

Villages of Head of the Harbor and Nissequogue LWRP Monitoring Report June 2014

Community Background:

The Villages of Head of the Harbor and Nissequogue are located adjacent to each other on the northern shore of Long Island, in the northwest quadrant of Suffolk County. Both villages cover approximately 3,862 acres, or 6.2 square miles, within the Town of Smithtown. Head of the Harbor abuts the Town of Brookhaven on the east.

The coastal area of both villages is diverse, including an estuarine river, dramatic bluffs along Smithtown Bay and a nearly pristine natural harbor. The rural character of those villages is enhanced by their natural setting which includes steep wooded slopes, wetlands and open fields.

The Villages are principally residential, with some institutional uses, scattered agricultural production, high-quality active and passive recreation, and architectural resources. The Town of Smithtown, which surrounds the Villages, provides the commercial support needs of residents. There are no high density residential areas in either Village. A large proportion of the residential land is occupied by estates. The Villages are rather unique in western Suffolk County because they both contain active agricultural land. Head of the Harbor retains over 306 acres of agricultural land. Most of this land is along Fifty Acre Road and along Route 25A, on the east side of the Village. Forty-five acres are permanently protected under the Suffolk County Farmland Preservation Program. This parcel, part of the Perry Farm, is located on Route 25A. Prime soils and favorable climate have made production of field crops the predominant agricultural business in Head-of-the-Harbor. Nissequogue has approximately 88 acres of agricultural land, which accounts for only 4% of its land area.

In both villages, recreation and open space is a significant land use. There are 144 acres of land in this category in the Village of Head-of-the-Harbor. This includes 96 acres owned by the Nature Conservancy. The Nature Conservancy parcels are located on Shep Jones Lane and on the west side of Fifty Acre Road. The remainder of the recreational and open space land is wetlands owned by the Village along Stony Brook Harbor and property owned by the Stony Brook Foundation and the Stony Brook Community Fund. It also includes a swim and tennis club and three small cemeteries. Nissequogue has over 17% of its land area in open space and recreational uses. The Nature Conservancy owns 130 acres, most of which is north of Boney Lane and includes bluffs overlooking Long Island Sound. The Nissequogue Golf Club accounts for another 126 acres, overlooking Stony Brook Harbor. The Town of Smithtown is a major recreational land owner in the Village. The Town has 91 acres comprised of Short Beach Park, a

beach and dune complex at the mouth of the Nissequogue River. The Long Beach Park is located on Stony Brook Harbor and provides marina facilities. The Village's principal holding is a wildlife refuge on the eastern end of Long Beach peninsula.



Cordwood Park

There are three NYSDOS-designated Significant Coastal Fish and Wildlife Habitats (SCFWHs) – the Nissequogue River, Nissequogue Inlet, and Stony Brook Harbor – within the Villages’ waterfront area. Together, these SCFWHs contain many acres of undeveloped wetlands, woods, and river that serve as important habitats for several mammal fish, and bird species, including the endangered piping plover.

Collaborations with Department of State

Upon approval of its Local Waterfront Revitalization Program (LWRP) in 1991, the Villages of Head of the Harbor and Nissequogue worked to advance its implementation. The Villages’ grants partnership with the Department began in 1994 with a small grant funded under Title 11 of the New York State Environmental Protection Fund Local Waterfront Revitalization Program (EPF LWRP) – for the preparation of a stormwater management plan for the Harbor Hill watershed, to improve the water quality of Stony Brook Harbor. The total amount awarded to the Town through the EPF LWRP grants program since 1994 has been \$113,821. (Please see table of projects at the end of this document).

LWRP Monitoring Process

The goal of the monitoring process is for the Department of State, Office of Planning and Development (OPD), to assess a community's consistency with its LWRP and to understand implementation activities and decision-making procedures related to the LWRP. Additionally, this process provides a forum for the community to highlight successes, and request technical and financial assistance for program implementation.

A letter was sent to the municipalities to provide information on the LWRP monitoring process and what it would involve and include a survey. Next, OPD staff called the Villages' LWRP coordinator to make clear which are the steps of the LWRP monitoring process and schedule a conference call that would take place between OPD representatives and key municipal officials to answer the (survey) questions. The conference call to discuss the Villages' answers to the survey questions was informative and provided the details necessary for OPD staff to assess the local relevance and use of the LWRP. Kaylee Engellenner and Robin Hernnstein participated in the call and provided further explanation to his responses to the survey questions.

Before the end of the conference call a follow-up site visit/meeting was arranged to review the responses provided in the survey. OPD staff met with Kaylee Engellenner, Robin Hernnstein, and Irwin Bardash to discuss the current content of the LWRP and the impact that Hurricane Sandy had on each village and tour of the villages' waterfront to identify completed projects, proposed in the LWRP, and new possible new projects.

Office of Planning and Development Findings:

Overview

The *Village of Head-of-the-Harbor and Village of Nissequogue Local Waterfront Revitalization Program (LWRP)* (adopted November 38, 1989 and February 27, 1990, respectively) is an important guide of the development and preservation of the Villages' waterfront. Despite the 25 years that have elapsed since its creation, the Villages often consult their LWRP when considering actions that may affect the waterfront area, and it is generally understood as a useful tool in preserving the waterfront's best features. The LWRP is therefore not obsolete; however, because it has remained largely static since 1989, it may no longer represent the Villages' most up-to-date vision of their waterfront area.

LWRP Implementation

The Villages adopted their joint LWRP in 1989 and 1990 to guide development within the coastal area in a way that protects and preserves natural resources and enhances public enjoyment of the waterfront.

The Villages have undertaken several projects to advance the LWRP's goals, four of which have been funded through the EPF LWRP grants program (see chart below). Those capital projects have improved drainage and cut nonpoint source pollution in the waterfront area. One of these projects, the reconstruction of the Harbor Road Culvert in 1996, was expressly provided for in the LWRP.

For the most part, the Villages' LWRP is geared primarily toward waterfront conservation and access instead of economic development, and its recommendations are centered on preserving the traditional character of the Villages. The Villages' subsequent development has reflected this goal: the Villages have retained or improved existing public access and recreational amenities, and have continued their ongoing efforts to maintain waterway quality and navigability. These efforts have included updated land use laws governing piers, steep slopes, drainage, erosion, flooding, and zoning law refinements. Other than some limited development on agricultural and vacant lands, they have not experienced any significant changes in land use patterns. The local consistency authority associated with the LWRP (see below) comprises a much more important implementation technique.

LWRP Document Accessibility

Paper copies of the LWRP document are kept in the Village offices and the Smithtown library. The document is also available electronically on the Villages' and Department of State's website. Local consultants are generally familiar with the LWRP, and have helped spread awareness to the general public. The Village Board of Trustees is aware of the LWRP and the local consistency review process, but it sometimes neglects to submit actions for consistency review.



Stony Brook Harbor

Local Consistency Review

The Villages have a unique inter-municipal agreement that ensures parallel implementation and consistency in both Villages. A 12-member Joint Coastal Management Commission (JCMC), comprised of 6 members from each Village, is charged with administering the consistency review process. The Villages' consistency process is also linked to that of the surrounding Town

of Smithtown: the Town and the joint Villages each have the authority to find inconsistent, and thereby prevent, actions within their shared territory.

For the local consistency review process, the lead agency refers actions in the waterfront area (including Type I and Unlisted actions) to the JCMC for consistency recommendations. The JCMC reviews the application to see if it applies to any of the LWRP policies and to determine whether or not the application is consistent with these policies. If there are policies with which the application is not consistent, the JCMC gives recommendations for changes or modifications to the lead agency. If the lead agency disagrees with the JCMC's determination, both parties must attempt to reach a compromise, which can include conditions or modifications that will allow a finding of consistency. If these negotiations fail, the action is referred to the Village Board in the Village where the action occurs for final determination.

While the Village and Town governing bodies and agencies understand and generally respect the JCMC's local consistency authority, because the JCMC has no independent enforcement authority, it may sometimes miss actions that would be subject to consistency review. For example, the JCMC has resources to monitor the activities of private landowners within the waterfront area to ensure that their consistency; it must instead rely on referrals from municipal agencies or police. In addition, Village residents may be unaware of the consistency process, and sometimes do not learn of it until midway through permitting an activity they wish to undertake. This can lead to confusion and frustration, especially when the JCMC issues a negative consistency determination for an activity that has already received some local or State permits.

The JCMC issues about two to three consistency determinations per month. Determinations are kept in writing in JCMC files and in the Village of Nissequogue Building Department files. The Village of Head of the Harbor has not been maintaining consistency determinations along with other Village actions; DOS is presently working to clarify filing procedures.

Consistency with New Town of Smithtown LWRP

The Town of Smithtown is presently in the early stages of revising its LWRP, which like the Villages' LWRP, is over 20 years old. Because the Town and the Villages work together closely in preserving and managing their shared waterfront area, it will be critical that the Town's new LWRP is harmonious with the Villages'. DOS will collaborate with the Town and Villages during the preparation of the Town's new LWRP to ensure mutual consistency. It is possible that the Town's LWRP update will present an opportunity for the Villages to also update their LWRP.

Grants Awarded

Title 11 Environmental Protection Fund Local Waterfront Revitalization Program

Villages of Head of the Harbor and Nissequogue

Year	Amount of Grant	Project Description	Status
1996	\$25,000.00	# C005739 - Bridge Culvert - Harbor Road: The bridge and culvert to be restored is on Harbor Road where it intersects with Harbor HILL Road and where Stony Brook Harbor flows into and becomes Obadiah Creek, a 3 acre marsh wetland area. Surface water influenced by tidal flows are currently restricted as they pass through the deteriorated culvert. The project objective is to replace the deteriorated culvert with a new culvert that will restore the scenic and ecological quality of the surrounding marsh and wetlands. This project also entails re-grading of Harbor Road at the location of the new culvert so runoff will be directed into the new Harbor HILL Road drainage retention filtration system. This action will serve to improve water quality by minimizing the direct discharge of stormwater entering the Obadiah Creek.	Closed
1996	\$75,000.00	# C005740 - Moriches Road Drainage Improvements: This small scale construction project entails the installation of precast drainage structures in the subwatershed of Moriches Road, Harbor HILL Road, and the Three Sisters Road. This subwatershed is located in the Village of Head of the Harbor and Town of Smithtown. This project will serve to reduce the volume of contaminated stormwater runoff and sediment from entering Stony Brook Harbor from the subwatershed.	Closed
1995	\$10,000.00	# T005645 - Stony Brook Harbor Water Quality Improvements: This project entails preparation of preconstruction designs for three subwatersheds around Stony Brook Harbor—Hitherbrook, Harbor HILL Road, and Cordwood Path. The intent of each of these three preconstruction projects is to design best management practices to reduce/minimize nonpoint source pollution from entering Stony Brook Harbor.	Closed

1994	\$3,821.00	# T005612 - Reduction of Nonpoint Pollution in Stony Brook Harbor: The objective of this award is preparation of a stormwater management plan for the Harbor HILL watershed in order to improve the water quality of Stony Brook Harbor. The Plan will identify the primary sources and prioritize the needs. It also will establish the best means of remediation for those sources.	Closed
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