

LWRP for DUMMIES—The 5 Minute Guide

LWRP stands for Local Waterfront Revitalization Program; it's both a plan and a program. The planning document is prepared by the local community, and includes the program that will be used to implement the plan - it's the implementation that matters, and all of it is subject to approval by the state.

In 1989 Greenport bought into the LWRP to redevelop Mitchell Park. Southold Town Board was also sold on the adoption of a Local Waterfront Revitalization Program by the promise of ... making grant money available to local communities and that the state would have to follow the town's plan. Money was made available pre-911, but Southold took several years to write and adopt their LWRP and now, many years later, finds itself in competition with other underfunded programs. Grant money which is made available comes from the New York State Environmental Protection Fund (EPF), among other sources, in return for which the state requires permitting, funding, and direct actions to be consistent with the program that it has approved.

New York Secretary of State acts as an

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We are now accepting financial contributions to keep the organization running. Annual membership dues have been set at \$35.00 and as a paid up Founding Member, your membership will be valid until renewal in June 2009. Contributions greater than \$35 will be gratefully received. Note: as we are a 501 (c) 3 not for profit corporation, registered in New York State, your dues and contributions may be tax deductible.

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on-going partner in the implementation of the planning document, to make sure the town is implementing the plan as agreed. Although the LWRP was intended as a "master plan" for the state to follow and State permits would then be approved in accordance with the town's LWRP, the document is written with fluffy language, making recommendations on how, in the perfect world, the Town of Southold should be developed. An LWRP written for perfect world does not need to give great deference to existing development, neither to the Trustees regulatory authority, nor to the town's existing zoning, and so it is with the one written for Southold.

As part of the implementation plan, the town joined with Cornell Cooperative Extension to apply for a \$150,000 grant from the Environmental Protection Fund for their Marine Program; money has been made available.

In the 2006 - 2007 round of grant awards, Southold was approved for around \$900,000 for various projects, including \$7,822.50 for a TV program to educate homeowners about regulatory requirements. SoutholdVOICE can dedicate a Video channel to broadcast this show on the internet 24/7 for the benefit of numerous interested homeowners; a copy would be very helpful. Has it even been made?

The rest of the money was granted for revising code definitions, zoning, permits (\$186,000), storm water management projects (\$260,000 for 11 projects) managing erosion at Goldsmith's Inlet (\$460,000) and adding a new law to control storm water, grading, drainage and erosion (\$25,000). Storm water runoff is already a State Law and SPEDES (*State Pollutant Discharge Elimination System*) permits are now required on some disturbances. (This will be addressed in a later article.)

Most recently, on October 2nd 2007, the Town Board sent James Richter and John Cushman to a mandatory seminar on LWRP Grant Administration in Albany and James Richter will be going again on October 24th 2007. (*N.B. This is being written mid October.*) Expenses for registration, travel and lodging to be reimbursed from the Town's Environmental

Mission Statement

SoutholdVOICE is a citizen-run, non-profit organization of waterfront property owners and other stakeholders of Southold's extensive waterfront. Our mission is to raise awareness among the community of Southold Town regarding issues that impact shoreline and marine resources including dredging, erosion control, ecological land use, road runoff abatement and permitting. And, to promote among the general public environmentally sound policies regulating coastlines and waterways.

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Protection Fund LWRP grant money.

The LWRP does not act in isolation; rather it's guided by the state's Long Island Sound Coastal Management Program (LIS), which takes a regional approach (read broad brush stroke) to 304 miles of coastline stretching from Westchester to Suffolk County, impacting some 1.5 million people. LIS views the coast from four perspectives: the developed coast, the natural coast, the public coast, and the working coast. Those who live on the waterfront and work on the East End could be forgiven for having difficulty figuring out which perspective applies to them. More than likely, it's all of the above. Everyone is a member of the general public, everyone has a job that is underpinned by a coastline driven economy. Everyone lives on the developed coast, everyone's actions impact the natural shoreline, and everyone uses it, whether they own part of it or not.

Viewing the upland watershed and harbor and near shore waters from the different perspectives, LIS then determined that within 20 years the coast would be "built out" under current zoning, with few, if any open spaces left for the public to enjoy. In addition, they found erosion protection structures had already hardened 50% of the coastline and that building was continuing at the edge of the bluffs. As well, the size and

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number of docks being built obstructed public access along the coast. All of this, they decided, would be discouraged as a matter of policy from now on.

For the working waterfront, they were mainly concerned with protecting essential services, such as waterborne transportation of sand and gravel; developing efficient passenger and cargo ferries; and improving petroleum transshipment and storage. The commercial success of fishermen and farmers also featured as key factors to preserving the natural beauty and character of the East End, including Mattituck Inlet (the first town in Southold to be named in the report and it's now page 23). These and other policies were developed to give New York State the ability to become proactive in changing local town code and steer policy development, rather than listen to community consensus and then react to it. Only Mother Nature is to be allowed the upper hand from now on. Viewed from that perspective, every storm that destroys a non conforming waterfront structure is a bonus. Too bad if you happen to own it.

Taking the report as a whole, and not to find a single mention of protecting the waterfront for the enjoyment of those who actually own the rights to it upland of the high water mark makes for depressing reading. Private waterfront property ownership not being considered in human terms, only as "developed coast" and "large estates," compounds an obvious omission. The land-rich cash-poor, hard working middle class and elderly amongst the community (we do have them), are seemingly too small or insufficiently vocal to matter to the state; one can't help but feel forgotten, overlooked and inconsequential in the overall scheme of things.

It's as if government, large business and environmental activists have a monopoly on caring about this community's coastlines. It's as if only the farmers and fishermen hold the future wealth, health and well being of New York's Coastal Community in their hands. It's as if private waterfront property owners and other marine resources stakeholders can only be motivated by self serving greed that by its very nature goes against the public interest. It feeds into the fiction of stereotyping.

To fail to acknowledge in a 35 page report the possibility that a significant number of waterfront property owners could be responsible for maintaining the natural beauty by selfless actions every

day, is not only doing a disservice to every waterfront owner in history, it defies credibility.

One small example - the town does not clean up the beaches in front of private property, neither does the state. While owners are repeatedly beaten over the head about not owning the beach below the high water mark, apparently they own the trash on it. To add insult to injury, the Town doesn't even allow flotsam be taken to the dump free of charge. Every day, home-proud owners are buying yellow bags to collect the public's trash and paying for the dump, including large items, such as broken docks and ramps. Beaches do not clean themselves, let's give credit where credit is due.

In effect, what all of the above boils down to for the property owner, is that their rights are being transferred by stealth to the state through its LWRP grant program, and in a way that discriminates against and adversely affects one sector of the community more than any other, specifically waterfront property owners. The town board has nothing to say about it, except to try and bolster its own discretionary decision making as the only alternative. That's a choice between a rock and a hard place when the town suddenly becomes a whole coastline of non conforming properties overnight, where every repair in the book now requires a variance and consideration on a case by case basis across numerous agencies, each of which move goal posts on a regular basis and have yet to work out a mechanism for a coordinated review.

Even the most dedicated followers of town code could find themselves on the wrong side of a violation or an arbitrary decision by a Board of Trustees that readily admits it now needs applicants to pay for experts to advise them before they can make decisions. Already, the time cost and complexity of such applications is a significant barrier to fixing the eyesores that exist today in some neighborhoods.

Some people might think that Amendments to LL Chapter 275 have been crafted simply to cover up a previous blunder in getting involved with the LWRP in the first place. Is this the way to promote good quality housing stock for the benefit of future generations in the public interest?

Supporting references and the full text of the Southold LWRP grants 2006-2007 can be found on our website: www.SoutholdVOICE.com

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Download a membership application online or fill out the form below and mail to SoutholdVOICE, PO Box 996, Southold NY 11971

E-mail: southoldVOICE@gmail.com

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\$35 per year

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First Name Last Name

Mailing Address (include PO Box if necessary)

City State Zip code

Contact Phone #

E-mail

If your property address is different than your mailing address, please fill out the information below:

Property Street Address

Property City State Zip Code

Colophon

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