

## APPENDIX A

### COASTAL OVERLAY DISTRICTS

#### ARTICLE XVII

[Added 4-20-1992 by L.L. No. 1-1992]

#### **Sec. 205-102. Findings; purpose.**

##### **A. Findings.**

- (1) The Village Board of Trustees hereby finds that for ecological, public enjoyment, public navigation, aesthetic, visual and public health, safety and welfare reasons, the coastal areas of the Village of Lloyd Harbor must be protected.
- (2) As recreational boating has grown in popularity, there has been a concomitant and increasing demand for dock and mooring facilities, both public and private. The Village of Lloyd Harbor has not been exempt from this trend. The village contains no commercial docking facilities; however, the increase in residential development along its shoreline has led to an increase in the number of applications for the construction of private docks.
- (3) The harbor of Lloyd Harbor and Lloyd Point are State of New York designated significant coastal fish and wildlife habitats. All of the shoreline of Lloyd Harbor has also been designated a critical environmental area (CEA) by the Village of Lloyd Harbor in accordance with the New York State Environmental Quality Review Act (SEQRA). [See Sec. 8-0101 et seq. of the Environmental Conservation Law.]
- (4) Docks located in open water (and any boats moored to such docks) are exposed to increased damage from severe storms, thus creating pressure to establish docks and piers in protected waters such as the harbor of Lloyd Harbor. Inlets are more protected from storms but are often tidal habitats for birds, fish and other wildlife. Development in small harbor areas often impacts and degrades the very resources upon which this development depends. The water quality in such harbors deteriorates, the bird, fish and other wildlife habitats are thereby adversely impacted and the wildlife is therefore threatened. Locating docks (and boats) in these areas can cause significant damage to habitats and wildlife.
- (5) In addition to the other significant values of wildlife habitat areas, habitat areas and waterfront areas, in general, have significant value for their scenic qualities. A

proliferation of docks and their associated boats causes overcrowding of waterfronts and waterbodies and can result in visual pollution, depending upon the number, location, size, height, length and design of the docks.

(6) Docks which are long enough to reach water of sufficient depth for large boats can be hazardous to navigation if they encroach upon a navigational channel or if they draw boats into shoals because of their presence. Long docks can also be an impediment to the enjoyment of recreational boaters and anglers who desire to navigate along the shoreline. Docks acting as barriers along the water's edge also keep pedestrians from enjoying the waterfront. The desire for the construction of docks and other structures must be weighed against the environmental value and sensitivity of the waterfront and against the rights of the boating public to navigate, the rights of the community and public to walk along the foreshore and the rights of the community and general public to be protected from visual pollution. The Board of Trustees finds that private rights should not supersede those of the public and that an appropriate balance must be achieved between property owner desires to access the water and the protection of the public trust relating to the enjoyment of waters and foreshore in the village.

B. It is for these reasons that the Village of Lloyd Harbor hereby creates the Coastal Overlay District-1 (COD-1) and Coastal Overlay District-2 (COD-2).

**Sec. 205-103. Creation; location.**

A. There are hereby created two (2) overlay districts, respectively known as the "Coastal Overlay District-1 (COD-1)" and the "Coastal Overlay District-2 (COD-2)". These overlay districts shall be in addition to the existing underlying zoning which they overlay, and the regulations of these overlay districts shall supersede any inconsistent or less restrictive regulations of the existing underlying zoning.

B. The respective locations of the COD-1 and COD-2 Districts are as shown on the Village Zoning Map. The landward boundary of the COD-1 and COD-2 Districts shall be forty (40) feet inland of the mean high-water line and seaward to the jurisdictional boundaries of the village.

**Sec. 205-104. Coastal Overlay District-1 (COD-1).**

- A. The COD-1 District essentially encompasses relatively small or narrow waterbodies and lands immediately adjacent thereto. Because of the small or narrow configuration of these waterbodies, construction of shoreline structures, such as docks, piers, bulkhead or revetments, in areas not previously disturbed by such development (i.e., natural beach, tidal flats, adjacent woodlands or salt marsh) may have a significant adverse impact upon the environment.
- B. For these reasons and those reasons specified in Sec. 205-102 above, there shall be no new structures or buildings or the enlargement or alteration of any existing structures or buildings, as defined by this chapter located in the Coastal Overlay District-1, except that:
1. Private docks may be located in the COD-1 upon the review and approval from the Environmental Review Board (ERB) and the issuance of a building permit by the Building Inspector if the ERB determines that such structures will not provoke any of the adverse effects enumerated in Sec. 205-102 and subsection A herein and if the ERB further determines that the dock would meet all of the following conditions:
    - a. In order to minimize visual impact, the dock shall be of the floating variety only and shall only be permitted in those locations where the rising and lowering of such floating dock will not have a significant adverse impact upon vegetation, wildlife, or wildlife habitat, including fish and fisheries resources.
    - b. The dock shall be of length, size and height which has no significant adverse impact upon the environment from a visual perspective or otherwise; shall be of a length which does not impede the navigation of vessels; and shall be of a length which, in no case, exceeds seventy-five (75) linear feet seaward from the mean high water line.
    - c. In no case shall the seaward end of the dock, extend beyond the point where the mean low water depth at such point exceeds two (2) feet.
    - d. The width of the dock shall not exceed six (6) feet. Such measurement shall include all appurtenances, appendages to the dock, including vertical supports.
    - e. The dock shall not impede the ability of the public to walk along the foreshore.

f. The dock shall be removed from the water during the months from November through March.

2. After approval by the ERB:

a. The enlargement of existing docks and buildings which have been specifically approved by the Board of Trustees prior to the enactment hereof may be permitted.

b. The construction, enlargement, alteration or repair of an erosion protection structure located in the coastal erosion hazard area may be permitted.

**Sec. 205-105. Coastal Overlay District 2 (COD-2).**

For the purposes specified in Sec. 205-102 above, there shall be no new structures or buildings or the enlargement or alteration of any existing structures or buildings, as defined by this chapter, located in the Coastal Overlay District-2, except that private docks, seawalls, retaining walls and jetties may be located in the COD-2 District upon the review and approval from the ERB and the issuance of a building permit by the Building Inspector if the ERB determines that such structures will not provoke any of the adverse impacts enumerated in Sections 205-102 and 205-104 herein and further determines that any dock meets all of the following conditions:

A. In order to minimize visual impact, the dock shall be of the floating variety in those locations where the rising and lowering of such floating dock will not have significant adverse impact upon vegetation, wildlife or wildlife habitat, including fish and fisheries resources. In locations where a floating dock would have such significant adverse impact, the dock shall be of the fixed-pier-type, with or without an accessory float, and shall be constructed in such a manner so that the float, if any shall not rest upon the bottom lands.

B. The total length of the dock shall not be more than one hundred (100) linear feet, and in no case shall the seaward end of the dock or any accessory float extend beyond the point where the mean low-water depth at such point exceeds three (3) feet.

C. The width of the dock, including vertical supports, shall not exceed (6) feet, and the size of any accessory float shall not exceed one hundred and fifty (150) square feet.

D. The dock shall not impede the ability of the public to walk along the foreshore.

- E. All floating docks and floating components of docks shall be removed from the water during the months November through March.

**Sec. 205-106. Replacement and repair of existing docks.**

No replacement or substantial repair shall be made to any legally existing docks in the COD-1 or COD-2 District unless the building permit application is reviewed and approved pursuant to Article VIII. The term "substantial repair" shall mean the installation or replacement of more than one-fourth (1/4) of the pilings of the dock, but shall not be construed to mean the replacement and securing of existing rails and deck boards or the painting and ordinary maintenance for such dock.