



# TOWN OF HUNTINGTON LONG ISLAND, NEW YORK

April 17, 2007

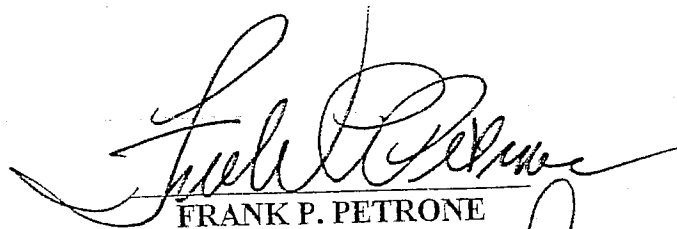
Dear Resident:

Several weeks ago, you received a Notice from Huntington's Town Clerk about a Public Hearing scheduled for April 24, 2007. The subject of that Hearing is a proposed change in the zoning classification for all Town-owned underwater lands. These underwater lands are currently zoned R-80, which is the classification for two acre residential zoning. The proposal is to create a new zoning district called "Maritime Zoning" and to include all town-owned underwater land in this new zone. This is being done as part of the implementation process for the Town's Local Waterfront Revitalization Plan (LWRP).


The new zone will permit all the water related uses that presently exist on Town-owned underwater lands, including vessel uses and navigation, boat moorings, docks, piers, swimming, fishing and mariculture projects, to name a few; a list of those specific uses is included in the attachment.

We are aware that the prior notice raised many questions about not only the reason for this new zoning classification, but also about the impact of the new zone on private property. Therefore, we have prepared the attached Fact Sheet for you review. After you have reviewed the Fact Sheet, should you still have questions about this proposal, please contact our Maritime Department at 351-3192. The staff there will be more than willing to answer any questions you may have.

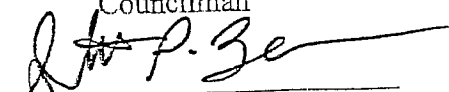
Very truly yours,



FRANK P. PETRONE  
Supervisor



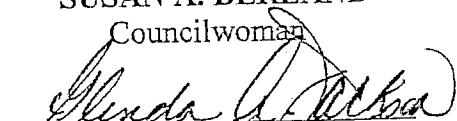
MARK CUTHBERTSON  
Councilman



STUART P. BESEN  
Councilman



SUSAN A. BERLAND  
Councilwoman



GLENDA A. JACKSON  
Councilwoman

# Maritime Zoning District

**T**he Town of Huntington is creating a Maritime Zoning District for publicly owned underwater lands. The rezoning of tidal coastal waters is in compliance with the requirements of the New York State Department of State as the final step in its approval of Huntington's Local Waterfront Revitalization Plan (LWRP). Huntington's underwater land is currently zoned two-acre residential. Because this is technically a zone change, all property owners within a 500-foot radius of the underwater land that will be included in the Maritime Zoning District have been mailed written notice of the zone change as required by Town Code.

## *Frequently Asked Questions (FAQ)*

- Question 1**      *What area would be covered by the proposed Maritime Zoning District?*  
The Maritime Zoning District includes lands owned by the Town of Huntington that lie submerged under coastal tidal waters at "mean high water." In particular, the Maritime Zoning District encompasses the tidal waters of Huntington Harbor, Northport Harbor, Centerport Harbor, Northport Bay, Cold Spring Harbor and the State waters of Long Island Sound out to the Connecticut State line.
- Question 2**      *Is my residential property being rezoned?*  
No. The Town of Huntington and the State of New York own virtually all underwater lands. The only exceptions include certain commercial properties like the former Mobil Oil terminal in Cold Spring Harbor. There are several marina/yacht repair facilities along Huntington Harbor where the upland owner has contested the Town's claim of title.
- Question 3**      *Will the Maritime Zoning District affect my residential waterfront property?*  
No. The zoning of upland privately owned residential waterfront property is unaffected.
- Question 4**      *Why is the Town rezoning underwater land?*  
The Town's underwater land is currently zoned two-acre residential because the two-acre residential classification represents the least intensive use currently available in Town Code. Residential zoning for tidal waters and underwater land is considered by New York State to be inappropriate for public waterways. Prior to final acceptance of an LWRP, the State requires local municipalities to adopt zoning that corresponds with actual "water dependent uses."
- Question 5**      *What uses will be permitted in the Maritime Zoning District?*  
Uses that are currently permitted will continue to be permitted. These include but are not limited to: fishing, shellfishing and mariculture; swimming, boating and wildlife viewing; docks, in-water storage and berthing facilities for boats; buoys and navigational structures; breakwaters, bulkheads and tidal gates; and scientific/educational activities requiring access to coastal waters.
- Question 6**      *Why are all Huntington's tidal waters being rezoned?*  
The New York State Department of State has accepted the Huntington Harbor LWRP for final approval. The Town Board is in the process of preparing and will shortly complete a comprehensive LWRP covering all of the Town's tidal waters. Upon submission, the Town will be required to incorporate its underwater lands outside of Huntington Harbor into the Maritime Zoning District.

- Question 7** *Is the LWRP and Maritime Zoning District good for Huntington?*  
Yes. There are four direct advantages: (A) Our zoning code will be compatible with the actual uses of Huntington's waterways and underwater lands; (B) When Huntington adopts the Maritime Zoning District, the State will give final approval to the Huntington Harbor LWRP; (C) Once the LWRP is approved, Federal and State government regulators are required to act in a manner consistent with Huntington's LWRP. In other words they must act in a manner consistent with the Town's own local waterfront planning goals. The "consistency doctrine" applies to permitting, and it applies directly to the activities and projects under consideration by Federal and State government themselves; and (D) Huntington will become eligible for state grants requiring an LWRP and the scoring of Huntington's applications for other federal and state grants will improve. These include the New York State Environmental Protection Fund, the Quality Communities Grant Program and the Clean Water/Clean Air Bond Act. At the federal level these include, the USEPA Land and Water Conservation Fund, the US Fish and Wildlife Service, the Long Island Sound Study Fund and the National Park Service.
- Question 8** *How is Mean High Water defined?*  
The definition of "mean high water" as determined by the U.S. Army Corps of Engineers is the "line" on the shore established by computing the average of all high tides over a period of at least 18.6 years. In the absence of such data, the Corps uses less precise measurements, including physical markings, lines of vegetation or comparisons with areas having similar physical characteristics for which tidal data are readily available. The mean high water line is the result of natural tidal action. Its location varies over time regardless of zoning classification.
- Question 9** *Does this have any impact on Property Tax Rates of upland owners?*  
No. The Maritime Zoning District will have no impact on the property taxes of adjoining residential parcels.
- Question 10** *Will residential liability or property insurance rates be impacted?*  
No. These are calculated by your use of and vulnerability to the waters adjoining your property, not its zoning.
- Question 11** *Have other municipalities rezoned their underwater lands/surface waters as part of the LWRP approval process?*  
Yes. Smithtown amended its zoning as part of the approval of its LWRP and Riverhead is creating a zoning district that closely resembles Huntington's Maritime District as part of its LWRP approval. The Department of State maintains a website where local LWRP status can be verified ([http://nyswaterfronts.com/LWRP\\_Status.asp](http://nyswaterfronts.com/LWRP_Status.asp)).
- Question 12** *Is the Town trying to take my land?*  
No. The proposed action rezones public property consisting of underwater Town and State lands and waterways to reflect their actual and desirable use.
- Question 13** *Do I still need permits for my water dependent uses?*  
Yes. This zone change has no impact on federal, state and local laws that require permits for water dependent uses.