

Mayor's Coastal Zone Management Advisory Committee (Continued)

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## **INTRODUCTION AND SUMMARY**

### **Purpose**

The Local Waterfront Revitalization Program for the Village of Port Chester, New York has been prepared as a comprehensive, long-range guide to the future development of Port Chester's waterfront.

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

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

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

The benefits of a Local Waterfront Revitalization Program include the following:

- o A municipality has the opportunity to evaluate its waterfront resources, to develop a comprehensive strategy for the best use of these resources and to put in place a local program to carry out that strategy.
- o The consistency provisions of the Coastal Management Program require State and federal agencies to adhere to the policies of an approved Local Waterfront Revitalization Program when those agencies undertake, fund or grant a permit for a project within a LWRP area.

**SECTION I**

**LOCAL WATERFRONT REVITALIZATION BOUNDARY**

The boundary of the Port Chester Waterfront Revitalization Area, highlighted on Figure 1, is as follows: Beginning at the northern end of the LWRP area where North Main Street meets the Greenwich border at the Byram River, the LWRP boundary runs southerly along the center of the Byram River, then the harbor, to the Port Chester-Rye border; thence northwesterly along this border to the New England Thruway; thence northeasterly along the Thruway to Fox Island Road; thence northwesterly along the rear property lines of the properties on the north side of Fox Island Road to Grace Church Street; thence northerly along Grace Church Street to Don Bosco Place; thence northerly along Don Bosco Place to Westchester Avenue; thence westerly along Westchester Avenue to King Street; thence northerly along King Street to the railroad right-of-way; thence northeasterly along that right-of-way to North Main Street; thence northerly along North Main Street to the point of beginning.

The coastal area boundary as originally defined in the State's Coastal Management Plan, incorporated more inland area, particularly at the southern end of the Village and merely followed U.S. Route 1 through much of the municipality. The coastal boundary was revised to exclude three areas which did not meet the inclusion criteria described below, and did not have clear connections to the waterfront either by proximity or use.

Specifically, the relationship between the Route 1 commercial corridor and the Midland Avenue Industrial Park was interrupted when Interstates I-95 and I-287 were constructed. Prior to the Interstates, it could have been inferred that these commercial areas did have a link to the coast. The advent of inexpensive truck transportation permanently severed this relationship.

The residential neighborhood between Midland Avenue and Grace Church Street was also removed from the coastal boundary. As was the case with the previous two area; this portion of the Village did not meet any of the criteria established below, and further has no intrinsic association with the coast. The east side of Grace Church Street is where the residential neighborhoods begin to take on a definitive waterfront character. Grace Church Street therefore became an obvious and natural coastal boundary.

The criteria found in the New York State Coastal Management Program which were utilized in defining the coastal boundaries for Port Chester include the following:

- o Conform with the nearest cultural features or political boundary.
- o Include all land and water uses impacting coastal waters.
- o Include any specially designated management area such as a State Parks.
- o Include tidal and saline waters, islands and beaches.
- o Provide buffer areas where appropriate.
- o Coordinate boundary lines with those of adjacent municipalities.

No effort was made to coordinate the boundary of the Waterfront Revitalization Area or the five (5) subareas with existing urban renewal areas. While related in some limited ways the basic spatial criteria for the Waterfront Revitalization Area and the Urban Renewal Areas are significantly different and produce discontinuous boundaries.

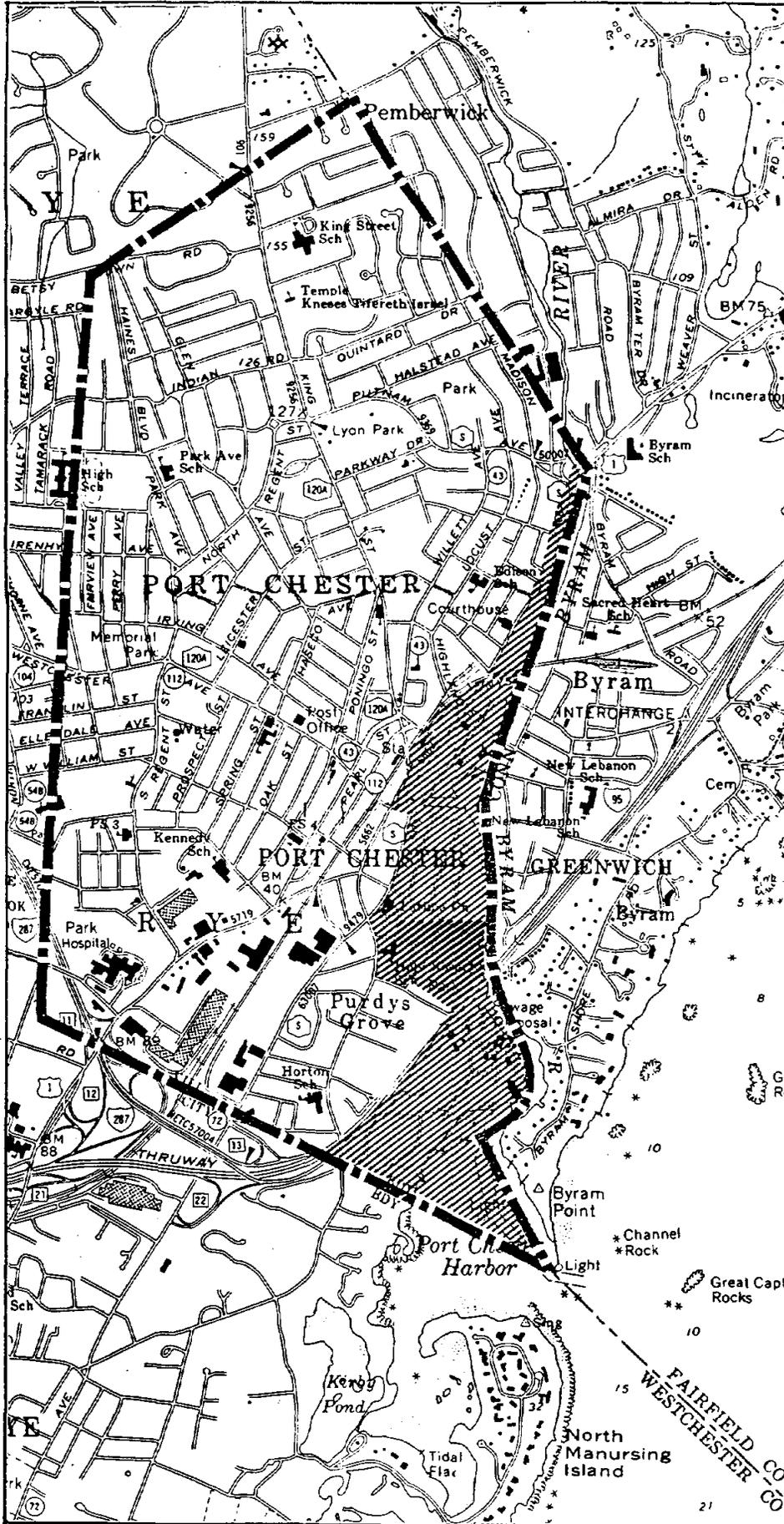


FIGURE 1  
LWRP BOUNDARY

LWRP  
Village of  
Port Chester,  
New York

-  Village Boundary
-  LWRP Area

0 2000'   
Buckhurst Fish Hutton Katz

**SECTION II**  
**INVENTORY AND ANALYSIS**

## 2.1 Regional Context

### Location

The Village of Port Chester is located in the southeastern quadrant of Westchester County, New York, bounded on the south by Long Island Sound and the City of Rye; on the north and west by the Village of Rye Brook and on the east by the Town of Greenwich, Connecticut. Port Chester lies within the densely developed New York metropolitan area, ten miles northeast of New York City, at the junction of two major regional highways, Interstates 95 and 287. In addition, U.S. Route 1 and the Metro-North railroad line pass through the center of the Village and also through the Local Waterfront Revitalization Area.

### Land Use and Development Patterns

Southeastern Westchester County is almost completely developed and is characterized by mature suburbs with only a small percentage of the vacant land. Early residential and industrial growth at the turn of the century was along the major transportation route, the Boston Post Road, which is the main street of many of the shoreline municipalities. Development also took place quickly along the coast, adjacent to Long Island Sound.

Port Chester, more than neighboring communities, experienced an early surge of local industrial growth, accompanied by related commercial and residential expansion. Port Chester, and in particular its riverfront, remained one of the county's industrial centers until recent years. The Village is still an employment center for the area, although most residents commute to jobs either in New York City or its suburbs. Port Chester's commercial districts also serve neighboring towns for some shopping needs. In comparison, the surrounding communities of Rye and Greenwich developed primarily as residential communities. They were built following the construction of the railroad and the establishment of good commuter links to New York City.

In recent decades, the construction of I-287 (the Cross Westchester Expressway) and I-95 (New England Thruway) have fostered increased commercial growth throughout the region. These interstates meet at Port Chester and there has been considerable construction of corporate headquarters, speculative office buildings and light industrial/back office buildings in proximity to these highways, evidenced most clearly by Harrison's Platinum Mile area of I-287.

The Westchester County Planning Department in their county-wide plan, Urban Form Refinement (September 1985) identified Port Chester as a concentrated center of intermediate size, with a high density urban character. Port Chester lies at the intersection of two development corridors, I-95 and I-287.

For these urban development corridors and centers, the Westchester County Plan recommends the following development policies:

- o The highest density and widest variety of land uses should be confined to major development corridors and the concentrated centers located within them. This will focus development in areas with, or with the potential for, transportation and utility services, as well as contain urban sprawl and protect adjoining lower density residential or open space uses.
- o Mixed uses should be encouraged in order to maximize the efficient use of resources and to strengthen the function and vitality of the centers and corridors.
- o Revitalization of centers on waterfronts should incorporate public access and enhance views to and from the shoreline.
- o A high quality of design including preservation of historically important structures and inclusion of open spaces should be encouraged in centers.

## **2.2 Local Context**

Port Chester's potential to become a vibrant urban center is clearly seen in its strategic location on the Sound, with an interstate highway junction and commuter rail access. Like its affluent neighbors, Port Chester has endeavored to attract quality development within its borders. However, its image as a declining and deteriorated urban industrial area discouraged development.

Recently, the old stereotype of Port Chester as the "Ugly Duckling on the Sound" has begun to fade as new pioneering developments have suggested that Port Chester can be a desirable place to live and work. The redevelopment of Midland Avenue and the conversion of the Life Savers factory to residential development are but two examples.

Based on these successful projects there has been increase pressure for development in Port Chester. Some of the prime development opportunities lie within the Coastal Zone. The Village of Port Chester seeks to capitalize upon these development opportunities and at the same time ensure that it is preserving and enhancing public access to and recreation opportunities afforded by the waterfront.

### **Community Profile**

Although the Village of Port Chester is relatively small in area, approximately 2.4 square miles, it has two miles of waterfront on the Byram River and Port Chester Harbor.

**TABLE 1: VILLAGE AND COUNTY POPULATION CHANGE 1910-1990**

<u>Year</u>	<u>Port Chester (% Change)</u>		<u>Westchester (% Change)</u>	
1910	12,810		283,055	
1920	16,570	(+29)	344,436	(+21)
1930	22,660	(+29)	520,946	(+51)
1940	23,070	(+67)	573,558	(+10)
1950	23,970	(+ 2)	625,816	(+ 9)
1960	24,960	(+ 4)	808,891	(+29)
1970	25,803	(+ 4)	894,104	(+10)
1980	23,565	(+ 3)	866,599	(- 3)
1990	24,728	(- 9)	874,866	(+ 1)

Source: U.S. Census Data

As can be seen in Table 1, Village and County Population Change 1910-1990, the Village's population declined 9% between 1970 and 1980, but regained 5% by 1990. Some population decrease was experienced by all but a few of the fast-growing northern Westchester towns and this parallels a national trend of decreasing population in older urban areas.

Port Chester exhibits many characteristics common to older urban areas. The Village was a busy industrial area in the late 19th and early 20th centuries. The period of greatest growth was 1910-1930 when local industrial activity was strong. During that period local residential areas were almost completely built. The townscape that resulted is characterized by dense mixed use development.

Other general characteristics of Port Chester common to older urban areas included the decreasing population, a concentration of persons with a low to moderate income, and a relatively high proportion of elderly and minority persons in the population. Residential development occupies nearly two thirds of the total land area with most units in a multiple dwelling configuration.

The population of the Village is diverse racially and ethnically. The 1980 census recorded the population as approximately 80% white, 14% black and 16% Hispanic. About 60% of the population identified with one of the following four ethnic groups: Italian (39%), Irish (10%), German (6%) and English (6%). Approximately 16% of the population was age 65 or older and 23% of the population was under age 18.

The median family income (\$19,744) and median household income (\$16,500) were the lowest of communities in the central Westchester County area. Of the approximately 9000 housing

units, about 25% are single family residences and 35% are in buildings with five or more units. The average number of persons per housing unit is 2.6 and about 20% of the households in the Village are headed by women.

As of 1980, 60% of the housing units were rental-occupied and there was a 2.5% vacancy rate. Both the percent of rental units and the vacancies have declined since the census due to extensive conversion of rental occupied units to co-ops. More than 55% of the residential buildings in Port Chester were built before 1939 and only 4%, or 393 units were constructed between 1970 and 1980.

### Historical Development of the Waterfront

In the early colonial period, the Long Island Sound waterfront proved to be an area with abundant natural resources which could be easily settled. The scattered settlements in the area of present day Port Chester and Rye were merged in 1665 under the name of Rye by Connecticut. In 1683, the territory again became part of New York State.

The Byram River area attracted settlers that engaged in farming, fishing, logging and trading. As the hamlet grew, the principal economic activity of the area turned to boat building. By the early 19th century the area's reputation as a boat building scene was established. Logs for boats were cut on Merritts Point (later Lyon's Point). The area became known as Saw Pit because of the large pits that were required to cut timbers for boat building. Thus, Saw Pit became the first name of colonial Port Chester. In 1837 the name was changed by the New York State legislature from Saw Pit to Port Chester.

The railroad line through the Village was completed in 1849, and combined with the river, Port Chester had in place a superior transportation network available, upon which was based the expansion of 19th & early 20th century industry. Some major industries that took advantage of these opportunities were:

- o Abendroth Brothers Eagle Foundry, established 1840.  
Largest foundry in the east.
- o Russell Burdsall and Ward Bolt Works, established 1882.
- o Pausack Oyster Canning Plant.
- o P.R. Mallory Plant, largest producer of tungsten filament wire.
- o Arnold Bakers
- o Mint Products Company (Life Savers), established 1920.

Many of these industries relied to varying degrees on the waterfront for transportation, power, storage and various other products.

Since the end of World War I the commercial and industrial use of the waterfront began a slow, gradual period of decline. The Abendroth Foundry closed and the Port Chester Transportation Company discontinued steamer service to New York City.

Since about 1900, the Byram River waterfront has been filled in extensively. The river used to extend inland from the present marina cove at the foot of Westchester Avenue as far as Main Street and ran south along where Don Bosco Place is today, toward Grace Church Street. The Fox Island area has also been substantially infilled, including a large central v-shaped area where the village's leaf mulching facility is located. The Byram River, in general is much narrower today than 50 years ago.

The first residential development began on the waterfront in the 1930's when a large harborfront estate on the Rye border was subdivided. Eventually 47 residences were built on this Greyrock neighborhood. Along Port Chester's downtown waterfront, a large area was cleared and streets were closed in the 1940's to build the present municipal parking lots.

The construction of I-95 and I-287 in the 1950's and 60's also contributed to the gradual decline of the Port Chester waterfront. Because traffic no longer has to pass through Port Chester, the retail hub of the downtown began to deteriorate.

Also during this period, river pollution reached perhaps its highest levels and nearly all marine life in the Byram River disappeared. Pollution had been a serious problem since World War I when major upstream industries began dumping large amounts of acids, oils, DEP and toxic metals. Thus, swimming and fishing activities were gradually restricted by the constantly worsening pollution. By the 1950's and 1960's boat mooring was the sole recreational use. In the mid-1950's the Port Chester Marina was built and the river was dredged to provide docking space for boats.

Although Port Chester has largely ignored its waterfront in the past several decades, recently the community has begun to understand the importance of its relationship to the waterfront. The areas of general deterioration are today viewed as opportunities which can play, perhaps, the most significant role in the redevelopment of the Village as a whole.

### **2.3 Local Waterfront Revitalization Program (LWRP) Area**

#### Orientation and General Character

The Port Chester Local Waterfront Revitalization Program area lies along the west bank and harborfront of the Byram River and the shores of Port Chester Harbor. The area extends in the generally north-south direction from the Putnam Avenue bridge to the Rye City boundary. The

width that the LWRP area extends inland varies from less than 100 feet at the north end to approximately 1500 feet at other points.

The LWRP area encompasses approximately 150 acres and has a river frontage of about 2.0 miles. It is a densely-built area of mixed uses and consists of approximately 200 dwelling units, 75 commercial structures and several public facilities.

### LWRP Subareas

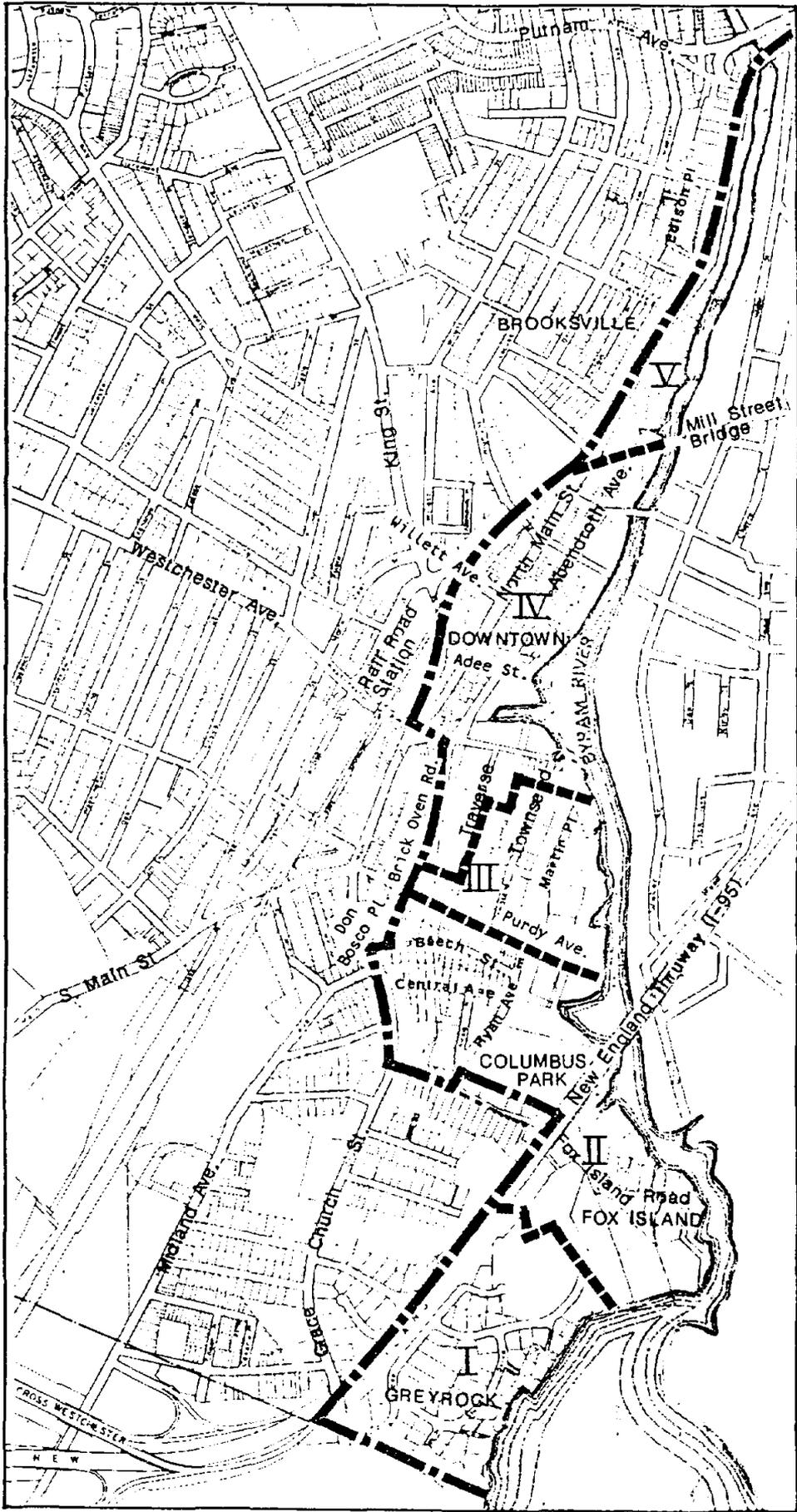
As seen in Figures 2 & 3, the LWRP area has been divided into five subareas on the basis of land use, development density, area character and redevelopment plan boundaries:

- I Greyrock Subarea - This is a single family residential neighborhood consisting of approximately 27 acres with approximately 1,500 ft. of waterfront on the Sound between the City of Rye border and the Village Department of Public Works facilities on Fox Island Road.
- II Fox Island/Columbus Park Subarea - This area is bisected by the New England Thruway (I-95) and consists of the Harbor Urban Renewal Area to the south, includes Columbus Park, and extends to Purdy Avenue to the north.
- III Townsend Street Subarea - This area extends along the Byram River from Purdy Avenue on the south to a property line running parallel to and approximately 175 ft. to the south of Westchester Avenue, then north to a point where the boundary line turns to the south and runs for approximately 150 ft., to a point where it turns west and runs to Traverse Avenue, where it then turns south to a point approximately 110 ft. from Purdy Avenue and then turns west and runs to the LWRP boundary.
- IV Downtown Subarea - This subarea is a substantial section of the Village center, bounded by Westchester Avenue and Liberty Square on the south, and on the north by North Main Street and the Metro North right-of-way and bridge.
- V Brooksville Subarea - This subarea is a narrow strip of land, primarily one lot deep, between North Main Street and the Byram River, with the Putnam Avenue Bridge at the north and the Metro North overpass at the south end.

## **2.4 Land Use And Development**

The following is a generalized description of the land and water uses and the built character of the LWRP area, by subarea. The land use patterns are illustrated on Figure 3.

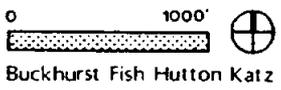
- I Greyrock is an attractive, stable neighborhood of approximately 50 single family houses built on the site of a large estate which was subdivided in the 1930s. The neighborhood faces onto the harborfront on the east and is separated from the rest of the Village by the New England Thruway on the west. In character, Greyrock is similar to adjacent



**FIGURE 2**  
**LWRP SUBAREAS**

**LWRP**  
**Village of**  
**Port Chester,**  
**New York**

- I** Greyrock Subarea
- II** Fox Island/  
Columbus Park Subarea
- III** Townsend St. Subarea
- IV** Downtown Subarea
- V** Brooksville Subarea



neighborhoods in Rye, immediately south. There are no plans for changes in this area in the foreseeable future, although emergency access will have to be provided to the Harbor Redevelopment Area to the north.

- II The New England Thruway bisects the Fox Island/Columbus Park subarea. To the north are Columbus Park, some light industrial uses and a tank farm on the waterfront. Under the highway bridge is a garbage transfer station currently leased to Westchester County. This agreement will be terminated to accommodate the proposed Urban Renewal Project. This interconnected park and marina would be a major new public recreation area for the Village. The LWRP (Columbus Park Marina Project) details this development more thoroughly in Section IV of this report. The uses along Fox Island Road, Nocola Place, Central Avenue and Grace Church Street are almost entirely residential and separated from streets east and north by a steep hill and lack of through streets.

The Harborfront Redevelopment Area, an approximately 18 acre area planned for privately-financed multi-family, residential use and public open space presently contains the Village Department of Public Works and the Port Chester Yacht Club on eleven Village-owned acres. The Fox Island peninsula also houses the Westchester County Port Chester Wastewater Treatment Plant, industrial plants, an oil tank facility (not in use), seafood restaurant and currently one or more commercial fishing vessels operate from the shore.

- III The Townsend Street Subarea contains many older single, two and multi-family residential buildings. Mixed in with the structures are many commercial, light industrial and automotive uses, as well as institutionalized buildings. Along the riverfront are an asphalt plant and concrete plant. The upland areas contain some deteriorated residential, as well as blighted automotive and industrial shops, junkyards, and a large block of warehouses.

- IV The Downtown Subarea encompasses all of the riverfront in the Village's central business district, as well as a substantial portion of the downtown. The LWRP boundary of this subarea extends from the riverfront to the railroad right-of-way, and includes the most active commercial area of the traditional downtown, approximately four blocks along North Main Street. West of Abendroth Avenue, the actual riverfront is lined with large municipal parking lots, a public marina facility, vacant lots, and generally underutilized older industrial buildings. The Mill Street bridge connects the Port Chester Village center to the small commercial center of Greenwich, Connecticut. One block west of this subarea is the Port Chester railroad station. Subarea IV encompasses most of the Marina Urban Renewal Plan area and a portion of the Village Center Renewal Plan area. The plan for redeveloping the downtown waterfront is the Marina Redevelopment Project plan which has been adopted by the Village. Approximately two thirds of the project is located within the Marina Urban Renewal Plan area and the remaining one third is located within the Village Center Urban Renewal Plan area. See Figure 11, Urban Renewal Areas, for the redevelopment project areas.

- V The Brooksville subarea is the neighborhood bordering the river north of the downtown. The LWRP subarea is a narrow strip running along North Main Street, paralleling the river, to the Putnam Avenue Bridge which crosses the river into Greenwich. This area is characterized by mixed land uses on small, shallow lots which back onto the Byram River. Generally, the condition of the properties is good but there is an incompatibility among older residential and newer commercial uses. The subarea includes the William James Memorial Park and restored pumphouse at the north end. West of Main Street in Port Chester and also on the east side of the narrow Byram River in Greenwich, are stable, pleasant, solidly residential neighborhoods. This North Main Street subarea was part of a 1985 Blight Study prepared by the firm of Raymond, Parish, Pine, and Weiner.

#### Underutilized Abandoned or Deteriorated Sites

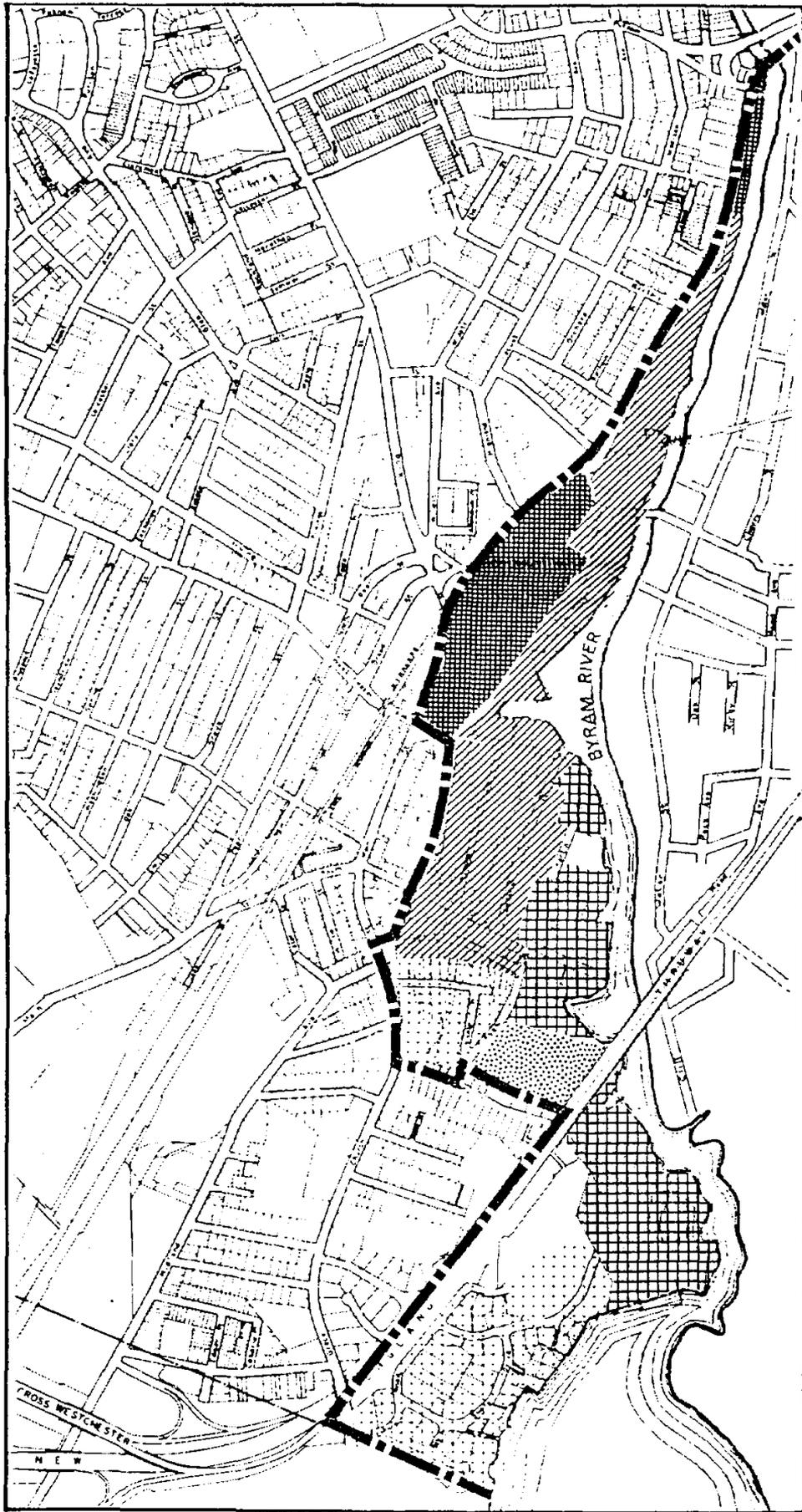
Much of the waterfront area within the LWRP is underutilized. In most severe cases, such as the Fox Island peninsula and in the downtown east of Abendroth Avenue, old industrial uses which occupied those sites are gone. Both areas are now predominantly Village-owned and the former is a storage and leaf mulch site for the Department of Public Works. The latter is a large parking lot which is never filled to capacity.

Underutilized Areas are identified on Figure 4. There are a number of totally vacant sites including three sizable lots on North Main Street in Brooksville and several large parcels in Subarea III, between Purdy and Westchester Avenues.

Although most land within the LWRP are put to some use, in many cases it is underutilized for economically marginal purposes or by uses which located there because it was industrially zoned or cheap land. Many structures, including houses, warehouses and the industrial buildings, are old and deteriorated and date from a period when the waterfront was commercially active. Many of these structures are not well-built and it is likely that building conditions on the waterfront were never well controlled.

In dark gray tones on Figure 4 are the general underutilized area. The largest parcel on the peninsula is the Village's Department of Public Works. The facility which covers approximately 75% of the peninsula includes garages, an abandoned incinerator, outdoor storage of vehicles, machinery and materials, windrows of leaves, and a closed landfill. This area is the most obvious example of an underutilized waterfront site. The site is kept locked except for security purposes, during normal business hours, further limiting its public accessibility. The remaining parcels primarily include light industrial uses which are not water-dependent and not the highest and best use of waterfront property. Taken as a whole, the peninsula is an underutilized area. The two coves north and south of the bridge are unused and the promontory under the bridge is temporarily leased as a garbage-transfer station.

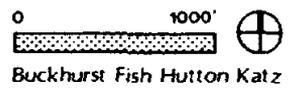
The neighborhood between Purdy and Westchester Avenues is filled with incompatible, unsightly and unsanitary uses including junkyards and automotive service stations next to residences. Many of the structures are also deteriorated. The waterfront in this vicinity is occupied by



**FIGURE 3  
GENERALIZED  
LAND USE**

**LWRP  
Village of  
Port Chester,  
New York**

-  Residential
-  Commercial
-  Mixed Use
-  Industry
-  Parks
-  Vacant
-  LWRP Boundary



gravel and asphalt operations and a concrete plant. The asphalt plants use much of the area for storage of materials, equipment and vehicles.

From Westchester Avenue to Willett Avenue, most of the waterfront is vacant, used as temporary parking lots. There is also a small triangular park (approximately 1000 ft.) with an adjacent public marina. From Willett Avenue north to the railroad bridge, there are a mixture of old buildings, partially occupied for retail, office, automotive, warehouse or light industrial uses. There are also a few residences and more parking and vacant lots. North of the railroad overpass, in Brooksville, North Main Street is a mixture of residential and commercial uses. The former residential quality of the street has been deteriorated by the spread of inappropriate commercial uses and parking lots. In this subarea, many of the residences are old and in need of repair, but most appear structurally sound.

### Water-Dependent Uses

In Port Chester, as in many waterfront communities, the industrial uses along the Byram River have become less dependent upon the waterfront location. As shown in Figure 5, water dependent industries which once lined the river up to the Mill Street Bridge are now almost entirely limited to the stretch of water between Purdy and Westchester Avenues. Peckham Asphalt Company, at the end of the Purdy Avenue, and Byram Coal and Supply Company, located midway between Purdy and Westchester Avenues, use the river for transporting raw materials. Additionally, two oil storage facilities, located at the foot of Purdy Avenue, and off the Fox Island Road, currently or formerly rely on waterborne transportation. Channel maintenance by the U.S. Army Corps of Engineers is dependent upon the continued presence of these industries and other waterborne transport facilities on the Greenwich side of the Byram River.

In addition to these industries, three marinas are also included in the water-dependent category. The Port Chester Yacht Club, located in the mouth of the Harbor at the end of Fox Island Road leases space for 118 boaters. In addition, 38 large boats are kept on moorings in the Port Chester Harbor. The Port Chester Village Marina, located near the municipal parking lot off of Abendroth Avenue, in downtown Port Chester, provides tie-ups for about another 100 boats. The Westchester Avenue Marina is a private facility located at the end of Westchester Avenue which docks approximately 40 boats.

Currently, one or more commercial fishing vessels utilize dock facilities in the Harbor Redevelopment Project Area, including upland parking and gear storage facilities at the Pearl of the Atlantic Restaurant. Some recreation fishing still occurs off the Mill Street Bridge and at the mouth of the Byram River.

In addition to water-dependent uses, there are water-enhanced uses including the William James Memorial Park, Columbus Park, and the Pearl of the Atlantic Restaurant, all of which benefit to varying degrees, from the proximity to the water.

Based upon the information provided above, it can be summarized that the water-dependent potential of the waterfront as a whole is grossly underutilized. Revitalization of this underutilized waterfront is detailed in Section IV, Proposed Land and Water Uses and Projects, and primarily relies upon two major redevelopment projects. The Village will employ its power of eminent domain to assemble the tracts necessary for redevelopment, and the associated development of extensive water-dependent facilities. This proposed action will result in the acquisition of a water dependent use, the private marina, as well as several water-enhanced uses. Acquisition is necessary to allow for the creation of an overall pattern of legal water-dependent uses which support and advance the goals and policies of the LWRP. In the absence of the redevelopment initiative, the type of comprehensive water-dependent development advocated in the LWRP would be impractical.

## 2.5 Infrastructure

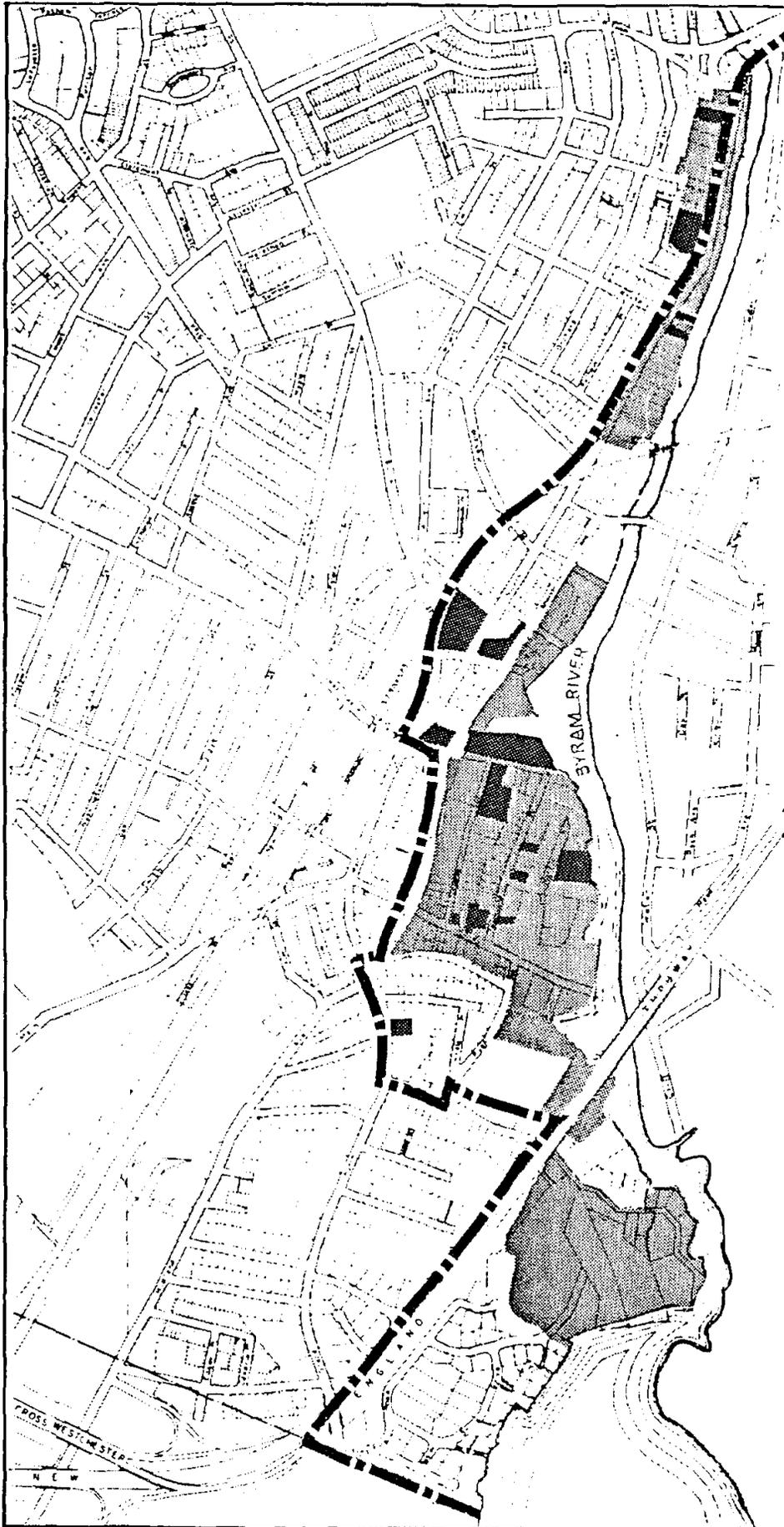
### Transportation

Although the LWRP area is close to, or includes, many of Port Chester's major roads, access to the waterfront itself is limited, as seen in Figure 6. The New England Thruway (I-95), which bisects the southern portion of the study area just north of the Sewage Treatment Plant, provides regional access for local roads to the southwest in Rye. For local north-south access, Boston Post Road, or Route 1, becomes Port Chester's Main Street before crossing the Byram into Connecticut at the northern tip of the LWRP. Although this northern section of Main Street runs parallel to the water, there is no real access or views of the water until the area immediately around the bridge which passes into Connecticut. Westchester Avenue provides the major east-west route, with a connection to the Cross Westchester Expressway about two miles to the water. The scale of the road as diminished after Main Street, when it becomes a narrow local street.

These roads plus other major local roads like Midland Avenue and King Street converge on Main Street in the Village center providing an opportunity for clear signage and improved streetscapes to encourage movement toward the water. On local roads, actual access to the water is provided only at Fox Island Road, Westchester Avenue, the streets and parking lots off of Abendroth Avenue and from Main Street itself just before the Putnam Avenue Bridge to Connecticut.

Public transportation is provided by the Metro North Railroad. The train station is located just beyond the study area boundary to the west. It is within easy walking distance of most of Subarea IV. Bus service is provided by Westchester County along all major roads like Route 1 in the Village. Port Chester is a major terminus for County bus routes.

Pedestrian ways are limited to existing sidewalks. No waterfront walkways exist.

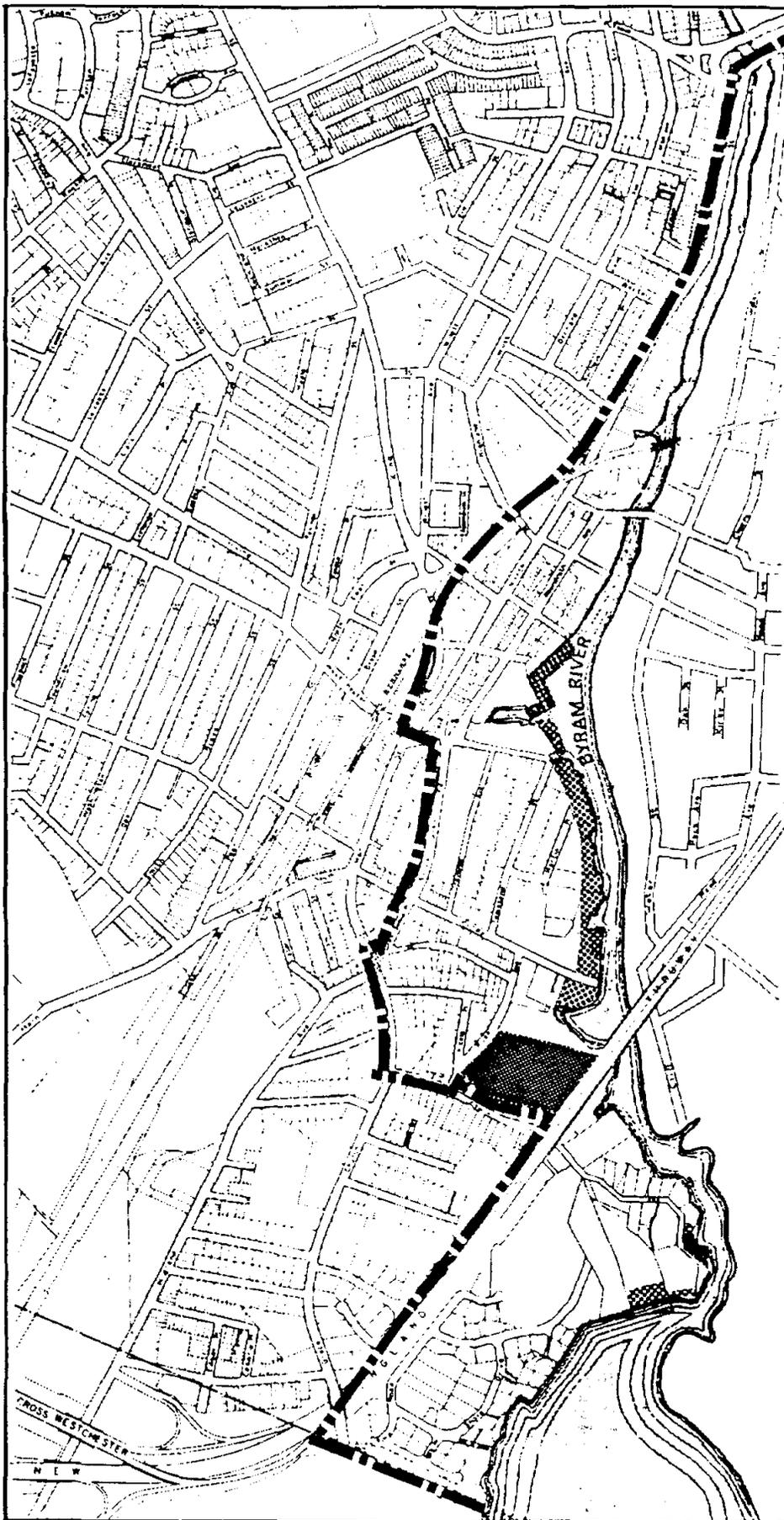


**FIGURE 4**  
**UNDERUTILIZED**  
**AREAS**

**LWRP**  
 Village of  
 Port Chester,  
 New York

- Vacant Land
- Underutilized Areas

0 1000'   
 Buckhurst Fish Hutton Katz



**FIGURE 5**  
**WATER**  
**DEPENDENT USES**  
 LWRP  
 Village of  
 Port Chester,  
 New York

-  Water Dependent Uses
-  Water Enhanced uses

0 1000'   
 Buckhurst Fish Hutton Katz

### Water Supply

The water supply for the LWRP area is provided for by the NY American Water Company. The source of the supply is in Greenwich, Connecticut where the surface water is sand-filtered to remove the impurities and hardness. The capacities of the four reservoirs in the system are adequate to satisfy present and projected demands for the entire service area which includes the Village of Port Chester, the Town and City of Rye and Greenwich, Connecticut.

### Sanitary Sewer

Wastewater treatment is handled by Westchester County, Port Chester Treatment plant, located in the LWRP area on Fox Island Road. The Port Chester facility is linked to the Blind Brook Plant in Rye. The Port Chester plant provides both primary and secondary wastewater treatment. Sludge that was once trucked to a Saw Mill River Sewage System trunk line will now be incinerated in Port Chester.

Potential air pollution resulting from incineration has been anticipated and mitigation measures have been designed into the plant. The incinerator is equipped with air pollution control devices sufficient to ensure compliance with applicable Federal and State regulations. The plant which is in a class I area, will not result in an annual increase in average ambient particulate concentrations of greater than 5 ug/M3 (Malcom Pirnie Inc.).

The Sewage Treatment Plant's design capacity is 6 MGD with the ability to accommodate excess flows of up to 12 MGD (Westchester County Department of Facilities). Current flow rates into the plant have been measured to be about 4 MGD by the Westchester County Department of Environmental Facilities. A major contributing factor to the existing volume of flow into the plant is infiltration throughout the sanitary sewer system. Westchester County is implementing a program to reduce this infiltration which will have a direct affect on decreasing the flow to the plant. The Department of Environmental Facilities estimates that when fully operational and on-line, the plant will have approximately 30% excess capacity.

The Port Chester Sewage District includes all of Port Chester and part of the Village of Rye. Only three pump stations are used. One is located in the northern tip of the LWRP area. The structure has been renovated as the focal point for the William James Memorial Park.

The primary outfall for the plant is located off the shore of the City of Rye. Only an emergency outfall continues to be located at the plant. This situation has eliminated the principal criteria for water dependency.

### Storm Sewer

The Village's storm sewer system is separated from the sanitary sewer pipes. There are nine outflows into the Byram River in the LWRP area ranging in size from 9 ft. x 6 ft to 12 inches (See Figure 7).

Two large outflows serve major portions of the Village. One located at Purdy Avenue is approximately 7 ft. x 4.5 ft. The second located at the gut, near the intersection of Westchester and Abendroth Avenues, is approximately 9 ft. x 6 ft. All but two of the nine outflow points are located in the downtown area where infrastructure improvements are planned in support of future development.

The Village's drainage basin very nearly coincides to the municipal boundary. Three (3) small portions of neighboring communities contribute storm water to the Village's drainage system. The first includes approximately two acres in the Village of Rye Brook, north of Betsy Brown Road and east of Haines Boulevard. The second contributing area is in the City of Rye in the area of Avon's corporate headquarters, and drains northeast along Midland Avenue. The last area, under twenty (20) acres in size, is in the Town of Greenwich, Connecticut and drains to the west along Putnam Avenue.

Port Chester's drainage system was primarily developed prior to 1930. The age of the system and varying standards of construction require constant monitoring. A primary concern with the storm sewer system, and a common problem associated with aging urban infrastructure, is infiltration/inflow. Additionally, the location of the systems outflows are negatively impacted by periodic tidal fluctuations. The Village has identified areas in need of improvements and has, to the extent practical, made corrections and improvements in a manner consistent with current engineering practices.

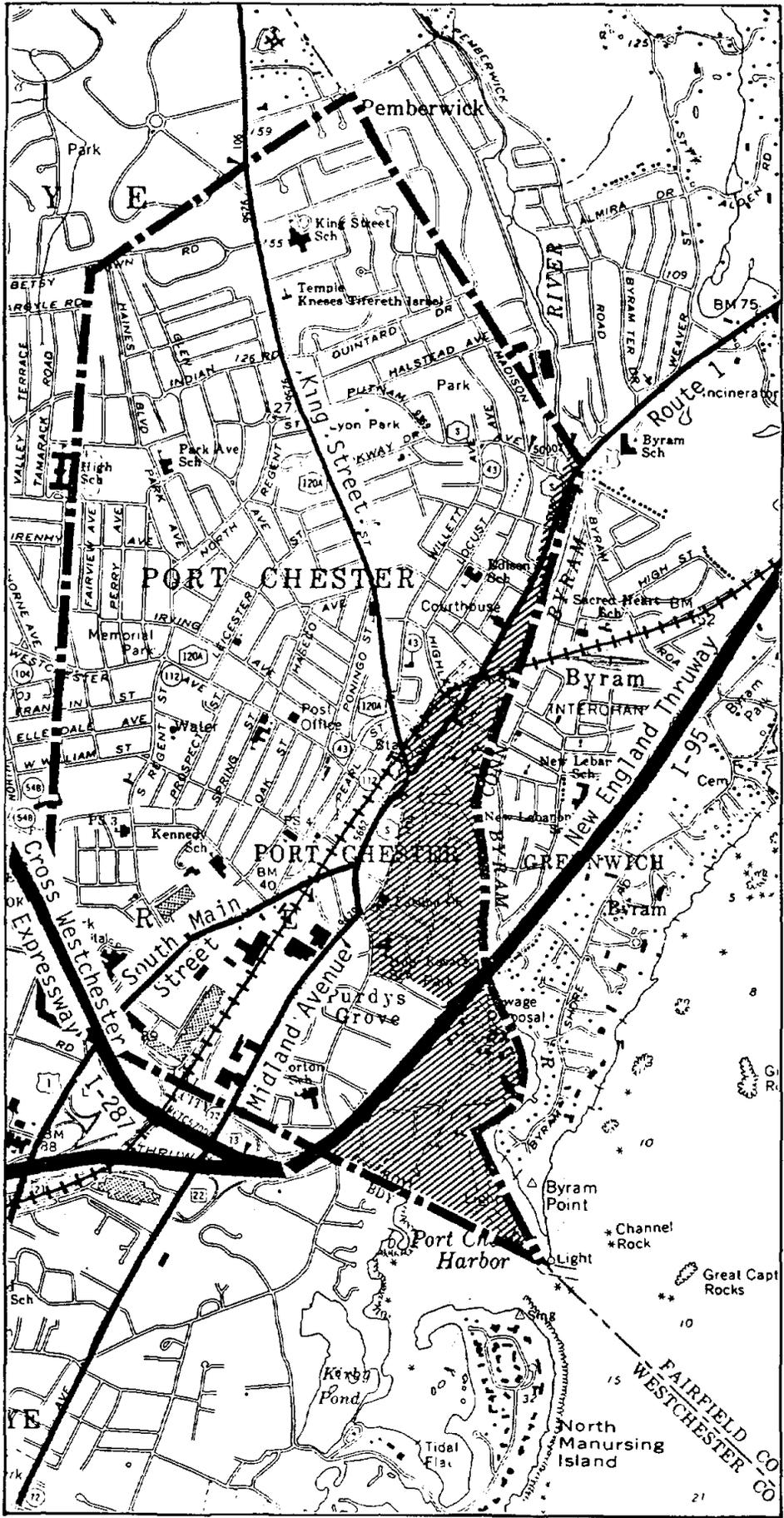
At present, the Village imposes a "no net increase in the rate of runoff" policy with respect to all upland development. This policy will significantly reduce the impact of storm surges on the drainage system by relying on controlled releases of storm water. In the Marina Redevelopment Area, reconstruction of the storm sewer system will significantly remove infiltration/inflow problems, as well as tidal impacts.

## **2.6 Natural Conditions And Environmental Quality**

### **The Land**

The topography of the LWRP area is diverse, ranging from the gentle, relatively flat slopes of subareas IV and V to the hilly uplands of subareas I, II, and III. Westchester Avenue to the south, steep slopes separate upland development from a flat stretch of land next to the water. This flat land area varies greatly in depth, ranging from less than 5 feet around the I-95 overpass to more than 1500 ft. in the vicinity of Fox Island Road. This area has been artificially widened by past landfill activities.

Soils are generally classified as urban land, meaning that they have been extensively filled and graded. Most of the soils along the water's edge and in subareas IV and V are former flood plains. The uplands are generally Charlton and Paxton soils which are both well drained, medium to moderately coarse soils. Rock outcroppings occur a number of times along the steep embankment.



**FIGURE 6  
TRANSPORTATION**

**LWRP  
Village of  
Port Chester,  
New York**

-  Interstate Highway
-  Major Arterial
-  Railroad
-  LWRP Area

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 Buckhurst Fish Hutton Katz

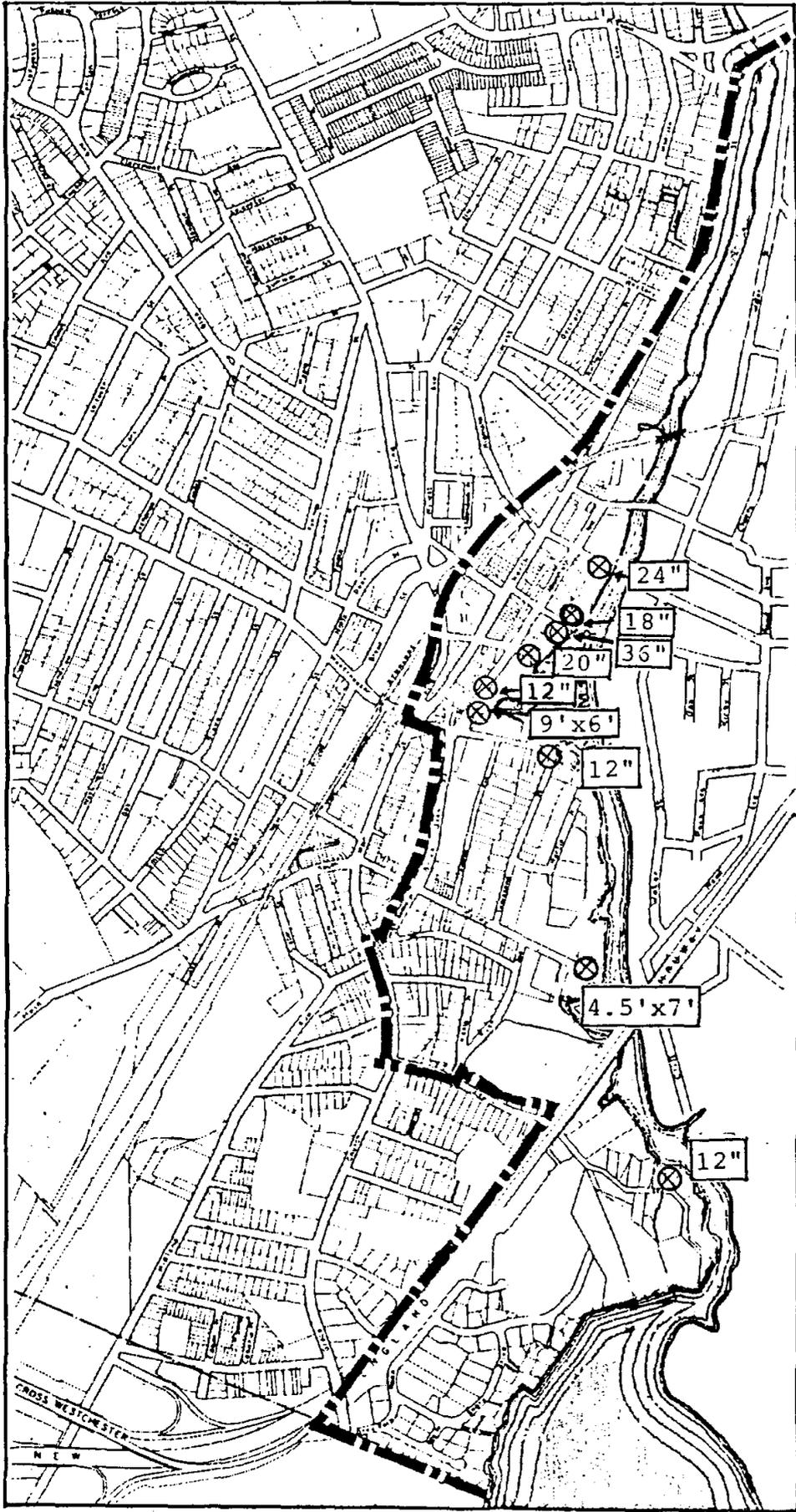
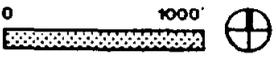


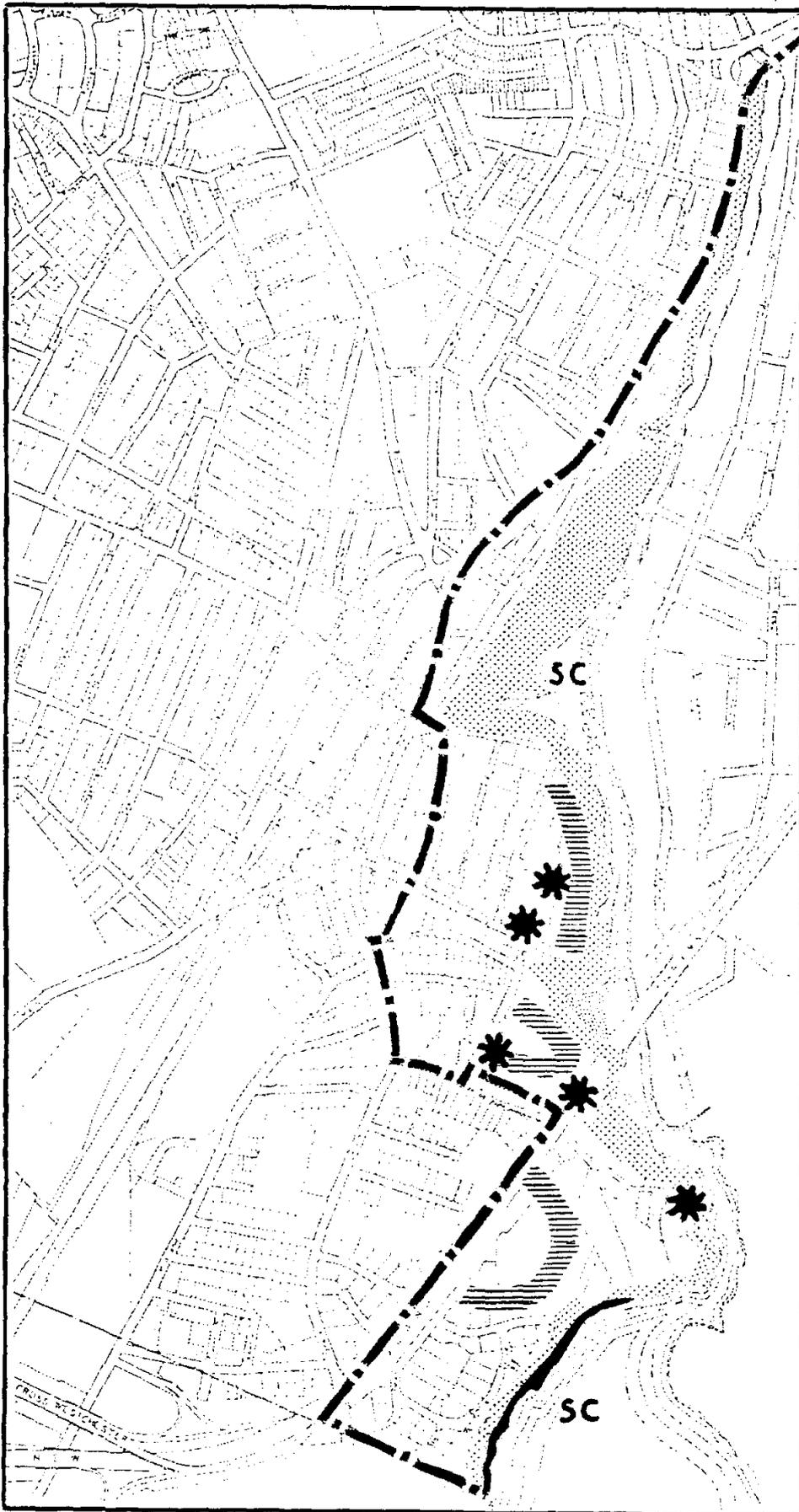
FIGURE 7  
 STORM SEWER  
 OUTFALLS  
 LWRP  
 Village of  
 Port Chester,  
 New York

⊗ Outfall  
 Locations



**FIGURE 8  
ENVIRONMENTAL  
CONSTRAINTS**

LWRP  
Village of  
Port Chester,  
New York



-  Steep Slopes
-  100 Year Flood Plain
-  V Zone Flood Area
-  Water Quality Classification
-  Rock Outcrop
-  Tidal Wetlands

0 1000'   
Buckhurst Fish Hutton Katz

As noted, there are several areas where fill has occurred and one landfill site in subarea II. Subsurface conditions shall be tested and analyzed thoroughly on the Environmental Impact Assessment process required for any development of this site.

There are no existing erosion hazard areas in the study area.

### The Water

The Byram River flows into Long Island Sound on the boundary between Port Chester, New York and Greenwich, Connecticut. It originates in New York State at the Byram Lake Reservoir south of Mount Kisco and empties into Port Chester Harbor on the Sound. Major tributaries of the Byram River includes its East branch and the Wampus River. The major portion of the central basin enters New York State approximately 2 miles above the river mouth at the north end of the LWRP area. The regions drained include primarily urban and industrial areas in the study area near the mouth and woodland, fields and residential land for the remainder of the stream's length.

The river is relatively narrow, ranging in width from 300 ft. in the Harbor to 120-160 feet through most of the Village center and down to a narrow 50 foot width in the Brooksville section.

The NYSDEC classification for the Byram River is "SC". The "SC" classification identifies the best usage of the water as follows: "the waters are suitable for fishing and fish propagation. The water quality shall be suitable for primary and secondary contact recreation even though other factors may limit the use for that purpose." However, the water quality for the Byram River is not as clean as the current "SC" classification implies due to the urbanization and industrial uses along the River. Recreational fishing exists but is limited in scope. It is expected that the water quality will improve over time with the closure of sewage outfalls.

The primary outfall for the Sewage Treatment Plant has been relocated off the coast of the City of Rye. Only an emergency outfall remains at the plant in Port Chester. This will eliminate a significant negative impact on the water quality of the river. There is no other identifiable major point source of contamination in the study area along the river, however, there are other potential sources of pollutants. Although it is illegal in New York State, some watercraft may still be discharging untreated sanitary waste. Also, accidental spills from the transportation of petroleum compounds are also a potential threat.

Non-point source pollution has been addressed by current municipal practices. Specifically, improvements have been made to infiltration/inflow conditions, as well as negative impacts associated with tidal influences on the sanitary and storm sewer systems. Modifications have also been made regarding the municipal use of pesticides. These improvements have been carried out in a manner consistent with current engineering practices. Policy 37 of the LWRP establishes further non-point source pollution standards.

## Wetlands

Since much of the LWRP area has been filled or disturbed in some way, there are few natural areas left, including wetlands. A small area of tidal wetlands exist in the coastal vicinity of the Port Chester Yacht Club. This area, equaling about 13,000 square feet, is classified SM (coastal shoals, bars and flats that at high tide are covered by water and at low tide are exposed or covered to a maximum depth of one foot). It is not vegetated by low marsh cordgrass. After inspection in 1985 by a biologist from the New York State Department of Environmental Conservation, it has been determined that this shore does not contain productive wetlands. A second area of regulated tidal wetlands is located at the "north cove" between Purdy Avenue and Interstate 95. This area is 1.4 acres and also classified as "SM". Unlike Subarea II, however, site investigation of this area revealed evidence of biological activity. Mitigation of development impacts on these wetlands should be considered in the event of any development in this area.

## Flood Hazard and Flood Plains Areas

Flooding of the lower Byram River is generally caused by high tide. The 100 year tidal flood would cause a high tide of about twelve feet above mean sea level. The floodplain is shown on Figure 8. The "V" Flood Zones are confined to the Greyrock area on Port Chester Harbor.

## Fish and Wildlife Habitats

Both fish and wildlife habitats are limited in the Port Chester LWRP area. On land, there are no natural habitats remaining. Various species of birds do inhabit the developed areas where vegetation is present. Aquatic life is limited by the current poor water quality. All of the Byram River and Harbor is developed. Pollution from boats, industry, the sewer system, and disturbances from channel dredging have greatly decreased the Byram River's value as a habitat.

Improved water quality due to the removal of the sewage treatment plant outflow plus the decline of waterfront industry usage may provide future improvements to some degree. This process will be slow however, as many pollutants are retained in the river bottom sediment.

## Air Quality

Generally, the air quality in the study area meets or exceeds National and State air quality standards. Degradation may occur in localized areas such as around new construction sites. Also, some odors are currently detectable at certain times around the sewage treatment plant. The improvements planned for the facility include covering two exposed tanks, as well as eliminating outflow. This should dramatically improve the localized air odors when complete.

## **2.7 Scenic, Historic And Archaeological Resources And Visual Quality**

The visual quality of the Port Chester waterfront is extremely variable due to the differences in river widths and the scenic quality of surrounding land uses. The best views are long water

views or views of open space or attractive housing on the Connecticut side of the river. Area with special visual quality include Columbus Park and the Greyrock residential area. In these areas, well maintained, mature vegetation contributes to the visual quality of the waterfront. Areas offering locally significant vistas are shown on Figure 9.

No historic resources are listed on the National or State Registers of Historic Places within the LWRP area. Other properties in Port Chester outside of the LWRP area that are included on the registers are the *Life Savers Building*, the *Bush-Lyon Homestead* and the *Putnam and Mellon Engine and Hose Company building*.

A number of properties within the LWRP area are recorded as appearing eligible for the National Register by the State Historic Preservation Office. The following is a listing of these properties, and a brief description of the significance of each:

<u>Address</u>	<u>Element of Significance</u>
34 Adee Street	Entire exterior of building
105 Adee Street	South facade above street level
109 Adee Street	Entire exterior of building
25-27 Fox Island Road	Entire exterior of building
26-28 Fox Island Road	Entire exterior of building
35 Fox Island Road	Entire exterior of building
2 Highland Street	Entire exterior of building
8-12 North Main Street	Entire exterior of building
33 North Main Street	West facade of building
43-45 North Main Street	Entire exterior of building
112 North Main Street	Entire exterior of building
125 North Main Street	Entire exterior of building
129-133 North Main Street	Entire exterior of building
136 North Main Street	Entire exterior of building
163-173 North Main Street	Entire exterior of building
179 North Main Street	Entire exterior of building
1 Mill Street	Former Grist Mill-entire
27 Traverse Avenue	Entire exterior of building
13 Willett Avenue	Entire exterior of building
19 Willett Avenue	Entire exterior of building
21 Willett Avenue	Entire exterior of building
25 Willett Avenue	Entire exterior of building
28 Willett Avenue	Entire exterior of building
29 Willett Avenue	Entire exterior of building
110-114 Willett Avenue	Entire exterior of building

In addition to the individual properties identified above, two distinctive concentrations of buildings exist within the LWRP area which appear eligible and can be described as follows:

- North Main Street - Adee Street concentration (29-49 North Main Street and 34 Adee Street).
- North Main Street - Willett Avenue concentration (122-140 and 127-133 North Main Street and 25, 28, 29 and 110-114 Willett Avenue).

Special structural features in the waterfront include the restored William James Memorial pump house, Putnam Avenue Bridge, and the Mill Street Bridge.

No archaeologically significant sites have been identified as being located within the LWRP boundary. The NYS Museum pre-historic archaeological site file map indicated that one potential archaeological site was located within the Village. Upon further research, it was established that the site, known as Bullock's Landing, which may have been an early Indian Village site, is actually located in the City of Rye, at the head of Milton Harbor. Sources identified in the Westchester County Department of Planning Archaeology Resources Study, April 1986, confirm that no archaeologically significant sites have been identified within the Village.

In addition, since most of the soils in the LWRP area have been disturbed, it is unlikely any substantial finds could be made.

## **2.8 Development Considerations**

### Existing Zoning

Existing zoning forms the framework for regulations regarding land use, densities, and building regulations. Figure 13 depicts existing zones. These include:

- o Residential Zones
  - R 7 (Single Family)
  - R 2F (Two Family)
- o Special Zones
  - PTD (Planned Tower Development Residential Zone)
  - DW (Design Waterfront - multiple use)
- o Commercial Zone
  - C 2 (Central Business District)
  - C 4 (General Commercial)
- o Manufacturing Zones

- M 1 (Light Industry)
- M 2 (General Industry)

### Trends

An article which appeared in the New York Times (May 4, 1986) noted that "change is evident in downtown Port Chester. Once vacant factories have been converted to offices or razed to make way for corporate parks, such as the Midland Executive Park where 1,100 people are employed in 400,000 square feet of offices and light industrial space. Vacant stores in the downtown business district are now filled. Two sculpture gardens on Main Street occupied what were once trash filled lots." The article goes on to say that the proposed waterfront developments (noted above) are a "key to a much healthier community." The trend in Port Chester appears to be revitalization.

### Plans and Proposed Projects

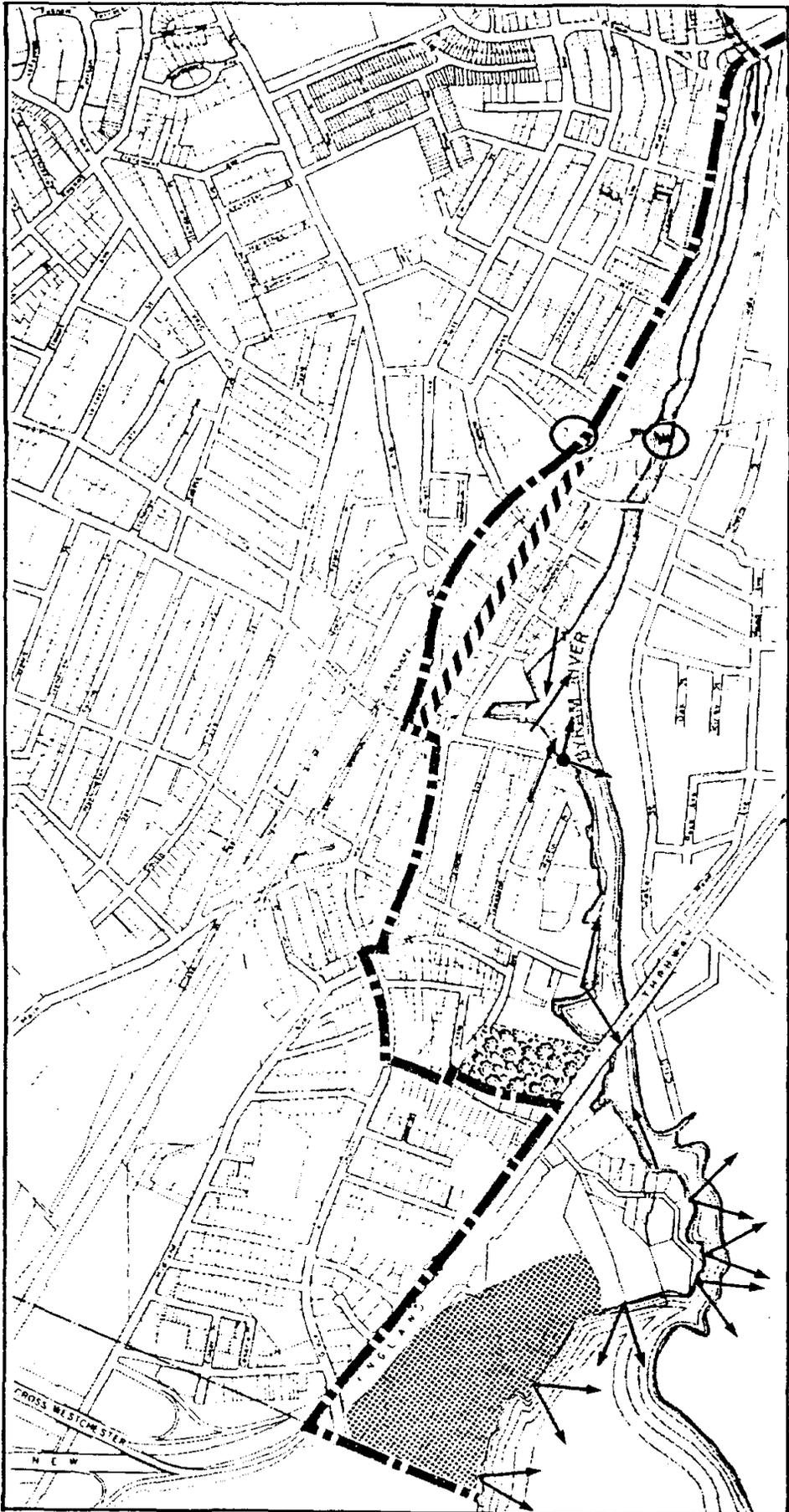
- o A streetscape project for North Main Street (completed) and South Main Street which replaces existing sidewalks with brick pavers, historic street lamps, extensive street trees, and underground utilities.
- o Historic landmark preservation of the Life Savers Building for adaptive re-use as a residential complex of 200 units.
- o Redevelopment of the Harbor Urban Renewal Area for medium density multi-family residential units and an extensive marina and recreational component.
- o Local review of a phase 1 redevelopment proposal in Port Chester's downtown which involves about 15 acres of land for retail and residential development.
- o A local proposal to construct a public marina on the Byram to service about 200 boats.
- o A significant increase in zone change and site plan applications for sites larger than 1/2 acre. Proposals focus on residential development, but some commercial proposals are also being reviewed.

The proposals and the LWRP have evolved together. In many instances preliminary findings of the LWRP have helped shape the proposals as they relate to the waterfront. The final LWRP document will ensure that the continued evolution of development proposals is guided by sound policy which recognizes the waterfront as Port Chester's most important natural resource.

## **2.9 Summary**

The primary findings in the inventory and analysis of Port Chester and its waterfront are:

1. Port Chester is a community in transition from a manufacturing center to a diverse economy which includes wholesale, retail, back office, and an emerging bedroom community which offers reasonably priced housing for the regional centers of White Plains and Stamford.
2. The local government has taken an active role in the development process through urban renewal.
3. Port Chester has an excellent location within the region at the junction of I-287 and I-95, as well as direct electrified rail access to NYC and Stamford, Connecticut.
4. Port Chester has developed an infrastructure system which is basically sound and capable of absorbing future growth.
5. Although Port Chester is relatively small in land area (1,470 acres), it has over 2 miles of waterfront, most of which is underutilized and/or blighted.
6. With the notable exception of the Greyrock residential area, mixed use and haphazard development is the general land use pattern within the Coastal Zone area.
7. Environmental constraints upon development are limited due to Port Chester's densely developed character. Special attention must be focused on flood plain management issues, steep slopes, and possible soils issues.
8. Although Port Chester's waterfront has historic background in ship building and other waterfront industries, the future of the waterfront appears clearly dominated by both water-dependent and water-enhanced recreation uses. These appear to be the best uses for the majority of the waterfront.
9. The challenge facing Port Chester as it proceeds with the LWRP is to ensure that as future development occurs the waterfront is enhanced as an amenity.



**FIGURE 9**  
**SCENIC RESOURCES**  
**& VISUAL QUALITY**  
**LWRP**  
**Village of**  
**Port Chester,**  
**New York**

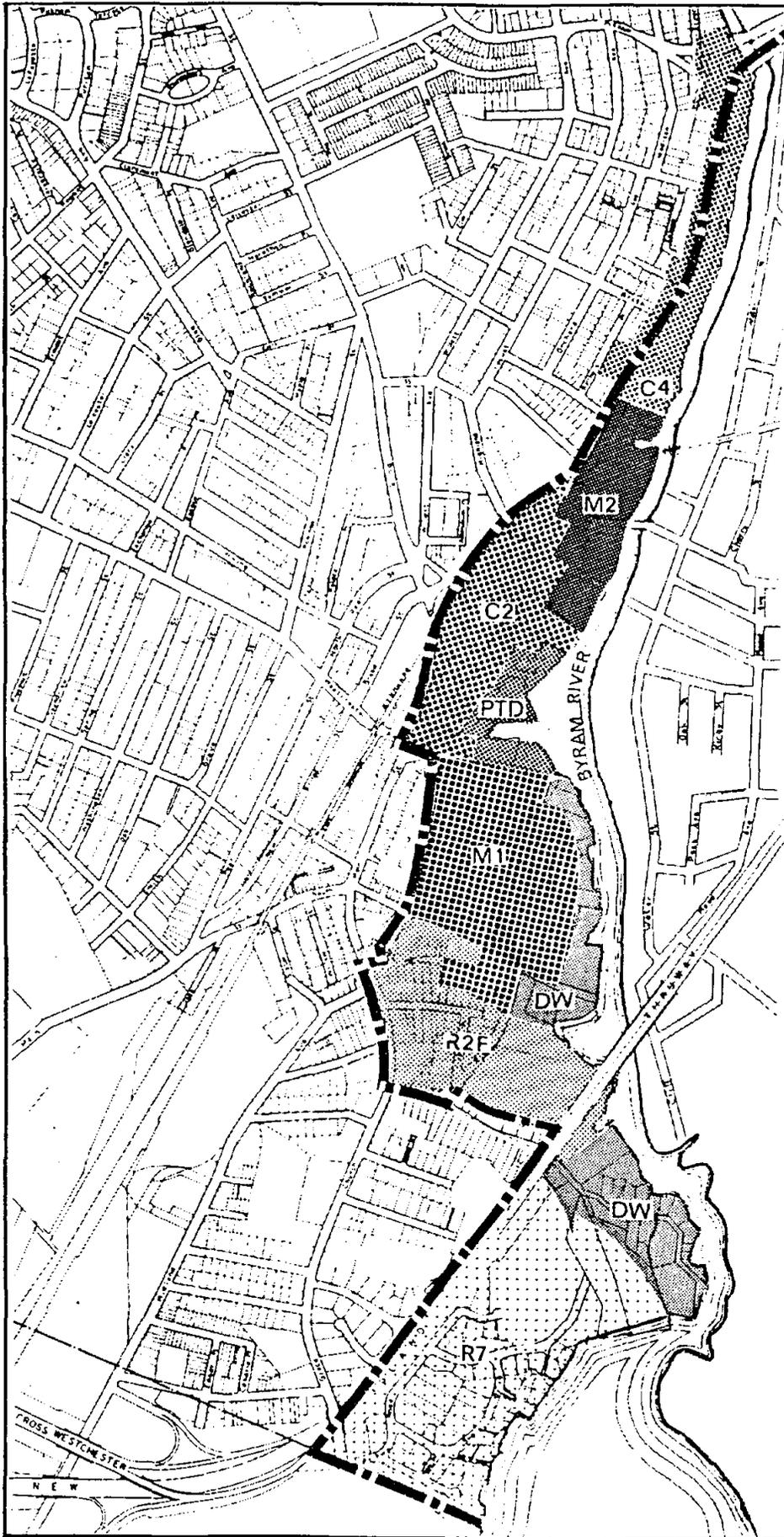
-  Main Street Character
-  Significant Views
-  Features
-  River
-  Attractive Housing
-  Park

0 1000' 

Buckhurst Fish Hutton Katz

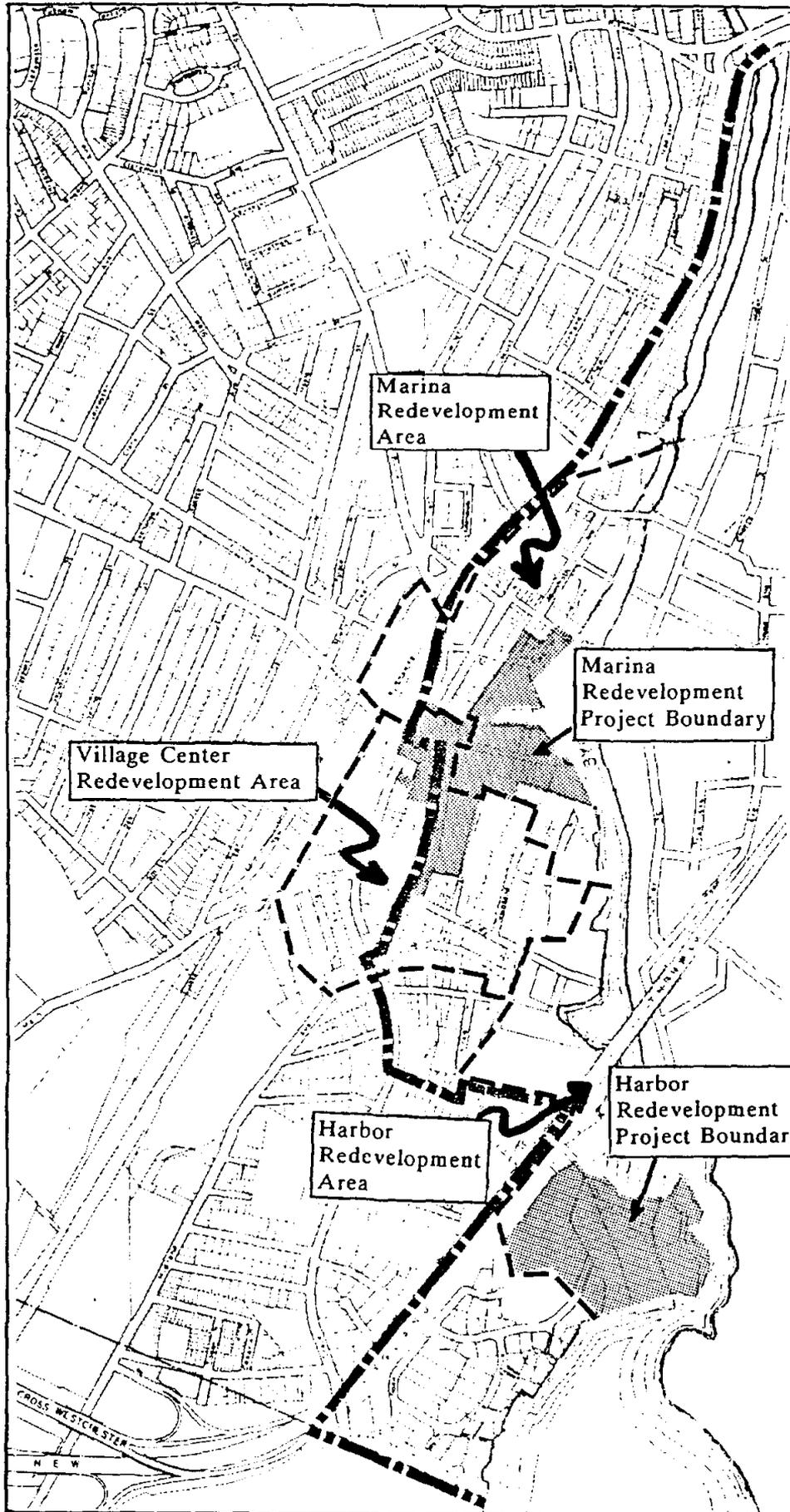
**FIGURE 10  
EXISTING ZONING**

**LWRP  
Village of  
Port Chester,  
New York**

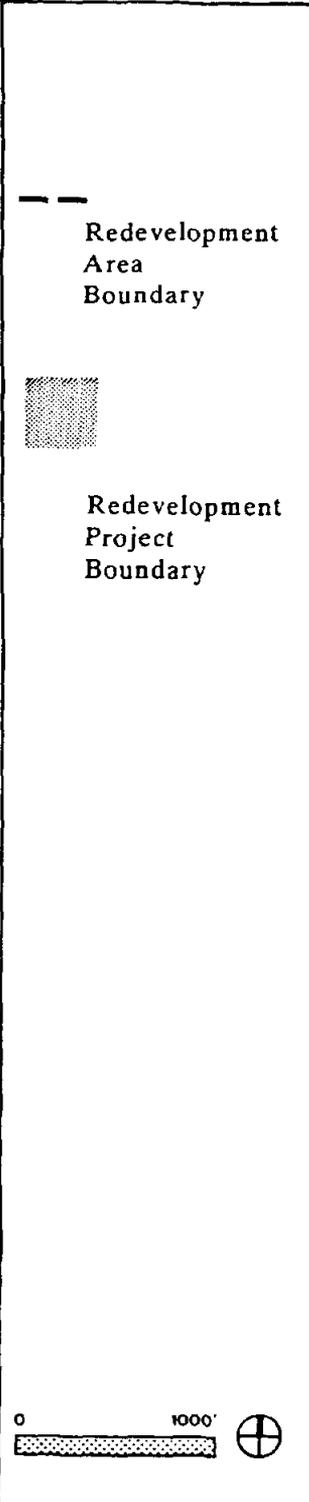


-  General Commercial
-  General Industrial
-  Central Business
-  Planned Tower Development
-  Light Industrial
-  Design Waterfront
-  One Family Residential
-  Two Family Residential

0 1000'   
Buckhurst Fish Hutton Katz



**FIGURE 11**  
**URBAN RENEWAL**  
**AREAS**  
**LWRP**  
**Village of**  
**Port Chester,**  
**New York**



**SECTION III**  
**WATERFRONT POLICIES**

Port Chester's Local Waterfront Revitalization Program is consistent with the State's Coastal Management Program. It focuses on local policies, plans and projects related to State policies.

A major task of the LWRP was to determine the applicability of the various State coastal policies to Port Chester's objectives and then to cite relevant Village policies as they apply to the various State policies.

In this section of the LWRP, State policies are numbered and stated first. Relevant Village policies are listed subsequently with capital letters. The policies of the State Coastal Management Plan form the basis of the LWRP. Where a State policy is not applicable, it is so stated.

A brief explanation of policies and the criteria guidelines or standards that are used to evaluate compliance is incorporated into the policy discussion.

The policy statements reflect either policies, plans and programs that are already in place or are a basis for future projects or programs.

### 3.0 SUMMARY LIST OF POLICIES

- A. Development Policies
  - Policy 1                   Applicable
  - Policy 1A                 Applicable
  - Policy 1B                 Applicable
  - Policy 1C                 Applicable
  - Policy 1D                 Applicable
  - Policy 1E                 Applicable
  - Policy 2                   Applicable
  - Policy 2A                 Applicable
  - Policy 3                   Not Applicable
  - Policy 4                   Applicable
  - Policy 5                   Applicable
  - Policy 6                   Applicable
  
- B. Fish and Wildlife Policies
  - Policy 7                   Applicable
  - Policy 8                   Applicable
  - Policy 9                   Applicable
  - Policy 10                 Applicable
  
- C. Flooding and Erosion Hazards Policies
  - Policy 11                 Applicable
  - Policy 12                 Applicable
  - Policy 13                 Applicable
  - Policy 14                 Applicable

	Policy 15	Applicable
	Policy 16	Applicable
	Policy 17	Applicable
D.	General Policy	
	Policy 18	Applicable
E.	Public Access Policies	
	Policy 19	Applicable
	Policy 20	Applicable
F.	Recreation Policies	
	Policy 21	Applicable
	Policy 22	Applicable
	Policy 23	Applicable
G.	Scenic Quality Policies	
	Policy 24	Not applicable
	Policy 25	Applicable
H.	Agricultural Lands Policy	
	Policy 26	Not applicable
I.	Energy and Light Policies	
	Policy 27	Not applicable
	Policy 28	Not Applicable
	Policy 29	Applicable
J.	Water and Air Resources Policies	
	Policy 30	Applicable
	Policy 31	Applicable
	Policy 32	Not Applicable
	Policy 33	Applicable
	Policy 34	Applicable
	Policy 35	Applicable
	Policy 36	Applicable
	Policy 37	Applicable
	Policy 38	Applicable
	Policy 39	Applicable
	Policy 40	Applicable
	Policy 41	Applicable
	Policy 42	Applicable
	Policy 43	Not Applicable
	Policy 44	Applicable

## **DEVELOPMENT POLICIES**

### **POLICY 1 RESTORE, REVITALIZE AND REDEVELOP DETERIORATED AND UNDERUTILIZED WATERFRONT AREAS FOR COMMERCIAL, INDUSTRIAL, CULTURAL, RECREATIONAL AND OTHER COMPATIBLE USES.**

One of the strongest and most underutilized assets of Port Chester is its waterfront. Port Chester has identified opportunities to capitalize on the waterfront location. Port Chester also has identified waterfront areas where preservation is important. Port Chester has three (3) redevelopment areas (Urban Renewal Areas) defined in Figure 14. Four (4) policies (Policies 1A, 1B, 1C, 1D) are established within these areas along the waterfront for purposes of redevelopment and revitalization of these deteriorated and underutilized areas. Port Chester has also sought to revitalize the Brooksville Area, Subarea IV. For all references to Subareas, see Figure 4, Page II-8.

### **POLICY 1A REDEVELOP PART OF SUBAREA II, THE HARBOR REDEVELOPMENT AREA, AS A PREDOMINANTLY RESIDENTIAL AREA WITH COMPATIBLE COMMERCIAL AND WATER-DEPENDENT RECREATION DEVELOPMENT ALONG THE WATER'S EDGE.**

#### Explanation of Policy

Redevelopment of the Harbor Redevelopment Area will result in attractive public access to and use of Port Chester's harbor on Long Island Sound, while at the same time allowing for private residential development which is compatible with neighboring subareas. The following public amenities are required in order to ensure that the desired result is achieved.

1. A minimum of 1.5 acres of public open space for passive recreation.
2. A minimum of 100 boat slips to be held in Village ownership. If conditions limit the number of slips to less than 100, then all slips will be held in Village ownership. A pump out facility at a public marina will be provided in addition to public boat storage and launching facilities.
3. A continuous public waterfront walkway along the perimeter of the residential development from the Greyrock area to the wastewater treatment plant. (See Policy 20A). The walkway will be constructed within a required 20 foot wide right-of-way. The walkway itself will be appropriately scaled and a minimum of approximately 5 feet wide.
4. A community building for public use with the number of spaces determined through site plan review.

5. A public parking area for public use with the number of spaces determined through site plan review.

Certain additional standards may apply to the redevelopment area pursuant to Chapter 621 of the Laws of New York 1990.

The private development will be required to meet the following land use standards:

1. Permitted Uses:

- a. Primary Uses

- (i) Multiple family dwellings
- (ii) Townhouses

- b. Other Permitted Uses

- (i) Neighborhood retail stores and personal service facilities.
- (ii) Marine commercial uses
- (iii) Water enhanced restaurants
- (iv) Marina
- (v) Private boating association
- (vi) Accessory uses such as, but not limited to:
  - Waterfront walkway plazas
  - Parks and playgrounds
  - Public buildings
  - Sitting areas
  - Social Meeting rooms
  - Off-street parking and loading facilities
  - Boat docking/storage facilities

2. Density Regulations

- a. Residential - The minimum gross site area required shall be 1,742 sq. ft. per dwelling unit.
- b. Commercial - Maximum density of .5 floor area ratio

3. Coverage and Yard Requirements

a. Residential

- Waterfront setback. No structure shall be located within 30 ft. of the mean highwater elevation referenced from the National Geodetic Vertical Datum (NGVD) of 1929.
- Residential setback. A setback of 50 ft. is required from all abutting residential property lines. The required setback may be reduced, to a minimum of 25 ft, subject to the provision of mitigating measures that would adequately minimize any negative impacts the proposed development may impose of adjacent property. This reduction may be permitted at the discretion of the Planning Commission.
- Other. Traditional lot and side yard requirements are for gone to allow maximum flexibility in producing a quality design and site plan.

b. Commercial

- Coverage - shall not exceed 70% of the total area of the parcel.
- Waterfront setback. No structure shall be located within 30 ft. of the mean high water elevation referenced form the National Geodetic Vertical datum (NGVD) of 1929.
- Minimum Yard dimensions
  - Front Yard 20 ft.
  - Side Yards 10 ft.
  - Rear yard 20 ft.

4. Height

- 50 ft. (exclusive of structures parking provided underneath residential uses).

5. Parking

a. Residential

- 1.5 spaces per studio and 1 BR units
- 2.0 spaces per 2 BR unit
- 2.5 spaces per 3 or more BR unit

The requirement for a 3+ bedroom unit may be reduced at the discretion of the Planning Commission where the sharing of spaces between uses adequately accommodates the site's parking demand.

b. Commercial

- Retail store, personnel service, office: one space per 250 sq. ft. of gross floor area.
- Restaurants: one space for each ten seats or 100 sq. ft. devoted to patron use, whichever is greater.
- Marina - one space per two boats
- Mixed use developments may have overall parking requirements reduced where it is determined by the Board of Trustees, that the peak parking demand will be less than the total of the individual parking requirements.
- Up to 30% of the required parking may be designated for compact automobiles at the discretion of the Board of Trustees.

Incompatible uses exist within the area such as a small tank farm, warehousing, auto related uses and the County's solid waste transfer facility. All incompatible uses would have to be acquired either privately or through Port Chester's power of eminent domain. Any development would also have to be consistent with all policies in the LWRP.

If the Village in consultation with the NYS Department of Environmental Conservation determines that toxic or hazardous substances are present on the site, or if redevelopment of the site would cause the potentially dangerous release of toxic or hazardous substances, then the condition must be mitigated in accordance with the clean-up and damage restitution standards set forth in Policy 36.

This policy will result in the creation of a publicly accessible and useable redevelopment of Port Chester's location on Long Island Sound. The redevelopment will expand the local tax base, increase housing supply, and increase the potential market for local merchants.

Private to any development of the Harbor Redevelopment Area, an Environmental Impact Statement will be produced and local consistency certification completed.

**POLICY 1B**

**REDEVELOP THE WATERFRONT BETWEEN PURDY AVENUE AND THE WESTCHESTER COUNTY WASTEWATER TREATMENT PLANT IN SUBAREA II FOR A PUBLIC MARINA AND WATERFRONT RECREATION AREA.**

Explanation of Policy

Public marina and boating facilities are a valuable asset in creating a "local image" for a community as a desirable place to live, work and shop. In this respect, Port Chester falls behind its more affluent waterfront neighbors of Greenwich, and Rye. The plan for a public marina and an attractive waterfront recreation facility can play an important role in changing Port Chester's image, to a desirable retail, service and residential center.

The marina will provide public boating and access from the Fox Island Road and Westchester County Port Chester Wastewater Treatment Plan to Purdy Avenue, Columbus Park, Village owned property, and a small fuel depot at Purdy Avenue will be redeveloped to provide for a waterfront park containing docks, winter storage facilities, a pump-out station, launch ramp, 80-100 parking spaces and park facilities for passive water enhanced recreational use.

New York State Department of Environmental Conservation has determined that this site does not qualify as an inactive hazardous waste site.

**POLICY 1C                    REVITALIZE THE WATERFRONT AREA IN SUBAREA III FOR ONLY WATER DEPENDENT AND WATER ENHANCED USES.**

Explanation of Policy

The waterfront area of Subarea III lies between Purdy Avenue and the southern property line of the lots located on the south side of Westchester Avenue. This area contains Port Chester's highest concentration of water-dependent and water-enhanced uses.

To encourage water-dependent uses compatible with the environment in this area, the following standards shall be met:

1.     Allowed Uses:

- Public uses, including but not limited to walkways, marinas, and boat docking facilities, plazas, playgrounds and accessory uses such as parking.
- Private marina, commercial marina.
- Water-dependent industrial and commercial uses including, but not limited to uses which rely heavily on the waterborne transportation of raw materials or products.
- Water-enhanced uses with a water-dependent accessory use including, but not limited to a hotel with coastal boating, a restaurant with commercial fishing, or residential use with a public waterfront walkway.

2. Performance Standards: All commercial and industrial uses will have to meet the following performance standards.

a. Fire and Explosion Hazards

All activities involving, and all storage of inflammable and explosive material shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire suppression equipment and devices standard in the industry. Burning of waste materials in open fires is prohibited at any point. The relevant provisions of State and local laws and regulations shall also apply.

b. Vibration

No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or beyond the lot lines; nor shall any vibration produced exceed 0.002g peak at up to 50 cps frequency, measured at or beyond the lot lines using either seismic or electronic vibration measuring equipment.

Vibrations occurring at higher than 50 cps frequency or a periodic vibration shall not induce accelerations exceeding .001g. Single impulse periodic vibrations occurring at an average integral greater than 5 minutes shall not induce accelerations exceeding .01g.

c. Noise

The maximum sound pressure level radiated by any use or facility at a lot line shall not exceed the values in the designated octave bands given in Table 1, after applying the corrections shown in Table II, except that normal household appliances or equipment in use during the hours of 7 a.m. to 9 p.m. shall not be subject to these regulations. The sound pressure level shall be measured with a Sounds Level Meter and associated Octave Bank Analyzer conforming to standards prescribed by the American Standards Association.

d. Smoke

No emission shall be permitted at any point, from any chimney or otherwise, of visible grey smoke of a shade equal to or darker than No. 2 on the standard Ringleman Chart Table 3 as issued by the United States Bureau of Mines or its approved equivalent, except that visible grey smoke of a shade equal to No. 2 on said Chart may be emitted for 4 minutes in any 30 minutes. These provisions applicable to visible grey

Table 1

Maximum permissible sound-pressure levels at the lot line for noise radiated continuously from a facility between the hours of 9 p.m. and 7 a.m.

<u>Frequency Band Cycles Per Second</u>	<u>Sound Pressure Level Decibels re 0.0002 dyne/cm<sup>2</sup></u>
20-75	69
75-150	60
150-300	56
300-600	51
600-1,200	42
2,400-4,800	40
4,800-10,000	35

If the noise is not smooth and continuous and is not radiated between the hours at 9 p.m. and 7 a.m., one or more of the corrections in Table II shall be applied to the decibel levels given in Table I.

Table 2

<u>Type or Location of Operation or Character of Noise</u>	<u>Correction in Decibels</u>
1. Daytime operation only	+5
2. Noise source operates less than	
a. 20% of any one-hour period	+5*
b. 5% of any one-hour period	+10*
c. 1% of any one-hour period	+15*
3. Noise of impulsive character (hammering, etc.)	-5
4. Noise of period character (hum, screech, etc.)	-5

\*Apply one of these corrections only.

smoke shall also apply to visible smoke of a different color but with an apparently equivalent capacity.

e. Odors

No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectible when diluted in the ratio of one volume of odorous air emitted to four volumes of clean air. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail.

f. Fly Ash, Dust, Fumes, Vapors, Gases, Other Forms of Air Pollution

No emission shall be permitted which can cause any damage to health, to animals, vegetation, or other forms of property or which can cause any excessive soiling, at any point on the property of others, and in no event any emission, from any chimney or otherwise, of any solid or liquid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of 500 degrees Fahrenheit and fifty (50) percent excess air.

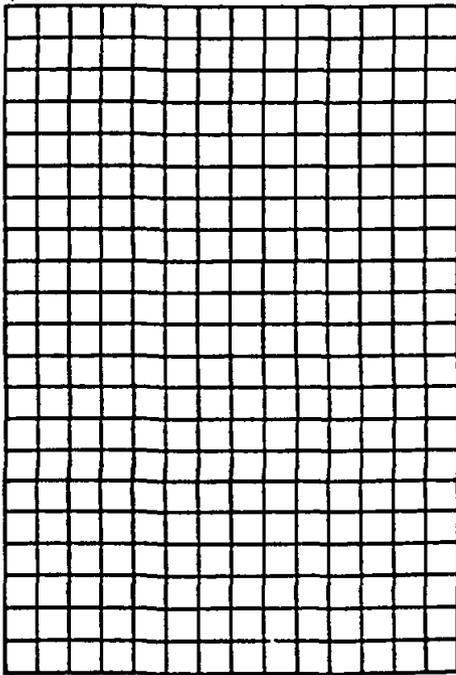
g. Electromagnetic Radiation

The following standards shall apply: It shall be unlawful to operate, or cause to be operated, any planned or intentional sources of electromagnetic radiation which does not comply with the current regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation, except that for all governmental communications facilities, governmental agencies and government owned plants, the regulations of the Interdepartment Radio Advisory Committee shall take precedence over the regulations of the Federal Communications Commission, regarding such sources of electromagnetic radiation. Further, said operation in compliance with the Federal Communications Commission or the Interdepartment Radio Advisory Committee regulations shall be unlawful if such radiation causes abnormal degradation in performance of other electromagnetic radiators or electromagnetic receptors of quality and proper design because of proximity, primary filed, blanketing, spurious re-radiation, harmonic content, modulation or energy conducted by power or telephone lines. The determination of "abnormal degradation in performance" and "of quality and proper design" shall be made in accordance with good engineering practices as defined in the latest principles and standards of the American Institute of

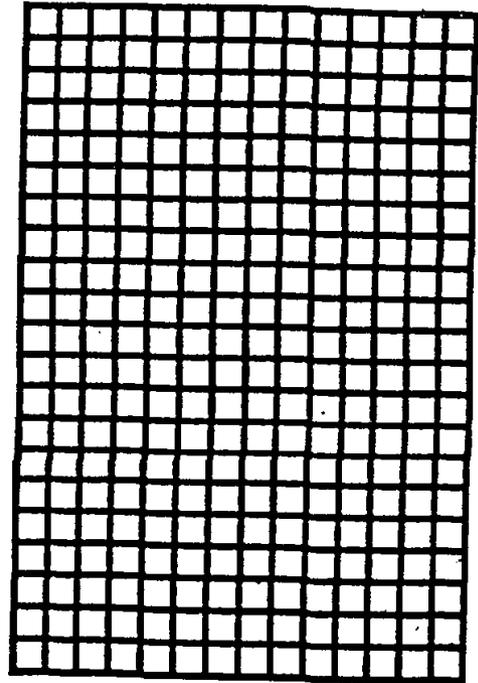
TABLE 3  
RINGELMANN'S SCALE

RINGELMANN'S SCALE FOR GRADING THE DENSITY OF SMOKE

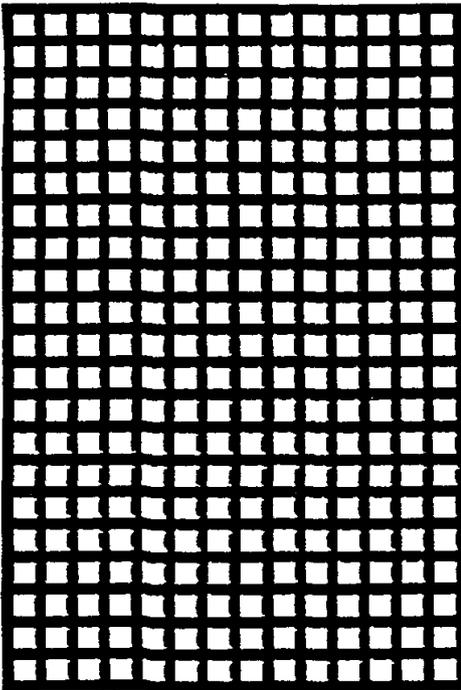
UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF MINES



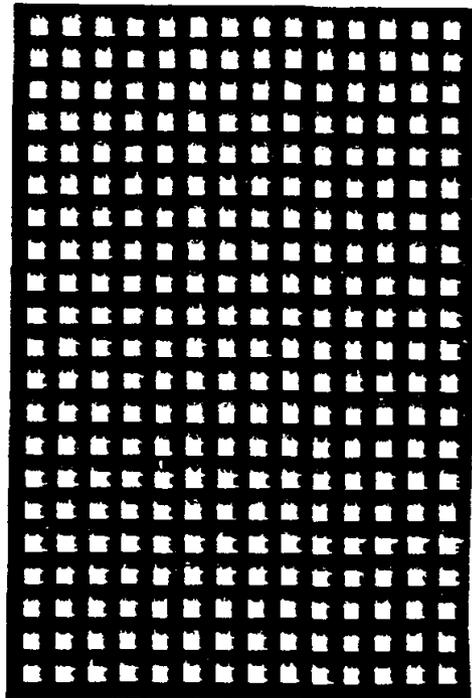
1. Equivalent to 20% Black



2. Equivalent to 40% Black



3. Equivalent to 60% Black



4. Equivalent to 80% Black

RINGELMANN CHART READING

Location.....										
Hour 9:00-10:00 A.M. .... Date.....										
9	0	1/4	1/2	3/4	0	1/4	1/2	3/4	Point of observation	
	0	-	-	-	30	1	1	1	1	
	1	-	-	-	31	1	1	1	1	.....
	2	-	-	-	32	-	-	-	-	
	3	1	1	1	33	-	-	-	-	Distance to stack.....
	4	1	1	1	34	-	-	-	-	
	5	2	2	2	35	1	1	1	1	Direction of stack.....
	6	2	3	3	36	1	1	1	1	
	7	3	3	3	37	1	1	1	1	Direction of wind.....
	8	2	2	1	38	1	1	-	-	
	9	1	1	-	39	-	-	-	-	Velocity of wind.....
	10	-	-	-	40	-	-	-	-	Equiv. No. 1 Units
	11	-	-	-	41	-	-	-	-	..7. Units No. 5..... <sup>35</sup> .....
	12	-	-	-	42	-	-	-	-	
	13	-	-	-	43	-	-	-	-	..7. Units No. 4..... <sup>28</sup> .....
	14	-	-	-	44	1	1	2	2	
	15	-	-	-	45	2	2	3	3	.27. Units No. 3..... <sup>81</sup> .....
	16	-	-	-	46	3	3	3	3	
	17	-	-	-	47	3	3	4	3	.34. Units No. 2..... <sup>68</sup> .....
	18	-	-	-	48	2	2	2	2	
	19	2	2	2	49	2	2	2	2	.52. Units No. 1..... <sup>52</sup> .....
	20	2	2	2	50	2	1	1	1	
	21	2	2	2	51	1	1	1	1	<u>113</u> . Units No. 0..... <u>0</u> .....
	22	3	3	3	52	1	1	1	-	
	23	3	4	4	53	-	-	-	-	240. Units ..... <sup>264</sup> .....
	24	4	5	5	54	-	-	-	-	
	25	5	5	5	55	-	-	-	-	$\frac{264}{240} \times 20 \text{ pct} =$
	26	4	4	3	56	-	-	-	-	
	27	3	3	3	57	-	-	-	-	
28	2	2	1	58	-	-	-	-	..... <sup>22</sup> pct.....Smoke density	
29	1	1	1	59	-	-	-	-		
Observer.....										
Checked by.....										

Electrical Engineers, the Institute of Radio Engineers, and the Electronic Industries Associations. In case of any conflict between the latest standards and principles of the above groups, the following in precedence in the interpretation of the standards and principles shall apply: (1) American institute of Electrical Engineers, (2) Institute of Radio Engineers, and (3) Electronic Industries Association.

h. Heat

For the purposes of this ordinance, heat is defined as thermal energy of a radioactive, conductive or convective nature. Heat emitted at any or all points shall not at any time cause a temperature increase on any adjacent property in excess of 10 degrees F.; whether such change in the air or the ground, in a natural stream or lake, or in any structure on such adjacent property.

i. Glare

1) Direct Glare

Direct glare is defined for the purpose of this document as illumination beyond property lines caused by direct or specularly reflected rays from incandescent, fluorescent or area lighting from such high temperature processes as welding or petroleum or metallurgical refining. No such direct glare shall be permitted with the exception that parking areas and walkways may be illuminated by luminaries so hooded or shielded that the maximum angle of the cone of direct illumination shall be 60 degrees drawn perpendicular to the ground, with the exception that such angle may be increased to 90 degrees if the luminary is less than 4 feet above the ground. Such luminaries shall be placed not more than 16 feet above ground level and the maximum illumination at ground level shall not be in excess of three foot candles.

2) Indirect Glare

Indirect glare is defined for the purpose of this document as illumination beyond property lines caused by diffuse reflection from a surface such as a wall or roof of a structure. Indirect glare shall not exceed that value which is produced by an illumination of the reflecting surface not to exceed:

.3 foot-candles (Maximum)

.1 foot-candle (Average)

Deliberately induced sky-reflected glare, as by casting a beam upward for advertising purposes, is specifically prohibited.

j. Liquid or Solid Wastes

No discharge shall be permitted at any point into any public sewer, private sewage disposal system, or stream, or into the ground, except in accord with standards approved by the State Department of Health, of any materials of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements. There shall be no accumulation of solid wastes conducive to the breeding of rodents or insects.

k. Traffic Generation

No non-residential use shall be permitted where it is determined by the Planning Commission that the vehicular traffic estimated to be generated by any proposed use or uses would be expected to produce unusual traffic hazards or congestion. Traffic volumes shall be estimated on local streets between the proposed site and a state roadway. Traffic congestion shall be considered to exist if a "level of service D" or lower is projected as a result of the project at any intersection where traffic volumes are estimated.

3. Lot and Yard Requirements

a. Commercial and Industrial

- 1) Waterfront setback - minimum of 30 feet from mean high water.
- 2) Lot Size - Minimum 10,000 sq. ft.
- 3) Side Yard - Minimum 1.5 times height of building.
- 4) Density - 1.6 Floor area ratio for multi-story and .4 for single-story.

b. Residential

- 1) Waterfront setback minimum of 50 ft. from mean high water.
- 2) Lot Size - minimum 10,000 sq. ft.
- 3) Side Yard - minimum 1.5 times height of building.
- 4) Density - 750 sq. ft. of residential land area for each dwelling unit.
- 5) Open Space- minimum 100 sq. ft. per unit.

This policy will have a positive impact upon the further redevelopment of uplands within Subarea III not directly related to the river by encouraging the development of compatible land uses and by maximizing the use of the waterfront area.

**POLICY 1D            REDEVELOP PORT CHESTER OWNED LAND IN SUBAREA IV,  
THE DOWNTOWN SUBAREA FOR COMMERCIAL,  
RECREATIONAL, RESIDENTIAL AND OTHER COMPATIBLE  
USES.**

Explanation of Policy

Port Chester owns approximately 5 acres of lands on the waterfront of the Byram River which are grossly underutilized, vacant and deteriorated. The existing bulkhead, public marina and parking areas are victims of deferred maintenance and neglect. These lands are clearly suitable for redevelopment since they lie within the heart of Port Chester's Downtown Area. The restoration and improvement of the waterfront and development which accents Port Chester's waterfront location can serve as a catalyst for rejuvenating adjacent commercial and residential areas.

The redevelopment of these areas shall require the following public amenities to enhance the waterfront:

1. A minimum of a 20 foot (average) publicly accessible riverfront right-of-way with the construction of an appropriately scaled walkway a minimum of 10 feet wide along all lands redeveloped as part of the disposition of Village owned lands. (See policy 20A). Public access nodes will be developed at the end of the pedestrian walkway corridors leading from the Central Business District to the intersection with the waterfront promenade. These nodes will provide expanded areas for public access to the waterfront.
2. Rehabilitation and expansion of the public marina at the Byram River including the provision of lighting, electric capacity, and new docking facilities. See Section IV, Subarea IV: Item c (Waterfront Development ) for a description of water-dependent facilities to be developed by the Marina Redevelopment Project Plan.
3. Replacement of the existing bulkhead.
4. A minimum of 1/2 acre shall be provided as improved urban public open space. This area will provide a focal point on the river and a major access point to the Byram Riverfront walkway.
5. Redevelopment of Port Chester property shall maintain and enhance public access between North Main Street and the Byram River at Westchester Avenue, Willett Avenue and Adee Street. Enhancement shall include, but not limited to, creation of public walk

at least 10 feet in width within a 20 ft. wide average right-of-way and uniform signage encouraging public use of the riverfront.

These public amenities will ensure the best use of the Byram Riverfront in Subarea IV as public space for enjoying a vital community asset. These amenities are necessary to provide an effective means of encouraging economic growth within the subarea.

A. **Development Controls**

Private development of this subarea shall conform to the following land use controls by each land use parcel or group of parcels depicted in Figure 12.

1. **Land Use Parcels 2-5:** These parcels represent a major portion of the Marina Redevelopment Area. (Land Use Parcel 1 is outside the LWRP area).

a. **Permitted Land Uses:**

Are controlled by specific land use categories within each Land Use Parcel.

b. **Permitted Development:**

Commercial land use: a maximum of 346,000 square feet of building area  
Residential land use: a maximum of 650,000 square feet of building area.

Building area measurements are made based upon the total building area and total land area of land use parcels 2-5. This overall control is in addition to and not in place of the individual Permitted Development restrictions of each Land Use Parcel.

2. **Land Use Parcel 2**

a. **Permitted Land Uses:**

Retail sales, retail and personal services or restaurant types of uses, offices, and uses customarily accessory to each of the foregoing uses, parking and loading, open space uses.

b. **Permitted Development:**

Thirty two thousand (32,000) square feet of building floor area.

c. **Permitted Height:**

Three stories, 45 feet.

3. Land Use Parcel 3

a. Permitted Land Use

Retail sales, retail and personal services and restaurant uses, executive office park type uses, such as research and development, distribution, light industrial, general office, retail and service, as well as uses customarily accessory to each of the foregoing uses.

b. Permitted Development:

For the aggregate of all uses on the parcel: 205,000 square feet of building floor area, the executive park use shall not exceed 30,000 square feet of gross floor area.

c. Permitted Height:

The maximum height of any structure shall not exceed 35 feet.

4. Land Use Parcel 4:

a. Permitted Land Use:

General offices and types of use generally found in office buildings; uses customarily accessory thereto, open space uses

Residential uses which may be developed as rental apartments, residential condominiums or residential cooperatives and uses customarily found in such residential complexes, professional office and/or, retail sales and retail and personal service uses, limited to the first two floors; customary accessory uses; open space uses, off-street parking in at-grade and multi-level facilities, within parcels, on streets and over streets.

b. Permitted Development:

For the office uses: 80,000 square feet of building floor area. For the residential uses: 660 dwelling units, which may be reduced by an equivalent floor area to allow for ground floor retail development in residential structures, provided that no reduction in the number of dwelling units shall be required so long as the total non-residential floor area developed within this project area does not exceed 346,000 square

feet. For the off-street parking, there shall be no limits except for such limit as may result from height and setback constraints.

c. Permitted Height:

For the office buildings: 8 stories and 104 feet. For the residential complex; maximum average of 235 feet; however no point may exceed 160 feet. For parking structure: 50 feet maximum height.

5. Land Use Parcel 5:

a. Permitted Land Use:

Publicly owned open space, park and water related recreation uses which shall be accessible to the general public.

b. Permitted Development:

Specific development controls do not apply to open space and water related recreation uses.

c. Permitted Height:

Specific height restrictions do not apply to open space and water related recreation uses.

6. Land Use Parcel 6 (remainder of the subarea):

a. Permitted Land Use:

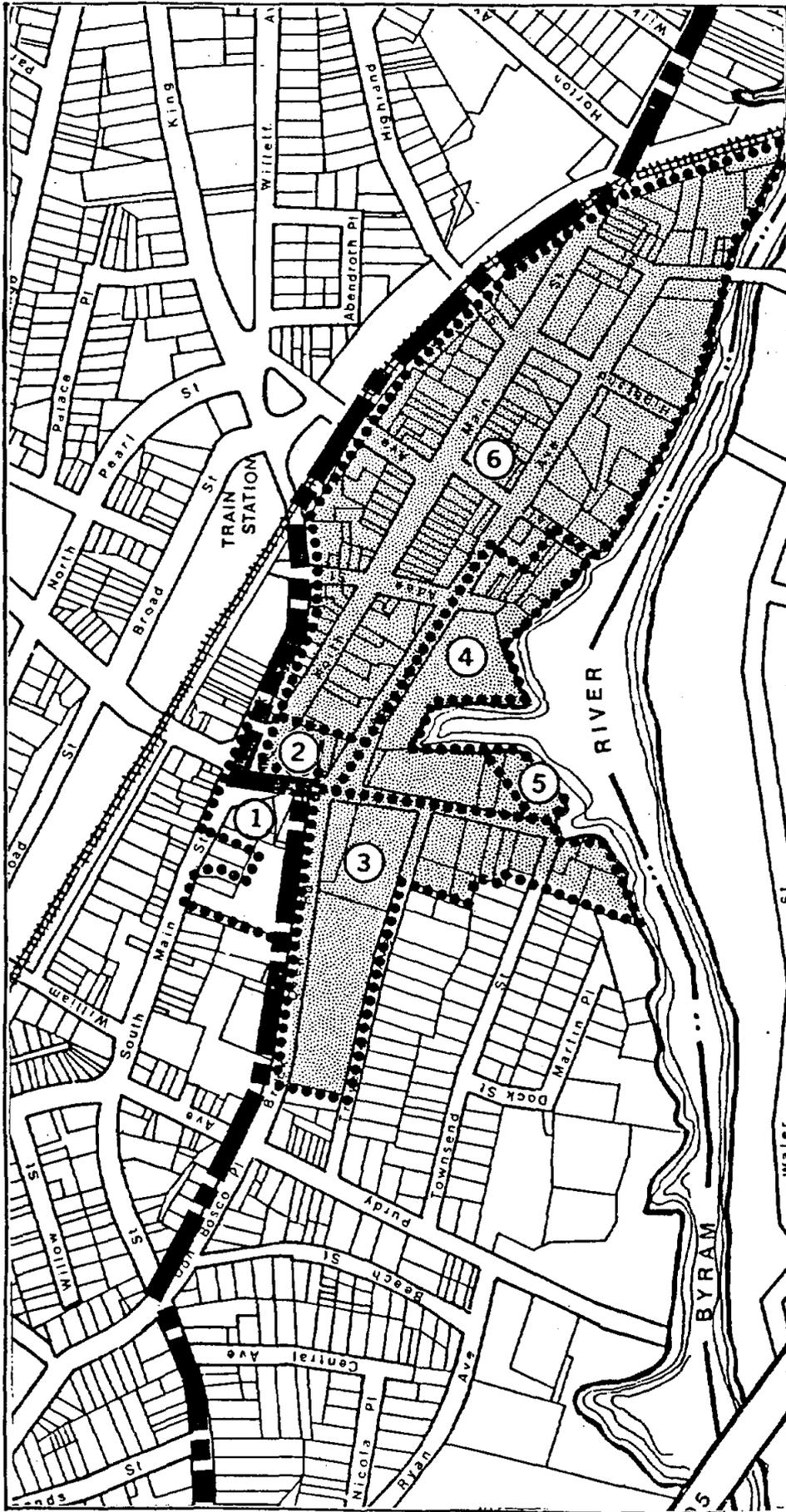
Retail sales, retail and personal services or restaurant type of uses, offices, and uses customarily accessory to each of the foregoing uses, multifamily residential use (prohibited on street level), parking and loading, open space uses.

b. Permitted Development:

Commercial uses shall not exceed 3.20 floor area ratio. Residential uses shall reflect a minimum lot size of 750 square feet per dwelling unit

c. Permitted Height:

Eight (8) stories or seventy (70) feet.



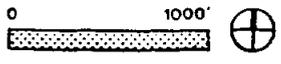
**FIGURE 12**  
**SUBAREA IV**  
**DEVELOPMENT**  
**CONTROLS**

Village of  
 Port Chester,  
 New York

▬▬▬▬ LWRP  
 Boundary

●●●●● Marina  
 Redevelopment  
 Land Use  
 Parcels

▨ Subarea IV



**B. Off-Street Parking**

**Peak Hour off-street parking**

Peak Hour off-street parking shall conform to the following table:

Retail	4 spaces/1,000 sq. ft.
Cinema	.3 spaces/seat
Office	2.5 spaces/1,000 sq. ft
Executive Park	1.25 spaces/1,000 sq. ft.
Boat Slips	.5 spaces/boat slip
Residential	1.5 spaces/dwelling unit

The total number or required off-street parking spaces may be reduced by the Board of Trustees to account for shared parking. The analysis of shared parking shall be based upon an evaluation of multi-purpose trips, and parking requirement fluctuations among uses.

**POLICY 1E            REVITALIZE SUBAREA V, BROOKSVILLE AS A PRIMARILY MEDIUM DENSITY RESIDENTIAL STREET WITH A PUBLICLY ACCESSIBLE RIVERFRONT PASSIVE RECREATION AREA.**

**Explanation of Policy**

New development in Subarea V, Brooksville, shall be limited to residential, recreation and some neighborhood commercial uses. Multifamily, two family, or single family dwelling units shall be allowed at a maximum density of about 30 units per acre with a minimum lot size of 5,000 sq. ft. allowing 1,500 sq. ft. per dwelling unit. Minimum yard requirements shall be a 25 foot front yard and side yards equal to 1.5 times the height of the building. Minimum usable open space per dwelling unit shall be 400 sq. ft. Neighborhood commercial uses such as small convenience stores, restaurants, or professional offices of not more than 5,000 sq. ft. building area shall be allowed. There is a proposed expansion of the William James Memorial Park (see Section IV for a description of this project).

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

## Explanation of Policy

In each of the several subareas into which the Port Chester Waterfront has been divided, a different range of water-dependent uses are to be accommodated.

### Subarea I

In this established residential area of single family homes, the only water-dependent uses to be permitted are the minimum docking and mooring facilities necessary for the exercise of the littoral rights of single family home owners.

### Subarea II

In this area where there is substantial underutilized land, the entire waterfront is to be devoted to a range of water-dependent uses, primarily recreational. The specific recreational water-dependent uses are to be accommodated in the Harbor Redevelopment area are described in Policy 1A. Between the Port Chester Sewage Treatment Plant and Purdy Avenue, the waterfront shall be devoted to a public marina and waterfront recreation area as described in Policy 1B and Section IV.

### Subarea III

In the waterfront portion zoned DWA of this subarea, only the following water-dependent and water-enhanced uses are permitted uses:

- Public uses, including but not limited to walkways, marinas, and boat docking facilities, plazas, playgrounds, and accessory uses such as parking.
- Private marina, commercial marina
- Water-dependent industrial and commercial uses including, but not limited to uses which rely heavily on the waterborne transportation of raw materials or products.
- Water-enhanced uses with a water-dependent accessory use including, but not limited to a hotel with coastal boating or a restaurant with commercial fishing, or residential use with a public waterfront walkway.

Specific standards applicable to these uses are described in the DWA zoning district regulations.

### Subarea IV

Most of the waterfront of this downtown subarea is within the Marina Redevelopment Area and is in public ownership. The immediate waterfront of this area will consist of a public promenade and recreational boating facilities. See Policy ID and Section IV for a detailed description of the development plans and land use controls. Outside the Marina Redevelopment Area water-

dependent uses are limited to the minimum docking facilities necessary for the exercise of littoral rights.

#### Subarea V

In this subarea of mixed residential and neighborhood commercial uses, the only water-dependent uses to be accommodated are waterfront park expansion with associated small boating facilities as described in Section IV to the extent feasible. Other water-dependent uses, except the minimum docking facilities necessary for the exercise of the littoral rights of residential development, are not permitted.

**POLICY 3                    THE STATE COASTAL POLICY REGARDING THE DEVELOPMENT OF MAJOR PORTS IS NOT APPLICABLE TO THE VILLAGE OF PORT CHESTER.**

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

#### Explanation of Policy

This policy recognizes that the traditional activities occurring in and around numerous smaller harbors throughout the State's coastal area contribute much to the economic strength and attractiveness of these harbor communities. Thus, efforts of State agencies shall center on promoting such desirable activities as recreational and commercial fishing, ferry services, marinas, historic preservation, cultural pursuits, and other compatible activities which have made smaller harbor areas appealing as tourist destinations and as commercial and residential areas.

The existing commercial fishing vessels will continue to dock along the waterfront as the Village will make available space at the proposed public marinas to those commercial fishing vessels that might otherwise be displaced in the Harbor Redevelopment Project Area.

Radically altered economic and transportation trends permanently changed Port Chester's traditional waterfront. No longer do typical maritime land uses dominate the waterfront which previously defined the Village's unique maritime identity. Consequently, the waterfront can no longer be considered a typical "small harbor".

The LWRP does, however, provide the mechanisms to promote the expansion of public waterfront uses such as boating, waterfront parks, riverfront walkways and other waterfront recreation uses. These measures will allow for the development of a new waterfront identity for Port Chester.

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

Explanation of Policy

Development in Port Chester shall occur within publicly designated redevelopment areas (See Map 14). As part of this redevelopment, infrastructure requirements will be met.

- Village public services are located within and are in close proximity to all redevelopment project areas and are, or will be made, adequate to meet anticipated growth.
- Basic infrastructure exists throughout the Village, and substandard facilities will be upgraded as necessary to support new development.
- All infrastructure improvements will be designed to minimize natural hazards, consistent with Policies 12, 13, 14.
- Overhead utility lines will be put underground as part of any redevelopment which requires the relocation of such facilities.

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

Explanation of Policy

For specific types of development activities and in areas suitable for such development, State agencies and the Village of Port Chester will make every effort to coordinate and synchronize existing permit procedures and regulatory programs, as long as the integrity of the regulations' objectives is not jeopardized. These procedures and programs are synchronized with other agencies' procedures at each level of government. Finally, regulatory programs and procedures will be coordinated and synchronized between levels of government, and if necessary, legislative and/or programmatic changes will be recommended.

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

## **FISH AND WILDLIFE POLICIES**

**POLICY 7            THE STATE COASTAL POLICY REGARDING THE PROTECTION OF SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS IS NOT APPLICABLE TO THE VILLAGE OF PORT CHESTER.**

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

### Explanation of Policy

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

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

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

### Explanation of Policy

Recreational uses of coastal fish and wildlife resources in Port Chester are presently limited. However, Port Chester is an access point to consumptive fishing in Long Island Sound. A

primary function of the Port Chester LWRP is to increase boat access opportunities for off shore fishing. Specific actions necessary to accomplish this are as follows:

- Increase the number of public boat slips from 100 slips to approximately 400 at waterfront recreation sites in Subareas II,III,IV, V.
- Improvement of the public parks, piers and waterfront amenities, including, as much as possible, facilities to support multiple types of compatible recreational activities.

Any impacts of development of fish and wildlife resources will be mitigated.

Improvement of the quality of the water and riverbed sediments is a major consideration and will be advanced through best management practices.

At present, there are no edible shellfish resources in the Byram River, and fishing opportunities are severely limited due to river water quality. However, as water quality improves, new recreational opportunities may become possible. New marina facilities on the Byram River may contain facilities for recreational fishing.

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

Explanation of Policy

The existing commercial fishing vessels that utilize dock and upland storage space along the waterfront south of Interstate 95 in the Harbor Redevelopment Project Area represent a continuation of limited use of the Byram River by commercial fishing operators. Although the commercial fishing industry has had minimal impact on the Port Chester waterfront in the 20th century, the Village recognizes the value of the commercial fishing vessel operating from docks on the Byram River, and will be offered comparable space for dock facilities including parking and gear storage in any public project which might otherwise have displaced them.

## **FLOODING AND EROSION HAZARD POLICIES**

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

### Explanation of Policy

The designated Flood Hazard Areas existing along the entire length of Port Chester's waterfront, as identified on the Flood Insurance Rate Maps for the Village, are shown on Figure 11 and described in the Inventory and Analysis, p.II-23. Local, State and federal laws regulate the siting of buildings in erosion hazard areas, coastal high hazard areas and floodways. These regulations are generally adequate to implement this policy. With regard to erosion, this policy is not applicable because coastal erosion hazard areas have not been identified within the Village.

The following standards apply in all areas of special flood hazard:

- A. Residential Construction. New construction and substantial improvements of any resident structure shall:
  - (1) Have the lowest floor including basement or cellar, elevated to or above the base flood elevation.
  - (2) Have fully enclosed areas below the lowest floor that are subject to flooding designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters.
  
- B. Non-residential construction. New construction and substantial improvements of any commercial, industrial or other non-residential structure, together with attendant utility and sanitary facilities, shall either have the lowest floor, including basement or cellar, elevated to or above the base flood elevation or be flood proofed so that the structure is watertight below the base flood level with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

**POLICY 12 THE STATE COASTAL POLICY REGARDING THE PRESERVATION OF NATURAL PROTECTIVE FEATURES IS NOT APPLICABLE TO THE VILLAGE OF PORT CHESTER.**

**POLICY 13            THE CONSTRUCTION OR RECONSTRUCTION OF EROSION PROTECTION STRUCTURES SHALL BE UNDERTAKEN ONLY IF THEY HAVE A REASONABLE PROBABILITY OF CONTROLLING EROSION FOR AT LEAST THIRTY YEARS AS DEMONSTRATED IN DESIGN AND CONSTRUCTION STANDARDS AND/OR ASSURED MAINTENANCE OR REPLACEMENT PROGRAMS.**

Explanation of Policy

Port Chester does not require any major erosion protective structures beyond what exists at present. However, the erosion and flood protection structures which do exist need repair and replacement. Erosion protection structures shall be constructed or reconstructed in the following areas:

- Proposed Columbus Park Marina: new bulkheading and erosion control structures along the north and south coves.
- Proposed Downtown Redevelopment: new and reconstructed bulkheading along the river.

The design and construction of these proposed erosion control structures, in particular bulkheads in Port Chester Harbor and the Byram River, shall be in conformance with demonstrated technology to provide erosion control for a thirty year period or will provide for an appropriate maintenance or replacement program to insure erosion control for the thirty year period. Designs for erosion protection projects shall be compatible with existing and planned features of the surrounding area.

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

Explanation of Policy

Erosion and flooding are processes which occur naturally. However, by his actions, man can increase the severity and adverse effects of those processes, causing damage to, or loss of property, and endangering human lives. Those actions include: the use of erosion protection structures such as groins, or the use of impermeable docks which block the littoral transport of sediment to adjacent shorelands, thus increasing their rate of recession; the failure to observe proper drainage or land restoration practices, thereby causing run-off and the erosion and weakening of shorelands; and the placing of structures in identified floodways so that the base flood level is increased causing damage in otherwise hazard-free areas.

The following guidelines shall be followed by new development to minimize changes which might lead to increased erosion:

- No land having a slope equal to or greater than 25% shall be developed or disturbed except for conservation measures (measures intended to remove debris which inhibits the functioning of the swale) or it can be proved that construction techniques will be utilized that will not impact the slopes.
- On lands having slopes of less than 25%, but composed of highly erodible soils, development proposals shall include consideration of the load bearing capacity of the soils. Unless it can be demonstrated that the soils can be stabilized with a minimum of on-site disturbance and no adverse impacts to the stability of neighboring properties, the development proposal shall not be approved as submitted.
- Development shall preserve salient natural features of a site, minimizing grading and cut and fill operations, ensure conformity with natural topography, and retain natural vegetation and trees to the maximum extent practicable in order to create the least erosion potential and adequately handle the volume and rate of velocity or surface water runoff.
- Natural drainage patterns shall be protected and incorporated into site design. Where natural drainage patterns are demonstrated to be adversely affecting a natural protective feature, drainage patterns may be altered in a manner which reduces the threat to the natural protective feature and does not create other flooding or erosion problems.
- Site preparation, including stripping of vegetative cover and grading, shall be undertaken so that no individual building site is stripped of its vegetation cover more than thirty (30) days prior to commencement of construction.
- Disturbed soils shall be stabilized and revegetated or seeded as soon as practicable. During the interim, erosion protection measures such as temporary vegetation, retention ponds, recharge basins, berming, silt traps and mulching shall be used to ensure that sedimentation is minimized and mitigated.
- Stream channels, natural flood plains, and major drainage swales shall not be altered in a manner which decreases their ability to accommodate and channel storm water runoff and flood waters. Disturbance of land include activities such as alteration of slope, deposition of waste materials and removal of vegetation. If no practicable alternative to the location of driveways, pathways and similar surfaces within these areas exists, such facilities shall be sited and constructed to minimize and mitigate the amount and velocity of stormwater entering the swale.

- In no case shall stormwater be diverted to another property either during site preparation or after development.
- Fill shall not encroach on natural watercourses, constructed channels, wetlands, or floodway areas. All fill shall be compacted at a final angle of repose which provides stability for the material, minimizes erosion and prevents settlement.
- Trails and walking paths along waterbodies shall be sited and constructed so they are not a source of sediment.
- In areas tributary to the designated floodway, the amount and velocity of runoff from a site after development shall approximate its predevelopment characteristics, where such practice will avoid negative impacts on down gradient properties.

(See Policy 17 in addition to the above standards.)

**POLICY 15            MINING, EXCAVATION OR DREDGING IN COASTAL WATERS SHALL NOT SIGNIFICANTLY INTERFERE WITH THE NATURAL COASTAL PROCESSES WHICH SUPPLY BEACH MATERIALS TO LAND ADJACENT TO SUCH WATERS AND SHALL BE UNDERTAKEN IN A MANNER WHICH WILL NOT CAUSE AN INCREASE IN EROSION OF SUCH LAND.**

Explanation of Policy

Dredging of the Byram River is undertaken periodically by the Army Corps of Engineers in order to maintain the channel depths necessary for vessels travelling to and from the water-dependent industries along both the Port Chester and Greenwich banks of the River. All dredging activities must be conducted in compliance with federal and State regulations.

No productive habitats or wetlands exist in the area of the proposed excavation so that the natural coastal environment will not be significantly impacted. Since bulkheading shall be provided, erosion will also be controlled. As noted above, all excavation shall be conducted in compliance with federal and State regulations. (See policy 35)

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

Explanation of Policy

Public funds are used for a variety of purposes on the State's shorelines. This policy recognizes the public need for the protection of human life and existing investment in development or new development which requires a location in proximity to the coastal area, or in adjacent waters to be able to function. However, it also recognizes the adverse impacts of such activities and development on the rate of erosion and on natural protective features and requires that careful analysis be made of such benefits and long-term costs prior to expending public funds. (See Policy 17.)

Public funds shall be used in replacing deteriorated bulkheading in the Downtown Redevelopment Area for reasons of safety and to create an attractive riverfront walkway. Portions of the Columbus Avenue Park will also have bulkheading to support the public marina.

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

Explanation of Policy

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

Most of the Port Chester waterfront already has bulkheading, to protect development and natural features against serious impact from flooding and erosion. There are only two areas in the LWRP area that do not have this protection, including the Greyrock neighborhood and the north cove of the proposed Columbus Park Marina. Within Greyrock, principal and accessory structures shall be prohibited within the mean high water area. In the north cove, since the

proposed use in this area will be a marina, it is not possible to use non-structural means to protect the site from flood erosion damage. Bulkheading and piers are required for the proposed development.

There are some development areas along the water in the Brooksville neighborhood and the Downtown area that lie within the 100 year flood plain. (See Figure 11.) "Non-structural measures" in these areas shall include, but not be limited to: (a) the avoidance of risk or damage from flooding by the siting of buildings outside the hazard area, or (b) the flood-proofing of buildings or their evaluation above the base flood level.

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

In determining whether or not non-structural measures protect against erosion or flooding and will afford the degree of appropriate protection, an analysis and, if necessary, other materials such as plans or sketches of the activity or development of the site and of the alternative protection measures should be prepared to allow an assessment to be made.

## **GENERAL POLICY**

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

### Explanation of Policy

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

## **PUBLIC ACCESS POLICIES**

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

### Explanation of Policy

Extensive redevelopment of waterfront property is encouraged through Policies 1, 1A, 1B, 1C, 1D, and 1E of the LWRP. Unless this redevelopment is restricted to compliance with proposed standards, major public access opportunities could be lost or significantly diminished. Redevelopment shall not occur without concurrent maintenance and enhancement of the existing level of public access to the redevelopment site.

The following locations are impacted by this Policy:

1. Village of Port Chester owned land within the Harbor Redevelopment Area;
2. Columbus Park;
3. Village of Port Chester public marina and Village owned lands adjoining the public marina to Subarea IV;
4. William James Memorial Park;
5. All other areas.

Any redevelopment within these areas will require the enhancement of public access and public facilities.

1. Harbor Redevelopment Area - The following urban renewal plan controls are applicable to ensure public access.
  - A. Construction and maintenance of a publicly accessible right-of-way with an appropriately scaled walkway along the entire waterfront perimeter of the redevelopment project.
  - B. Construction of public marina to accommodate a minimum of 100 boat slips.

- C. Construction of a public community structure of not less than 2,000 sq. ft. to serve as adjunct to public recreation facilities.
- D. Construction of a minimum of 1.5 acres of public open space for the use and enjoyment of the waterfront including, but not limited to, public sitting areas, picnic areas, parking areas, landscaped focal points and accessways.
- E. Construction and maintenance of a public parking area sufficient to public waterfront use demand.

Although approximately eleven (11) acres of land within this area is owned by the Village of Port Chester, the primary use is as a Department of Public Works garage and storage facility which restricts access during non-business hours to protect equipment and facilities. The redevelopment of this site will provide for functional water-dependent and water-enhanced public facilities.

2. Columbus Park

The LWRP calls for the expansion and enhancement of Columbus Park to capitalize on its location on and proximity to the waterfront. The existing facility, which has approximately 1,200 linear feet of waterfront, has no water-dependent or water-enhanced use. The urban character of the coastal uses in the vicinity and the region as a whole, allow and encourage the expansion of this facility to accommodate a more intensive use without negatively impacting on the quality of coastal resources. Plans include the construction of a new public marina between Purdy Avenue and the Harbor Redevelopment Area. Marina support activities, as well as new water-enhanced recreation activities will be developed within the park.

3. Village Public Marina and Adjoining Village Owned Lands

Urban Renewal controls within this area shall require the following enhancement of public facilities:

- A. A minimum of a 20 foot (average) riverfront right-of-way with an appropriately scaled walkway along all lands redeveloped as part of the disposition of Village owned lands.
- B. Rehabilitation and expansion of the public marina at the Byram River including the provision of lighting, electric capacity, and new docking facilities.
- C. Replacement of the existing bulkhead.

- D. A minimum of 1/2 acre shall be provided as improved urban public open space. This area will provide a focal point on the river and a major access point to the Byram riverfront walkway.
- E. Redevelopment of Port Chester property shall maintain and enhance public access between North Main Street and the Byram River at Westchester Avenue, Willett Avenue, and Adee Street. Enhancement shall include, but not be limited to, creation of public promenades at least 8 feet in width and uniform signage encouraging public use of the waterfront.

4. William James Memorial Park

The expansion of this facility as a gateway park and passive water-enhanced recreation facility will not negatively impact upon coastal resources and will meet the growing needs for this type facility as redevelopment occurs.

5. All Other Areas

In areas other than the four just discussed, the following applies:

- A. The existing access from adjacent or proximate public lands or facilities to public water-related recreation resources and facilities shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or proximate public lands or facilities to public water-related recreation resources and facilities to public water-related recreation resources and facilities be eliminated, unless in the latter case, estimates of future use of these resources and facilities are too low to justify maintaining or providing increased public access or unless such actions are found to be necessary or beneficial by the public body having jurisdiction over such access as the result of a reasonable justification of the need to meet systematic objectives.
  - 1. Access - the ability and right of the public to reach and use public coastal lands and waters.
  - 2. Public water-related recreation resources or facilities - all public lands or facilities that are suitable for passive or active recreation that requires either water or a waterfront location or is enhanced by a waterfront location.
  - 3. Public lands or facilities - lands or facilities held by State or local government in fee simple or less-than-fee simple ownership and to which the public has access or could have access, including underwater lands and the foreshore.

4. A reduction in the existing level of public access - includes but is not limited to the following:
    - (a) The number of parking spaces at a public water-related recreation resource or facility is significantly reduced.
    - (b) The service level of public transportation to a public water-related recreation resource or facility is significantly reduced during peak season use and such reduction cannot be reasonably justified in terms of meeting system wide objectives.
    - (c) Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
    - (d) There are substantial increases in the following: already existing special fares (not including regular fares in any instance) of public transportation to a public water related recreation resource or facility, except where the public body having jurisdiction over such fares determines that such substantial fare increases are necessary; and/or admission fees to such a resource or facility, an analysis shows that such increases will significantly reduce usage by individuals or families and incomes below the State government established poverty level.
  5. An elimination of the possibility of increasing public access in the future includes, but is not limited to the following:
    - (a) Construction of public facilities, which physically prevent the provision, except at great expense, of convenient public access to public water-related recreation resources and facilities.
    - (b) Sale, lease, or other transfer of public lands that could provide public access to a public water-related recreation resource or facility.
    - (c) Construction of private facilities which physically prevent the provision of convenient public access to public water-related recreation resources or facilities from public lands and facilities.
- B. The State will not undertake or fund any project which increases access to a water-related resource or facility that is not open to all members of the public.

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

Explanation of Policy

Port Chester has significant publicly owned foreshore and public lands adjacent to the foreshore; however, these lands have limited public access and recreational opportunity both in terms of quantity and quality. All of these lands lie within the Harbor and Marina Urban Renewal areas. Port Chester's status as an older urban center with an eroded economic base limits its ability to improve these areas with local public resources. Port Chester will provide for expansion and enhancement of public access through mixed use redevelopment of the Urban Renewal areas, which will maintain and enhance the public waterfront element of Port Chester's land holdings. Although the total land holdings may be reduced by this action, the quantity and quality of public access will be increased as specified in Policies 1A, 1B,1C,1D,19 and 20.

For public lands within the Waterfront Revitalization Area which are outside the boundaries of the Urban Renewal Areas defined in Figure 14, a proposed action shall be evaluated for consistency with this policy based on the following guidelines.

**"THESE GUIDELINES SHALL NOT APPLY TO PUBIC LANDS WITHIN URBAN RENEWAL AREAS, RATHER THE MAINTENANCE AND EXPANSION OF PUBLIC ACCESS TO AND USE OF THE WATERFRONT IS PROVIDED FOR BY THE POLICIES AND STANDARDS APPLYING TO THE REDEVELOPMENT OF URBAN RENEWAL AREAS AS OUTLINED IN POLICIES 1A,1B,AND ID.**

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

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

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

- a. (See definitions under Policy 19 of "access", and "public lands or facilities").

- b. A reduction in the existing level of public access includes, but is not limited to, the following:
    - 1. Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
    - 2. Pedestrian access is diminished or blocked completely by public or private development.
  - c. An elimination of the possibility of increasing public access in the future - includes, but is not limited, to the following:
    - 1. Construction of public facilities which physically prevent the provision, except at great expense, of convenient public access to public water-related recreation resources and facilities.
    - 2. Sale, lease, or other conveyance of public lands that could provide public access to public coastal lands and/or waters, except where provision is made for conveyance of additional land.
    - 3. Construction of private facilities which physically prevent the provision of convenient public access to public coastal lands and/or waters from public lands intended to provide public access for recreational purposes and facilities.
2. The existing level of public access within public coastal lands or waters shall not be reduced or eliminated.
- a. A reduction in the exiting level of public access - includes but is not limited to the following:
    - 1. Access is reduced or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
    - 2. Access is reduced or blocked completely by any public developments.
    - 3. Public access from the nearest public roadway to the shoreline and along the coast shall be provided by new land use or development, except where (a) it is inconsistent with public safety, military security, or the protection of identified fragile coastal resources. (b) adequate access exists within one-half mile.

Such access shall not be required to be open to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

4. The State will not undertake or fund any project which increases access to a water-related resource or facility that is not open to all members of the public.
5. In their plans and programs for increasing public access, State agencies shall give priority in the following order to projects located: within the boundaries of the Federal-Aid Metropolitan Urban Area and served by public transportation; within the boundaries of the Federal-Aid Metropolitan Urban Area but not served by public transportation; outside the defined Urban Area boundary and served by public transportation; outside the defined Urban Area but not served by public transportation.
6. Proposals for increased public access to public coastal lands and waters shall be analyzed according to the following factors:
  - a. The level of access to be provided should be in accord with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.
  - b. The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resource. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with this policy.

**POLICY 20A**

**A CONTINUOUS PUBLIC WALKWAY SHALL BE PROVIDED IN ALL PUBLICLY OWNED LANDS THAT HAVE FRONTAGE OF MORE THAN .25 MILES AND IN URBAN RENEWAL/REDEVELOPMENT AREAS ALONG THE FORESHORE OF THE BYRAM RIVER.**

Explanation of Policy

The Harbor Redevelopment Project Area shall have a publicly accessible right-of-way of a minimum width of 20 feet. The walkway will be a minimum width of 5 feet. The Marina Redevelopment Project Area shall have a publicly accessible waterfront right-of-way with a minimum width of 10 feet and an average width of 20 feet. The waterfront walkway (promenade) shall be a minimum width of 10 feet. Both of the waterfront right-of-ways will provide continuous access along the waterfront foreshore.

Walkways shall be designed to be visually compatible with the adjacent development. In areas where slopes are less than 10%, there shall be handicap access. Signage shall be provided that clearly establishes the walkway as a public facility. Coordinated signage throughout the waterfront has been recommended as a future project by the LWRP.

## **RECREATION POLICIES**

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

### Explanation of Policy

The recreational development of Port Chester's waterfront is being emphasized as a primary component in the area's revitalization. Water-dependent recreation is proposed in four general areas:

- Full service public marina for approximately 200 boats at the end of Purdy Avenue including Columbus Park. This marina will include public parking, rack storage of boats, pump out facilities, electric and water connections along with associated facilities.
- Publicly boat space for a minimum of 100 slips provided for at the Harbor Redevelopment Site.
- Rehabilitated and expanded public marina at the Byram River to include lighting, electric and new docking facilities.
- A publicly accessible waterfront right-of-way with a minimum width of 20 feet will link the Greyrock Area to Purdy Avenue and the improved Columbus Park. A publicly accessible waterfront right-of-way with a minimum width of 10 feet and an average width of 20 feet will be located along the entire length of the waterfront within the Marina Redevelopment Project Area in Subarea IV. It is envisioned that this walkway will eventually link the entire waterfront. (See policy 20A)

Water-enhanced recreation is proposed along major portions of the Village's waterfront and shall include:

- 1.5 acre public park at the Harbor Redevelopment Site.
- A community building of 2,000 sq. ft. for public use located at the Harbor Redevelopment site.
- Public parking in Subareas II and IV.
- A minimum 1/2 acre urban public open space at the foot of Westchester Avenue along the river.
- Expansion of the William James Memorial Waterfront Park located in Subarea V, Brooksville.

See Policies 1A,1B,1C,1D,1E, 12, 20, 20A.

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

Explanation of Policy

The Village has recognized the need to provide water-related recreation opportunities, including water-dependent recreation along the waterfront. Section IV specifically identifies those areas of the waterfront which shall be developed for water-related recreational use. These proposals take into account the anticipated increase in the demand for these facilities.

The proposed water-related recreational developments include:

- 1.5 acre public part at the Harbor Redevelopment Site.
- A publicly accessible waterfront right-of-way with a minimum width of 20 feet and a walkway will link the Greyrock Area to Purdy Avenue and the Columbus Park Marina. A publicly accessible waterfront right-of-way with a minimum width of 10 feet, an average width of 20 feet and a walkway with a minimum width of 10 feet will be located along the entire length of the waterfront within the Marina Redevelopment Project Area in Subarea IV. It is envisioned that this walkway will eventually link the entire waterfront. (See Policy 20)

- A community building of 2,000 sq. ft. for public use located at the Harbor Redevelopment site.
- Public parking in Subareas II and IV.
- A minimum 1/2 acre urban public open space at the foot of Westchester Avenue along the river.
- Expansion of the William James Memorial Waterfront Park located in Subarea V, Brooksville.

These projects as proposed, will open the majority of the Village's waterfront water-related recreation.

## **HISTORIC AND SCENIC RESOURCES POLICIES**

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

#### Explanation of Policy

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

The structures, districts, areas or sites that are of significance in the history, architecture, archeology or culture of the State, its communities, or the Nation include those resources listed, nominated for listing, or determined eligible to be on the National or State Registers of Historic Places. See the Inventory and Analysis Section for a listing of such resources with the Village's waterfront area.

All practicable means to protect structures, districts, areas or sites that are of significance in the history, architecture, archeology or culture of the State, its communities or the Nation shall be deemed to include the consideration and adoption of any techniques, measures, or controls to

prevent a significant adverse change to such significant structures, districts, areas or sites. A significant adverse change includes, but is not limited to:

1. Alteration of or addition to one or more of the architectural, structural, ornamental or functional features of a building, structure, or site that is a recognized historic, cultural, or archeological resource, or component thereof. Such features are defined as encompassing the style and general arrangement of the exterior of a structure and any original or historically significant interior features including type, color and texture of building materials; entry ways and doors; fenestration; lighting fixtures; roofing, sculpture and carving; steps; rails; fencing; windows; vents and other openings; grillwork; signs; canopies; and other appurtenant fixtures and, in addition, all buildings, structures, outbuildings, walks, fences, steps, topographical features, earthworks, paving and signs located on the designated resource property. (To the extent they are relevant, the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" shall be adhered to).
2. Demolition or removal in full or part of a building, structure, or earthworks that is a recognized historic, cultural, or archeological resource or component thereof, to include all those features described in (a) above plus any other appurtenant fixture associated with a building structure or earthwork.
3. All proposed actions within 500 feet of the perimeter of the property boundary of the historic, architectural, cultural, or archeological resource and all actions within an historic district that would be incompatible with the objective or preserving the quality and integrity of the resource. Primary considerations to be used in making judgment about compatibility should focus on the visual and locational relationship between the proposed action and the special character of the historic, cultural, or archeological resource. Compatibility between the proposed action and the resource means that the general appearance of the resource should be reflected in the architectural style, design material, scale, proportion, composition, mass, line, color, texture, detail, setback, landscaping and related items of the proposed actions. Within historic districts this would include infrastructure improvements or changes, such as, street and sidewalk paving, street furniture and lighting.

The mechanism by which compliance with the provisions of this policy is carried out is the State Environmental Quality Review (SEQR) process. Utilizing the existing provisions of SEQR, any action affecting a property which has been determined to appear eligible for listing on the State or National Register of Historic Places by the State Historic Preservation Office, shall be required to coordinate the SEQR review, including the adoption of Lead Agency and the determination of significance, with the State Historic Preservation Office. In this way, potential historic sites would be afforded a significant level of review prior to the commencement of any destructive activity. Should the review determine that the site would be negatively impacted by the proposal, then appropriate measures can be initiated at this point, and the development would be required to address the findings.

The consistency review requirements of the LWRP, along with the provisions of SEQR and the mandated coordination with the State Historic Preservation Office, will adequately assure the integrity of Port Chester's historic heritage.

No archaeologically significant sites have been identified as being located within the LWRP boundary, according to the NYS Museum Division of Research and Collection's prehistoric site file map, and a Westchester County Department of Planning Archaeology Resources study, conducted in April 1986 (See Inventory and Analysis Section II).

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

**POLICY 24            THE STATE COASTAL POLICY REGARDING SCENIC RESOURCES OF STATEWIDE SIGNIFICANCE IS NOT APPLICABLE TO THE VILLAGE OF PORT CHESTER.**

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

#### Explanation of Policy

When considering a proposed action, which would not affect a scenic resource of statewide significance, agencies shall undertake to ensure that the action would be undertaken so as to protect, restore or enhance the overall scenic quality of the coastal area.

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

Figure 12 in the Inventory and Analysis demonstrates that few significant scenic resources exist along Port Chester's waterfront. The area has experienced significant physical alteration and reflects the vestiges of a derelict and deteriorating industrial downtown. Scenic resources must be assessed within this context. Guidelines include:

- siting structures and other development such as highways, powerlines, and signs, back from shorelines or in other inconspicuous locations to maintain

the attractive quality of the shoreline and to retain views to and from the shore;

- clustering or orienting structures to retain views, and provide visual organization to a development;
- incorporating sound, existing structures into the overall development scheme;
- removing deteriorated and/or degrading elements;
- using appropriate materials, including new landscaping, to screen unattractive elements;
- using appropriate scales, forms and materials to ensure that buildings and other structures are compatible with and add interest to the landscape.

Emphasis may need to be placed on removal of existing elements, especially those which degrade, and on addition of new elements or other changes which enhance.

The following general criteria will be combined to determine significance:

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

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

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

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

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

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

As noted in Section II, much of Port Chester's waterfront is dominated by industrial uses or cleared land that was once industrial. A few features such as the Greyrock neighborhood, the stone bridges crossing the river in Downtown Brooksville sections (Subareas IV and V), Columbus Park, and the 19th Century quality of Fox Island Road (Subarea II) have been noted in Section II as contributing to the visual quality of the LWRP area.

In addition, the potential for scenic vistas exist particularly from the Fox Island Peninsula, and the ends of Westchester Avenue, Willett Avenue, and Purdy Avenue. Because the river is so narrow in Subareas II, IV, and V, no significant view corridors along streets perpendicular to the water exist across the river. Views up and down the river from prominent street endings, however, are very attractive. New development plans for the Downtown shall incorporate the Westchester Avenue ending at a public open space park of 1/2 acre and the Purdy Avenue street ending into the plans for the Columbus Park Marina.

To help preserve the visual quality of Greyrock, this area shall remain as is. Since it is a very stable neighborhood, no changes are anticipated, therefore the visual quality should remain. Likewise, Columbus Park shall remain as a park, but shall be expanded to include the waterfront, thus enhancing the park further. The Mill Street Bridge shall be widened to better accommodate pedestrian access. Any widening that might occur shall preserve the visual character of the bridge to the maximum extent possible. No other changes are planned for any of the other bridges.

Any improvements of Fox Island Road shall be consistent with the following procedure:

1. The Village or developer shall complete a visual analysis of the road prior to developing improvement plans in order to determine key visual elements that should be preserved.
2. Solutions such as off-street parking shall be examined in lieu of building removal when practicable.

3. Opportunities to enhance or reinforce the existing street edge quality with vegetation, walls, or new structures in existing vacant lots or where building removal is necessitated shall be examined.
4. Guidelines listed later in this explanation shall be followed for any new construction when applicable.

With the exception of the Greyrock neighborhood, all areas identified as visually significant shall be preserved as publicly accessible areas.

Signage shall be regulated in the LWRP area to assure visual consistency. At the present time, standards limit the number of signs, size, location and lighting. (For specific requirements see regulations which are included in the Appendix) The Village shall also develop a special waterfront signage program that will enhance or contribute to the waterfront identity. This program will assure visual consistency with the character of each development area. (See Section IV)

**POLICY 26                    THE STATE COASTAL POLICY REGARDING THE PROTECTION OF AGRICULTURAL LANDS IS NOT APPLICABLE TO THE VILLAGE OF PORT CHESTER.**

**ENERGY AND ICE MANAGEMENT POLICIES.**

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

Explanation of Policy

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

A determination of public need for energy is the first step in the process for siting any new facilities. The directives for determining this need are contained in the New York Energy Law. With respect to transmission lines, Article VII of the State's Public Service Law requires additional forecasts and establishes the basis for determining the compatibility of these facilities with the environment and the necessity for a shorefront location. With respect to electric generating facilities, environmental impacts associated with siting and construction will be considered by one or more State agencies or, if in existence, an energy siting board. The policies derived from these proceedings are entirely consistent with the general coastal zone

policies derived from other laws, particularly the regulations promulgated pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. The Act is used for the purposes of ensuring consistency with the State Coastal Management Program and this Local Waterfront Revitalization Program.

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

There are no major energy facilities existing in, planned for, or appropriate in this built up urban area.

**POLICY 28                    THE STATE COASTAL POLICY REGARDING ICE MANAGEMENT PRACTICES IS NOT APPLICABLE TO THE VILLAGE OF PORT CHESTER.**

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

Explanation of Policy

The development of energy resources in or adjacent to Village waters is not anticipated, nor are any federal or State projects that would require the use of Port Chester's waterfront anticipated. However, if any support facilities are sited along the Village's waterfront, they must be developed in such a manner that they are consistent with commercial and industrial performance standards outlined in Policy 1C. These standards set forth the environmental criteria and objective measurement values which must be achieved to ensure that the development is compatible with the general mixed-use character of the area.

**WATER AND AIR RESOURCES POLICIES**

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

### Explanation of Policy

Municipal, industrial and commercial discharges include not only "end-of-the-pipe" discharges into surface and groundwater, but also plant site runoff, leaching, spillages, sludge and waste disposal, and drainage from raw material storage sites. Also, the regulated industrial discharges are both those which pass through the County sewage treatment plant on Fox Island Road before reaching waterways.

In addition to the State and national water quality standards which must be adhered to, locally two items further address this issue. Village industrial and commercial areas performance standards are in effect which set forth minimum requirements for explosive materials, vibrations, noise, smoke, odors, emissions, radiation, heat, glare, liquid or solid wastes and traffic. All of these conditions can in various ways impact water quality. By regulating these activities through the imposition of performance standards it is anticipated that the local level of water pollution will be reduced. (See Policy 1C).

Site engineering and best management practices, by which runoff and poor site drainage can be improved are also in effect. Poorly designed development plans which contribute significantly to the degradation of the Village's water quality will not be approved.

The NYSDEC classification for the Byram River is "SC". The "SC" classification identifies the best usage of the waters as follows: "the waters are suitable for fishing and fish propagation. The water quality shall be suitable for primary and secondary contact recreation even though other factors may limit the use for that purpose."

However, the water quality for the Byram River is not as clean as the currently "SC" classification implies due to the urbanization and industrial uses along the River. Recreational fishing exists but is limited in scope. Other pollutants are those conventional wastes, generated from point and non-point sources, and not identified as hazardous wastes but controlled through other State laws. (See Policy 36).

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

### Explanation of Policy

Pursuant to the Federal Clean Water Act of 1977 (PL 95-217) the State has classified its coastal and other waters in accordance with considerations of best usage in the interest of the public and

has adopted water quality standards for each class of waters. These classifications and standards are reviewable at least every three years for possible revision or amendment. Local Waterfront Revitalization Programs and State Coastal Management policies shall be factored into the review process for coastal waters. However, such consideration shall not affect any water pollution control requirement established by the State pursuant to the Federal Clean Water Act.

Water quality throughout the study area is classified as "SC". The best usage of waters identified as "SC" allows for fishing and all other uses except for primary contact recreation and for the taking of shellfish for market purposes. The "SC" classification of the area's water quality is not considered to be a development constraint. The water-dependent recreation which is proposed along the river includes marina development. This type of development does not involve primary contact activities.

The development controls which are identified in Policy 1C and in Section V describe the process by which the Village will address the issue of water quality maintenance. These controls, combined with the improvement and expansion of the sewage treatment plant, will result in a significant reduction in the degradation of water quality, and may over time begin to improve water quality. It should be noted that the upstream users of the Byram River in Connecticut contribute significantly to the water quality of the Byram River, and those uses are not controlled by the Village's LWRP.

**POLICY 32                    THE STATE COASTAL POLICY REGARDING THE USE OF ALTERNATIVE SANITARY WASTE SYSTEMS IS NOT APPLICABLE TO THE VILLAGE OF PORT CHESTER.**

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

Explanation of Policy

Best management practices which are set forth in the latest Westchester County manual for non-point and source pollution control include both structural and non-structural methods of preventing or mitigating pollution caused by the discharge of stormwater runoff and combined sewer overflows. The Village is serviced by separate sanitary and stormwater collection systems.

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

Explanation of Policy

The discharge of sewage, garbage, rubbish, and other solid and liquid materials from a watercraft and marinas into the State's waters is regulated. Priority will be given to the enforcement of this law in such areas as shellfish beds and other significant habitats, beaches, and public water supply intakes, which need protection from contamination by vessel wastes. Also, specific effluent standards for marine toilets have been promulgated by the US Department of Transportation.

A public pump-out station will be provided at the municipal marina. This facility will be of sufficient capacity to accommodate the vessels which utilize all of the public moorings in the Village.

All private marinas, both new and existing, will be required to provide pump-out stations sufficient in capacity for the boats moored at the facility.

All vessels permanently moored in the waters of the Village, are required to pump out wastes in accordance with the provisions of Chapter 17 (Boating) of the Village Code.

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

Explanation of Policy

Dredging often proves to be essential for waterfront revitalization and development, maintaining navigation channels at sufficient depths, pollutant removal and meeting other coastal management needs. Such dredging projects, however, may adversely affect water quality, fish and wildlife habitats, wetlands and other important coastal resources. Often these adverse effects can be minimized through careful design and timing of the dredging operation and proper siting of the dredge spoil disposal site. Dredging permits will be granted if it has been satisfactorily demonstrated that these anticipated adverse effects have been reduced to levels which satisfy State dredging permit standards set forth in regulations developed pursuant of Environmental Conservation Law, (Articles 15, 24, 25 and 340, and are consistent with policies pertaining to the protection of coastal resources (State Coastal Management Policies 7, 15, 24, 26 and 44).

Dredging of the Byram River is undertaken periodically by the Army Corps of Engineers in order to maintain the channel depths necessary for vessels travelling to and from the water-dependent industries along both the Port Chester and Greenwich banks of the River. All dredging activities must be conducted in compliance with federal and State regulations.

In addition to the periodic dredging of the Byram River channel by the Corps of Engineers, Port Chester will likely be dredging portions of Subareas II and IV, in its revitalization efforts. The areas identified for potential dredge and fill have not been identified as significant habitats. These areas include:

- The Harbor area to maximize the number of safe boat moorings
- The south cove of the proposed Columbus Park Marina
- The north cove of the proposed Columbus Park Marina which contains a functional tidal wetland.

Dredging activities will abide by State and federal regulations. Dredge material will be removed and disposed of in approved land fill areas only. Maintenance dredging will be the responsibility of the operating organization (the Village or the private developer).

Since there are no significant fish or wildlife habitats, natural protective features, important agricultural lands, or significant wetlands in these areas, no negative impacts are anticipated. Dredging of these areas will also not negatively affect the scenic quality. In fact, the provision of a marina should have a positive visual impact adding visual diversity. Boat docks are generally considered a positive feature on a waterfront. (See policy 36)

**POLICY 36                    ACTIVITIES RELATED TO THE SHIPMENT AND STORAGE OF PETROLEUM AND OTHER HAZARDOUS MATERIALS WILL BE CONDUCTED IN A MANNER THAT WILL PREVENT OR AT LEAST MINIMIZE SPILLS INTO COASTAL WATER; ALL PRACTICABLE EFFORTS WILL BE UNDERTAKEN TO EXPEDITE THE CLEANUP OF SUCH DISCHARGE; AND RESTITUTION FOR DAMAGES WILL BE REQUIRED WHEN THESE SPILLS OCCUR.**

Explanation of Policy

See Policy 39 for definition of hazardous materials. Sites in Port Chester where this policy has immediate application include storage facilities on the east and west sides of the Byram River, the sewage treatment plant on the riverfront and former industrial sites where waste materials may have been dumped or buried.

Fuel oil storage tanks and tank farms presently exist on both Port Chester and Greenwich banks of the Byram River. All river transport of materials to these facilities must be conducted in strict conformance with State and federal regulations.

There shall be no new oil storage facilities established within the Port Chester LWRP area, nor addition to the number of existing tanks or the existing tank capacity. All existing storage

facilities must be maintained in conformance with federal and State code specifications. The redevelopment of Subarea II requires the acquisition and removal of two oil storage facilities. Prior to redevelopment, tests will be conducted to determine if toxics, petroleum, or other hazardous materials exist at these sites.

During the use of the facilities by private operators, the Village will monitor for spills which occur as a result of shipment and storage of petroleum and other hazardous materials.

In the event that the Village determines either individually or in conjunction with an agency of the State, county or other jurisdiction that the damage results from one of the Port Chester facilities, the Village shall notify the appropriate agencies to begin mitigating the condition, and cooperate in the recovery of public cleanup costs.

Removal of oil storage facilities, or any other tanks or containers used for the storage of petroleum products shall be undertaken by an appropriate contractor who must assume all liability for accidental spills during dismantling, and shall ensure that the facilities are properly cleaned and inspected prior to dismantling.

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

Explanation of Policy

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

The following best management practices established by Westchester County in their "Construction Related Activities Standards and Specifications" manual will be utilized:

- All new development will be required to adhere to best management practices and to maintain the rate of run-off at the pre-development level.
- Extreme care shall be exercised in areas adjacent to natural watercourses and in locating artificial drainageways so that their final gradient and resultant discharge velocity will not create additional erosion problems.
- Natural protective vegetation shall remain undisturbed if at all possible.
- The amount of time that disturbed ground surfaces are exposed to the energy of rainfall and runoff water shall be limited.

- Runoff from upper watershed lands which would contribute runoff to areas subject to erosion shall be diverted.
- The velocity of the runoff water on all areas subject to erosion shall be reduced below that necessary to erode the materials.
- A ground cover shall be applied sufficient to restrain erosion on that portion of the disturbed area undergoing no further active disturbance.
- Runoff from a site shall be collected and detained in sediment basins as needed to trap pollutants which would otherwise be transported from the site.
- Provision shall be made for permanent protection of downstream banks and channels from the erosive effects of increased velocity and volume of runoff resulting from facilities constructed.
- The angle for graded slopes and fills shall be limited to an angle no greater than that which can be retained by vegetative cover or other erosion control devices or structures.
- The length, as well as the angle, of graded slopes shall be minimized to reduce the erosion velocity of runoff water.

In addition to the BMP's identified above, the Village has researched the techniques and practices which are becoming increasingly prevalent in the mitigation of non-point source pollution in urban areas. Included among these are extended detention ponds, wet ponds, infiltration trenches, infiltration basins, porous pavement, swales and filter strips, marsh creation and water quality inlets. Of all these Best Management Practices, it has been determined that the most appropriate and effective technique available for the coastal area would be the use of water quality inlets (also known as oil/grit separators). The remaining techniques or the utilization of various elements of these techniques may also be of value depending upon the location for which the technique is intended within the coastal area.

Water quality inlets are designed to remove sediment, grit and oil loadings from runoff before they are conveyed to the storm drain network. Water quality inlets are normally part of or adjacent to catch basins. While relatively effective in removing pollutants, water quality inlets require periodic manual clean-outs of the chambers to maintain their usefulness.

The storm drainage infrastructural improvements proposed for the marina redevelopment area are required to incorporate water quality inlets. In addition, all other new development within the coastal area must evaluate the current and most effective non-point source mitigation techniques available and incorporate the appropriate technique as a condition of plan or permit approval.

Best Management Practices which are directly connected to the storm drainage system are only effective if they are beyond the reach of tidal influences. High tides which would back through the drainage system would defeat the purpose of the mitigation measures. As a result, implementation of BMP's must be evaluated on a case by case basis for suitability.

**POLICY 38**            **THE STATE COASTAL POLICY REGARDING THE PROTECTION OF SURFACE WATER AND GROUNDWATER AS THE PRIMARY WATER SUPPLY SOURCE IS NOT APPLICABLE TO THE VILLAGE OF PORT CHESTER.**

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

Explanation of Policy

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

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

The transfer, storage and disposal of solid wastes and hazardous wastes shall be prohibited within the designated Waterfront Revitalization Area. The existing garbage transfer station operated by Westchester County will be relocated outside of the Waterfront Revitalization Area in conjunction with the redevelopment of Subarea II.

Local collection of refuse is the responsibility of the municipality along with private carters. Westchester County is responsible for the permanent disposal of Port Chester's solid and hazardous wastes.

**POLICY 40           EFFLUENT DISCHARGED FROM MAJOR STEAM ELECTRIC GENERATING AND INDUSTRIAL FACILITIES INTO COASTAL WATERS WILL NOT BE UNDULY INJURIOUS TO FISH AND WILDLIFE AND SHALL CONFORM TO STATE WATER QUALITY STANDARDS.**

Explanation of Policy

In Port Chester, major riverfront industrial facilities are located from Westchester Avenue south to Fox Island Road. The area from Fox Island Road North to Purdy Avenue (Subarea II) is designated primarily for residential redevelopment with a large recreational component. (See Policies 1A and 1B). No industrial facilities shall be located in this area. The area from Purdy Avenue north to Westchester Avenue does contain a large number of industrial facilities, with effluent discharges conforming to State water quality standards. Any expansion or new construction in this Subarea resulting in effluent discharges must conform to the commercial and industrial performance standards outlined in Policy 1C, and State water quality standards.

As a result of the construction and expansion of the sewage treatment plan which is currently underway, there will be changes in the processes used there. Currently, the plant discharges into the Byram River during high volume periods. Under the new system, there will be no discharge into the river as it will be entirely self-contained except for emergency overflows.

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

Explanation of Policy

The requirements of the Clean Air Act are the minimum air quality control requirements applicable within the coastal area.

In particular, the Sewage Treatment Plant will use the best available technology to maintain these standards.

The type and intensity of development should not impact air quality standards.

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

### Explanation of Policy

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

**POLICY 43            THE STATE COASTAL POLICY REGARDING GENERATION OF ACID RAIN PRECURSORS IS NOT APPLICABLE TO THE VILLAGE OF PORT CHESTER.**

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

### Explanation of Policy

Port Chester's waterfront has been mapped under the New York State Inventory of Tidal Wetlands. Map 19238 on file at the Westchester County Clerk's Office, indicated the extent of the Village's tidal wetlands. Most of the shoreline is designated as "LZ". There are two small areas designated as "SM". These DEC tidal wetland classifications are defined as follows:

LZ: Littoral Zone-            Includes inlands under tidal waters which are not included in any other category, except as otherwise determined in a specific case...

SM: Coastal Shoals, Bars and Flats-            The tidal wetland zone... that (i) at high tide is covered by water (ii) at low tide is exposed or is covered by water by a maximum depth of approximately one foot (iii) is not vegetated by low marsh cordgrass.

Since much of the LWRP area has been filled or disturbed in some way, there are few natural areas left, including wetlands. The smallest of the tidal wetlands is located in the vicinity of the Port Chester Yacht Club. This area is approximately 13,000 square feet in area. As a result, it has been determined that this shore does not contain productive wetlands. The second area of regulated tidal wetlands is located at the north cove, between Purdy Avenue and Interstate 95. This wetland is 1.4 acres and is also classified as "SM".

Mitigation of development impacts on these wetlands will be considered. Mitigation may include consideration of creating a wetland of equal or higher value to the current wetland.

**SECTION IV**  
**PROPOSED LAND AND WATER USES AND**  
**PROPOSED PROJECTS**

## 4.1 Overview

Port Chester is in the active process of changing its waterfront with new proposals now being developed for about a third of the two mile long water's edge. These current planning areas include the Harbor Redevelopment Area, the Columbus Park Marina and the Marina Redevelopment Project previously described in the LWRP. In addition, another twenty-five percent of this shoreline already fronts on stable residential or industrial areas.

With so much of the waterfront undergoing detailed planning and design efforts, it has been necessary to develop Port Chester's Local Waterfront Revitalization Program (LWRP) on two levels of detail. First, an overall plan, or master plan, identifies generalized land uses and development controls, potential public access, linkages and public recreation facilities in two identified opportunity areas that are not included in other planning areas.

The thrust of Port Chester's plan is development of the waterfront and the provision of extensive recreation amenities which will serve as a catalyst for future development. Port Chester has the following specific plans to recapture and revitalize its waterfront:

- o expansion of William James Memorial Park;
- o construction of a Gateway Vestpocket Park;
- o a riverfront walkway from Mill Street bridge to Westchester Avenue;
- o rehabilitation and expansion of the downtown Public Marina for 150 boats and expanded marina services;
- o a riverfront vest pocket park in the vicinity of Westchester Avenue;
- o construction of 63 units of Affordable Housing and associated facilities;
- o construction of the Columbus Park Public Marina for 175-225 boats;
- o rehabilitation of Columbus Park to accommodate water-enhanced recreation and support facilities for the Marina;
- o a new public facility for winter boat storage;
- o a riverfront walkway from Purdy Avenue to Greyrock;
- o a minimum of 100 public boat slips at the Harbor Redevelopment Site;
- o the development of 1 1/2 acres of public open space on the Harbor Redevelopment Site to support water-dependent and water-enhanced public recreation;
- o creation of a public boating facility at the Harbor Redevelopment Area.

These various projects are summarized on Figures 13 through 22.

## **4.2 Overall Plan**

The scenic and recreation value of Port Chester's waterfront is variable. Much of the Byram River passing through Port Chester is extremely narrow, reducing the actual impact of the water in surrounding areas. Differing river widths and opportunities for the desirable, long, scenic views down the river, combined with compatibility of Port Chester's land uses and the scenic quality of the Connecticut side of the river are factors that influence the waterfront value.

As a result of these variations, development opportunities often relate to a specific point or section rather than to the entire waterfront. Because of this inherent segmentation, the description of the overall plan is broken down into the five subareas that have previously been described in Section 2.4 of the LWRP. In each area, proposed changes in land use, improvements for access, and potential waterfront development are described. An overall summary of maps will follow. See Figures 13 and 14.

Since signage and streetscape treatments will be consistent throughout the waterfront, Section 4.3 deals separately with these, providing overall guidelines in these areas.

The feature which will link the vast majority of the Village's usable waterfront together is the 20' wide public walkway. This walkway is established as a component of the various Urban Renewal Plans which call for acquiring the property along the waterfront, and devoting the actual water frontage, approximately 20' deep, to the walkway use exclusively. See Figure 16. In this manner the walkway amenity can be legally provided in conformance with the overall revitalization of the coastal area.

In practice, redevelopment will occur in stages, and certain existing land use would not support the provision of a walkway from the perspective of public safety. Bearing this in mind the walkway link will not be instantaneous, but will rather evolve as the various redevelopment stages occur. In this way, eventually the goal of linking the majority of the Village's usable waterfront will be realized.

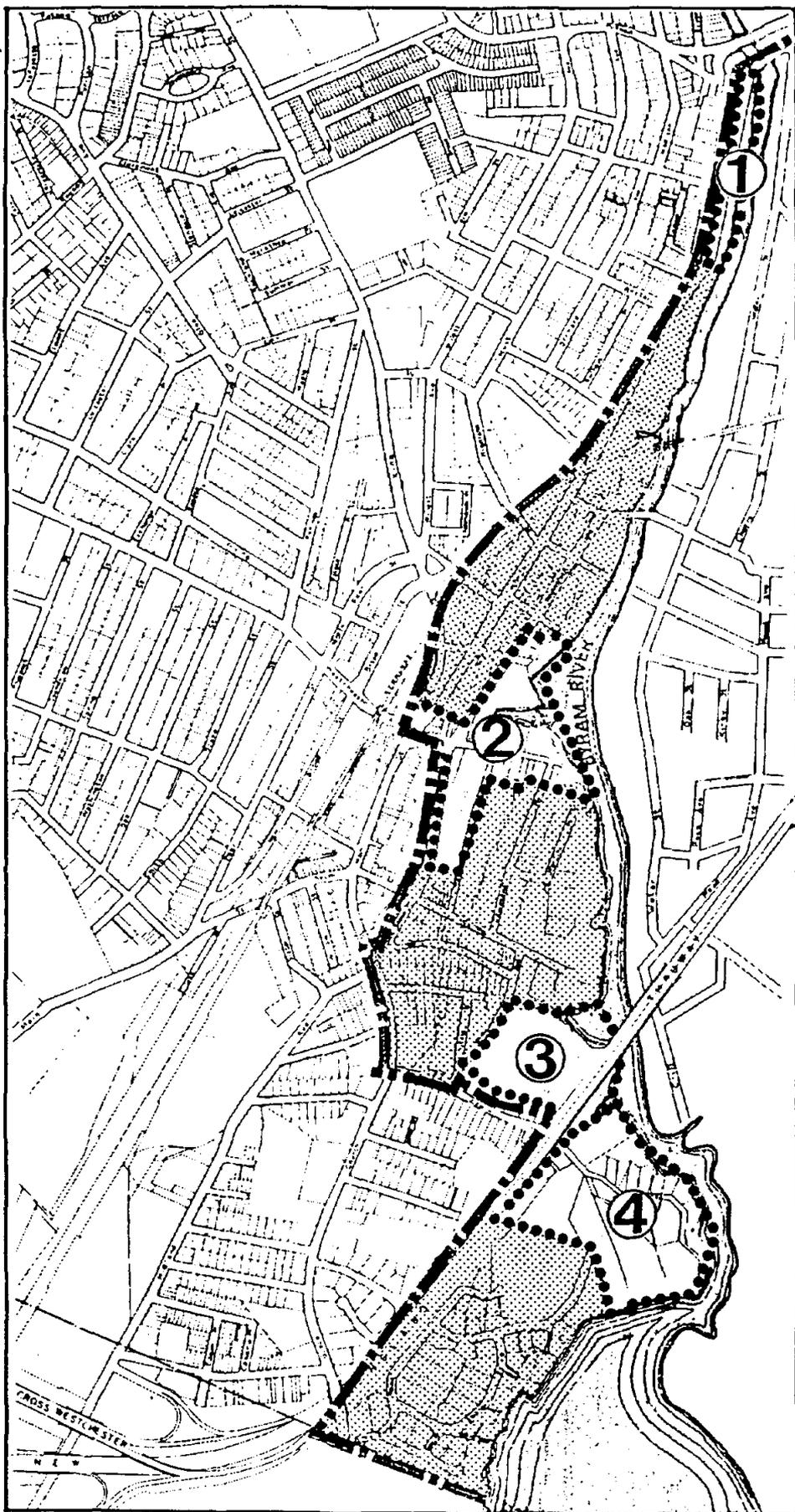
### **I. Greyrock Subarea**

#### **a. Land Use**

Greyrock is a stable single family residential area on Port Chester Harbor, virtually isolated from the rest of Port Chester by Interstate 95. Greyrock shall remain a single family residential neighborhood. Due to Greyrock's character and location, opportunities for public open space to provide a buffer zone to higher density development of the Harbor Redevelopment Area will be considered for long range planning.

FIGURE 13  
PUBLIC ACCESS  
AREAS

LWRP  
Village of  
Port Chester,  
New York



●●●●● Public Access Areas

① Wm. James Park

② Marina Redevelopment Area

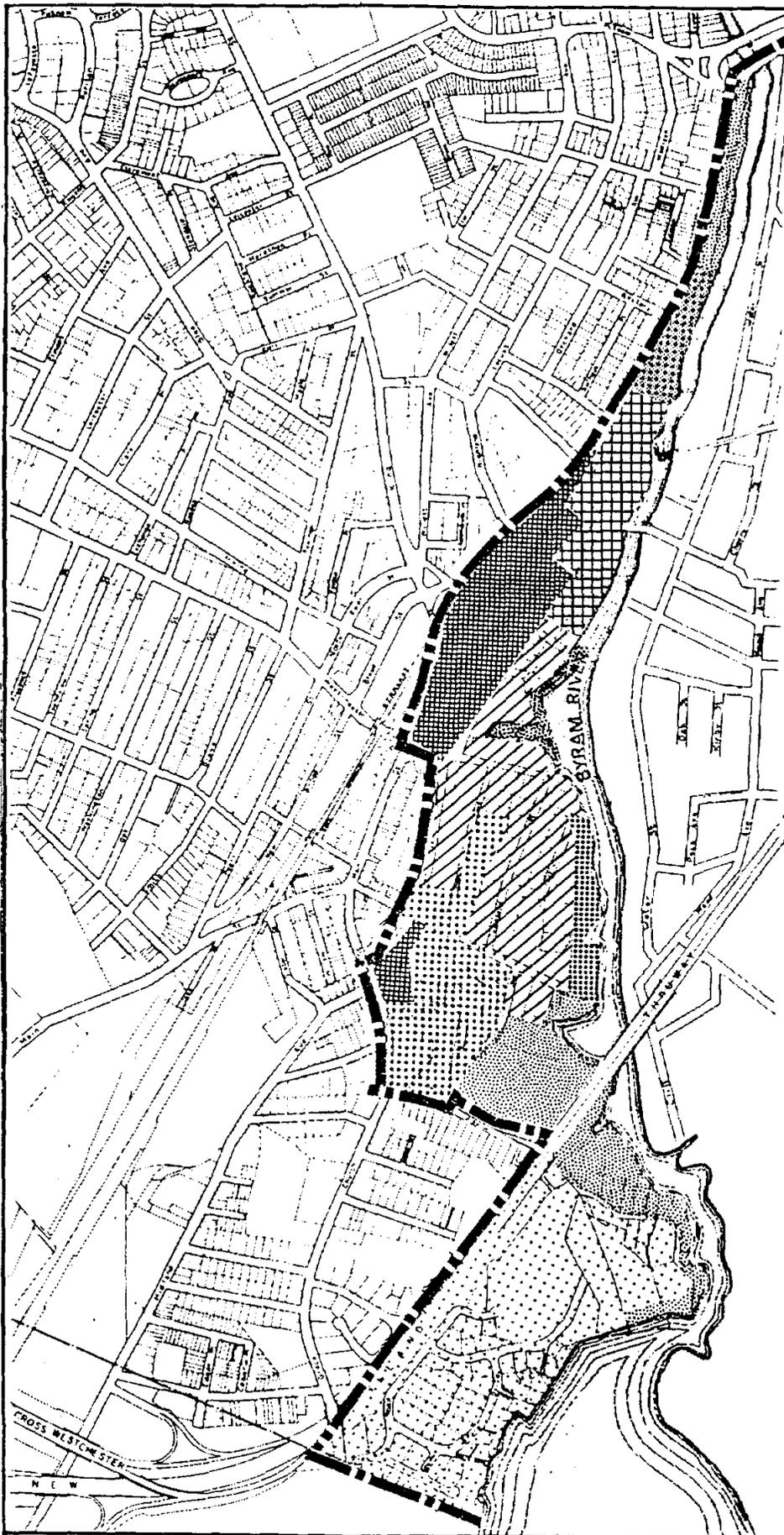
③ Columbus Park

④ Harbor Redevelopment Area

▨ All Other Areas

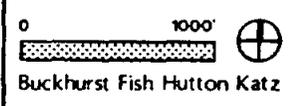
0 1000'





**FIGURE 14**  
**PROPOSED**  
**GENERALIZED**  
**LAND USE**  
**LWRP**  
**Village of**  
**Port Chester,**  
**New York**

- Low Density Residential
- Medium Density Residential
- Medium Density Residential/Neighborhood Commercial
- Commercial/Retail
- Mixed Use
- Industrial
- Water Dependent Uses
- Public/Quasi-Public Uses
- LWRP Boundry



b. Access

Greyrock is serviced by Village streets with 50 foot rights-of-way. Actual pavement widths vary, but average about 24 feet. Additional uses of the rights-of-way will be limited to provide appropriate emergency access to the Harbor Redevelopment Area. The existing pavement width is consistent with good planning practice for single family residential areas, from a public safety perspective.

c. Waterfront Development

Adjacent private residences own the waterfront. Limited waterfront acquisition adjoining the Harbor Redevelopment Area for public recreation is recommended for long range planning to provide a transition zone to the higher density development on the Harbor Redevelopment Area.

## II. Fox Island/Columbus Park Subarea

a. Land Use

The Harbor Redevelopment Area which presently contains the Village's Department of Public Works, a number of light industrial operations, the Port Chester Yacht Club, an oil tank farm, a seafood restaurant, and a single family residence, will be redeveloped for medium density (gross density of 25 dwelling units per acre) residential and marina facilities. Compatible commercial development is also appropriate for a maximum of 2 acres. Commercial activity will be water-enhanced uses, neighborhood retail uses, or other compatible uses specified in Policy 1A.

The rest of this Subarea consists of the section from the sewage treatment plant to Purdy Avenue. This includes Columbus Park, the county refuse transfer station, a tank farm and a New York Telephone facility. As noted before in Section 2.4, previous studies have recommended marine and recreation development for this area. The LWRP supports the recommendations and recognizes this area as one of the opportunity sites for more detailed development (See Section 4.4).

The sewage treatment plant in the central part of the Subarea has been upgraded to provide for advanced treatment and sludge burning. Use of the waterfront of the plant is recommended for walkway and marina development.

b. Access

Due to topography and Interstate 95, Fox Island Road provides the most direct access to the Harbor Redevelopment Area and the southern entrance to the proposed Columbus Park Marina. Due to the scale of development, alternative access from Grace Church Street to Fox Island in the vicinity of the Interstate may be required. Fox Island Road may be improved to the extent possible without endangering its character. Fox Island Road should receive streetscape improvements with landscaping and signage.

c. Waterfront Development

The scenic quality of this section and the Greyrock residential area is probably the most valuable in the Port Chester waterfront. Maximum possible access to the water's edge will be provided through the establishment of a minimum 20 foot public accessway on the shoreline of harbor waters and appropriate marina development that would be available to other residents of Port Chester besides those residing in the project area.

A public walkway in this area shall be extended from the proposed Columbus Park public marina development by the Sewage Treatment Plant to Greyrock to make the views of the Port Chester Harbor available to the public. The design and construction of this walkway will be the responsibility of the developer. The walkway design shall be consistent with other walks along the waterfront. A minimum width of 5 feet and handicap access shall be required. Materials shall be compatible with the surrounding development.

Opportunities for views of the harbor shall be provided. The developer shall also provide a total of not less than 1.5 acres of publicly accessible space.

As noted above, the northern section of this Subarea has been identified as an opportunity area for recreation development (See Figure 17). Schematic designs for the marinas, docks, parking, and recreation facilities, as well as the pedestrian linkage will be presented as the Columbus Park Marina Development in Section 4.4.

### III. Townsend Street Subarea

a. Land Use

This Subarea, which includes Purdy Avenue, and extends from the east side of Traverse Avenue, past Townsend Street, Martin Place and to the river. This area contains a mixture of junk yards, industry, multi-family housing, and auto repair shops in a random pattern. The area contains some of the most deteriorated

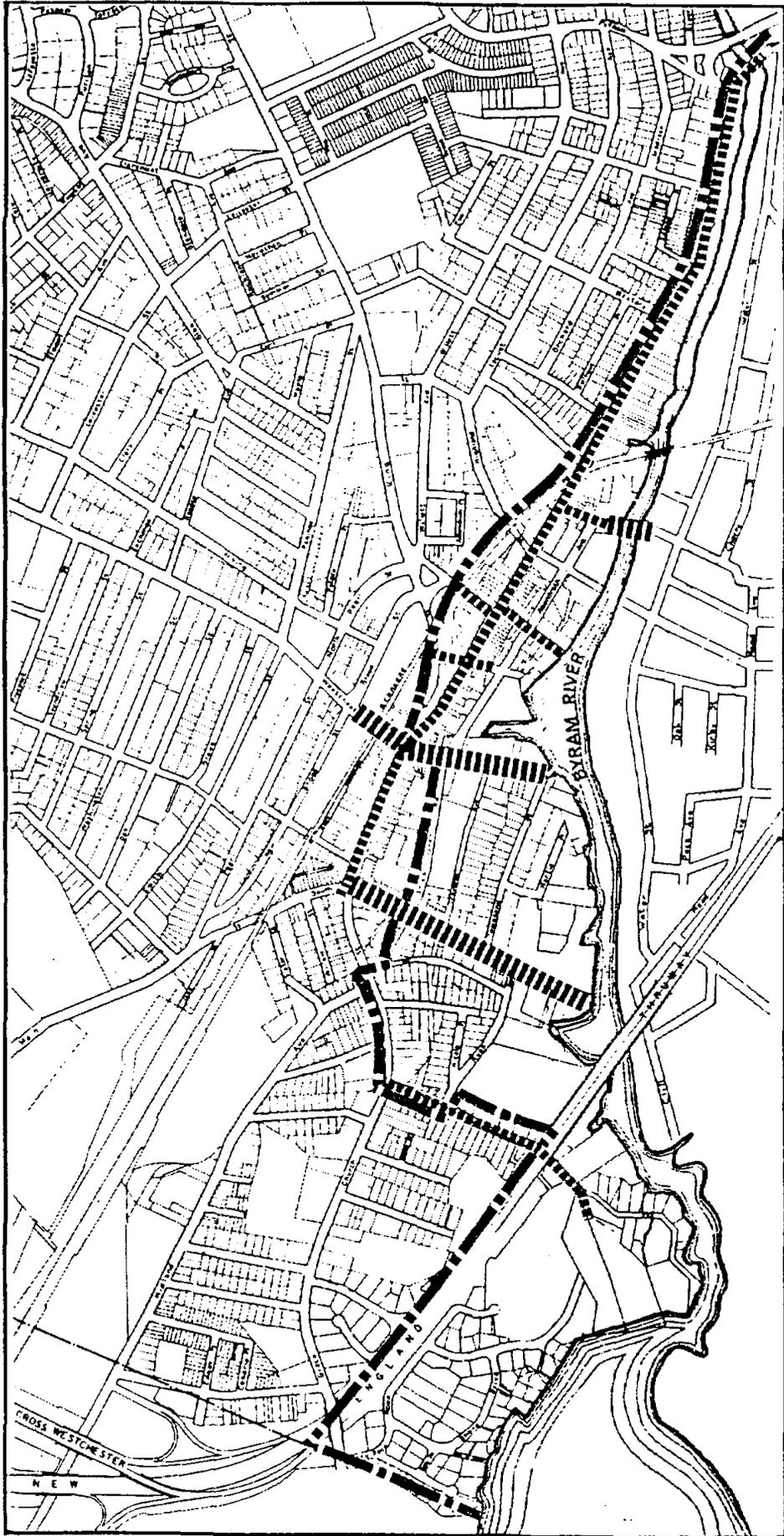


FIGURE 15  
ROADS &  
INFRASTRUCTURE

LWRP  
Village of  
Port Chester,  
New York

-  Study Area Boundary
-  Streetscape Improvements
-  Streetscape & Infrastructure Improvements



structures in the Village of Port Chester. In this area all incompatible existing industrial and commercial uses shall be redeveloped to reflect the zoning established in the DW and RA-4 District while maintaining public housing and sound residential uses. New affordable housing will be a priority redevelopment project in this Subarea.

The remainder of Subarea III consists of waterfront lots on the Byram River, devoted to industrial uses. Water-enhanced and water-dependent uses shall be accommodated in this area. Land use controls allow for a wide range of water-dependent and water-enhanced uses which can be compatible with residential uses in upland areas. Land uses in the water-dependent zone are controlled by performance standards regarding traffic generation noise, air, odor, pollution, and other negative environmental impacts.

b. Access

Key access roads to the waterfront in this area include Purdy Avenue and Westchester Avenue. Purdy Avenue, unlike Fox Island Road, does not have a particular character to retain. Purdy Avenue shall be improved to include road widening and infrastructure improvements, as well as streetscape and signage. Infrastructure needs will be addressed during the redevelopment of the downtown district.

c. Waterfront Development

A pedestrian walkway along the waterfront shall be accommodated with compatible water-enhanced or water-dependent uses. At this time, existing industries present conflicts for public access due to safety and security considerations. Additionally, scenic views in the uplands area looking north should be capitalized upon for enhancing new development.

#### **IV. Downtown District Subarea**

a. Land use

A mixed use village center will be developed which provides commercial services at the subregional level and "in town" multi-family housing. Allowed land uses include retail, office, restaurants, banks, hotels, theaters, public parks and facilities, boat docking and multifamily housing. The density of development shall be a Floor to Area Ratio (FAR) of 1.5 for commercial uses and 2.5 for residential uses. Set backs from the waterfront should be a minimum of 20 feet (average). The existing nineteenth century structures on North Main Street shall be retained and rehabilitated to the maximum extent feasible. The character of

new development shall complement and not conflict with the design of North Main Street.

b. Access

Westchester Avenue will be developed as the main entrance into Port Chester's commercial district. The following infrastructure improvements will be included in the Downtown Redevelopment Plan: rebuild the Byram River bulkheading; construct a waterfront promenade and new boat docking facilities; relocate storm drains; relocate utilities; widen and reconstruct roadways; and construct new parking lots. Improvements must be designed to accommodate redevelopment at a density of 2.5 Floor Area Ratio for mixed use development. In addition to Westchester Avenue, Main Street, Willett Avenue, Adee Street and Mill Street will also provide pedestrian access to the waterfront.

Since the character of this area is, and will be, very different from the rest of the waterfront, the LWRP does not indicate that the design of these areas needs to follow the general guidelines for streetscape and signage presented later in Section 4.3. However, detailing for streetscape improvements shall be consistent with the early twentieth century character of the area.

Mill Street Bridge will provide improved pedestrian access and a scenic view of the river. Improvements could include possible widening of the pedestrian area on that side of the bridge. Improved pedestrian access would then connect to the waterfront walk described below.

It is recognized that the aforementioned marina feasibility study had a limited scope. Of particular concern is the potential for unidentified geological formations to have a significant impact on current plans. It is recommended that a preliminary facility design be performed to address this concern. Should the capacity of the Columbus Park location be significantly reduced, additional public dockage shall be added to other locations to preserve the capacity objectives of this plan. All development will fully comply with all applicable federal and State regulations including to 6 NYCRR 661 "Tidal Wetlands".

c. Waterfront Development

A continuous pedestrian walkway shall be developed along the water from the Mill Street Bridge to Westchester Avenue in conjunction with public redevelopment projects. The publicly accessible waterfront right-of-way shall be a minimum width of 10 feet with an average width of 20 feet. Design flexibility is encouraged within the right-of-way provided that the minimum 10 ft. width is maintained. Open space nodes at the foot of Westchester Ave., Adee Street, and

Willett Ave. are larger areas of open space which can contribute to the calculation of the right-of-way's 20 ft. average width. The Marina Redevelopment Project Plan incorporates water-dependent recreation as an integral part of the development: the existing deteriorating bulkheading in the project area will be reconstructed; existing public boating facilities in the Byram River will be expanded from 100 public and 40 private boat slips to 150 public boat slips by the conversion of the private marina facilities to a public marina. The expansion will also include marina improvements such as lighting, electric service and new docking facilities. An important element of the Marina Redevelopment Project is the development of a minimum one half acre waterfront park at the end of Westchester Avenue and a waterfront promenade throughout the waterfront area. The park and the promenade will provide public access to the waterfront. See Figure 17.

## V. Brooksville Subarea

### a. Land Use

The mixed residential/commercial character of the east side of North Main Street does not utilize the advantage of the waterfront location. The nature of the automotive related and other businesses along North Main Street, the visual inconsistency of their uses, and the increased traffic tend to detract from the street itself and its relationship to the water.

Housing, neighborhood commercial, and open space land uses shall be encouraged in this location. Land development shall be limited to medium density residential use and commercial development at a 0.5 Floor Area Ratio. The same land use controls shall be applied outside the Waterfront Revitalization Area on the west side of North Main Street.

Due to the narrowness of the lots from Edison Place north, open space development shall be extended from the existing mini-park at Putnam Avenue and Main Street, south to Edison. This section is the second opportunity area that will be detailed as William James Memorial Waterfront Park in Section 4.5.

### b. Access

This section of Main Street shall be landscaped as described in Section 4.3. Pedestrian access on the east side will be improved from Edison Street north across the Putnam Avenue Bridge into Connecticut.

c. **Waterfront Development**

As noted above, the area from Edison Street north to the bridge is considered an opportunity area. Waterfront open space development for this area will be detailed in Section 4.5.

**4.3 Streetscaping, Pedestrian Ways, and Signage Proposed Projects**

Creating a sense of entrance to Port Chester's waterfront can be accomplished most economically with special signage combined with street tree planting on the major streets. For signage, the LWRP recommends that a graphic designer be commissioned to create a waterfront logo and design a system of directional and informational signage to be used at key points including, but not limited to: the intersections of Grace Church Street with Fox Island Road and Main Street with Purdy Avenue, Westchester Avenue, Willett Avenue, and Putnam Avenue. See Figures 15 and 16.

Information (parking, picnic, marina, etc.) signage at both the Columbus Park Marina development site south of Purdy Avenue, and the proposed William James Memorial Waterfront Park development site on North Main.

A Waterfront Map indicating access to, and location of, any public facilities and pedestrian paths shall be located at the train station, incorporation into information signage in the Downtown Redevelopment area, and at both the proposed Columbus Park Marina and at the William James Memorial Waterfront Park site.

Street edges indicated in Section 4.2 shall be planted with trees spaced between 20 to 40 ft. apart, while 30 ft. is preferable. Three to three and a half inch caliper trees (12 to 14 foot) shall be used. Each individual street shall be planted with only one species of trees to help reinforce a special identity. If an existing species already dominates a street, that species will be chosen. If not, trees may be selected from the following list:

- Honey Locust
- Green Ash
- Red Oak
- Little Leaf Linden
- Japanese Pagoda Tree
- Selkova

**4.4 Columbus Park Marina**

A Marina Feasibility Study was completed for the Village of Port Chester identifying the coves north and south of Interstate 95 as potential locations for marina development. The basic concept from this study has been incorporated into the LWRP. It is recognized, however, that the marina feasibility study had a limited scope. It is recommended that a preliminary facility design be performed to address this concern.

Should the capacity of the Columbus Park location be significantly reduced, additional public dockage shall be added to other locations to preserve the capacity objectives of this plan. All development will fully comply with all applicable federal and State regulations, including 6NYCRR 661 "Tidal Wetlands". In mitigating development impacts on the wetlands, alternatives may include consideration of creating a wetland of equal or higher value.

Key elements of the proposed marina include:

- Boat docks located in the two coves if possible and along the bulkhead of the sewage treatment plant.
- use of floating docks with the bow/stern dock mooring system;
- a walkway linking the two coves;
- boat launch ramp;
- public parking.

The schematic designs presented on the following pages have taken this basic concept and expanded it into a two-phase design (See Figures 18 and 19). Depending upon local needs and/or resources, Phase I may be expanded to include all or part of Phase II. The first phase provides for the basic marina development with associated parking, improved linkages with Columbus Park, pedestrian paths, development, a dining, sales and services facility at the north cove, the potential for parking expansion, a greater number of docks, and boat rack storage at the south cove. Below is a more detailed description of each design component. This conceptual design assumes that both the north and south coves can be fully developed.

(a) **Marinas and Boat Storage**

Approximately 220 boats may be accommodated in a combination of the north and south cove marinas, as well as linear docks under I-95 connecting the two coves and along the sewage treatment plant bulkhead. Because of the high demand, most docks are included in the Phase I scheme.

Estimations for the 220 boats consider an average of about a ten (10) foot wide space per boat. Given that most boats in Port Chester are between 6 and 7 1/4 feet wide, the capacity of the docks shown may actually be greater. The traditional docking system in Port Chester maximizes the number of boats by eliminating the traditional "finger pier" between boats, using only rubber fenders to protect the vessels. The quiet nature of the Byram River makes this technique practical.

The docking system would primarily utilize floating docks with access provided by ramps similar to those in use today at the public marina. A stationary walkway at the western edges of both the north and south cove will provide the main access. Because of slope constraints, access to the linear docks under the Interstate will be from either the north or south cove. Access to the docks along the sewage treatment plant's bulkhead will be provided from the public walkway along the water. The County, at the request of the Village, has designed their facility to keep this edge open to the public.

A boat launching ramp is provided by the north cove marina at the end of Purdy Avenue. A boat service facility, as well as a fueling and loading dock, are located south of this ramp.

Boat storage and facilities for dinghies to serve boats moored in the harbor are located in the south cove. Since this cove is contained by the sewage treatment plant on one side and I-95 on the other, it was felt that use of this location would enable better security, as well as minimize the visual impact of the storage racks.

Phase One includes a small storage building for dinghies and some outside rack storage. Phase Two provides for the development of indoor rack storage plus a greater area for outdoor rack storage. Of course the eventual space required for either of these facilities would be based upon demand. Winter boat storage would be provided in the parking areas below I-95 where the overhead highway provides protection.

Off shore boat moorings for 38 boats are now located in the Port Chester Harbor. The dinghy facilities at the south cove would be used for access to these boats. As the need grows, mooring capacity can be increased. The first step would be to regulate the use of the moorings. Organization of the moorings and the use of buoys at both ends of each boat could potentially double the existing number of moorings. The LWRP recommends this action be taken either during or prior to the first phase of marina development.

As a second action, dredging the harbor mooring area would also increase the boat capacity. Current water depths in this harbor area are charted at mean low water level to be from minus several inches to minus two feet. Dredging may potentially result in moorings for about 200 boats. This estimate utilizes an area within the Village of Port Chester along Rye's boundary with setbacks of at least 50 feet from the Army Corps of Engineers' navigation channel and 100 feet from the shoreline. This action may be considered as an option for the second phase of development.

A significant increase in harbor moorings would call for more convenient dinghy access. This would require provisions for facilities within the later phases of

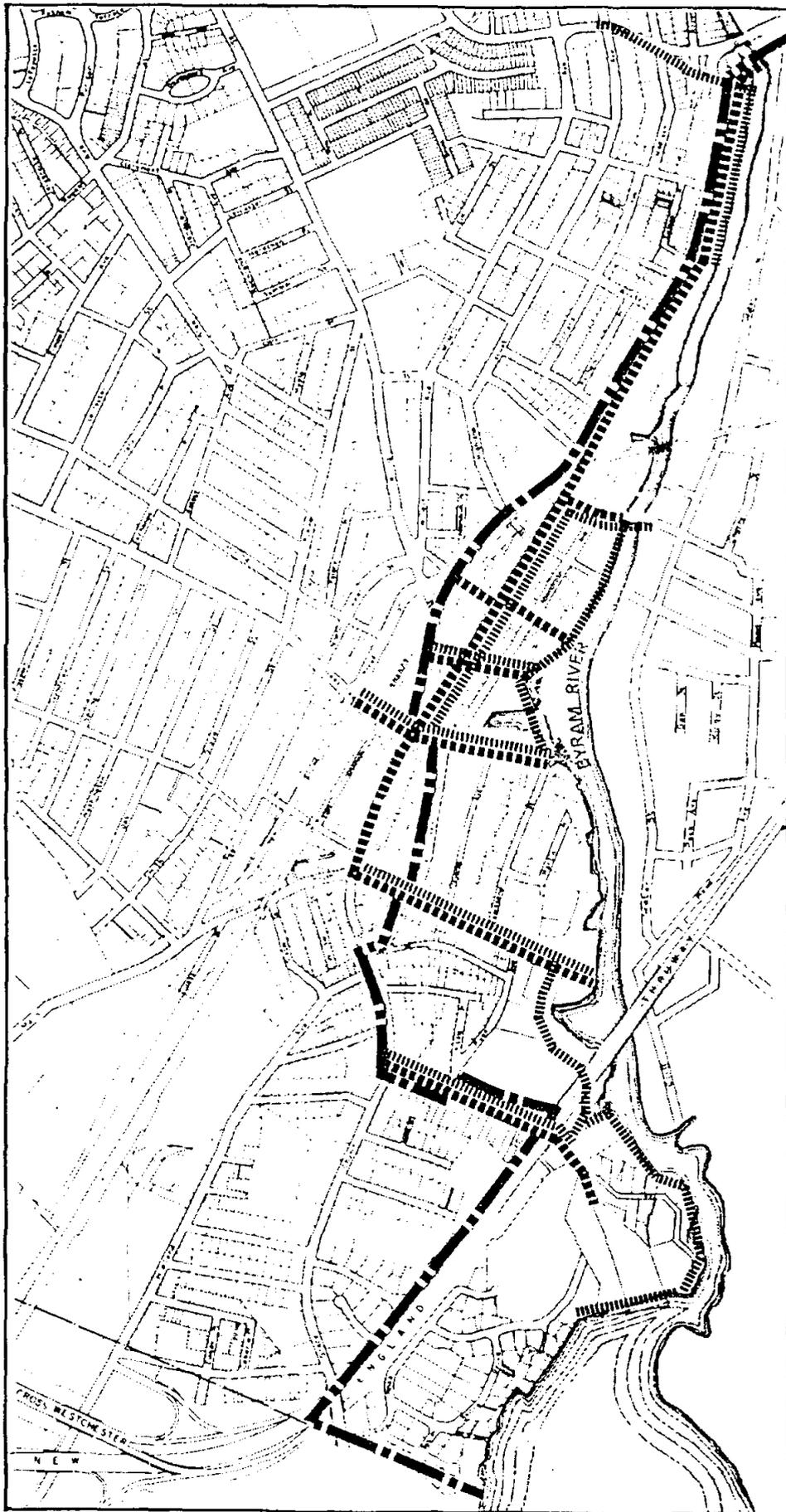
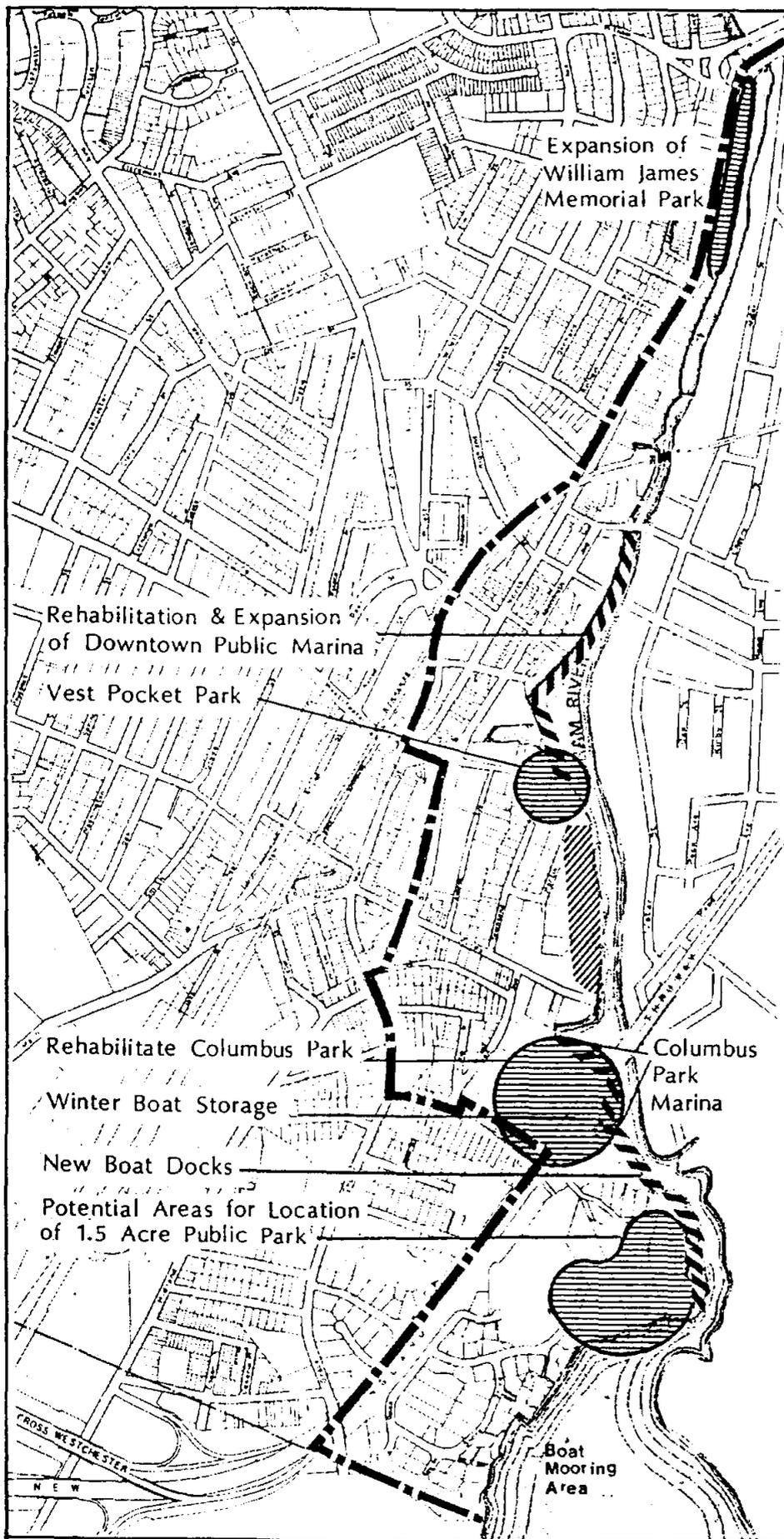


FIGURE 16  
STREETScape &  
PEDESTRIAN WAYS

LWRP  
Village of  
Port Chester,  
New York

-  Study Area Boundary
-  Streetscape Improvements
-  Riverfront Walkway

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Buckhurst Fish Hutton Katz



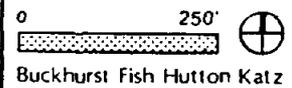
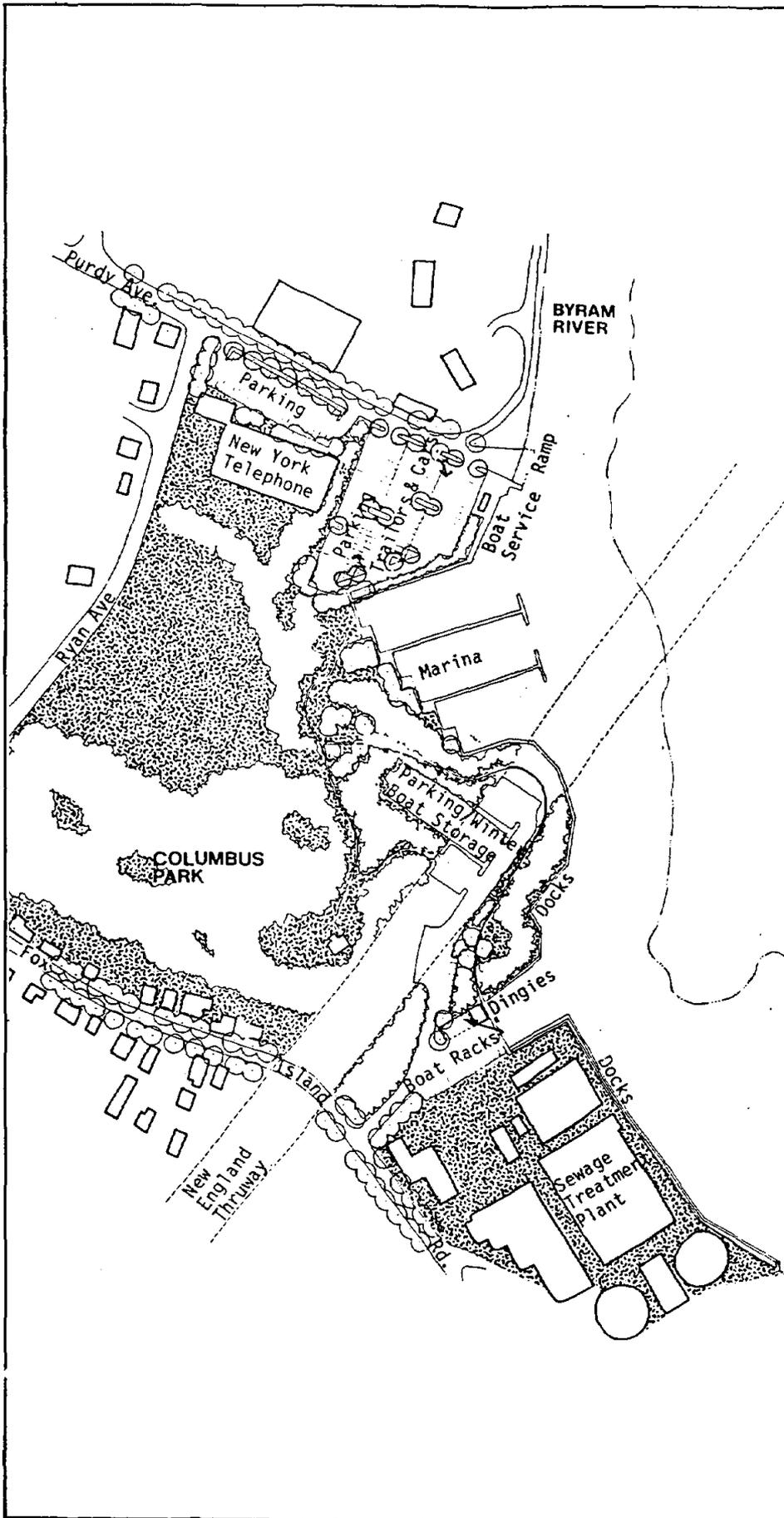
**FIGURE 17**  
**WATERFRONT**  
**RECREATION**  
**OPPORTUNITIES**  
**LWRP**  
**Village of**  
**Port Chester,**  
**New York**

-  Study Area Boundary
-  Docks
-  Water Front Open Space
-  Existing Water Dependent or Water Enhanced Uses

0 1000'   
 Buckhurst Fish Hutton Katz

FIGURE 18  
 COLUMBUS PARK  
 MARINA PHASE I

LWRP  
 Village of  
 Port Chester,  
 New York



development of the Harborfront Redevelopment area. The LWRP recommends that this be provided if determined feasible by the Village and the developer.

Complications concerning riparian rights of property owners in Greyrock and possible environmental concerns may also affect the practicality of this action. The LWRP recommends that as the need grows, further study of potential dredging be completed.

(b) **Parking**

The first phase of marina development includes two main parking areas totaling about 285 parking spaces, or about 1.3 parking spaces per boat. About 80 of these spaces near the boat ramp can also be utilized for 40 drive-through car and trailer spaces.

About 70% of Phase I parking is located near the north cove. The plan requires utilization of the existing tank farm property and a paved storage/parking area next to New York Telephone that currently appears to be underutilized.

Parking at the south cove is provided primarily beneath I-95. The general layout shown on the attached plan is only a schematic approximation due to potential complications with pylons and steep slopes.

For the second phase of development, two potential parking expansion areas are indicated for each cove. Although actual future plans should be based on use patterns established during the first phase, it is thought that the proposed parking area off Fox Island Road may be critical since the south cove would have the greatest increase in the number of boats with the expanded rack storage system.

Since this area is included in the Harbor Redevelopment Area, the LWRP recommends that consideration in that plan be given to future parking needs for the Columbus Park Marina.

(c) **Recreation Development**

A trail system shall be developed during the first phase linking the two coves, Columbus Park facilities and any pedestrian ways designed for the Harborfront Redevelopment Area. This would require a pedestrian path in addition to the docks along the water's edge by the sewage treatment plant. Near the park, opportunities for overlooks shall be developed with selective clearing of vegetation. Picnic areas by both coves shall be provided. During Phase I, the knoll overlooking the south cove and a large flat area by the top of the north cove will provide diverse picnic sites. The north cove picnic site shall also be maintained as a large lawn area for sunbathing. In Phase II, this picnic area will be relocated to an overlook as the low site is redeveloped for a structural facility.

During the second phase of the marina development, the existing playground in Columbus Park will be extensively redeveloped. A nautical theme playground could be created to increase the link of the play area to the marina.

(d) Facilities

In the first phase of development, a boat service facility will be located adjacent to the boat ramp in the north cove. This facility would provide an office for the harbor, handling fees and regulatory operations in addition to selling gas and other services to boaters. A pump out station will be located along the docks by the Sewage Treatment Plant, given the advantages of such proximity.

The second phase proposes a larger service facility, to be located at the northwest corner of the north cove Marina. Although the actual mix of uses should be determined through a market study, it is thought that about a 4,500 square foot restaurant and a 3,000 square foot chandlery might occupy a two story building, with an outdoor terrace on the top floor. The site layout shown for this facility retains some of the lawn area in front, but as noted above, the Phase I picnic area is relocated.

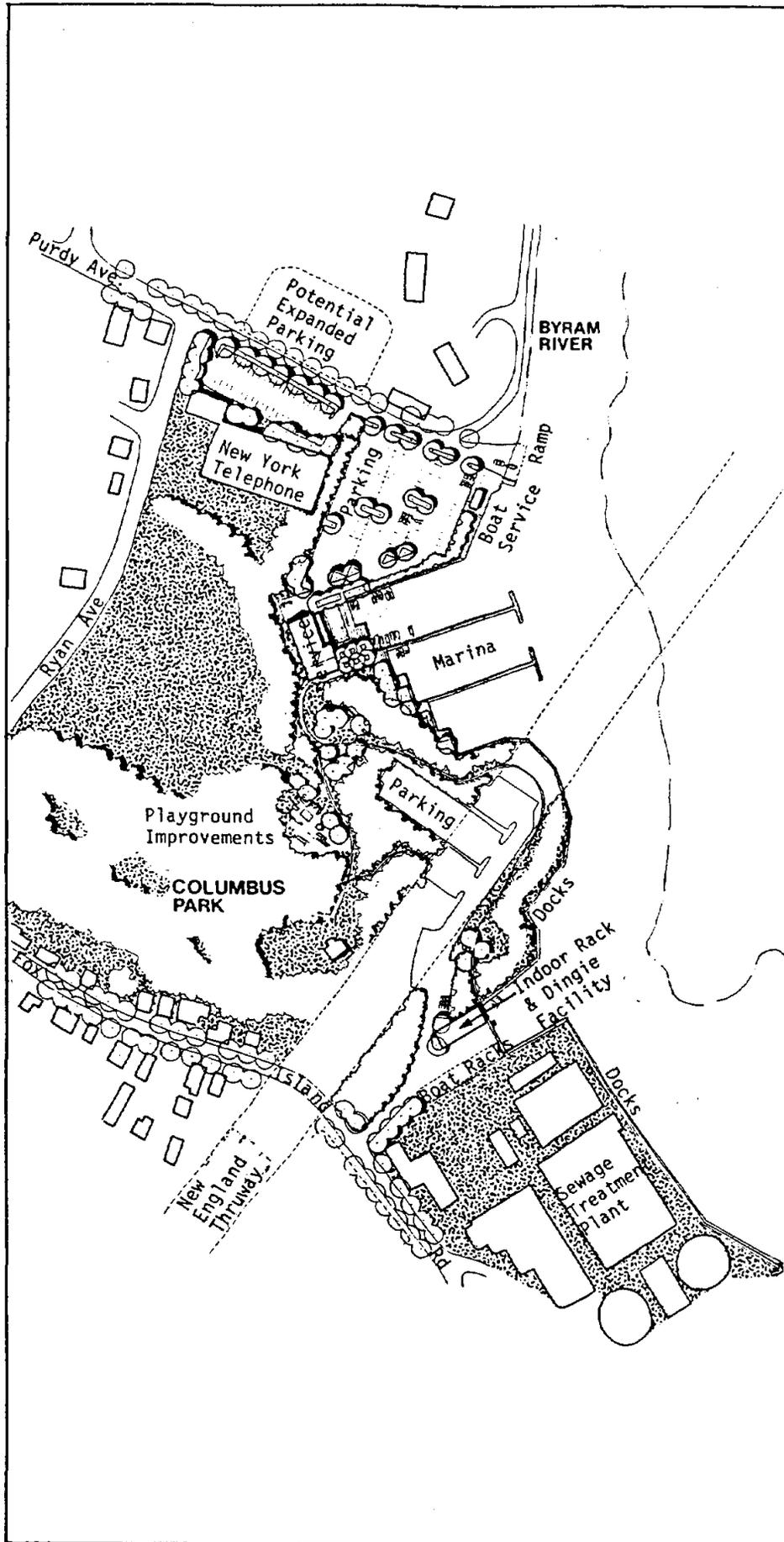
#### 4.5 William James Memorial Park

Along North Main Street a unique opportunity exists to create both an entranceway into Port Chester and a neighborhood waterfront park. Currently, a mixture of uses occupy a narrow strip of land from Edison to the Putnam Avenue Bridge. The northern part of this strip is particularly beautiful for several reasons: the River is slightly wider in this section; small islands have formed near the bridge that increase the visual diversity, as well as attract numerous birds; and the Greenwich side of the river is a natural wooded strip. The northern tip of this strip in Port Chester already includes the newly-renovated pump house and park.

This site presents several challenges for park development. First, the land itself is too narrow to provide for significant active recreation. Secondly, the traffic on North Main will have both an audible and visual impact on the park area, particularly along the street edge. And thirdly, despite the fact that this is one of the most scenic areas along the Byram River, the water itself is still narrow.

Development must maximize long views up the river, as well as create smaller activity areas so that the actual land and water areas have a better proportional relationship to each other. Within this framework, the park design must provide needed facilities for the neighborhood and Village, as well as waterfront access.

**FIGURE 19**  
**COLUMBUS PARK**  
**MARINA**  
**PHASE I & II**  
**LWRP**  
**Village of**  
**Port Chester,**  
**New York**



0 250'

Buckhurst Fish Hutton Katz

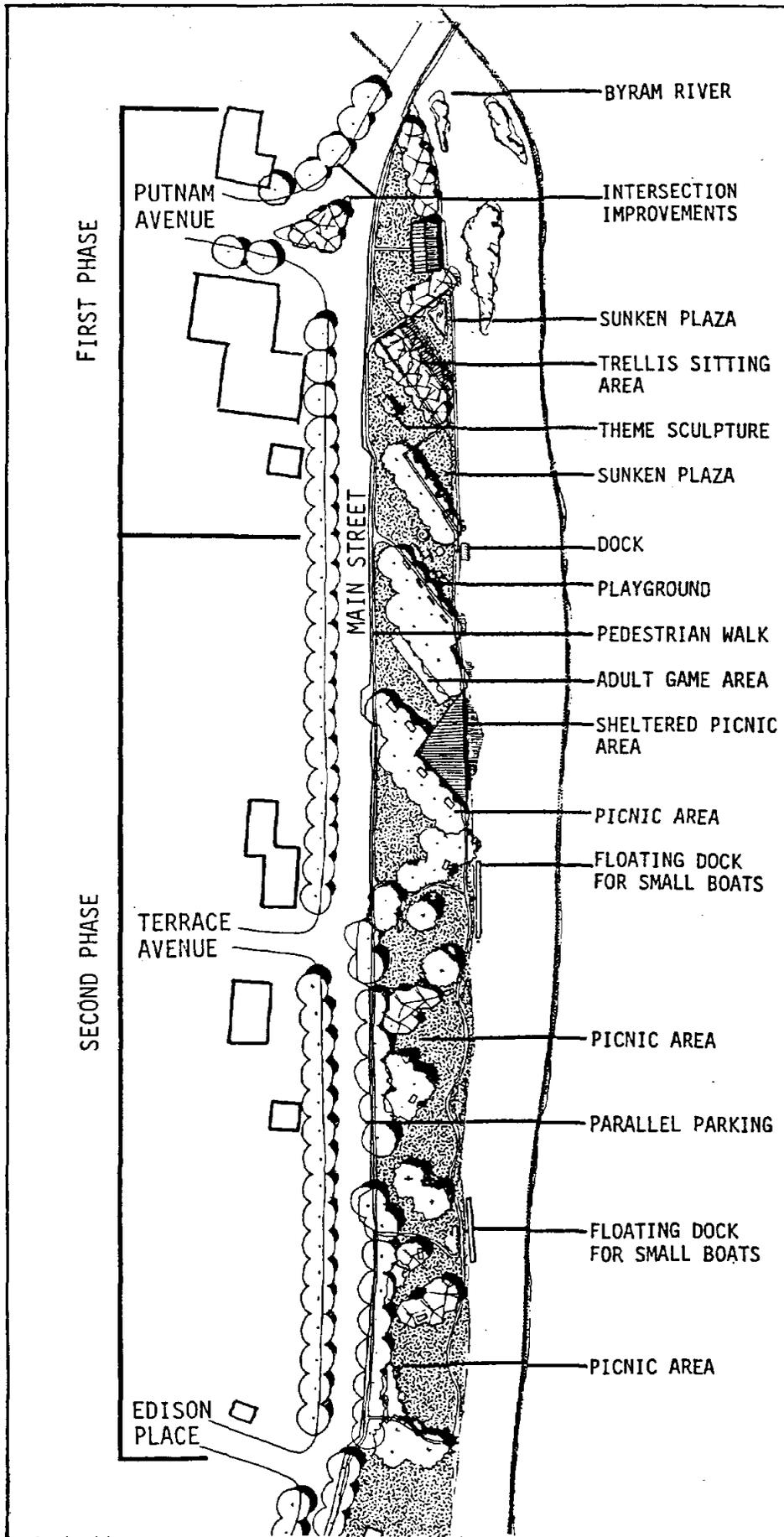


FIGURE 20  
WILLIAM JAMES  
MEMORIAL PARK

LWRP  
Village of  
Port Chester,  
New York

0 150'   
Buckhurst Fish Hutton Katz

The William James Memorial Park plan (See Figure 20) addresses these key elements in the following way:

- The major development areas are located away from the street with a landscaped buffer to minimize visual impact. Depressed terraces will help minimize noise while allowing users to be closer to the water. Angled view corridors from the street are retained to properly allow for security surveillance.
  - The park is divided into small "rooms", proportioned to increase the scale of the water area in relation to each space. Angles are oriented toward the view up the river of the islands and the wooded Greenwich side of the river.
  - Both the overall design and the various facilities are planned to provide a diverse experience. The northern part of the park is formally designed to relate to the pumphouse while the southern section is more naturalistic. Both passive and active recreation areas will be provided to the extent possible. A more detailed description of each feature follows for each phase of development.
- a. Phase I

The first phase extends the pump house mini park, at the end of North Main Street, south about 300 feet. The extension would allow two small park spaces to be created. These two spaces would each be sunken plazas to allow the user to be closer to the water level. Both areas utilize an angled orientation to create the best views of the small islands.

The northern-most space includes a water feature to enhance the water front character. A small gold fish pond with lilies would be appropriate. A vine-covered, shaded trellis with benches below would provide an excellent viewing place for both the pond and islands. Behind this trellis, a double row of flowering trees would occupy a higher level terrace that would create a buffer from the street.

The second sunken plaza, to the south, would simply be a lawn area for sunning. Flowering shrubs would be used against the retaining wall to enclose the user in a sea of green. A row of shade trees would be used as a buffer from the street, as well as providing shade from the afternoon sun.

Between these two terraces, next to Main Street, a theme sculpture is recommended. The figure should relate to the waterfront. It's size should be large enough to attract attention to the park.

b. Phase II

Phase II includes a playground, adult game area (bocci, horse shoes, etc.), a sheltered picnic structure, picnic areas, and several small boat docks. A pedestrian path runs continuously along the water's edge with connections to the street every two or three hundred feet.

Parallel parking for about 40 cars is developed on the east side of North Main during Phase II. The long strip of cars, however, is broken by landscaped nodes to create a stronger identity of this parking with the park. Phase I, being a smaller park, relies on existing parking on the west side of the street.

c. Landscaping

The northern section of the park has a more formal planting scheme to relate to the pump house building. The area immediately around the pump house should have ornamental trees to highlight this end of the park as a gateway. The southern section of the park is naturalistic to provide many niches for picnic spots.

Landscaping of the North Main/Putnam Avenue intersection is extremely important for creating a gateway into Port Chester. The paved "island" provides an excellent opportunity for a centerpiece. Street tree planting is of key importance here, as well.

#### 4.6 Gateway Vestpocket Park

Port Chester's central business district, which is situated almost entirely within the coastal zone boundary, is defined to the north by the Metro North railroad overpass. This trestle serves as a physical barrier which effectively demarcates the northern extent of the downtown area. North of this barrier, the pattern of land use changes dramatically and reflects a variety of mixed uses. The Landmark Condominium dominates the land use in this area.

The Village proposes to capitalize on this natural barrier created by the elevated embankment of the railroad, as many communities do, to create a multi-functional facility which will serve as the gateway to the newly revitalized central business district and coastal zone. See Figure 21.

a. Gateway Park

An opportunity exists to provide a facility which will introduce passerbys to the revitalization efforts undertaken in the Village's downtown and coastal zone. This opportunity exists in the form of the creation of a "gateway park". This modest facility will help to define the edge of a new vibrant downtown from a physical and aesthetic perspective. The development of this park will create a distinct separation in the divergent patterns of land use that exist in the area.

The gateway park is a well established element in urban design. Many of Port Chester's neighboring communities boast of similar gateway parks which are similarly situated adjacent to the railroad.

b. Vest Pocket Park

The provision of functional open space is vitally important to the successful implementation of the LWRP. It has been established that according to today's commonly accepted open space standards, the central eastern portion of the Village is clearly lacking in open space opportunities.

The increasing emphasis on residential use in this area of the Village has compounded the need to provide open space. Acknowledging the realization that the Village must address the shortage in open space, the gateway park can play an important second role as a small passive park. Unique landscaping and design will create a welcome patch of open space in an area which is virtually devoid of parkland.

c. Transportation Node

The proposed park's location at the entrance to the central business district and the coastal zone, and adjacent to a new major residential development, make the site uniquely suited to serve as a regional transportation node. The park would support a bus stop and shelter to accommodate the Westchester County Bee Line transit service, as well as the County's specialized demand responsive paratransit service. The site would also support a taxi stand.

d. Design

The design concept for the park reflects a modestly landscaped passive open space area which incorporates a functional element, the transportation node. The focal point of the site's landscaping are several

outstanding specimen trees. These trees, proposed as weeping willow, horse chestnut or norway maple, will be located in the center of the site and will provide the landscaped centerpiece for the site.

Two other associations of smaller trees will be planted on the site. A number of moderately sized, hardy deciduous trees, such as pin oak or little leaf linden will be planted along the perimeter of the site. These trees will help to define the boundary of the site, add some vegetation diversification and help to screen adjacent land uses.

The second group of plantings will consist of evergreen trees, such as white pine or blue spruce. These trees will afford year around color, and will screen neighboring land uses.

With the exception of mulched areas around plantings, and brick areas, the entire site will be planted with lawn grass. A decorative iron fence atop a stone or brick retaining wall will separate the site into two distinct areas, and will address the change in elevation of the property.

#### **4.7 Affordable Housing Project**

Subarea III contains the most diverse mix of land use in the coastal zone. Moving to the west across the subarea, away from the industrial uses along the river, the subarea begins to reflect a more residential character. This pattern of land use is reinforced by existing public housing facilities.

In an effort to strengthen this sense of neighborhood, and to provide much needed affordable housing opportunities, a parcel on the corner of Purdy and Traverse Avenues has been selected as the site for an affordable housing urban renewal project. It is anticipated that this project will reinforce the residential neighborhood and help to further define this portion of Subarea III as a transitional area between the R-2F two-family neighborhood, to the south, and the downtown and the Marina Redevelopment Project to the north. See Figure 22.

The project will provide 63 dwelling units in a mix of unit types ranging from approximately 9 studio, 27 one bedroom, 13 two bedroom and 14 three bedroom units. Approximately 36 of the 63 units will be reserved for elderly citizens of limited resources. The remainder will be devoted to family housing.

The total development will provide for approximately 9,300 sq. ft. of retail space, a deck supporting parking for approximately 100 vehicles, and the units on 3 to 4 levels above the deck. The 63 units will range in size from 575 sq. ft. to 1,050 sq. ft.

FIGURE 21  
GATEWAY  
VESTPOCKET PARK

LWRP  
Village of  
Port Chester,  
New York

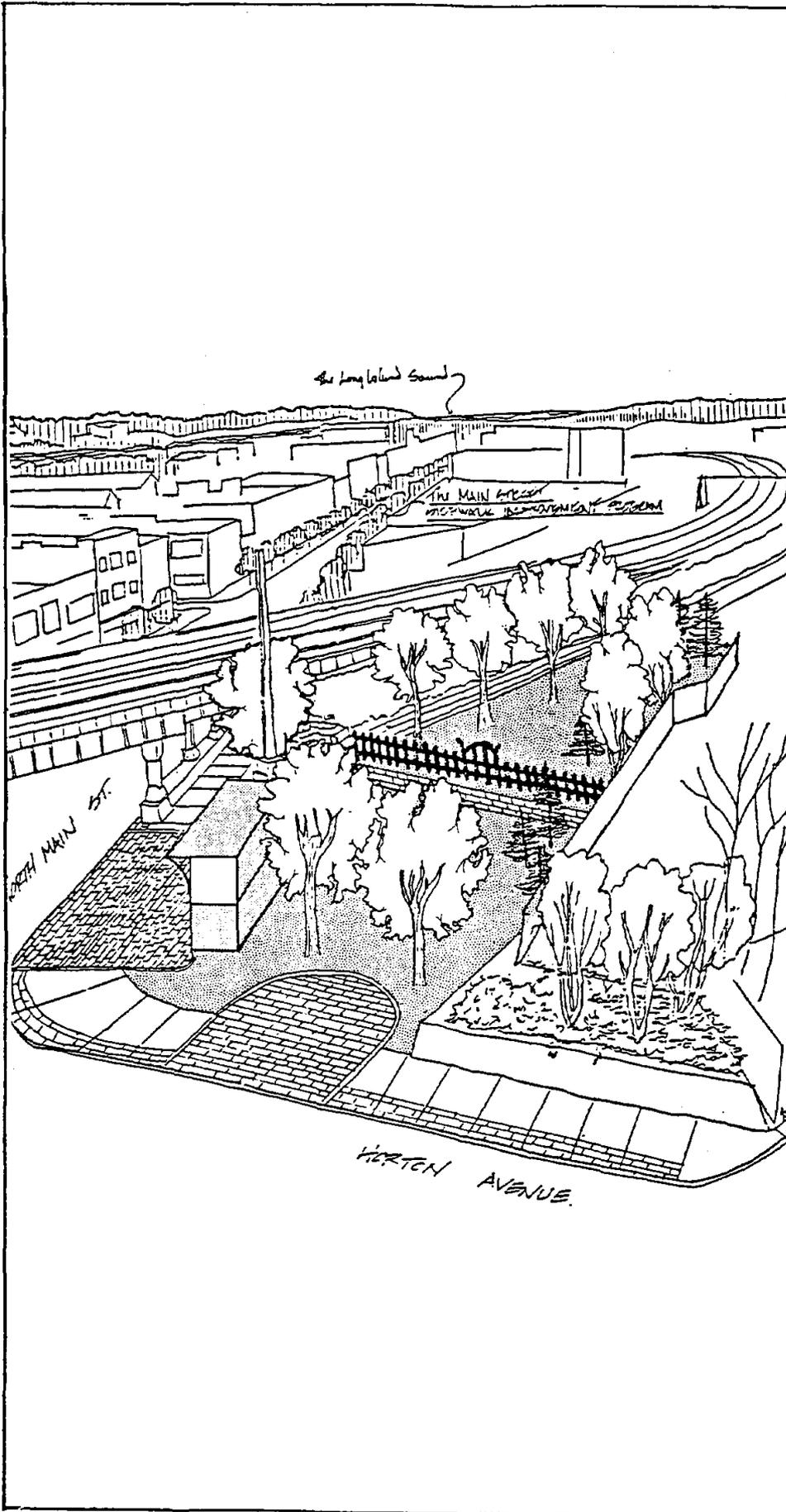
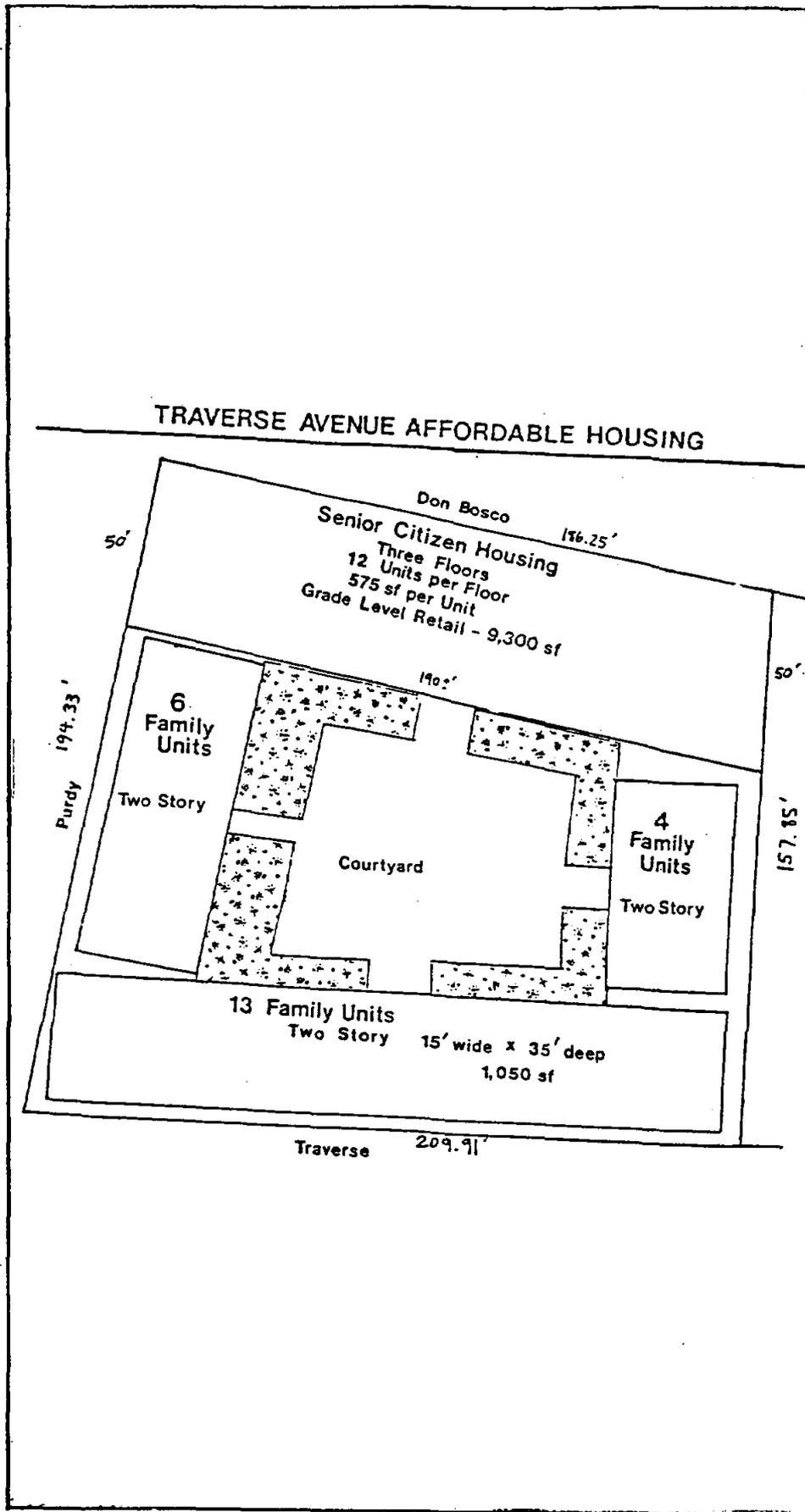


FIGURE 22  
AFFORDABLE  
HOUSING PROJECT

LWRP  
Village of  
Port Chester,  
New York



**SECTION V**  
**TECHNIQUES FOR LOCAL IMPLEMENTATION**

## 5.1 Local Laws and Regulations Necessary to Implement LWRP

The following is a summary of the existing local laws and portions of Village Code which relate to implementation of the LWRP. The relationship of this legislation to the LWRP policies is shown on the chart on page V-7.

### A. Port Chester Zoning Code (Section 98)

#### 1. Design Waterfront District (DW Zone)

The expanded DW district which encompasses all of Subarea III classifies all uses as special exceptions. As a result, these uses are required to meet the special exception use standards and the environmental performance standards established for the DW district. This allows stronger controls to ensure compatibility of uses and environmental protection of coastal resources in Subarea III.

#### 2. Design Waterfront Overlay District (DW(a))

The DW (a) district provides a waterfront district comprised of water-dependent uses or water-enhanced uses with water-dependent accessory uses which comply with environmental performance standards.

#### 3. Map Change in Brooksville Area from C4 to RA/C

The RA/C overlay district provides for neighborhood residential, commercial and public open space land uses on sites capable of supporting these uses.

#### 4. Urban Renewed Plans

Zoning will be changed, as part of the proposed revisions to the Harbor, Marina and Village Center Urban Renewal Plans.

### B. Port Chester Urban Renewal Plans

Port Chester has positioned itself to employ its powers of eminent domain to address the problems occurring on underutilized land resources. Through this power, the Village can assemble feasible development sites which will attract private financing. The resulting benefit to the community will take the form of extensive waterfront public recreational and public access opportunities and facilities which would not be created in the absence of the urban renewal incentives.

1. Harbor Area Redevelopment Plan

The Harbor Area Urban Renewal Redevelopment Plan allows for medium density residential development, with water-dependent and water-enhanced accessory uses, including a private boat facility and commercial uses. Required public waterfront amenities include a publicly accessible waterfront walkway, public open space, a community boating facility and parking. Development design standards are also set forth. The Harbor Area Redevelopment Plan implements the LWRP by replacing a number of underutilized and non-water-dependent uses with development that brings water-dependent and water-enhanced uses to the waterfront and creates extensive public recreation and public access opportunities which do not presently exist.

2. Marina Redevelopment Plan

The Urban Renewal Plan shall require waterfront public amenities in conjunction with any private redevelopment effort. The required public amenities shall include, but not be limited to, maintenance and expansion of the existing public marina, replacement of bulkhead, construction of walkway, public open space, and shared parking.

These improvements are necessary to embellish Port Chester's waterfront location and use it as an asset for downtown development. Land use controls shall encourage water-enhanced uses, general retail, professional office, and high density residential development. There will be considerable flexibility in yard requirements with the waterfront setback as the only regulatory control.

3. Village Center Redevelopment Plan

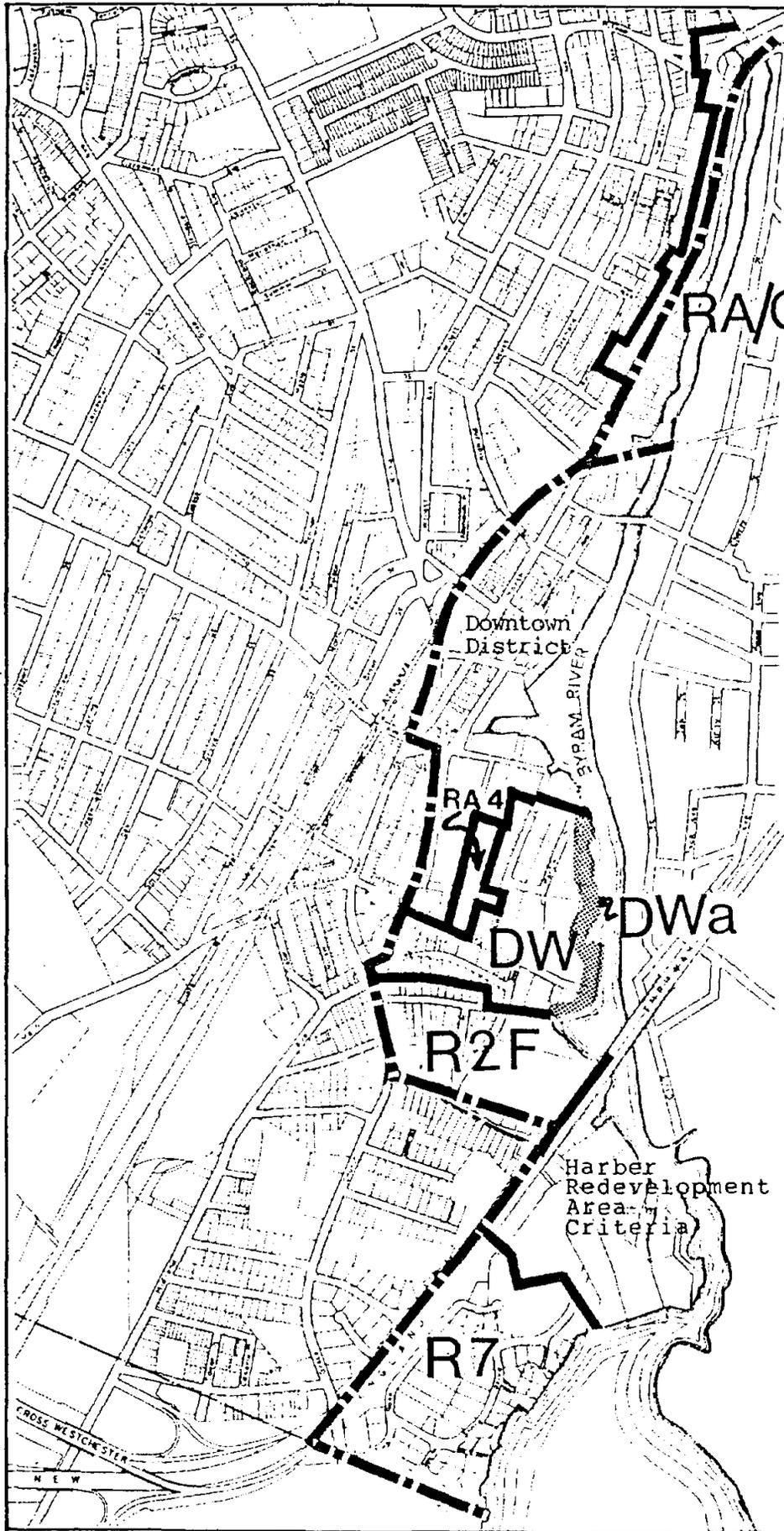
The Village Center Plan covers extensive areas which have no relationship to the waterfront. No changes are proposed for these areas. However, the area between Westchester Avenue and Purdy Avenue from the high water mark to Townsend Street will include both sides of Westchester Avenue as part of the Marina Redevelopment Area Plan for a retail/residential center. Further, the remaining area extending to Purdy Avenue includes land use controls consistent with the DW zone.

C. Flood Plain Regulation

Floodplain regulations are incorporated as Chapter 39 of the Village Code. This section regulates development within Flood Hazard Areas as defined on the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency.

**LAND USE REGULATIONS  
AND LOCAL LAWS  
FOR LWRP SUBAREAS**

<u>Code of the Village of Port Chester Local Laws and Regulations</u>	<u>Subareas</u>				
<b><u>A. Zoning &amp; Land Use:</u></b>	<b>I</b>	<b>II</b>	<b>III</b>	<b>IV</b>	<b>V</b>
R-7 Zone	X				
DW Zone			X		
DW (a) Zone					X
RA/C Zone		X			
Harbor URP		X			
Marina URP				X	
Floodplain Reg's	X	X	X	X	X
Site Plan Reg's	X	X	X	X	X
Sewer Law	X	X	X	X	X
<b><u>B. Administrative</u></b>					
Boating Law	X	X	X	X	X
Waterfront Comm.	X	X	X	X	X
Consistency	X	X	X	X	X



**FIGURE 23**  
**PROPOSED ZONING**

LWRP  
Village of  
Port Chester,  
New York

- R7** One Family Residence
- R2F** Two Family Residence
- RA4** Multi-Family Residence.
- RA/C** Multi-Family Residence/  
Neighborhood Commercial
- DW** Design Waterfront
- DWa** Design Waterfront Overlay

0 1000'   
Buckhurst Fish Hutton Katz

These regulations implement those policies of the LWRP that address protection of the flood plain. The ordinance also implements and enforces the LWRP by outlining methods to utilize in assuring that "Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding..." (Policy 11) and recommending that non-structural means to minimize damage to property from flooding include "the setback of buildings and structures... and the floodproofing of buildings of their elevation above base flood level" (Policy 17).

D. Boating Ordinance

Chapter 17 of the Village's Code incorporates a series of regulations that address use of offshore waters, and coastal lands. This ordinance provides for the Port Chester Parks Department and Department of Public Works to regulate the Port Chester Marina and its operations. It is enforced by the Port Chester Police Department.

This ordinance addresses the following:

- prohibition of dumping waste;
- required use of pump-out facility;
- removal of improperly moored boats;
- safe operation of boats;
- speed limits;
- prohibition of water skiing;
- approval of the location, type, and adequacy of moorings to be placed within the harbor areas.

The local law assigns enforcement powers to the Harbor Master and harbor inspectors, establishes a system of mooring permits and inspection through the Village Clerk's office, establishes monetary fines for violation of all regulations, and provides for prohibition of boats within channel lines whether moored or affixed to docks.

E. Site Plan Review Procedure and Development Standards

The development plan review procedures are spelled out in Section 98-23 of the Village Code. Standards reflect best management practices in flooding, erosion, water resources, and scenic resources including vegetation. Site plan requirements have been developed by the Village that will also change current procedures to provide more control over future development. Major points include:

- A three phase submission requirement;
- Review criteria;

- Submission Standards;
- Site Development Standards;
- Miscellaneous Provisions

F. Sewer Ordinance

Chapter 73 of the Village Code provides standards and conditions for connecting to the Village's sanitary sewer system. This ordinance is particularly important in implementing Policies 30-44 (water and air resources).

G. Waterfront Commission

The Waterfront Commission is a reviewing and coordinating agency for actions occurring in the coastal area. The Waterfront Commission does not replace or duplicate the functions of the Trustees, the Planning Board or the Zoning Board of Appeals. The Commission's functions will include the following:

- The Waterfront Commission will make recommendations to Village agencies regarding the consistency of proposed actions in the Waterfront Revitalization Area;
- The Commission will regulate structures on or in the water within the municipal boundaries of the Village. Guidelines for pier and wharf construction located in Chapter 17 of the Village Code, may be supplied by the commission to property owners or developers with a building permit application for waterfront property. The Commission will make recommendations to the appropriate Village agency as to the consistency of a proposed permit action with the provisions of the LWRP.
- The Commission will act in an advisory capacity to the Board of Trustees in overall waterfront policies.

H. Waterfront Consistency Review Law

The Waterfront Consistency Review Law sets forth the procedures for implementing the Village's Local Waterfront Revitalization Program including the responsibilities of the Waterfront Commission. The law establishes the following:

- Waterfront Commission's responsibilities;
- Coastal action review procedures;
- Policy standards and conditions;
- Exceptions and negative actions

## **5.2 Other Public and Private Actions Necessary to Implement The LWRP**

### **A. Local Government Actions Necessary To Implement LWRP**

Local government actions include the work of Village Agencies and the Village's implementation of proposed projects within the coastal area.

1. Harbor Redevelopment Project - The Village Board must proceed with the Harbor Urban Renewal Project in order to have a public marina constructed with private capital. If the Village does not proceed with the redevelopment of the site, it may create a public facility either through the condemnation of a lease with the Port Chester Yacht Club or by waiting out the expiration of the lease. Any subsequent leases which did not provide for boating and full access by the general public would be contrary to the policies of the LWRP.
2. Expansion of Columbus Park and the Columbus Park Marina - Providing access from Columbus Park to the waterfront at the proposed marina site as indicated in Figures 23 and 24 (Columbus Park Marina Plan). Funding for the marina and park expansion project is provided by an Environmental Quality Bond Act Grant, and municipal bonds.
3. William James Memorial Park - providing for a neighborhood waterfront park as indicated in Figure 24 will be pursued subsequent to completion of the LWRP.
4. Streetscape Improvements - will be coordinated with private development to follow the general plan for improvements in regard to trees and signage by the Planning Commission.
5. Internal Coordination - For the Waterfront Commission to serve as the coordinator of the implementation of the LWRP, a procedure to refer all coastal matters to the Commissions will be established (see Management Section 5.3).

### **B. Private Actions Necessary To Implement LWRP**

1. Development of the Harbor Redevelopment site with provisions for public use of and access to the waterfront.
2. Development of the Marina Redevelopment area with provisions for a water's edge promenade and open space/plaza areas.

### **5.3 Management Structure Necessary To Implement the LWRP**

#### **A. Agencies**

The Board of Trustees shall be the lead agency responsible for implementation of the Local Waterfront Revitalization Program. Implementation of the Program is to be accomplished through the previously identified projects and local laws, together with the review procedure whereby local permitting authorities (primarily the Board of Trustees, the Board of Appeals and the Planning Commission) will take into consideration and make determinations regarding the consistency of proposed actions with the policies of the Program. Prior to such determinations being made by permitting authorities, proposed actions in the coastal zone will be referred to the Waterfront Commission for its review and comment and this comment will be considered by the permitting authorities when making determinations of consistency.

All agencies of the Village will maintain their present responsibilities for programs, projects, and regulation. The Waterfront Commission will act in an advisory capacity to review and make recommendations to the Board of Trustees on any application in the LWRP zone, including dredging or construction of any structure in the water under the Village's jurisdiction, or any proposal to alter the shoreline.

The Waterfront Commission and the Harbor Master, in addition to federal and State authorities, shall regulate boating in Village waters. The Planning Board will retain its function to review and approve any land use plans or proposals within the coastal area, including the review of uses affecting tidal wetlands. The Board of Trustees has the authority to approve and fund (or secure funding for) specific improvements necessary to implement the LWRP.

#### **B. Waterfront Commission**

The agency for the management of the LWRP will be the Waterfront Commission. The local official responsible for overall management and coordination of the LWRP will be the Chairperson of the Waterfront Commission.

The Waterfront Commission will assume the role of reviewing all public and private proposals for development or regulations in the Waterfront Revitalization Area and, where appropriate, make recommendations to responsible agencies to assure consistency with the LWRP.

The Commission will also be responsible for making its own proposals to various agencies for projects or programs that it believes to be important to the implementation of the LWRP.

C. Procedures To Assure Local Actions Comply With LWRP

Any proposed action within the LWRP boundary will be referred by the administering agency to the Waterfront Commission for its recommendations on consistency with the LWRP. The Commission shall render its written recommendations within 15 days of receipt of referral to the Secretary of the Waterfront Commission, unless extended by mutual agreement of the Commission and the applicant, or in the case of a direct action, the agency. The Commission shall refer to the Board of Trustees any actions which upon their review may be inconsistent with the approved Local Waterfront Revitalization Program for final determination. All other actions shall be referred directly to the local board, commission, or department having authority over the action. The recommendation shall indicate whether, in the opinion of the Commission, the proposed action is consistent or inconsistent with one or more of the LWRP policy standards or conditions.

Upon receipt of a proposed action from a Village agency, the Waterfront Commission will be responsible for evaluating the proposed action against the policies and purposes of the LWRP.

If the Commission cannot identify any inconsistencies between the proposed action and the applicable policies and purposes of the LWRP, it shall inform the agency, in writing, of its finding of consistency. Upon receipt of the Commission's finding of consistency, and the agency's own finding of consistency, the agency may proceed with the implementation of the action.

If the Commission notifies the agency, in writing, that the proposed action is consistent with the policies and/or purposes of the LWRP, the agency will prepare its own written finding based on the Commission's recommendation, the Coastal Assessment Form, and other pertinent information. If the agency determines that the action is inconsistent, it shall not proceed with the action unless the following four (4) conditions are met:

1. No reasonable alternatives exist which would permit the action to be undertaken in a manner which will not substantially hinder the achievement of such LWRP policy standards and conditions;
2. The action would be undertaken in a manner which will minimize all adverse effects on such LWRP policy standards and conditions to the maximum extent practicable;

3. The action will advance one or more of the other coastal policies; and
4. The action will result in an overriding Village, regional or State-wide public benefit.

If the agency determines that the action is consistent, it can proceed with the action once it makes a detailed written account, as part of its finding, describing why its determination disagrees with the Commission's recommendations.

D. Procedures To Review Federal Actions For Consistency With LWRP

1. Direct Actions

- a. After acknowledging the receipt of a consistency determination and supporting documentation from a federal agency, the NYS Department of State (DOS) will forward copies of the determination and other descriptive information on the proposed direct action to the program coordinator\* and other interested parties.
- b. This notification will indicate the date by which all comments and recommendations must be submitted to DOS and will identify the Department's principal reviewer for the proposed action.
- c. The review period will be about twenty-five (25) days. If comments and recommendations are not received by the date indicated in the notification, DOS will presume to agreeing or disagreeing with the federal agency's consistency determination on the proposed direct action.
- d. If DOS does not fully concur with and/or has any question on the comments and recommendations submitted by the municipality, DOS will contact the municipality to discuss the differences of opinion or questions prior to agreeing or disagreeing with the federal agency's consistency determination on the proposed direct action.
- e. A copy of DOS' "agreement" or "disagreement" letter to the federal agency will be forwarded to the local program coordinator.

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\* Program coordinator shall refer to the Director of the Office of Planning & Development or his designee.

2. Permit and License Actions

- a. DOS will acknowledge the receipt of an applicant's consistency certification and application materials. At that time, DOS will forward a copy of the submitted documentation to the program coordinator and will identify the Department's principal reviewer for the proposed action.
- b. Within thirty (30) days of receiving such information, the program coordinator will contact the principal reviewer for DOS to discuss: (a) the need to request additional information for review purposes; and (b) any possible problems pertaining to the consistency of a proposed action with local coastal policies.
- c. When DOS and the program coordinator agree that additional information is necessary, DOS will request the applicant to provide the information. A copy of the information will be provided to the program coordinator upon receipt.
- d. Within thirty (30) days of receiving the requested additional information or discussing possible problems of a proposed action with the principal reviewer for DOS, whichever is later, the program coordinator will notify DOS of the reasons why a proposed action may be inconsistent or consistent with local coastal policies.
- e. After that notification, the program coordinator will submit the municipality's written comments and recommendations on a proposed permit action to DOS before or at the conclusion of the official public comment period. If such comments and recommendations are not forwarded to DOS by the end of the public comment period, DOS will presume that the municipality has "no opinion" on the consistency of the proposed action with local coastal policies.
- f. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality on a proposed permit action, DOS will contact the program coordinator to discuss any differences of opinion prior to issuing a letter of "concurrence" or "objection" letter to the applicant will be forwarded to the program coordinator.
- g. A copy of DOS' "concurrence" or "objection" letter to the applicant will be forwarded to the program coordinator.

3. Financial Assistance Actions

- a. Upon receiving notification of a proposed federal financial assistance action, DOS will request information on the action from the applicant for consistency review purposes. As appropriate, DOS will also request the applicant to provide a copy of the application documentation to the program coordinator. A copy of this letter will be forwarded to the coordinator and will serve as notification that the proposed action may be subject to review.
- b. DOS will acknowledge the receipt of the requested information and provide a copy of this acknowledgement to the program coordinator. DOS may, at this time, request the applicant to submit additional information for review purposes.
- c. The program coordinator must submit the municipality's comments and recommendations on the proposed action to DOS within twenty days (or other time agreed to by DOS and the program coordinator) from the start of the review period received within this period. If comments and recommendations are not received within this period, DOS will presume that the municipality has "no opinion" on the consistency of the proposed financial assistance action with local coastal policies.
- d. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality, DOS will contact the program coordinator to discuss any differences of opinion or questions prior to notifying the applicant of DOS' consistency decision.
- e. A copy of DOS' consistency decision letter to the applicant will be forwarded to the program coordinator.

E. Procedures To Review State Actions For Consistency With LWRP

1. Purposes of Guidelines

- a. The Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Article 42 of the Executive Law) and the Department of State's regulations (19NYCRR Part 600) require certain State agency actions identified by the Secretary of State to be consistent to the maximum extent practicable with the policies and purposes of approved Local Waterfront Revitalization Programs (LWRPs). These guidelines are intended to assist State agencies in meeting that statutory consistency obligation.

- b. The Act also required that State agencies provide timely notice to the situs local government whenever an identified action will occur within an area covered by an approved LWRP. These guidelines describe a process for complying with this notification requirement. They also provide procedures to assist local governments in carrying out their review responsibilities in a timely manner.
- c. The Secretary of State is required by the Act to confer with State agencies and local governments when notified by a local government that a proposed State agency action may conflict with the policies and purposes of its approved LWRP. These guidelines establish a procedure for resolving such conflicts.

2. Procedures

State agencies will complete a State Coastal Assessment Form (CAF) for any particular action directly undertaken, funded, permitted, or otherwise approved within the Village's LWRP area. The State CAF shall be submitted to the Waterfront Commission. The Waterfront Commission will comment as necessary, first to local agencies and then to the State agency regarding consistency with the Village LWRP.

Where there are problems with consistency, the Village will advise the State agency involved and the Department of State. Village agencies will make themselves available to pursue resolution of differences, as appropriate.

The following procedure applies whenever the Village has notified the State agency and Secretary of State that a proposed action conflicts with the policies and purposes of the LWRP.

- a. Upon receipt of notification from the Village that a proposed action conflicts with its LWRP, the State agency should contact the program coordinator to discuss the content of the identified conflicts and the means for resolving them. A meeting of the State agency and Village representatives may be necessary to discuss and resolve the identified conflicts. This discussion should take place within thirty (30) days of the receipt of a conflict notification from the Village.
- b. If the discussion between the Village and the State agency results in the resolution of the identified conflicts, the State agency can then proceed with its consideration of the proposed action in accordance with 19 NYCRR part 600. The Village shall notify the

State agency in writing, with a copy forwarded to the Secretary of State, that all of the identified conflicts have been resolved.

- c. If the consultation between the Village and the State agency does not lead to the resolution of the identified conflicts, either party may request, in writing, the assistance of the Secretary of State to resolve any or all of the identified conflicts. This request must be received by the Secretary within fifteen (15) days following the discussion between the Village and the State agency. The party requesting the assistance of the Secretary of State shall forward a copy of their request to the other party.
- d. Within thirty (30) days following receipt of a request for assistance, the Secretary or a Department of State official or employee designated by the Secretary, will discuss the identified conflicts and circumstances preventing their resolution with appropriate representatives from the State agency and Village.
- e. If agreement among all parties cannot be reached during this discussion, the Secretary shall, within fifteen (15) days, notify both parties of his/her finding and recommendations.
- f. The State agency shall not proceed with the proposed action until either the Secretary's findings and recommendations have been received or ninety (90) days from the date a notification of a conflict was received from the Village.

#### **5.4 Summary Chart of Actions Implementing Local Policies**

##### Policies 1, 1A-1E

##### **Regulatory Changes**

- Urban Renewal Plans
- Zoning Code
- Flood Plain Ordinance
- Site Plan Review Procedures and Standards

##### **Other Public Actions**

- Privately funded urban renewal redevelopment projects in LWRP area
- Use of Harbor Site land disposition funds for Columbus Park Public Marina
- Possible Acquisition and Relocation by Village within Urban Renewal Areas

##### **Private Actions**

- Private development within urban renewal areas

##### Policy 2

##### **Regulatory Changes**

- Urban Renewal Plans

- Zoning Code
- Policy 4 See Policy 1A-E
- Policy 5
- Sewer Ordinance Enforcement
- Policy 6
- Responsibility for coordinating and reviewing coastal area development
- Waterfront Commission
- Local Consistency Review procedures
- Policy 8
- Review of proposals through land use permitting procedures included in Zoning Ordinance
- Policy 9
- Urban Renewal Plans
- Review of proposals through land use permitting procedures included in Zoning Ordinance
- Development of Columbus Park Marina and expansion of Downtown Marina
- Policy 10
- Policy 11 through 14
- Flood Plain Management Ordinance Revisions
- Site Plan Review Procedures and Standards
- Policy 15
- Site Plan Review Procedures and Standards
- Policy 16 & 17
- Flood Plain Management Code
- Site Plan Review Procedures and Standards
- Policy 18
- Waterfront Commission
- Environmental Review
- Policy 19 through 22
- Regulatory Actions
- Urban Renewal Plans
- Zoning Code
- Waterfront Commission
- Public action
- Redevelopment projects within urban renewal areas
- Develop Columbus Park public marina
- Possible acquisition and relocation activities
- Private Actions
- Development approved urban renewal projects
- Creation of public use and access area as required by the plan
- Policy 23 & 25
- Architectural Review Board
- Site plan review procedures & standards
- Policy 27 Not Applicable
- Policy 29
- Zoning Code
- Policy 30
- Zoning Code
- Sewer Code Enforcement

- Site Plan Review Procedures and Standards

Policy 31

- Zoning Code

Policy 33

- Sewer Ordinance
- Site Plan Review Procedures & Standards

Policy 34

- Boating Code
- Waterfront Commission
- Development of Columbus Park Public Marina

Policy 36

- Zoning ordinance
- Implementation of Harbor Redevelopment Urban Renewal

Policy 37

- Zoning Code
- Sewer Code

Policy 39 through 40

- Sewer Code
- Zoning Code

Policy 41

- Zoning Code

Policy 42 Not Applicable

Policy 44 Not Applicable

**LOCAL LAW AND REGULATIONS RELATED TO LWRP POLICIES**

Policy No.	Policy Concern	N/A Policies	Zoning	Harbor Urban Renewal Plan	Marina Urban Renewal Plan	Village Center Urban/Re Plan	Flood Plain Ordinance	Site Plan Review Law	Sewer Ordinance	Boating Law	Waterfront Commission	LWRP Consistency
1	Development Policies		X	X	X	X						X
1A	"			X			X	X	X			X
1B	"			X			X	X	X			X
1C	"		X			X	X	X	X			X
1D	"		X		X	X	X	X	X			X
1E	"		X				X	X				X
2	"		X	X	X	X	X	X				X
3	"	N/A										X
4	"		X	X	X	X	X	X				X
5	"								X			X
6	"											X
7	Fish & Wildlife	N/A										X
8	"									X	X	X
9	"			X	X			X	X	X	X	X
10	"	N/A										X
11	Flooding and Erosion Hazards						X X	X X				X
12	"						X					X
13	"						X					X
14	"							X				X
15	"											X
16	"							X				X
17	"							X				X
18	General Policy											X
19	Public Access		X	X	X	X						X
20	"		X	X	X	X						X
21	"			X	X	X						X

## LOCAL LAW AND REGULATIONS RELATED TO LWRP POLICIES

Policy No.	Policy Concern	N/A Policies	Zoning	Harbor Urban Renewal Plan	Marina Urban Renewal Plan	Village Center Urban/Re Plan	Flood Plain Ordinance	Site Plan Review Law	Sewer Ordinance	Boating Law	Waterfront Commission	LWRP Consistency
22	"			X	X	X		X				X
23	Historic and Scenic Resources							X				X
24	"											X
25	"											X
26	"	N/A										X
27	Energy & Ice Management	N/A										X
28	"	N/A										X
29	"		X					X				X
30	Water & Air Resources		X					X	X			X
31	"		X									X
32	"	N/A										X
33	"							X	X			X
34	"			X							X	X
35	"											X
36	"			X				X				X
37	"							X				X
38	"	N/A										X
39	"		X	X		X						X
40	"		X									X
41	"		X									X
42	"		X									X
43	"	N/A										X
44	"											X

**SECTION VI**

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

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

The first part of this section identifies the actions and programs of State and Federal agencies which should be undertaken in a manner consistent with the LWRP. This is a generic list of actions and programs, as identified by the NYS Department of State; therefore, some of the actions and programs listed may not be relevant to this LWRP. Pursuant to the State Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42), the Secretary of State individually and separately notifies affected State agencies of those agency actions and programs which are to be undertaken in a manner consistent with approved LWRPs. Similarly, Federal agency actions and programs subject to consistency requirements are identified in the manner prescribed by the U.S. Coastal Zone Management Act and its implementing regulations. The lists of State and Federal actions and programs included herein are informational only and do not represent or substitute for the required identification and notification procedures. The current official lists of actions subject to State and Federal consistency requirements may be obtained from the NYS Department of State.

The second part of this section is a more focused and descriptive list of State and Federal agency actions which are necessary to further implementation of the LWRP. It is recognized that a State or Federal agency's ability to undertake such actions is subject to a variety of factors and considerations; that the consistency provisions referred to above, may not apply; and that the consistency requirements can not be used to require a State or Federal agency to undertake an action it could not undertake pursuant to other provisions of law. Reference should be made to Section IV and Section V, which also discuss State and Federal assistance needed to implement the LWRP.

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

**1. State Agencies**

**OFFICE FOR THE AGING**

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

**DEPARTMENT OF AGRICULTURE AND MARKETS**

- 1.00 Agricultural Districts Program  
2.00 Rural Development Program  
3.00 Farm Worker Services Programs.  
4.00 Permit and approval programs:  
  
4.01 Custom Slaughters/Processor Permit  
4.02 Processing Plant License  
4.03 Refrigerated Warehouse and/or Locker Plant License

**DIVISION OF ALCOHOLIC BEVERAGE CONTROL/STATE LIQUOR AUTHORITY**

- 1.00 Permit and Approval Programs:  
  
1.01 Ball Park - Stadium License  
1.02 Bottle Club License  
1.03 Bottling Permits  
1.04 Brewer's Licenses and Permits  
1.05 Brewer's Retail Beer License  
1.06 Catering Establishment Liquor License  
1.07 Cider Producer's and Wholesaler's Licenses  
1.08 Club Beer, Liquor, and Wine Licenses  
1.09 Distiller's Licenses  
1.10 Drug Store, Eating Place, and Grocery Store Beer Licenses  
1.11 Farm Winery and Winery Licenses  
1.12 Hotel Beer, Wine, and Liquor Licenses  
1.13 Industrial Alcohol Manufacturer's Permits  
1.14 Liquor Store License  
1.15 On-Premises Liquor Licenses

- 1.16 Plenary Permit (Miscellaneous-Annual)
- 1.17 Summer Beer and Liquor Licenses
- 1.18 Tavern/Restaurant and Restaurant Wine Licenses
- 1.19 Vessel Beer and Liquor Licenses
- 1.20 Warehouse Permit
- 1.21 Wine Store License
- 1.22 Winter Beer and Liquor Licenses
- 1.23 Wholesale Beer, Wine, and Liquor Licenses

## **DIVISION OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES**

- 1.00 Facilities, construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Certificate of approval (Substance Abuse Services Program)
- 3.00 Permit and approval:
  - 3.01 Letter Approval for Certificate of Need
  - 3.02 Operating Certificate (Alcoholism Facility)
  - 3.03 Operating Certificate (Community Residence)
  - 3.04 Operating Certificate (Outpatient Facility)
  - 3.05 Operating Certificate (Sobering-Up Station)

## **COUNCIL ON THE ARTS**

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

## **DEPARTMENT OF BANKING**

- 1.00 Permit and approval programs:
  - 1.01 Authorization Certificate (Bank Branch)
  - 1.02 Authorization Certificate (Bank Change of Location)
  - 1.03 Authorization Certificate (Bank Charter)
  - 1.04 Authorization Certificate (Credit Union Change of Location)
  - 1.05 Authorization Certificate (Credit Union Charter)
  - 1.06 Authorization Certificate (Credit Union Station)

- 1.07 Authorization Certificate (Foreign Banking Corporation Change of Location)
- 1.08 Authorization Certificate (Foreign Banking Corporation Public Accommodations Office)
- 1.09 Authorization Certificate (Investment Company Branch)
- 1.10 Authorization Certificate (Investment Company Change of Location)
- 1.11 Authorization Certificate (Investment Company Charter)
- 1.12 Authorization Certificate (Licensed Lender Change of Location)
- 1.13 Authorization Certificate (Mutual Trust Company Charter)
- 1.14 Authorization Certificate (Private Banker Charter)
- 1.15 Authorization Certificate (Public Accommodation Office - Banks)
- 1.16 Authorization Certificate (Safe Deposit Company Branch)
- 1.17 Authorization Certificate (Safe Deposit Company Change of Location)
- 1.18 Authorization Certificate (Safe Deposit Company Charter)
- 1.19 Authorization Certificate (Savings Bank Charter)
- 1.20 Authorization Certificate (Savings Bank De Novo Branch Office)
- 1.21 Authorization Certificate (Savings Bank Public Accommodations Office)
- 1.22 Authorization Certificate (Savings and Loan Association Branch)
- 1.23 Authorization Certificate (Savings and Loan Association Change of Location)
- 1.24 Authorization Certificate (Savings and Loan Association Charter)
- 1.25 Authorization Certificate (Subsidiary Trust Company Charter)
- 1.26 Authorization Certificate (Trust Company Branch)
- 1.27 Authorization Certificate (Trust Company-Change of Location)
- 1.28 Authorization Certificate (Trust Company Charter)
- 1.29 Authorization Certificate (Trust Company Public Accommodations Office)
- 1.30 Authorization to Establish a Life Insurance Agency
- 1.31 License as a Licensed Lender
- 1.32 License for a Foreign Banking Corporation Branch

#### **NEW YORK STATE BRIDGE AUTHORITY**

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

#### **DEPARTMENT OF CORRECTIONAL SERVICES**

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

## **DORMITORY AUTHORITY OF THE STATE OF NEW YORK**

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

## **DEPARTMENT OF ECONOMIC DEVELOPMENT**

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

## **EDUCATION DEPARTMENT**

- 1.00 Facilities construction, rehabilitation, expansion, demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Certification of Incorporation (Regents Charter)
  - 2.02 Private Business School Registration
  - 2.03 Private School License
  - 2.04 Registered Manufacturer of Drugs and/or Devices
  - 2.05 Registered Pharmacy Certificate
  - 2.06 Registered Wholesale of Drugs and/or Devices
  - 2.07 Registered Wholesaler-Repacker of Drugs and/or Devices
  - 2.08 Storekeeper's Certificate

## **ENERGY PLANNING BOARD AND ENERGY OFFICE**

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

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

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

## **DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of lands under the jurisdiction of the Department.
- 2.00 Classification of Waters Program; classification of land areas under the Clean Air Act.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 4.00 Financial assistance/grant programs:
  - 4.01 Capital projects for limiting air pollution
  - 4.02 Cleanup of toxic waste dumps
  - 4.03 Flood control, beach erosion and other water resource projects
  - 4.04 Operating aid to municipal wastewater treatment facilities
  - 4.05 Resource recovery and solid waste management capital projects
  - 4.06 Wastewater treatment facilities
- 5.00 Funding assistance for issuance of permits and other regulatory activities (New York City only).
- 6.00 Implementation of the Environmental Quality Bond Act of 1972, including:
  - (a) Water Quality Improvement Projects
  - (b) Land Preservation and Improvement Projects including Wetland Preservation and Restoration Projects, Unique Area Preservation Projects, Metropolitan Parks Projects, Open Space Preservation Projects and Waterways Projects.
- 7.00 Marine Finfish and Shellfish Programs.
- 8.00 New York Harbor Drift Removal Project.
- 9.00 Permit and approval programs:

### Air Resources

- 9.01 Certificate of Approval for Air Pollution Episode Action Plan
- 9.02 Certificate of Compliance for Tax Relief - Air Pollution Control Facility
- 9.03 Certificate to Operate: Stationary Combustion Installation; Incinerator; Process, Exhaust or Ventilation System

- 9.04 Permit for Burial of Radioactive Material
- 9.05 Permit for Discharge of Radioactive Material to Sanitary Sewer
- 9.06 Permit for Restricted Burning
- 9.07 Permit to Construct: a Stationary Combustion Installation; Incinerator; Indirect Source of Air Contamination; Process, Exhaust or Ventilation System

### Construction Management

- 9.08 Approval of Plans and Specifications for Wastewater Treatment Facilities

### Fish and Wildlife

- 9.09 Certificate to Possess and Sell Hatchery Trout in New York State
- 9.10 Commercial Inland Fisheries Licenses
- 9.11 Fishing Preserve License
- 9.12 Fur Breeder's License
- 9.13 Game Dealer's License
- 9.14 Licenses to Breed Domestic Game Animals
- 9.15 License to Possess and Sell Live Game
- 9.16 Permit to Import, Transport and/or Export under Section 184.1 (11-0511)
- 9.17 Permit to Raise and Sell Trout
- 9.18 Private Bass Hatchery Permit
- 9.19 Shooting Preserve Licenses
- 9.20 Taxidermy License

### Lands and Forest

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

- 9.30 Underground Storage Permit (Gas)
- 9.31 Well Drilling Permit (Oil, Gas, and Solution Salt Mining)

#### Marine Resources

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

#### Regulatory Affairs

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

#### Solid Wastes

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

## Water Resources

- 9.58 Approval of Plans for Wastewater Disposal Systems
  - 9.59 Certificate of Approval of Realty Subdivision Plans
  - 9.60 Certificate of Compliance (Industrial Wastewater Treatment Facility)
  - 9.61 Letters of Certification for Major Onshore Petroleum Facility Oil Spill Prevention and Control Plan
  - 9.62 Permit - Article 36, (Construction in Flood Hazard Areas)
  - 9.63 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
  - 9.64 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
  - 9.65 State Pollutant Discharge Elimination System (SPDES) Permit
  - 9.66 401 Water Quality Certification
- 
- 10.00 Preparation and revision of Air Pollution State Implementation Plan.
  - 11.00 Preparation and revision of Continuous Executive Program Plan.
  - 12.00 Preparation and revision of Statewide Environmental Plan.
  - 13.00 Protection of Natural and Man-made Beauty Program.
  - 14.00 Urban Fisheries Program.
  - 15.00 Urban Forestry Program.
  - 16.00 Urban Wildlife Program.

## **ENVIRONMENTAL FACILITIES CORPORATION**

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

## **FACILITIES DEVELOPMENT CORPORATION**

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

## **OFFICE OF GENERAL SERVICES**

- 1.00 Administration of the Public Lands Law for acquisition and disposition of lands, grants of land and grants of easement of land under water, issuance of licenses for removal of materials from lands under water, and oil and gas leases for exploration and development.
- 2.00 Administration of Article 4-B, Public Buildings Law, in regard to the protection and management of State historic and cultural properties and State uses of buildings of historic, architectural or cultural significance.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition.

## **DEPARTMENT OF HEALTH**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Approval of Completed Works for Public Water Supply Improvements
  - 2.02 Approval of Plans for Public Water Supply Improvements.
  - 2.03 Certificate of Need (Health Related Facility - except Hospitals)
  - 2.04 Certificate of Need (Hospitals)
  - 2.05 Operating Certificate (Diagnostic and Treatment Center)
  - 2.06 Operating Certificate (Health Related Facility)
  - 2.07 Operating Certificate (Hospice)
  - 2.08 Operating Certificate (Hospital)
  - 2.09 Operating Certificate (Nursing Home)
  - 2.10 Permit to Operate a Children's Overnight or Day Camp
  - 2.11 Permit to Operate a Migrant Labor Camp
  - 2.12 Permit to Operate as a Retail Frozen Dessert Manufacturer
  - 2.13 Permit to Operate a Service Food Establishment
  - 2.14 Permit to Operate a Temporary Residence/Mass Gathering
  - 2.15 Permit to Operate or Maintain a Swimming Pool or Public Bathing Beach
  - 2.16 Permit to Operate Sanitary Facilities for Realty Subdivisions
  - 2.17 Shared Health Facility Registration Certificate

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

- 1.00 Facilities construction, rehabilitation, expansion, or demolition.

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

#### **HOUSING FINANCE AGENCY**

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

#### **INTERSTATE SANITATION COMMISSION (regional agency)**

- 1.00 Adoption and enforcement of air and water pollution standards within the Interstate Sanitation District.

#### **JOB DEVELOPMENT AUTHORITY**

- 1.00 Financing assistance programs for commercial and industrial facilities.

#### **MEDICAL CARE FACILITIES FINANCING AGENCY**

- 1.00 Financing of medical care facilities.

## **OFFICE OF MENTAL HEALTH**

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

## **OFFICE OF MENTAL RETARDATION AND DEVELOPMENT DISABILITIES**

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

## **METROPOLITAN TRANSPORTATION AUTHORITY (regional agency)**

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

## **DIVISION OF MILITARY AND NAVAL AFFAIRS**

- 1.00 Preparation and implementation of the State Disaster Preparedness Plan.

## **NATURAL HERITAGE TRUST**

- 1.00 Funding program for natural heritage institutions.

**OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION (including Regional State Park Commission)**

- 1.00 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the Office.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 3.00 Funding program for recreational boating, safety and enforcement.
- 4.00 Funding program for State and local historic preservation projects.
- 5.00 Land and Water Conservation Fund programs.
- 6.00 Nomination of properties to the Federal and/or State Register of Historic Places.
- 7.00 Permit and approval programs:
  - 7.01 Floating Objects Permit
  - 7.02 Marine Regatta Permit
  - 7.03 Navigation Aide Permit
  - 7.04 Posting of Signs Outside State Parks
- 8.00 Preparation and revision of the Statewide Comprehensive Outdoor Recreation Plan and the Statewide Comprehensive Historic Preservation Plan and other plans for public access, recreation, historic preservation or related purposes.
- 9.00 Recreation services program.
- 10.00 Urban Cultural Parks Program.

**PORT AUTHORITY OF NEW YORK AND NEW JERSEY (regional agency)**

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

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

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

## **NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION**

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

## **DEPARTMENT OF SOCIAL SERVICES**

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

## **DEPARTMENT OF STATE**

- 1.00 Appalachian Regional Development Program.
- 2.00 Coastal Management Program.
- 3.00 Community Services Block Grant Program.
- 4.00 Permit and approval programs:
  - 4.01 Billiard Room License

- 4.02 Cemetery Operator
- 4.03 Uniform Fire Prevention and Building Code

**STATE UNIVERSITY CONSTRUCTION FUND**

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

**STATE UNIVERSITY OF NEW YORK**

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

**THRUWAY AUTHORITY /CANAL CORPORATION/CANAL RECREATIONWAY COMMISSION (regional agency)**

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land and other resources under the jurisdiction of the Thruway Authority, Canal Corporation, and Canal Recreationway Commission.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition.
- 3.00 Permit and approval programs:
  - 3.01 Advertising Device Permit
  - 3.02 Approval to Transport Radioactive Waste
  - 3.03 Occupancy Permit
  - 3.04 Permits for use of Canal System lands and waters.
- 4.00 Statewide Canal Recreationway Plan

**DEPARTMENT OF TRANSPORTATION**

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

- 2.00 Construction, rehabilitation, expansion, or demolition of facilities, including but not limited to:
  - (a) Highways and parkways
  - (b) Bridges on the State highways system
  - (c) Highway and parkway maintenance facilities
  - (d) Rail facilities
  
- 3.00 Financial assistance/grant programs:
  - 3.01 Funding programs for construction/reconstruction and reconditioning/preservation of municipal streets and highways (excluding routine maintenance and minor rehabilitation)
  - 3.02 Funding programs for development of the ports of Albany, Buffalo, Oswego, Ogdensburg and New York
  - 3.03 Funding programs for rehabilitation and replacement of municipal bridges
  - 3.04 Subsidies program for marginal branchlines abandoned by Conrail
  - 3.05 Subsidies program for passenger rail service
  
- 4.00 Permits and approval programs:
  - 4.01 Approval of applications for airport improvements (construction projects)
  - 4.02 Approval of municipal applications for Section 18 Rural and Small Urban Transit Assistance Grants (construction projects)
  - 4.03 Approval of municipal or regional transportation authority applications for funds for design, construction and rehabilitation of omnibus maintenance and storage facilities
  - 4.04 Approval of municipal or regional transportation authority applications for funds for design and construction of rapid transit facilities
  - 4.05 Certificate of Convenience and Necessity to Operate a Railroad
  - 4.06 Highway Work Permits
  - 4.07 License to Operate Major Petroleum Facilities

- 4.08 Outdoor Advertising Permit (for off-premises advertising signs adjacent to interstate and primary highway)
- 4.09 Real Property Division Permit for Use of State-Owned Property
- 5.00 Preparation or revision of the Statewide Master Plan for Transportation and sub-area or special plans and studies related to the transportation needs of the State.
- 6.00 Water Operation and Maintenance Program--Activities related to the containment of petroleum spills and development of an emergency oil-spill control network.

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

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

**DIVISION OF YOUTH**

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

## 2. Federal Agencies

### **DIRECT FEDERAL ACTIVITIES AND DEVELOPMENT PROJECTS**

#### **DEPARTMENT OF COMMERCE**

##### **National Marine Fisheries Services**

- 1.00 Fisheries Management Plans

#### **DEPARTMENT OF DEFENSE**

##### **Army Corps of Engineers**

- 1.00 Proposed authorizations for dredging, channel improvements, break-waters, other navigational works, or erosion control structures, beach replenishment, dams or flood control works, ice management practices and activities, and other projects with potential to impact coastal lands and waters.
- 2.00 Land acquisition for spoil disposal or other purposes.
- 3.00 Selection of open water disposal sites.

##### **Army, Navy and Air Force**

- 4.00 Location, design, and acquisition of new or expanded defense installations (active or reserve status, including associated housing, transportation or other facilities).
- 5.00 Plans, procedures and facilities for landing or storage use zones.
- 6.00 Establishment of impact, compatibility or restricted use zones.

#### **DEPARTMENT OF ENERGY**

- 1.00 Prohibition orders.

#### **GENERAL SERVICES ADMINISTRATION**

- 1.00 Acquisition, location and design of proposed Federal Government property or

buildings, whether leased or owned by the Federal Government.

- 2.00 Disposition of Federal surplus lands and structures.

## **DEPARTMENT OF INTERIOR**

### Fish and Wildlife Service

- 1.00 Management of National Wildlife refuges and proposed acquisitions.

### Mineral Management Service

- 2.00 OCS lease sale activities including tract selection, lease sale stipulations, etc.

### National Park Service

- 3.00 National Park and Seashore management and proposed acquisitions.

## **DEPARTMENT OF TRANSPORTATION**

### Amtrak, Conrail

- 1.00 Expansions, curtailments, new construction, upgrading or abandonments or *railroad facilities or services, in or affecting the State's coastal area.*

### Coast Guard

- 2.00 Location and design, construction or enlargement of Coast Guard stations, bases, and lighthouses.
- 3.00 Location, placement or removal of navigation devices which are not part of the routine operations under the Aids to Navigation Program (ATON).
- 4.00 Expansion, abandonment, designation or anchorages, lightening areas or shipping lanes and ice management practices and activities.

### Federal Aviation Administration

- 5.00 Location and design, construction, maintenance, and demolition of Federal aids to air navigation.

## Federal Highway Administration

- 6.00 Highway construction.

## FEDERAL LICENSES AND PERMITS

### **DEPARTMENT OF DEFENSE**

#### Army Corps of Engineers

- 1.00 Construction of dams, dikes or ditches across navigable waters, or obstruction or alteration of navigable waters required under Sections 9 and 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401, 403).
- 2.00 Establishment of harbor lines pursuant to Section 11 of the Rivers and Harbors Act of 1899 (33 U.S.C. 404, 405).
- 3.00 Occupation of seawall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the U.S. pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408).
- 4.00 Approval of plans for improvements made at private expense under USACE supervision pursuant to the Rivers and Harbors Act of 1902 (33 U.S.C. 565).
- 5.00 Disposal of dredged spoils into the waters of the U.S., pursuant to the Clean Water Act, Section 404, (33 U.S.C. 1344).
- 6.00 All actions for which permits are required pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
- 7.00 Construction of artificial islands and fixed structures in Long Island Sound pursuant to Section 4(f) of the River and Harbors Act of 1912 (33 U.S.C.).

### **DEPARTMENT OF ENERGY**

#### Economic Regulatory Commission

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

- 2.00 Exemptions from prohibition orders.

### Federal Energy Regulatory Commission

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

### **ENVIRONMENTAL PROTECTION AGENCY**

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

### **DEPARTMENT OF INTERIOR**

#### Fish and Wildlife Services

- 1.00 Endangered species permits pursuant to the Endangered Species Act (16 U.S.C. 153(a)).

### Mineral Management Service

- 2.00 Permits to drill, rights of use and easements for construction and maintenance of pipelines, gathering and flow lines and associated structures pursuant to 43 U.S.C. 1334, exploration and development plans, and any other permits or authorizations granted for activities described in detail in OCS exploration, development, and production plans.
- 3.00 Permits required for pipelines crossing federal lands, including OCS lands, and associated activities pursuant to the OCS Lands Act (43 U.S.C. 1334) and 43 U.S.C. 931 (c) and 20 U.S.C. 185.

### **INTERSTATE COMMERCE COMMISSION**

- 1.00 Authority to abandon railway lines (to the extent that the abandonment involves removal of trackage and disposition of right-of-way); authority to construct railroads; authority to construct coal slurry pipelines.

### **NUCLEAR REGULATORY COMMISSION**

- 1.00 Licensing and certification of the siting, construction and operation of nuclear power plants pursuant to Atomic Energy Act of 1954, Title II of the Energy Reorganization Act of 1974 and the National Environmental Policy Act of 1969.

### **DEPARTMENT OF TRANSPORTATION**

#### Coast Guard

- 1.00 Construction or modification of bridges, causeways or pipelines over navigable waters pursuant to 49 U.S.C. 1455.
- 2.00 Permits for Deepwater Ports pursuant to the Deepwater Ports Act of 1974 (33 U.S.C. 1501).

#### Federal Aviation Administration

- 3.00 Permits and licenses for construction, operation or alteration of airports.

## **FEDERAL ASSISTANCE\***

### **DEPARTMENT OF AGRICULTURE**

- 10.068 Rural Clean Water Program
- 10.409 Irrigation, Drainage, and Other Soil and Water Conservation Loans
- 10.410 Low to Moderate Income Housing Loans
- 10.411 Rural Housing Site Loans
- 10.413 Recreation Facility Loans
- 10.414 Resource Conservation and Development Loans
- 10.415 Rural Renting Housing Loans
- 10.416 Soil and Water Loans
- 10.418 Water and Waste Disposal Systems for Rural Communities
- 10.422 Business and Industrial Loans
- 10.424 Industrial Development Grants
- 10.426 Area Development Assistance Planning Grants
- 10.429 Above Moderate Income Housing Loans
- 10.430 Energy Impacted Area Development Assistance Program
- 10.901 Resource Conservation and Development
- 10.902 Soil and Water Conservation
- 10.904 Watershed Protection and Flood Prevention
- 10.906 River Basin Surveys and Investigations

### **DEPARTMENT OF COMMERCE**

- 11.300 Economic Development - Grants and Loans for Public Works and Development Facilities
- 11.301 Economic Development - Business Development Assistance
- 11.302 Economic Development - Support for Planning Organizations
- 11.304 Economic Development - State and Local Economic Development Planning
- 11.305 Economic Development - State and Local Economic Development Planning
- 11.307 Special Economic Development and Adjustment Assistance Program - Long Term Economic Deterioration
- 11.308 Grants to States for Supplemental and Basic Funding of Titles I, II, III, IV, and V Activities
- 11.405 Anadromous and Great Lakes Fisheries Conservation
- 11.407 Commercial Fisheries Research and Development
- 11.417 Sea Grant Support
- 11.427 Fisheries Development and Utilization - Research and Demonstration Grants and Cooperative Agreements Program
- 11.501 Development and Promotion of Ports and Intermodal Transportation
- 11.509 Development and Promotion of Domestic Waterborne Transport Systems

## **DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

- 14.112 Mortgage Insurance - Construction or Substantial Rehabilitation of Condominium Projects
- 14.115 Mortgage Insurance - Development of Sales Type Cooperative Projects
- 14.117 Mortgage Insurance - Homes
- 14.124 Mortgage Insurance - Investor Sponsored Cooperative Housing
- 14.125 Mortgage Insurance - Land Development and New Communities
- 14.126 Mortgage Insurance - Management Type Cooperative Projects
- 14.127 Mortgage Insurance - Mobile Home Parks
- 14.218 Community Development Block Grants/Entitlement Grants
- 14.219 Community Development Block Grants/Small Cities Program
- 14.221 Urban Development Action Grants
- 14.223 Indian Community Development Block Grant Program

## **DEPARTMENT OF INTERIOR**

- 15.400 Outdoor Recreation - Acquisition, Development and Planning
- 15.402 Outdoor Recreation - Technical Assistance
- 15.403 Disposal of Federal Surplus Real Property for Parks, Recreation, and Historic Monuments
- 15.411 Historic Preservation Grants-in-Aid
- 15.417 Urban Park and Recreation Recovery Program
- 15.600 Anadromous Fish Conservation
- 15.605 Fish Restoration
- 15.611 Wildlife Restoration
- 15.613 Marine Mammal Grant Program
- 15.802 Minerals Discovery Loan Program
- 15.950 National Water Research and Development Program
- 15.951 Water Resources Research and Technology - Assistance to State Institutes
- 15.952 Water Research and Technology - Matching Funds to State Institutes

## **DEPARTMENT OF TRANSPORTATION**

- 20.102 Airport Development Aid Program
- 20.103 Airport Planning Grant Program
- 20.205 Highway Research, Planning, and Construction
- 20.309 Railroad Rehabilitation and Improvement - Guarantee of Obligations
- 20.310 Railroad Rehabilitation and Improvement - Redeemable Preference Shares
- 20.506 Urban Mass Transportation Demonstration Grants
- 20.509 Public Transportation for Rural and Small Urban Areas

## **GENERAL SERVICES ADMINISTRATION**

39.002 Disposal of Federal Surplus Real Property

## **COMMUNITY SERVICES ADMINISTRATION**

49.002 Community Action  
49.011 Community Economic Development  
49.013 State Economic Opportunity Offices  
49.017 Rural Development Loan Fund  
49.018 Housing and Community Development (Rural Housing)

## **SMALL BUSINESS ADMINISTRATION**

59.012 Small Business Loans  
59.013 State and Local Development Company Loans  
59.024 Water Pollution Control Loans  
59.025 Air Pollution Control Loans  
59.031 Small Business Pollution Control Financing Guarantee

## **ENVIRONMENTAL PROTECTION AGENCY**

66.001 Air Pollution Control Program Grants  
66.418 Construction Grants for Wastewater Treatment Works  
66.426 Water Pollution Control - State and Areawide Water Quality Management Planning Agency  
66.451 Solid and Hazardous Waste Management Program Support Grants  
66.452 Solid Waste Management Demonstration Grants  
66.600 Environmental Protection Consolidated Grants Program Support Comprehensive Environmental Response, Compensation and Liability (Super Fund)

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

**B. STATE AND FEDERAL ACTIONS AND PROGRAMS NECESSARY TO FURTHER THE LWRP.**

**STATE AGENCIES**

**DEPARTMENT OF ECONOMIC DEVELOPMENT**

1. Any action or provision of funds for the development or promotion of tourism related activities or development.

**DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

1. Planning, development, construction, major renovation, or expansion of facilities in waterfront, including recreational improvement projects.
2. Advance assistance under the Small Communities and Rural Wastewater Treatment Grant Program and a subsequent construction grant subsidy.
3. Review of actions within National Register Districts pursuant to SEQR.

**OFFICE OF GENERAL SERVICES**

Prior to any development occurring in the water or on the immediate waterfront, OGS should be consulted for a determination of the State's interest in underwater or formerly underwater lands and for authorization to use and occupy these lands.

**JOB DEVELOPMENT AUTHORITY**

1. Provision of low interest mortgage loans to local non-profit development corporations to finance commercial and industrial facilities.

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

1. Planning, development, construction, major renovation or expansion of recreational facilities or the provision of funding for such facilities.
2. Provision of funding for State and local activities from the Land and Water Conservation Fund.

3. Planning, development, implementation or the provision of funding for recreation services programs.
4. Certification of properties within the National Register Districts.
5. Provision of funding for State and local historic preservation activities.
6. Review of Type I actions within the National Historic Districts.
7. Activities under the Urban Cultural Park program.

#### **DEPARTMENT OF STATE**

1. Provision of funding for implementation of the LWRP.
2. Provision of funding under the Community Services Block Grant Program.

#### **COUNCIL ON THE ARTS**

1. Assistance from the Architecture and Environmental Arts program for a harborfront plan.

#### **DEPARTMENT OF TRANSPORTATION**

1. Assistance for street repairs through the Consolidated Highway Improvements Program.

#### **FEDERAL AGENCIES**

##### **DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

##### **Office of the Assistant Secretary for Community Planning and Development**

1. Funding under the Community Development Block Grant Program for improvements in the waterfront.

## **DEPARTMENT OF THE INTERIOR**

### **National Park Service**

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

## **DEPARTMENT OF THE TREASURY**

1. Continuation of Incentives for Qualified Building Rehabilitation.
2. Provision of appropriate tax-exempt status for non-profit agencies active in the coastal area.

## **ECONOMIC DEVELOPMENT ADMINISTRATION**

1. Assistance under the Public Works and Economic Development Act for street improvements.

## **DEPARTMENT OF TRANSPORTATION**

### **United States Coast Guard**

1. Maintenance/rehabilitation of facilities.

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

- 7.0 As part of the preparation of Port Chester's Local Waterfront Revitalization Program, affected agencies, neighborhood communities, and the representatives of Port Chester's concerned citizens were consulted to assure that recommendations represented both what the people wanted and what was realistic given the existing resources.

State and National agencies contacted included:

- New York State, Department of State, Division of Coastal Resources and Waterfront Revitalization.
- New York State, Office of Parks, Recreation and Historic Preservation
- New York State Department of Environmental Conservation
- United States Army, Corps of Engineers (re: regulations regarding the channel and dredging operation)

Westchester County agencies included:

- Westchester County Department of Planning (re: County master plans and historic sites survey)
- Westchester County Department of Environmental Facilities (re: Sewage Treatment Plan and air quality)
- Westchester County Environmental Management Council (re: wetlands)
- Westchester County Department of Environmental Conservation (re: wetlands, water quality, marine fisheries)
- Westchester County Soil and Water Conservation District (re: soil types and erosion)

Neighboring communities contacted included:

- Town of Greenwich, Connecticut, Planning Department
- Town of Rye Tax Assessor's Office

Local agencies included:

- Village of Port Chester, Department of Public Works
- Village of Port Chester, Office of Planning and Development
- The Village of Port Chester Coastal Zone Advisory Committee

Interviews with agencies were conducted to assure that there were no conflicts with other planning activities or environmental factors, as well as collecting data on which to base the plan.

In addition, the Draft LWRP (with Draft Environmental Impact Statement) was reviewed and approved by the Board of Trustees and forwarded to the New York State Department of State. The Department of State then initiated a 60 day review of the Draft LWRP pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act and

the State Environmental Quality Review Act. Copies of the Draft LWRP were distributed to all potentially affected State agencies, Westchester County, and adjacent waterfront communities. Comments received on the Draft LWRP were reviewed by the Village and the Department of State, and changes made to the LWRP, which are detailed in the Final Environmental Impact Statement.

There does not need to be a reference to the public meetings held in this section. The reference in Section VIII is appropriate.

**SECTION VIII**  
**LOCAL COMMITMENT**

## 8.1 Overview

In order to assure implementation of the Local Waterfront Revitalization Program, the Village of Port Chester attempted to involve the public, neighboring communities and other affected agencies.

Public involvement was primarily through the Coastal Zone Management Committee appointed by the Board of Trustees. This process was supplemented by two public information meetings and an additional public hearing held during the Environmental Review (SEQR) procedure.