

**APPENDIX E**

**COASTAL CONSISTENCY REVIEW**

NEW YORK STATE DEPARTMENT OF STATE  
COASTAL MANAGEMENT PROGRAM

Federal Consistency Assessment Form

An applicant, seeking a permit, license, waiver, certification or similar type of approval from a federal agency which is subject to the New York State Coastal Management Program (CMP), shall complete this assessment form for any proposed activity that will occur within and/or directly affect the State's Coastal Area. This form is intended to assist an applicant in certifying that the proposed activity is consistent with New York State's CMP as required by U.S. Department of Commerce regulations (15 CFR 930.57). It should be completed at the time when the federal application is prepared. The Department of State will use the completed form and accompanying information in its review of the applicant's certification of consistency.

A. **APPLICANT** (please print)

1. Name: Town of Southampton
2. Address: 116 Hampton Road, Southampton, New York 11968
3. Telephone: Area Code ( ) Kyle Collins, Town Planning Administrator (631) 702-1800

B. **PROPOSED ACTIVITY:**

1. Brief description of activity:

Adoption of a BOA Step 2 Nomination Study, Riverside Revitalization Plan, Zoning Map amendments, and Zoning Code amendments affecting an area within the State-designated coastal boundary.

2. Purpose of activity:

Rezoning to redevelop and revitalize a blighted and economically depressed community.

3. Location of activity:

<u>Suffolk</u>	<u>Town of Southampton</u>	<u>Hamlet of Riverside</u>
County	City, Town, or Village	Street or Site Description

4. Type of federal permit/license required: Adoption of plans and zoning including BOA

5. Federal application number, if known: N/A(Town project; NYSDOS as involved agency)

6. If a state permit/license was issued or is required for the proposed activity, identify the state agency and provide the application or permit number, if known:

State funding for BOA Step 2 Nomination Study & adoption of by NYSDOS

C. **COASTAL ASSESSMENT** Check either "YES" or "NO" for each of these questions. The numbers following each question refer to the policies described in the CMP document (see footnote on page 2) which may be affected by the proposed activity.

1. Will the proposed activity result in any of the following: YES/NO

- a. Large physical change to a site within the coastal area which will require the preparation of an environmental impact statement? (11, 22, 25, 32, 37, 38, 41, 43)
- b. Physical alteration of more than two acres of land along the shoreline, land under water or coastal waters? (2, 11, 12, 20, 28, 35, 44)
- c. Revitalization/redevelopment of a deteriorated or underutilized waterfront site? (1)
- d. Reduction of existing or potential public access to or along coastal waters? (19, 20)
- e. Adverse effect upon the commercial or recreational use of coastal fish resources? (9,10)
- f. Siting of a facility essential to the exploration, development and production of energy resources in coastal waters or on the Outer Continental Shelf? (29)
- g. Siting of a facility essential to the generation or transmission of energy? (27)
- h. Mining, excavation, or dredging activities, or the placement of dredged or fill material in coastal waters? (15, 35)
- i. Discharge of toxics, hazardous substances or other pollutants into coastal waters? (8, 15, 35)
- j. Draining of stormwater runoff or sewer overflows into coastal waters? (33)
- k. Transport, storage, treatment, or disposal of solid wastes or hazardous materials? (36, 39)
- l. Adverse effect upon land or water uses within the State's small harbors? (4)

2. Will the proposed activity affect or be located in, on, or adjacent to any of the following: YES/NO

- a. State designated freshwater or tidal wetland? (44)
- b. Federally designated flood and/or state designated erosion hazard area? (11, 12, 17)
- c. State designated significant fish and/or wildlife habitat? (7)
- d. State designated significant scenic resource or area? (24)
- e. State designated important agricultural lands? (26)
- f. Beach, dune or Barrier Island? (12)
- g. Major ports of Albany, Buffalo, Ogdensburg, Oswego or New York? (3)
- h. State, county, or local park? (19, 20)
- i. Historic resource listed on the National or State Register of Historic Places? (23)

3. Will the proposed activity require any of the following: YES/NO

- a. Waterfront site? (2, 21, 22)
- b. Provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (5)
- c. Construction or reconstruction of a flood or erosion control structure? (13, 14, 16)
- d. State water quality permit or certification? (30, 38, 40)
- e. State air quality permit or certification? (41, 43)

4. Will the proposed activity occur within and/or affect an area covered by a State-approved local waterfront revitalization program, or State-approved regional coastal management program? (see policies in program document\*)

**D. ADDITIONAL STEPS**

1. If all of the questions in Section C are answered "NO", then the applicant or agency shall complete Section E and submit the documentation required by Section F.
2. If any of the questions in Section C are answered "YES", then the applicant or agent is advised to consult the CMP, or where appropriate, the local waterfront revitalization program document\*. The proposed activity must be analyzed in more detail with respect to the applicable state or local coastal policies. On a separate page(s), the applicant or agent shall: (a) identify, by their policy numbers, which coastal policies are affected by the activity, (b) briefly assess the effects of the activity upon the policy; and, (c) state how the activity is consistent with each policy. Following the completion of this written assessment, the applicant or agency shall complete Section E and submit the documentation required by Section F.

**E. CERTIFICATION**

The applicant or agent must certify that the proposed activity is consistent with the State's CMP or the approved local waterfront revitalization program, as appropriate. If this certification cannot be made, the proposed activity shall not be undertaken. If this certification can be made, complete this Section.

"The proposed activity complies with New York State's approved Coastal Management Program, or with the applicable approved local waterfront revitalization program, and will be conducted in a manner consistent with such program."

Applicant/Agent's Name: Town of Southampton  
Address: 116 Hampton Road, Southampton, NY 11968  
Telephone: Area Code ( ) (631) 702-1800  
Applicant/Agent's Signature: \_\_\_\_\_ Date: 11/20/15

**F. SUBMISSION REQUIREMENTS**

1. The applicant or agent shall submit the following documents to the **New York State Department of State, Office of Planning and Development, Attn: Consistency Review Unit, One Commerce Plaza-Suite 1010, 99 Washington Avenue, Albany, New York 12231.**
  - a. Copy of original signed form.
  - b. Copy of the completed federal agency application.
  - c. Other available information which would support the certification of consistency.
2. The applicant or agent shall also submit a copy of this completed form along with his/her application to the federal agency.
3. If there are any questions regarding the submission of this form, contact the Department of State at (518) 474-6000.

\*These state and local documents are available for inspection at the offices of many federal agencies, Department of environmental Conservation and Department of State regional offices, and the appropriate regional and county planning agencies. Local program documents are also available for inspection at the offices of the appropriate local government.

**RIVERSIDE BROWNFIELD OPPORTUNITY AREA STUDY,  
RIVERSIDE REVITALIZATION ACTION PLAN (RRAP) AND  
ZONING CODE AND ZONING MAP AMENDMENTS FGEIS**

*Coastal Zone Management Policies Consistency Review Attachment*

**1.0 Introduction**

The portion of the Study Area located within the New York State designated Coastal Boundary includes that area located north of Flanders Road/Center Drive (SR 25/CR 94) to the Peconic River waterfront (See Coastal Boundary Map attached). This area consists of an estimated 80.3 acres of land, excluding a short segment of road (Peconic Avenue) and two short unimproved road rights-of-way.

Existing/underlying zoning will remain in place but new optional overlay zones will be created for use by property owners who wish to develop in accordance with zone requirements (See proposed “ROD Zoning” Map attached). Overlay Districts proposed within the State Coastal Boundary include:

1. RO-1 (“Riverside Hamlet Center Zone”) located near the traffic circle;
2. RO-4 (“Gateway Zone”) located at the east end of the Study Area but does not have direct frontage on the river;
3. RO-6 (“Riverside Waterfront Zone”) which includes privately owned land located east of the traffic circle; and
4. RO-7 (“Riverside Recreation and Parks Zone”) which consists of large publicly owned open spaces within the coastal boundary.

The RO-1 Zone will allow mixed-use development including residential, retail, restaurants, offices, hospitality, and cultural and entertainment uses and will promote public activities and community interaction.

The RO-4 Zone within in the Coastal Boundary provides a transition for motorists passing through Riverside along Flanders Road (SR 25) and comprises the eastern gateway to the Riverside community. This zone allows for a broader mix of land uses than the underlying zone including residential, bed-and-breakfasts, residential care, recreational businesses, offices, educational facilities and low-intensity light industry but at lower densities than other proposed overlay zones

The RO-6 Zone is designed to accentuate Riverside’s character while allowing a greater mix of uses and waterfront related businesses than the underlying zones permit and would permit such uses as waterfront recreation and public gathering areas, mixed use buildings, hotels and bed and breakfasts, certain types of residences, and retail, museums, and restaurants by Special Exception Permit.

The RO-7 Zone includes five relatively large land areas that have been either preserved as open space or are used as parkland. These properties could not be developed under the proposed zoning strategy; however, their integration along the waterfront is important for passive and active recreation and overall quality of life and marketability of new development (See the October 2015 DGEIS and RRAP and ROD for a full discussion of the permitted uses, dimensional zoning requirements, and design standards for these zones).

## **2.0 Coastal Management Program Policy Review**

Based on the completed Coastal Management Program Consistency Assessment Form, it was determined that the following policies are applicable to the Proposed Action and must be further addressed.

*Policy 1: Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational, and other compatible uses.*

The Proposed Action has been preceded by years of study and extensive community and agency outreach that recognized a critical need for economic development and the revitalization of the Riverside community with the purpose of creating a vibrant and successful mixed-use hamlet center that enhances community character, protects area environmental resources, and promotes sustainable economic development. The proposed BOA Study, RRAP, Zoning Map amendments and Overlay Zones are intended to provide the flexibility to allow for varying uses, development densities, building heights, and design options radiating out from a central core. The purpose of this development and redevelopment is to eliminate blight and achieve community goals by encouraging and incentivizing a mix of land uses which along the waterfront would include waterfront recreation and public gathering areas, mixed use buildings, hotels and bed and breakfasts, certain types of residences, offices (in the RO-1), as well as retail, museums, and restaurant uses by Special Exception Permit) to create a compatible mixed use/waterfront “Main Street” business district) on assembled properties or individual lots. A key goal in the establishment of the proposed Overlay Zones and use of a Master Developer is to provide a distinct walkable hamlet center that will augment the community’s sense of place, improve the aesthetic qualities of the built environment, provide public access to and enjoyment of the Peconic River and adjacent publically owned open space , enhance the overall quality of life of Riverside’s residents, offer incentives for local investment, create new employment opportunities, provide a variety of goods and services to locals and visitors, expand and diversify opportunities in an economically depressed, racially and ethnically mixed community. Structures will be removed and reconstructed to create a cohesive theme and to enhance aesthetic qualities.

*Policy 2: Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters.*

A variety of land uses will be permitted to achieve the above-described goals. “WaterFire™” events, publicly accessible boardwalks and hiking/walking trails along the waterfront, marinas, and water related recreation or social gathering areas are water dependent uses to be permitted as will a variety of water enhanced businesses such as hotels, bed and breakfasts, certain types of residences, residential care facilities, educational uses, museums (by SE permit), restaurants (by SE permit), and retail (by SE permit). The attraction of new residents and business activity in the area will also invite more activity on the Riverhead side of the river to enhance park and boardwalk use on that side, provide an amenity to a nearby hotel and attract day trippers who visit the aquarium or shop in the area.

*Policy 7: Significant coastal fish and wildlife habitats will be protected, preserved, and where practical, restored so as to maintain their viability as habitats.*

There are no Significant Fish and Wildlife Habitats in the Study area; however, a small SFWA exists adjacent to the Study Area upstream and to its west (west of Grangebél Park and the Grangebél Park dam. There are two properties in the Study Area that abut the SFWA. One is cleared/grass greenspace at the corner of SR24 and Peconic Avenue owned by the Town of Southampton. The other is currently developed with a small business, the “Peconic Paddler,” which is a kayak/canoe rental business. There is a Town of Riverhead Park outside the Study Area that is adjacent to the SFWH, while other areas to the north and east are urbanized. Very little land in the Study Area can be developed adjacent to the SFWA. Should the Peconic Paddler property be redeveloped in the future, the development would be greatly restricted by wetlands setbacks and buffer requirements and other resource protection restrictions. Again, it should be noted that the Proposed Action is the adoption of general long-range plans and zoning code amendments for future revitalization. Roughly 38.19 acres of open space or publically owned land will be retained in the coastal area of the Study Area and will be zoned RO-7, “Recreation and Parkland.” No development is currently proposed. Future development actions will be assessed for consistency with applicable state and local requirements as site and project specific plans are developed.

*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.*

Some of the land within the coastal boundary in the Study Area is in the FEMA 100-year flood area. Most development will occur near the traffic circle and will be pushed toward the south as far from the river as possible and development will occur in areas of highest elevation to limit impacts to the flood zone, floodplain storage and recharge capacities, and areas of human occupation or activity. Much of the area to be developed or redeveloped is currently bulkheaded. There are roughly 38.19 acres of vacant County and Town-owned open space in the study area

that is not bulkheaded and available for flood storage to mitigate impacts of any possible severe flooding. Stormwater permits, erosion and sedimentation control plans, and Stormwater Pollution Prevention Plans will be required for some or all future projects to ensure that any future project captures and recharges stormwater in accordance with state and local requirements. Again, no development is currently proposed as part of this action. Future development actions will be assessed for consistency with the State and local stormwater control requirements as site- and location-specific plans are developed.

*Policy 12: Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands and bluffs.*

There are no beaches, dunes, barrier islands or bluffs in the Study Area. Some areas are natural but a large proportion of the waterfront section of the Study Area contain fill, dredge spoil deposits or “urban soils” from previous development activity. Existing tidal and freshwater wetlands along the shoreline, which provide flood control, will be protected from disturbance or obstruction as part of any necessary wetland permitting which will include requirements for minimum wetlands setbacks, buffers and other restrictions. Green infrastructure such as rain gardens, vegetated swales, green roofs may be incorporated into future site plans as possible and are fully supported by the Proposed Action and the EIS.

*Policy 17: Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible.*

Currently there are no plans to construct structural flood controls. Development will be sited and constructed to mitigate potential flood impacts to the maximum extent practical by being setback from water and wetland features and to develop on higher upland areas. Developers and the Town will consider options such as swales, rain gardens, green roofs, green space, pervious pavement and/or standard stormwater control infrastructure once plans are developed and reviewed ensure that their investments are not affected by flooding.

*Policy 19: Protect, maintain, and increase the level and types of access to public water-related recreation resources and facilities.*

Currently there is approximately 38.19 acres of publically owned open space along the river in the Study Area. It is not expected that these areas will be developed, with the possible exception of boardwalk, trails and other amenities to serve the public and serve future public waterfront events such as “WaterFire™.”

*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 shall be provided in a manner compatible with adjoining uses.*

Public boardwalks, viewing platforms, trails and walkways will be provided along the Riverfront. Easements will be required to allow public access which will necessitate an agreement by the property owner. These easements and constructed boardwalks, walkways, viewing platforms and trails will provide access to public open space.

*Policy 21: Water-dependent and water-enhanced recreation will be encouraged and facilitated, and will be given priority over non-water-related used along the coast.*

As previously noted, boardwalks, viewing platforms, trails and walkways will be provided for the public to access, view, and enjoy the shoreline. Activities such as walking/hiking, and fishing, can and may be expected and “WaterFire<sup>TM</sup>” events are proposed. These activities are considered water-related uses which are not currently available or limited due to limited access.

*Policy 22: Development, when located adjacent to the shore, will provide for water-related recreation, whenever such use is compatible with reasonably anticipated demand for such activities, and is compatible with the primary purpose of the development.*

See Policy 21 response above.

*Policy 25: Protect, restore or enhance natural and man-made resources which are not identified as being of statewide significance, but which contribute to the overall scenic quality of the coastal area.*

Future implementation of the Proposed Action would provide for development or redevelopment of property along the shoreline, with the exception of the large tracts of Town and County open space. New development will be subject to the proposed standards and procedures. Wetlands will be protected and there is the potential for wetland restoration with some development projects.

*Policy 28: Ice management practices shall not interfere with the production of hydroelectric power, damage significant fish and wildlife and their habitats, or increase shoreline erosion or flooding.*

N/A. Ice management practices are not proposed and there is no hydroelectric power facilities or infrastructure in the area.

*Policy 30: Municipal, industrial, and commercial discharge of pollutants, including but not limited to, toxic and hazardous substances, into coastal waters will conform to state and national water quality standards.*

Stormwater runoff controls will be based on contemporary best management practices and will be captured and discharged into the ground unless adequate pretreatment is provided. This may include conventional drainage catch basins and leaching pools which may be complimented by green infrastructure such as green roofs, vegetated swales, rain gardens, pervious pavement, or

other similar techniques as practical. Sanitary wastes will be treated by an advanced sewage treatment facility and either discharged directly into the ground or discharged to constructed wetlands (“Living Machine”) for additional treatment, before being discharged. All future development will comply with state and local standards and requirements for siting and construction of stormwater and wastewater treatment facilities and will be subject to applicable permitting requirements, including but not necessarily limited to State Pollution Discharge Elimination System (SPDES) permits for both stormwater and wastewater.

*Policy 32: Encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high, given the size of the existing tax base of these communities.*

Implementation of the Proposed Action is contingent on the use of alternative or innovative sanitary waste systems. This will be necessary to eliminate existing cesspools and sanitary systems and to ensure that wastewater discharges from future development receive the highest level of treatment possible to protect valued and sensitive environmental resources. As mentioned previously and within the DGEIS, the Proposed Action will necessitate the construction of a new advanced sewage treatment plant or connection to an existing plant to provide suitable wastewater treatment. Treatment would include nitrogen removal techniques including the possible discharge of treated effluent to a “Living Machine” constructed wetland to provide even greater treatment before release to surface waters or groundwater.

*Policy 33: Best management practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters.*

See response to Policy 30 above. Combined sewage overflow is currently not being considered.

*Policy 35: Dredging and filling in coastal waters and disposal of dredged material will be undertaken in a manner that meets existing State permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands.*

N/A. No dredging or fill of coastal waters or deposition of dredge material is proposed. If grading or minor fill is proposed as part of the development of any properties in the future, the Town will require the installation of standard erosion and sedimentation control techniques described in Section 3.3 and Section 15 of the DGEIS.

*Policy 37: Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into coastal waters.*

See Policy 30, 32, 33, and 35 responses above.

*Policy 38: The quality and quantity of surface water and groundwater supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.*

Significant planning and review of potential impacts have transpired during the planning, public participation and environmental review processes and additional reviews will be performed as site plans are submitted to ensure the protection of groundwater resources. These reviews will be subject to the standards and specifications of review and mitigation outlined in Chapter 15, “Future Actions,” of this FGEIS (attached) and will be included in the requirements of the SEQRA Findings Statement for this review. There will be limitations on clearing, the use of fertilizer dependent vegetation, and other restrictions in the Central Pine Barrens Compatible Growth portion of the Study Area, which will help to reduce fertilizer inputs and impacts to groundwater. Projects will also be subject to SPDES stormwater and wastewater permits and approvals by the Suffolk County Health Department and other agencies. The proposed Zoning amendments do not allow intensive or hazardous land uses such as heavy industry in the area that could cause groundwater pollution. Also, as previously indicated, a substantial portion of the waterfront in the Study Area is publicly owned and will remain largely if not entirely undeveloped/wooded, and therefore, will have no additional impact. Advanced sewage treatment facilities will also help to reduce impacts to groundwater quality as discussed in previous policy responses.

In regard to water quantity, the Town, Master Developer, and project consultants have and/or will continue to coordinate with the Suffolk County Water Authority (SCWA) to ensure the delivery of a safe and sufficient supply of potable water and the quantity is abundant in the area due to the presence of the Central Pine Barrens Core Preservation Area which consists of roughly 50,000 acres of land that is mostly undeveloped and woodlands.

Based on the water quality data for the well/wellfield to serve future development, water quality is good or excellent. The well/wellfield is located a considerable distance from the hamlet and is not expected to be affected by development in the area as the hamlet is located outside the well’s groundwater contributing area.

*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.*

N/A. Electric generating and industrial facilities that would discharge to the river are not anticipated and would be inconsistent with the public access to and enjoyment of the river and public waterfront events that are planned.

*Policy 41: Land use or development in the coastal area will not cause national or state air quality standards to be violated.*

N/A. Major polluters such as heavy industry, energy generating facilities, etc. that may discharge significant pollution into the air are not anticipated in the Study Area based on the proposed zoning. Renewable energy facilities are permitted in the coastal area but these are expected to be clean operations. Significant air polluting uses would be inconsistent with the Proposed Action.

*Policy 43: Land use or development in the coastal area must not cause the generation of significant amounts of acid rain precursors: nitrates and sulfates.*

N/A. Significant nitrate and sulfate discharges to the air that would cause or exacerbate acid rain events are not anticipated by this project based on permissible land uses.

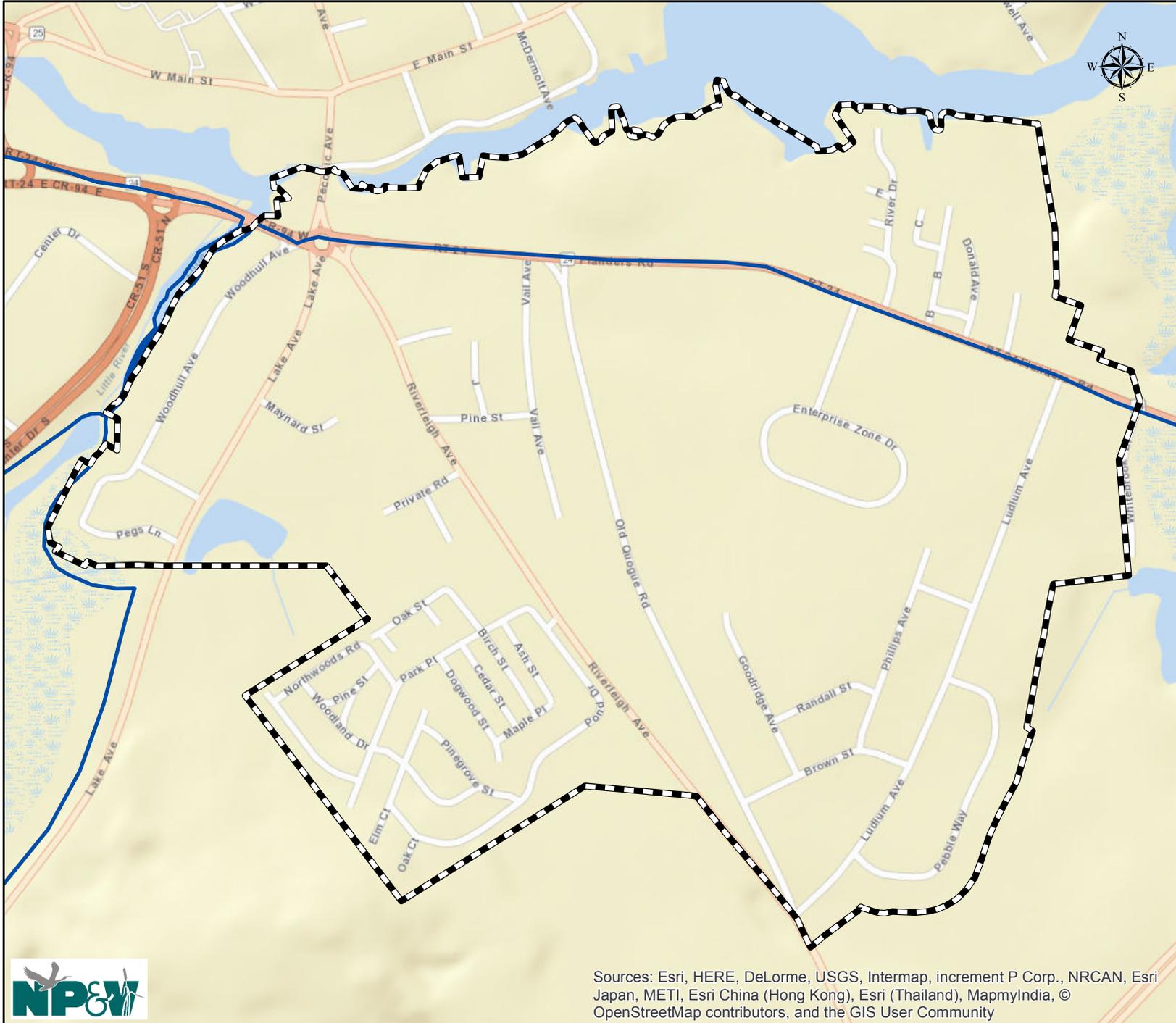
*Policy 44: Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.*

There is no planned encroachment into wetlands at this time with the possible exception of walkways or viewing platforms, and possible pedestrian bridge connecting Riverside and Riverhead that will facilitate access and walkability. Efforts will be made to prevent encroachment as impacts to wetlands, surface waters or other environmental resources are inconsistent with the intent of the plan which promotes waterfront access. Future site preparation and building construction will be subject to Town and State wetlands restrictions including but not limited to wetland setbacks, wetland buffers, and other protections as indicated by the DGEIS Section 15 attached.

### **3.0 Additional Comments**

Finally, it Additional coastal consistency reviews may be required at the time projects are proposed to address specific site- and project-specific elements of future actions.

## **FIGURES**



Town of Southampton  
and  
New York Department of State




Riverside Hamlet Revitalization

**FIGURE 1**  
**NYS Coastal**  
**Area Boundary**

**Legend**

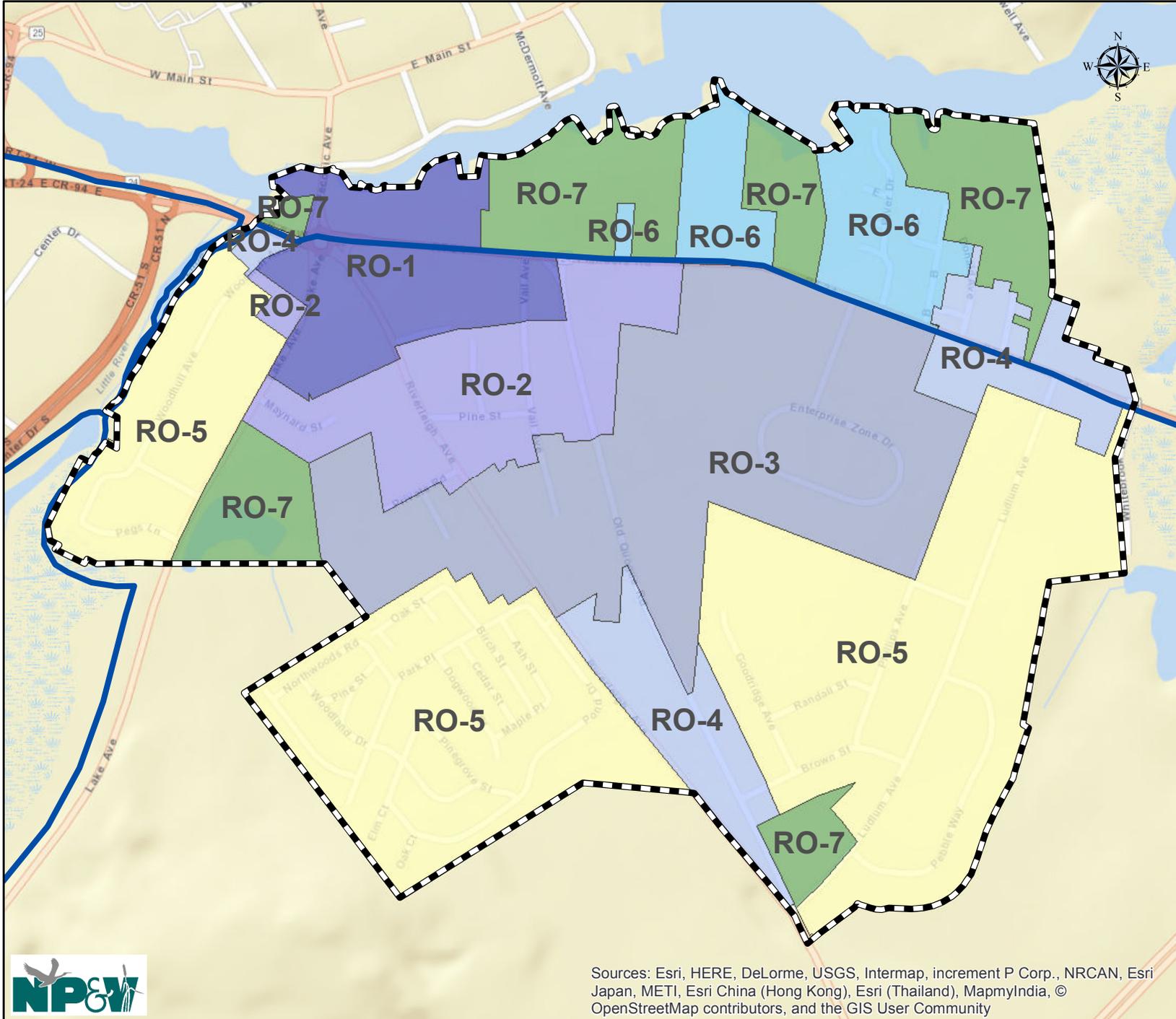
-  Study Area
-  NYS Coastal Boundary

Source: ESRI Base Map;  
NYS DOS

0 800  
Feet  
1 inch = 800 feet



Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



Town of Southampton  
and  
New York Department of State



Riverside Hamlet Revitalization

**FIGURE 2**  
NYS Coastal Area  
Boundary & Proposed  
Zoning Overlay

**Legend**

- Study Area
- NYS Coastal Boundary
- Proposed Overlay Zone
  - RO-1
  - RO-2
  - RO-3
  - RO-4
  - RO-5
  - RO-6
  - RPL

Source: ESRI Base Map;  
NYSDOS



1 inch = 800 feet



Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community