquatic vegetation and other wetlands defined in this program, the Village Code, NYS and Federal laws and regulations and includes but are not limited to those identified in this program.

There is one NY State DEC-identified freshwater wetland in the Village: Magid Pond and one federally identified freshwater wetland along Fenimore Road north of I-95. Although too small to meet standard criteria, Magid Pond was identified because of its special statewide significance. It is a Class I (most important) wetland. Other wetlands are identified in this program.

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

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

- aesthetic open space in many otherwise densely developed areas

Wetlands in all forms are to be preserved, protected and impacts avoided to the maximum extent practicable. In considering proposed activities in wetlands the following guidance shall be paramount:

- 1) Avoidance of any wetland disturbance;
- 2) The availability of alternative locations on the subject parcel, or in the case of an activity which cannot be undertaken on the property without disturbance to wetlands the availability of other reasonable locations for the activity whether or not such locations are under the ownership or control of the applicant; and
- 3) The demonstration by the applicant that any direct and indirect impact(s) has/have been avoided to the maximum extent practicable and that any remaining unavoidable direct or indirect impact(s) has/have been minimized to the maximum extent practicable.

To achieve the goals set forth in this policy, which are presented in order of priority: (1) prevent the net loss of vegetated wetlands by avoiding fill or excavation; (2) minimize adverse impacts resulting from unavoidable fill, excavation, or other activities; and (3) provide for compensatory mitigation for unavoidable adverse impacts. Provide and maintain adequate buffers between wetlands and adjacent or nearby uses and activities to protect wetland values. Restore tidal and freshwater wetlands wherever practicable to foster their continued existence as natural systems.

Consider the effects of sea level rise on tidal and other wetlands and identify measures to allow wetlands to migrate in response to sea level rise (See Figure XII, Projected Sea Level Rise).

# SECTION IV PROPOSED LAND USES AND PROJECTS

## SECTION IV PROPOSED LAND USES AND PROJECTS AND ALTERNATIVES

This LWRP does not contemplate any large-scale changes to existing land uses and patterns or rezoning recommendations. The Village's Comprehensive Plan (adopted in two phases in 2008 and 2012) resulted in several significant zoning changes, and has recommended other zoning changes that should be considered, some of which are referenced below.

This section of the LWRP focuses primarily on specific projects and alternatives in the program area. These proposed projects and alternatives are intended to advance the policies contained in Section III (together with their related Explanations), including to enhance public use and enjoyment of the Village of Mamaroneck waterfront areas, strengthen the Village's ability to manage these areas in the public interest and enhance the environmental (in particular water) quality of the Village.

### 1) PROPOSED LAND USES

This LWRP does not propose any significant changes to land use patterns, and no changes to Mamaroneck's regulatory framework (e.g., zoning and subdivision regulations) are proposed, other than as noted to take into account existing recommendations under the Village's Comprehensive Plan.

Anticipated future uses within the Village are described below under six general land use categories.

#### a. Parks, Open Space and Access by the Public

Park and open space areas within the Village generally correspond with existing public and private open spaces, such as Village parks, nature preserves and trails and current private open space. Existing waterfront clubs, which constitute restricted public open space, are also indicated as marine recreational uses.

Hampshire Country Club, as described in Section II, is one of the Village's seven Critical Environmental Areas (CEAs). The property is also largely within a floodplain and contains several small ponds, tidal and fresh water streams and wetland areas. These aspects, together with Hampshire's proximity to Long Island Sound, contribute to its environmental significance. Currently, the majority of Hampshire is zoned [R-20](#), which has traditionally functioned as a "holding zone" in the Village of Mamaroneck (the Village's parks are also zoned [R-20](#)). The 2012 Comprehensive Plan recommends rezoning the Hampshire property – potentially to a public recreation zone or a lower-density residential zone – to preserve Hampshire's open space to the greatest extent possible. The Comprehensive Plan also recommends exploring a rezoning of the Village's parks and other major open spaces from [R-20](#) to a zone that better reflects their use.

The zoning changes discussed in the 2012 Comprehensive Plan to preserve Hampshire and better reflect the use of Village parks and open space would be consistent with the goals and objectives articulated and policies presented in this LWRP.

The other recommended changes to open space are discussed more fully in Section 2, below, and involve the provision of new or enhanced public open space. Such recommended open space recognizes the limitation of a built-out community such as Mamaroneck, while taking advantage of opportunities for limited and targeted open space in a manner that is consistent with existing land uses.

**b. Residential**

The primary land use in Mamaroneck is, and continues to be envisioned by this LWRP, residential (particularly single-family residential). The Village's residential areas reflect long-established neighborhoods, and the intent of this LWRP is to encourage, preserve and strengthen the existing distinct character of Mamaroneck's neighborhoods and current development patterns. With decreased availability of developable land, and increased opportunity for significant profit from speculative development, our zoning laws need to be reviewed to ensure that existing laws, particularly those related to subdivision of existing property, do not lead to changes in neighborhood character as development pressures increase. Village zoning and planning laws, including in particular provisions relating to setbacks, distance between buildings, height and bulk of buildings, scenic vistas and view corridors should be reviewed to determine what changes should be made to ensure that the current character of Mamaroneck's residential neighborhoods is maintained. Similarly, Village Code provisions relating to subdivision should be strengthened to ensure that existing neighborhood character is maintained in connection with redevelopment. As stated in Code Section [A348-2](#). Policy, "all proposed lots shall be so laid out and of such size to be in harmony with the development pattern of the neighboring properties".

**c. Mixed Use**

This LWRP recognizes the particular character of Mamaroneck's downtown core and that a variety of residential, commercial and office uses are appropriate in portions of this downtown core. This would promote traditional urban neighborhoods that have a mix of uses, are pedestrian-oriented, and provide for a diverse public to live, learn, work and play. It should also be noted that the mix of commercial and residential uses in Mamaroneck's downtown area has allowed for significant development of affordable housing with the Village. This LWRP encourages a careful review to be conducted to determine the most appropriate areas within the Village for mixed use development.

**d. Commercial**

Two areas are generally designated as commercial areas: much of the entire portion of Boston Post Road that lies within the Village, and the portion of Mamaroneck Avenue between Columbus Park and I-95. This designation recognizes that these commercial areas, which are primarily zoned as [C-1](#), contain more auto-intensive uses, including shopping centers, auto dealerships, offices and convenience stores. This LWRP contemplates that these areas will continue to represent the main commercial spines for the Village. This category also includes several marine commercial uses, which correspond to existing marinas and boatyards that currently zoned [MC-1](#) or [MC-2](#).

**e. Community Services**

Community services uses reflect the major municipal and religious institutions in the Village: schools, libraries, municipal buildings and large religious uses. This LWRP supports the continuation of these institutional uses as consistent with the policies contained in Section III and with the Village's Comprehensive Plan. Smaller-scale religious and municipal uses may be encompassed in areas that are primarily residential, mixed-use or commercial, because the small institutional uses are compatible with each of these other types of land uses.

**f. Light Industrial/Transportation/Utilities**

The light industrial area is largely consistent with the current [M-1](#) zone, which is the Village's only industrial zone. Land use in the industrial area is predominantly commercial and light manufacturing, including auto-repair shops, garages, wholesale businesses, trucking operations and more recently the addition of some hi-tech uses. Historically, the area also included a significant residential population, which over time has been replaced by non-residential uses. The [M-1](#) zone prohibits residential uses, so existing residential uses are grandfathered non-conforming uses. Recently, the industrial area has experienced growth in non-industrial uses that require large building footprints, such as indoor sports facilities and home improvement showrooms. Recognizing this trend, in 2010, the Village Board of Trustees adopted revisions to the zoning code that allowed for home improvement design centers and indoor recreation facilities in the [M-1](#) zone.

Also included within this overall land use category are transportation and utility uses, including the Village's roadway system, major parking lots and the County sewage treatment facility on Boston Post Road.

## 2) PROPOSED PROJECTS

The following section describes a set of site-specific and programmatic projects to be implemented to advance the goals, objectives and policies contained in Section III. The Village should actively pursue grants to complete these recommended projects where possible from available sources, including grants from the U.S. Geologic Survey (USGS) and the New York State Department of Environmental Conservation (DEC), as well as Environmental Protection Fund grants.

### **a. Village-Wide Water Quality Assessment Program; Improve Water Quality, Including Support for Measures to Address Both Point and Non-Point Source Pollution and Review and Implement Recommendations Contained in the Watershed Advisory Committee 4 (WAC4) Report Completed in 2001**

#### *i. Develop a Village-Wide Water Quality Assessment and Improvement Program*

The Village should develop a Village-wide water quality assessment and improvement program. Development of this program is consistent with completion of the designated task #13 under the 2004 Environmental Protection Fund grant provided to review and update the prior LWRP. The Village should partner with local, State or Federal agencies or one or more regional non-profit organizations to conduct a detailed study of water quality in the Village, including Mamaroneck Harbor and the environmental condition of the Harbor floor. In addition to creating a baseline for water quality and environmental conditions in the harbor and other Village waters, this study would recommend specific actions by both the Village and other regional stakeholders to take to improve these conditions.

As indicated by the United States Environmental Protection Agency (USEPA) administrative order finding that the Village in violation of its MS4 permit (see Section II), both point and non-point source pollution remain significant issues, and further efforts to understand and address them are required. The Village is also subject to a DEC Consent Order. Finally, recent sampling of Village waters has detected high levels of pollutants, including fecal coliform bacteria. These bacteria can be harmful and lead to periodic closing of our beaches.

As result of current water quality issues in Mamaroneck Harbor, shellfish harvesting and commercial fishing are prohibited. If water quality improves in the future, shellfish harvesting and commercial fishing may at some point become viable activities. These uses would be consistent with the policies

contained in Section III, would further Mamaroneck's role as a maritime center and would generate additional economic activity on the waterfront. The Water Quality Assessment and Improvement Program should assist in determining the viability of such activities.

This LWRP recommends the reestablishment of the Advisory Committee on Water Quality (ACWQ) to develop a draft water quality assessment and improvement plan to present to the Village Board of Trustees. The ACWQ should be provided with appropriate resources (including access to Village staff and consultants) to assist with development of the Program. A representative of each of the HCZMC, the Committee for the Environment, the Flood Mitigation Committee and each Village land use board should be included on the ACWQ.

*ii. Water Quality Assessment*

The Village should be required to (a) conduct increased periodic sampling of all Village waters to (I) effectively identify pollutants and possible point and non-point sources of pollutants and (II) allow analysis of changes in water quality of different Village waters over time, and (b) provide public reporting of all sampling results.

The Village should also conduct (I) a detailed study of water quality in Mamaroneck Harbor and the environmental condition of the Harbor floor and (II) a detailed study of the aquifer that exists under Village land, including boundary limits, functioning, water quality and impact on flooding and other environmental conditions. The Village should seek to obtain grants directly from the USGS and DEC, and from the New York State Department of State (DOS) and DEC as a source of Environmental Protection Fund grants, for the study of the aquifer.

As noted above, the Village should work with local, State or Federal agencies and non-governmental organizations that monitor water quality, such as Save the Sound. The Village should work with these agencies and organization (a) to develop the details for the assessment of water quality, and (b) to coordinate testing and other surveillance.

*iii. Water Quality Improvement*

The Village should address specific measures to address both point and non-point source pollution and improve overall water quality, including:

- Develop a process, with identified responsibilities, to ensure strict adherence to the Village of Mamaroneck “State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharge from Municipal Separate Stormwater Sewer System (MS4s), GP-0-10-002,” or as amended or revised. This permit includes “Traditional Land-Use Control MS4 Minimum Control Measures (MCMs)”. These minimum control measures are incorporated into the Village of Mamaroneck “Stormwater Management Plan (SWMP).”
- Develop a process, with identified responsibilities, to periodically review implementation of the Village of Mamaroneck “Stormwater Management Plan (SWMP)” dated March 2003, as amended or revised, including, as necessary, recommend modifications to existing law to ensure implementation of the SWMP. This SWMP is intended to be a “dynamic plan,” and will be modified over time in order to continue to address water quality requirements in accordance with DEC and USEPA “Stormwater Phase II Final Rule” regulations.
- Develop a process, with identified responsibilities, to periodically review implementation and, as necessary, recommend amendment of [Chapter 294](#) “Stormwater Management and Erosion and Sediment Control” of the Village of Mamaroneck Code. The purpose of this chapter is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within the Village’s jurisdiction and to address the finding of fact in Section 294-1.
- Develop a program to identify and eliminate all illegal connections to the Village’s municipal stormwater and sewer systems, to reduce inflow and infiltration of these systems; and consider alternative Code provisions to ensure that leaks in private sewer lateral lines connecting to public sewers are identified and fixed.
- With a goal of making Village catch basins highly effective at filtering runoff that can contaminate Village waters, develop and implement a program to prioritize catch basins for (a) routing cleaning/maintenance and (b) retrofitting filtering devices and velocity diffusers.
- Review impact of chemical and other components of runoff that adversely impact water quality and adopt amendments to the Village Code to reduce such adverse impact, including implementing reasonable restrictions on chemical and fertilizer usage.

- Review and implement relevant recommendations of the WAC4 Report, which sets forth a non-point source pollution control plan for the Sheldrake and Mamaroneck Rivers and Mamaroneck Harbor. The study area of the Report comprised the watersheds of the Sheldrake and Mamaroneck Rivers and the Mamaroneck Harbor. Six communities participated on the WAC4 (the Town/Village of Harrison, the Town of Mamaroneck, the Village of Mamaroneck, the City of New Rochelle, the Village of Scarsdale and the City of White Plains).

The WAC4 Report provides a broad understanding of watershed planning for the Long Island Sound watershed, describes characteristics of the study area, and includes results of watershed analyses and recommendations to reduce the volume of non-point source pollution entering Long Island Sound in Westchester County. The WAC4 Report makes specific recommendations for controlling non-point source pollution in each municipality in the study area, including the Village of Mamaroneck, covering (i) stream assessment and restoration, (ii) freshwater and tidal wetlands, (iii) stormwater management, (iv) local comprehensive plans and ordinances and (v) education and outreach.

#### **b. Enhance and Increase Public Waterfront Access**

Although Mamaroneck possesses a significant amount of public waterfront space, much of this space is concentrated in Harbor Island Park. The Otter Creek Nature Preserve, owned by the Westchester Land Trust, provides opportunities for passive recreation along the eastern edge of the mouth of Mamaroneck Harbor. The waterfront clubs and boatyards may be considered restricted public space, but are not truly open to the majority of Village residents; generally one must be a club member or a boat owner to enjoy the use of these properties. Most of the rest of the Village's waterfront is residential in nature, and largely private. Access by the public along Mamaroneck's major rivers is extremely limited and is largely restricted to existing Village parks.

Given these limitations, the central goal of the proposed projects in this LWRP is to increase access to the water by the public for active and passive uses. The Village's original LWRP stated that, because of the significant opportunities for passive recreation at Harbor Island Park, there was no further need for the use of tools such as overlay zoning which would set aside portions of waterfront properties for access by the public. At that time, the focus was on active waterfront recreation opportunities, mainly because the residential zoning of the waterfront clubs and boatyards presented a direct

threat to the continuation of those uses, which provide active recreation. However, with the creation of the marine recreation and marine commercial zones, the future of these uses has been substantially secured. At the same time, the provision of passive waterfront recreation has become of greater value, especially in localities such as Mamaroneck that are largely built out and have few opportunities for the large waterfront parcels that would support active recreation.

Passive waterfront recreation, such as trails and walkways, scenic overlooks and bird-watching areas can be enjoyed by all residents, and can also be an ideal way to balance the environmental sensitivity of the waterfront with human enjoyment of the waterfront. Because of these benefits, and the Village's extremely limited amount of vacant waterfront land available for public recreational use (active or passive), this LWRP focuses primarily on maintaining existing access for active and passive uses and increasing opportunities for passive recreation.

A primary means of enhancing existing access by the public to the waterfront and creating new access, including kayak, canoe and rafting access, as development of trails and seating opportunities, is through the use of Village-owned street-ends and other publicly owned areas. This proposed access seeks to achieve a balance between preserving the privacy and quality of life for adjacent property owners and allowing all Village residents to have greater opportunities to enjoy the waterfront.

- i. Mamaroneck Harbor West Basin.* In 2007, the Westchester County Department of Planning completed a wetland restoration project along the western edge of the West Basin of Mamaroneck Harbor. Since completion of the wetland restoration at the West Basin, the site has become popular for use as a kayak and canoe launch. This LWRP supports the encouragement and enhancement of the West Basin site for this purpose. The water pathway could be enhanced and stabilized so that users do not disturb the native vegetation. Clearly, this public recreational use would need to be considered as the highest priority protection of the restored wetland.
  
- ii. Bleeker Avenue Street End.* After passing The Crescent and the Orienta Condominiums, Bleeker Avenue dead-ends near the mouth of Mamaroneck Harbor, with a multi-story condominium building on one side of the street and a single family home on the other. Private residences are located on either side of the street as it meets the water. Because on-street parking is available on Bleeker Avenue and the terrain gradually slopes downward to the water, this area could be ideal for creation of a public kayak and canoe launch. However, harbor lands at this location are privately, not publicly owned. In 1858, the State of New York conveyed certain underwater lands adjoining Mamaroneck Harbor

near Bleeker to Bishop Delancey. Over the subsequent decades, these lands have been privately conveyed to the present owner of the single family home at Bleeker and The Crescent. To create a Bleeker Avenue kayak/canoe access the Village would need to determine necessary steps (such as acquisition of private property or establishing easements) in order to ensure there is a right of access to the launch site. In addition, the Village would need to (a) provide an opening at the street end sufficient to accommodate a canoe or kayak, and (b) coordinate with the adjacent condominium property owner on the eastern side of Bleeker Avenue. This property's driveway is off of Bleeker Avenue adjacent to the street-end, and could be potentially negatively affected by a canoe/kayak launch. The property on the western side of Bleeker Avenue is accessed via The Crescent, and also has significant vegetation buffer along Bleeker Avenue, so the potential for adverse impacts is less.

- iii. *Rushmore Avenue Street End.*** After crossing Bloomdale Avenue between the Beach Point Club and the Orienta Beach Club, Rushmore Avenue dead-ends at Long Island Sound. Although the steep topography of the street-end eliminates the possibility of a boat launch or direct access by the public to the shoreline, the site offers unobstructed views of Long Island Sound, and is thus ideal for a public viewing area. The Village could construct a small observation platform with a sitting area to allow users to enjoy the scenic beauty of the Sound, which is a Westchester County Critical Environmental Area (CEA). Because on-street parking is not available on Rushmore Avenue, this area would need to be targeted to pedestrians only, through appropriate signage and enforcement.
- iv. *Orienta Avenue Street End.*** As Orienta Avenue curves westward and becomes Flagler Drive, it offers significant street-level waterfront access. The roadway at this point is public (it becomes private after the gatehouse at Flagler Drive), and the rocky area along the shore provides significant views of Long Island Sound. Vehicular traffic is fairly limited at the end of Orienta Avenue, as it only serves the gated neighborhood along Flagler Drive, and the immediately adjacent private residents have access via South Constable Drive. There is no on-street parking available on Flagler Drive, although some parking is available on Constable Drive, so the area available for access by the public would need to be targeted to pedestrians or bicyclists only. The Village would need to provide access across the existing seawall in a manner that does not compromise the structure's function, and appropriate signage directing users to the waterfront. Enforcement of the private adjacent properties could be coordinated with the security guards posted at the nearby gatehouse to the Flagler Drive neighborhood.

- v. ***Taylor's Lane Composting Site.*** One of the largest vacant Village-owned properties near the waterfront is the Village's former refuse and leaf composting site at the intersection of Taylor's Lane and Shadow Lane. This site is currently being remediated under direction by the DEC due to contamination in connection with its previous use. Once remediation is complete, the Village plans to use the site for passive recreation, such as walking trails, or active recreation, such as a playing field or playground.
- vi. ***Sheldrake Riverfront along Fayette Avenue.*** As discussed in Section II, there is currently very limited access by the public to Mamaroneck's rivers. In particular, access by the public to the Sheldrake River is largely confined to the walking trail in Bub Walker Park. However, there are several key opportunities to expand this access using Village property. According to tax maps, the Village owns a parcel of land bound by the Sheldrake River and Fayette, Concord, Center and Rockland Avenues, in the industrial area. This parcel, which is vacant, could provide a key gateway to the Sheldrake River for the neighborhood, which currently has no direct access to any Village park, from the key arterial of Rockland Avenue. Moving eastward, along Fayette Avenue, another Village-owned parcel of land exists along the Sheldrake in the curve of Fayette Avenue. This area is currently used as parking for the land uses in the vicinity, but could provide an opportunity to continue the river access. At the intersection of Ogden Avenue with the Sheldrake, the Village-owned street end, which is currently being used for surface parking, provides an additional access point to the river. Finally, the Village Department of Public Works salt shed parcel at the intersection of Fayette Avenue and Fenimore Road and adjacent to the Sheldrake, is another possible access by the public connection to the river, and is directly across Fenimore Road from the exiting Bub Walker trail, creating an opportunity for a linkage. With these key Village-owned lands as a foundation, Mamaroneck should pursue full ownership of the Sheldrake riverfront between Rockland Avenue and Fenimore Road. Some of these waterfront lands appear to be owned by Westchester County, and easements may be sought from private owners for water access. Both the 2012 Comprehensive Plan and 2016 Industrial Area Plan envision this area along the Sheldrake River as publically accessible parkland. In addition to providing key access by the public to the Sheldrake River that connects with the existing Bub Walker Park, this effort could also provide an opportunity to clean up the overall area around the Sheldrake and resolve the nonconforming use of Village land for surface parking.

In addition to the areas discussed above, there may be other potential opportunities to create public waterfront access in the Village, including in connection with any waterfront redevelopment projects. In general, while the creation of new access by the public along the Village's two major rivers is difficult because Mamaroneck is largely built out and much of the riverfront property is privately owned, every opportunity should be taken to secure such access. These opportunities may be developed through coordination and negotiations with private property owners and neighborhood associations that abut the water, particularly as part of site plan or subdivision applications to open up views and where possible provide for walking trails, seating areas and other active and passive access by the public.

**c. Update and Revisit Recommendations of the Harbor Island Master Plan**

In 2001, a Village report recommended that a new Master Plan be prepared for Harbor Island Park, and the following year the Harbor Island Master Plan Committee was established, with the goal of providing a coherent vision for the Park's future. Although the Village formed a Harbor Island Master Plan Implementation Committee in 2004, most components of the Plan were never implemented, and the Committee is not currently active.

The Master Plan represented a holistic approach to future planning for Harbor Island Park, and the Village's overall planning vision for the park has not changed. However, specific recommendations of the Master Plan may need to be revisited to determine whether they are still appropriate for implementation. This LWRP supports the re-activation of the Implementation Committee to evaluate the Harbor Island Master Plan in light of recent changes, such as the wetlands restoration recently completed by the Westchester County Department of Planning (see above) and the departure of the bait shop at the main entrance to the Park off Boston Post Road.

**d. Continue to Implement Flood Mitigation Measures**

As discussed in Section II, the Village of Mamaroneck's location at the foot of multiple drainage basins makes it particularly prone to flooding. In addition, the combination of low channel capacity, small bridge openings, development encroachment along the Mamaroneck and Sheldrake rivers, urbanization and a poor flow conveyance at the confluence of both rivers has contributed to significant and frequent flooding. The Village should investigate and implement possible flood mitigation actions.

### Army Corps of Engineers Report

In 1977, the U.S. Army Corps of Engineers completed a feasibility study to address the ongoing flooding problems in the Village. The Final General Design Memorandum, which was completed in 1989, called for a number of modifications along both rivers, including construction of a diversion tunnel for the Sheldrake River from Fenimore Road to the West Basin of Mamaroneck Harbor. The project never progressed, due primarily to concerns about the Village's share of the costs.

Since the significant flooding events of 2007, interest in the Army Corps project has been renewed. Because considerable engineering, economic and environmental changes have occurred since the original study, a General Re-evaluation Study (GRR) commenced.

In January 2016, the Army Corps of Engineers published a "General Reevaluation Report" proposing a \$70 million project designed to mitigate flooding from the Mamaroneck and Sheldrake rivers. If completed as proposed, this \$70 million project will represent the largest flood mitigation effort undertaken within the Village of Mamaroneck and is expected to reduce the number of structures experiencing first floor flooding from a 25-year storm from 203 to 29.

During its re-evaluation study, the Army Corps analyzed alternatives and selected one with greatest benefits for the cost, optimized it, and then began an evaluation of the alternative's consistency with the LWRP. The alternative selected proposes to mitigate flooding by widening and deepening the river channels, re-engineering and hardening the channel walls, constructing a diversion tunnel to compensate for river bends, and removing and/or replacing certain bridges. Because this is a federal project, New York's Department of State (DOS) will review the consistency of the project with the Village of Mamaroneck LWRP policies to assure that the project satisfies the policies the "maximum extent practicable."

Whether DOS will find the project in its current form to be consistent with the Village of Mamaroneck LWRP "to the maximum extent practicable" and whether the federal, state and local funding will be secured is presently unknowable. But a great deal of flooding insights have been gained from the study –including conclusive evidence that the Halstead and Anita Lane bridges (both county-owned) are bottlenecks that cause the river to back up and flood the area north of the train tracks. Reconstruction of these bridges to eliminate such bottlenecks was studied by the Army Corps of Engineers but ultimately channel work was favored over bridge reconstruction. Reconstructing such bridges should be considered as important future projects to mitigate flooding.

## Other Efforts

In addition to the Army Corps of Engineers project, the Village should consider other mitigation action, such as working with property owners and upstream communities to drain down water retention basins, including reservoirs and ponds, in anticipation of predicted major storm events. This work should consider not only the flooding that has occurred along the Mamaroneck and Sheldrake rivers, but also the significant flooding that has resulted from tidal surges in significant coastal storms, such as the storm surge and flooding in connection with the December 1992 Nor'easter, and the storm surge and flooding caused by Superstorm Sandy.

### **e. Provide Authority to HCZMC for the Granting of certain Wetland Permits; Review Village Wetland Regulations Generally**

The current Village wetlands regulations, primarily encompassed in [Chapters 192](#) (Freshwater Wetlands) and [240](#) (Management of Coastal Zone, Harbor and Watercraft) of the Village Code, contain several inconsistencies and redundancies that should be addressed. In addition, the Planning Board's jurisdiction over wetland permits often creates confusion and redundancy, as applicants seeking to construct or alter in-water structures (i.e. bulkheads, piers and docks) must gain structures permit approval from the HCZMC pursuant to the requirements of [Chapter 240-21](#), as well as wetland permit approval from the Planning Board.

There are also inconsistencies and conflicting requirements regarding provision of notice in connection with actions proposed to be taken in or within specified distances from wetlands.

This LWRP suggests that the Board of Trustees conduct a comprehensive review of the wetlands regulations, with consideration for the following measures:

- Transfer jurisdiction from the Planning Board to the HCZMC for wetland permit applications coupled with a marine structures or perimeter permit application before the HCZMC. The Planning Board would retain jurisdiction to determine wetland permit applications coupled with a site plan or subdivision application before the Planning Board. This will eliminate duplication of effort and costs to applicants.
- Revise regulated buffer areas for greater consistency and less confusion.
- Clean up noticing requirements.

The Village will consider retaining a wetlands biologist and/or interagency (e.g., EPA, DEC, US Fish and Wildlife Service) cooperation in (i) evaluating the condition of all

Village wetlands, (ii) prioritizing those that are in need of restoration and (iii) pursuing grants or other funding for such evaluation and restoration.

In reviewing the Village's wetlands regulations, the Village should refer to the recommendations in the WAC4 Report regarding wetlands ordinance changes.

**f. Coordinate Agency Reviews; Actions Exempt from LWRP Consistency Review**

The Village's land use boards counsel has advised that, under Chapter 240 of the Village Code, a final LWRP consistency determination for a proposed action is a final and binding determination that can be made only after the SEQRA process has been completed for the proposed action. At times, this has adversely impacted the efficiency of project reviews, causing applicants to move well along in the approval process in front of other land use boards prior to having an LWRP consistency review. Having an LWRP consistency review either prior to or at the same time as other land use board reviews would streamline the Village approval process and lead to a more predictable and cost-effective process for land use applicants. To address this concern, consistent with the requirements of SEQRA, the HCZMC has adopted a rule providing for a preliminary consistency review at the outset of a land use application. During this preliminary review, the HCZMC outlines LWRP consistency and environmental issues to be addressed by the applicant before returning to the HCZMC for a consistency determination. The substance of this rule should be incorporated into Chapter 240 of the Village Code.

In addition, all administrative provisions of the Village Code regarding consistency review should be followed, to provide for full coordination among land use boards and Village staff. According to [Chapter 240-36](#) of the Code, in addition to the seven voting members, the HCZMC also includes the Harbor Master as a non-voting, ex officio member, as well as non-voting liaisons from the Planning Board and the Recreation and Parks Commissions. These membership requirements are not, apparently, being met. In addition, both the Fire Department and the chair of the Recreation and Parks Commission are required to receive copies of the agenda and minutes of each HCZMC meeting to determine if their attendance at the meeting is advisable, and a member of the Police Bay Constable force must attend each HCZMC meeting during the boating season, unless otherwise directed by the Chief of Police. It is unclear whether the appropriate representatives of the Fire Department and the Recreation and Parks Commission are receiving required documents, or if a police representative is attending HCZMC meetings as required by the Code.

The Village should evaluate whether the above provisions regarding membership and proceedings of the HCZMC are necessary, or if they need to be amended to reflect current or desired process. In addition, because many applications before the HCZMC

must go before the Village's other land use boards for approval, it may make sense for these boards – the Planning Board, Zoning Board of Appeals, Board of Architectural Review and Flood Mitigation Advisory Committee – to receive copies of the agenda and minutes for the HCZMC meetings. This would allow all land use boards to be fully knowledgeable about such applications. Such a distribution of agendas and minutes would not necessarily require a revision to the Code, but could be accomplished by simple office procedures in the Village.

In addition, it is recommended that certain minor actions be exempted from LWRP consistency review. The list of exempt items could be based on the list of Type II actions in SEQRA regulations (other than certain specified Type II actions), or could be included in a specified list of exempt actions. The Village should engage in a review of actions that should be exempt from consistency review and amend the definition of "action" in Code Section 240-5 as appropriate.

**g. Adjust timeframe for LWRP Consistency Determination**

Village law currently requires that an LWRP consistency determination be made within 30 days of the filing of a Coastal Assessment Form (CAF). This 30 day period applies even if the CAF (including all supporting application materials) was not complete at the time it was filed. This time frame does not allow for appropriate LWRP consistency review. The Village Code should, therefore, be amended to provide (i) that the period for making a consistency determination begin only once a CAF (including supporting application materials) is determined to be complete, (ii) that the agency responsible for making the LWRP consistency determination with respect to a particular action be authorized to determine the time at which the CAF is complete and (iii) to increase the period for consistency review from 30 days to 65 days following the date on which a CAF is determined to be complete.

**h. Repair of Harbor Island Park Seawall**

The Harbor Island Park seawall was initially constructed in the 1930s. Portions of the wall are now showing signs of stress, due to the loss of structural integrity of the wall at the foot of the harbor. As a result, runoff and erosion has occurred in several locations on the land-side of the wall. These structural issues clearly need to be addressed to ensure that the seawall remains viable. However, this LWRP recognizes that the Depression-era stone wall is a highly visible historic resource for Harbor Island Park and the Village as a whole. In addition, most sections of the seawall are not experiencing problems, and replacing the entire length of the wall would likely involve a significant cost burden for the Village. For these reasons, this LWRP supports repairing only select

segments of the wall on an as-needed basis, based on consultation with the Village Engineer, rather than embark upon a wholesale replacement of the seawall. In response to rising sea levels the Village should explore options for removing failing seawalls and replacing them with native plantings in areas adjacent to natural shorelines. In consideration of seawall removal, the Village should remain cognizant of the historic significance of the seawalls by appropriately balancing the sustainable functions of a restored shoreline with the historic significance of the walls. In areas where seawalls must remain the Village should not preclude the implementation of natural habitats and native plantings.

**i. Coordinate with Other Communities**

The Village should coordinate and work jointly with neighboring watershed municipalities to address matters addressed by this LWRP, including in particular water quality and quantity. Water crosses municipal boundaries and therefore intermunicipal agreements that focus on shared watershed responsibilities and protections should be pursued. The Village should actively monitor proposed actions in other municipalities that could have an adverse impact in this LWRP jurisdictional boundaries and on the goals and objectives outlined in this LWRP.

**j. Request that the DEC and DOS Conduct an Evaluation of Fish and Wildlife Habitats**

The original Village of Mamaroneck LWRP had recommended Village fish and wildlife habitats to be considered for New York State designation as significant coastal fish and wildlife habitats. That review was not undertaken. The DEC and DOS should review and consider the Village fish and wildlife habitats identified in Section II for designation as New York State significant coastal fish and wildlife habitats.

**k. Undertake Dredging of the Federal Channel and Anchorage Areas in Mamaroneck Harbor**

The last comprehensive dredging of the Federal channel, anchorage areas, marina and waterfront docking access facilities in Mamaroneck Harbor took place in 1999. These areas of the Harbor should be dredged again in the near future to avoid adverse impacts on levels of access to the Harbor and commercial repair facilities.

**I. Support Continued Upgrades to the Westchester County Sewage Treatment Plant**

Mamaroneck's current sewage system was largely constructed in the early 20<sup>th</sup> century, and much of it dates to the 1930s, including the County-owned wastewater treatment plant located on Boston Post Road at the entrance to Harbor Island Park. The treatment plant, a brick Classical Revival building that is considered a local landmark, has been operational since its construction in 1931. The plant processes sewage from the 30-square-mile Mamaroneck Sewer District, which includes all of the Village of Mamaroneck; parts of the Towns of Harrison and Mamaroneck; and the Cities of New Rochelle, Rye and White Plains. The plant is served by 39 miles of County-owned trunk sanitary sewers and treats sanitary sewage tributary from hundreds of miles of municipally owned sanitary sewage lines within the district.

The sewage receives secondary treatment at the County plant in the Village, and is pumped through underground pipes in Orienta to the end of Walton Avenue, where it continues into Long Island Sound for approximately a half-mile before being released. In 2013, the treatment plant completed upgrades to tertiary treatment. While primary treatment facilities remove 50% to 60% of pollutants before discharging them into waters, and secondary facilities remove 85% of pollutants, tertiary treatment facilities are designed to remove specific pollutants that are resistant to traditional treatment. In the case of the County treatment plant in Mamaroneck, the tertiary upgrade is part of a consent decree signed by Westchester County in December 2008 that calls for improvements to be undertaken at both the Mamaroneck and New Rochelle treatment plants to reduce nitrogen levels in wastewater discharged into Long Island Sound. This consent decree was a direct result of finding made by the Long Island Sound Study. This LWRP supports that project and any future upgrades to the facility which improve its ability to remove pollutants from Long Island Sound.

**m. Improve Training for LWRP Consistency Review**

The determination of consistency with the LWRP is a unique, often highly technical analysis. According to the *New York State Coastal Management Program Consistency Manual*, the key distinction of consistency review as compared with other land use decisions is the requirement that activities within the LWRP boundary comply with and be conducted in a manner consistent with all applicable coastal policies to the maximum extent practicable. This requirement is different from the more traditional "balancing" provided for in SEQRA and the National Environmental Policy Act, which provide for the balancing of the beneficial effects of a proposed activity against its adverse effects. These other environmental analyses allow activities to proceed when individual

beneficial effects “outweigh” certain adverse effects. This is not the case in consistency review; generally, one applicable policy is not to be advanced to the detriment of any other applicable policies.

Because of the unique requirements and process of consistency review, it is imperative that the governmental body or bodies charged with that review (in the Village of Mamaroneck, this is currently the HCZMC and the Board of Trustees) be adequately trained and prepared, and that all procedures are followed properly.

A key tool to achieve these goals is the *New York State Coastal Management Program Consistency Manual*, released in April 2010. This manual is intended to be used as guidance in meeting procedural and substantive coastal management and LWRP consistency obligations, and contains a summary of the basic relevant Federal and State consistency provisions and requirements, as well as more detailed guidance, including case studies, to assist in understanding and meeting these requirements. This manual should be provided to every member of the Village’s land-use boards, Board of Trustees and HCZMC. The HCZMC secretary should keep abreast of any updates or amendments to the manual and provide them to land-use board members and Trustees in a timely manner.

In addition, members of land-use boards, the HCZMC, the Board of Trustees and the Planning Board should be provided with annual training sessions by a staff member from the DOS, or a local qualified representative. Such training sessions were conducted in 2013 and 2014, and were found to be helpful. Future training sessions should be timed to coincide with the beginning of terms for new members. This would ensure a smooth transition between old and new members, with the goal being that each application has the benefit of a fully trained and knowledgeable board. Such training sessions could require minimal ongoing Village funding, although the cost could also be shared with adjacent LWRP communities if training sessions were held jointly.

#### **n. Review of Areas Susceptible to Flooding**

As discussed throughout this LWRP, significant portions of Mamaroneck are located within either a 100-year or 500-year floodplain, as designated by FEMA. However, there are also certain areas within the Village that, while not located in a federally designated floodplain, nonetheless have experienced frequent flooding and related damage during storm events. Based on this concern, and as recommended in the Comprehensive Plan, the Village should coordinate with both FEMA and with appropriate property owners to ensure that the official flood maps reflect the most accurate and up-to-date information, and are based on clear evidence of flooding history.

In addition, the Village should document, maintain and publish information regarding flooding events within the Village. This information should be accessible to and referenced by the HCZMC in analyzing the consistency of any proposed action with the policies contained in Section III.

**o. Periodic Review of LWRP and Annual Reporting**

The HCZMC, with input from Village land use boards and other relevant Village Committees (such as the CFTE and the Flood Mitigation Committee), should review this LWRP every five years to determine how this LWRP is functioning in practice and to recommend potential changes to this document as may be appropriate. The HCZMC should report its findings resulting from such review to the Board of Trustees and the public.

In addition, the HCZMC should provide an annual report to the Board of Trustees (and the public) detailing its consistency determinations over the prior year, similar to the reports currently generated for the Larchmont/Town of Mamaroneck LWRP. Section 240-37-A(15) of the Village Code currently provides that the HCZMC has the authority and duty to submit an annual report to the Village Board of Trustees. The HCZMC may utilize land use reports provided by the Village's Planning Department to review annual consistency determinations. This annual report should be provided, and the matters to be included in the annual report should be more clearly articulated.

# SECTION V

## LOCAL LAWS AND REGULATIONS NECESSARY TO IMPLEMENT THE PROGRAM

**SECTION V LOCAL LAWS AND REGULATIONS NECESSARY TO IMPLEMENT THE PROGRAM**

This section describes the techniques for implementation of the Village of Mamaroneck LWRP. It describes the land use controls that have been enacted by the Village to implement the policies and projects of the LWRP, and makes recommendations for potential changes to these regulations.

**A. EXISTING LAWS AND REGULATIONS**

- 1) Zoning Regulations ([Mamaroneck Village Code Chapter 342](#))

Chapter 342 establishes use districts and regulations applicable to the uses allowed within each district. The zoning regulations establish setback and density requirements and regulate the bulk and arrangement of buildings, the area of lots covered by development and open space, the provision of off-street parking and the location of accessory structures that support the principal uses and buildings on each property.

- 2) Subdivision Regulations ([Mamaroneck Village Code Chapter A348](#))

Chapter A348 establishes regulations and procedures for the subdivision of land into two or more individual lots.

- 3) Management of Coastal Zone, Harbor and Waterfront ([Mamaroneck Village Code Chapter 240](#))

Chapter 240 establishes standards, requirements and procedures for the safe and sanitary operation of watercraft and regulation of matters relating to safety, sanitation and environmental conservation in Mamaroneck; outlines a plan for the management and use of surface waters and underwater lands within the harbor; provides a framework for Village agencies to consider coastal management policies contained in the LWRP when reviewing applications for actions or proposing direct agency actions; and defines the Harbor and Coastal Zone Management Commission (HCZMC) and its duties.

In 2014, amendments were made to Chapter 240 (1) transferring jurisdiction from the HCZMC to the Board of Trustees to determine consistency for Type I and Unlisted actions undertaken, funded or approved by the Board of Trustees; and (2) providing that prior to making its consistency determination, the Board

of Trustees shall refer the action to the HCZMC for a written recommendation on the consistency of the proposed action.

4) Critical Environmental Areas ([Mamaroneck Village Code Chapter 168](#))

Chapter 168 establishes the boundaries of the seven Village-designated Critical Environmental Areas (CEAs) within Mamaroneck.

5) Wetlands ([Mamaroneck Village Code Chapter 192](#))

Chapter 192 (Freshwater Wetlands), also known as the Wetlands Protection Law, establishes procedures to ensure the preservation, restoration, enhancement and proper utilization of wetlands (both freshwater and tidal) and related natural resources. The law outlines prohibited and regulated activities within wetlands and their adjacent areas (as defined within Chapter 192), and establishes the process for applying for a permit to conduct regulated activities.

6) Flood Damage Prevention ([Mamaroneck Village Code Chapter 186](#))

Chapter 186 establishes provisions designed to regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities; require that uses vulnerable to floods be protected against flood damage at the time of initial construction; control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of flood waters; control filling, grading, dredging and other development which may increase erosion or flood damages; regulate the construction of flood barriers which unnaturally divert flood waters or which may increase flood hazards to other lands; and qualify for and maintain participation in the National Flood Insurance Program.

7) Stormwater Management and Erosion and Sediment Control ([Mamaroneck Village Code Chapter 294](#))

Chapter 294 establishes minimum stormwater management requirements and controls to meet New York State requirements for stormwater discharges; minimize increases in stormwater runoff from land development activities; minimize adverse impacts on water quality from stormwater runoff; and control erosion and sedimentation.

8) Historic Preservation ([Mamaroneck Village Code Chapter 218](#))

Chapter 218 establishes protected historic sites and structures that have been found to promote the economic benefits, cultural and educational advantages and general welfare of Village residents. The chapter establishes procedures for protection of these sites and structures, including creation of a Landmarks Advisory Committee.

9) Parks ([Mamaroneck Village Code Chapter 260](#))

Chapter 260 establishes rules and regulations for all parks owned, operated, licensed, used or otherwise under the control or supervision of the Village of Mamaroneck.

10) Sewers ([Mamaroneck Village Code Chapter 282](#))

Chapter 282 establishes standards and best practices for sewers within the Village. The chapter also lists prohibited discharges and provides for the removal of illegal sewer connections and the elimination of illegal discharge of liquids. Finally, the chapter sets the regulations for non-stormwater discharges to the municipal separate storm water sewer system (MS4).

11) Signs ([Mamaroneck Village Code Chapter 286](#))

Chapter 286 establishes regulations for existing and proposed outdoor signs of all types, to protect property values, create an attractive economic and business climate, enhance and protect the physical appearance of the community, preserve the scenic and natural beauty and provide a more enjoyable and pleasing community.

12) Trees ([Mamaroneck Village Code Chapter 318](#))

Chapter 318 establishes guidelines and regulations for planting and maintaining trees in parks, along streets and in other public areas, primarily through the creation of a Tree Committee to set proper standards and monitor the observance of these standards.

**B. PROPOSED REVISIONS NECESSARY TO IMPLEMENT THE LWRP**

To implement the policies and provisions of the Village of Mamaroneck Local Waterfront Revitalization Program, the following amendments would be made to Chapter 240 of the Village Code.

1) Village LWRP Consistency Review Procedures

As discussed in Section IV, this LWRP recommends revising Chapter 240 (Management of Coastal Zone, Harbor and Watercraft) of the Village Code to improve the overall process of consistency determination. The following section contains a summary of the proposed draft amendments to this chapter.

- Amend § 240-5 to define "action" (currently defined as "Either Type I, Type II or Unlisted Actions as defined in the State Environmental Quality Review Act") as:
  - Any project or physical activity, 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 is directly undertaken, funded or approved by an agency of the Village of Mamaroneck.
  - Agency planning and policy making activities that may affect the environment and commit the agency to a definite course of future decisions.
  - Adoption of agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect the environment.
  - Any combination of the above.
- Amend § 240-5 to define certain minor actions as exempt from consistency reviews. This list is based on the list of Type II Actions in the SEQRA regulations, and proposed DEC amendments to that Type II list, but the following Type II Actions would not be exempt:
  - When a wetlands permit is required, construction or expansion of a single-family, a two-family or a three-family residence on an approved lot.
  - When a wetlands permit is required, construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density.
  - Construction, expansion or placement of water dependent accessory/appurtenant residential structures, such as piers, docks, seawalls or similar water access or erosion control structures, or

other structures within 50 feet of mean high water.

- Amend § 240-29 by adding new procedures to better coordinate the processing of land use applications where the HCZMC, not the approving authority for the application, determines consistency with the LWRP. The objective of these procedures is to ensure that LWRP consistency considerations are incorporated into the decision-making process at an early stage and to enable the HCZMC to more fully participate in the environmental review of the application under SEQRA.
- Approving authorities other than the Board of Trustees, and except for actions such as Zoning Board of Appeals (ZBA) variance applications which, as judicially determined, must be decided based solely on specific state statutory criteria, upon the calendaring of an application on its agenda, would be required to:
  - Refer a copy of the application, the Coastal Assessment Form and supporting documentation to the HCZMC for its review and advisory written recommendation on consistency.
  - The HCZMC would then place the application on its next available agenda for an informal discussion of the action and the LWRP policies relevant to the action. At that meeting, the HCZMC shall determine if the materials submitted constitute sufficient information for the purpose of rendering a consistency determination. The HCZMC may comment on potential environmental impacts of the action, make preliminary suggestions regarding changes, if any, required for the action to be consistent with the LWRP and may request other material HCZMC believes is necessary for a complete review. The HCZMC would then summarize this discussion in a memorandum to be sent to the approving authority within 10 days after the meeting.
  - Within 65 days of (1) receipt of notification from the approving authority for the action that in accordance with SEQRA, (a) a Final Environmental Impact Statement for the action has been accepted as complete; or (b) a Negative Declaration for the action has been adopted; or (c) the action is not subject to SEQRA review but is otherwise subject to consistency review under Chapter 240; and (2) the submission by the applicant of the latest plans and other materials the HCZMC deems necessary for its review, the HCZMC shall determine the consistency of the action with the LWRP. In considering its consistency determination, the HCZMC shall, as appropriate, identify the relevant standards or substantive

requirements of Village laws identified as implementing the LWRP and may condition its consistency determination on the approval of the action as meeting those standards by the Village agency responsible for enforcing those standards.

- Eliminate provisions of Section 240-35 B pertaining to additional representatives to the HCZMC, except for the Harbor Master who shall continue to be a non-voting, ex-officio member of the HCZMC.

## 2) Harbor Management

Amend Chapter 240 in various places to add buffer areas; extend the time period for which perimeter permits are valid; amend various procedures for issuing perimeter permits and marine structures permits and to revise the review criteria to prohibit encroachments on channels, buffer areas, anchorage, or mooring areas. Accordingly, Chapter 240 is proposed to be amended as follows:

- To establish buffers for Federal- and Village-designated channels, mooring areas and anchorage areas.
- Proposed buffer areas are as follows:
  - Outside of the east and west basins, the buffer shall be 25 feet.
  - Within the east and west basins, the buffer shall be 15 feet for the channels.
  - The mooring areas within the east and west basins do not have buffers.
- To prohibit docks, and vessels moored to docks, from extending into a channel, mooring area or anchorage area or the buffer of these areas.
- To amend Sections 240-20, 240-21, 240-22, 240-23 and 240-24 to (1) establish new procedures and standards for the review and approval of perimeter permits and marine structures permits; and (2) increase the dollar threshold for exemptions from marine structures permit requirements for the (i) alteration, (ii) replacement in kind; and (iii) total replacement due to damage by storm or other act of God, of marine structures.
- To extend the term for which perimeter permits are valid from 3 years to 5 years.

**B. OTHER PUBLIC AND PRIVATE ACTIONS NECESSARY TO IMPLEMENT THE LWRP**

There are a number of public and private actions and projects that involve the potential redevelopment or enhancement of certain sites within the program area. These actions hold promise for assisting with the renewal of the waterfront, improvements to the environment and the continued economic well-being of the Village and are outlined in Section IV of this program.

**C. MANAGEMENT STRUCTURE TO IMPLEMENT THE LWRP**

- 1) The Board of Trustees and Village Manager of the Village of Mamaroneck are responsible for overall management and coordination of the Local Waterfront Revitalization Program.
- 2) Generally, the review of proposed actions for consistency with the policies and provisions of the Village of Mamaroneck LWRP will be undertaken by the HCZMC. For actions to be undertaken, funded or approved by the Board of Trustees, an advisory consistency determination shall be made by the HCZMC.
- 3) Implementation of the LWRP is to be accomplished through the previously identified projects and amendments to local laws, together with the review procedure established in [Chapter 240](#) of the Village Code.
- 4) State and Federal agencies identified in Section VI will notify the Mayor, Village Manager and Harbor Coastal Zone Management Commission of proposed actions in or likely to affect the area covered by this LWRP. Such actions will be subject to the same consistency review as provided by the Waterfront and Coastal Resources Act, the Federal Coastal Zone Management Act and their implementing regulations.

**E. FINANCIAL RESOURCES NECESSARY TO IMPLEMENT THE LWRP**

The implementation of the proposed projects identified in Section IV will require funding from a combination of public and private sources. These costs will include capital outlays, maintenance costs and, potentially in some cases, property acquisition. For many of the projects, costs are undetermined at this time. It is recognized that if the majority of the projects identified are implemented, they will be funded privately or supplemented by State and Federal funding. Where applicable, the Village will work diligently to secure funding through grants available through State and Federal program funds to support implementation of the identified LWRP projects.

The Village is obligated to fund a portion of the construction and renovation costs of proposed improvements on Village-owned property. There are grants available from State and Federal agencies that the Village hopes to obtain and leverage local funds

against. The Village will continue to aggressively seek out such grants or in-kind assistance from governmental entities, elected representatives, quasi-governmental organizations and private entities to implement the plans and projects outlined in the LWRP.

Ongoing management of the LWRP will not require outside sources of funding.

# Harbor Management Plan

In addition to complying with 44 policies of the LWRP, the following Harbor Management Polices are also to be addressed for the following: Consistency Determinations, Marine Structure Permit Application reviews and determinations, planning and applications for activities in the water, shoreline interface and immediate upland properties around the waterfronts including the LI Sound coastlines and the Mamaroneck and Larchmont harbors as well as rivers, streams, creeks, brooks and retention ponds.

### **STATEMENT OF POLICIES**

The Village recognizes that in order to have a meaningful plan for the future management, maintenance and use of the Harbor, it is appropriate that Village personnel and all others utilizing, affecting and affected by the Harbor, should be provided with a clear statement of the Village's polices. Accordingly, the following policy statements are hereby adopted.

For the purposes of these policies, the terms Harbor or Harbors, shall mean all the tidal waters within the territorial limits of the Village of Mamaroneck, including Mamaroneck Harbor, Larchmont Harbor, all coves, bays and inlets, and offshore to the maximum point over which the Village might legally assert any jurisdiction.

#### **Policy 1:**

The Village of Mamaroneck hereby recognizes that its harbors, (constitute primary economic, recreational and aesthetic assets which include marinas, boatyards, clubs, neighborhood associations, parks and businesses, as well as natural resources including marsh habitats. The Village declares that, consistent with prudent fiscal planning, the Village shall, to the best of its ability, preserve, maintain and enhance these assets.

#### **Policy 2:**

The Village shall take all reasonable and financially prudent steps to insure the safe navigation, mooring and storage of vessels in and about the Harbor.

#### **Policy 3:**

The Village shall take all lawful steps to obtain the maximum jurisdiction legally available to it, over the tidal waters of the Village, including all bays, coves and inlets and offshore to the maximum point at which the Village might legally assert any jurisdiction.

The Village requires compliance with the Local Waterfront Revitalization Program (LWRP) including the Harbor Management Plan (HMP) within the Village's coastal boundaries to the lesser of extending 1,500 feet from shore or to an adjacent municipalities common boundary line as well as including all bays, coves and inlets rivers, streams, creeks, brooks and retention

ponds. To that end, at a minimum of once a year, education/training/dialogue sessions with Village staff and involved Boards and Commissions along with assistance from the Department of State when available shall meet to review the various regulations and guidelines as well as discuss ways of improving communication and education for compliance and/or making recommendations to the Board of Trustees.

**Policy 4:**

The Harbors are well developed and defined in terms of their use and allocation of space for marinas, boatyards, clubs, associations, neighborhood, residential, mooring facilities and marine recreation and access by the public. It is the Village's desire to retain the present allocation and potentially expand water dependent activities and public access to the water. The Harbor and Coastal Zone Management Commission and the Harbormaster shall periodically review the uses and determine any desired changes in allocation of uses and space. The Village shall take such steps as may be appropriate to either enhance such capacity where feasible or to regulate such uses where required in order to insure that the Harbor is used in an optimum, safe, productive, efficient and environmentally sound manner.

**Policy 5:**

The Village declares that environmental degradation and the pollution of its waterways is an anathema and that it shall take all reasonable measures to eradicate as well as take proactive steps to prevent such pollution and to protect the environment.

**Policy 6:**

Marine structures shall conform to sound guidelines as to construction, design, use and configuration. Likewise, the installation and maintenance of mooring devices shall be regulated so as to insure safety and the sound utilization of available waters. The placement of marine structures and moorings shall be such that proper recognition is accorded to the rights of upland owners and their neighbors and such that public waters are used for the public good. The Village recognizes that there may be different circumstances for each project and property so the following are guidelines:

- the structure or any watercraft (vessel) moored, berthed or attached thereto is outside any federal channel, fairway, navigation lane, commonly used traffic lane or designated buffer area and does not interfere with navigation or present an unsafe condition
- there is no interference with the reasonable use of adjacent upland property owners
- allows priority for docking facilities and/or moorings within the littoral rights of the upland property owner and, where possible, is at least 15 feet away from such property owner
- preserves and does not significantly harm marsh grasses, shellfish beds or other environmental resources

- uses piles rather than chains/anchors unless site specific extenuating circumstances
- use only encapsulated flotation
- fixed piers should be a minimum of 4 feet above the top of any marsh grasses or other environmental resource
- stabilized shoreline interfaces in areas subject to erosion should use riprap revetments on a batter rather than vertical mortared stone walls. The use of reinforced concrete walls should be discouraged unless there is no reasonable alternative. Vertical bulkheads are necessary for hauling and launching operations and other commercial marine operations
- recognition of sea level rise impacts
- defined perimeter areas to allow maintenance and replacements

**Policy 7:**

The Village recognizes that the continued viability of the Harbors depends periodic dredging to reasonable depths, which, given the population of watercraft, siltation rates and the requirements of safe navigation at low tides, as well as for unimpeded river flow and flood control.

Dredging should be undertaken and coordinated in order of minimize the frequency of dredging projects.

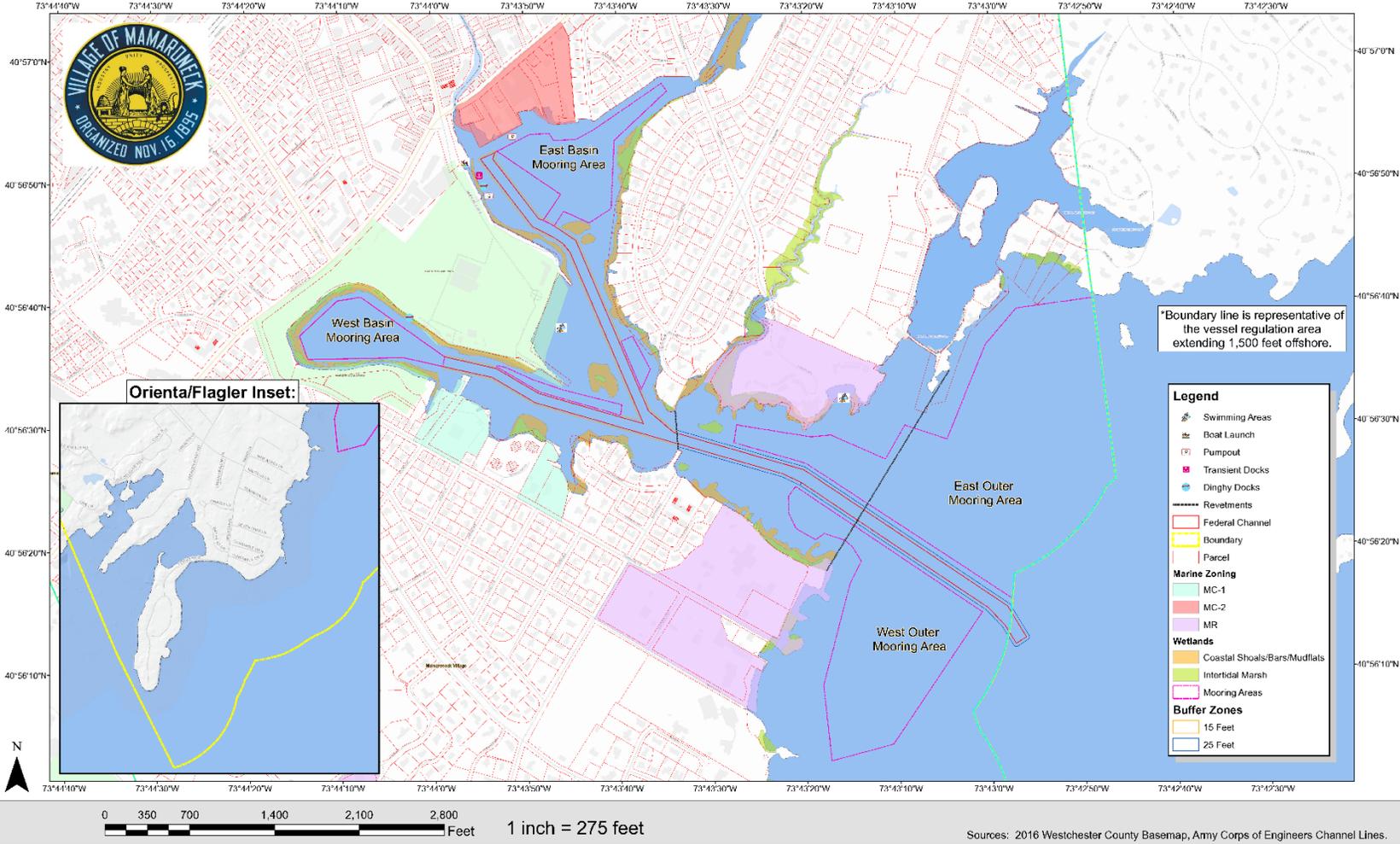
**Policy 8:**

The Village shall continue to afford public docking and trailer-boat launching facilities to residents of the Village and others on as economical a basis as possible but the Village shall, not less than every two years, assess its fee and permitting practices to insure that the Village does not provide such facilities at the significant expense of taxpayers and/or commercial marine operators offering similar services.

**Harbor Management Map**

In addition to the Harbor Management Map in Figure XIV the Village should consider drafting a detailed map book that will inventory and classify existing marine structures. The map book should also incorporate bathymetric data on depths as provided by the United States Army Corps of Engineers.

# Harbor Management Map



# **SECTION VI**

## **STATE AND FEDERAL ACTIONS AND PROGRAMS LIKELY TO AFFECT IMPLEMENTATION**

**SECTION VI STATE AND FEDERAL ACTIONS AND PROGRAMS LIKELY TO AFFECT IMPLEMENTATION**

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

The following State and Federal authorities are part of the institutional framework for local waterfront planning that includes planning initiatives as well as regulatory requirements. The Village anticipates that all of the involved governmental entities identified in this section will likely have continuing roles affecting Mamaroneck's waterfront area.

**A. State and Federal Actions and Programs**

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 for further implementation of the LWRP. It is recognized that a State or Federal agency's ability to undertake such actions is subject to a variety of factors and considerations; that the consistency provisions referred to above may not apply; and that the consistency requirements cannot be used to require a State or Federal agency to undertake an action it could not undertake pursuant to other provisions of law. Reference should be made to Sections IV and V, which also discuss State and Federal assistance needed to implement the LWRP.

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

a. **State Agencies**

**OFFICE FOR THE AGING**

1.0 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 SUBSTANCE ABUSE SERVICES**

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

- 2.01 Certificate of approval (Substance Abuse Services Program)
- 3.00 Permit and approval:
  - 3.01 Letter Approval for Certificate of Need
  - 3.02 Operating Certificate (Alcoholism Facility)
  - 3.03 Operating Certificate (Community Residence)
  - 3.04 Operating Certificate (Outpatient Facility)
  - 3.05 Operating Certificate (Sobering-Up Station)

**COUNCIL ON THE ARTS**

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

**DEPARTMENT OF BANKING**

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

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

**NEW YORK STATE BRIDGE AUTHORITY (Regional Agency)**

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

**OFFICE OF CHILDREN AND FAMILY SERVICES**

- 1.00 Facilities construction, rehabilitation, expansion or demolition or the funding of such activities.
- 2.00 Homeless Housing and Assistance Program.
- 3.00 Permit and approval programs:
  - 3.01 Certificate of Incorporation (Adult Residential Care Facilities)
  - 3.02 Operating Certificate (Children's Services)
  - 3.03 Operating Certificate (Enriched Housing Program)
  - 3.04 Operating Certificate (Home for Adults)
  - 3.05 Operating Certificate (Proprietary Home)
  - 3.06 Operating Certificate (Public Home)
  - 3.07 Operating Certificate (Special Care Home)
  - 3.08 Permit to Operate a Day Care Center

**DEPARTMENT OF CORRECTIONAL SERVICES**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Village of Mamaroneck Local Waterfront Revitalization Program VI-7 July 2014

**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

**EMPIRE STATE DEVELOPMENT CORPORATION**

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

**NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY**

- 1.0 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 Hatchery Permit
- 9.18 Private Bass
- 9.19 Shooting Preserve Licenses
- 9.20 Taxidermy License Village of Mamaroneck Local Waterfront Revitalization Program VI-9 July 2014
- 9.21 Permit - Article 15, (Protection of Water) - Dredge or Deposit Material in a Waterway
- 9.22 Permit - Article 15, (Protection of Water) - Stream Bed or Bank Disturbances
- 9.23 Permit - Article 24, (Freshwater Wetlands)

Hazardous Substances

- 9.24 Permit to Use Chemicals for the Control or Elimination of Aquatic Insects
- 9.25 Permit to Use Chemicals for the Control or Elimination of Aquatic Vegetation
- 9.26 Permit to Use Chemicals for the Control or Extermination of Undesirable Fish

Lands and Forest

- 9.27 Certificate of Environmental Safety (Liquid Natural Gas and Liquid Petroleum Gas)
- 9.28 Floating Object Permit
- 9.29 Marine Regatta Permit
- 9.30 Navigation Aid Permit

Marine Resources

- 9.31 Digger's Permit (Shellfish)
- 9.32 License of Menhaden Fishing Vessel
- 9.33 License for Non-Resident Food Fishing Vessel
- 9.34 Non-Resident Lobster Permit
- 9.35 Marine Hatchery and/or Off-Bottom Culture Shellfish

Permits

- 9.36 Permits to Take Blue-Claw Crabs
- 9.37 Permit to Use Pond or Trap Net
- 9.38 Resident Commercial Lobster Permit
- 9.39 Shellfish Bed Permit
- 9.40 Shellfish Shipper's Permits
- 9.41 Special Permit to Take Surf Clams from Waters other than the Atlantic Ocean
- 9.42 Permit - Article 25, (Tidal Wetlands)

Mineral Resources

- 9.43 Mining Permit
- 9.44 Permit to Plug and Abandon (a non-commercial, oil, gas or solution mining well)
- 9.45 Underground Storage Permit (Gas)
- 9.46 Well Drilling Permit (Oil, Gas, and Solution Salt Mining)

Solid Wastes

9.47 Permit to Construct and/or Operate a Solid Waste Management Facility

9.48 Septic Tank Cleaner and Industrial Waste Collector Permit

Water Resources

9.49 Approval of Plans for Wastewater Disposal Systems

9.50 Certificate of Approval of Realty Subdivision Plans

9.51 Certificate of Compliance (Industrial Wastewater Treatment Facility)

9.52 Letters of Certification for Major Onshore Petroleum Facility Oil Spill Prevention and Control Plan

9.53 Permit - Article 36, (Construction in Flood Hazard Areas)

9.54 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas

9.55 State Pollutant Discharge Elimination System (SPDES) Permit

9.56 Approval -Drainage Improvement District

9.57 Approval - Water (Diversion for) Power

9.58 Approval of Well System and Permit to Operate

9.59 Permit - Article 15, (Protection of Water) - Dam

9.60 Permit - Article 15, Title 15 (Water Supply)

9.61 River Improvement District Approvals

9.62 River Regulatory District Approvals

9.63 Well Drilling Certificate of Registration

9.64 401 Water Quality Certification

10.00 Preparation and revision of Air Pollution State Implementation Plan

11.00 Preparation and revision of Continuous Executive Program Plan

12.00 Preparation and revision of Statewide Environmental Plan

13.00 Protection of Natural and Man-made Beauty Program

14.00 Urban Fisheries Program

15.00 Urban Forestry Program

16.00 Urban Wildlife Program

**ENVIRONMENTAL FACILITIES CORPORATION**

1.00 Financing program for pollution control facilities for industrial firms and small businesses

**FACILITIES DEVELOPMENT CORPORATION**

1.0 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 State lands, including grants of land and grants of easement of land under water, including for residential docks over 4,000 square feet and all commercial docks, issuance of licenses for removal of materials from lands under water and oil and gas leases for exploration and development
- 2.00 Administration of Article 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
- 4.00 Administration of Article 5, Section 233, Sub 5 of the Education Law on removal of archaeological and paleontological objects under State water bodies
- 5.00 Administration of Article 3, Section 32 of the Navigation law regarding location of structures in or on navigable waters

**GREENWAY HERITAGE CONSERVANCY FOR THE HUDSON RIVER VALLEY (Regional Agency)**

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of lands under the jurisdiction of the Conservancy
- 2.00 Financial assistance/grant programs
- 3.00 Model Greenway Program
- 4.00 Greenway Trail Activities

**DEPARTMENT OF HEALTH**

- 1.00 Facilities construction, rehabilitation, expansion or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Approval of Completed Works for Public Water Supply Improvements
  - 2.02 Approval of Plans for Public Water Supply Improvements.
  - 2.03 Certificate of Need (Health Related Facility - except Hospitals)
  - 2.04 Certificate of Need (Hospitals)
  - 2.05 Operating Certificate (Diagnostic and Treatment Center)
  - 2.06 Operating Certificate (Health Related Facility)
  - 2.07 Operating Certificate (Hospice)
  - 2.08 Operating Certificate (Hospital)
  - 2.09 Operating Certificate (Nursing Home)
  - 2.10 Permit to Operate a Children's Overnight or Day Camp
  - 2.11 Permit to Operate a Migrant Labor Camp
  - 2.12 Permit to Operate as a Retail Frozen Dessert Manufacturer Village of Mamaroneck Local Waterfront Revitalization Program VI-12 July 2014

- 2.13 Permit to Operate a Service Food Establishment
- 2.14 Permit to Operate a Temporary Residence/Mass Gathering
- 2.15 Permit to Operate or Maintain a Swimming Pool or Public Bathing Beach
- 2.16 Permit to Operate Sanitary Facilities for Realty Subdivisions
- 2.17 Shared Health Facility Registration Certificate

**DIVISION OF HOUSING AND COMMUNITY RENEWAL AND ITS  
SUBSIDIARIES AND AFFILIATES**

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

**HOUSING FINANCE AGENCY**

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

**JOB DEVELOPMENT AUTHORITY**

- 1.00 Financing assistance programs for commercial and industrial facilities

**MEDICAL CARE FACILITIES FINANCING AGENCY**

- 1.0 Financing of medical care facilities

**OFFICE OF MENTAL HEALTH**

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

**OFFICE OF MENTAL RETARDATION AND DEVELOPMENT DISABILITIES**

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

**METROPOLITAN TRANSPORTATION AUTHORITY (Regional Agency)**

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

**DIVISION OF MILITARY AND NAVAL AFFAIRS**

- 1.00 Preparation and implementation of the State Disaster Preparedness Plan

**NATURAL HERITAGE TRUST**

- 1.00 Funding program for natural heritage institutions

**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, the Statewide Comprehensive Historic Preservation Plan and other plans for public access, recreation, historic preservation or related purposes Village of Mamaroneck Local Waterfront Revitalization Program VI-14 July 2014
  - 9.00 Recreation services program
  - 10.00 Urban Cultural Parks Program

**POWER AUTHORITY OF THE STATE OF NEW YORK**

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

**NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION**

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

**DEPARTMENT OF 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**

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

**STATE UNIVERSITY OF NEW YORK**

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

**OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE**

- 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

**THRUWAY AUTHORITY /CANAL CORPORATION/CANAL RECREATIONWAY COMMISSION (Regional Agency) 1.00**

Acquisition, disposition, lease, grant of easement and other activities related to the management of land and other resources under the jurisdiction of the Thruway Authority, Canal Corporation and Canal Recreation way Commission

2.00 Facilities construction, rehabilitation, expansion, or demolition

3.00 Permit and approval programs:

3.01 Advertising Device Permit

3.02 Approval to Transport Radioactive Waste

3.03 Occupancy Permit

3.04 Permits for use of Canal System lands and waters

4.00 Statewide Canal Recreationway Plan

**DEPARTMENT OF TRANSPORTATION**

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

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

(a) Highways and parkways

(b) Bridges on the State highways system

(c) Highway and parkway maintenance facilities

(d) Rail facilities

3.00 Financial assistance/grant programs:

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

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

3.03 Funding programs for rehabilitation and replacement of municipal bridges

3.04 Subsidies program for marginal branchlines abandoned by CSX

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) Village of Mamaroneck Local Waterfront Revitalization Program VI-16 July 2014

- 4.03 Approval of municipal or regional transportation authority applications for funds for design, construction and rehabilitation of omnibus maintenance and storage facilities
- 4.04 Approval of municipal or regional transportation authority applications for funds for design and construction of rapid transit facilities
- 4.05 Certificate of Convenience and Necessity to Operate a Railroad
- 4.06 Highway Work Permits
- 4.07 License to Operate Major Petroleum Facilities
- 4.08 Outdoor Advertising Permit (for off-premises advertising signs adjacent to interstate and primary highway)
- 4.09 Real Property Division Permit for Use of State-Owned Property
- 5.00 Preparation or revision of the Statewide Master Plan for Transportation and sub-area or special plans and studies related to the transportation needs of the State.
- 6.00 Water Operation and Maintenance Program--Activities related to the containment of petroleum spills and development of an emergency oil-spill control network.

**URBAN DEVELOPMENT CORPORATION and its subsidiaries and affiliates**

- 1.00 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the Corporation.
- 2.00 Planning, development, financing, construction, major renovation or expansion of commercial, industrial, and civic facilities and the provision of technical assistance or financing for such activities, including, but not limited to, actions under its discretionary economic development programs such as the following:
  - (a) Tax-Exempt Financing Program
  - (b) Lease Collateral Program
  - (c) Lease Financial Program
  - (d) Targeted Investment Program
  - (e) Industrial Buildings Recycling Program
- 3.00 Administration of special projects.
- 4.00 Administration of State-funded capital grant programs.

**DIVISION OF YOUTH**

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

B. 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 THE 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, CSX

- 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 USACOE supervision pursuant to the Rivers and Harbors Act of 1902 (33 U.S.C. 565).
- 5.00 Disposal of dredged spoils into the waters of the U.S., pursuant to the Clean Water Act, Section 404, (33 U.S.C. 1344).

- 6.00 All actions for which permits are required pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
- 7.00 Construction of artificial islands and fixed structures in Long Island Sound pursuant to Section 4(f) of the River and Harbors Act of 1912 (33 U.S.C.).

**DEPARTMENT OF ENERGY**

Economic Regulatory Commission

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

Federal Energy Regulatory Commission

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

**ENVIRONMENTAL PROTECTION AGENCY**

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

**DEPARTMENT OF THE 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.

**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.

**SURFACE TRANSPORTATION BOARD**

- 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.

**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\***

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

**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

**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)

**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)

**GENERAL SERVICES ADMINISTRATION**

- 39.002 Disposal of Federal Surplus Real Property

**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 THE 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

**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

**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
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**2. Federal and State Actions Necessary to Further the LWRP**

**a. State Actions and Programs**

**OFFICE OF GENERAL SERVICES**

- Prior to any development occurring in the water or on the immediate waterfront, OGS should be consulted for a determination of the State's

interest in underwater or formerly underwater lands and for authorization to use and occupy these lands.

**DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

- Planning, development, construction, or expansion of recreational facilities/projects located in waterfront.
- Provision of funding for capital projects under the Clean Water/Clean Air Bond Act.
- Review of actions within National Register Districts pursuant to SEQR.

**OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION**

- Planning, development, construction, major renovation or expansion of recreational facilities or the provision of funding for such facilities.
- Provision of funding for State and local activities from the Land and Water Conservation Fund.
- Planning, development, implementation or the provision of funding for recreation services programs.
- Funding or partial funding of eligible activities through the Environmental Protection Fund (EPF) administered by the OPRHP — including the acquisition, development and improvement of parks and historic properties.
- Provision of funding for State and local historic preservation activities.
- Review of Type I actions within the National Historic Districts.
- Certification of properties within the National Register Districts.
- Nomination to State and Federal Register of Historic Places of structures and districts making them eligible for funding and tax incentives.

**DEPARTMENT OF STATE**

- Provision of funding for the implementation of an approved LWRP.
- Funding or partial funding of eligible activities through the Environmental Protection Fund (EPF) administered by the DOS.

**b. Federal Actions and Programs**

**DEPARTMENT OF DEFENSE**

Corps of Engineers

A U.S. Army Corps of Engineers permit would be required for the following activities:

- dredging and shoreline stabilization
- repair or installation of boat ramps
- restoration of Quassaick Creek
- installation of piers and marina-related facilities

**ENVIRONMENTAL PROTECTION AGENCY**

- Review of any proposed action within a National Register District pursuant to NEPA

**DEPARTMENT OF THE INTERIOR**

National Park Service

- Provision of funding under the Land and Water Conservation Fund Program
- Review of federal actions within the National Register Districts pursuant to NEPA

# SECTION VII

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

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

**A.      Local Consultation**

Local consultation has consisted of meetings with the Local Waterfront Revitalization Program update Steering Committee (see Section VIII), a task force charged with updating Mamaroneck’s original LWRP. The eight-member committee (which includes the mayor and deputy mayor as ex officio members) is authorized to review and make recommendations to appropriate agencies regarding the consistency of proposed actions with the policy standards of the LWRP. Village of Mamaroneck staff, including the Building Inspector and Village Engineer, were also consulted. The Board of Trustees were also briefed several times during the development of the LWRP.

In addition, three public workshops were held as part of the LWRP update. A workshop on March 2, 2011, provided an overview of the LWRP program and the update process, and also identified for feedback some initial projects to be included within the LWRP. A second workshop was held on June 11, 2011, to present a complete preliminary working draft of the LWRP. A final workshop was held on November 2, 2011, to discuss the jurisdictional options considered by the Board of Trustees, additional proposed areas of enhanced public waterfront access and revisions to the LWRP policies.

**B.      Regional Consultation**

The following regional agency was contacted during the preparation of the LWRP.

Westchester County Department of Planning

Information was requested regarding the U.S. Army Corps of Engineers Sheldrake River project and other water quality and flood management initiatives.

**C.      State Consultation**

The following State agencies was contacted during the preparation of the LWRP:

Department of State – Division of Coastal Resources

The Village worked closely with Department staff throughout the development of the updated LWRP. Specific information was requested regarding the U.S. Army Corps of Engineers Sheldrake River project, the existing Village of Mamaroneck Harbor Management Map and maps of the Coastal Environmental Hazard Areas (CEHA) within Mamaroneck.

Department of Environmental Conservation

The Department was contacted for information regarding the Coastal Environmental Hazard Areas (CEHA) map.

**D.      Federal Consultation**

No direct federal consultation has taken place at this time.

## **SECTION VIII**

# **OBTAINING LOCAL COMMITMENT**

**SECTION VIII OBTAINING LOCAL COMMITMENT**

**A. Public Outreach**

The LWRP was prepared in partnership with the New York State Department of State (DOS) and in accordance with regulations established by the DOS. The DOS initiated a review of the Draft LWRP by potentially affected State, Federal and local agencies to identify, and avoid, conflicts with existing projects, programs and policies.

In addition, the Village undertook efforts to gain public input and comment on the LWRP. In conjunction with BFJ Planning, the Steering Committee held three public workshops (see Appendix for workshop summaries) and all drafts of the LWRP were made available on the Village's website.

**B. LWRP Process**

The Village of Mamaroneck received a grant from the DOS to prepare an update to its existing LWRP, which was originally drafted by a volunteer citizens' committee and adopted in 1984. In 2010, the Village appointed a Steering Committee to guide the update process, consisting of representatives from each of the land use boards (Harbor and Coastal Zone Management Commission, Planning Board, Zoning Board of Appeals, Board of Architectural Review, Flood Mitigation Advisory Committee and Committee on the Environment), with the mayor and deputy mayor also serving as ex officio members.

This LWRP update has been prepared by the planning consultants, BFJ Planning, Charles McCaffrey, and Chazen Associates, with assistance from Village staff and the Steering Committee. The Steering Committee met throughout 2010, 2011 and 2012, and in 2014, to prepare the update to the 1984 LWRP. The Village also hosted three public workshops to present draft versions of the LWRP to the public and to solicit feedback.

Drafts of portions of the LWRP were prepared and released in November 2010, May 2011, September 2011, June 2012, January 2014, and December 2016.