

Village of Bayville LWRP Monitoring and Evaluation Report

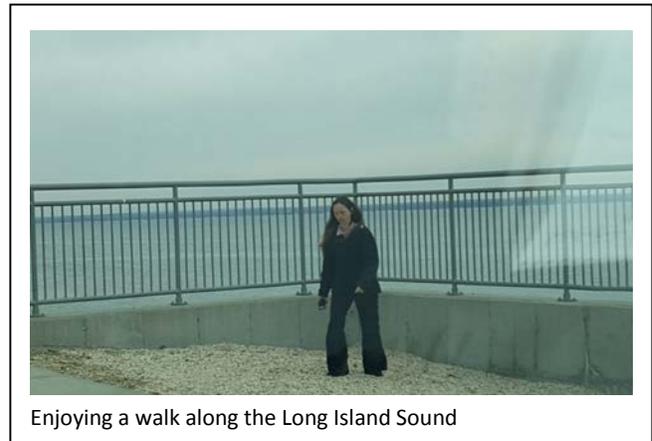
June 2017

Community Background:

The Village of Bayville is located on Long Island's north shore in the Town of Oyster Bay, Nassau County. It covers a total area of 1.5 square miles and has a population of 6,669 (U.S. Census, 2010). The Village has approximately 5 miles of shoreline (2.6 miles of shoreline on Long Island Sound) and abuts the Long Island Sound to the north and Oyster Bay Harbor, Oak Neck Creek, and Mill Neck Creek to the south. The Village is 90% residential and 10% commercial. A number of marine commercial uses are present primarily in the vicinity of the Bayville Bridge. Commercial uses are also located in the business district along Bayville Avenue, adjacent to the Village's Soundside Beach.

Waterbodies in the Village of Bayville include: Mill Neck Creek, Mill Neck Bay, Oak Neck Creek (which is a northerly tributary to Mill Neck Creek), Oyster Bay Harbor, and Long Island Sound.

The Village has a number of open space parcels including: the 27-acre Harrison Williams Woods - the largest upland parcel of open space in the Village; the Oyster Bay National Wildlife Refuge (OBNWR) - owned and managed by the U.S. Fish and Wildlife Service - which includes part of Mill Neck Creek and the portion of Oyster Bay Harbor that lies within the Village's 1,500-foot jurisdictional area; Village Woods Park, encompassing approximately 14 acres in the center of the Village; and the Mill Creek Preserve, approximately 61 acres, located in the Village's far west end.



Enjoying a walk along the Long Island Sound

In addition, there are two New York Department of State (DOS) designated Significant Coastal Fish and Wildlife Habitats - the Mill Neck Creek Wetlands including the upper portions of Oak Neck Creek and surrounding tidal wetlands and Oyster Bay Harbor, which comprises those portions of the harbor that lie outside the boundaries of the OBNWR. The Oyster Bay Harbor habitat area extends into the harbor from the eastern end of the Village.

Public and recreational access within the Village's waterfront include Soundside Beach on Long Island Sound, and West Harbor Beach on Oyster Bay Harbor; the eastern portion of the Town Of Oyster Bay's Charles E. Ransom Beach lies within Village boundaries. Boating facilities with associated moorings and a comfort station are available at Creek Beach on Mill Neck Creek, Village Marina on Mill Creek Bay, and Bridge Marina and boat launch adjacent to the west side of the Bayville Bridge. There also are privately-owned boating facilities with moorings as well as several waterfront restaurants serving the public.

Collaborations with Department of State:



The Village of Bayville completed their initial LWRP in 2002. Since that time, the DOS has provided over \$1 million in LWRP Environmental Protection Funds (EPF LWRP) and Clean Water Clean Air (CWCA) grants for the implementation of projects that advance the goals and policies of the LWRP. The Village has also acquired funding through other sources to complete additional LWRP implementation projects.

Most of the project implemented by the Village are focused on stormwater and pollution control. In 2000, the village initiated the construction of a stormwater

treatment system including drainage pipes and leaching pools and other structures as appropriate and necessary to intercept, store, and treat first stormwater flush runoff from Bayville Park Boulevard and Perry Avenue Drainage Areas. In 2002, an artificial wetland to intercept and treat stormwater runoff that was discharging directly to Oyster Bay Harbor through a stormwater culvert was constructed at the corner of Ludlam Avenue and West Harbor Drive. In 2007, the Village initiated the preparation of a Nonpoint Source Pollution Study for the Mill Neck Creek, in two phases. Phase I studied potential sources of nonpoint source pollution and identified strategies to mitigate their impact. Phase II expanded the previous study to a larger geographic area to include the neighboring communities of Locust Valley, Mill Neck and Lattingtown in an intermunicipal effort to advance the comprehensive protection and restoration of water quality. A comprehensive report was developed that identified and prioritized management strategies and specific actions needed to reduce pollution and improve water quality.

LWRP Monitoring Process:

The goal of the monitoring process is for the DOS 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.

The DOS began the LWRP monitoring process for the Village of Bayville by sending a letter that described the process and a list of survey questions. A meeting to discuss the survey questions and a reconnaissance visit was held April 24, 2017, with Village Trustee Joe Russo and Village Clerk Maria Alfano-Hardy. DOS staff was provided with a first-hand opportunity to see the open space parcels as well as the Village-owned beaches.

Office of Planning and Development Findings:

Overview

Village officials and residents are aware of the existence of the LWRP and many of its recommendations and policies. Since the Village is completely built-out and is not experiencing pressure for redevelopment at this time, there are no local consistency decisions being made and there is no Waterfront Advisory Committee active at this time. The Village should consider updating the consistency law to delegate the Town Board, Planning Board, and Zoning Board to replace and have the role of the Waterfront Advisory Committee.

The Village's Comprehensive Management Plan update was completed before the preparation and local adoption of the LWRP. Zoning has not been changed other than an attempt made to limit the size of apartment buildings developed in the commercial areas, since there is no floor area limit in the current regulations. The rezoning was passed and then overturned by court, and is now in appeal by the Village.

The Village is participating in FEMA's Community Rating System and is interested in possibly advancing to a higher level, if funding can be obtained to implement the needed projects.

LWRP Implementation:

The Village of Bayville has advanced a number of additional projects identified in the LWRP under various funding sources other than EPF LWRP. These projects include:

- The completion of a pocket park at Bayville Avenue and Ludlam Avenue, which was funded by the Village (\$700,000) and a grant of \$100,000 from the Nassau County Community Development Block Grant Program.
- The Village also completed projects to create and map trails in the Harrison Williams Woods property and the Schmitt property, as well as complete invasive species removal.
- The Bayville Waterfront Commons project was completed to connect a number of parcels to a waterfront district beginning at the north side of the Bayville Bridge and extending along Ludlam Avenue to the intersection with Bayville Avenue.
- Additional drainage improvements were constructed on Penny Avenue.
- First Avenue drainage was improved with funding from FEMA Hazard Mitigation Grant Program.
- Flood proofing improvements were constructed at Valentine Beach with assistance from DEC.
- Dredging of Mill Neck Creek was completed in 2003.

The Village has completed most of the projects recommended in the LWRP and realizes that the LWRP could be updated to include new projects.

Community Resilience:

During and following massive high tides and storm events of the past years, including August 2011's Hurricane Irene and October 2012's Superstorm Sandy, elevated water levels in the Long Island Sound, Oyster Bay, and Mill Creek flood the Village of Bayville in the following patterns:

- Waves and surge from Long Island Sound cross over the beach and into streets such as Pine Lane. The surge flows down these streets into adjacent, low lying neighborhoods where flood waters are unable to drain.
- The Long Island Sound surges into Oyster Bay which backs up into Mill Neck Creek and floods neighborhoods along Shore Road.
- Overflow from Mill Neck Creek flooded homes and businesses within a several block span of the Presidents Street neighborhood and extends south to Bayville Avenue.

The amount of damage the Village suffered from Hurricane Irene and Superstorm Sandy made the Village eligible to participate in the New York Rising Community Reconstruction Program (NYRCR) through which the community developed a NYRCR Plan in March 2014. DOS staff provided oversight to the community and the consultants during the Plan's development. The Plan defined the planning area, assessed storm damage, and identified critical issues. Critical assets were inventoried and then the community assessed the exposure to risk

of the identified assets, assessed their recovery and resiliency needs, and identified opportunities to increase resiliency. The Plan set forth a series of comprehensive reconstruction and resiliency strategies as well as identified projects and implementation actions to help fulfill those strategies.



Ransom Beach in Bayville is completely submerged by waves from Hurricane Sandy on October 29, 2012. Photo *Newsday*.

The NYRCR Program allocated the Village up to \$3 million through the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) program. The Village is using these funds to construct pump stations that will mitigate the flooding of roads, homes, and businesses in the Village’s east end by controlling stormwater flow during and after extreme weather events. The pump stations will pump water from areas of low elevation in the east end to an existing county outfall.

Bayville’s NYRCR Plan identified the need for more than \$7 million in priority projects and more than \$60 million in additional resiliency projects.

LWRP Document Accessibility:

The Villages LWRP is accessible on the DOS website at: http://docs.dos.ny.gov/opd-lwrp/LWRP/Bayville_V/Index.html. Hard copies of the LWRP are on file at the Village Hall and the village library.

Local Consistency Review:

The Village of Bayville is completely built-out and is not experiencing pressure for redevelopment at this time; therefore, there are no consistency decisions being made. The DOS Consistency Unit reports that there have only been 23 reviews in the Village over the past 25 years. The Village may consider updating the consistency law to dictate that the Town Board, Planning Board, and Zoning Board act in place of the WAC.

Grants Awarded Title 11 Environmental Protection Fund Local Waterfront Revitalization Program (EPF LWRP) Village of Bayville			
Year	Amount of Grant	Project Description	Status
2006	\$100,000	<u>Mill Neck Creek Nonpoint Source Study, Phase II.</u> The village is conducting Phase II of the Mill Neck Creek study to identify potential sources of nonpoint source pollution derived primarily from cesspools, and to identify strategies to mitigate the impact. Phase II will expand the geographic area to include neighboring communities including Locust Valley, Mill Neck and Lattingtown. A second component of Phase II includes water quality monitoring to provide documentation of satisfactory fecal coliform levels for 30 successive months in order to open shellfish beds in Mill Neck Creek to harvesting, and to determine the species of origin for pathogens entering Mill Neck Creek.	Open
1999	\$20,000	<u>Water Quality Improvements for Mill Neck Creek and Oyster Bay.</u> The village conducted a study to determine causes and feasible control methods for non-point pollution in Mill Neck Creek and Bay and in Oyster Bay Harbor, derived primarily from cesspools in western Bayville.	Closed
1997	\$12,500	<u>Update Local Waterfront Revitalization Program.</u>	Closed
1996	\$4,000	<u>Erosion and Stormwater Mitigation, Creek Road.</u> The project site is a Village of Bayville roadway at the base of Perry and Mountain Roads on Mill Neck Creek. The project design mitigates the discharge of stormwater to Mill Neck Creek. The project included engineering design and final drawings for implementation of a structural solution, as well as educational signage.	Closed