INCORPORATED VILLAGE of

ASHAROKEN

NEW YORK

COMPREHENSIVE

MASTER PLAN

2004



Incorporated Village of Asharoken Town of Huntington Suffolk County New York

Comprehensive Master Plan

Prepared by
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Planning Board Chairman

June 4, 2004

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Preface

This Plan updates and replaces the original <u>Comprehensive Master Plan</u> of November 1984. A number of the planning goals contained in the original document have been implemented. The notable accomplishments include:

- Providing water from the Suffolk County Water Authority to all households in the Village
- Paving Bevin Road
- Upgrading Village Hall
- Widening Asharoken Avenue and upgrading the surface over a significant portion of the road
- Up-zoning Duck Island from B to C Zone

The concern expressed in the original plan over Sound beach erosion has been partially addressed by:

- The construction of a sea wall on the Sound side of Asharoken Avenue in the vicinity of Bevin Road
- The ongoing lawsuit against LILCO/Keyspan which seeks to redress the harmful effects caused by their alteration of the littoral drift which nourishes our beaches
- Support for the "North Shore of Long Island, Village of Asharoken, New York: Hurricane and Storm Damage Reduction Feasibility Study" by the US Army Corps of Engineers. The study began in June of 2001.
- The installation of drainage provisions along Asharoken Avenue

Much remains to be accomplished to stabilize our beaches and protect Sound front homes and Asharoken Avenue.

Some of the goals contained in the original plan were not implemented but are still valid. They include:

- The recommendation that a Cluster Development provision be adopted as Village law for C Zone
- The prevention of road water runoff entering Duck Island Cove
- Guidelines and enforcement for the Villages roadway rights-of-way
- A plan for dune stabilization and maintenance
- Suggested uses for the Villages Sound-front property adjacent to Keyspan

These items are addressed once again in the present plan.

New topics or reevaluation of old recommendations are also included in this plan, such as:

- Parkland, Nature Conservancy, and Set-aside for Village recreation
- Docks
- Village services
- Code compliance
- Coast Guard Station acquisition
- Beautification of the Village

- Gas service and underground utilities
- Annexation
- Agricultural use and farm animals

The two most important topics remain Sound beach erosion and planning for the development of the former Morgan estate.

The right of the Planning Board to rigorously apply our Village's zoning laws during the subdivisions review process was upheld by the courts in the case of Garrett vs. Village of Asharoken. This decision validated the benefits of the Village having a Comprehensive Master Plan and translating recommendations into Village law, as warranted.

The original document acknowledged the work of the late Arthur Kunz and Dr. Lee Koppelman, both then of the Suffolk County Planning Commission, for their "Asharoken Study – A Planning Priorities Report for the Village of Asharoken and the Unincorporated Area of Eatons Neck," May 1983. Their work, as it pertains to the former Morgan estate on the environmental resource inventory and general guidelines for development are still highly relevant and used extensively in Sections 3.8 and 4.2 of this updated plan. Use is also made of the <u>Suffolk County Planning Commission Subdivision</u> Guidebook, June 3, 1998 Revision

This Plan is the result of input and discussions with various groups within and outside the Village. The topic, Planning for C Zone, was discussed at a joint meeting of the Board of Trustees and the Planning Board on October 27, 1997. Messrs. Kelly, Fauser, and Mendelsohn met with the Suffolk County Planning Department on June 22, 2000 to get their input on planning topics affecting the Village. Various topics within the Plan were discussed at length at many Planning Board meetings over the years.

The Planning Board and the Mayor reviewed the first draft on February 14, 2002. Their suggestions were incorporated into the second draft that was then provided to the Board of Trustees and the heads of each of the Village's Boards and functional groups. Their comments, delivered at a Planning Board meeting on March 21, 2002, were incorporated into the third draft that was made available to the general population of the Village. A public hearing was called by the Planning Board to hear comments on the third draft on May 23, 2002. In addition, copies of the third draft were sent to the Suffolk County Planning Board, the Town of Huntington Planning Department, and the Long Island Regional Planning Board for their comments. All comments were thoroughly reviewed by the Planning Board and, where relevant, incorporated into a fourth draft.

A letter was received at the public hearing from a representative of Eatons Neck LLC, owners of the former Morgan Estate. The letter questioned the need for a Plan, raised objections to the Plan, and requested that the Plan be put in abeyance to allow additional time to provide comments. Discussions with the principal representatives, A. Thomas Levin of the law firm of Meyer, Suozzi, English & Klein P.C. and David Portman of the planning firm of Frederick P. Clark Associates, began in earnest at a joint

meeting on November 8, 2002. The period between the receipt of the initial letter and the start of the joint meeting was taken up with establishing the conditions that would be in place during the abeyance period and the nature of the interaction between the Planning Board and the consultants. Mr. Portman prepared the primary document (Proposed Amendments [to the] Comprehensive Master Plan) that conveyed the desired changes and delivered it on April 1, 2003. Discussions continued and resolution was achieved at a meeting on May 10, 2003. The fifth draft was updated to reflect those agreements.

The fourth draft of the plan was sent to the Suffolk County Planning Department for their comments. They in turn requested a tour of the Village and a meeting at Village Hall for September 12, 2003. Representatives of the SCPD in attendance were Thomas Isles, Director, Andrew Freleng, and Gerald Newman. A tour of the entire Village was conducted and included the former Morgan Estate, the Coast Guard facility, Duck Island, the Bevin Road area, the Sound front, and parts of Eatons Neck. The tour and meeting familiarized the planners with the Plan and the Village and surrounding area.

The fifth draft was reviewed at a meeting of the Planning Board on May 7, 2004. All members of the Board of Trustees as well as a representative of the Eatons Neck LLC were in attendance. Minor suggestions made at the meeting and sent by the Village Attorney and Mr. Portman were incorporated into a revision 1 of the fifth draft. A Public Hearing was held on June 4, 2004 by the Planning Board to receive the public's comments on the later draft, and the supporting Environmental Assessment Form, and Draft Negative Declaration. The Planning Board unanimously approved the Plan and supporting documents after the conclusion of the hearing. The Plan and supporting documents were given conceptual approval by the Suffolk County Planning Department and the Suffolk County Planning Commission in July 2004. The Village Board of Trustees held public hearings on the EAF, Negative Declaration, and the Plan on August 2, 2004 and approved these documents on September 7, 2004.

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1. Introduction

The objective of this document is to insure the orderly development, growth, and improvement of the Village so as to maintain the quality of life that sets Asharoken apart as a special place to live.

Asharoken, throughout most of its history as a Village, has been exclusively a residential community of single-family homes. The exceptions to this statement are agricultural activities, which ceased in 1939, and a horse school, operating from 1981 to 1987, which the courts ruled was an improper commercial usage. Housing in the Village runs the gamut of sizes and architectural styles, from small beach cottages to grand manor houses, interspersed at random with little, if any, duplication. Surrounding communities have been relied upon for shopping, schools, churches, medical facilities, athletic fields, social clubs, commercial entertainment, etc. While certain professional businesses are allowed to operate in the Village, few exist; employment is found outside the Village.

Our Village government, primarily staffed by volunteers and heavily participated in by our residents, has been able to insure a high degree of self-determination. The Village maintains its own police department and garbage pickup but functions such as those provided by public works, fire, and emergency medical services are outsourced.

Our natural assets are bountiful: the surrounding waters of the Long Island Sound, Northport Bay, and Duck Island Harbor; the miles of sandy/rocky beaches and bluffs; the tidal wetlands; the rolling upland terrain with its open fields and old forests. Asharoken is a peaceful and safe harbor from the outside world; crime is almost nonexistent, due in large measure to our vigilant police force.

Through this document we seek to keep Asharoken as a residential community of single-family homes while preserving our natural assets, our security and tranquility, and our control over internal growth and improvement. We want to maintain our minimum infrastructure with its reliance on resident volunteers. Control of our open spaces should be left with the Village government or property owners. The two primary challenges to keeping Asharoken as it is are the development of the former Morgan Estate and erosion of our Sound side beaches.

The development of our one remaining large parcel, the 442-acre former Morgan Estate, is critical to the future of Asharoken. It is critical because of its size (slightly more than half the Village's land area), contribution to the tax base, environmental sensitivity, and the potential for attempts at commercial exploitation or complete takeover by outside government agencies.

Erosion of our beaches coupled with an unfavorable Coastal Erosion Hazard Line could undermine the value, even the existence, of houses along our Sound front beach. We believe that ongoing lawsuits against LILCO/Keyspan and studies by the US Army Corp of Engineers will result in remedies for this problem.

2. Historical Background*

Asharoken is an Incorporated Village in the Town of Huntington, Suffolk County, and New York State. It lies in the northwestern portion of the County. The Village is in the vicinity of the Incorporated Village of Northport and is bounded by an unincorporated section of Huntington, the unincorporated portion of Eatons Neck, the Long Island Sound, Northport Bay, and Duck Island Harbor. The Village has more than 9 miles of shorefront. Map 1 – Town of Huntington shows the villages and dedicated places that make up the Town and the location of Asharoken within the Town.

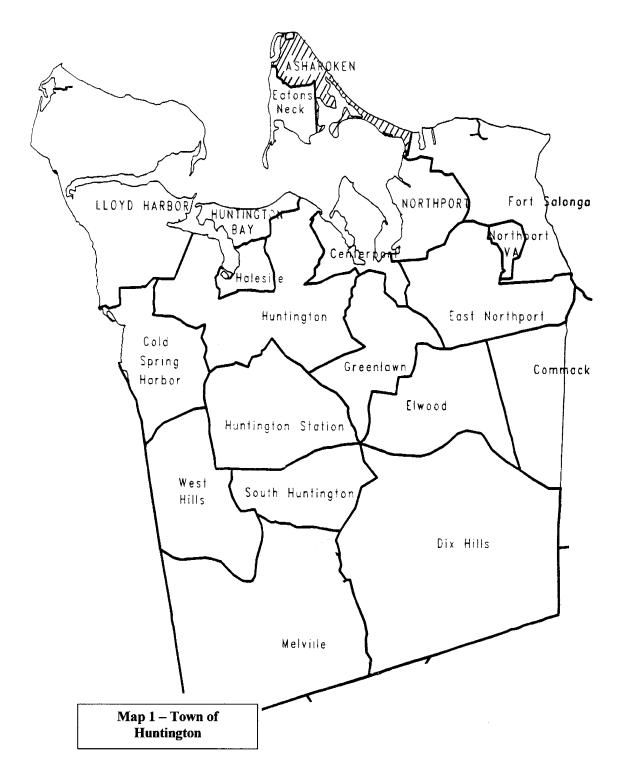
The Village takes its name from Asharoken, the Sagamore of Ketewomoke and Chief of the Matinnecock Indians, who occupied Eatons Neck in the 1600s. Chief Asharoken conveyed title to the strip to three settlers in 1656. The Neck itself, a portion of which the Village occupies, is named for Theophilus Eaton, Governor of New Haven, who was granted ownership of the Neck in 1646.

Eatons Neck was noted in the early days of our republic through the contributions of one of its residents, United States Senator John Sloss Hobart, and for the Eatons Neck Lighthouse. The lighthouse property, on the northwest border of the Village, was deeded to the United States government in 1798. Shortly thereafter, the lighthouse was erected as a sentinel for the major shipping route between New York City and Boston via the Long Island Sound.

The strip, as well as the Neck, was sparsely settled in the 1800s. The main use of the land consisted of farming on several large estates. The farm on the land of the former Morgan Estate ceased operation in 1936. The last active farm in the Village, on Walnut Neck, shut down in 1939.

The Neck was virtually isolated until the fall of 1871 when a carriageway along the strip and a causeway over the tidal crossing was built. The causeway was located between the Sound and Duck Island Cove, in the vicinity of Asharoken Avenue and Bevin Road. The road opened up the beach along the strip to people from without and created problems for the local residents. The Eatons Neck and Asharoken Beach Association was incorporated in September of 1919 to control trespassing and provide for road maintenance. The association soon expanded its scope to include matters of common interest such as fire prevention, garbage disposal, water supply, and the preservation of the beach plum; matters which continue to be important today. The first local policing began during the summer of 1920.

Problems still persisted with respect to the general public using the Asharoken beaches and the roadway. To further strengthen the position of the property owners, the decision was made to incorporate. The Incorporated Village of Asharoken officially came into being on October 25, 1925.



The Village boundaries at its founding included all of the properties now held along the strip, Duck Island, all the property now held to the south of Asharoken Avenue on Eatons Neck, and 96 acres of the former Morgan Estate along the Sound. The remaining portion of the estate, approximately 346 acres, was brought into the Village by Henry S. Morgan in January of 1964.

Significant dates for the Planning Board and land use in the Village include:

- Formation of the Planning Board in 1964 and codification of the Village's Subdivision Regulations the following year.
- Up-zoning of the Carter property (area serviced by Beach Plum Drive) from A to B Zone in 1967.
- Rejection of Paparazzo Associates plans for clustered housing in exchange for open space preservation for development of the Morgan estate in 1976.
- The founding Planning Board discussed the need for a Master Plan in 1964. The first "Comprehensive Master Plan," prepared by Andrew R. Mendelsohn, was published in November 1984. It has been the only plan until this updated version.
- Village's right to remain free of commercialization was upheld by the courts, forcing the horse school on the former Morgan Estate to close in 1987.
- Up-zoning of Duck Island from B to C Zone in 1993.
- Village's right to require a fifty-foot right-of-way for the roadway into the Crest was upheld by the court in 1990. The Garretts were thereby prevented from subdividing this historic parcel.

Brooks, Edwin, "A Short History of the Village of Asharoken" Voyse, Mary, "History of Eatons Neck" Carr, Edward A. T., "Faded Laurels, The History of Eaton's Neck and Asharoken", 1994 (The most current and comprehensive of the three)

^{*}References:

3. Basic Data & Projections

3.1 Zoning

The Village of Asharoken has three discretely different areas: the strip of land that connects Eatons Neck to the mainland, Duck Island, and the upland area on Eatons Neck. The northern and eastern portion of Eatons Neck is in the Village. The balance of the Neck is an unincorporated portion of the Town of Huntington. These areas are identified in Map 2.

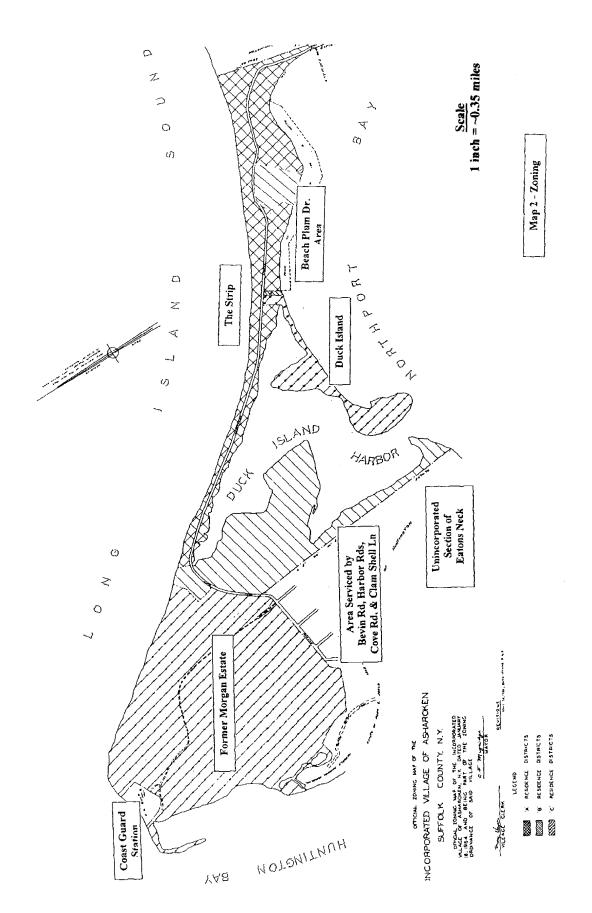
The strip is a tombolo that has the Long Island Sound on one side and either Northport Bay or Duck Island Cove on the other. The strip, with the exception of the land that surrounds Beach Plum Drive, has lots that extend from Asharoken Avenue to either the Sound or the Bay and Cove. The A Zone applies to land within the strip with the exception of lots serviced by Beach Plum Drive and one lot on the bay side of the strip adjacent to the Duck Island causeway, both of which are in B Zone. There is an area on the strip that is not wide enough to support houses. This area is typically divided into twenty-foot "beach lots" with parking on the Cove side and Sound front beaches on the opposite side.

Duck Island is connected to the rest of Asharoken by a causeway. It is surrounded by Northport Bay, and Duck Island Harbor and Cove. It is made up of two lobes which have both upland treed properties and salt marshes. The Island was up-zoned to C from B in 1993. Because of this, some of the existing houses on the Island conform to B Zone while others are on two acres or more. The eastern lobe is more developed than the western.

The upland portion of Asharoken on Eatons Neck rises from the surrounding waters to elevations as high as 150 feet. It is for the most part heavily treed but also contains ponds and various types of wetlands. It includes lands serviced by Bevin Road, North Harbor and Cove Roads, South Harbor Road, New Harbor Road, and Clam Shell Lane; five lots on the north side of Asharoken Avenue; and the former Morgan Estate. All lots in the upland area, with the exception of the former Morgan Estate, are in "B" Zone. The former Morgan Estate is currently in C Zone. Many lots in B Zone are on Duck Island Cove, Duck Island Harbor, or Northport Bay while others are landlocked. The former Morgan estate touches on the Long Island Sound, Huntington Bay, and Coast Guard Cove.

The unincorporated section of Eatons Neck has building lots from 5000 square feet to two acres. Directly bordering on the west side of the Village's Eatons Neck property are the lands in the Eaton Harbors Corporation and those along the bucolic North Creek Road. The former property is zoned for two acres while the latter is a mix of primarily one and two acre zoning. The US Coast Guard Station is in the northwestern corner of Eatons Neck and is surrounded by the Long Island Sound, Coast Guard Cove, and the former Morgan Estate.

The acreage in the areas described above are contained in Table 1



Zone	Acres
A	218
В	174
C	480
Asharoken Total	872
Unincorporated Eatons Neck + USCG	689
Total	1561

Table 1 – Acreage in Asharoken & Eatons Neck

The primary regulations governing the three Asharoken zones are summarized in Table 2.

	A Zone	B Zone	C Zone
Minimum Lot Area	10,000 ft ²	1 acre	2 acres
Minimum Width/Frontage on Road	50 ft*	100 ft	150 ft
Setback of Buildings			
Front	50 ft	50 ft	75 ft
Side	10 ft	25 ft	50 ft
Rear	15 ft	50 ft	75 ft
Maximum Area Occupied by Buildings	50%	25%	NA
Main Dwelling			
Minimum Habitable 1st Floor Area	1,200 ft ²	1,500 ft ²	2,000 ft ²
Maximum Height / Stories	40 ft / 3	40 ft / 3	40 ft / 3
Accessory Buildings			
Minimum Habitable 1st Floor Area	400 ft ²	400 ft ²	400 ft ²
Maximum Height / Stories	20 ft / 1	30 ft / 2	30 ft / 2

^{*}Lot in A Zone must extend from road to water

Table 2 - Asharoken's Current Zoning Code

3.2 Land Use

The land use category in Asharoken and Eatons Neck is predominately single-family housing. Of the more than 1500 acres, less than 500 acres are vacant. The largest single vacant parcel is the former Morgan Estate in the Village. There is no land used for commercial or industrial purposes. The institutional parcels are the US Coast Guard Station, Asharoken Village Hall, the Eatons Neck Fire Station, and a small historic cemetery off Cherry Lawn Lane. Land for recreational purpose includes Hobart Beach at Sand City, owned by the Town of Huntington; the Asharoken Nature Preserve on the Sound at the southeastern end of the Village; the Eaton Harbors Corporation beach and recreational area at the foot of Beach Road; and Eatons Neck Property Owners Association beaches on Prices Bend and on Huntington Bay. The Village also owns two sections of beach where the walkways traverse the Bevin Road sea wall. Suffolk County owns a beach parking lot and an underwater parcel on the Bay side, both as a result of tax default. In addition, Marketspan owns several acres of land within the Village, immediately adjacent to the Keyspan power plant, that serve as a barrier between the plant and the Village.

3.3 Housing

Number of Houses: The table below, from the 2000 US Census, summarizes the current number of housing units in the Village and on Eatons Neck. Each household indicates for the census if their house in Asharoken or Eatons Neck is a seasonal or occasional residence or their primary residence; it is not related to where they are registered to vote.

	Asharoken	Eatons Neck
Total Housing Units	307	554
Primary Residence Owner Occupied	222	488
Primary Residence Renter Occupied	32	24
Seasonal or Occasional	45	32
Vacant	8	10
Average household size of owner-occupied	2.53	2.73
Average household size of renter-occupied	1.91	2.42

Table 3 – Housing Units & Household Size (US Census 2000)

An independent assessment for Asharoken was made using the tax roles. A count was made of main dwellings, herein called main houses, as well as the vacant buildable lots. A main house is defined as the principal dwelling on a parcel. Not included were accessory buildings such as guest or servant cottages, rooms over garages, etc. Mother/daughter two family residences were counted as one residence. The term parcel refers to a single plot of land that has not been subdivided or multiple subdivided lots over which a main house is spread.

This is better explained by two examples: The former Morgan Estate is a 442-acre single parcel of land. While it could be subdivided into a number of buildable lots, it currently exists as one parcel of land. While there are four houses on the estate that at times are occupied, only the main house (the mansion) is counted. The other three are considered accessory dwellings to the main house. The second example occurs primarily in A Zone. Because lot widths are only 50 feet, a number of houses are spread over two single and separate lots on the tax map. Only if the house were removed could the parcel support two main houses. However, in the current configuration, only one main house can exist and the extra lot is not a vacant lot. Conversely, if an owner owns two adjacent single and separate lots but has the main house sited on only one of the two lots, the extra lots is considered a vacant lot.

The results of the count of main houses based on the tax roles are summarized in Table 4 for the various sections in the Village. This data includes houses under construction and is based on the 2003 tax roles.

Location	Current Main Houses	Buildable Parcels	Total at Saturation
Asharoken Ave Sound Side	70	2	72
Asharoken Ave Bay Side	103	5	108
Beach Plum	12	0	12
Duck Island	7	9*	16
Asharoken Ave on Eatons Nk	14	4*	18
Former Morgan Estate	1	176*	177
Bevin Road Area	57	5*	62
Harbors & Cove Roads	24	5	29
Clam Shell	11	1	12
Total	299	207	506

^{*} Requires subdivision

Table 4 - Current Number of Main Houses/ Buildable Parcels by Location

The current grand total is 299 main houses and 207 buildable parcels within the Village. Obviously, the census definition of a housing unit and our definition of a main house are different. To estimate the maximum number of main houses that might exist, subdivision of large parcels which are either vacant or support housing must be taken into account.

In A Zone (Asharoken Avenue Sound and Bay Side), it is assumed that no houses will be taken down or moved to create additional building lots, even though a house was moved on one occasion to create an additional building lot (Edwards Subdivision, 234 Asharoken Avenue, 1987).

In B Zone, subdividable parcels include the Borglum property at 11 Bevin Road, the Smith (former Cremer) property adjacent to 551 Asharoken Avenue, the Cleary (former Cremer) property at 561 Asharoken Avenue, and further subdivision of the Pius Subdivision on South Harbor Road.

In C Zone, the subdivision of the former Morgan Estate might result in a maximum number of 177 building parcels. ((442 acres – 20% of 442 Acres for Improvements, Etc.) / 2 acres per building parcel = 177. This maximum is based on 2-acre cluster and assumes total residential development). The western lobe of Duck Island, if subdivided, might support an additional 6 building parcels. This is a rough estimate since some of the land is filled tidal marsh and may not be suitable to support housing.

The maximum number of houses that might someday be in the Village if all buildable parcels are occupied and the subdivisions discussed above are exercised is 506. This would represent an increase at saturation of over 69% above the current number of houses.

Housing Cost: The US Census 2000, on the long form given to one in six households, asked people in owner occupied units to estimate the cost of their house. The median value of houses in the Village, based on this self-appraisal, was \$586,600. A better indicator is obtained from actual selling prices recorded by the Multiple Listing Service of Long Island in the table below.

Year	Highest	Average	Lowest	Number of
	Selling Price	Selling Price	Selling Price	Sales
1999	\$1,150,000	\$667,560	\$355,600	10
2000	\$910,000	\$740,682	\$535,000	11
2001	\$1,500,000	\$814,875	\$425,000	12
2002	\$1,850,000	\$997,857	\$640,000	7
2003	\$1,496,000	\$980,133	\$620,000	9

Table 5 - Selling Price of Houses in Asharoken

One should be cautioned however, that the since the sample size is small, and new construction is not reflected in the values, the average "cost" of housing across the whole Village may be significantly different than the selling prices above. Also, the decline in average selling price in 2003 after a steady rise in earlier years should not be taken as a trend. There are a number of houses on the market in the \$2.5 to \$3.75 million range that, if sold in 2004, could skew the results to the high side.

Comparison of our average value with those of surrounding communities, as reported by MLS in 2003, is as follows: Northport, \$550,484; Fort Salonga, \$729,085.

Age of Houses, Year Current Householder Moved into House, and other Housing Data: The US Census 2000, on the long form, asked people to provide the year in which their house was built. The results are given in Table 6. Also recorded was the year the current householder moved in, shown in Table 7.

Other relevant housing facts are: The median number of rooms per house is 7.4. The houses are heated by fuel oil (61.7%), utility gas (31%), electricity (2.3%), with the remaining 5% using wood, coal, or bottled gas. Vehicles available per house are 1(23.4%), 2 (41.8%) and 3 or more (33%).

Year House Built	% Houses
1999 to March 2000	2.9
1995 to 1999	3.2
1990 to 1994	2.5
1980 to 1989	10.2
1970 to 1979	13.7
1960 to 1969	22.0
1940 to 1959	21.0
1939 or earlier	24.5

Table 6-Age of Houses in Asharoken

Year Householder Moved into Unit	% Houses
1999 to March 2000	9.2
1995 to 1998	23.0
1990 to 1994	18.4
1980 to 1989	22.2
1970 to 1979	17.2
1969 or earlier	10.0

Table 7 - Year Householder Moved into Unit in Asharoken

3.4 Population

The population of primary residents for the entire area, based on US Census data, is shown as a function of time in Table 8. The count does not include Village residents away at college or military service. Adding the seasonal/occasional population to the 2000 numbers raises the Asharoken population by 114 to 739 and that of Eatons Neck by 87 to 1475. (The later estimates are based on the assumption that the seasonal/occasional population has the same household size as the average owner occupied residence). The peak population for the area in 2000, including primary and seasonal/occasional residents, is then 2257.

	1980	1990	2000	Saturation
Asharoken	635	807	625	1392
Eatons Neck	1574	1499	1388	1875
US Coast Guard	58	35	45	45
Total	2267	2341	2058	3312

Table 8 – Population (Primary Residence) vs. Time Note: 1980,1990,2000 from US Census; Saturation based on estimate

In arriving at the saturation population for Asharoken, it was assumed that all 506 houses at saturation were occupied by 2.75 people per house The Eatons Neck population at saturation was taken from the original planning study by the Suffolk County Planning Commission. Assuming a ten percent growth in housing with 3 people per house results in an identical number to that of the SCPC for Eatons Neck. The Coast Guard is assumed to remain stable with a population of 45. The estimates for people per house in Asharoken and Eatons Neck at saturation is higher than the current values. This was done to produce an upper limit to the saturation population. If the current population per household stays constant over time, the saturation population for the combined area will be closer to 3000 than the estimate of 3312 in Table 8.

The drop in population from 1990 to 2000, even as the number of houses increased, resulted from several factors. Many of the people that lived here in the 80s and 90s with large families have seen their children grow up and move away. Rather than moving to a smaller house elsewhere, they continue to live here because our area is so outstanding. The other trend was that due to the high cost of property in our Village, homes were often beyond the reach of young families. Therefore, when houses turned over, the new owners tended to be older people who no longer had children at home.

Over the last several years the downward trend has reversed. Although this increase in population can not be quantified at this time, many younger families with several children are now moving into the Village, many either occupying vacant houses or houses that had one or two occupants.

The age distribution of the population in our area is contained in Table 9. It was sorted into four age groups that approximately represent various stages of life: preschool, school, work, and retirement. The data shows that Asharoken and Eatons Neck have an older population in terms of median age as well as all age group distributions, when compared to the entire Long Island population. The skewing of the population distribution toward the high-end supports the observations made in the last paragraph.

Age	Asharoken	Eatons Neck	Long Island
Under 5	5.3%	6.9%	6.8%
5 – 20	14.7%	18.5%	21.9%
21 – 64	61.9%	59.9%	57.9%
65 and over	18.1%	14.7%	13.4%
Median Age- years	48.5	42.4	37.5

Table 9 – Population Distribution by Age (US Census 2000)

3.5 Roads and Traffic

Roads: There are only a total of 6.8 miles of paved roads in the Village, 3.4 miles of these are public roads maintained by the Village, 3.4 miles are private and maintained by adjacent owners or associations. Asharoken's roads are tabulated below:

Road	Length-	Public/	Responsibility
	miles	Private	
Asharoken Avenue	2.8	Public	Village of Asharoken
Bevin Road	0.6	Public	Village of Asharoken
Bevin Road Tributaries	0.3	Private	Adjacent Owners
Kew Court	0.2	Private	Adjacent Owners
Pheasant Lane	0.2	Private	Adjacent Owners
Beach Plum Drive	0.1	Private	Adjacent Owners
Cove Road	0.3	Private	Eaton Harbors Corp
Duck Island Roads	1.1	Private	Duck Island Corporation
Lighthouse Road	1.1	Private	Eatons Neck LLC
			(maintained by USCG)
Clam Shell Lane, Part of	<0.1	Private	Adjacent Owners

Table 10 - Paved Roads in the Village of Asharoken

The Challenge: Asharoken Avenue is the only road into and out of Asharoken and Eatons Neck. It is a two-lane road, approximately three miles long with a total width that varies between 22 and 24 feet over the asphalt paved portions and 18 feet over the concrete portion. The surface is kept in good repair and is adequately marked along the centerline but not marked at all along the edges. It is serpentine with poor visibility over the initial southeastern portion, straight over the middle portion, returning to more

manageable curves with limited visibility over its upland section. The speed limit of 30 mph is vigorously enforced by the Asharoken Police Department.

Asharoken Avenue is fed by a number of arteries: North Harbor Road, Lighthouse Road, and Eatons Neck Road at its northwestern end; and Bevin Road, Duck Island Road, and Beach Plum Drive along its length. In addition to the arteries, at saturation there will be more than 200 driveways and a number of beach lots fronting the road. At its southeastern end is the Town of Huntington public beach that requires a left turn across the road when entering from Northport, an impediment to traffic flow on hot summer days.

There are locations where water accumulates to depths of one foot or more during heavy rainfall. Storms over the years have closed the road in the area of the open beach up to Bevin Road. The road closings were the result of water from the Sound washing over or breaking on the road, sand accumulation, and in the storm of 1992, having almost every electric/telephone pole blown over onto the road.

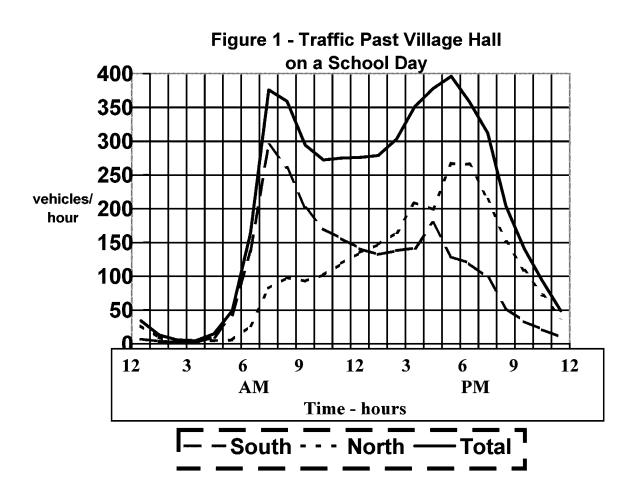
Shoulders are almost non-existent, the right-of-way having been usurped by mail-boxes, large rocks, bushes, trees, fences, telephone poles, railroad tie planters, and even an artificial pond and fountain. A temporary asphalt lane in the section of open beach on the Cove side is one of the few places to pull over. Stopped police, postal, and garbage vehicles, along with broken down vehicles, delivery, repair and landscape services, often close a lane. Bicyclists, joggers and walkers must share the road with vehicular traffic at their own peril.

The purpose of this section is to document the traffic the road currently supports, project the level of traffic at saturation, and thereby determine if the road, without major improvements, can service the population at saturation. Our primary concern is the every day, year in and year out, traffic flow. Abnormalities such as the typical Fourth of July mayhem, with cars parked on the road to allow their occupants to view fireworks, are a problem for police enforcement, not planning.

Traffic Data: A traffic survey was taken in September of 2000. The survey was initiated and paid for by the Village and conducted by RMS Engineering of Huntington. Data was collected over eight days centered about the Labor Day weekend, providing information on summer weekday, summer holiday weekend, and school in session weekday data in one period. People stayed away from the beaches over that holiday weekend because the weather was poor. The weekend data, therefore, is typical of any weekend during the year rather than a holiday with perfect beach weather. Measurements were made in two directions at two locations: just south of Asharoken Village Hall and just west of Lighthouse Road. Traffic is the heaviest when school is in session.

Figure 1 graphically portrays the traffic past Village Hall when school is in session; three days of data are averaged to represent a "typical" day. The ordinate is the number of vehicles per hour and the abscissa the time of day. Three sets of data are shown: southbound, northbound, and the sum of the two, past Village Hall. Some of the more significant findings are:

- 5031 vehicles passed Village Hall in both directions in a 24 hour period on a typical school-in-session day
- The heaviest southbound traffic was between 7 and 8 AM with 297 vehicles leaving the Village
- The heaviest northbound traffic was 267 vehicles entering the Village between the hours of 5 to 6 PM and an identical number between 6 and 7 PM
- The heaviest two-way traffic was 396 vehicles between 5 and 6 PM
- Between 11 PM and 6 AM there are less than 50 vehicles passing Village Hall in both directions in any hour, with a low of 6 vehicles between 1 to 2 AM and 2 to 3 AM



The measurements made just west of Lighthouse Road had an identical trend, albeit with lower numbers. Basically, 38% of the total traffic originates or culminates in the Village, the remaining 62% is from the Neck. The summer weekday traffic was slightly, but not significantly, less than school in session traffic. The weekend traffic did

not show the high morning and evening peaks, had more late night traffic, and totaled 405 less vehicles in a 24-hour period than the school-in-session weekday.

During the peak southbound weekday period, school buses add significantly to the time it takes to travel Asharoken Avenue. Buses typically go inbound non-stop to the start of their run, then pickup children as they head out of the Neck and Village. At the request of the Planning Board, the Asharoken Police counted the school buses passing Bevin Road on their way out of the Village (southbound) between the hours of 6 and 9 AM on February 7, 2001. The buses passed in two waves. The first was between 7:08 and 7:28 AM and included 2 large and 6 small buses, 2 of which stopped at Bevin Road. The second wave was between 8:02 and 8:20AM and included 4 large and 7 small buses, 3 of which stopped at Bevin Road.

An earlier traffic survey is that of mid-November, 1982. That survey recorded a 24-hour weekday two way total of 4200 vehicles, 831 vehicles less than in September 2000. Traffic, therefore, has risen in the last 18 years by 20% while the population of the area has decreased by 9%. One other interesting comparison from the data sets is that traffic for the peak morning and evening periods show almost identical numbers. This means that the growth in traffic has occurred primarily between morning and evening peaks. The likely explanation is the growth in service and construction traffic (In 1980 six building permits were issued, in 2001 the number was fifty six) and the fact that greater portions of the population are adults.

Traffic Projection: In determining if the road can handle the traffic at saturation, the critical direction and time are clearly outbound between the hours of 7 and 8 AM on a weekday when school is in session. The two-lane worst case is the 396 vehicles per hour between 5 and 6 PM. Under the assumption that the traffic flow during the peak hour is proportional to the total population of the Village and Neck, the peak one-way traffic would be 478 vehicles per hour and the two ways peak would be 638 vehicles per hour at saturation.

Road Capacity: In 1980, a Suffolk County traffic engineer examined the road, its traffic patterns, pavement width, traffic controls, and obstructions along the roadway and concluded that the road could support level B service. This service level amounts to 2,000 vehicles per hour, which is the maximum without obstructions. This capacity is reduced by 36%, according to the traffic engineers calculations, because of limited shoulders, vehicles turning into numerous narrow driveways, and service vehicles stopping on the roadway. Therefore, the existing two lanes can accommodate a capacity of 1,280 vehicles per hour in two directions. Conversation with the Town of Huntington traffic expert, Tom Mazzola, in 2002, confirmed that the estimate is still good, if not conservative.

Traffic Conclusion: Based on the traffic engineer's estimate, Asharoken Avenue can handle 640 vehicles per hour per lane. The worst-case estimate of road usage at saturation is 478 vehicles per hour per lane. This means that even if the Village and Neck grew to the estimated saturation population, the road is adequate to handle the resulting traffic.

While the road may be adequate based on capacity, there remain substantial issues regarding safety and drainage. These issues are addressed in Section 5.5.

3.6 Fresh Water Availability

With few exceptions, the Village and Eatons Neck have abandoned their individual wells and are supplied with fresh water from the Suffolk County Water Authority. The status of the water distribution and supply to support Asharoken and Eatons Neck at saturation was investigated. In response to our inquiry, Herman Miller, Deputy CEO for Operations for the authority wrote the following in a letter to Andrew Mendelsohn on June 6, 2002: "I have reviewed the additional water demand that development to saturation at Asharoken and Eatons Neck would place on the Authority's distribution system. Based on the numbers you provided me, the existing pipeline system would be adequate to handle the increase. The existing water supply has adequate capacity to handle the additional demand as well."

"In the event that either the supply works or the distribution system should become inadequate in the future, the Authority would take care of the additional infrastructure requirements at no cost to the community. There is no concern for water availability at this time."

3.7 Wind

In response to an Asharoken resident's request to deploy a windmill to generate electric power, a study was conducted to examine the economic feasibility of using a wind energy conversion system in Asharoken and the constraints the Village might need to impose on such a system. The study (Mendelsohn, A., "Wind Energy Conversion Systems & Asharoken," Planning Study 83-3, November, 1983) is available from the Village Clerk. Wind data in the vicinity of Asharoken was a prerequisite for the study. A source of wind data was found at the Eatons Neck Coast Guard Station.

The data was taken from an anometer located on a 20-foot tower that sat on a bluff above the Sound just below the lighthouse. The location allowed good measurements of winds from the north, east, and west but the southerly components were somewhat shielded. Readings were taken every three hours by Coast Guard personnel from a gauge and manually recorded. The author of the report statistically compiled data for the entire year of 1982. 2666 readings out of a possible total of 2920 were in the data set.

Yearly average wind velocity and percent occurrence of wind velocity, averaged over a year, tends to be approximately constant from year to year as is, for example, the yearly average ambient temperature. Therefore, data from 1982 is still relevant today. The monthly values shift somewhat but may be used to indicate trends. While conditions along the strip or other locations on the Neck may vary from those at the Coast Guard Station, this data is the best we have and should be representative for the entire Village.

Table 11 contains the frequency distribution of wind speeds over a one-year period. The yearly average wind velocity is 8.7 knots. Table 12 contains the monthly average

wind velocity, showing stronger winds in winter than summer. Distributions of wind direction are contained in the report. The conclusion is that although we are subject to storms periodically, when average out over significant periods of time such as a month or a year, Asharoken is not a particularily windy place.

Wind Velocity	% Occurrence
(Knots)	
0 to 2	19.6
3 to 7	28.7
8 to 12	27.7
13 to 17	11.2
18 to 22	9.0
23 to 27	2.2
28 to 32	1.3
33 to 37	0.2
38 to 43	0.1

Table 11 - Frequency of Wind Speed over One-Year

Month	Average Wind
	Speed-Knots
January	12.2
February	10.1
March	8.7
April	11.5
May	5.7
June	7.1
July	5.1
August	5.8
September	4.4
October	9.2
November	10.6
December	11.1

Table 12 – Monthly Average Wind Speed

3.8 Environment

The following section refers mainly to the largest undeveloped parcel in the Village, the former Morgan Estate. The environmental analysis includes a review of developmental constraints, slope map, natural resources inventory, and a watershed analysis. This information is primarily from the 1983 Suffolk County Planning Department study with amendments from the Frederick P. Clark Associates, Inc April 1 report (loc cite). Jill Heller of Clark prepared the associated maps using GIS data supplied by the County. Map 3 defines the former Morgan Estate and its political boundaries.

DATA SOURCES:

- * 2000 Color Aerial Photography obtained from the NYS GIS Clearinghouse
 * Land Cover Digitized by Frederick P. Clark Associates, Inc. based on
 2000 Color Aerial Photography obtained from the NYS GIS Clearinghouse
 * Site Boundary provided by Nelson & Pope Engineering Consultants and digitized
 from mylars and converted to GIS format by PoconoGIS
 * Village Boundaries and Roads obtained from Suffolk County GIS, As Adjusted

Map prepared by: FREDERICK P. CLARK ASSOCIATES, INC.

Planning/Development/Environment/Transportation

August 2003

MAP 3

AERIAL VIEW OF FORMER MORGAN ESTATE

Village of Asharoken

Town of Huntington Suffolk County, New York



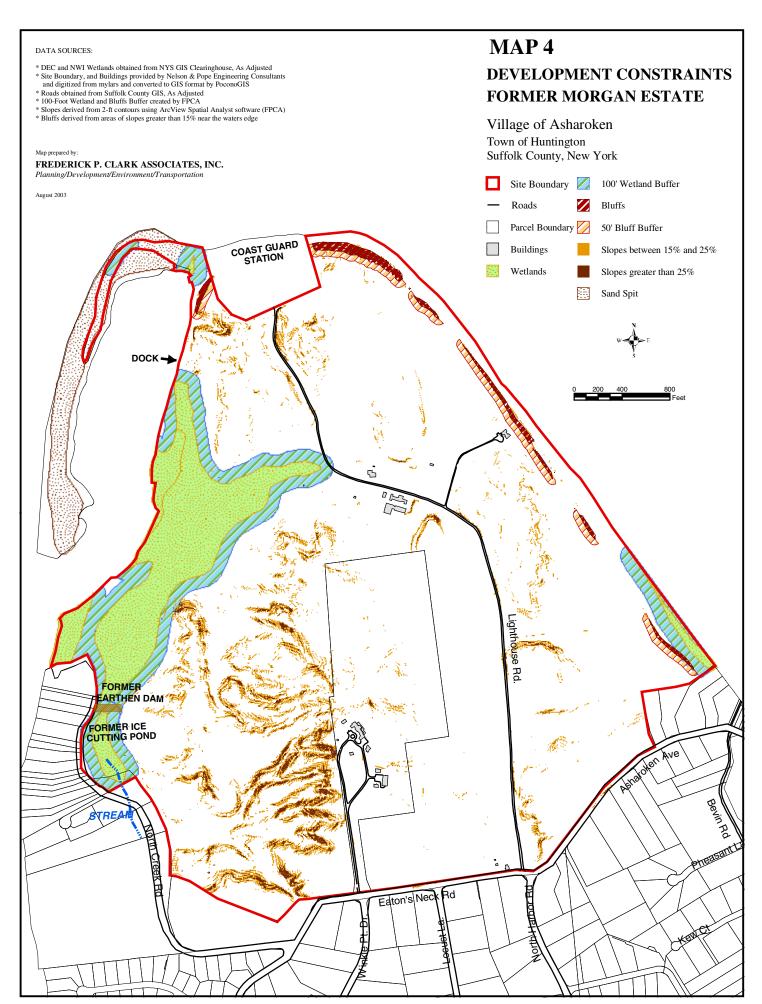
3.8.1 Development Constraint: Map 4 - Development Constraints, defines areas on the former Morgan Estate that are either suitable or unsuitable for development. Areas considered unsuitable for development include those with steep slopes ($\geq 25\%$), bluffs, beaches, and wetlands. Consideration should also be given to the preservation of significant trees or stands of trees and scenic vistas that are important to the public

The Elevation and Slope Map of the former Morgan Estate, Map 5, shows that a portion of the property's topography consists of steep slopes. Slopes in the range of 15 to 25 percent are generally considered those that should only be developed with appropriate care to prevent excessive cutting and/or filling and potentially result in soil erosion and sedimentation. Where necessary to disturb such slopes, the disturbance should be kept to a minimum and proper soil stabilization and erosion control techniques should be used to minimize potential adverse impacts. Steep slopes, those ≥25 percent, should generally be avoided in all cases except where absolutely necessary, such as access to another area of the property. The entire estate area should be viewed as a unit to minimize disturbance of the natural resources within the area.

3.8.2 Vegetative Resources Inventory: The purpose of the vegetative resources inventory is to identify the location and extent of significant vegetation on the former Morgan Estate. The vegetation types that are present can be identified as belonging to one of three categories: Forest, Wetland, and Old Field/Shrub/ Grasslands. Other categories include disturbed areas such as developed lands and existing roads, and beachbluff frontage. These resources are shown on Map 6 – Land Cover.

Wetlands - Wetlands were identified from New York State tidal wetlands maps. They are also included on the 100-year floodplain map that covers the entire study area. Three different types appear within the boundary of the study area: Intertidal Marsh, High Marsh, and Fresh Inland Wetlands. A definition of each is listed below:

- Intertidal Marsh: This is the area generally lying between the daily tides. It is dominated by smooth cord grass, which is biologically very productive.
- High Marsh: This wetland zone is generally above the daily tidal flow and is flooded only about 10 days out of the month. It is also flooded by storm tides in this area. High marsh is dominated by salt hay, spike grass, and less vigorous, smooth cord grass. It is moderately productive, has value for wildlife, and forms an important buffer between uplands and estuarine waters.
- Fresh Inland Wetlands: This category includes lands and submerged lands commonly called marshes, swamps, sloughs, bogs, and flats supporting aquatic or semi-aquatic vegetation. This category includes all areas where fresh water wetlands might be found. Tidal wetlands are located along the western edge of the former Morgan Estate and within the major drainage swale, which extends inland to Lighthouse Road. There is also a small stream that flows through this wetland area.



MAP 5 DATA SOURCES: **ELEVATION** * Two-Foot Contour Lines, Site Boundary, and Buildings provided by Nelson & Pope Engineering Consultants and digitized from mylars and converted to GIS format by PoconoGIS FORMER MORGAN ESTATE POCONOLIS * Roads obtained from Suffolk County GIS, As Adjusted * Slopes derived from 2-ft contours using ArcView Spatial Analyst software (FPCA) Village of Asharoken Town of Huntington FREDERICK P. CLARK ASSOCIATES, INC. Suffolk County, New York Planning/Development/Environment/TransportationAugust 2003 Buildings ☐ Site Boundary Parcel Boundary - Paved Roads -- Dirt Roads/Trails Contours 2-ft Contours 10-ft Contours Eaton's Nec

MAP 6 DATA SOURCES: * Land Cover Digitized by Frederick P. Clark Associates, Inc. based on 2000 Color Aerial Photography obtained from the NYS GIS Clearinghouse **LAND COVER** FORMER MORGAN ESTATE Village of Asharoken FREDERICK P. CLARK ASSOCIATES, INC. Planning/Development/Environment/Transportation Town of Huntington Suffolk County, New York August 2003 Site Boundary -- Stream Land Cover Beach COAST GUARD STATION Bluff Developed Areas and Existing Roads Freshwater Wetland Grasslands or Old Field Saltwater Wetland DOCK Sand Spit Secondary Growth Forest FORMER. EARTHEN DA FORMER IGE CUTTING POND

Forest – Forest and Old Field/Grassland categories were mapped through interpretation of aerial photographs and categorized as follows: Secondary growth forest land within this category was probably disturbed and/or cleared at some point in time for agricultural or other purposes. The result is vegetation at various stages of re-growth, including young evergreen and deciduous trees and understory vegetation.

Mixed evergreen and deciduous forest is found primarily around the former Morgan Estate near the center of the parcel. This category consists of trees approaching mature growth. Oak and tulip dominant forest can be found in the western portion of the area. It encompasses approximately one-third of the entire former Morgan Estate. This category consists of primarily deciduous oaks and tulips at or nearing mature (full) growth.

Grasslands and Old Fields – Most of the land within this category was probably cleared at some point for agricultural or other purposes. There is a wide variety of vegetation types such as listed below:

- Abandoned farm or nursery field
- Mowed grass and shade trees
- Various species of grasses, cedars or small shrubs
- Scattered young trees and medium to large shrubs with patches of grassy open areas.

Soils – There are three soils types (as defined by U.S. Department of Agriculture Soil Survey 1975) found on the former Morgan Estate: Haven Loam, Riverhead Sandy Loam, Carver and Plymouth Sands. Haven Loam and Riverhead Sandy Loam have been categorized as being of a Class II capability. Soils of this class are suitable for cultivation and landscaping. Carver and Plymouth Sands soils are of Class VII, having severe limitations that make them unsuitable for cultivation and limit their use largely to natural, woodland and wildlife habitats. Further information on each soil type is listed below.

- Haven Loam 2 to 6% slope: Haven soils are deep and well drained, and medium textured. Their surface layer is loam, and their subsoil is loam or silt loam. These soils are most suitable for cultivation, pasture and landscaping.
- Riverhead Sandy Loam 0 to 3%, 3 to 8%, and 8 to 15% slope: Riverhead soils are deep, and well drained and moderately coarse textured. Their surface layer and subsoil are sandy loam. In many places, however, the lowest part of the subsoil is loamy sand. Natural fertility and content of organic matter is low.
- Carver and Plymouth Sands 15 to 35% slope: Carver and Plymouth soils have a surface layer of subsoil of sand or loamy sand. The substratum is sand and gravel. The soils of this association are coarse textured and droughty. Permeability is rapid. Natural fertility is low to very low. These factors make them very poorly suited or only fairly well suited to most crops, and difficult to establish and maintain lawns and landscape plantings without extensive watering

and fertilization, which can impact groundwater supply below. Carver and Plymouth Sands are generally found on the forested steeper slopes.

3.8.3 Watershed Analysis: The watershed analysis, Map 7, identifies the critical watershed areas on the former Morgan Estate. It also identifies site landforms including the major divide, ridges, swales, and the direction of storm water. The primary source of information for Map 7 is the elevations given in Map 5.

A predominantly north-south ridge divides the site. The ridge runs along the driveway to the estate house. To the east of this ridge is an extensive area of gentle slopes that drain to Long Island Sound and a few steep slopes. On the western side of this main ridge are several areas of steep slopes, a number of swales that drain to either tidal wetlands and protected marine waters or to a freshwater pond (The owners of the property took the earthen berm that retained the pond's water down a number of years ago. It is suggested that the pond be restored.) and freshwater wetlands. There is a small stream bordered by tidal wetlands that drains to the partially enclosed marine waters.

The western portion of the site, particularly the swales and the steep slopes, will be a source of sediment and pollutant loadings to the freshwater pond and wetlands and to the tidal and marine waters if this area is improperly developed and managed.

MAP 7 DATA SOURCES: * Two-Foot Contour Lines, Site Boundary, and Buildings provided by Nelson & Pope Engineering Consultants and digitized from mylars and converted to GIS format by PoconoGIS * Pond of the internal Control of the Pond of the Internal Control of the WATERSHED ANALYSIS FORMER MORGAN ESTATE * Roads obtained from Suffolk County GIS, As Adjusted Village of Asharoken Town of Huntington Map prepared by: FREDERICK P. CLARK ASSOCIATES, INC. Suffolk County, New York Planning/Development/Environment/TransportationAugust 2003 Site Boundary Contours 2-ft Contours 10-ft Contours Parcel Boundary Flow Direction Eaton's Nec

4. GUIDELINES FOR DEVELOPMENT

The topics addressed include public vs. private control of roads and open space, guidelines that minimize the environmental impact of development, Stormwater Management, and the requirements for outside agency participation in the subdivision process.

4.1 Public vs. Private Control of Roads and Open Spaces

Formation of associations, corporations, and informal alliances of homeowners to hold roads and open space private has not, in the past, been successful locally. These groups, within and adjacent to the Village, have not had the power to tax and foreclose on property and have not been able to raise sufficient money for the repair and maintenance of private holdings that are shared communally. In addition, without a formal power structure, decisions regarding use and improvements, apart from monetary issues, cannot be resolved.

Bevin Road stands as the supreme example of the failure of a private venture in road maintenance. Not only could money not be raised, but also a consensus on the nature of the repairs could not be reached. The Village was finally forced to step in (1977 Board of Trustees resolution) by acquiring a public easement over the roadbed by prescription and assuming the burden of maintenance. Other examples of poorly maintained private roadways are Pheasant Lane and Kew Court.

Eaton Harbors Corporation, a corporation whose mandatory membership includes some Asharoken and Eatons Neck property owners, owns a number of private roads and a private beach and park. While the corporation has the legal right to assess its annual membership fees, from a practical standpoint, it often cannot collect the fees until the property owner sells. As a result, the corporation continually finds itself short on monies for necessary maintenance.

While a group can be encouraged during the subdivision process to turn over roads and open spaces to the Village for obvious benefits and avoid the pitfalls delineated above, they are within their legal rights to form associations. If associations are formed, they should be properly organized and documented and backed up by the taxing power of the Village. The key ingredients to the formation of a proper and successful homeowners association include the following elements:

- Membership in the association must be mandatory for each property owner within the development and for any successive property owner.
- All restrictions on the use and maintenance of common lands and facilities must be perpetual.
- The association must be responsible for liability insurance, local taxes, and maintenance of the common land areas and facilities.
- Each property owner within the development must be made responsible for their proportionate share of the association's expenses, including taxes. All

assessments levied by the association must become a lien on the property if not paid, with appropriate and effective remedies for enforcement.

• In the event that the maintenance, preservation and/or use of the common land area and facilities cease to be in conformance with any of the above requirements, or any other requirement imposed by the Village when approving the subdivision plan, the Village must be granted the right to take all necessary action to assure conformance and to assess against the association and/or the individual property owners within the development all costs incurred by the Village for such purpose.

4.2 Development Guidelines

Developers should be cognizant of the following guidelines to minimize the impact their subdivision has on the environment. These recommendations should be an inherent part and designed into plans for drainage, grading, tree planting, and home siting, and subdivision maps. The Planning Board should use these recommendations as a check- list of compliance to sound development practice.

4.2.1 Surface Water Discharge and Groundwater Recharge Controls:

- All storm-water from rooftops, patios, decks, sidewalks, and driveways should be recharged on-site.
- The direct discharge of all stormwater runoff from new development, existing major roads, large public parking areas, and all other paved surfaces to surface waters and wetlands should be minimized to the greatest extent possible.
- Swales, holding ponds, sedimentation basins and other measures that reduce flow velocity and increase storage time are to be used to attenuate storm-water pollutants. Water discharged from these systems must be of acceptable quality before discharge into wetlands and surface waters. In addition, any filtering devices constructed as part of the drainage system must be adequately maintained in order to function properly.
- All stormwater collection and disposal systems should be designed in accordance with acceptable modern standards.
- If recharge basins are used, their storage capacity should be sufficient to contain 8 inches of rainfall on the catchment area adjusted for the coefficient of runoff (minimum value 0.30). Where suitable overflow can be provided the storage capacity of the recharge should be sufficient to contain 5 inches of rainfall on the catchment area adjusted for the coefficient of runoff.
- Where there is a high groundwater table or an adverse soil condition and it is necessary to discharge into a tidal body of water, a water retention basin with a minimum storage capacity sufficient to contain 2 inches of rainfall should be provided.

- No construction activity should increase the rate of storm water runoff from preconstruction conditions.
- The storm-water generated by a new development project is to be recharged onsite within the boundaries of the project.
- Cesspool effluent is to be discharged at least two feet above the seasonal high water table elevation to allow for proper functioning of the system.
- During the construction period, disposal of storm water runoff generated by development activity should be handled on-site.
- Natural land features such as shallow depressions and swales should be utilized, wherever possible, to collect storm water on-site.
- Maintain swales in their natural state by minimizing the disturbance of indigenous vegetation.
- Alteration of swales by filling and cutting should not be permitted. Dumping of brush into swales should not be allowed.
- Where topography limits the recharge of storm water on site, runoff should be collected from road surfaces and then either directed to sediment basins before discharge to a recharge basin or directed to leaching systems as part of an "inline" storage system in steep slope areas.
- The use of permeable pavements should be encouraged in all driveways, patios and parking areas. Permeable pavements should be required in areas within 300 feet of wetlands where on-site containment is not possible.

4.2.2 Sedimentation Controls

- No increased sedimentation of stream corridors, ponds, wetlands, the cove, bay, and Sound resulting from the construction or operation phases of site development should be allowed.
- All sediment resulting from construction-induced erosion should be trapped on the construction site. Site disturbance through clearing and grading should be minimized.
- Planting with rye, oats or other quick germination grasses should stabilize stockpile soils. Grass mixes that require minimum fertilization, such as red fescue rather than bluegrass, should be used. This is especially important in areas that have a high water table or are adjacent to surface waters.
- A performance bond should be mandated to insure that all disturbed soils are planted, retained, covered and stabilized at the completion of construction.

- Removal of trees and other natural vegetation on slopes greater than 25% should only be allowed in those areas required for construction grading. (This should be a provision in a new tree preservation ordinance.)
- The maintenance of natural vegetation should be encouraged to reduce sedimentation and the amount of future lawn area. Trees may be thinned on areas of less than 25% slope to provide optimal growth conditions for understory vegetation.
- Native vegetation should be used when planting and replanting on the site.
- Fertilizers should be supplied in small quantities to assure uptake by vegetation. Public education should be used as a means to prevent overuse of fertilizers.

4.2.3 Wetlands Protection

- Wherever possible, all wetland vegetation, soil, and hydrology should be maintained. Dredging and new construction should not disturb tidal wetlands either by direct removal of vegetation or substrate, or by the alteration of adjacent slopes that would undermine the stability of the substrate. Discharge of pollutants into wetlands should be prohibited. Deviations must be specifically considered and approved by the Planning Board.
- A conservation buffer or easement should be established adjacent to any tidal wetlands. The area within the buffer should remain in its natural state. Wherever possible grading, erosion sedimentation or direct removal of vegetation should disturb no wetland buffer zone vegetation. This wetland buffer zone should extend a minimum of 100 feet from the upland boundary of the wetland in B and C Zones. Deviations must be specifically considered and approved by the Planning Board.
- Wherever possible, there should be no construction within 100 feet of the upland boundary of a marine wetland in B and C Zone. This includes the introduction of impervious surfaces, utility equipment, roads, etc. Deviations must be specifically considered and approved by the Planning Board.
- No sanitary disposal structures should be installed within 100 feet of the mean high water line of a tidal body or within 100 feet of the upland edge of a tidal wetland. Animal wastes must not be permitted to seep into wetlands.
- In the very rare case that wetland acreage is lost, the lost acreage should be offset by the reclamation of degraded areas or the creation of new wetlands. The sites selected for the development of new wetlands using uncontaminated dredge spoil must be in a low energy environment and at an appropriate elevation in relation to the tides for the type of marsh vegetation to be planted.

• If bulkheads are required for filled land or for soil stabilization adjacent to a wetland, the bulkheads should be located upland from the wetland at or above the highest yearly tide level elevation. Bulkheads should not block the surface and subsurface flow of freshwater to the wetland.

4.2.4 Coastal Erosion Control

- Develop coastal erosion plans on the basis of shoreline type, use and extent of cultural development. Design coastal erosion plans so as to allow to the maximum extent possible, the continuation of natural geomorphic processes responsible for the maintenance of coastal landforms. Maintain natural beach profile and shoreline configurations. Recognize that coastal erosion control plans for culturally manipulated shores may require adjustment in natural processes.
- Emphasize non-structural solutions to erosion control problems; structural solutions should be advanced only as supplements to a nonstructural program.
- Prohibit projects that block the transport of sand along the coast.
- Restore and stabilize sand dunes by utilizing such methods as the planting of beach grass and the establishment of dune crosswalks to prevent further erosion.
 Protect shoreline vegetation. Protective dunes should not be removed, relocated, leveled or otherwise graded because their natural location and character usually evolve as an adaptation to local natural forces and sediment supplies.
- Prohibit development of dune and beach areas. Establish a building setback line from the crest of the primary dune to all residential structures and sanitary facilities in accordance with DEC and flood insurance regulations. Setbacks should be entirely landward of shifting frontal dune systems. They should also be far enough landward to allow for recession of the shore. Setback requirements should not be relaxed in those instances where new structures are proposed at sites in partially developed shoreline areas.
- Regulate development in flood prone areas to reduce potential damages to life and property. Elevate all new structures in coastal floodplain areas above the tide elevation with one percent chance of occurrence in any given year (the 100-year tidal floodplain). Major area-wide structural solutions to flooding problems, such as tidal floodgates, should not be implemented.
- No building should be erected upon coastal shoreline property unless, after application of all setback and yard requirements, there shall remain an area that is adequate for siting structures in accord with zoning regulations.

4.2.5 Bluff Protection

 Along bluffs and headlands measurement for the setback line should begin at the top edge of the bluff as defined by an abrupt change in slope. In order to assure a useful structural life of 50 years, buildings near bluffs should be located landward a minimum distance of 100 feet or 50 x erosion rate (in feet/year), whichever is greater. Modification of the minimum setback requirement should only be considered when an expert, such as a coastal engineer or geologist, provides evidence that the bluff is not eroding.

- Nonresidential structures such as swimming pools, decks, garages, patios, etc., but
 not including structures providing access to the beach in front of the bluff, should
 not be located within 50 feet of the top edge of the bluff.
- No sanitary disposal structure should be located within 100 feet of the top edge of the bluff.
- Grading within 50 feet of the top edge of the bluff should not be permitted unless
 necessary to control or remedy erosion or to divert storm water from flowing over
 the edge of the bluff.
- Clearing or cutting of vegetation within 50 feet of the top edge of the bluff should be limited to that necessary for maintenance and the removal of diseased, decayed or dead material.
- Storm water runoff from the upland area adjacent to the bluff is to be recharged on the upland portion, landward of the setback area. Storm water from developed portions of the property should not be allowed to flow across the surface of the land to the bluff face. If the natural slope of the land is away from the bluff face, the slope should not be altered.
 - Allow an adequate distance from the bluff face for natural vegetation to trap storm-water and to stabilize soils.
 - o Storm-water should not be recharged in a quantity or location that surface runoff, subsurface or ground water flow would undermine the bluff face.
 - Locate roads parallel to the bluff or in such a manner that no storm water from the road reaches the bluff face or the beach below.
 - o Construct berm parallel to the bluff face to trap storm water from overland flow as required to allow for percolation into the soil.
- Minimize future impact upon bluff by covering all disturbed soil areas with vegetation suitable for bluff locations. The bluff face should not be disturbed with planting activities unless the effective slope is at least 1:1.5. The type of planting should be suitable for the portion of bluff exposed. Deciduous trees planted at the top of the bluffs create downward pressure on the bluffs. Grasses, evergreen and deciduous shrubs are more desirable for this area. Drought-tolerant grasses, shrubs, and small trees should be planted at the base of the bluff and in droughty areas of the bluff face. Plantings on the bluff will not take hold if the slopes are too steep, the soils are not stable, and unless measures are taken to minimize the condition that originally caused the erosion. Tree, shrub and groundcover species most suitable for planting are the lower successional species and those that have been observed to do well in exposed droughty areas. They include species such as autumn olive (Elaeagnus umbellate), staghorn sumac (Rhus Typhina), bearberry (Arctostaphylus uva-ursi), bayberry (Myrica

pennsylvanica), and grass and legume seed mixtures. Beach Plum, somewhat unique to Asharoken, should be preserved to the greatest extent possible. It is important that plant density be sufficient to hold the soils in heavy rains.

- The soil type should be given careful consideration. Generally, the soils will vary according to height of the slope. The parent material for the upper soils may be till; the lower layers in case of a steep bluff may be sandy. Clay lenses can occur anywhere. In order to establish vegetation, the immediate soil area needs organic matter and nutrients. The surface of an eroded bluff face will contain more sand because the fines are more easily eroded. Due to the slope of the bluff, and the possible shallow depth of soil, it can be assumed that the soils will be droughty for shallow rooted plants.
- Access from the top of a bluff to the beach should be limited. Shared or community access structures are encouraged. In the area of high bluffs (bluff height ≥ 8 feet), individual staircases, from the top of the bluff to the beach, for each adjacent property are prohibited. Periodic placement of staircases for common use with adequate upland access is encouraged. Access structures should be designed and constructed to cause the least disturbance to the bluff.

4.2.6 Steep Slopes

- Disturbance of and construction on steep slopes can result in excessive surface water runoff and severe soil erosion. Ideally, all land clearing and construction should be confined to sites or locations within sites where slopes are no greater than 15%. The cut and fill on a site should be kept to a minimum wherever possible. Slopes of 25% or greater should not be disturbed except where necessary for proper site development. Deviations must be specifically considered and approved by the Planning Board.
- Planning review is facilitated if site plans show slopes in bands of 0 to 15%, 15 to 25 %, and 25% to greater. In areas of steep slopes, slope analysis is required to show that sufficient care has been taken in the design of stabilization measures, erosion control practices, and structures to mitigate any negative environmental effects.

4.2.7 Additional Considerations

- Development of the former Morgan Estate is a Type I Action and is likely to require a SEQRA compliant Environmental Impact Statement.
- Downed trees and cleared brush must be removed from each development site, not buried or left above ground on-site. (Requires a new ordinance)
- Topsoil is not to be removed from each development site. Topsoil taken from roads, drainage excavations, etc. is to be distributed within the development site. (Requires a new Village topsoil ordinance.)

• Large trees (>4 feet in circumference measured 1 foot above the ground) are to be preserved to the greatest extent possible, consistent with a new Village tree preservation ordinance.

4.3 Stormwater Management

The current subdivision regulation allow the Planning Board to require that drainage plans be prepared as part of the subdivision application. In addition, Section 4.2 has provided guidelines to control stormwater. This section discusses the formalism and process associated with the recent mandate to the Village from the New York State Department of Environmental Conservation (DEC) for Stormwater Management. This mandate elevates the importance of this consideration in the subdivision process and imposes additional requirements. The Village has until March of 2008 to formalize our processes and ordinances but may do so earlier. The discussion below explains the genesis and nature of these requirements and our strategy for locally responding to them.

Background: The DEC was directed by the Federal Environmental Protection Agency to implement a National Pollution Discharge Elimination System Phase II Program in response to the Federal Clean Water Act. The ultimate goal of the Act is to minimize pollutants and sediment, picked up in storm water runoff from upland areas, from reaching wetlands and bodies of water such as the Long Island Sound and adjoining bays and harbors. The DEC in turn designated the Village of Asharoken as a regulated, automatically designated urbanized, small Municipal Separate Storm Sewer System (MS4). The Village submitted the required Stormwater Management Program (SWMP) plan to the DEC on March 5, 2003 and in turn was granted a State Pollution Discharge Elimination System (SPDES) general permit (Permit No. GP-02-02).

The permit authorizes the Village to discharge into "Waters of the United States" as it incrementally brings its stormwater management and pollution discharge practices into compliance over a five-year period. While adherence to the total SWMP is important, the parts most relevant to land planning and development involves implementing and enforcing regulations governing 1) construction site stormwater runoff control and 2) post-construction stormwater management in new developments and redevelopments.

Construction Site Stormwater Control: The DEC directs that the following activities be undertaken by the Village in satisfying item 1 above:

- 1. Develop, implement, and enforce a program to reduce pollutants in any stormwater runoff to the small MS4 from construction activities that result in a land disturbance of one acre or more.
- 2. Include construction activities on less than one acre in the program if: 1) it is part of a larger common plan for development or 2) if controlling such activities in a particular watershed is required by the DEC.
- 3. Develop a program that, at a minimum, provides equivalent protection to the NYS SPDES General Permit for Stormwater Discharges from Construction.

- 4. Develop a program that includes the development and implementation of:
- An ordinance or other regulatory mechanism to require erosion and sediment controls
- Requirements for construction site operators to implement erosion and sediment control management practices
- Sanctions to ensure compliance
- Requirements for construction site operators to control waste at the construction site that may cause adverse impacts to water quality procedures
- Procedures for site plan review which incorporate consideration of potential water quality impacts and review of individual pre-construction site plans to ensure consistency with local sediment and erosion control requirements
- Procedure for receipt and consideration of information submitted by the public
- Procedures for site inspections and enforcement of control measures
- Provide education and training measures for construction site operators about requirements
- 5. Develop measurable goals and select appropriate management practices to ensure the reduction of all pollutants of concern in stormwater discharges to the maximum extent possible

The Village's strategies for meeting these requirements is as follows: Activities that are performed at construction sites usually disturb large amounts of land and generate large amounts of waste. Our focus in this area is on controlling the resulting sediment, erosion, and building waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste. Asharoken will reduce pollutants in stormwater runoff from construction sites by putting the following controls in place:

The few remaining large parcels remaining in the Village will be subdivided before development begins. The Planning Board, responsible for subdivisions, is typically the first Village agency the developer encounters. We will use this opportunity to begin the process of addressing the pollution of stormwater runoff at construction sites. The subdivision application requires a subdivision layout that contains elevations, lot lines, streets, drainage provisions, and identifies wetlands and adjacent surface waters. In addition the developer must submit drainage plans, planting plans, and SEQRA review. While the subdivision process does not regulate the details of placement and construction of the dwellings, it does regulate road construction and the installation of drainage provisions. Because of this the Planning Board will add the requirement to the subdivision process that the developer have a SPDES General Permit for Stormwater Discharges from Construction Activity (Permit No.GP-02-01) and a SWMP, both unique to the specific subdivision. The Planning Board will evaluate the adequacy of the SWMP as it pertains to subdivision activities using the DEC's technical standards contained in

NYS Stormwater Management Design Manual and NY Standards and Specifications for Sediment and Erosion Control.

After the developer obtains subdivision approval, he must apply for a building permit from the Village Engineer. The developer will be responsible for submitting site, construction, and waste management plans. These plans will be made available to the public for their review and comment. The Village of Asharoken uses the NYS building code. We assume here that the State will update the building code to include provisions for construction site runoff control. Using the State building code and the two manuals previously cited, the Village Engineer will evaluate the building plans and, when necessary, work with the developer to assure the plans are in compliance. Steps that the contractor can take to minimize the problem included limiting construction entrances, dust control, grass lined channels, permanent seeding, preserving natural vegetation, silt fences, rapidly restoring the site, etc. It is the responsibility of the Village Engineer to inspect the site and enforce the applicable laws.

The developer will be responsible for the education, training, and performance of construction site operators and workers in these matters. The Village will not provide formal training to developers/construction site operators but will refer them to workshops or other training sessions hopefully provided by the DEC or higher levels of government.

The Village Attorney, in conjunction with the Planning Board and the Village Engineer will evaluate current ordinances and regulations with regard to their adequacy in treating this topic. If found to be incomplete, inadequate, or completely lacking, model ordinances generated by the State, County, or Town will be evaluated and, as applicable, made part of our local code.

Post-Construction Stormwater Management: The DEC requires the following activities:

- 1. Develop and implement strategies which:
- Include a combination of management practices that will reduce the discharge of pollutants to the maximum extent practicable from new development, redevelopment and existing conditions
- Adopt an ordinance or other regulatory mechanism to address post-construction runoff from development and redevelopment
- Ensure adequate long-term operation and maintenance of management practices including monitoring
- 2. Develop, implement, and enforce a program to address stormwater runoff from new development and redevelopment projects that disturb one or more acres that discharge into your small MS4.
- 3. Include construction activities on less than one acre in the program if: 1) it is part of a larger common plan of development or sale or 2) if it has been designated by the DEC to protect water quality.

- 4. Ensure that controls are in place to protect water quality and reduce the discharge of pollutants to the maximum extent practicable.
- 5. Develop, implement, and provide adequate resources for a program to inspect development and re-development sites and to enforce and penalize violators.
- 6. Develop measurable goals and select appropriate management practices to ensure the reduction of all pollutants of concern in stormwater discharges to the maximum extent practicable.

Our strategy for implementation is as follows: The requirements for this measure are closely tied to the previous requirements of the construction site runoff MCM. Emphasis, however, is on seeing that both structural and non-structural practices put in place during construction are maintained and meet their performance goals. Structural practices include storage of runoff in wet basins, dry basins, and catch basins; enhanced infiltration through use of basins/trenches, dry wells, and porous pavements; and vegetative solutions such as grassy swales and filter strips. Non-structural practices include buffer strips, minimization of disturbance and imperviousness, and maximization and preservation of open space. Ordinances will be required to carry out post-construction inspection, establish performance measurement criteria, and allow bonds to be held to insure post-construction performance, and/or levy fines on homeowners or homeowner associations for lack of maintenance.

4.4 Outside Agency Requirements for Subdivisions Approval

The Planning Board of the Village is the lead agency in the subdivision process. However, each agency below plays a role in the process.

The Suffolk County Department of Health Services checks for compliance with standards for water supply and sewerage disposal. Surveyor must submit water and sewerage plans for each lot. Written approval from Health Services is necessary for final subdivision approval.

Suffolk County Department of Health Services Waste Water Management Services Suffolk County Center Riverhead, New York 11901

The New York State Department of Environmental Conservation evaluates compliance with the Tidal Wetlands Act. They require a topographical map and a copy of the Environmental Impact Statement, if one is prepared. Their written approval is necessary for final subdivision approval.

New York State Department of Environmental Conservation Bldg. 40 SUNY Stony Brook, New York 11790-2356 Attn: Regional Permit Administrator The following three agencies provide letters of availability of service for the subdivision. The letters are necessary for final subdivision approval.

Long Island Power Authority New Business Department/Western Suffolk Division 1650 Islip Avenue Brentwood, New York 11717

Suffolk Country Water Authority 260 Motor Parkway Hauppauge, New York 11788 Attn: District Manager

Board of Fire Commissioners Village of Northport P.O. Box 358 Northport, New York 11768

The Suffolk County Clerk's Office must approve the subdivision name.

Suffolk County Clerk's Office Riverhead, New York 11901

The Suffolk County Planning Commission determines if a subdivision is compliant with County Subdivision Regulations for properties on the water or within 500 feet of the Village's boundaries. The Asharoken Planning Board submits this application together with the preliminary and final plat plans and the Health Services approval. This approval is required for final subdivision approval.

Suffolk County Planning Commission
H. Lee Dennison Executive Office Building – 4th Floor Veterans Memorial Highway
Hauppauge, New York 11788
Attn: Subdivision Review Division

5. Recommendations for Orderly Development, Growth, and Improvement

5.1 Former Morgan Estate

The former Morgan Estate is the largest remaining undeveloped parcel in the Village. As described in Section 3.8, the former Morgan Estate is a property of exceptional beauty because of its natural assets, its open vistas, and its location on the water. There is no other undeveloped site of this magnitude, with these assets, this close to New York City. The assets that provide its special qualities are environmentally fragile. We believe that if the estate is someday developed, the most effective method of preserving the natural resources, the inherent quality and nature of the Village, and the Village's tax base is to encourage a multi-use consisting of limited access parkland owned by County, State, or Federal government; and/or nature preserve owned by a private conservation group; parkland obtained through a set-aside, dedicated to and owned by the Village; and clustered residential development. The caveats placed on this multi-use recommendation are:

- If outside funding for parkland and/or nature preserve are not available in a reasonable time (such as the development planning, application, and approval cycle) after the owner seeks to develop the property, the entire property could be developed for residential. We do not want to replicate the experience on the Hogan property that had Town, County, and State officials delaying development for an extended period while they unsuccessfully sought to get money to procure the property for parkland.
- To preserve the Village's tax base, no more than half the property should be in parkland and/or nature preserve.
- The park should be of limited access such as Caumsett State Park on Lloyd Neck.
- Land use by a nature conservancy would have to accommodate a level of access by local residents, thereby avoiding locking away the land for the exclusive use of flora and fauna.
- Land obtained by the Village through set-aside is to be used to provide access to the Sound front beach for all residents of the Village, particularly those without frontage on the water. It should also be available to support tennis courts and fields for soccer, baseball, and the like.
- The residential portion of the property should use cluster development in the subdivision process. New York State Village Law, Section 7-738, <u>Subdivision review</u>, approval of cluster development, sets forth the conditions under which this provision may be applied. Our goal for the residential portion is to preserve the natural and scenic qualities by creating open space. The yield for residences is based solely on the land devoted to the residential area, not on the total land including parkland and nature conservancy. The exception to this might occur if

the land for park and preserve were given rather than sold to the respective outside groups as part of an overall development package.

A conceptual example of the partitioning of the land between the various uses is shown for in Fig. 8. This example is included to illustrate one of many likely partitioning and in no way implies that it is recommended or preferred. It is left for future Planning Boards to establish the proper balance between the various uses, factoring in the conditions that prevail at the time of development. In this illustrative example of partitioning approximately 10% of the total acreage is in the Village set-aside, 18% in Parkland, 12% in Nature Conservancy, and 60% in Residential cluster development. The goal of retaining at least 50% of the land for residential use is clearly met by the example.

The proposed multi-use, sensitivity to the environmental constraints detailed in Section 3.8, adherence to the guidelines for development contained in Section 4 of this plan, and use of the cluster provisions of NY State Village Law Section 7-738 in the residential section, will allow our goals to be met.

5.1.1 Parkland: The lands most suitable for parkland are the open fields to the east of Lighthouse Road that run from the road to the Long Island Sound. Access to beachfront on the Sound is a highly valued resource to State and County Planners.

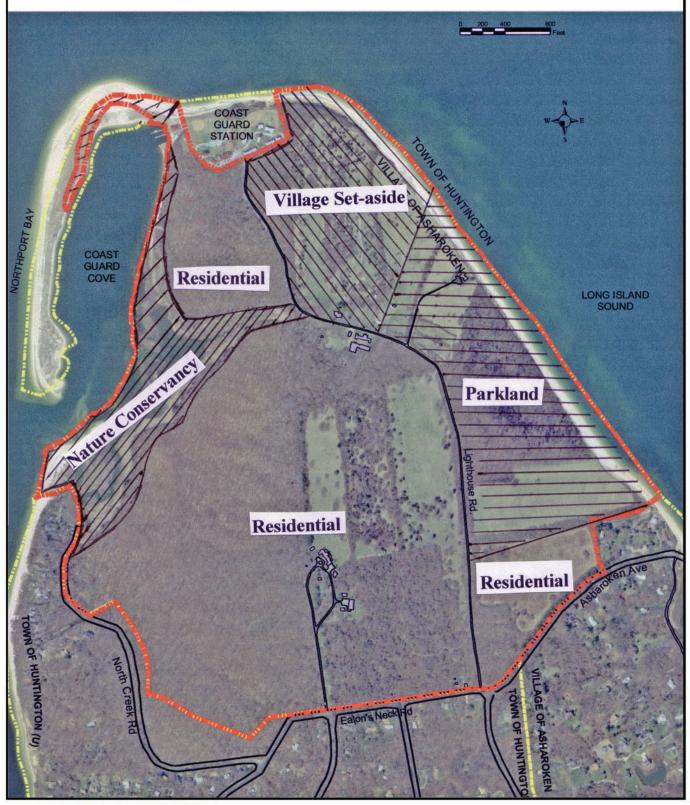
To protect the Village and Eatons Neck from undo intrusion the park should be of limited access such as Caumsett State Park on Lloyd Neck for two reasons:

- Asharoken Avenue cannot handle the traffic associated with a full service park:
 the steady stream of buses with beachgoers, park employees heading for work,
 service trucks re-supplying food vendors and bringing maintenance materials,
 etc. Major widening or additional lanes cannot be supported in many sections
 of the road because of the proximity of houses and fragile dunes to the road.
- Our goal is preserve the land. Boardwalks, large paved parking areas, facilities for food service, etc are not in keeping with our goal.

Appropriate restrictions would have to be in place to assure that as demands for recreational activity on the water in close proximity to major population centers grows with time, what begins as limited access does not turn in to full service such as Sunken Meadow. Close ties between the park administration and the Village must be formally established, using organizational structures such as a joint commission or board of overseer to insure that the Village's concerns are acted upon in a direct and timely manner.

Buffers between existing and future housing and the park should be put in place to minimize the impact of the park on homeowners. A dedicated, year-round security and maintenance staff, funded entirely by the sponsoring agency would be necessary. Impact to the Village's infrastructure must be minimal.

Map 8
Conceptual Partioning of the Former Morgan Estate Into Residential, Village Set-aside, Nature Conservancy, and Parkland



5.1.2 Nature Preserve: The land most suitable for a nature preserve are the wetland and shore front that make up the eastern and southern boundary of Coast Guard Cove, the lowland/marshland up to and including what was the Morgan Pond, and a strip of adjacent upland.

While our goal is to preserve the land, the land cannot be locked away from the residents. An accommodation must be made to include residents in conservation programs and controlled use of property for walking, bird watching, and the like.

Because of limited tax contributions such a use would generate, careful attention would have to be paid to the services the conservancy would provide vs. those demanded from the Village, particularly police services. For the same reasons discussed above, there is a need to establish a joint organizational structure to protect the Village.

- **5.1.3** Village Set-aside: The land chosen in the illustrative example has a large flat area and would readily accommodate tennis courts and ball fields as well as a small parking lot. In addition to providing access to a section of Sound-front beach for residents without such an amenity, it would also allow the Village to offer limited access to those outside the Village. There is pressure on the Village to provide Sound-front access by agencies such as the US Army Corps of Engineers. Without such access, future Corps' projects such as beach restoration in the southern end of the Village would be denied. The right of the Village to obtain a set-aside for recreational purpose equal to 10% of the land is clearly established in New York State Village Law.
- **5.1.4** Zoning for the former Morgan Estate: The estate is currently in the Village's C Zone that requires building lots to have a minimum of 2-acres. In earlier drafts of this Master Plan it was proposed that the minimum building lot acreage be changed from 2 to 3 acres. The motivation was to provide a greater level of undeveloped land. The owner, Eatons Neck LLC, raised objection and retained the law firm of Meyer, Suozzi, English & Klein, P.C. and the land planning firm of Fredrick P. Clark Associates, Inc. The legal and planning activities were headed by A. Thomas Levin, Esq. and David J. Portman, FAICP, respectively. It was agreed that the Village would hold the plan in abeyance while the up-zoning issue, as well as several minor objections, were studied and recommendations made. The Planning Board and those representing the LLC met on a number of occasions to resolve our differences. It was concluded that the former Morgan Estate should not be up-zoned from the current 2-acre minimum building lot requirement to a 3-acre minimum. The following is the rationale for not up-zoning:
 - Our basic objective of preserving the environmental integrity of the property, should it be developed, can be achieved with 2-acre/cluster residential development and the multi-use plan. (Note: The multi-use plan was not part of the agreement with Eatons Neck LLC. It originated after tours of the property and the meeting with Suffolk County Planning Department).
 - The property would be devalued if up-zoned to 3-acre. By staying at 2-acre, our current tax base and that of the school district is preserved.
 - The Village will not have to bear the cost of defending the up-zoning in court, an action which will surely come if we do so. The chances of winning such a suit are

probably even and the cost for lawyers and consultants to match those currently retained could approach those of the LILCO suit.

- 2-acres is consistent with surrounding lands on Eatons Neck, e.g., Eaton Harbors Corporation and the former Hogan estate, and with the equally fragile ecosystem on the 2-acre zoned Duck Island.
- There is adequate water supply and sufficient road capacity, as shown in the Master Plan, to accommodate the additional housing associated with keeping 2acres.
- Historically, when the lands in the Eaton Harbors Corporation were brought into the Village in 1963, 2-acre zoning of all lands within the estate was deemed adequate. The existing Master Plan, written in 1982, did not recommend upzoning nor did the Suffolk County Planning Study of the same era.

In summary, the combination of 2-acre minimum with cluster development and the multi-uses previously discussed will allow major environmental features to be preserved and will provide for the orderly growth path identified in the Master Plan, should the property be developed.

5.1.5 Clustered Residential Development: Section 7-738 of NYS Village Law empowers a Village Board to authorize its Planning Board to modify applicable provisions of the zoning ordinance to enable and encourage flexibility of design and development of land in such a manner as to promote the most appropriate use, to facilitate the adequate and economical provision of streets and utilities, and to preserve the natural and scenic qualities of open lands. This authorization does not currently exist. Pursuant to Section 7-738, the Board of Trustees must modify provisions of Asharoken's zoning law. It is recommended that the Board of Trustees give the Planning Board the discretion to impose the cluster provisions in C Zone.

The number of building lots created from a parcel of land under Section 7-738 consideration can not exceed the number which could be permitted if the land were subdivided into lots conforming to the minimum lot size and density requirements of the zoning ordinance applicable to the area in which such land is located.

The use of cluster development is a viable alternative to conventional subdivision layout and allows preservation of environmentally sensitive wetlands, aquifer recharge areas, swales and woodlands. Cluster development also permits a variety in the siting, shape, and orientation of dwelling units. The difference between conventional subdivision layout and cluster development is the preservation of natural resources and minimum environmental impact while still providing the appropriate number of houses as permitted by local zoning.

There are several other advantages in using cluster development. These are:

• Fewer roads and drainage structures, shorter utility runs, less expense for road maintenance and snowplowing.

- Reduction in the amount of roadway reduces cut and fill of land, and minimizes the possibility of sedimentation and erosion.
- Stormwater runoff is reduced since the length of impermeable surfaces is reduced.
- The additional open space that is created is more aesthetically pleasing than the conventional "grid" street layout.

5.1.5.1 Tailoring New York State Village Law 7-738: The primary concerns regarding cluster development are the maintenance of the open spaces, collecting money for maintenance, and the "community within a community" issues if a homeowners association is established to administer the open space.

Section 7-738 of Village Law treats the issues associated with ownership and maintenance of open space. It allows the Village to tailor the provisions of cluster development with regard to use of the open space, minimum size of the building lots, applicable siting regulations, etc. It is at the Village Planning Board's discretion to ask for cluster development, that is, it need not be based on a request by the developer. The following restrictions/conditions on the implementation of cluster development for the Village of Asharoken's adaptation are recommended:

- Percent of the Residential Development Set-aside for Open Space: Half of the total land in the residential development should be set aside for open space.
- Minimum Building Lot Size: The former Morgan Estate is zoned 2-acre minimum. Under cluster development, the minimum lot size on which house can be built should be set at one acre. The one-acre requirement for a building lot is a minimum and in no way prohibits larger lot sizes. Larger building lot sizes are encouraged as the way to provide flexibility in design and subdivision layout.
- While attached housing on smaller parcels, or taken to the extreme, one single high rise, would allow more land for open space. The choice of single-family homes on a minimum 1-acre building lot is consistent with the stated objectives in the Introduction and with the other lands within the Village on Eatons Neck. A one-acre building lot is by no means excessive when the two-acre zoning of the Eaton Harbor's Corporation and the Hogan property are considered.
- Regulations on Housing: Regulations on setbacks (front, rear and side yard), minimum square footage, height, etc, for both the main dwelling and accessory buildings, should be that of B Zone. Justification for this is once again consistency with our one-acre minimum zoning regulations for property within the Village on Eatons Neck.
- Maximum Number of Main Houses: The maximum number of main houses that are allowed can be no greater than the maximum number permitted under the prevailing zoning. It is the responsibility of the developer to layout the property in non-cluster format to establish the yield, obviously with the Planning Board's review and concurrence. Land saved by having smaller building sites and fewer

roadways is classified and used as open space. Justification: NY State Village Law 7-738.

- Ownership of the Open Space: To avoid the problems of open space being privately owned, as detailed in Section 4.1, it would be advantageous to have the land dedicated to the Village. NY State Village Law 7-738 explicitly states that a Village cannot demand dedication. However, if the developer or homeowners clearly see the benefit of Village ownership, they are free to do so. If the open space is not dedicated to the Village, the Village will require that the open space be owned and maintained by a homeowners association constituted for that purpose.
- Collection of Taxes and Maintenance Fees on the Open Space, Responsibility for Maintenance: Concern for the ability of a homeowners association or the like to collect fees for taxes and maintenance of common land, that is the open space, has been documented in 4.1. The Village must be assured that proper legal safeguards with provisions for inflation and extraordinary events are in place so that the open space is properly maintained and that taxes for these lands are promptly paid. The association has the primary responsibility for collecting taxes and maintenance fees from the owners and supervising the maintenance. Legal documents that provide for the collection of funds for taxes and maintenance, with provisions for inflation and extraordinary events, penalties for non-payment, the establishment of a board of overseers that administers the open space, and conditions for intervention by the Village Board, must be in place prior to subdivision approval. NY State Village Law 7-738 states "The rights of the municipality to compel or undertake adequate maintenance must be sufficiently defined. Accordingly, authority may be provided to compel the private association to maintain the property with the right reserved to the municipality to undertake such maintenance and to charge the cost to individual homeowners upon default of the association."
- Selection of Land for Open Space: The land chosen for open space in the residential development area will depend on the extent and location of the multiuses. In total, that is including all uses, it should include, in addition to wetlands and wetlands buffers, such other environmental features that are not explicitly protected by law. Examples are Morgan's pond, the high bluff areas, buffers at the top of bluffs, beaches, steep slopes, and exceptional trees or stands of trees.
- Uses for the Open Space: The highest consideration should be given to natural walkways throughout and around the perimeter of the property, making use of existing dirt roads and trails. A large portion of the open space should be limited to passive nature preserve and maintained as wetland, marshland, bluff, beach, etc. It is not the intent of our cluster development application to allow commercial use of protected open space areas.

If the open space is private, the owners have the right to restrict use by people outside the development. It is encouraged, however, to allow Village

- residents to use all or portions the open space, as appropriate, without intruding on the privacy of the new residents.
- Assurance that Open Space Always Remains Open Space: Deed restrictions, covenants or other legal means must be put in place to insure that the land remains as open space for all time, whether the open space is owned by the Village or owned privately.
- Limiting Cluster Development Option: While it is desirable that the entire site be included in one comprehensive development plan, it is possible that the property might be subdivided in a number of segments. It is left for the Planning Board to decide at what minimum size cluster development is no longer advantageous to the Village. In all cases, the Planning Board has the right to reject the cluster development if the layout of houses and the intended use of open space does not meet with their approval and revert to non-clustered C Zone regulations.
- **5.1.5.2 Beach Access on the Sound:** Beach access on the Sound must be available in the form of parking and beachfront for all home sites within the development that do not have direct waterfront access. In the area of high bluffs (bluff height ≥ 8 feet), individual staircases, from the top of the bluff to the beach, for each adjacent property are prohibited. Periodic placement of staircases for common use with adequate upland access is encouraged.
- **5.1.5.3 Roadways:** It is the Village's preference that the roadways within the development be dedicated to and maintained by the Village.
- **5.1.5.4 Site Development Control:** To minimize the effects of development on existing homeowners, buffer zones of existing trees and brush should be left in place and maintained. An example of this is the heavy evergreen and brush barrier on the property along Asharoken Avenue. In addition, the development must be consistent with the evolving provisions and intents of Stormwater control.
- **5.1.5.5** Access: Access to the development should be oriented towards Lighthouse Road and perhaps a new roadway over the driveway to the manor house. In any case, no new homes should have driveway access to Asharoken Avenue. To assure that roadway and driveway access points are safe and well planned, site distance standards established by AASHTO should be applied. The intersection of Lighthouse Road and Eatons Neck Road may need a traffic light and will have to be reconfigured to provide acceptable sight lines.
- **5.1.5.6 Impact on Village Services:** Village services such as police, garbage pickup, building inspector, clerks office, etc will have to expand to meet the addition needs imposed by the development. This expansion will be in the form of additional manpower, hours worked, and equipment and space. Costs for outsourced activities from road repair to fire and emergency services will increase. The cost of this expansion will be covered by the increase in the tax base. Volunteer positions such as ZBA, Planning Board, Road, Public Works, etc will demand increased contributions of time. When the first plans for development are in place, plans for the expansion of Village services must begin.

5.2 Sound Beach Erosion

5.2.1 Eastern Beach: The continued loss of Sound front beach at the eastern end of the Village poses a threat to private homes and could eventually affect Asharoken Avenue. In addition, the imposition of the Coastal Erosion Hazard Line by the State will prevent homeowners from fixing storm-damaged bulkheads and homes if the damaged property lies on the Sound side of the line. The line is periodically redrawn to reflect the state of the beach. To prevent damage to bulkheads and property, and in the event of an extraordinary storm, to allow owners to fix the damage, it is imperative that the beach be restored and maintained in a stable condition.

The stability of the beach is strongly dependent on the replenishment of sand from the east to west littoral drift. The primary impediments to this replenishment are the jetties, the boat channel, and the condenser cooling water discharge at the LILCO/Keyspan Northport Power Plant. These features are shown in Figure 2, an aerial view of the LILCO/Keyspan power plant.

Recorded history shows that from the late 1700s to the early 1930s the erosion of sand to the west was more than offset by accretion of sand from the east, resulting in a continual growth of beach. In the 1930s the Metropolitan Sand and Gravel Company built two jetties into the Sound to create the beginnings of what is now the LILCO Channel. The jetties and dredged channel not only capture a good deal of the drifting sand but also alter the natural flow past our Sound front beach.

The situation was further aggravated in the 1960s when LILCO extended the jetties, made them impervious to sand bypass, deepened the channel, and introduced a sizable outflow (>one million gallons per minute) of warm condenser cooling water discharge to the east of the jetties in a direction perpendicular to the beach. This discharge has much the same effect as a physical barrier.

In the 60s through 80s this problem was offset somewhat by having dredged material from the LILCO channel and from offshore deposited on the beach. The NY State Department of Public Works and LILCO carried out this work at no charge to the Village at different times. This replenishment was stopped because government agencies have backed away from dredging projects and LILCO, facing economic problems after the Shoreham debacle, reneged on their commitment. Deprived of sand brought by littoral drift or artificially by replenishment programs, the beach was weakened to the point where it was vulnerable to the storms of the early 1990s.

Three actions have been undertaken recently to mitigate these harmful effects. An attempt was made to have LILCO/Keyspan honor a 1960s agreement to install an outflow pipe well into the Sound. The judge in the case ruled that too much time had passed to enforce the agreement. A lawsuit was brought by the Village against LILCO/Keyspan to establish blame for the beach erosion and to remedy the situation. The trial began in February of 2002. Finally, with Federal, State, and Village funding, the US Army Corp of Engineers is conducting a \$2 million study of Asharoken Sound front erosion. The study began in June of 2001 and should result in preliminary designs for remedying the

Aerial Photo Date: 2-1999 Image No. 3-1131



problem along with the requisite Environmental Impact Statements. The Village is confident in winning the suit and having positive results come from the study. Failing both would put a tremendous financial burden on the Village.

The solution is to restore Asharoken's beaches with imported sand and reestablish the littoral drift to maintain them. To reestablish the drift would require the elimination or drastic reduction of the jetty, discharging the cooling water far offshore, reducing the depth of the channel, and reconfiguring the beach on both sides of the jetty to smooth out the current step change in the beach contour. An alternate to restoring the natural drift would entail placing upward of 20,000 cubic yards of sand and gravel on this beach each year in perpetuity.

Finding a source of sand that is compatible with Asharoken's beach sand and not disturbing the ecological balance in the borrowed region is a concern. There is a hill in the vicinity of the beach that should be considered as a source of sand. The hill spans the Village's nature preserve and the Marketspan property adjacent to the nature preserve. Since this region was previously mined for sand, in all likelihood the subsurface is all sand. Bringing the hill down to the surrounding elevations might yield approximately 150,000 cubic yards of sand. Since this area has been set-aside for nature preserve and buffer from the power plant, any alteration of this area may require NY State legislation.

5.2.2 Open Stretch of Sound Beach: The section of Asharoken Avenue without houses on the Sound side runs from the vicinity of Bevin Road to 296 Asharoken Avenue, a distance of one nautical mile. Apart from the sea wall at the northern end, the beach and dunes are the road's only protection from the Long Island Sound. From the rock jetty at the southern end of the sea wall to the first house at the southern end, the beach is relatively stable, even accreting sand at some locations. There is an extensive stand of beach grass above the high water mark that helps to stabilize this stretch of beach during storms.

At the southern end of this stretch, across from the houses bordering on Duck Island Harbor, the dunes are widest, having formed naturally over the years. These dunes have the classic configuration: raising highest on the Sound side, sliding into a depression or swale, and then raising again to form a secondary dune before falling off to the road. This section of dune owes much of its stability to the configuration and the varied vegetation (beach plum, stinted cedar and cherry trees, rose rugosa, beach grass, poison ivy, etc.) that anchors the sand in place. Fortified by vegetation, this particular section of dune has endured the ravages of the Long Island Sound during our severest storms and protected the road from being washed out.

Unfortunately, harbor-side homeowners that are protected by this stable dune are now systematically destroying it by clear cutting or severely pruning all vegetation, putting in wide walkways, storing boats and building lockers in the swale. This is being done to enhance their view, for ease of access, and to substitute plants that don't belong in the sand, e.g., sod lawns and day lilies. This practice has spread from neighbor to neighbor. It is wrong on many levels.

Asharoken Village Code stipulates, "No person shall remove or destroy any beach grass, beach plum or other nonpoisonous stabilizing growth from or on any beach, dune, or beach edge within the village." While the Asharoken police have issued several summonses, the homeowners are not forced to restore the area and the fine, limited to several hundred dollars, does little to discourage the practice. NY State DEC, if aware of the situation, could levy fines of several thousand dollars and demand restoration. Apart from penalties and money, it is wrong from a practical and aesthetic standpoint. Practically, sod and daylilies don't grow well in sand. Aesthetically, removing natural vegetation detracts from the seascape. The Village has to become the advocate for the dunes and assess fines and get the DEC involved.

This stable section of dunes only extends northward for approximately 1500 feet. From there to approximately 500 feet south from the stone jetty, the "dune" is just a pile of sand scoped off the road after storms. Beach grass has been planted on these piles of sand but has not taken. Fortunately, the beach in front of this "dune" is strong and overwash in this area happens infrequently. The US Army Corp of Engineers is currently conducting a study of erosion along our Sound side beach. The study is costing \$2 million, \$300,000 of which comes from the Village. Among the concerns is preventing the loss of Asharoken Avenue, adjacent to the open stretch of beach, due to a storm. One solution being investigated is building a wall between the road and beach. Money for Federal erosion projects is virtually nonexistent at this time. In addition, whatever monies are available are better spent on the populated southern end of the beach where the problems and their consequences are more severe.

The 500-foot section just to the south of the jetty, in front of the house on the Cove, has a solid stand of vegetation consisting of some good-sized deciduous and evergreen trees. It is a very stable region.

5.2.3 Sea Wall in the Vicinity of Bevin Road: The area along Asharoken Avenue from the large rock jetty in front of 497 Asharoken Ave to the corner of Bevin Road has consistently seen water from the Sound and the dune itself wash across the road during storms. To prevent the road from washing out the US Army Corp of Engineers, with Federal and State funding, built a wall along the beach, parallel to the road, in 1997.

The wall has served its purpose of protecting the road but the elevation of the beach continues to decrease. Just as the LILCO jetties, et al, impede the flow of sand to the western section of beach, the rock jetty does the same thing to the beach in front of the seawall. Without the jetty, the beach to its southeast might not remain stable. The problem of diminished elevation of the beach is tolerable as long as the wall remains to protect the road. Unfortunately, continued erosion of the beach will eventually undermine the wall. In addition, the portion of the wall exposed to the Sound is made of steel and is rusting away. What was billed as a 15-year wall may be gone in the next several years.

The road-side berm consists of sand whose surface is stabilized with Astro Grid and beach grass. Occasional storm driven over-wash has taken away the surface sand and exposed the grid. The beach grass is dying because it lacks regular nourishment and moisture from the salt water.

A four pronged solution is needed: The beach in front of the wall must be periodically replenished to eliminate the possibility of undermining the wall; efforts should be made to slow the deterioration of the steel wall; the road-side berm should have a surface of topsoil with the beach grass replaced with rose rugosa, poison ivy, cedar, beach plum, and wild cherry; and finally, a more lasting outer wall must replace the current wall in the next few years. Efforts should begin shortly to obtain funding for the wall replacement.

5.3 Duck Island

Duck Island is a place of unusual, unspoiled beauty with sweeping vista to water through wooded hillside in every direction. Sparsely populated over the years, it underwent a limited development on the northern half in the late 1970s. The southern lobe of the island, over 20 acres, has only one main house and an accessory house and garages. Part of the 20 acres is filled in wetlands. The entire island was up-zoned from one-acre to two-acre zoning in 1993.

There are no opportunities for further subdivision on the northern half. Additional lots for building can be created on the southern half of the island, providing they are located above the 100-year floodplain elevation. It is important to preserve the wetlands and the vegetation along the slopes to avoid any adverse impact on Duck Island Harbor and Northport Bay. Individual site plan approvals for any new dwelling should require 100' setbacks from the wetlands for both new construction and sanitary facilities and each site plan should include restrictions on clearing natural vegetation beyond that necessary for the construction of the dwelling.

5.4 Duck Island Cove

Duck Island Cove, that portion of Duck Island Harbor which is bounded by Asharoken Avenue and Walnut Neck, is diminishing in extent due to accretion of sand brought across Asharoken Avenue during storms, eroded material and petroleum products carried by rainwater runoff at the entrance and along Bevin Road, debris brought in by the tide, and fill along the shore. If this trend continues, housing adjacent to the Cove will be less desirable; stands of marsh grass will diminish; and boating, even around high tide, will be further limited.

The New York State DEC has prevented the Village from fully removing storm deposited sand from the northern end of the Cove. This has inhibited the natural marsh grasses from reestablishing themselves in this area. The Village should ask the DEC to reconsider their prohibition on sand removal and natural habitat restoration.

The rainwater runoff from Asharoken Avenue and adjacent properties starts just east of North Harbor Road and flows downhill to the corner of Asharoken Avenue and Bevin Road. From there it flows directly into the northern end of the Cove. The rainwater runoff carries with it eroded material, mostly sand from the banks along the road, and petroleum products dropped by vehicles onto the road. The oil deposits are clearly visible on top of the sand and mud flats and the sand can be seen collected over sections of the tidal mud bottom. A catch basin at Bevin Road would be ineffective since the elevation is

not much greater than the water table height. Catch basins are needed along the stretch of Asharoken Avenue that generates the runoff. Collecting the water in catch basins distributed along the length, at elevations that allow drainage, and emptying the basins of silt on a regular basis, would go a long way toward solving this problem.

A good deal of the debris carried into the Cove comes from waste treatment facilities in surrounding communities such as Northport and from boaters on the surrounding waters. A concerted effort should be made to associate the waste treatment debris to the offending sites and then seek preventative action. Boating debris can be reduced somewhat by enforcement of existing laws. Unfortunately, the Asharoken police boat is on station only a very limited amount of time. Encouraging expansion of boat pump-out stations in surrounding locals will help to lessen this problem.

Our police and Building Inspector should be vigilant to deter fill from being put into the Cove by property owners, landscape services, and construction workers, particularily at new construction sites.

Dredging the Cove, or connecting the Cove to Northport Bay and/or the Sound via large conduits under the roads to increase flushing action, would benefit the recreational use and ecological well being of the Cove. Grants from federal, state or county sources for this purpose should be pursued.

5.5 Roads

A description of the challenge with our main road, Asharoken Avenue, is given in the beginning of Section 3.5. The road should be made safer by:

- Eliminating standing water during rainstorms by installing drainage structures or swales, as appropriate.
- Clearing the right-of-way along the road of obstructions such as rocks, fences, posts, mailboxes, planters, etc. is critical on a number of levels. The Village should issue guidelines, specify the obstruction free distances, suggest surfaces for this zone, e.g., grass. Most important, the Trustees should adopt into law provisions similar to those detailed below for reestablishing the right-of-way.
- Keeping shoulders, particularily adjacent to the dunes, free of sand without weakening the dune.
- Delineating the roadway from the shoulder with a painted line. This would also be of benefit to pedestrians.
- Extending the clear line of sight along curved sections by selectively cutting back trees and shrubs.
- Adding reflectors on breakaway poles at the start of poorly marked curved sections, e.g., the northbound side of Asharoken Avenue where the road curves before proceeding up the hill to Eatons Neck.

• Installing stop signs on Asharoken Ave at the corner of Bevin Road. This would keep vehicles from whipping around the bend in the road and make exiting or entering Bevin Road safer.

With respect to regaining the right-of way, the Village Attorney, in a memo to the Board of Trustees (Nolan, Laure, "Highway Right-of-Way-Asharoken", February 2, 2004) stated that Asharoken Village Code Paragraph 104-1 allows the Village to require that obstructions be removed within a set period of time, after notice to the homeowner by mail. It is also suggested that a Local Law be enacted which would either set standards for the placement of objects on the right-of way, or require the issuance of a permit for the placement of such object, as long as such objects do not interfere with highway operation.

Further, a procedure used by the Town of Huntington is suggested. Under the procedure, any homeowner who wishes to perform any work in the Town's right-of way, whether conforming (driveway apron, curbing or sidewalk material other than asphalt or concrete) or non-conforming, must apply to the Town for a permit. If the work to be performed is deemed non-conforming, the homeowner must sign a hold-harmless agreement wherein he or she agrees to maintain and assume responsibility for the structure and release and hold the Town harmless for any damages for any damages inadvertently caused to the structure by Town equipment servicing the roadway. The homeowner must also hold the Town harmless for any personal injury or property damage caused by the structure to a third party. That Hold Harmless is then recorded in the County Clerk's office so that it becomes a covenant running with the land, unless revoked or terminated in writing by the Town.

A bike and pedestrian lane is periodically discussed. Implementing such a plan would require a 34 foot wide paved surface, two 11 foot lanes for traffic and two six foot lanes for the bikes/pedestrians. Since the average width of the road is 22 feet, an additional 6 feet on either side of the road would have to be paved. This might be feasible along some sections of the road (Bay side from the Duck Island causeway south), where houses are set back sufficiently far that an extra lane would have little impact to the property. However, an added lane would significantly impact the limited front yards of houses north of the Duck Island causeway to Bevin Road. Northwest of Bevin Road, Asharoken Avenue is in a hollow over most of its length with high banks tight against the road. It would be very expensive to carve out an extra lane in that stretch.

While a dedicated lane may not be feasible over the entire length of roadway, having a lane over limited sections is worthwhile. The "temporary" lane in front of the "beach lot" parking lots currently serves that purpose over that stretch. Also, increasing the limited width of the road by adding wider shoulder when and where possible and delineating the roadway from the shoulder with a painted line, would enhance the safety of walkers and bicyclists.

5.6 Docks

The Village has control of docks in the Ida Smith section which extends from just below the Duck Island causeway on the northern end to approximately 1,000 feet from Village Hall on the southern end, on the bayside. In this section the upland property owners own the underwater land in front of their homes, out to upwards of 300 feet. The Town of Huntington governs docks in other parts of the Village. The water is very shallow in the Ida Smith section and at low tide, a depth of three feet of water is found 100 feet or more from the shore. Docks facilitate access to reasonably sized boats but on the other hand they tend to be unsightly, are barriers to walking on the beach or swimming near the shore in a direction parallel to the shoreline, and collect floating natural and man-made debris.

The Village has set up committee that rigorously scrutinizes application for docks, assuring that their design and placement meets the Village's prescribed requirements. There are also regulations restricting the time of year that docks can be in place, the storage of docks in the off-season, and lighting on docks. Problems arise as docks age and become derelict or when regulations are disregarded.

Complaints about docks would clearly decrease if dock owners followed the regulations, and failing that, if the Village assigned responsibility for monitoring docks and then strictly enforced the dock regulations.

5.7 Nature Preserve

The Village's nature preserve, on the Sound at the southern end of the Village, is an exquisite site that preserves the upland area behind the dunes as it was before the strip was developed. It has a sand path that winds from Asharoken Avenue to the beach, flanked by indigenous species of plants, including a stand of low growing cactus. The site has limited access. It is behind a cyclone fence with a combination lock on the entry gate. There is no parking at the site, the nearest being at Village Hall down the road. The preserve should remain as it is, with at most a small expansion of the paths. The volunteers who developed and maintain this gem should be encouraged to continue.

5.8 Village Hall

Village Hall has outgrown the last expansion. The police department's section of the building is grossly inadequate, having caused them to expand into the meeting hall. The clerk's office is in need of room for additional files, for the copy machines and files that are also in the meeting room, and to accommodate the numbers of people who periodically work or visit the office. Once liberated from police and clerk items, the meeting hall should be adequate for the majority of events. In any case, the building should be expanded in the near future to accommodate present needs.

A separate garage is needed to house police vehicles and the garbage truck along with space for storage. The Village should upgrade the computers used by the clerk,

treasurer, and other Village officials. The ability to have the computers tied to the Internet for e-mailing and web access is essential.

Plans should be generated and the developments and upgrades budgeted, with the actual work scheduled when it is deemed affordable.

5.9 Aesthetics

The outward appearance of the Village, particularly along Asharoken Avenue, has improved markedly over the years. Upon entering the Village, the first sight is of the Village's property. The Village Hall itself, as well as the landscaping around Village Hall, the statue of Chief Asharoken, the flagpole, the paved parking lot lined with Belgian blocks, and the carved blue Asharoken Village sign across the street, all are well tended and provide a positive visual appearance. Asharoken Avenue, over most of its length, is newly surfaced with asphalt and properly maintained. Each year, more and more homeowners plant flower gardens and shrubbery that is either adjacent to the road or readily visible from the road. A good deal of the credit for these roadside gardens belongs to the Asharoken Garden Club for encouraging and rewarding the homeowners with recognition plaques.

While the Village has made positive strides at beautification, there are areas that are not aesthetically pleasing. These include:

- The beach lot parking lots
- The dunes along the unpopulated stretches of beach
- The beach grass between the road and sea wall
- The entrance to Bevin Road
- The unpopulated area adjacent to Asharoken Avenue from the southern entrance to the Village to the first house on the Sound
- The Village's garbage truck parked at Village Hall
- Open storage of garbage cans adjacent to the road
- Storage of multiple unlicensed "junk" cars on properties
- Lack of periodic maintenance of property that fronts on public roads
- Interminable construction sites

The first four items would benefit from a joint planning and outreach effort between the Asharoken Garden Club and the Planning Board. Depending on the extent of the corrective action, DEC permits may be required.

- Simply raking the beach parking lots occasionally, picking up debris, and placing plantings at the back of the lot would go a long way toward improving the area. Appeals to beach lot owners to upgrade the appearance of their property might be productive in turning this unsightly area around.
- Some sections of dunes are quite attractive with their indigenous plantings of roses, beach plum, beach grass, cedar trees, and even poison ivy. The attractive sections tend to be across the street from houses. A concentrated effort should be made to encourage such plantings and their maintenance by the people that own beach lots. Not only is appearance enhanced, but the dune is also strengthened to withstand erosion.
- The beach grass in the area between the road and the Bevin Road sea wall is barely hanging on. Occasional maintenance such as watering in dry spells and once a-year fertilization might strengthen this stand of grass. Since this area is considered public property, perhaps a program of "Adopt a section of beach grass" might bring forth caring volunteers. If the beach grass does not respond to the suggested maintenance, other plants such as those mentioned above should be substituted.
- The entrance to Bevin Road would benefit from a sound drainage plan; the installation of a curb and the relocation of the stop sign to keep vehicles from encroaching onto the wetland; and fill, grading, and planting of low maintenance shrubs immediately behind the curb.

The unpopulated area adjacent to the Asharoken Avenue from the southern entrance to the Village to the first house on the Sound is littered with papers and cans and typically has a high growth of weeds and saplings up to the roadway. Once or twice a year the weeds and saplings are cut back, only to grow up again. It is suggested that the maintenance of this area be included with the regularly scheduled maintenance of the grounds of Village Hall.

Storing the garbage truck next to the first house in the Village may be cost effective but is inconsiderate. Until a garage is built for the garbage truck, the truck should be parked at a rented space outside the Village.

The Village has laws that prohibit the storage of garbage cans along the street and the storage of more than one unlicensed vehicle on residential property. In either case, the remedy for these and other "quality of life" issues is assignment of responsibility and follow-through for enforcement.

There are properties in the Village, particularly alongside the secondary roads such as Bevin Road, where the roadside goes unattended, resulting in vegetation encroaching into and narrowing the roadway. Usually, the Village will remedy this situation once a year by cutting the vegetation back. Once a year is typically not enough and the areas are continually in an unsightly state. Quite possibly, if the expense were passed to the property owner rather than borne by the Village, the offending owners might take a more active interest in the maintenance of their property.

Lastly, some construction jobs seem to go on forever. Unfinished buildings with piles of building debris and soil, and partially filled dumpsters are unsightly. An ordinance that limits the time a construction site can be inactive before cleanup is mandatory, should be considered.

5.10 Village Services

As pointed out in the Introduction, Asharoken residents are self-reliant and have no overriding desire to have all the services provided as in some villages with, for instance, large departments of public works. However, there are certain services that should be undertaken regularly. These include sand removal from the roads after the winter season and regular maintenance of drainage structures.

Once a year junk collection of large items not allowed in the regular pickup is a service many people would like to have implemented. The cost of this service has been estimated to be upwards of \$60,000 per pickup. Since a viable alternative exists for each homeowner, that is to hire someone with a pickup truck for about \$100 to take the junk to the dump, the Village should not assume this service.

There is a strong need for the administration of code compliance. An entire range of regulations exist that are enforced only under the most extreme circumstances. Among these are illegal rentals, improper use of accessory buildings, storage of garbage cans by the roadside, display of signs, the dock regulations, dumping in the wetlands, permitted work times for construction and landscaping, fences around swimming pools, etc. Each regulation should be assigned an enforcer, be it the police or Building Inspector or other Village employee. In most cases the responsibility for enforcement should fall on the police.

5.11 Utilities

A large step in improving access to utilities for the Village was achieved when Suffolk County Water Authority water became available to every section of the Village. Another positive was the burying of an electric service line along the open stretch of beach on Asharoken Avenue. Used as an alternate when the service on poles is out, it has increased the reliability of the service for upstream users.

Two areas for improvement remain. One is to extend the availability of natural gas to the entire Village. The other is to bury all utilities (telephone, electric, and cable) underground throughout the Village. While this latter suggestion is very expensive and will take years to implement, the Village should insist that any large development in the future have underground service.

5.12 Coast Guard Station Property Acquisition

Consideration was given several years ago to closing the Coast Guard Station on Eatons Neck. Congressman Ackerman successfully lobbied to keep the Station open. The role of the Coast Guard in the Long Island Sound has expanded after September 11, 2001 to include the inspection of large ships for terrorist intent. This issue may be moot at this

time but the Village should remain alert for any changes in status of the Station and give some thought to what we could do with this property. The former Morgan Estate surrounds the landward side of the property and the Station is a part of our heritage.

5.13 Annexation

In the fall of 1999, residents in the Eaton Harbors Corporation expressed interest in being annexed into the Village. One of the driving factors was the desire for local control to prevent the Hill, a historic house on Locust Lane, from becoming a bed and breakfast. A report, Mendelsohn, A.R., "Assessment of the Annexation of the Eaton Harbors Corporation into the Incorporated Village of Asharoken," Village of Asharoken Planning Board Report 2000-1, February 7, 2000 concluded that while there were cost saving to be had in joining the two communities, the entrenched problems with managing and raising funds for the Corporation's roads and beach, and the lack of interest by the Corporation in Asharoken's problems would make governing the combined entity difficult. By the spring of 2000, proponents within the Village and the Corporation had lost interest and the movement toward annexation died.

Annexation should not be ruled out entirely. Future situations may make it an attractive option and it should be evaluated on its merit when the opportunity arises. For instance, it might be advantageous for the Village to annex the lands along North Creek Road, thereby extending the Villages boundaries to the west shore of Eatons Neck.

5.14 Agricultural Use and Farm Animals

Commercial agriculture is an accepted use for land in the Village. The last commercial agricultural use was a farm on Walnut Neck (Bevin Road area) that ceased operation in 1939. Not many Villagers would want to be awoken by a roster crowing on an adjacent poultry farm, have the pollution problems associated with a duck farm, or the stench from a pig farm. While some might have visions of a vineyard on the former Morgan Estate, the commercial aspects of such an endeavor might result in tourists flocking to the wine tasting rooms and sightseeing trams. If our purpose is to maintain our residential community, then commercial agricultural use should be prohibited.

The Village currently has no restrictions on the number of farm animals that can be harbored on a residential parcel or restrictions on the placement of corrals or pens to property lines. It is recommended that an ordinance be enacted to limit the type of animal that can be harbored, the number of animals per parcel or per acre, and the set back of corrals and pens from property lines.

5.15 Power of the Planning Board

The Planning Board has been given authority by the Board of Trustees to be the lead agency in the Village over all subdivisions within the Village, including the former Morgan Estate. The Board of Trustees, through local law, should authorize the Planning Board to initiate and approve cluster development as appropriate in C Zone and to obtain Park Set Aside.

The Village adopted an Environmental Quality Review Local Law (Local Law Number 2 of 1977) that provides for review of actions that may have a significant effect on the environment. It is recommended that the law be modified to give the Planning Board, rather than the Board of Trustees, the responsibility of administration and enforcement in areas of subdivision.

There is no formal site review process for new construction or alterations on lots not requiring subdivision. Site plan approval and the location of structures within the site are exclusively in the hands of the Village Engineer. The public is excluded from participating in this process. Often, alterations to the site cause problems to adjacent roads, wetlands, or waters that, after the CO is issued, must be corrected at Village expense. Rainwater runoff from an altered site, contributing to standing water on a public road is a typical example. Thorough site review would anticipate the problem and have the site developer take the corrective action as part of his site development cost. The Planning Board regularly deals with these issues as part of the subdivision process. It is recommended the Planning Board be given jurisdiction over site review for all construction in the Village. As a minimum, the Planning Board should have jurisdiction over site review for developments that have passed subdivision review.

Lastly, it is recommended that the Planning Board update the <u>Comprehensive</u> <u>Master Plan</u> at least every ten years. If events warrant, the Plan should be updated on a shorter cycle.

6. Action Summary

Recommendations requiring action are summarized and responsibility for implementation is assigned. A reference to the section in the Plan where an item is discussed is included.

New Ordinances (Board of Trustees)

- Cluster Development (5.1.5 & 5.15)
- Rescinding of Commercial Agriculture as a permitted use (5.14)
- Farm animal restrictions (5.14, 2nd paragraph)
- Expand power of the Planning Board over Site Plan Review (5.15) and Power to Impose Cluster Provisions in C Zone
- Tree preservation (4.2.7, 4th bullet; 4.2.2, 5th bullet)
- Prohibition of burying trees, brush and construction waste on site (4.2.7)
- Topsoil preservation (4.2.7, 3rd bullet)
- Construction site time limitations (5.9) and site cleanup (5.9, last paragraph)
- Stormwater Regulations (4.3)
- Incorporate NY State Village Law re Park Set-aside (5.1.3)

Subdivision Regulations (Planning Board)

- Incorporate Development Guidelines (4.2) and buried utilities (5.11)
- Incorporate provisions for Stormwater requirements (4.3)
- Bring Regulations up to date

Right of Way (Board of Trustees)

• Implement suggestions for control of ROW (5.5)

Protect and Restore Northern End of Duck Island Cove (5.4)

Roads and Drainage (Roads and Public Works)

• Implement recommendations for roads (5.5) and drainage (5.4 and 5.5)

Beautification (Public Works, Board of Trustees, support from Garden Club)

• Implement recommendations to beautify Village (5.9)

Dune Restoration (Board of Trustees, Public Works)

• Find funding and execute work for restoring dunes along Asharoken Avenue (5.9)

Code Compliance (Police Commissioner, Building Inspector)

• Enforce existing laws on quality of life issues such as docks (5.6), junk car storage (5.9), garbage can storage (5.9), illegal renters, etc. (Also see 5.10)

Coast Guard Station Acquisition (Planning Board)

• Prepare a plan which details justification and uses for the Village's acquisition of the site against the eventuality that it may be excessed in the future (5.12).

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