

RESOLUTION NO. 127 of 2008

MEETING DATE: JUNE 30, 2008

**APPROVING THE VILLAGE OF
BELLPORT HARBOR MANAGEMENT
PLAN**

APPROVED

DATE

6/30/08

APPROVED

NOW, THEREFORE BE IT RESOLVED by the Village Board of the Village of Bellport that the Village of Bellport hereby approves the Village of Bellport Harbor Management Plan attached hereto.


Village Clerk

Village of Bellport
Harbor Management Plan

**Prepared by the
Bellport Waterfront Management Board**

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2005

**Incorporated Village of Bellport
Bellport, New York 11713**

**Frank C. Trotta, Mayor
Phil Gallo, Trustee
John N. Orlando, Trustee
Robert Lyons III, Trustee
Lee Snead, Trustee**

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SECTION 1

INTRODUCTION

1.1 Overview

Bellport is an incorporated village in the State of New York, located on the Great South Bay, about midway along the south shore of Long Island. The Village waterfront runs from Mott's Brook on the east, around Howell's Point to a point about 800 feet west of Howell's Creek. The Village is about one and a third square miles in area and the waterfront length is about 2.1 miles.

To the south, across the Great South Bay, the Village owns a 475-foot-wide parcel of land across Fire Island from bay to ocean which is called Ho Hum Beach and the water frontages of this parcel may be considered a part of the Bellport waterfront.

The land in the Village area was purchased from the local Indian tribe in 1664. Salt hay, growing in the meadows along the bay, was a valuable commodity and across the bay there was access through a then-existing inlet to the ocean and the offshore whaling industry. The first European permanent residents had settled in the area by the early 1700's. By the 1830's the Village had a road to the bay, a dock, a shipyard, and a post office (opened in 1834, when the Village was named Bell Port). Shipbuilding, whaling, fishing, and shellfish harvesting were profitable waterfront-related activities and a substantial tourist and summer visitor business built up based on waterfront-related recreational activities and the Village's proximity (60 miles) to New York City. The Village was incorporated in 1910 with its name shortened to one word—Bellport.

From the Village's beginnings the waterfront and associated water-related activities have been major factors in Village life. The Village is an attractive place to live and visit due in large part to its waterfront aspects. The Village Master Plan, laid out as a set of recommendations in the study report entitled A Planning Analysis of the Village of Bellport (Dec., 1988), and approved by the Village Trustees in March/April 1989, includes as the first of a series of goals:

- "Preserve and maintain the overall beauty of the waterfront area and protect critical natural resources such as tidal wetlands."

The study report introduces the list of goals with the statement "Bellport has clearly articulated its desire to maintain and enhance the qualities which embody its traditions and which make it such a viable and attractive community, and to essentially stabilize the Village in its current configuration of land uses, amenities, and lifestyle support."

In recent years, commercial activity on the waterfront has diminished, notably with the

crash of the hard clam population after 1979, but recreational activity has increased substantially. The Village marina is fully occupied (with a long waiting list for slips) and is in need of improvements (dredging, storm protection, etc.), more moorings are being placed locally, and questions about private docks and other construction along the waterfront have arisen. The Village needs an integrated plan, and the authority to implement it, to provide solutions to these and other waterfront-related issues.

This Harbor Management Plan (HMP) for the Village waterfront has been prepared to meet that need and to be consistent with the Master Plan as described in the study report. The intent, then, of the Harbor Management Plan is to provide a mechanism and a plan for the Village to influence and control waterfront activities so as to preserve and enhance the desirable aspects of the waterfront and to protect and expand access to recreational boating and water sports for Village residents.

The HMP seeks to describe existing conditions along the waterfront, identify issues, concerns, and opportunities for improvement, recommend possible solutions and actions, and propose ways to implement the recommendations. The HMP is divided into sections as follows:

- Introduction
- The Harbor Management Plan Area: Description and Inventory
- Existing Authorities
- Issues, Opportunities, and Recommendations
- Implementation Strategy
- Annexes and Maps

1.2 Harbor Management Plan Goal and Objectives

The general goal of the HMP is to preserve, maintain, and enhance the desirable qualities of the Village waterfront and nearby bay waters and to protect and expand access for Village residents to recreational boating and water sport activities. To achieve the goal, the HMP is intended to provide the basis and authority for the Village to carry out marina and waterfront improvements, organize the placement of moorings, regulate the uses of near-shore waters, protect natural resources, enhance navigation and water sport safety, control the construction and use of docks and other waterfront structures, and to deal with other waterfront-related issues.

The plans and programs of the HMP are conveniently grouped under four general objectives:

Objective 1: Improve Village waterfront facilities. This objective is concerned with needed improvements in the Village marina and the adjacent park areas. These include possible expansion to provide more slips, protection from easterly storms, dredging, improved sanitary facilities, and acquisition of additional property for public use. These issues and recommended courses of action are described in Section 4.5.

Objective 2: Provide guidance for waterfront construction or alteration. This objective includes most of the issues associated with private docks (Section 4.3) and bulkheads and groins (Section 4.8). Some local control over these structures is necessary if the Village is to be able to protect and preserve its waterfront, even though they are also regulated by Federal, State, and Town agencies. The Village proposes to regulate these in-water structures by its control over the portions of the structures within the Village incorporation limits and by agreements with the Town of Brookhaven, which owns the adjacent lands underwater. The proposed local controls are needed to avoid adverse impacts on navigation, water sport safety, aesthetic values, and natural resources and habitats; to protect access to public lands and waters; and to provide a fair sharing of access to and use of public waters by adjoining property owners. The issues and recommendations for solutions are described in Sections 4.3 and 4.8.

Objective 3: Enhance navigation and water sport safety. This objective takes in the issues of moorings (Section 4.4), derelict structures (Section 4.10), and updating the Village Code (Section 4.11). The proposed regulations for moorings will contribute to navigation and water sport safety by defining places for moorings and their spacing as well as channels and other areas within Village waters that are to be kept clear of obstructions. The removal of in-water derelict structures along the waterfront, as recommended in Section 4.10, also will contribute. Provisions of the current Village Code relating to boats and boat operation, docks, bathing beaches, and fishing and crabbing in Village waters (i.e., within 1500 feet of shore) are very important for navigation and water sport safety but are some thirty years old and need to be updated to reflect current conditions, as recommended in Section 4.11.

Objective 4: Preserve waterfront aesthetic values and natural resources. This objective is supported by a number of issues. Regulation of private docks, bulkheads, and groins (Sections 4.3 and 4.8) will help to preserve a stable and orderly waterfront and its aesthetically pleasing appearance. Repairing the Peat Hole sluiceway (Section 4.6) is vital to maintaining the Peat Hole and its surrounding freshwater wetlands. In Section 4.7, on development of Ho Hum Beach, the Village's property within the Fire Island National Seashore, the recommendation is to leave the property in its present largely natural condition. The issue of public access to the shore and enjoyment of the visual quality of views of the bay and shoreline is discussed in Section 4.9: enjoyment of waterfront aesthetic values ought to be possible from shore as well as from the bay. The issue of the quality of Great South Bay waters, notably in Bellport Bay, is raised in Section 4.12, with recommendations for implementing the Village's Stormwater Management Program and working with the Town of Brookhaven and other interested entities on bay water quality matters.

1.3 Changes to the Harbor Management Plan

This Harbor Management Plan is unavoidably a work in progress: a number of the recommended actions are already moving ahead, issues are evolving, even descriptions of the waterfront, nominally static, may need amending periodically. Just as the uses of the waterfront have changed over the years, the HMP should contemplate and allow for

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future uses not envisioned now that are consistent with the general goals and objectives articulated in this document. When changes and amendments become necessary, a new draft will be presented to the Trustees for review, approval, and forwarding to the Department of State

There are some "flag" or undersize waterfront lots that predate the zoning ordinance and are "grandfathered". The general pattern of waterfront lot use is for large single family detached dwellings in a variety of architectural styles, many of substantial architectural merit. The shore front yards tend to be landscaped and well-kept. The result is an attractive and aesthetically pleasing waterfront vista

1.4 The Harbor Management Plan Process

In 1992, New York State amended Article 42 of the Executive Law (Waterfront Revitalization and Coastal Resources Act) to give local governments the authority to manage activities in harbor and nearshore areas by developing Local Waterfront Revitalization Programs and laws to implement the plans. The NYS Department of State has developed regulations (Parts 600, 601.1, 603) that specify procedures for the development and approval of plans. An important element of a Local Waterfront Revitalization Plan (LWRP) is a Harbor Management Plan, which deals with shoreline and near offshore issues.

This HMP for Bellport has been prepared by the Waterfront Management Board of the Village in accordance with NYS Department of State regulations and guidance. The contents of this HMP reflect input from area residents and civic groups, at public meetings and in individual discussions and communications.

Normally, Harbor Management Plans are developed as part of a Local Waterfront Revitalization Program (LWRP). For the Village, there is less urgency to "revitalize" the waterfront than to provide guidance in its development, so the Harbor Management Plan has been prepared first. It is expected that a LWRP for the Village waterfront will be prepared soon, with this Harbor Management Plan as an essential component.

By itself, the Harbor Management Plan, once formally adopted by the Village, is a useful planning document. As the declared intention of the Village with regard to developments along the waterfront, and with the Village's authority to regulate construction activities within the Village limits at the low water mark, and the authority to regulate vessel speed, operation, anchoring, and mooring within 1500 feet of shore conferred by Section 46a of the NYS Navigation Law, the HMP will have substantial weight.

Moving on from the HMP to a Local Waterfront Revitalization Plan for the Village will provide a solid basis for the Village's authority over its waterfront. There are a number of benefits of an approved LWRP. In coastal waters, the Great South Bay in our case, the Town, State, and Federal governments regulate in-water and coastal activities and the Village has limited authority. A Local Waterfront Revitalization Plan, with the included Harbor Management Plan, will allow the Village to address activities along the waterfront in accordance with the State's Coastal Management Plan. The benefits of so doing

(quoting from a NYS Department of State guideline document) include:

- "determining the status of harbor areas and developing a strategy to achieve goals for harbor areas,
- requiring State and Federal adherence to harbor management plans,
- technical assistance from the Department of State [NYS] in addressing harbor management issues,
- financial assistance for small-scale construction and land acquisition projects,
- research, design, and other preconstruction activities that implement the harbor management plan,
- addressing harbor and nearshore issues that transcend local boundaries."

SECTION 2

THE HARBOR MANAGEMENT PLAN AREA: DESCRIPTION AND INVENTORY

2.1 Overview of the Area

The area covered by this Harbor Management Plan is shown on the series of maps in Section 6. Maps 1, 2, 3, and 4 locate the area on Long Island and show the area at progressively larger scale. In the maps 4A, 4B, 4C, and 5 the Village waterfront is divided into sections so that it can be shown at still larger scale. On the water side, the Plan area extends 1500 feet into Great South Bay and Bellport Bay, measured from mean low water. The Harbor Management Plan area, including the Village-owned property on Fire Island, is within the Long Island South Shore Estuary Reserve.

The south shore of Long island, in the Bellport region, tends to be relatively low-lying, with frequent creeks and small rivers draining to the bay through wetlands and salt marshes. The soil is sandy, with some gravels and clays. The surface layer, a hundred feet or so, is essentially sand and gravel deposited by retreating glaciers of the Wisconsin glaciation, starting about 18,000 years ago.

Most of the Village waterfront is on Bellport Bay, which is that portion of Great South Bay east of Howell's Point. The bay is about two miles wide in this area, separated from the Atlantic Ocean by Fire Island, the barrier beach, which is about a quarter-mile wide. The portion of Fire Island across the bay from Bellport is part of the Fire Island National Seashore and is the only Federal Wilderness Area in New York State.

2.2 The Land Side

Along most of the Bellport waterfront the land slopes upward to about 10 feet above mean sea level. Some sections rise to 15 feet or so, with a rather steep face dropping to the beach. About 40 percent of the shore line has been bulkheaded, with significant sections just west of the Village dock, at the foot of the bluffs on either side of the Peat

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Hole, and on both sides of the street ends at Otis Lane and Thornhedge Road. The most prominent feature of the waterfront is the Village dock, marina, and park complex at the foot of Bellport Lane. (See Section 2.3) •

At the east end of the waterfront, around the mouth of Mott's Brook, there is salt marsh, with most of the wetlands area extending east of the brook to Beaverdam Creek. These wetlands are owned by New York State. (See Map 4A) At the west end of the waterfront there is a wetlands area behind Mother's Beach, on the east side of Howell's Creek. (See Map 4C) Howell's Creek is freshwater fed from springs at the inland end but there is some exchange with the bay on high tides through a shallow and narrow (~20 ft.) channel where the creek runs into the bay at its southern end.

In the central section of the waterfront, between the Village dock and Howell's Point, a spring-fed, shallow freshwater pond called the Peat Hole is located just north of the beach. (See Map 4B) There are freshwater wetlands around the pond and extending north. The Peat Hole drains to the bay through a sluiceway across the beach and on very high tides there is some tidal flow into the pond. Arrangements are being worked out with the owner of the beachfront property for easements to allow the Village to maintain the sluiceway. The wetlands around the pond merge into upland deciduous forest. The Peat Hole is an important resource for migratory birds and is a source of food, shelter, and drinking water for a variety of area wildlife. The pond has been a popular winter ice skating site.

To help preserve the Peat Hole in its present largely unspoiled condition, and to assure continued public access, a one-acre property on the pond, with a corresponding segment of the pond itself, was recently purchased with funds from private donors and local collections, the Town of Brookhaven, and the County of Suffolk. Ownership will be as tenants in common including the County, the Town, and the Village of Bellport, and the Village will manage the commonly-owned property. The rest of the local area and the Peat Hole is privately owned. To preserve the natural setting, the uses of the commonly-owned property will be "passive" uses. These include walking, ice skating in the winter, and fishing, but not boating, either man-powered or otherwise. Swimming will not be permitted since the Village does not intend to have a lifeguard on duty. The commonly-owned property may be used by schools for educational purposes.

At the western end of the waterfront the Bellport Village Golf Course ends at the shore. The golf course frontage on the bay is about 800 feet, most of it with a low bulkhead above the beach. The golf course, an 18-hole course, extends north to South Country Road, with club house, pro shop, and other facilities located there. The golf course is a major asset of the Village, with a large and active club membership and much public use. Activity on the course shore front, almost a mile from the clubhouse, is limited to golfers enjoying the view and playing the back nine. An active osprey nest site exists on the shore line of the golf course.

The Bellport waterfront is largely privately held. Of the approximate 2.1 mile length of the waterfront, the Village owns about 550 feet at the foot of Bellport Lane (the Village dock, marina, and park), about 1200 feet at the west end of the waterfront (the Village golf

course and Mother's Beach); and the waterfront ends of about ten roads that nominally terminate at the shoreline. Both the privately held and Village-owned waterfront properties are zoned "Residence AA" under the Village Code, which sets lot size, street frontage, side, front, and rear yard requirements, and limits building heights, fence heights, and accessory building sizes and uses. The AA zoning also provides for public parks, playgrounds, and recreational areas as permitted uses. The current zoning provisions in the Village Code do not include separate categories for recreational or open space areas.

There are some "flag" or undersize waterfront lots that predate the zoning ordinance and are "grandfathered". The general pattern of waterfront lot use is for large single family detached dwellings in the style of Eastern Long Island and New England, many of substantial architectural merit. The shore front yards tend to be landscaped and well-kept. The result is an attractive and aesthetically pleasing waterfront vista.

There is no sewer system in the Village of Bellport or along this region of the Long Island south shore, except for the system in the Village of Patchogue, to the west.. Bellport residential and commercial liquid wastes are handled in individual cesspools and septic tank systems. Rainwater tends to be absorbed where it falls in the sandy soil. Storm water runoff from the paved streets is directed into drains, dry wells, and catchment basins. The main storm water drain runs from the central area of the Village down Bellport Lane to the bay, discharging into the marina just north of the launching ramp. A second storm drain runs down Brown's Lane and discharges to the bay at the foot of the street. Smaller storm drains are located along the waterfront road ends of Otis Lane, Thornhedge Road, and South Howell's Point Road, all discharging to the bay. The storm drains are permitted under the State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s). The Village's MS4-SPDES Registration Number is NYR20A363.

2.3 Village Marina Area

The Village marina area is shown in Map 5. Located at the foot of Bellport Lane, the docks, parks, and beaches of the marina complex are the principal access points to the bay for the public and are intensively used for boating, swimming, fishing, crabbing, concerts, and theatricals in warm weather and for ice boating and ice skating when the bay freezes in winter. At all times of the year, walking or driving down Bellport Lane and around the end of the dock to check the bay is a hallowed and much-practiced Village custom.

The main dock, about 100 feet wide and 400 feet long, is an extension of Bellport Lane and like the Lane is oriented southeast-northwest. (Local practice with compass directions is to regard Bellport Lane and the main dock as lying north-south and the shore east-west: this simplifying convention will be used in this section.) The main dock is a timber-sided, earth-filled structure surfaced with asphalt road paving. There is a boat launching ramp at the north end of the dock. Cars may be parked on the main dock which has about 70 marked parking spots. There are two additional parking areas, in lots

at the intersection of Bellport Lane and Shore Road, with capacity for about 70 cars.

The Bellport Bay Yacht Club (BBYC) clubhouse sits at the south end of the dock under a lease arrangement with the Village. In the winter months the clubhouse is used by the South Bay Scooter Club, an organization of ice boat sailors. The BBYC boat hoist is nearby on the east edge of the dock. The Yacht Club is the center of recreational boating activity in all but the winter months, sponsoring sailboat races on Bellport Bay several times a week and major regattas in concert with the ten other clubs of the Great South Bay Yacht Racing Association as well as regional and national championship regattas of the various sail boat classes. The clubhouse also serves as the on-dock headquarters of the Bellport Bay Sailing Foundation, a not-for profit, tax exempt corporation formed by members of the BBYC to take over the club's sailing lesson program. The Sailing Foundation offers a junior sailing program with lessons at all levels from beginner to advanced and racing classes. On demand, adult classes are formed. The programs are open to all and sailing students come from many nearby communities.

There are parks on either side of the road at the north end of the main dock, the westerly one with a bandstand. A sanitary facility trailer is located behind the bandstand at the west end of the parking lot. South of that park are a playground, dry-sail boat lot, and a sandy beach with gazebo. It is possible to swim off the beach, but it is used mostly to launch small sailboats. The larger park to the east of the road has a gazebo facing the marina and a memorial cannon and flagpole. Just east of this park is a dingy storage lot with a short beach (Rowboat Beach) from which the dingys can be launched.

A second timber-sided, earth-filled structure, about 400 feet long and 20 feet wide, extends from the main dock to form the southerly boundary and breakwater for the marina. It is separated from the main dock by a narrow sluice to promote flushing of the water in the marina. It is plank-surfaced and connected to the main dock by a short bridge. There are 33 boat slips along the north side, formed by piles set 20 to 30 feet out and spaced to suit different boat sizes. North of this dock and parallel to it is a timber-framed, piling-supported dock (called the Stick Dock) that is about 380 feet long, with deck width about five feet, and with 81 boat slips distributed on both sides. At the eastern end of the Stick Dock there is a short perpendicular dock section (the "Tee" end) reserved for transients.

Between the two long docks and attached to the main dock there is a short piling-supported dock for the Village ferry, the Whalehouse Point. In warm weather, a ticket booth and waiting benches are placed near the ferry dock, which is the boarding point for ferry trips to the Village beach on Fire Island. There is a slip reserved for the Suffolk Marine Police just north of the ferry dock.

There are 6 boat slips along the main dock bulkhead between the Stick Dock and the launching ramp and 33 more along the shore bulkhead in front of the large park and the short piling dock in front of Rowboat Beach. The Bellport Bay Sailing Foundation has several slips on the north side of this short stick dock.

There are 153 numbered and rentable slips in all. A few have been rented to commercial fishermen or clammers, the rest are rented to residents for recreational boats. The demand for slips is intense, in part because of the convenience and communal nature of the marina and in part because the slip rental fees are less than local commercial marina fees. There is a long and slow-moving waiting list for boat slips.

To the east of the marina there is an unregulated mooring area, currently used by 15 to 20 boats. Although there is no formal designation of an access channel or fairway for the marina, the moorings have so far been placed to the east of a line extended from Brown's Lane, leaving a clear access channel of about 250 feet. (See Map 4A.) The area covered by the current moorings starts about 200 feet offshore, to avoid some shallow spots over old debris piles and the remains of a timber dock near Brown's Lane, and extends south past the Village property line at 500 feet from shore. In the east-west direction, the boats are moored from Brown's Lane to Brewster Lane.

2.4 The Water Side

Great South Bay, and its eastern end, Bellport Bay, is a shallow estuary between a barrier island—Fire Island—and the Long Island south shore. It was formed a few thousand years ago by a rising ocean level. The bottom of the bay is generally sand, with some thin patches of estuarine mud; one of them is in Bellport Bay and appears to result from the inflow from Carman's River (See Map 3.) Freshwater flow into the bay is limited because the streams and rivers on Long Island's south shore tend to be short, with small drainage basins and small elevations. There is some freshwater input from direct flow of ground water through the bay bottom. Salt water exchange between Great South Bay and the ocean is primarily through Fire Island Inlet, with some contribution from Moriches Inlet which is limited by the restricted channel of Narrow Bay. (See Map 2.) Mean tidal ranges are about 3 feet in the ocean and 0.8 feet in the bay. In addition to the rather weak tidal currents, water movement and exchange is affected by direct wind forcing of the shallow waters of the bay.

The New York State "best usage" water quality classification for eastern Great South Bay, including Bellport Bay, is SA, meaning that the waters should be suitable for shellfishing for market purposes and for primary (e.g., swimming) and secondary (e.g., boating) contact recreation. This classification sets discharge standards but does not necessarily indicate existing water quality. Great South Bay is in the Southern Long Island Hydrologic Unit, as defined under the State and Federal Unified Watershed Assessment Programs. The Great South Bay watershed is rated as Category I, meaning the watershed is in need of restoration and does not now meet, or faces imminent threat of not meeting, clean water and other natural resource goals of State and Federal Clean Water Laws. In fact, eastern Great South Bay is one of 51 waterbody segments in the South Shore Estuary Reserve with impaired uses due to pollutants. Bellport Bay and Patchogue Bay (the next waterbody to the west and a part of Great South Bay) are on the State's Priority Waterbody List of "impaired waters," as prescribed in Section 303(d) of the Clean Water Act, and are awaiting specification of Total Maximum Daily Loads (TMDLs). There is a year-round shellfish closure area along the eastern waterfront of the Village, from the Village dock

east past the mouth of Beaverdam Creek, another east of that around the outlet of Carman's River, and a seasonal closure area covering much of the eastern end of Bellport Bay. Elevated levels of coliform bacteria, indicating the potential presence of fecal wastes from wildlife, waterfowl, and pets, as well as people, are the reason for the shellfish closures.

The bay receives drainage water from both point and non-point sources, with the latter being the primary source of both elevated levels of coliform bacteria and excessive concentrations of nutrients, notably nitrogen. Excess nutrients produce eutrophication and phytoplankton blooms ("brown tides"). While changes in inlet configuration have led to the most abrupt and extreme changes in the environment and biota of the bay in the past, the steady increase in nutrient contamination through most of the last 50 years has been a major factor affecting bay water quality. Primary productivity is very high in the bay, due to the nutrient level and the shallow depth, which allows nutrients to be resuspended from the bottom and mixed throughout the water column. Rooted plants, particularly eelgrass *Zostera marina*, thrive in the shallow waters and are a large part of the primary production, with most of the rest being phytoplankton.

In the past, Great South Bay was famous for its prolific production of hard clams *Mercenaria mercenaria*. In the 1970's, Great South Bay accounted for about half of the hard clams harvested in U.S. waters. In 1979 the landings began to decrease and have continued to drop to the present time. Degraded water quality, changes in the phytoplankton populations, and overharvesting are probably significant factors in the decline, though not the only ones. Fishing and clamming are now mostly recreational pursuits on Bellport Bay, as the ranks of commercial fishermen have dwindled and most of those still active work second jobs. Harvesting crabs is still a commercially viable enterprise in "good" years, mostly in Patchogue Bay, just to the west.

Along most of the village waterfront the lands underwater (the bay bottom), extending across the bay to Fire Island, are owned by the Town of Brookhaven. Eastward from the foot of Academy Lane, the Village incorporation limits include the lands underwater for a distance of 500 feet from shore. The Village incorporation line runs approximately south from the west side of Academy Lane for 500 feet into the bay, circles around the end of the dock, and then runs east 500 feet offshore to the line of Mott's Brook. (See Maps 4 and 4A.) To the west of Academy Lane, the Village incorporation line runs along the low water mark to the Village boundary at the western side of the golf course.

The Village incorporation limits are shown on a map and are described in a document titled "In the Matter of the Incorporation of the Village of Bellport, New York" filed by Dayton Hedges, Supervisor of the Town of Brookhaven, with the Secretary of State of New York, March 11, 1910, saying, in part, "Pursuant to Section 21 of the Village Law, I hereby forward to you a certified outline map of the Village of Bellport, together with a certified description of the corporate limits of such Village." An attached document from Samuel S. Koenig, Secretary of State, dated March 11, 1910, says "It is hereby certified that an outline map and description of the corporate limits of the Village of Bellport, Suffolk County, was this day received and filed in this office." The referenced map shows the Village incorporation line as it is on attached Maps 4 and 4A. The description of the

Village corporate limits reads as follows:

"Description of the Incorporated Limits of the Village of Bellport :

All that portion of the Town of Brookhaven, New York, described as follows:

Situated in the Town of Brookhaven, New York and bounded on the north by the Head of the Neck Road; on the east by Mott's Brook; on the west by the west line of School District Number 28; on the south commencing at the southeast corner at a point in the bay five hundred feet south of low water mark; thence westerly to a point five hundred feet south of the low water mark from the west side of Osborn Avenue [now Academy Lane]; thence by and with low water mark to the west line of School District Number 28."

2.5 HoHum Beach

Ho Hum Beach is the Village-owned strip of land on Fire Island, running from Great South Bay to the Atlantic Ocean, mean high water line to mean high water line. (See Maps 3 and 6.) The strip is 475 feet wide, with the cross-island boundary lines parallel and oriented very nearly north-south (actually about 6 degrees west of north).

A dredged channel leads through the shallow southern part of the bay to Ho Hum Beach. The channel was dredged in 1969 by the Suffolk County Department of Public Works. A U.S. Army Corps of Engineers document dated November 15, 1968, with appended Drawing No. 1507-24, describes and authorizes the work. The channel was dredged to a depth of 7 feet at mean low water, 137,646 cubic yards were removed, and the dredged material was placed on land at both bay and ocean sides of the Village property. The channel was redredged in 1993 as part of a County program to reopen channels to Fire Island after particularly severe winter storms. The work was again carried out by the Department of Public Works, under permits 880139 from the Corps of Engineers and 10-88-0214 from the NYS Department of Environmental Conservation. The dredging was to 7 feet below mean low water, 10,000 cubic yards were removed, and the dredged material was used for beach nourishment on the oceanfront. Since 1993, the channel has slowly filled in and will need to be dredged again at some time in the not-too-distant future.

The Village property lies entirely within the Fire Island National Seashore, in the Seashore District. The oceanfront area of the strip is also within the Dune District of the Seashore. The boundaries and permitted uses and activities of the Districts in the Seashore are described in the Code of Federal Regulations at Title 36, Part 28.3.

About 200 feet of the bay frontage of the strip is bulkheaded, with the balance, like the rest of the nearby bay frontage of the island, being salt marsh. A 50-foot permanent dock built on piles extends from the bulkhead—it is the landing place for the Village ferry, the Whalehouse Point. A seasonal dock, parallel to the ferry dock, is erected in the summertime. It is a floating dock, anchored with piles. The underwater land in the area of the bulkhead and docks is leased annually from the Town of Brookhaven. There are about 20 slips of various sizes available for temporary use. Motor boats and sail boats

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may access the ferry landing area but personal watercraft (jet skis) may not be operated within the boundaries of the National Seashore, which extend 4000 feet into the bay (36 CFR 3.24).

Onshore, opposite the ferry dock, there is a wood-framed building with cold water showers, rest rooms, a screened porch, and a small snack bar. A boardwalk leads south across the island, with a small gazebo half way along, to a larger gazebo on the dune at the ocean beach. The boardwalk is about 1200-feet long. The ocean beach is broad, formed of light-colored sands with an occasional dark streak, and is one of the great ocean bathing beaches of the world.

The Ho Hum Beach property was purchased by the Village shortly before the establishment of the Fire Island National Seashore in 1964. It lies nearly in the middle of an undeveloped seven-mile stretch of the Seashore that was designated a National Wilderness Area by Congress in 1980. It is officially named the Otis Pike Fire Island High Dune Wilderness and is the only Federally-designated Wilderness Area in New York State. Aside from the ferry landing, the boardwalk, and the two gazebos, the Ho Hum Beach strip is undeveloped and in a largely natural state. Maintaining it that way should be an objective of this HMP. Like the wilderness area on either side, it shows the marks of past occupations—the remains of roads, trails, and cottage sites—but these are slowly returning to a natural state.

SECTION 3 EXISTING AUTHORITIES

3.1 Overview

Activities on the bay and waterfront are subject to an assortment of laws and regulations promulgated by agencies at every level of government. These include the Village of Bellport, the Town of Brookhaven, and various agencies and departments of Suffolk County, New York State, and the U. S. Government. Some activities may be subject to a single agency's authority, e.g., zoning of property along the waterfront by the Village of Bellport. Other activities may encounter multiple overlapping authorities, e.g., the permitting of docks, where Village, Town, State, and Federal agencies are involved.

Tables 3.1, 3.2, and 3.3 show the roles and responsibilities of the various agencies whose rules and regulations affect activities on the bay and waterfront in the Bellport area.

3.2 Local Governments

The Town of Brookhaven (Town) and the Village of Bellport (Village) both have

jurisdictions in the local area. The Town owns most of the underwater lands off the waterfront. Activities that touch upon the bay bottom, such as shellfish harvesting, and construction of docks and bulkheads seaward of the low water mark require a permit from the Town. Town of Brookhaven Bay Constables patrol over Town-owned underwater lands.

Placement of moorings, which involves embedment of some sort of heavy anchor in the bay bottom, has required a permit from the Town if the location is on Town-owned bottomlands. Recently, in the case of *Malloy vs. Village of Sag Harbor*, the Supreme Court of the State of New York, in a decision affirmed by the Appellate Division, held that the State Navigation Law, Section 46-a(1), authorizes incorporated villages in Nassau and Suffolk Counties (like incorporated villages in other counties of the State) to restrict and regulate the anchoring or mooring of vessels in the waters off their waterfronts to a distance of 1500 feet from shore. Under Section 46-a(1), the Village also has exclusive authority to regulate the activities of vessels, including vessel speed, types of vessels, and vessel use on surface waters within a distance of 1500 feet from the Village waterfront.

The Village has the exclusive authority to regulate land use activities within its incorporation limits and the Town has exclusive authority to regulate land use activities outside the boundaries of the Village.

Table 3.1	Roles and Responsibilities of County Agencies and Local Governments					
	Planning; Resource Assessment	Zoning; Land Use Control	Issue Permits	Enforce Regulations, Permit Conditions	Operations; Natural Resource Management	Review; Advise; Public Information
Village	X	X	X	X	X	X
Town	X	X	X	X	X	X
SCDHS			X	X	X	X
SCPC	X					X
SCPD				X		

3.3 Suffolk County

The Suffolk County Department of Health Services (SCDHS) conducts water quality testing, certification of swimming areas, and regulates the installation of on-site waste water disposal systems. The Suffolk County Planning Commission (SCPC) reviews proposed zoning changes along the shore and recommends approval, approval with conditions, or denial to the Towns or Villages proposing the changes. The Suffolk County Police Department (SCPD) has a Marine Bureau that patrols the bay. It is the primary law enforcement unit to control marine traffic on the bay. (A number of other enforcement agencies, local, State, and Federal, also patrol the bay.)

3.4 New York State

The New York State Department of Environmental Conservation (NYSDEC) manages the State's recreational and commercial fisheries, the tidal and freshwater wetlands, and other natural resources common to the coastal environment. NYSDEC officers patrol the bay to enforce shellfishing regulations. Construction, reconstruction, or expansion of structures, movement of earth material, or subdividing of land in or adjacent to tidal wetlands require permits from the NYSDEC. NYSDEC is responsible for preservation of water quality throughout the State and provides technical support for the NY Coastal Management Program. The Department of State (NYSDOS), through its Division of Coastal Resources, has developed and administers the State's Coastal Management Program, which provides waterfront planning services for local government and has consistency review authority, which means that the NYSDOS reviews proposed projects, laws, or other actions to see that they conform to the Coastal Management Program.

The NYSDEC, the NYSDOS, and the New York Sea Grant Institute plan and manage environmental research in the area. The Sea Grant Institute (SGI) is a consortium of the State University and Cornell University that conducts a program of research, advisory service work, and education directed at improving the use and conservation of the State's marine and freshwater resources.

The South Shore Estuary Reserve (SSER), comprised of Long Island's south shore bays and the adjacent upland areas draining into them, was established by an act of the State Legislature to protect and improve the health of the estuary. A Comprehensive Management Plan has been prepared by the Reserve Council, with assistance from the NYSDOS Coastal Resources Division, to achieve this end.

Table 3.2 Roles and Responsibilities of State Agencies

	Planning; Resource Assessment	Zoning; Land Use Control	Issue Permits	Enforce Regulations, Permit Conditions	Operations; Natural Resource Management	Review; Advise; Public Information
NYSDOS	X				X	X
NYSDEC	X		X	X	X	X
SGI						X
SSER	X					X

3.5 The Federal Government

A number of federal agencies have roles and responsibilities in and around the Bellport area. The U.S. Army Corps of Engineers (COE) has jurisdiction over activities affecting the "navigable waters of the U.S.", which include Great South Bay. Corps of Engineers permits are required for structures such as piers, wharfs, breakwaters, bulkheads, jetties, and weirs, for work such as dredging, disposal of dredged material, excavation,

and filling, and for any other modifications to the navigable waters. The Fish and Wildlife Service (FWS) reviews all federal dredge or fill permit applications, including those submitted to the Corps of Engineers, to ensure that environmental impacts are properly considered. The National Park Service (NPS) manages park lands in the Fire Island National Seashore, enforces federal rules and regulations, and has some control over developed communities in the Seashore. The FWS and the NPS are agencies of the U.S. Department of the Interior.

The U.S. Coast Guard (USCG) maintains the federal aids to navigation in the bay, has a patrol presence there, sets standards and regulations for boats, marine equipment, and life saving devices, inspects boats, and is responsible, with the U.S. Environmental Protection Agency (EPA), for supervision of cleanup activities in the event of petroleum spills in the bay. The EPA, the lead agency in implementing the Federal Water Pollution Control Act (P.L. 92-500) and the Clean Water Act (P.L. 95-217), sets regulatory controls for most of the state and local environmental regulatory programs that affect Great South Bay and its shorefronts. Under Section 301 of the Clean Water Act the EPA sets regulations for effluent limitations, water quality standards, and toxic and pretreatment effluent standards.

The Federal Emergency Management Agency (FEMA) administers the National Flood Insurance Program and the communities around Great South Bay have adopted flood plain management regulations as required by FEMA for eligibility for federally subsidized flood insurance. Two other federal agencies are active in the area in an advisory capacity; their recommendations are implemented by state and local governments. The Food and Drug Administration (FDA) manages the National Shellfish Sanitation Program which has established guidelines to ensure the quality of shellfish consumed by the public; these are enforced in New York by the Department of Environmental Conservation. The Office of Ocean and Coastal Resource Management (OCRM) of the National Oceanic and Atmospheric Administration in the U.S. Department of Commerce, established in 1972 in the Coastal Zone Management Act (P.L. 92-53), assists states in developing coastal management plans; in New York this has resulted in the State's Coastal Management Plan administered by the NY Department of State.

TABLE 3.3 Roles and Responsibilities of Federal Agencies

	Planning; Resource Assessment	Zoning; Land Use Control	Issue Permits	Enforce Regulations, Permit Conditions	Operations; Natural Resource Management	Review; Advise; Public Information
COE	X		X	X	X	X
FWS			X	X	X	X
NPS				X	X	X
USCG			X	X	X	X
EPA	X		X	X		X
FEMA						X
FDA						X
OCRM						X

SECTION 4

ISSUES, OPPORTUNITIES, AND RECOMMENDATIONS

4.1 Objectives

The objective of the Village is to preserve the essential nature of the Village waterfront and near-shore bay waters. The Village does not have abandoned warehouses and rundown neighborhoods on its waterfront: revitalization is not the need, but preservation and maintenance of the desirable qualities already there. The general objectives of this HMP are usefully repeated here:

The general objectives of the HMP are to preserve, maintain, and enhance the desirable qualities of the Village waterfront and nearby bay waters and to protect and expand access by Village residents to recreational boating and water sport activities by:

- improving Village waterfront facilities,
- providing guidance for waterfront construction or alteration,
- enhancing navigation and water sport safety, and
- preserving waterfront aesthetic values and natural resources.

The issues, opportunities, and recommendations that follow are those that appear best suited at present to implement and contribute to the general objectives. However,

conditions along the waterfront, and influencing it, are far from static. New issues are bound to arise and different approaches to resolving both new and old issues will present themselves. This HMP will need to be changed and amended in the future to take changing conditions into account.

4.2 Coordination with Town

Along most of the Village waterfront within the 1500-foot-from-shore line, the bay bottom is owned by the Town of Brookhaven. The Town's property extends to the low water mark along the shore west of the Village marina and, nominally, from 500 feet outward along the shore to the east. Any construction on the Town's underwater lands; docks, piers, bulkheads, groins, etc., or placement of moorings or permanent anchors, requires a Town permit (as does any construction on privately owned property outside the Village). A coordinated permitting process with the Town would be of advantage to Village residents by reducing the complexity and uncertainty in obtaining permits for moorings, docks or other waterfront structures that extend onto Town-owned lands underwater.

Informal discussions with Town staff indicate that a coordinated permitting process should be relatively easy to work out and would be welcome from the Town's standpoint. The process could work in any of several ways but a particularly simple arrangement would have the Town accept as adequate for its purposes the reviews of a permit application by the Village and, where required, by the NYSDEC and U.S. Army Corps of Engineers. With permits in hand from the NYSDEC, the Corps, and the Village, the Town permit would issue directly upon a simple application without need for further submissions or review.

RECOMMENDATION; Negotiate an Intermunicipal Agreement or Memorandum of Understanding between the Village and the Town to establish a coordinated permitting process for moorings and waterfront structures that extend onto Town property. (See Section 5.2)

4.3 Private Docks

The issue of the size and location of private docks along the Bellport waterfront became of interest recently and the Village Trustees appointed a citizens committee to investigate the matter and make recommendations. The committee, the predecessor body of the Waterfront Management Board, studied the issue at some length, taking into account the rights of waterfront property owners to have access to navigable waters, navigation safety aspects, aesthetic values, recreational aspects (e.g., the desire of kayakers and sailors for minimal impediments along the shore), and public safety, and recommended a set of guidelines for private docks to the Trustees. The Trustees adopted the guidelines, with minor amendments, as Chapter 23 of the Village Code. The "dock law" was forwarded to the New York State Department of State for review and approval on April 7, 2003, as Local Law 3 for 2003 for the Village of Bellport.

The dock law provides that there may be one private dock from each waterfront property,

oriented generally perpendicular to the shore line and of a length that is the lesser of 75 feet from the mean lower low water line on the shore or that length that reaches a depth of 3 feet at mean low water at the outer end. The law does not allow a dock to extend in front of an adjacent property and specifies limits on width, terminal end platform dimensions, and lighting, and requirements for maintenance. The provisions of the Village dock law are quite similar to those of the Town of Brookhaven for private docks, differing mainly in the shorter length allowed. Since any portion of a dock outside the incorporation limit of the Village rests on Town-owned bay bottom, a coordinated permitting process as discussed in Section 4.2 would ease administrative burdens on applicants.

In addition to the provisions for private docks, the new Chapter 23 of the Village Code creates the Waterfront Management Board, assigns to it the review of applications for private docks with power to approve or deny, and assigns it the duty to recommend to the Trustees measures to improve the Village waterfront and to prepare a Harbor Management Plan.

The "dock law," Chapter 23 of the Village Code, is adopted by reference as a part of this Harbor Management Plan to deal with the issue of private docks. (See Section 5.1.1 and Annex 1 in Section 6)

RECOMMENDATION: Pursue the development and submission for approval to the New York Department of State of this Harbor Management Plan in order to establish the authority of Chapter 23 of the Village Code to deal with private docks, (See Section 5.5.1)

4.4 Mooring of Vessels

Boats, both sail and motor, have traditionally been moored during the summer season along the Bellport waterfront. With the prevailing summer winds from the southwest, most mooring devices have been placed east of Howell's Point, either in the cove just east of the Point or to the east of the Village dock. All (as far as is known) of the moorings are privately-owned and are for recreational use. There appears to be no effective control or regulation of mooring placement, use, or design, but thus far there have been relatively few problems.

The Village Code (Sec. 4-34) does not require a permit to place a mooring device in Village waters and regulates moorings only to the extent of prohibiting the mooring of vessels in any channel, within 50 feet of a channel marker, or close enough to interfere with the mooring of a boat to a mooring device previously laid down. The Town of Brookhaven Code (Chapter 8) requires that a mooring permit be obtained to place a mooring device on Town-owned underwater lands, but this requirement has not been enforced on the Bellport waterfront.

As to other possible regulators of moorings, responses to informal inquiries suggest that the U.S. Coast Guard and the U.S. Army Corps of Engineers would be interested in Bellport area moorings only if the moorings impacted navigation, and that in view of the

shallow water depth, the distance from the Bellport Bay Reach of the Long Island Intracoastal Waterway (the buoyed channel through Bellport Bay), and the lack of commercial traffic from the channel, there is no apparent impact. Contacts with the New York State Department of Environmental Conservation did not indicate any regulatory interest in recreational moorings.

In recent years there has been a noticeable increase in the number of mooring devices located east of the Village dock, near the marina. These have been placed by individual boat owners wherever they choose. With a waiting list for slips in the marina, the demand for nearby boat moorings is likely to increase. This situation raises questions about equitable access to mooring spaces, efficient use of the available area, safe navigation of boats to and from the marina and moorings, use conflicts, and generally ensuring that areas for water-dependant recreational activities are available to all Village residents. As the number of moorings increases, these questions become serious concerns and will require action by the Village.

When Village action becomes appropriate, it is proposed that there should be a Village program to regulate and control moorings placed within a distance of 1500 feet from the Village shoreline. A Village mooring permit would be required to place a mooring device in Village waters. Since much of the bay bottom under Village waters belongs to the Town of Brookhaven, which issues mooring permits, a coordinated permitting process is highly desirable. As noted in Section 4.2, the prospects for coordinating permits with the Town are quite good and the process for moorings would probably be simpler than for other permits.

To the east of the marina, a designated area for moorings would be established, running easterly (actually northeast) from the line of Brown's Lane to the Village boundary line at Mott's Brook. The area would start 150 feet out from shore on the Brown's Lane line and extend southeast about 650 feet, thus forming a rectangular area 650 by about 1500 feet. (See Map 7) Within the designated mooring area, specific locations for moorings for various boat sizes would be identified and assigned by permit. Guidelines for ground tackle in the mooring area would be established.

Subject to the final judgments about ground tackle, mooring scope, and spacing between moorings for various boat sizes, it appears that the area would allow at least 70 mooring locations. The area is large compared to current needs but there do not appear to be any negative aspects to establishing it at that size. In view of the distance from Rowboat Beach, or other possible dingy landing points, to the outer reaches of the mooring area, the possibility of a launch service should be investigated.

A modification of the proposed mooring area east of the marina will be necessary if current plans for protecting the marina are carried out. These plans contemplate a floating breakwater extending north from the end of the earth-filled dock for 250 feet to shield the marina from easterly storms. To maintain a wide entrance fairway to the marina, the mooring area boundary would have to be moved about 200 feet northeast, shortening the long dimension of the rectangular mooring area to about 1300 feet, still an amply large area. This arrangement is shown in Map 9.

If an additional designated area for moorings is needed, either to accommodate more mooring locations or to provide mooring locations closer to the main dock, an area off the foot of Academy Lane and running west could be designated.

Moorings would not be allowed east of the Village dock and within 1500 feet of shore, except in the designated mooring area, in order to keep the marina and its approaches clear of obstructions. (See Map 7) To the west of the Village dock, and outside any designated mooring area, moorings would be allowed as individual owners may desire, subject to the conditions that a mooring device would not be allowed where it would be a hazard to navigation, interfere with the previous mooring of vessels, or be within 150 feet of shore unless owned by the owner or lessee of the upland waterfront property. Review of the application for a mooring permit by the Village Clerk would provide the needed opportunity for control of mooring locations.

Bay bottom conditions vary along the waterfront and guidelines for mooring tackle, scope, and spacing need to be drafted with care to take that variation into account. The mooring area, particularly the section nearest the marina, has a number of abandoned mooring weights on the bottom—concrete blocks, old engine blocks, and such—as well as some construction debris, and these hazards should be removed if it can be done at reasonable cost.

RECOMMENDATIONS:

- As needed, establish a Village program as outlined above to regulate and control moorings in Village waters, including designation of a Village mooring area east of the marina. (See Section 5.1.2 and Annex 2 in Section 6)
- Prepare guidelines for mooring tackle, scope, and spacing suitable for the various sections of Village waters and a chart showing mooring locations in the Village mooring area. (See Section 5.3.1)
- Investigate the cost and practicality of providing a launch service from the dock area to the designated mooring area. (See Section 5.3.2)
- Investigate the cost and practicality of removing abandoned mooring weights and other debris from the Village mooring area. (See Section 5.3.3)

4.5 Village Marina

One of the principal issues connected with the marina is the long and slowly moving waiting list for boat slips. The 153 slips in the marina are all rented each season, most by boat owners who rent each year and want to keep their slips. The Village Trustees have recently taken several steps to clarify the situation, including more limiting rules for eligibility and priority for slips and for use and transfer of slips. Also, a one-time fee for a place on the waiting list has been imposed.

The possibility of expanding the marina was examined in a recent study by a marine consulting firm employed by the Village. Two alternate proposals were made. The first

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was to physically expand the marina by extending the earth-fill dock to provide about 40 additional slips and to bend the extension in a northerly direction to form a breakwater. (See Map 5) The second was to increase the number of slips within the existing harbor by construction of an second stick dock to provide about 37 new slips and to construct a stone breakwater to protect the harbor from easterly winds. The latter proposal would require relocation of the existing stick dock to equalize the access fairways between docks and relocation of the ferry embarkation dock. Informal cost estimates from local marine contractors suggest costs of \$400,000 to \$800,000 for the second proposal. The contractors would not estimate the cost of the first proposal, extending the earth-fill dock, but it is likely to be larger.

Both approaches to increasing the number of available slips have drawbacks in addition to the substantial costs. Extending the earth-fill dock or constructing a stone breakwater raise environmental impact questions: informal contacts with the NYS Department of Environmental Conservation suggest that it will be difficult to obtain a permit for either a new earth-fill dock or an extension of the existing one, or for a stone breakwater. Constructing two stick docks in the harbor would reduce the widths of the fairways between docks to the point that sailing to and from the hoist or slips near the main dock would be difficult, if possible. And moving the ferry embarkation point outside the harbor to the bulkheads at the sides of the main dock is unlikely to be popular with ferry passengers or captains. Some alleviation of the slip shortage might come from encouraging boat owners to moor their vessels to the east of the marina, in the area where the Village mooring area would be established.

Another issue for the marina is the vulnerability of the harbor to storm surge and winds from the east. Possible solutions that might be acceptable from an environmental standpoint are reconfiguration of the marina to get better protection from existing structures, a pile-supported timber breakwater, or one of the wave-dampening or floating breakwater designs. Current efforts on this issue have focused on a floating breakwater system consisting of heavy concrete box sections anchored by steel piles. A series of these sections would be placed off the end of the earth-filled dock, extending in a generally northerly direction, to shield the marina from easterly storm waves. Map 8 shows the layout. This arrangement would provide space for 12 to 15 new boat slips inside the marina and nearly that number of slips outside that would be suitable for transients. This system has been installed at a number of marinas, with generally favorable reports from the operators.

Expansion and protection of the marina would be a major project for the Village and there should be a consensus of the residents in favor before going ahead. Public discussion of the pros and cons of the outlined marina expansion and protection proposals, or others, would help to develop that consensus.

There are other issues connected with the marina, the first of which is the progressive shoaling of the harbor. There is a program of maintenance dredging under Army Corps of Engineers 10-Year Maintenance Dredging Permit No. 1999-14210-1 (expiring 09-29-10) and New York State Department of Environmental Conservation Permit No. 1-4722-00978/00027 (expiring 07-31-10). Permit conditions include dredging to 3 feet below

4.6 Peat Hole Sluice

The Peat Hole, described in Section 2.2, drains to the bay through a sluice across the beach which has a gate to keep water levels stable. The sluice and gate are silting up and the gate, a half-century old, is rotten and failing.

RECOMMENDATION: Refurbish and repair the sluice and sluice gate at the Peat Hole. (See Section 5.4.2)

4.7 Ho Hum Beach Development

Ho Hum Beach, the Village-owned strip from bay to ocean in the Fire Island National Seashore described in Section 2.5, is in a largely natural condition and there are no plans for further development. The interest of the Village is in maintaining the present facilities, making some improvement in the docking arrangements on the bay side, and allowing for the possibility in the future of dredging needed to keep the approach channel open. A statement of this intent by the Village would be a useful clarification in view of the location of the Village's property in the middle of a Federal Wilderness Area.

The channel through the shallow southern waters of the bay that gives access to Ho Hum Beach has not been dredged since 1993. It is slowly filling in and will need to be dredged within a few years if access to the beach is to be maintained.

RECOMMENDATIONS:

- Make it the policy of the Village with regard to the Ho Hum Beach property to repair and maintain the existing facilities as needed but otherwise to leave the property in a natural condition. (See Section 5.5.5)
- Arrange to have the channel to Ho Hum Beach dredged in the near future, to maintain access to the beach. (See Section 5.5.6)

4.8 Bulkheads and Groins

About 40 percent of the Village shore line is bulkheaded, as described in Section 2.2, and there are a dozen or so groins spotted along the waterfront, most of them west of Howell's Point along the shore that faces the prevailing wind and is most subject to erosion. The extensive hardening of the shore with bulkheads is largely a mid-twentieth century product: some older residents can recall being able to walk much of the Village shore between high and low water marks. Bulkheads are usually placed to retain upland material or prevent shoreline recession, but have also been used in the past to extend waterfront properties and to retain material brought in to fill shoreline wetlands. A long-term aim of this HMP is restore, to the extent practicable, the littoral zone along the shore and the possibility of passage along it.

Permits from Federal, State, and Town authorities are required for the placement of bulkheads and groins at or seaward of the high water mark. Bulkheads and groins qualify as "structures" under the Village Code and, in principle, also require a Village

building permit for any portion landward of the low water mark. That would seem to be a more than ample regulatory scheme for these structures. There are, however, no guidelines or requirements in the Village Code to help the Building Inspector deal with a proposed bulkhead or groin.

To preserve the remaining beaches along the waterfront, it is desirable that any new bulkheads be sited a foot or two above the high water mark. That allows construction of a bulkhead for storm protection or for raising the upland property grade while preserving the natural beach and intertidal zone. It may also have the benefit of a simpler permitting process since only a Village building permit may be required. Existing bulkheads that are maintained in good condition should be allowed to remain but bulkheads that have deteriorated to the point of being nonfunctional should be relocated above the high water mark if they are replaced. Maintenance and repairs of bulkheads should be allowed without a permit when performed in place and with no seaward encroachment.

The dozen-odd groins currently in place along the waterfront seem to be doing what they were intended to do without causing any significant problems. In general, groins are obstacles to walking the intertidal zone beach, a nuisance if they are kept low, not much above the level of high water, and a real barrier if they are oversized. Groins also have the unfortunate capability of doing substantial damage downstream (in the sense of the prevailing along-shore currents) to adjacent waterfront properties. Material such as concrete highway debris or spoil from an excavation dumped along the waterfront to protect against erosion is in some sense an extended groin and in any case is a structure that requires a building permit. It may be less costly than a well-designed bulkhead placed above the high water mark, but in most cases it will impede passage along the shore, be unsightly, and probably will not protect the shore for long. Any proposals for new groins or waterfront material placements should be reviewed with care to assure that the proposed structures are really essential, are the minimum size for the purpose, and would have acceptable downstream effects along the shore. In some cases, the review by the NYSDEC may serve this purpose. In others, the Building Inspector may want an independent review by consultants expert in coastal planning and environmental impact assessment, an opinion from the Waterfront Management Board, or both.

RECOMMENDATION: Establish requirements for the issuance of building permits for bulkheads, groins, and material placements along the Village shoreline. The requirements should include provisions to grandfather existing bulkheads and groins in good condition, impose maintenance requirements, allow repairs in place without further permitting, provide for expert review of applications for new groins and placements, require that new bulkheads be placed at least two feet shoreward of the mean high water line, and assure that any new construction will not unduly impede passage along the shore. (See Section 5.1.4)

4.9 Access to Waterfront

Most of the Village waterfront is privately held--about 80 percent of it. The main points of public access to the waterfront are at the Village dock, marina, and waterfront parks at the

foot of Bellport Lane, and at Mothers' Beach, west of Howell's Point. Both have public parking areas. However, the access road to Mothers' Beach is closed after the summer season when the Village reduces its code enforcement patrol force. During the off season, residents may apply at the Village office and obtain access to Mother's Beach. In the past, the location, away from the center of the Village and tucked on the shore by the golf course, has drawn rowdy late parties and vandalism of facilities and playground equipment.

In addition, there are eight Village roads with rights-of-way ending at the shore. Several of these are not cleared or paved to the shoreline. Where roads do reach the waterfront, there is public access to the shore for walking the beach, wading, swimming, fishing, launching of small boats and kayaks, and the simple pleasure of looking at the bay and the shore. In this connection, it is not often mentioned that a part of the character of the Village is its visual quality. The variegated views of the bay and the nearby shore from these road-end access points, as well as from the marina area and Mother's Beach, are major contributors to that visual quality and are well worth preserving for the public, as are the other activities that depend on access to the shore.

Set against those positive values of waterfront access there are concerns of adjacent property owners about congestion, noise, and partying crowds that have a valid basis in past experience. In response to these concerns, the Trustees have established 'no parking or standing at any time' zones on the roads leading to the shore and on some adjacent roads. Public access to the shore is still available by foot, bicycle, roller skate, and any other 'non-motor vehicle' device. It may not be as convenient as parking at the shore but should be a workable compromise as long as the no-parking zones are not unreasonably extended.

With the *status quo* apparently acceptable, is there any issue here? There would not be if there was any assurance that the present access limitations would not be increased in the future. But it is in the nature of Village meetings and proceedings that complaints (noisy party on the beach last night, etc.) get expressed with vigor while expressions of pleasure and appreciation of some activity at the shore seldom are heard and only softly, even then. The result is an overall tendency to restrict access. The value of preserving access to the shore is raised as an issue, then, to provide some counter arguments in favor of access if future demands for more restrictions are heard. The issue is of less concern for the Village dock, parks, and marina area, and for Mother's Beach, where there are parking areas, at least for residents, and where the tradition of access is immutably fixed in the Village psyche. The access points that are vulnerable are the road ends at the shoreline and these are the focus of this issue.

RECOMMENDATION: The Village should recognise the substantial positive values for Village life of maintaining reasonable access to the shoreline, not only at the Village dock and marina area and Mother's Beach, but also at the several other road ends at the bay. (See Section 5.1.5)

4.10 Derelict Structures

There are a few derelict structures along the waterfront that are hazards to navigation or just general nuisances. Notable among them are the remains of an old timber dock off Brown's Lane and a rock pile off Rowboat Beach that is probably the last vestige of an old wharf. Removal would be a benefit to small boat safety and navigation, and visual quality along the waterfront.

RECOMMENDATION: Make removal of derelict structures an objective of waterfront management and seek ways to accomplish it. (See Section 5.5.7)

4.11 Update Village Code

Some provisions of Chapter 4 of the Village Code, "Boats, Docks, Beaches and Waterways," need to be updated to reflect current conditions and to remove some apparent conflicts. Consolidation and coordination of the various laws and policies that affect the marina are especially important. With several local laws related to the waterfront approved or in process, it is a good time to consider consolidating the waterfront-related elements of the Code into a single chapter.

RECOMMENDATION: Update the provisions of Chapter 4 of the Village Code to reflect current conditions and remove conflicts and consider consolidating Chapter 4 and other waterfront-related local laws into a single chapter. (See Section 5.1.6)

4.12 Bay Water Quality

For the Village, the pressing issue with regard to bay water quality has to do with stormwater discharges from the storm drain outfalls at the bay ends of Bellport Lane, Brown's Lane, Otis Lane, Thornhedge Road, and South Howell's Point Road. Stormwater is water from rain or melting snow that doesn't soak into the ground but runs off into the bay via the storm drains. It may carry pollutants in the form of animal wastes, fertilizers, pesticides, herbicides, salt, oil, toxic chemicals, and other potential pollutants.

Recent State and Federal regulations, commonly referred to as the Stormwater Phase II program, require permits for stormwater discharges from storm drain systems like the Village's, which are called Municipal Separate Storm Sewer Systems, or MS4s. In March, 2003, the Village filed for and received a permit, MS4 SPDES No. NYR20A363, from the NYS Department of Environmental Conservation. The permit authorizes the Village to discharge stormwater from its storm drain systems into the bay under the terms and conditions of the State Pollutant Discharge Elimination System General Permit GP-02-02.

The Village's permit requires it to "...develop, implement, and enforce a stormwater management program (SWMP) designed to reduce the discharge of pollutants to the maximum extent practicable..." The SWMP must include the minimum control measures described under six headings in the General Permit, submit an annual report and certification on progress in carrying out the SWMP, and provide adequate resources to fully implement the SWMP over a five-year period ending in January, 2008.

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The Village's Stormwater Management Program was prepared in early 2003 and filed with the Notice of Intent for the MS4 permit. The SWMP covers the required minimum control measures, existing programs and activities, and year-by year goals and actions for each of the six mandated categories of control measures. The six categories are:

- Public education and outreach on stormwater impacts
- Public involvement/participation
- Illicit discharge detection and elimination
- Construction site stormwater runoff control
- Post-construction stormwater management
- Pollution prevention/good housekeeping for municipal operations

The SWMP amounts to a rather substantial new program for the Village. It is just one of a number of issues that have occupied the Village's attention and resources and as a consequence has had a slower than intended beginning. Some additional funding would be very helpful.

A second issue with regard to bay water quality is the discharge of vessel head and galley wastes to the bay. Compared to the large pollutant flow from land-based discharges, these are small, but may become more significant in the future as better controls over land-side discharges become effective. Provisions of the Village Code governing the dock and marina prohibit toilet waste discharges in the marina but the broader waters of the bay are not restricted for vessel discharges. The South Shore Estuary Reserve Comprehensive Management Plan includes a recommendation to government entities in the Reserve to adopt marina and recreational boating best management practices and appropriate regulations to mitigate the impact of vessel waste discharges. Suggested implementation measures include developing criteria for designation of each bay as a no-discharge zone for vessel wastes.

There is some interest along the south shore in making Great South Bay a no-discharge zone, a process that would require support from each municipality bordering the bay, action by Federal and State agencies (USEPA and NYSDEC), and would be contingent on an adequate number of pumpout facilities spaced along the bay. The Village should support efforts to move this process along and should declare its support for the no-discharge zone designation. On the matter of pump-out vessels and pump-out facilities, the Village is not inclined to a "go-it-alone" policy and looks to the Town of Brookhaven to coordinate the efforts of its south shore municipalities on this subject. Funding necessary studies is likely to be a problem.

RECOMMENDATIONS:

- Appoint a citizens' Stormwater Management Committee to broaden citizen awareness of and interest in the Village's Stormwater Management Program and to assist the Village Clerk in carrying out the program. (See Section 5.5.8)
- Designate a Lead Trustee of the Village Board of Trustees to oversee the

management and implementation of the SWMP and to work with the citizen's Stormwater Management Committee. (See Section 5.5.8)

- Work with the Town of Brookhaven and other interested entities to investigate the benefits and problems in establishing Great South Bay as a no-discharge zone and develop criteria for that action. (See Section 5.3.6)
- Make it a policy of the Village to support and encourage the designation of Great South Bay as a no-discharge zone. (See Section 5.5.9)
- Investigate the possibility of additional State and Federal funding sources to address stormwater management and vessel waste disposal concerns. (See Section 5.5.10)

SECTION 5

IMPLEMENTATION STRATEGY

5.1 Village Laws

5.1.1 Private Docks. As noted in Section 4.3, a set of design standards and other conditions for private recreational docks has been codified in Chapter 23, "Waterfront Management," of the Village Code. This local law is incorporated by reference in this Harbor Management Plan. A copy of the law is attached as Annex 1, in Section 6.

5.1.2 Mooring of Vessels. The first recommendation in Section 4.4 is to establish, as needed, a program to regulate and control the mooring of vessels in Village waters. An addition to the Village Code will be required to do so. A first draft of a local law for this purpose is attached as Annex 2, in Section 6.

5.1.3 Village Marina. The first recommendation of Section 4.5, to monitor the approaches now in hand by the Trustees on slip rental and waiting list rules, may result in changes or adjustments in the new rules, which are in Article III of Chapter 4 of the Village Code. To enact any such changes, the normal process for the adoption or change of a local law will be followed.

5.1.4 Bulkheads and Groins. Spelling out the requirements and standards for issuance of building permits for bulkheads, groins, and placements, as recommended in Section 4.8, will require some additions to the Village Code, similar to the standards for private docks and the proposed mooring ordinance. A draft of such an ordinance has not been prepared as yet, but the general provisions are indicated in Section 4.8. To clarify the requirement for a building permit for bulkheads, groins, material placements, and also for docks, for the portions within the Village incorporation limits, the definition of "structure" in Chapter 21, Zoning, of the Village Code, should be amended to add bulkheads, docks, groins, and material placements. The normal process for adoption or change of a section of the Village Code would be followed.

5.1.5 Access to Waterfront. The recommendation in Section 4.9 is for the Village

to recognise the values of access to the shoreline where Village roads end at the bay, as well as in the main dock and marina area and at Mother's Beach. The recommendation looks to the future and the possibility that concern about rowdyism on the shore will lead to a demand for further limitations on access, particularly at shorefront road-ends. In that event, the need for, and nature of, any further control measures should be balanced against the considerable positive values of access to the shore. In particular, it will be important to maintain public access to the shore by foot, and any other 'non-motor vehicle' means. Since any control measure would come as a local law, the matter is treated in this section. For the present, the arrangements in hand seem to be working and no further action is needed beyond approval of this HMP.

5.1.6 Update Village Code. Implementing the recommendation of Section 4.11 is a job for the Village Attorney's office and its consultants, particularly in deciding whether all of the waterfront-related provisions of the Code should be gathered into one chapter, and if so, the structure of the chapter. Updating the existing provisions in Chapter 4 is relatively straightforward. Changes and additions to the Code will follow the normal process for adoption of a local law.

5.2 Coordination with Town

The first step in negotiating an agreement between Town and Village on joint permitting (see Section 4.2), aside from informal staff contacts, is for the political leadership on each side to agree that the subject is worth investigating and to authorize their staffs to meet and work on the matter. Then the staffs can identify any issues and conflicts and ways to resolve them, prepare a draft agreement or memorandum of understanding, and present it to the Town and Village governing bodies for consideration and approval. In view of its interest in joint permitting, the Village should initiate the process.

5.3 Studies and Research

5.3.1 Mooring of Vessels—Ground Tackle. The second recommendation in Section 4.4 is to prepare guidelines for mooring tackle, scope, and spacing for various areas in Village waters and a chart of mooring locations in the Village mooring area. It is proposed to do this by convening an expert group under the auspices of the Waterfront Management Board to work out the guidelines and chart. The particular conditions of the proposed Village mooring area; shallow water, exposure to the east, mixed layers of sand, mud, and decomposing eel grass in the bottom, all work against the conventional mooring arrangements, which are intended for closely spaced moorings in deeper water with good holding ground. Most of the present moorings in the area east of the marina have been placed by a local marine contractor who has worked out, over the years, a reliable mooring arrangement for the unique conditions of this area. In other sections of the Village waters, e.g., the deeper waters in the cove just east of Howell's Point, mooring arrangements of the conventional type have been satisfactory. The reason to gather the expert group is to tap into this resource of local knowledge.

5.3.2 Mooring of Vessels—Launch Service. The third recommendation in Section 4.4 is to investigate the cost and practicality of providing a launch service for the mooring

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area. The need for and economic viability of a launch service increase with the number of vessels moored in the designated area and it may be some time before the number of moored vessels supports such a service. A question to be answered is whether early provision of a launch service would attract sufficient additional moorings to justify itself.

5.3.3 Mooring of Vessels--Debris Removal. The fourth recommendation in Section 4.4, on moorings, is to investigate the cost and practicality of removing abandoned mooring weights and construction debris from the Village mooring area. The investigation will be rather more a commercial negotiation than a study or research: after some informal discussions with possible contractors, it involves drawing up a work specification and requesting bids. It may be possible to clean up a limited area near the marina end of the mooring area and this may take care of the bulk of the unwanted items.

5.3.4 Village Marina--Dredging. The recommendation on dealing with shoaling in the harbor (Section 4.5) asks for an engineering study of the problem.. This implies depth surveys and profiling of the harbor bottom, sampling of the bottom soils, calculation of volumes and types of material to be removed, methods of removal and spoil disposal, permitting requirements, and cost estimates. For comparison to a full harbor dredging, the study should determine whether an augmented program of maintenance dredging would suffice to improve harbor depths in critical spots and generally maintain adequate navigability of the harbor. Depending on the outcome of the study, a capital project to dredge the harbor may follow. Since obtaining State and Federal permits to dredge is likely to be a lengthy process at best, an early start on preparing an application is advisable.

5.3.5 Village Marina--Storm Protection. One of the recommendations of Section 4.5 is to investigate methods to protect the marina from easterly storms. The main concern in those storms is the vigorous wave action in the harbor, causing docked boats to buck and surge against their lines. Wave reflection from the main dock bulkhead adds to the action. In recent years, several wave-dampening or floating breakwater systems have been proposed. The intent of the recommended study is to look at those possibilities as well as at other breakwater structures and at reconfiguration of the marina as an alternative. As noted in Section 4.5, the current focus is on a floating breakwater system which would both shield the marina from easterly storms and provide some additional slips in the marina. If this system seems practical, then costs and permitting aspects need to be examined, with a view to a capital project to install the system.

5.3.6 Bay Water Quality. The third recommendation of Section 4.12 is to join with other interested entities to examine the problems and benefits of making Great South Bay a no-discharge zone and developing criteria for the process. Implementation, at this point, requires that the Village maintain contact with and awareness of efforts in this direction by the larger entities in the area, e.g., the south shore Towns and Counties, the South Shore Estuary Reserve, the NYSDEC, and encourage and support such efforts. Working with the Town of Brookhaven on the issue of pump-out facilities, how many are needed, where should they be, vessel or dockside, and how to finance, will require more direct effort and input. The Waterfront Management Board can take these functions in

hand.

5.4 Capital Projects

5.4.1 Village Marina. The recommendations of Section 4.5 for the marina may lead to three capital projects. As noted in Section 5.5.2, one would be the expansion or alteration of the marina to obtain space for about 40 additional boat slips. The second, discussed in Section 5.3.4, would be a project to dredge the harbor. The third, discussed in Section 5.3.5, would be a project to provide protection from easterly storms.

5.4.2 Peat Hole Sluice. The cost to refurbish and repair the sluice and sluice gate at the Peat Hole, as recommended in Section 4.6, is currently estimated at \$150,000. Village officials are seeking grants and donations from Suffolk County and the State to fund the reconstruction project. Donations from organizations and individuals interested in preservation of the environment are also possible fund sources.

5.5 Other Actions to Implement HMP

5.5.1 Private Docks. The Recommendation for Section 4.3 on private docks is to complete this HMP and submit it for approval. The implementation strategy is simple enough: complete a reasonable first draft, hold public meetings to explain it, get the views of citizens, experts, and officials, revise the draft, and present it to the Village Trustees for their review, modification, and transmission to the NYS Department of State.

5.5.2 Village Marina—Public Meetings. The second recommendation of Section 4.5 asks for public meetings on expansion of the marina, a necessary process to develop a clear consensus in the Village on whether or not the benefits of the 40 additional slips are worth the cost and drawbacks of the alterations to the harbor. If they are, then this process will lead to the necessary preliminary studies and a capital project to expand or alter the marina. The public meetings could be held under the auspices of the Village Trustees or the Waterfront Management Board, or both.

5.5.3 Village Marina—Use of Moorings. The third recommendation of Section 4.5 looks to increasing the use of moorings to help relieve the demand for slips. Establishing the Village mooring area, as described in Section 4.4, might encourage boat owners to try it out and the fees for mooring permits there could be lower than for permits elsewhere in Village waters. Also, since there is a substantial fee for renting a post to which a dingy can be chained in the dingy lot at Rowboat Beach, a mooring permit for the Village mooring area could be offered without charge to those renting a post. An attractive but relatively high cost amenity for the Village mooring area would be launch service to and from the main dock. (See Section 5.3.2)

5.5.4 Village Marina—Waterfront Property. The last recommendation of Section 4.5 suggests the acquisition of additional property by the Village in the area of the marina complex. This is a long-term proposition. Implementation for the present is only to be aware of property situations in the area. If and when suitable properties become

available in the future, the Village Trustees sitting at those times will have to consider costs and benefits and make the appropriate decisions.

5.5.5 Ho Hum Beach—Development Resolution. The first recommendation of Section 4.7 can be carried out by a motion of the Village Trustees to adopt the recommendation.

5.5.6 Ho Hum Beach—Channel Dredging. The second recommendation of Section 4.7, to arrange for the dredging of the channel to the beach, should be implemented by applying to the Suffolk County Department of Public Works for a place on the Department's dredging schedule. The Public Works Department will obtain the necessary permits from the U.S. Army Corps of Engineers and the New York State Department of Environmental Conservation and carry out the dredging, all in due time. The process is likely to take several years so an early application for a place on the dredging schedule is in order. In recent years, the matter of disposal of dredged material has become an important issue. In this case, it is suggested that the dredged material be pumped across the island and distributed on the oceanfront for beach nourishment.

5.5.7 Derelict Structures. Removal of derelict structures, as recommended in Section 4.10, will, because of the costs, become a long-term objective, with individual items being taken out as opportunity offers. An example would be including removal of the old dock off the foot of Brown's Lane as part of a contract to find and remove abandoned mooring weights and construction debris in the proposed Village mooring area. (See Section 5.3.2) In some cases, waterfront property owners might be encouraged to remove dock or groin remains located in front of their properties, or be required to if they want to construct a new dock. For some of the old dock remnants, winter ice packs may do the job at minimal cost.

5.5.8 Bay Water Quality—Citizens' Committee. The first two recommendations of Section 4.12 are to appoint a citizens' committee and assign one of the Trustees to take active roles in promoting, overseeing, and assisting the Village Clerk and staff in implementation of the Village's Stormwater Management Program (SWMP). The Mayor and the Trustees can appoint the committee and assign a Trustee at any time. The SWMP involves a large effort in public education, outreach, participation, and involvement and the proposed Stormwater Management Committee should be the principal agent in this activity.

5.5.9 Bay Water Quality—No Discharge Zone. The recommendation of Section 4.12 to make it a Village policy to support and encourage designation of Great South Bay as a no-discharge zone can be carried out by passage of a resolution to that effect by the Trustees.

5.5.10 Bay Water Quality—Additional Funding. The last recommendation of Section 4.12 is to seek additional funding for stormwater and vessel waste disposal concerns from State and Federal sources (Town and County sources would be welcome too). A first step would be to "ask around" and while that might develop some useful

leads, some professional help from the grant acquisition field is likely to be needed.

SECTION 6

ANNEXES AND MAPS

6.1 Annexes

6.1.1 Annex 1: Chapter 23, "Waterfront Management," of the Village Code

6.1.2 Annex 2: Draft Local Law, "Mooring of Vessels"

6.2 Maps

- Map 1. Long Island Region**
- Map 2. Brookhaven Town Region**
- Map 3. Bellport Village Region**
- Map 4. Village Waterfront Region**
- Map 4A. Eastern Village Waterfront**
- Map 4B. Central Village Waterfront**
- Map 4C. Western Village Waterfront**
- Map 5. Village Marina Complex**
- Map 6. Ho Hum Beach**
- Map 7. Proposed Village Mooring Area**
- Map 8. Village Marina with Proposed Floating Breakwater**
- Map 9. Mooring Area with Proposed Floating Breakwater**

Chapter 23 WATERFRONT MANAGEMENT

Sec. 23-1. Legislative intent.

The purpose of this chapter is to insure the stabilization, protection and preservation of aesthetic values of the natural shoreline located within the village's jurisdictional limits, and pursuant to the delegated powers and authority under article 4-A of the New York Navigation Law, and to minimize adverse impacts to the environment, to insure safe navigation of the surrounding waters, and fair and equitable access to the bay's public waters by adjoining property owners, by regulation of all docks, bulkheads, groins, piers and other similar structures located or sought to be installed or constructed at or upon, or emanating from the shoreline of the Great South Bay. In furtherance of these stated purposes and goals, we the trustees of the village hereby enact the criteria, standards, and regulatory provisions of this chapter.

(L.L. No. 3-2003; L.L. No. 6-2005)

Sec. 23-2. Standards for residential docks.

(a) *Purpose.* The purpose of these standards is to control the design, construction location, and use of private residential docks along the village bay from so as to reduce possible adverse impacts to navigation, public safety, waterfront aesthetic values, and natural resources and habitats; to protect access to public lands and waters; and to provide a fair sharing of access to and use of public waters by adjoining property owners. Conformance to the following provisions will serve as a basis for granting, denying or limiting permits for the construction of docks.

(b) *Definitions.* For the purposes of this chapter, the following terms and phrases shall be given the meanings indicated herein:

Bulkhead means a vertical shore-hardening device or structure intended to protect upland property from wave, wind, water and storm damage.

Fixed dock means an elevated walkway which is constructed at a fixed height above grade and which extends seaward from the apparent high water mark.

Floating dock means any structure, raft or floating platform which is designed to float upon the surface of a water body and is secured in place by poles, pilings, anchors, or any other type of mooring system that provides access to the water. A floating dock includes the float itself and any pilings or mooring system designed to keep the dock at a fixed point.

Groin means a rigid structure usually of rocks, concrete or other durable material, built at an angle out from the shoreline designed to protect the shore from erosion caused by currents, tides, and/or waves, or used to trap sand, as for making or nourishing a beach.

Mean high water means the average of all the high water heights at a place observed over the nineteen (19) year Nation Tidal Datum Epoch.

Mean lower low water is the reference water height, or tidal datum, established by the U.S. National Oceanic and Atmospheric Administration for soundings and tidal heights, as shown on NOAA charts of the bay and used in the tide tables.

Offshore boundary line means a line extending offshore, generally perpendicular to the shorefront, from the intersection of a property line of waterfront property with the mean high water mark. Where the shorefront changes direction significantly between two (2) adjacent waterfront properties, with the result that the offshore boundary line between them would be differently oriented depending

upon which shorefront was used as a base, the governing offshore boundary line shall be a line halfway between the separately determined lines.

Residential dock means any catwalk, fixed dock and/or floating dock designed or constructed as a continuous unit to provide access to the surface waters from a privately owned lot zoned for residential use, including but not limited to ramps, mooring piles and all other ancillary structures, whether or not such dock is permanently affixed to residential lands within the village.

(c) Dock usage, number and permits.

- (1) A dock shall be used only for recreational purposes by the owners of the waterfront property to which it is affixed. Commercial uses, including the rental the rental or license of space at the dock to others, are not permitted.
- (2) Only one (1) dock may be constructed from each waterfront property.
- (3) No dock may be constructed, altered, extended or modified unless approval has been granted by the board, in accordance with the provision of this chapter, and a Village of Bellport building permit and any other permits required from other government bodies that have jurisdiction have been issued.
- (4) When a new dock is proposed for a waterfront property, the board may require, as a condition of the permit, removal of any existing or derelict docks or dock-related structures offshore of any property.

(d) Dock location and length.

- (1) A dock may be constructed to extend from a privately-owned waterfront property into the bay on a line generally perpendicular to the shoreline, provided that the dock and any portion thereof, including associated mooring piles or any vessel tied to the dock, are not located within or impinge upon that area located within ten feet of an offshore boundary line of the property.
- (2) The dock shall extend into the bay in such a way as to minimize the obstruction of surface waters, reduce hazards to navigation, minimize the reduction in uses of public trust lands and waters, and minimize negative impacts to natural resources including habitat fragmentation, loss of habitats, and access to recreational and commercial shellfish resources.
- (3) The length of the dock (i.e., the extension of the dock into the bay), including any floating portion or associated mooring piles, may not:
 - a. Be greater than seventy-five (75) feet, as measured from the line of mean lower low water on the shore, or
 - b. Extend beyond a water depth of three (3) feet at low water at the seaward end of the dock, whichever is less.

(e) Dock design.

- (1) A dock may be permanent or seasonal.
- (2) The deck of a dock may not exceed four (4) feet in width, except at the offshore terminal end.
- (3) The offshore terminal platform of a dock may be fixed or floating, shall be no wider than eight (8) feet in one (1) dimension, and shall not exceed one hundred sixty (160) square feet in area. The terminal platform may include stairways for swimming and boating access provided all stairways are contained within the area allowed for the terminal platform. The terminal platform may not include a gazebo, boatlift, or roof. A floating terminal shall be located and installed so that it does not rest on the bay bottom at any time in the tidal cycle, including spring and neap tides.

(4) The deck of dock must be elevated a minimum of four (4) feet above grade when traversing any tidal or freshwater wetlands, as identified by the Division of Environmental Protection of the Town of Brookhaven or the Department of Environmental Conservation of the State of New York.

(5) Light reflectors, at least three (3) inches in diameter or equivalent, shall be placed at the outer end and sides of the terminal end or platform of a dock and every fifty (50) feet on either side measured back toward the shore.

(f) Dock maintenance.

(1) Docks, fixed or floating, dock-related structures, and mooring piles shall be maintained in serviceable condition by the owners of the waterfront properties to which the docks are affixed. Structures that are not maintained in such a manner as to prevent significant deterioration or that become a hazard to navigation, damage adjacent property or are found to be unsafe shall be in violation of this chapter.

(2) Docks, fixed or floating, dock-related structures, or mooring piles found to be in violation of this chapter by reason of inadequate maintenance shall be subject to repair, securing, demolition or removal by the village at the expense of the owner.

(g) Violations.

(1) The village may require removal, at the owner's expense, of any dock or dock-related structure constructed without a permit from the village or built and maintained in violation of this chapter or restrictions established by a permit issued by the village.

(2) Each violation of this chapter shall be punishable by a penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00). It shall be a separated and distinct offence for each day a violation occurs or continues.

(h) Legally nonconforming docks.

(1) A dock lawfully existing on the effective date of this chapter that does not conform to the provisions of this chapter may continue to be used subject to the maintenance requirements of this chapter.

(2) If a legally nonconforming dock is destroyed, or damaged so as to be unusable or unsafe, then said dock may not be rebuilt unless it conforms to the requirements of this chapter.

(i) Any person or applicant may appeal to the village board of trustees any decision of the board regarding a permit for a dock. Said appeal must be taken within thirty (30) days of the board's filing of the decision with the village clerk.

(L.L. No. 3-2003; L.L. No. 6-2005; L.L. No. 3-2006)

Sec. 23-3. Permits.

No dock, bulkhead, pier, groin, or other shoreline structure, as defined herein this chapter may be constructed, altered, extended or modified until, upon application therefore, approval by the water management board, and all applicable permits have been issued.

(L.L. No. 6-2005)

Sec. 23-4. Waterfront management board.

There is hereby created a waterfront management board (hereinafter referred to as the "board")

for the purpose of implementing the goals and objectives of this chapter.

(1) *Composition of the board.* The board shall consist of not less than five (5) but no more than seven (7) members. Each member shall be appointed by the village board of trustees and shall serve at the pleasure of the mayor. The board shall have a chairman and a vice chairman each of which shall be designated as such by the mayor.

(2) *Powers and duties.*

a. The board shall recommend to the board of trustees such measures as intended to enhance the aesthetics, environment, and safety of, and otherwise improve village waterfront areas;

b. To prepare and make recommendations for a comprehensive shoreline and harbor management plan, including periodic revisions and amendments thereto, for the consideration of the board of trustees;

c. To conduct a public hearing, to review and approve with modifications and/or conditions, or disapprove, applications for permitted waterfront structures in accordance with the applicable requirements and standards set forth in this chapter.

d. The board may require that any condition(s) of its approval of an application be incorporated as covenants and restrictions in recordable form.

e. The board may require, the removal or demolition of any existing dock(s), bulkhead(s) or other structures located offshore of the property, as a condition of its grant of approval of an application hereunder.

(L.L. No. 6-2005)

Annex 2: Draft Local Law, "Mooring of Vessels"

DRAFT

Local Law No. ____ of the Year 2004

MOORING OF VESSELS

1. Legislative intent.

The waters of Great South Bay along the village waterfront are an important natural resource which supports a variety of recreational uses, shellfish harvesting, both recreational and commercial, and has an essential aesthetic role in giving the Village its unique character. In recent years, there has been an increase in the number of boat moorings placed near the Village marina by individuals. Using the authority granted to the Village by the State Navigation Law to restrict and regulate anchoring or mooring of vessels in waters within 1500 feet of shore, it is the intent of this ordinance to regulate the placement of boat moorings, establish a Village mooring area, provide for safe navigation and equitable access to mooring areas, and protect natural resources and the aesthetic values of the Village waterfront.

2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated.

ANCHORAGE - An area used to moor vessels.

BOAT OR VESSEL - Any watercraft or other contrivance used on or capable of being used as a means of transportation on the water.

FAIRWAY - An area of bay or harbor waters kept free of mooring devices or other permanent obstructions so as to permit unimpeded passage of vessels, as shown on the Harbor Management Map.

FLOATING HOME - Any vessel used, designed, or occupied as a dwelling unit, business office, or source of any occupation or for any private or social club, including but not limited to a structure constructed upon a barge, primarily immobile and out of navigation, which functions substantially as a land structure when moored or docked within Village waters, whether or not such vessel is self-propelled.

HARBOR MANAGEMENT MAP - A visual depiction of areas affected by this law.

MOORING - The act of securing a vessel to a mooring device.

MOORING DEVICE - Any anchorage system which by design or construction is not easily capable of or is not normally retrieved when a boat or vessel leaves its anchorage, or is used to semi-permanently secure in place any boat, floating home, scow, raft, float, or any other vessel or floating object. A mooring includes, but is not restricted to, an anchorage system consisting of an

Annex 2: Draft Local Law, "Mooring of Vessels"

anchor or weight attached to one or more lengths of chain and/or line secured to a mooring buoy or float and to the boat or vessel.

MOORING PERMIT - That form of written Village approval required to place a mooring device in Village waters or other area within the Village's jurisdiction as specified under this law or by Village regulations.

MOORING SEASON - The annual period from March 1st through November 30th.

MOORING TACKLE - Any assemblage of hardware, rope, line, wire, or chain which is used to attach a mooring anchor or weight to a mooring buoy or float.

PENNANT (also Mooring Pennant) - That portion of a mooring device extending from the buoy or float attached to the mooring tackle to the boat or vessel; usually of rope or line.

PERSON - Any firm, partnership, corporation, association, or individual.

SCOPE (also Mooring Scope) - The length of mooring tackle and pennant extending from a mooring anchor or weight to the bow chocks of the boat or vessel moored.

VILLAGE MOORING AREA - A mooring area east of the Village marina designated and described in this chapter and depicted on the Harbor Management Map.

VILLAGE WATERS - All waters or waterways in or adjacent to the Village to a distance of 1500 feet from the shore

3. Uses restricted.

A. No person shall moor a vessel within Village waters without first obtaining a mooring permit from the Village Clerk.

B. No person shall tie or secure any boat, vessel, barge, scow, raft, float, or any other object to a mooring device in Village waters which has not first been approved in a mooring permit issued by the Village Clerk.

C. No person shall moor, tie, or otherwise secure a floating home to a mooring device or dock in Village waters.

D. No person shall moor a vessel in the waters of the Village marina or in a fairway extending from the line of the east side of Brown's Lane to the line of the western boundary of the Village waterfront property and southerly into the bay to the edge of Village waters.

E. Exceptions. The requirements of this chapter shall not be applicable to temporary moorings installed to facilitate work on projects financed or undertaken by the Federal Government, New York State or its political subdivisions, Suffolk County, Brookhaven Town, or the Village of Bellport.

4. Mooring area established.

A. A Village mooring area is hereby established east of the Village marina as generally shown on the Harbor Management Map. The Village mooring area is rectangular in shape, bounded by straight lines as follows: the western boundary is a line extending the east side of Brown's Lane (bearing 130 degrees true) into the bay; the eastern boundary is the Village property line running southeast (bearing 135 degrees) from Mott's Brook; the inshore (northern) boundary is a line running northeast (bearing 045 degrees) and spaced 150 feet offshore from the bulkhead at the foot of the

Annex 2: Draft Local Law, "Mooring of Vessels"

east side of Brown's Lane; and the offshore (southern) boundary is a line running northeast (bearing 045 degrees) and spaced 800 feet offshore from the bulkhead at the foot of the east side of Brown's Lane

B. Vessels may be moored in the Village mooring area and shall be spaced so as to be suitable for various sizes and types of boats or vessels and shall be plotted on a chart maintained by the Village Clerk. Permits for mooring in the Village mooring area shall specify which of the charted locations is to be used.

5. Application for mooring permit.

Any person proposing to moor in Village waters shall file a permit application with the Village Clerk and shall comply with the Clerk's requirements for said permit.

6. Granting, denying, or limiting mooring permits.

In granting, denying, or limiting any mooring permit, the Clerk shall consider impacts on navigation, public access to water-dependant recreational activities, shellfishing and other natural resources, public health and welfare, access to the bay by waterfront property owners and the general public, and access to the mooring from the adjacent shoreline and upland. The Clerk may refer an application for a mooring permit to the Waterfront Management Board for review and advice.

7. Owner's responsibility.

A person mooring in Village waters is responsible for the adequacy of the mooring device and tackle for the size and type of boat or vessel to be moored. Issuance of a mooring permit does not constitute endorsement by the Village of the adequacy of the mooring device and tackle. A person mooring in Village waters is responsible for any and all damages that may occur to his/her vessel or other vessels and property as a result of failure of his/her mooring device for any reason.

If constituted a hazard, a vessel or mooring device may be ordered moved or removed, or may be moved or removed by the Village or other enforcement officials at the expense of the owner of the vessel or mooring device.

8. Location of mooring.

A Global Positioning System (GPS) instrument with sub-meter accuracy (Survey Grade) may be used to determine the location of a mooring in Village waters, including the Village mooring area.

9. Duration of mooring season.

After issuance of a mooring permit, a vessel may be moored from March 1st through November 30th. Mooring permits shall be valid for one mooring season, except that for just cause and upon determination by the Village Clerk that mooring does not incorporate a hazard, mooring permits may be issued with no seasonal restrictions.

10. Permit modification.

Authority is reserved to the Village Clerk to require relocation of any permitted mooring device upon 30 days written notice.

11. Inspection and maintenance.

Permitted mooring devices and tackle shall be maintained in good condition by the owner of the mooring or vessel. Permitted mooring devices and tackle must be repaired or replaced if not in

Annex 2: Draft Local Law, "Mooring of Vessels"

good condition.

12. Display of permit number.

Any person mooring in Village waters pursuant to obtaining a mooring permit shall cause the permit number to be displayed on the buoy or float attached to the mooring tackle in digits not less than three inches in height.

13. Fee.

The Village Board of Trustees shall reserve the right to require an application fee for all mooring permit applications.

14. Appeals of decisions regarding mooring permits.

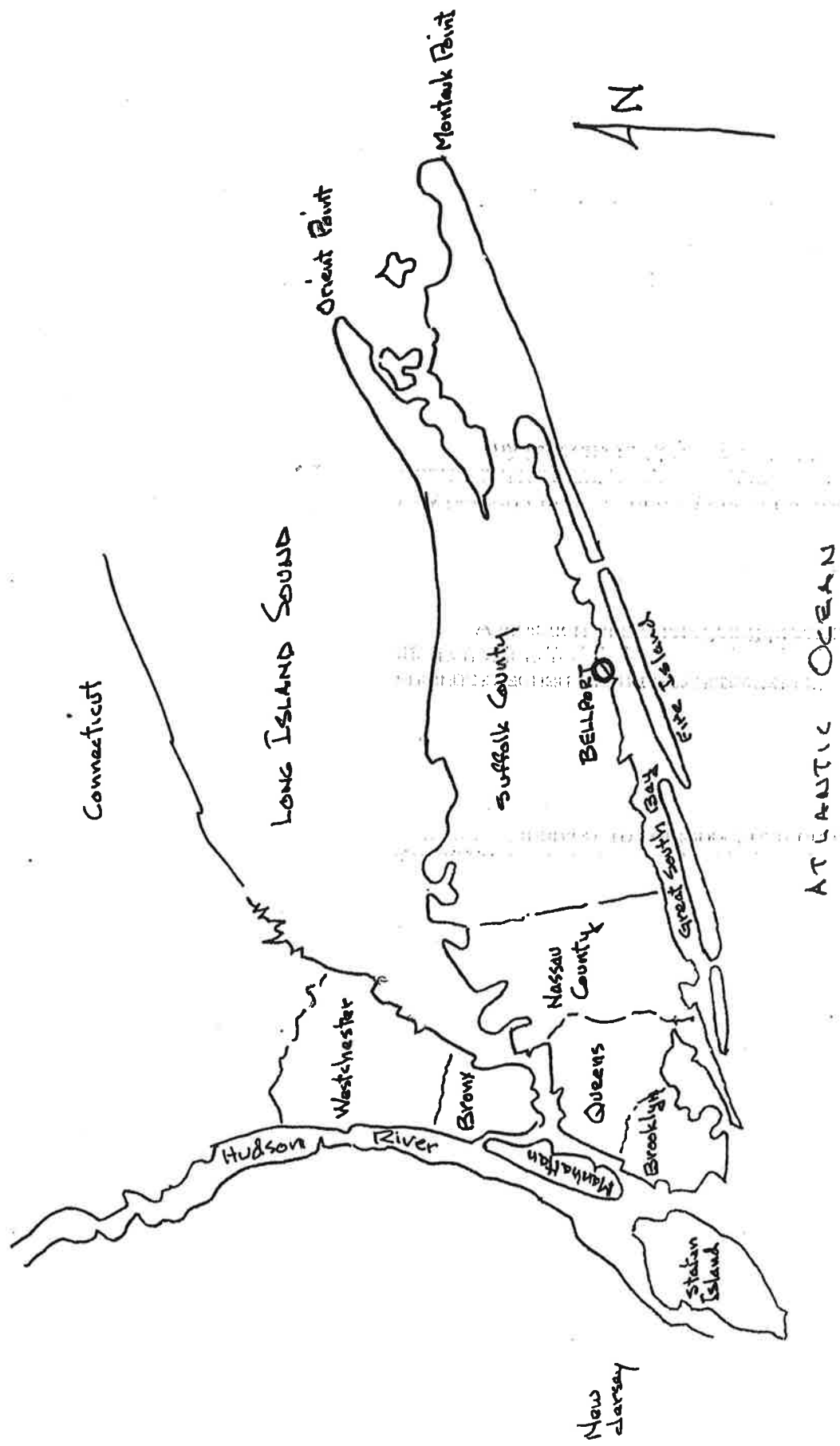
Any person or applicant may appeal any decision regarding a mooring permit to the Village Board of Trustees. Said appeal must be taken within 30 days of the decision of the Village Clerk. Any person or applicant may appeal a Village Board of Trustees determination pursuant to Article 78 of the Civil Practice Law and Rules.

15. Penalties for offenses.

A violation of the foregoing provisions shall be an offense punishable by a fine of not less than one hundred dollars (\$100) and not exceeding two hundred fifty dollars (\$250). Each violation shall be a separate and distinct offense. Each day's continued violation shall constitute a separate and additional violation.

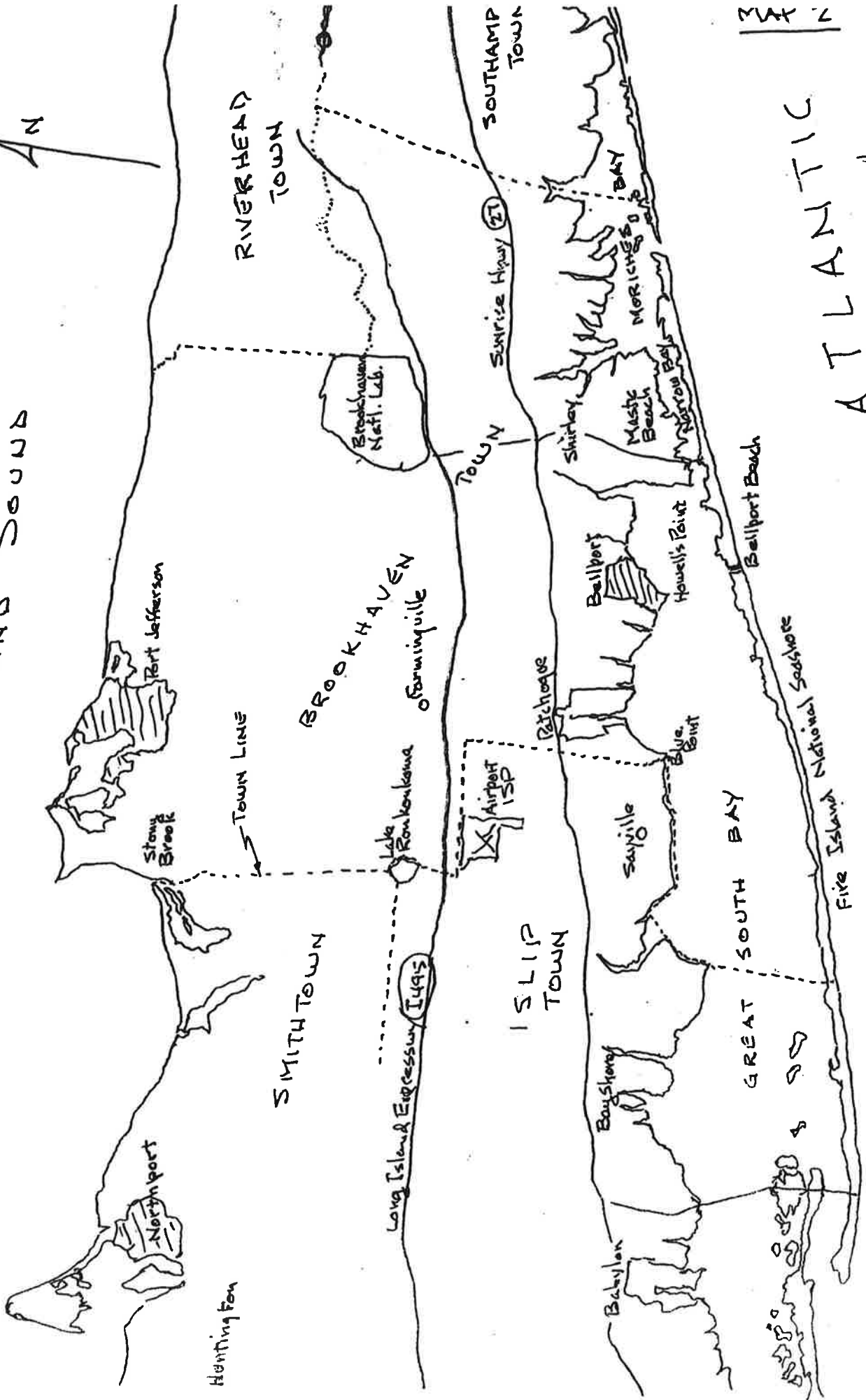
16. Severability.

The various parts, sections, and clauses of this local law are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this local law shall not be affected thereby.

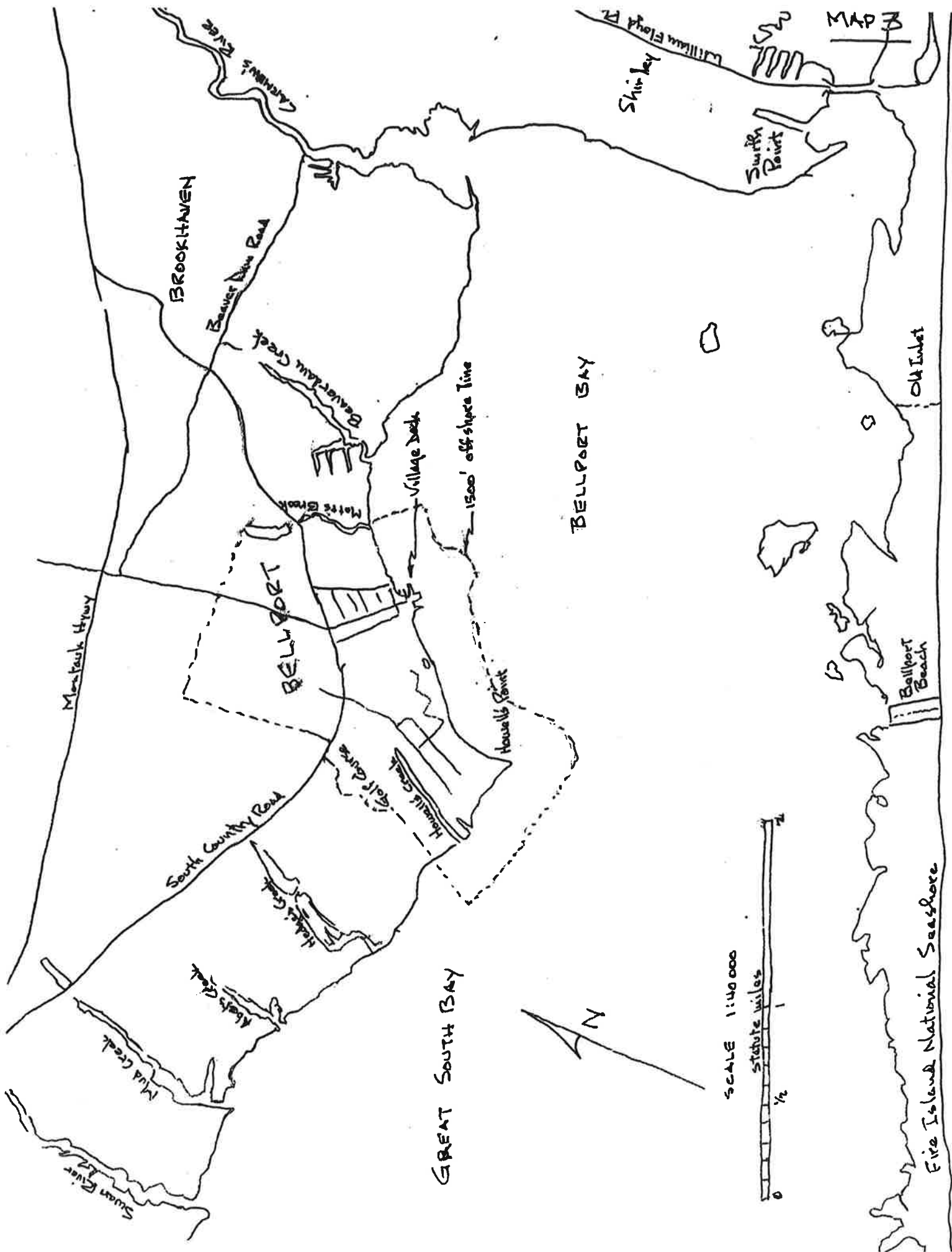


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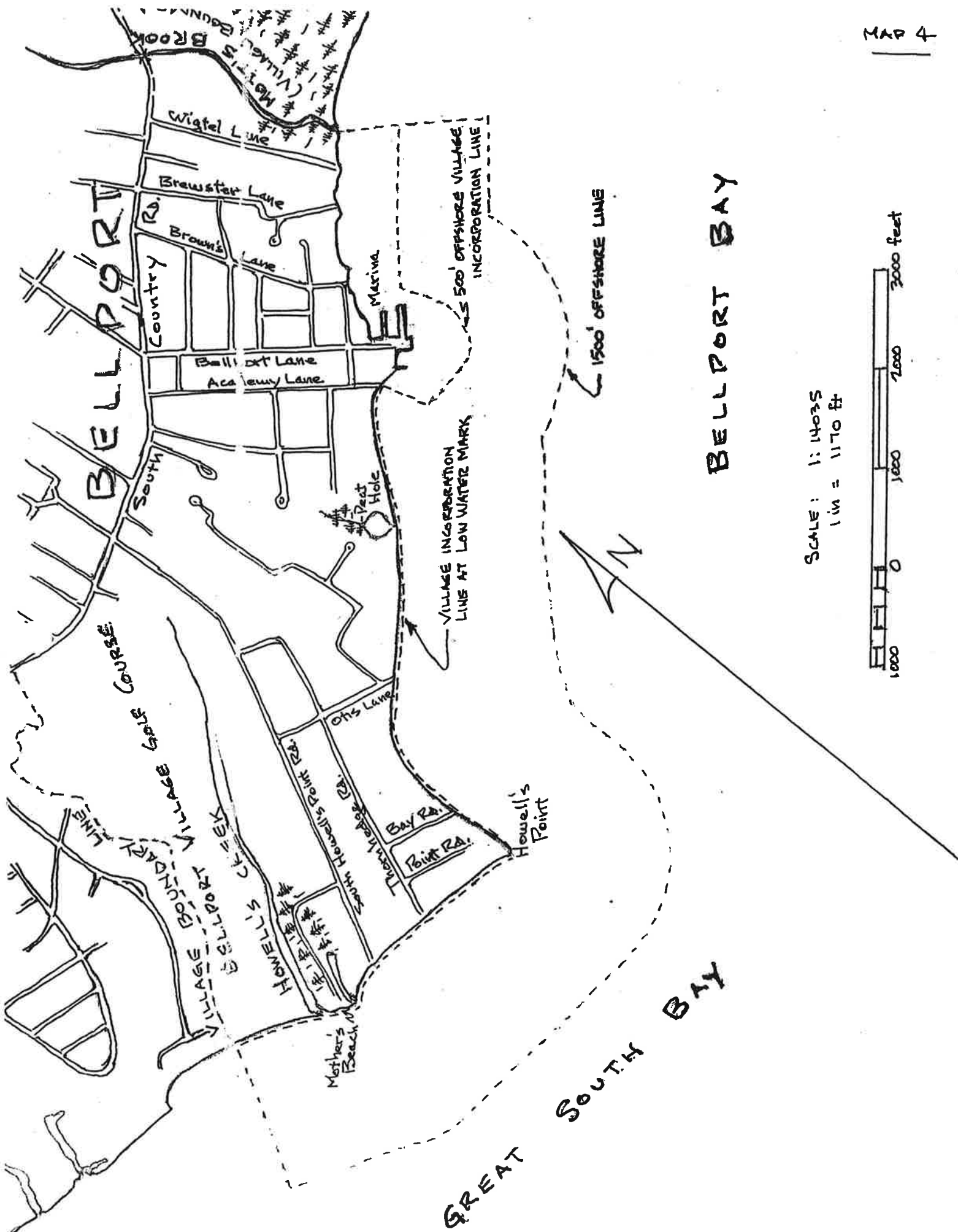
LONG ISLAND SOUND



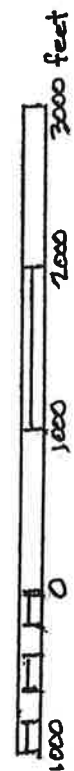
ATLANTIC OCEAN



(From NOAA Chart 12352 page C)



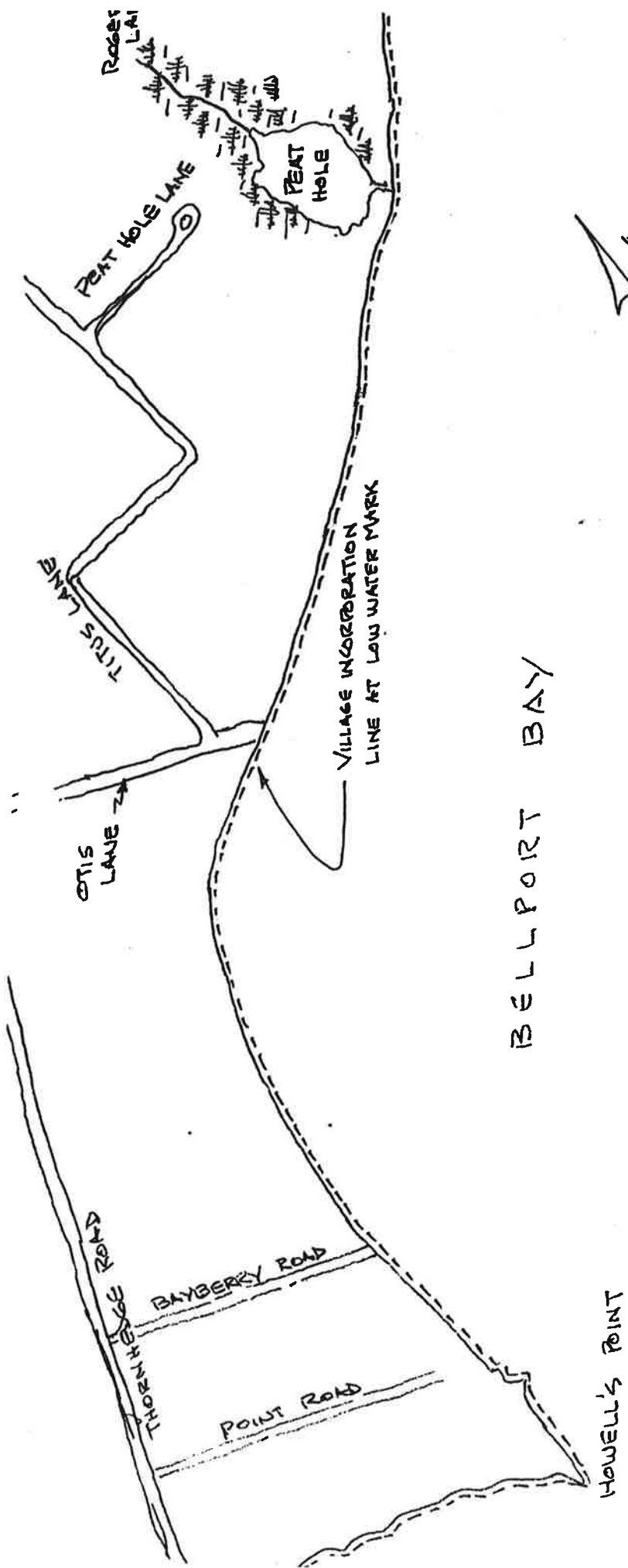
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1 in = 1170 ft





BELLPORT BAY

SCALE 1:4800
1 in = 400 ft

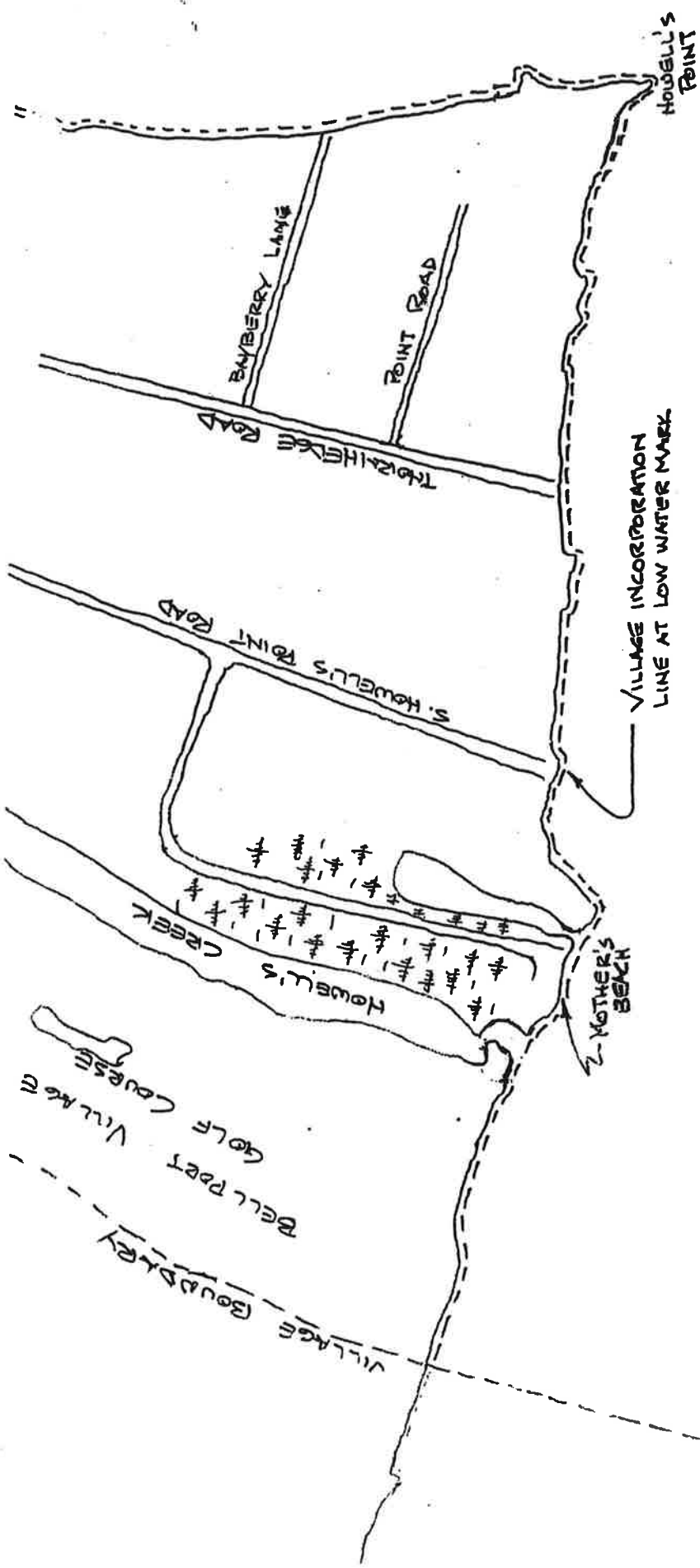


BELLPORT BAY

1500' OFFSHORE LINE

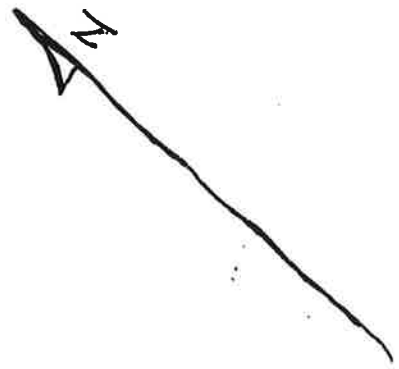
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BELLPORT BAY



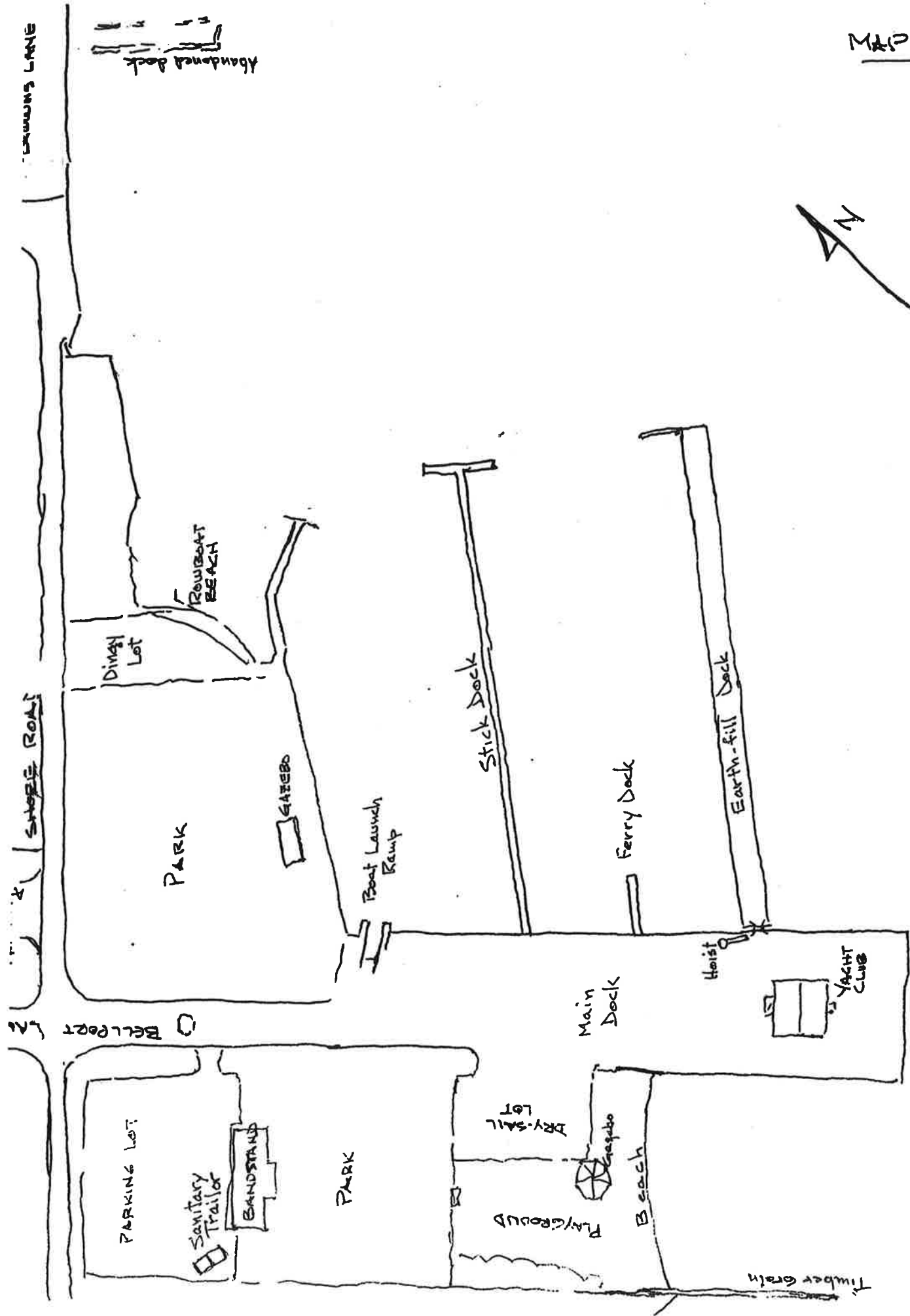
GREAT SOUTH BAY

1500' OFFSHORE LINE

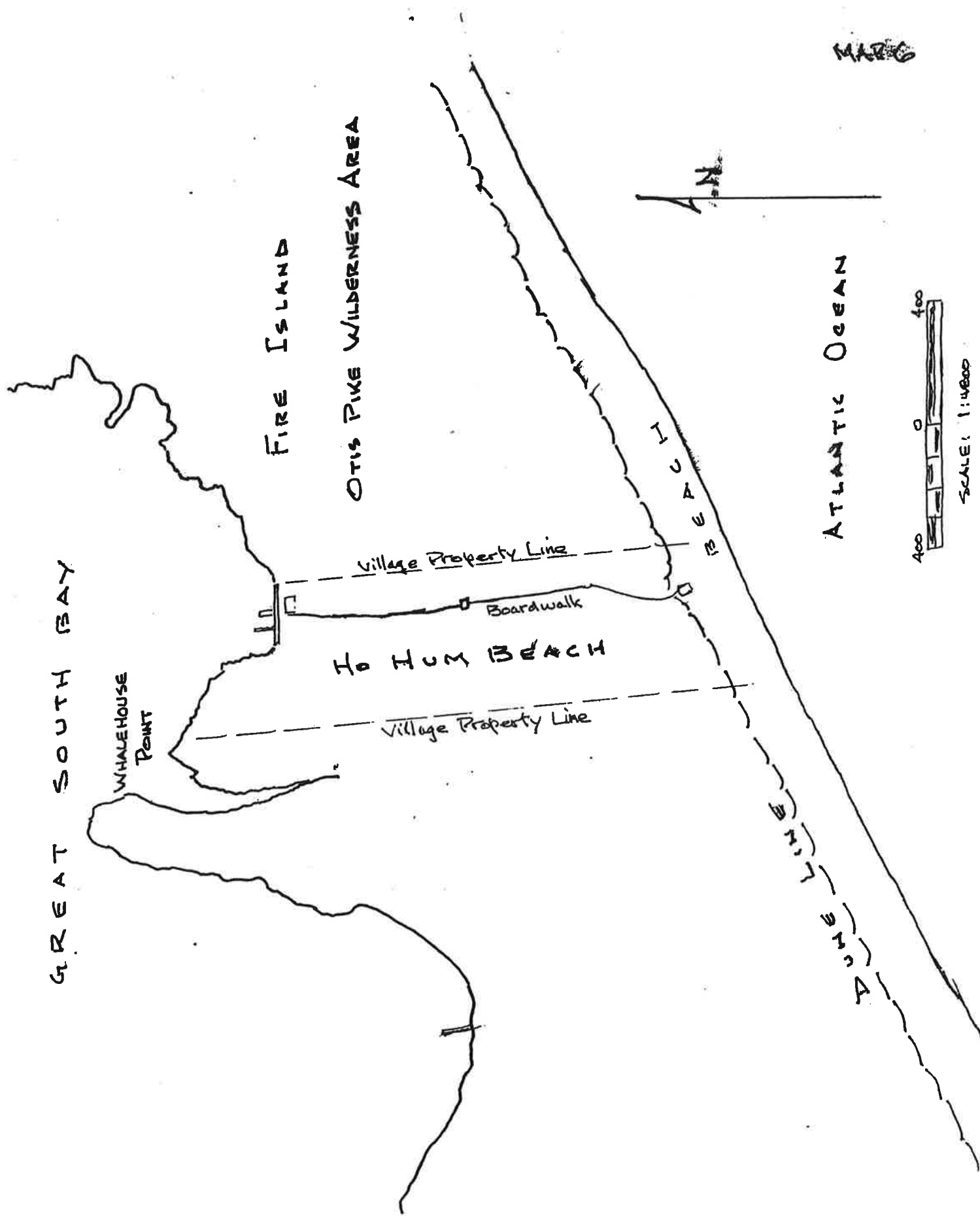


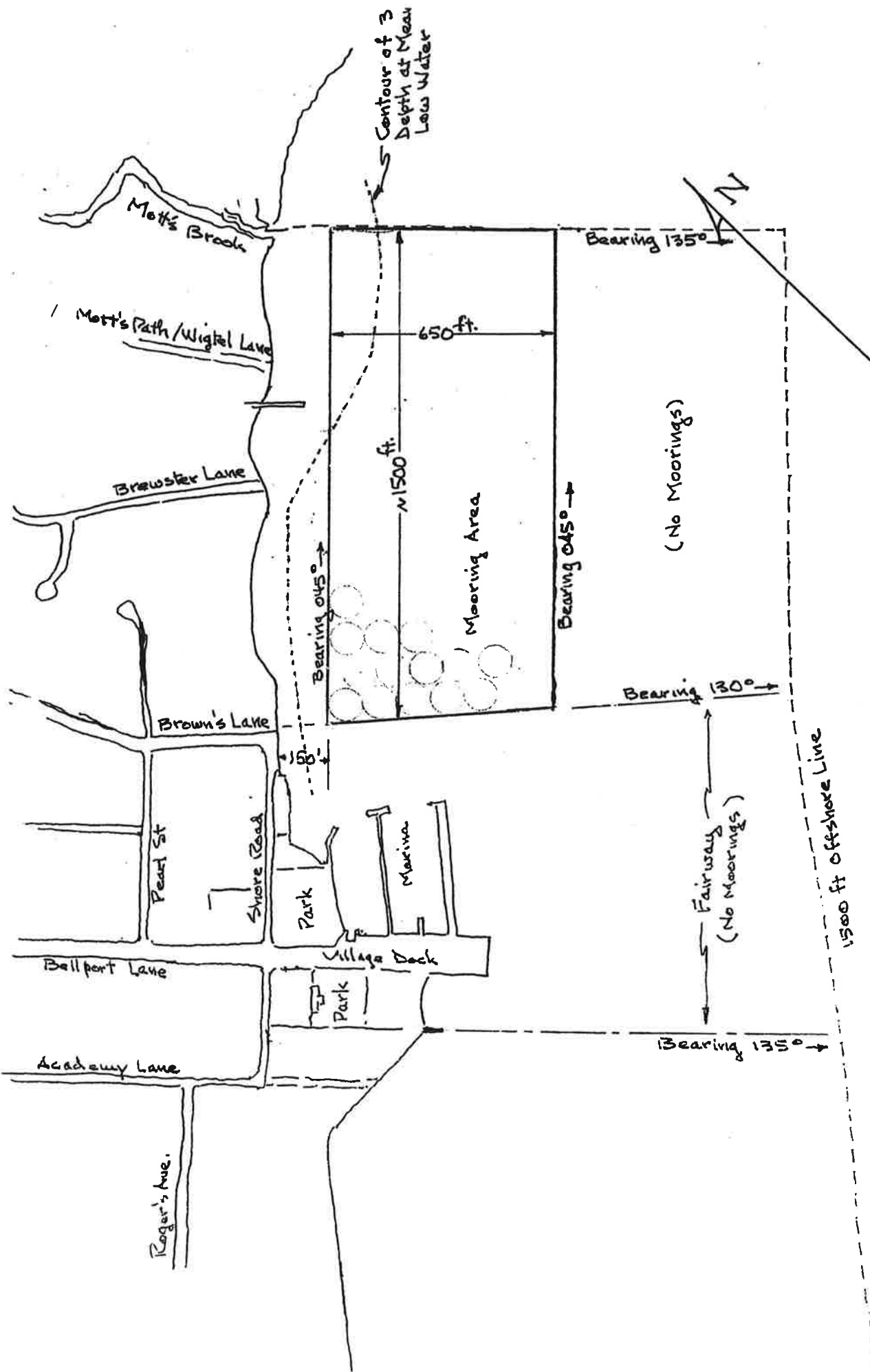
GREAT SOUTH BAY
(BELLPORT BAY)

SCALE 1:1200



MAR 6

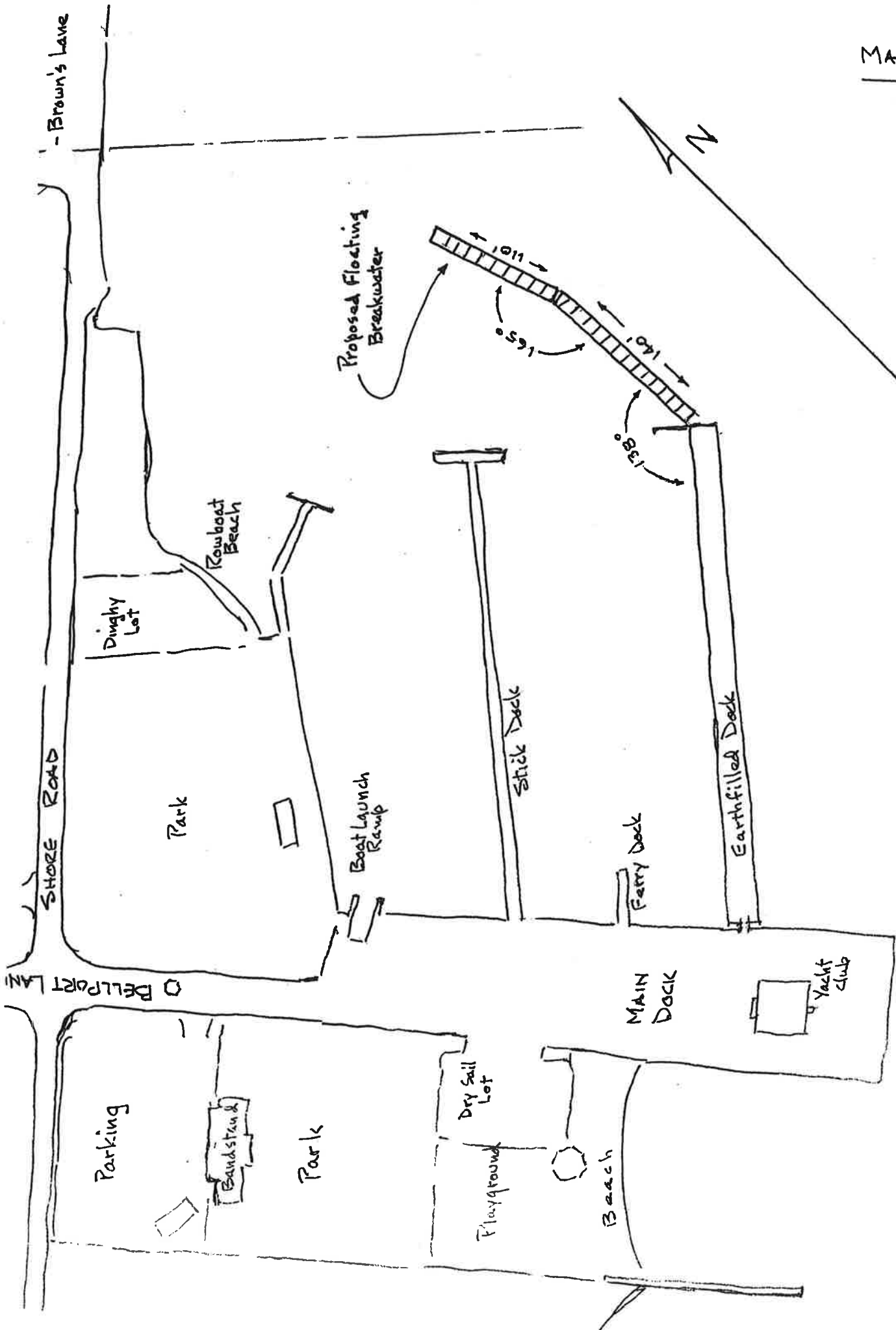




200 0 200 400 FEET

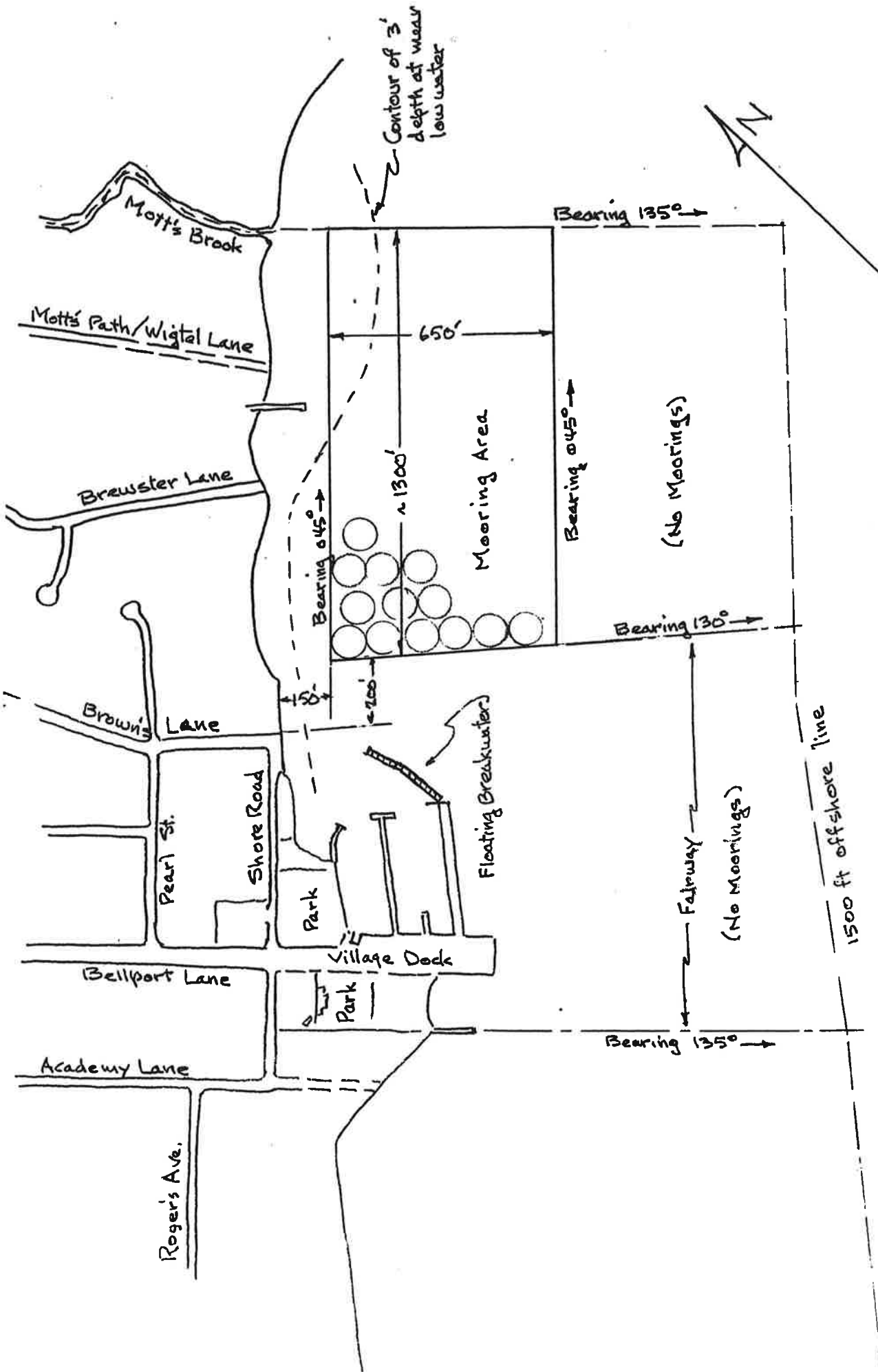


SCALE 1:4800



GREAT SOUTH BAY
(Ballport Bay)

Scale 1:1200



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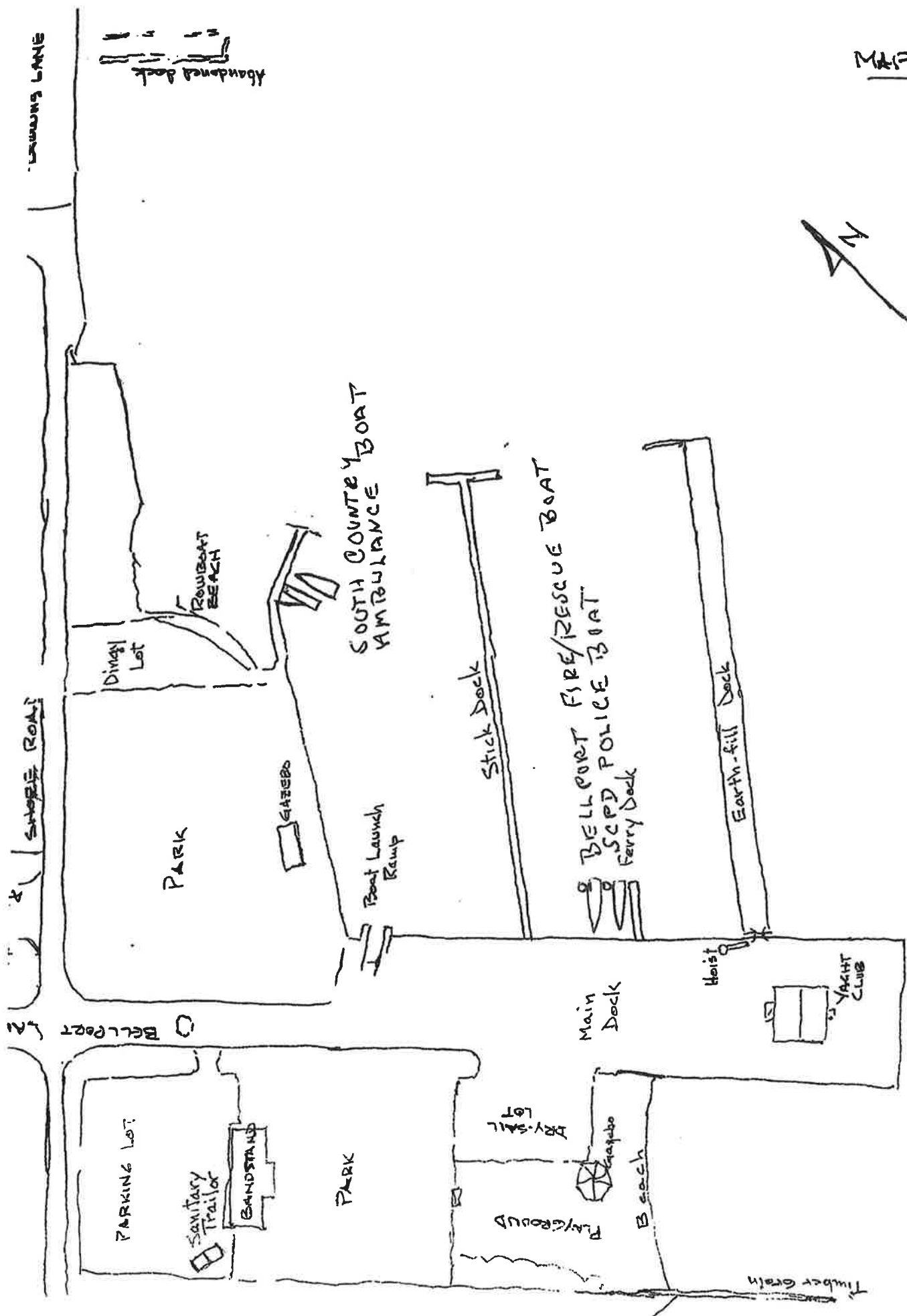


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August 27, 2016

Amendment to the Village of Bellport Harbor Management Plan

In 2009 the Village Board, with foresight, added to the Harbor Management Plan provisions for Emergency Responders, constructing docking facilities for the South Country Ambulance, the Bellport Fire/Rescue Boat and the Suffolk County Police boat, all within the Village Marina. (Refer to amended maps 5A and 8A.)

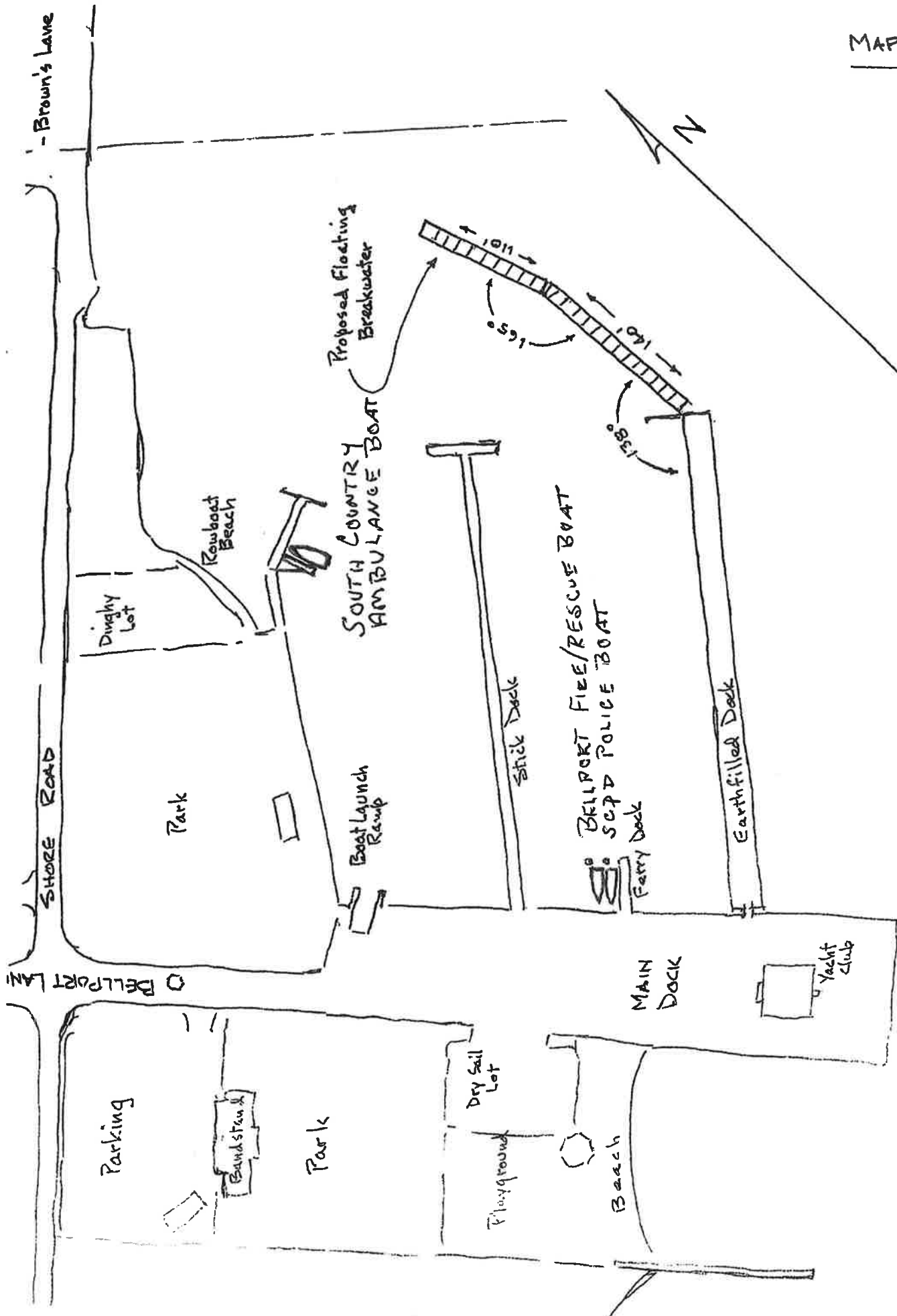


MAP 5A

AMENDED 2009

GREAT SOUTH BAY
(BELLPORT BAY)

SCALE 1:1200



MAP BA
AMENDED 2009

GREAT SOUTH BAY
(Ballport Bay)
Scale 1:1200
1 in = 100 ft