

VILLAGE OF MAMARONECK HARBOR MANAGEMENT PLAN FINAL REPORT

VOLUME ONE

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October, 1986

HARBOR MANAGEMENT PLAN

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November , 1986

Mayor Paul Noto Board of Trustees Village Mamaroneck Village Hall Mamaroneck, New York 10543

Dear Mayor Noto and Honorable Board Members:

Pursuant to the Village's local Waterfront Revitalization Program you requested that this Commission develope a harbor Management Plan utilizing material developed and/or supplied by your Coastal Zone Management Commission, The Village Manager, The Chief of Police, The Harbor Master and others, including the Village's outside consultant; considering the input of Village residents and Harbor users and relying on this Commission's own collective experience the Commission has, over the past many months, compiled a base of information and drafted a proposed Harbor Management Plan.

We are please to forward the results of that effort herewith. It is set forth in two volumes. Volume I contains the actual Harbor Management Plan which this Commission submits for your consideration. The Plain in turn is divided into two sections: The first consists of thirteen statements of policies concerning the Harbor. The second consists of definitions and proposed initial implementation steps to be taken in order to begin to effectuate the thirteen policies.

Volume Two of the report contains the underlying reference material and findings, developed by the Village's consultant and others, upon which the Harbor Management Plan is based. It also contains a number of statistical and other surveys and reports.

We look forward to working with your Honorable Board in the final review, analysis and adoption of a model, comprehensive and precedent setting Harbor Management Plan for the Village of Mamaroneck.

Very truly yours,

Harbor Commission Village of Mamaroneck

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VILLAGE OF MAMARONECK

HARBOR MANAGEMENT PLAN

PART ONE

The Village of Mamaroneck Harbor Commission, in response to the information developed and presented in Part Two of this report, has developed and adopted the following statement of policies and their respective implementation steps for adoption by the Village Board of Trustees. Upon adoption by the Village Board of Trustees, these policies will serve as guidelines to the Harbor Commission in the execution of their duties and responsibilities as identified in Part Two of this report.

STATEMENT OF POLICIES

Preamble:

The Village recognizes that in order to have a meaningful plan for the future management, maintenance and use of the Harbor it is appropriate that all Village personnel and all those utilizing, affecting and affected by the Harbor should be provided with a clear statement of the Village's policies with respect to the Harbor. Accordingly, the following policy statements are hereby adopted.

Further, to insure the effectuation of these policies, this Harbor Management Plan sets forth the initial implementation steps to be taken with regard to each adopted policy. For the purposes of this Harbor Management Plan the Definitions set forth in the annexed section entitled Initial Implementation Steps shall be applicable except where otherwise limited. In this regard, and in conjunction with this statement of Policies, the term Harbor shall mean all of the tidal waters within the territorial limits of the Village of Mamaroneck, including all coves, bays and inlets, and offshore to the maximum point over which the Village might legally assert any jurisdiction.

Policy #1:

The Village of Mamaroneck hereby recognizes that its Harbor constitutes one of the Village's primary economic, recreational and aesthetic assets and declares that, consistent with prudent fiscal planning and the Village's other financial needs, the Village shall, to the best of its ability, preserve, maintain and enhance that asset and its appearance.

Policy #2:

The Village shall take all reasonable and financially prudent steps to insure the safe navigation, mooring and storage of vessels in and about the Harbor.

Policy #3:

The Village shall take all lawful steps to obtain the maximum jurisdiction legally available to it over the tidal waters of the Village, including all bays, coves and inlets and offshore to the maximum point at which the Village might legally assert any jurisdiction, i.e. the Harbor.

Policy #4:

The Village shall, on a periodic basis, assess the capacity of the Harbor, and the various areas within it, to support and maintain the uses to which they are being put; and shall, based on such assessments, take such steps as may be appropriate to either enhance such capacity where feasible or to regulate such uses where required in order to insure that the Harbor is used in an optimum, safe, productive, efficient and environmentally sound manner.

Policy #5:

The Village declares that environmental degradation and the pollution of the Harbor is an anathema and that it shall take all reasonable measures to eradicate such pollution and to protect the environment.

Policy #6:

Marine Structures within the Village shall conform to sound guidelines as to construction, design, use and configuration. Likewise, the installation and maintenance of mooring devices shall be regulated so as to insure safety and the sound utilization of available waters.

The placement of Marine Structures and moorings shall be such that proper recognition is accorded to the rights of upland owners and their neighbors and such that public waters are used for the public good.

Policy #7:

The Village recognizes that the continued viability of the Harbor depends on its being periodically dredged to reasonable depths, which, given the population of watercraft, siltation rates and the requirements of safe navigation at low tides, should be not less than ten feet below mean low water in channels and fairways and appropriate, corresponding depths in anchorage, mooring, docking and ramp areas.

Policy #8:

The Village shall, consistent with the capacity of the Harbor and its facilities, and with the other policy statements enunciated herein, promote, both within and without the Village, the recreational and economic uses of the Harbor.

Policy #9:

The Village shall, within the next two years, conduct an assessment to determine the true revenue and cost impacts of the harbor on the Village and make such figures public and update it every five years.

Policy #10:

The Village shall continue to afford public docking and trailer-boat launching facilities to residents of the Village and others on as economical a basis as possible but the Village shall, not less than every two years, assess its fee and permitting practices to insure that the Village does not provide such facilities at the significant expense of taxpayers and/or commercial marine operators offering similar services.

Policy #11:

The Village shall undertake a review of the question of whether to allow persons to live aboard vessels moored or docked in the harbor and to arrive at a policy for implementation with respect to such use of the harbor as soon as practicable.

Policy #12:

The Village hereby declares that any guidelines, rules and regulations relating to the Harbor that are either adopted herein or that may hereafter be adopted shall be written and administered so as to provide clear guidance for all who may be affected and so as to assist and expedite the efforts of those who would commit their time and resources to the maintenance, development and provision of facilities and services relating to the Harbor.

Policy #13:

The Village hereby declares that the preservation, maintenance and enhancement of the Harbor requires constant review, oversight and assessment and hereby directs the Harbor Commission, not less than every three years, to review the aforesaid Policies and the implementation steps set forth below, to report to the Village Board on the experience during such period in meeting such goals and objectives, on the results and impacts thereof and to make such recommendations to the Village Board as the Commission may then deem appropriate concerning additions, deletions or changes with respect to such Policies and implementation steps.

INITIAL IMPLEMENTATION STEPS

Preamble:

In order to insure that the Statement of Policy, set forth above, is carried out, the Village hereby adopts the following steps to implement that Policy. In accordance with the Statement of Policy, these Implementation Steps shall be periodically supplemented as required.

Definitions:

As used in this Harbor Management Plan the following words and terms shall have the following meanings unless otherwise limited or required: $e^{i\phi^{\xi,p^{\xi}}}$

HARBOR = Shall mean all of the tidal/waters within the territorial limits of the Village of Mamaroneck, including all coves, bays and inlets, and offshore to the maximum point over which the Village might legally assert any jurisdiction.

INNER HARBOR = Shall mean the waters of the Harbor, to the high tide limits, northerly of a line drawn from the apex of the Shore Acres Point peninsula to the so-called "steamboat dock". The Inner Harbor is made up primarily of the East Basin and the West Basin.

OUTER HARBOR = Shall mean the waters of the Harbor, to the high tide limits, southerly of a line drawn from the apex of the Shore Acres Point peninsula to the so-called "steamboat dock, southeasterly to the limits of the Village's territorial limits and southwesterly to the so-called Larchmont breakwater.

ALL OTHER VILLAGE WATERS = shall mean all other tidal waters within the Harbor, to the high tide limits, but not within the Inner Harbor or the Outer Harbor.

MARINE STRUCTURES = Shall have the meaning set forth in Implementation Step #6 (a) herein.

MOORING DEVICE = Shall mean any device other than a dock or float by which a vessel or floating marine structure may be secured in place by being attached to lands lying beneath the water. When used to secure a float or a dock a piling shall be a part of a Marine Structure but shall not be considered a mooring device. When used to directly secure a vessel, without a dock or a float, a piling shall be considered a mooring device. All portions of a mooring device including ground tackle, chains, shackles, pennants, bridles, buoys, tall buoys and pick up lines shall be considered a part of the Mooring Devices.

Initial Implementation Steps With Respect to Policy #1:

- 1. (A) Within twenty-four months of the date of the adoption of this Harbor Management Plan, the Village Manager, Harbor Master and Harbor Commission shall prepare and submit to the Village Board an inventory of all facilities and Marine Structures in the Harbor, public and private, including but not limited to docks, moorings, breakwaters, seawalls and the like. As part of the Harbor Inventory the condition of all Village owned structure and facilities shall be evaluated.
- 1. (B) Within twenty-four months of the date of the adoption of this Harbor Management Plan the Village Manager, Harbor Master and Harbor Commission shall submit to the Village Board a proposed five year capital plan for the maintenance, repair and, if required, replacement or addition to the Harbor related structures and facilities owned by the Village including all seawalls, Harbor service buildings, vessels and support equipment.
- (C) The Village Manager shall insure that necessary action is taken to preserve the integrity of the Village's seawalls surrounding the Harbor.

Initial Implementation Steps With Respect to Police #2:

- 2. (A) The Harbor Master shall be representative of the Village with primary responsibility for insuring the safety and utility of the Harbor. The Chief of Police, Village Manager, Village Engineer and Building Inspector shall cooperate with the Harbor Master and shall provide the Harbor Master such assistance and cooperation as the Harbor Master may require within the limits of their budget and availability given their own duties.
- 2. (B) The Harbor Master shall be responsible, unless otherwise directed by the Village Board, for the assigning of all spaces at Village-owned docks and floats, for the issuance of Village ramp permits and for the issuance of all Village mooring permits. The Harbor Master shall maintain an accurate and up to date list of all applications for such spaces and permits together with a record of action on each and a record of any waiting lists resulting from there being insufficient space or facilities available. Such records shall delineate the names and addresses of each applicant, the percentage of ownership in the vessel, a description of each vessel and

such other information as the Harbor Master and/or the Harbor Commission shall from time to time determine to be necessary or appropriate. In assigning spaces and permits the Harbor Master shall operate, within the limits of availability, on a first come first served basis, giving due consideration to bona fide annual renewals by holders of existing permits or space allocations and sizes of boats and shall, where permitted by law, give preference to Village residents.

- The Harbor Master and Chief of Police shall co-operate to 2. (C) insure that regular and frequent enforcement patrols, within available budgeted amounts, are conducted; that the safety of persons and property in the Harbor is protected, that all statutes, rules and regulations applicable in the harbor are uniformly and fairly enforced with a particular emphasis on the constant and rigorous enforcement of and provisions relating to speed and/or wake. To the extent that the Village continues to utilize police personnel for marine patrols such personnel shall be under the jurisdiction of the Chief of Police and shall observe the Police Department's usual chain of command. The Harbor Master and the Chief of Police shall, as soon as may be practicable, consider, together with the Harbor Commission, whether alternate forms of marine law enforcement patrols, such as the utilization of Bay Constables, special police, cooperative patrols with other communities or the use of outside contractors, would have any advantages for the Village and shall provide a report on same to the Village Board. Further, the Village Manager shall work with the Chief of Police and the Harbor Master to assure that, in the interests of safety, one person marine patrols, be they safety or law enforcement, are kept to an absolute minimum and that personnel assigned to such marine units are either provided with a supporting crew member or that readily available and proximate back-up can be assured.
- 2. (D) The Harbor Master shall co-operate with the Fire Chiefs to insure that adequate water side fire protection is available to persons and property in and about the Harbor.
- 2. (E) The Harbor Master and the Chief of Police shall co-operate with the United States Coast Guard and the United States Coast Guard Auxiliary and with qualified commercial marine salvage operators to insure that adequate search and rescue services are available to persons utilizing the Harbor; and, where appropriate shall provide space and/or access for such units.
- 2. (F) The Village shall promote and encourage vessel operators to take available boating safety course. In this regard, and in conjunction with Policy #8, the Village shall co-operate

- with the United States Coast Guard Auxiliary and like organizations to promote and facilitate the conduct and awareness of such boating safety courses and boating safety examination programs.
- 2. (G) The Village shall, consistent with the availability of funds and the availability of the time of affected personnel, assure that the appropriate members of the Harbor Master's Department and the appropriate members of the Police Department obtain the requisite training and certifications, including training in the use of speed and noise monitoring devices, to insure that such personnel have the ability and authority to utilize and enforce all statutes, rules and regulations available to the Village.
- 2. (H) The Harbor Master shall, on a periodic basis as the Harbor Commission may deem necessary, assess the need for additional, relocated or changed navigational aids. The Harbor Master shall obtain all regulatory approvals within available budgetary limits, either directly or through appropriately let contracts, see to the proper maintenance of such devices. In the alternative, where appropriate, the Harbor Commission or Harbor Master may require that certain property owners maintain or provide requisite navigational aids or facilities in conjunction with the granting of approval and for the placement and/or use of certain Marine Structures and/or mooring devices.
- 2. (I) The Harbor Master shall require that each operator of a fuel dock shall conspicuously post appropriate signs at such dock specifying proper fueling and emergency procedures. In addition, each operator of a fuel dock shall insure, by such means as such operator may find most effective, that all persons authorized to operate fuel pumps or to provide fueling services to vessels shall be familiar with sound fueling practices and with requisite emergency procedures. Such emergency procedures shall include the orderly evacuation of the area, and procedures for handling potentially explosive or polluting fuel spills. Such persons shall be informed how to notify the Harbor Master, Village Police, Fire Department, Coast Guard and/or Rescue Squad, as appropriate, in the most effective and expeditious manner.
- 2. (J) The Harbor Master shall secure a Master Permit from the Army Corps of Engineers, and/or any other governmental authority required, for the placement of moorings in the Harbor.

Initial Implementation Steps With Respect to Police #3:

3. (A) The Village shall take all necessary steps to obtain the maximum grant of jurisdiction over the waters, and any and all activity on, in, under and over the waters of the Harbor that may be available to it under the laws of the United States and of the State of New York. In this regard the Village shall also seek to obtain the maximum jurisdiction over all Marine Structures, whether or not floating, fixed or attached to land and over fishing, lobstering and the like.

The Village shall explore with the State and federal governments the possibility of the Village, on a contractural or designation basis, being granted authority to investigate or enforce certain statutes, rules and regulations otherwise under the jurisdiction of such other governmental entities where the enforcement of same would assist the Village in obtaining its goals and objectives as set forth in this Harbor Management Plan.

Initial Implementation Steps With Respect to Policy #4:

- 4. (A) The Village finds, based on the work of the Coastal Zone Management Study Committee, the Coastal Zone Management Commission, and the consultant employed by the Village with respect to the development of this Harbor Management Plan that the Harbor presently has the capacity to support the number and type of vessels presently using the Harbor and the types of activities presently being pursued in the Harbor in the areas where such uses are now occurring. While the Village recognizes that there are certain peak hours of traffic during certain summer weekends and further recognizes that there are certain places in the channels where movement is somewhat restricted, actual observations and a consideration of search and rescue and accident reports has shown that the present configuration of the Harbor and the channels and fairways, as actually used, is reasonably adequate to handle significantly all of the activity presently experienced. The Harbor Commission and the Harbor Master shall periodically reconsider this finding in the light of future activities and conditions, and in light of any developing, future demands to assess whether the Harbor can continue to handle such conditions and demands in a reasonable and safe manner. Based on such assessments the Harbor Commission shall advise the Village Board, whenever appropriate, of any steps it deems ought be taken in the future to alleviate any capacity constraints, or, if appropriate, any restrictions it deems should be imposed to insure that capacity is not exceeded. In making these recommendations the Harbor Commission shall seek to optimize the use of the Harbor in a manner that is productive, efficient, safe, aesthetically sound and environmentally sound.
- 4. (B) Recognizing that the Outer Harbor may, at present, support additional facilities for moored vessels, the Harbor Commission and the Harbor Master shall pursue the increased use of the Outer Harbor by the Placement of additional moorings, if appropriate, and by the reasonable encouragement of launch service to the Outer Harbor. Moreover, the Harbor Master and the Harbor Commission shall encourage the erection of environmentally sound breakwaters for the protection of the Harbor and its contents and the adjacent lands from storm and wave damage.

- 4. (C) Notwithstanding the foregoing general statement of adequate present capacity the Village recognizes that there are certain present conditions which, at times, could tax the ability of the Harbor to safely accommodate existing usage. Among them is the use of sailboards and unpowered sailboats in the Inner Harbor, especially during peak traffic periods and the queueing up of boats at fuel docks during such periods. The Harbor Commission is requested to pay particular attention to each of the above factors and to make early recommendations concerning each in the event conditions warrant. With respect to fuel docks the Harbor Commission is particularly requested to consider whether it would be desirable to relocate one or more moorings from designated areas near such fuel docks to provide additional space for boats awaiting access to such docks in an area that would not interfere with the free movement of vessels in the channel. Too, the Harbor Commission is requested to consider the desirability and efficacy of the placement of signs on fuel docks and other docks and floats adjacent to constricted area requiring vessel operators sound proper horn signals before leaving such docks.
- 4. (D) While the Harbor Commission is hereby encouraged to provide for the more efficient use and configuration of the Harbor and the waters under the jurisdiction of the Village the primary charge of the Commission and the Harbor Master shall be to insure safe navigation and storage of vessels, enhanced water quality for swimming, fishing and the like, preservation of wetlands, marsh and wildlife areas and the assurance of access by the public. Moreover, they shall at all times be especially mindful of the fact that the Village's Harbor and waterfront have a unique esthetic value which shall not be compromised. The Harbor Commission and the Harbor Master are hereby admonished to preserve and enhance the Village's waterfront charm and aesthetics.

Initial Implementation Steps With Respect to Policy #5:

5. (A) The Police Department shall enforce all applicable noise regulations in the waters under the jurisdiction of the Village including any laws, rules or regulations requiring that vessels propelled by internal combustion engines be equipped with functioning mufflers, and shall insure that any vessel operator claiming to be exempt from such requirement, such as the existing New York State exemption for certain vessel operators participating in approved, sanctioned races, meet all of the conditions for any such In the event the Harbor Master and Chief of exemption. Police find that in order to effectively control noise pollution it would be desirable for the Village to enact specified noise standards and acquire the technical capability to enforce such standards, then they shall make such recommendations to the Village Board.

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- 5. (B) To further minimize the pollution of the Harbor, the Harbor Master is directed that, effective with the 1988 boating season, no vessel having a "head" or "heads" shall be eligible to be docked, moored or used in the Village of Mamaroneck unless such "head" or "heads" is or are equipped with Coast Guard and/or governmentally approved marine sanitation devices. In this regard, commencing in 1988, but not until the Harbor Master shall be satisfied that there is at least one pump—out station available in the Harbor, every application for a Village docking, mooring or ramp use permit shall require that the applicant certify, under the penalties of perjury, that the vessel is compliant.
- 5. (C) The Village shall use its best offices to cause the County, at Sewer District expense, to install not less than two marine pump-out stations at mutually convenient locations in the Harbor which stations shall be directly connected to municipal sanitary sewer lines.
- 5. (D) No renovation of any sewage treatment facilities within the Village shall be approved or permitted unless such renovation, including the upgrading of the sewage treatment plant on Harbor Island, is accomplished in such a way as to reduce, to the maximum extent possible given the current state of the art, polluting runoffs and discharges from entering the Harbor.
- 5. (E) In performing their other duties and functions, the Coastal Zone Management Commission, the Harbor Master, the Harbor Commission, the Village Manager, the Building Inspector, the Village Engineer and the Board of Appeals shall take particular note of the marshes, wetlands and wildlife sanctuaries abutting the Harbor, as those terms and areas are defined and used within the Village regardless of usage by other entities. Such areas are important to the Village as well as to the ecology of Long Island Sound and are most fragile and susceptible to injury by man made and man caused events. Accordingly, none of the foregoing Village representatives shall take any action in knowing degradation of such environmentally sensitive areas and such representatives shall each immediately notify the Village Board of any action or proposed action or lack thereof which could have such adverse consequence.

Initiation Implementation Steps With Respect to Policy #6:

6. (A) For the purposes of this Harbor Management Plan and all Village ordinances now or hereafter relating to the Harbor a Marine Structure shall be defined as any facility, building, dock, float, ramp, piling, breakwater, or other man made structure, erected, constructed, placed, maintained or used, whether partially or entirely, on, in, under or above the water, regardless of whether it abuts the shore or is partially on-shore and regardless of whether it is or is not affixed to the bottom, or resting on the bottom. For

available but so that they are secure from theft and corrosion. Upon the completion of such review, the recommendations, if any, shall be sent to the Village Board for action. If adopted, such fire safety requirements shall be added to the Guidelines.

- The Village hereby finds that while the layout, construction and design of certain Marine Structures currently placed and or maintained on, in or over the waters under the jurisdiction of the Village do not conform to the aforesaid Guidelines, that it would be prohibitively costly to require that the owners of such Structures immediately replace them with new facilities compliant with the Guidelines. Accordingly the Village hereby declares that, for their remaining useful lives, existing Marine Structures shall be exempt from compliance with the Guidelines.
- For the purpose of the foregoing paragraph, existing Marine Structures shall mean all Marine Structures that were in place or in existence as of February 28, 1986. The Village recognizes that a number of Marine Structures in the Village are moved or removed for winter storage and that all such Structures may not be in place on February 28, 1986. The Village intends that the exemption shall included all Marine Structures that were in the water during the 1985 boating season provided those structures are put back into service in substantially the same condition, configuration and location.
- 6. (G) The Village hereby declares that the new Village floats, docks and gangways being delivered pursuant to a contract awarded by the Village were in existence on February 28, 1986 and, accordingly, are likewise exempt from compliance with the new Guidelines as an existing structure. Harbor Master shall work co-operatively with the Harbor Commission to review the configuration and placement of such new Village docks, floats and gangways and shall, to the extent reasonable, make such adjustments to them as shall seem prudent. However, the Village hereby declares that the placement and configuration of such new Village docks, floats and gangways shall likewise be deemed grandfathered and exempt, for their useful lives, from the requirements of the Harbor Management Plan in like manner and to like degree as those Marine Structures of Marinas, boat yards, clubs and others in existence or in place as of February 28, 1986.
- Anything in this Harbor Management Plan to the contrary notwithstanding, the Harbor Commission shall have the right to establish a special review and permitting procedure (hereinafter for the purposes of this paragraph "Procedure") for the installation of Marine Structures by Commercial Marine Operators as follows:

- (i) The Procedure shall, if adopted by the Harbor Commission, apply only to persons, firms or companies operating a commercial marine enterprise in a Commercial Marine Zone in the Village. Such person, firm or company operating such an enterprise in such a zone, shall be known as a Commercial Marine Operator.
- (ii) The Procedure shall, if adopted by the Harbor Commission, allow the Harbor Commission to approve the construction and design of Marine Structures sought to be used in connection with a Commercial Marine Operators' own marina or facility, upon a written representation by such Commercial Marine Operator that, based on a minimum of five years prior experience of such Operator in using comparable Marine Structures in the Village, in comparable locations and operations, that the Marine Structure proposed is safe and adequate for the purposes intended and also that it will be safely and adequately maintained and operated.
- (iii) The procedure, if adopted, shall allow such approvals to be granted by a committee to be made up of the Harbor Master and one or more members of, or consultants to the Harbor Commission, provided said committee is satisfied as to the contents of and basis of the certification and provided further, that the Harbor Commission shall retain the right to thereafter terminate the approval and require the removal of modification or change in operation of, the said Marine Structure in the event it thereafter be determined that said Marine Structure is either unsafe and/or inadequate for the purpose for which it is being utilized or that it is not being adequately and safely maintained and/or operated.
- (iv) The expedited procedures set forth above notwithstanding, the full Harbor Commission shall, under its normal procedure, review the configuration of new and/or substantially revised Marine Structures, even those proposed by Commercial Marine Operators, except that such approvals shall not be required with respect to replacements in kind or minor reconfigurations as the term "minor reconfigurations" may hereafter be defined by the Harbor Commission.
- 6. (I) For the purpose of the aforesaid exemption in (6G) the term "remaining useful life" shall mean the realistic and reasonable useful life of such structures absent renovation or replacement of parts other than routine maintenance. The exemption will not be applicable either to the replacement of any Marine Structure or to the substantial renovation or

substantial replacement of any Marine Structure. Such replacements or renovations and any Marine Structures not in existence or placed as of March 1, 1986, other than the aforesaid new village docks, floats and gangways, shall, for the purposes of the Harbor Management Plan be deemed to be New Marine Structures subject to review under the Guidelines.

- 6. (J) All persons seeking to place New Marine Structures in, on or over the waters under the jurisdiction of the Village of Mamaroneck or seeking to significantly relocate existing Marine Structures shall apply to the Harbor Commission, and elsewhere as required, pursuant to Village Ordinance #21-1985, for authority to construct, erect, maintain, and/or place such Structure(s) in the Village.
- 6. (K) In the event the proposed New Marine Structure is in conformity with the Guidelines and the event that the proposed New Marine Structure is to be placed in an area and configuration determined by the Harbor Commission to be suitable then the Harbor Commission shall cause a permit to be issued for such structure and shall cause it to be added to the Harbor inventory.
- 6. (L) In the event a proposed New Marine Structure is to be placed in an area and configuration that is determined by the Harbor Commission to be suitable, but the proposed New Marine Structure is found by the Harbor Commission not to be compliant with the Guidelines, the Harbor Commission may nevertheless issue a special permit if it finds, based on engineering, structural and other evidence that the variations from the Guidelines will not have an adverse effect on the safety, structural integrity or utility of the Structure or on navigation or on neighboring Structures or any other adverse impact.
- 6. (M) In determining whether or not the proposed location of a Marine Structure is suitable the Harbor Commission shall:
 - i. take into consideration the configuration of the structure as regards the movement of vessels and persons around and on it, clearance ways for safe navigation and clearanceways for firefighting and other emergency requirements.
 - ii. take into consideration clearanceways with respect to neighboring property owners even if such neighboring owners might not at the time of the application have Marine Structures or moorings in the vicinity of the subject Marine Structure or mooring. Thus the Harbor Commission shall not authorize the placement of a Marine Structure or mooring in such a manner as to

impinge on the corresponding rights of others to erect and utilize Marine Structures or moorings on their property.

- iii. consider whether the proposed Marine Structure or mooring is to be placed over under-water lands owned by the applicant or whether it is proposed that the Structure or mooring be placed over other lands. The Commission shall, in reviewing such applications, be mindful of the fact that it is the policy of the Village to foster access to the waters under the jurisdiction of the Village by the public and to put public lands and public waters to uses that will derive the greatest benefit for the public.
- iv. recognize not only the legally established federal channel lines, but also the revised channel lines sought by the Village as well as the channels and fairways as actually used in custom and practice. The Commission shall insure that no New Marine Structure or mooring is placed, and that no existing Marine Structure or mooring is relocated so as to intrude into any of the aforesaid channels or fairways nor so as to impede navigational sight lines within such channels or fairways, nor so as to impede safe and reasonable ingress and egress into such channels and fairways nor so as to impede safe and reasonable ingress and egress to and from established marinas, clubs and Marine structures.
- v. give due consideration to Harbor capacity, congestion, aesthetics, water quality and all other criteria reasonably deemed applicable by the Commission in connection with such applications.
- 6. (N) As part of its rules and regulations, which shall be adopted within 90 days from the effective date of this Plan, the Harbor Commission may, in connection with any application for authorization to erect, construct, alter, place, move or maintain a Marine Structure or mooring in the Village, require or provide, among other provisions established by said Commission, that:
 - i. applicants furnish the Commission professionally prepared plans and specifications, drawn on a scale of 1 to 30, either prepared by a qualified commercial marine operation dealing in or operating such facilities or signed by a licensed professional, with regard to the detailed design, construction and size of all Marine Structures and moorings. Such plans shall demonstrate, and shall certify, that the proposed Marine Structure or mooring device is in all respects

- compliant with the Village's then current guidelines and, if not, shall state the manner in which it varies therefrom and shall state why it is claimed that such variance should be accepted.
- ii. applicants furnish the Commission professionally prepared plans, signed by a licensed professional, showing underwater land grants, pier and bulkhead lines, easements, littoral (riparian) rights, if any, channel lines, anchorage area lines, fairway lines, and sight lines, among other perimeter considerations, not only with respect to the area in which the applicant proposed to place the Marine Structure or mooring but also for a reasonable perimeter around that area so that the Harbor Commission may determine the impact of such placement and configuration on navigation, safety and the rights of others.
- iii. minor re-configurations of already approved Marine Structures or moorings be reviewed according to an expedited, simplified process. In this regard, the Commission shall have the authority to delegate to the Harbor Master, if appropriate, the authority to review and approve such minor re-configurations.
- 6. (0) With respect to professionally operated boat yards, marinas and clubs, the Harbor Commission shall, consistent with safety and structural requirements, permit the greatest possible latitude concerning the internal re-configuration of Marine Structures provided such re-configuration has no adverse impact on neighbors, channels, fairways, anchorage areas and safe navigation.
- 6. (P) The Commission's rules and regulations shall be written in such a manner as to provide applicants with as much information as possible and so as to expedite the review of all applications to the greatest extent possible.
- 6. (Q) The Harbor Master, subject to the review and approval of the Harbor Commission, is empowered to revoke any mooring permit or docking permit, on two weeks prior written notice, for a violation of the then applicable rules or regulations, or otherwise, for cause and may, if directed by the Harbor Commission, remove to a safe location, and store at owner's expense, any boat that is moored or docked in the Harbor without the appropriate permit.

Initial Implementation Steps With Respect to Policy #7:

7. (A) Within twenty-four months of the date of the adoption of this Harbor Management Plan, the Village Manager, Harbor Master and Harbor Commission shall prepare and submit to the

Village Board a ten year dredging assessment of the Harbor and entrance channels including a projection of likely impacts on the Village of conducting certain dredging projects according to alternate schedules. Such assessment shall present the likely costs and revenue sources, including support from other levels of government and the private sector. In accordance with this Harbor Management Plan such dredging program shall provide for the dredging of all channels and fairways to a depth of at least ten feet below mean low water and shall provide for an adequate depth in all anchorage areas and at all Village docks, floats and rampways, after taking into consideration of the population of boats likely to use such areas during the reasonable period of the dredging, siltation rates and appropriate allowances for tides below low mean water.

Initial Implementation Steps With Respect to Policy #8:

- 8. (A) The Harbor Commission, the Harbor Master and the Village Manager shall from time to time explore means and methods of promoting the utility and recreational resources of the Harbor. In this regard, the Village shall consider participation with other communities in Long Island Sound festivals and other such projects and shall co-operate in providing access to the Harbor to the media.
- 8. (B) The Harbor Commission and the Harbor Master shall explore the feasibility of publishing, on a periodic basis, a newsletter to be sent to all those using the Harbor and having an interest in it. Such Newsletter should, if published, be self supporting without the contribution of Village revenues. It should provide space for boating safety columns, for columns by the Harbor Master, Chief of Police and the Harbor Commission, and for columns and advertising by all commercial marine and waterfront recreational enterprises in the Village. It should promote upcoming marine events and the safe and healthful use of the Harbor.
- 8. (C) The Harbor Commission shall, as soon as practicable, make recommendations to the Village with respect to the erection of a transient boating dock, or the development of equivalent facilities, and other measures to encourage trade and commerce in the Village by boaters from other areas.
- 8. (D) Subject to Policies #9 & #10 below the Harbor Master and the Harbor Commission shall be authorized, pursuant to a fee schedule to be set by the Village Board, to provide for the winter wet storage of boats at the Village Docks and Floats. The fees for such storage shall fairly reflect the cost to the Village of providing such access. The Harbor Master and

the Harbor Commission shall develop criteria for such winter storage stressing the need for boat owners to assume the unique liability associated with such storage. Such use of Village facilities shall be limited to boats of twenty six feet in length and to those portions of the Villages floats and docks so designated by the Harbor Master. The winter storage program shall be annually monitored to assess whether it has any adverse competitive impact on commercial marine facilities within the Village.

8. (E) The Village finds that the upland winter storage of boats on Harbor Island, other than the possible storage of boats on their own, vehicle towed, trailers, would not be in the best interest of the Village. The Harbor Commission and the Parks and Recreation Commission shall, at their mutual convenience, give consideration to such winter storage of trailerable boats on Harbor Island and shall, when they arrive at a consensus, report to the Village Board.

Initial Implementation Steps With Respect to Policy #9:

- 9. (A) By the date for the submission of the Village Manager's proposed budget to the 1988/1989 fiscal year, the Village Manager, with the co-operation of the Harbor Master and the Harbor Commission shall have prepared, for the review and consideration of the Village Board, an assessment of Harbor costs and revenue delineating the following:
 - i. the costs, including labor, amortization and insurance, directly attributable to the maintenance and operation of Village owned and maintained floats, docks, ramps including Village seawalls and an allocable portion of periodic dredging costs attributable to such Village owned floats, dock and ramps. Such costs shall also include an allocable share of general Harbor Master and Marine Police costs based on the ratio of the services provided to such facilities to the overall costs of such services.
 - ii. the revenue derived from the direct operation of such docks, floats and ramps.
 - iii. the cost to the Village of providing general Harbor services, i.e. Harbor Master and Marine Police patrols and services, other than those already allocated to the Villages docks, floats, ramps and associated seawalls in sub-paragraph 9 (A) i. above.
 - iv. the cost, on an annualized basis, of other Harbor maintenance such as all other dredging costs paid by the Village and not otherwise re-imbursed, replacement

of navigational aids and maintenance of the seawalls other than those seawalls associated with the Villages floats, docks and ramps. With respect to such seawall maintenance such breakdown shall provide an assessment of whether any of such costs are, in part, appropriately chargeable to other Village accounts, such as Parks and Recreation, for the maintenance of the integrity of Harbor Island.

- v. the real revenues from all sources properly allocable as being derived due to the existence and present state of the Harbor other than dock and ramp fees. This shall include mooring and other administrative fees, fines relating to the Harbor and a fair portion of real property and sales taxes derived, whether directly or indirectly by the Village and attributable to the existence and operation of the Harbor.
- 9. (B) Upon completion and acceptance by the Village Board such report shall be made a public document and it shall be utilized in connection with future determinations pursuant to the Harbor Management Plan.

Initial Implementation Steps With Respect to Policy #10:

- The Harbor Master, Village Manager and Harbor Commission shall promptly, within available funds, take steps to enhance and improve the utility of the boat launching ramp on Harbor Island, including the widening, paving and lighting of such facility and the provision of a standby float. In the event that such improvements cannot be made within available funds, the Village Manager shall present a program for accomplishing the same to the Village Board for their action and approval.
- 10.(B) The Harbor Master shall, within available funds, take such action as may be necessary, including removal, to deal with the deterioration of the wood structures appended to the sea wall of the old sand and gravel pier northerly of the boat launching ramp. The Harbor Master may satisfy this requirement by establishing it as a condition for the use of such pier by private parties providing that such action will be accomplished in a reasonably short period of time. In the event that such action will not be accomplished by private parties in a satisfactory period and in the event that sufficient funds do not exist in the current budget for the Harbor Master to address the matter then the Harbor Master shall prepare, and submit to the Village Board through the Village Manager, a program for accomplishing same. Such program shall include a proposed schedule of fees to be charged to private persons thereafter using such pier for

the purpose of recouping any monies expended on such project by the Village and shall include the Harbor Master's reasonable estimate of the likelihood of putting the pier to such paying use.

- Annually the Village Manager shall provide the Village Board with a Report of all complaints, if any, by operators of commercial marine facilities within the Village charging that the fee schedule or other practices of the Village are having a significant adverse competitive affect on such operators. As part of such Report the Village Manager shall include his or her findings and recommendations and shall also include the findings and recommendations of the Harbor Master and the Harbor Commission if they differ from those of the Village Manager.
- 10.(D) Based on the financial and economic assessments set forth with respect to Policy #9 above and in conjunction with the above set forth Report, the Village shall review its fee practices and other policies so as to insure the most equitable balance among the following factors:
 - i. the encouragement of the optimum use of the Harbor consistent with applicable congestion, environmental and other factors.
 - ii. Reducing to the extent reasonably possible, general revenue tax support for Harbor operations.
 - iii. Reducing, to the extent reasonably possible, adverse competitive impacts on commercial marine enterprises in the Village occasioned by the Village's maintenance and/or operation of Village owned or leased docks, floats and ramps.

Initial Implementation Step With Respect to Policy #11:

11.(A) The Harbor Commission shall, in conjunction with the Village Manager and the Harbor Master, present to the Village Board by not later than March 1, 1988 their initial report and recommendations, if any, with respect to whether the Village should allow persons to live aboard vessels in the Harbor and if so, pursuant to what conditions.

Initial Implementation Step With Respect to Policy #12:

12.(A) Within 90 days from the date of the adoption of this Harbor Management Plan the Harbor Commission shall produce, in pamphlet or other appropriate from, a clear, concise and informative document for use by persons seeking to apply for permits regarding Marine Structures, space at Village owned

docks or mooring permits, setting forth the procedures, the sequences, who submissions should be made to, where forms may be obtained, what documents must be submitted and other like information.

Initial Implementation Steps With Respect to Policy #13:

- The Harbor Commissions hereby directed to submit an annual report to the Village Board by not later than _____ of each year which report shall:
 - i. list all applications for the approval of Marine Structures submitted to the Commission and indicate the Commission's action with respect to each including the amount of time that elapsed from the date of the application until the Commission completed its review and acted. With respect to all applications pending as of the date of the adoption of this Harbor Management Plan, the date of application shall be deemed to be such date of adoption.
 - ii. list all other significant actions of the Harbor Commission during the year, including findings, that may be of interest and value to the Village Board.
- 13.(B) Every three years the Harbor Commission shall, in addition, list all of its recommendations with respect to revisions, deletions or additions to this Harbor Management Plan or to any practices, policies or fee schedules impacting the Harbor.