

Section II

THE DEVELOPED COAST

GENERAL DEVELOPMENT AND LAND USE

Inventory and Analysis

Development History

The waterfront of Smithtown has been an important part of the Town's development history. The Native Americans are thought to have had a settlement along the Nissequogue River and it was the Nissequogue River and the coastal resources of the area that drew Richard Smythe and the early colonists to the area.

Until the mid-nineteenth century, when ships were the dominant mode of transportation, Smithtown's waterfront was more important to commerce than it is today. Vessels loaded and unloaded goods at landings near Old Dock Road, the Psychiatric Center Channel, Landing Road, Landing Avenue and Main Street. The Main Street area was especially important because it was the furthest upstream that commercial boats could go. The landing was adjacent to one of the few regionally important highways. West of the river, the highway was a toll road (Jericho Turnpike); to the east it was known as Middle Country Road. In the early 1800's, earthen mill dams and watermills were built on the Nissequogue River creating Phillips Mill Pond and New Mill Pond. Small hamlets developed around these mills. The mills at Phillips Mill Pond were within a few hundred feet of the landing at Jericho Turnpike. The close proximity of the industrial mills to the transportation interface caused this area to develop into the commercial hub of the Town. Although waterborne transportation was important to the early economy, it was probably the lack of a good harbor that caused Smithtown to be less regionally important than Huntington, Northport and Port Jefferson. These communities were located adjacent to deep, well protected harbors.

As transportation and industrial technology changed, the waterfront lost its commercial and geographical significance. With the advent of the railroad, and then automobiles, the role of boats became less significant in transportation. The development of electrical power meant that industry, which previously depended on water power, could locate near less obsolete modes of transportation. In the 1870's, the Long Island Railroad was extended through Smithtown and a station was built about one mile east of the Nissequogue River. A new commercial center developed around the railroad station and has evolved into the present central business district of the Town. The old hub declined and it is no longer evident that the area was a significant business center. Today this area is on the fringe of the Central Business District.

Today, while the waterfront is an important part of the character and quality of the Town, the local economy is not based on the Town's waterfront. The Town has over 2,500 acres of industrially zoned land in the central and southern parts of the Town. These industrial areas are located near important transportation facilities, such as the Long Island Expressway and the Northern State Parkway.

The Town's business districts are also located generally outside the waterfront area. The western end of the Smithtown Central Business District (CBD) is located in the waterfront area, however, it is not intensively developed and the Town's policy is to guide development away from the waterfront area due to environmental constraints. Neighborhood shopping centers, commercial strips, a regional mall and the St. James and Kings Park business districts are located outside the waterfront area. These areas are also more centrally located with regard to access and population.

Physical Character

The Smithtown waterfront is characterized by a diversity of high quality visual character types. The shoreline is generally smooth except that it is punctuated by Sunken Meadow Creek, the Nissequogue River and Stony Brook Harbor. Steep escarpments generally 50-125 feet in height are situated behind coarse sand beaches. The escarpments ("bluffs") are not present near Fresh Pond and/or sand spits, such as Sunken Meadow, Short Beach, and Long Beach. The spits and dunes in these areas protect large estuarine and fresh water wetlands. The coastal area projects furthest inland along the Nissequogue River where the coastal flood hazard area extends as far south as Caleb Smith State Park. The upland areas of the waterfront are characterized by heavily wooded terrain.

Existing Land and Water Uses

Land use in the waterfront area is generally consistent with the Town's zoning. Most of the land is used for parks, open space and one acre residences. (See Map x- Existing Land and Water Uses). Higher density residential uses (1/4 acre lots) are prevalent in San Remo and the Upper Dock Road area. Five isolated commercial uses, including a restaurant, seafood store, two delicatessens, and a tavern are located at the Kings Park Bluff and in San Remo. The business sites in San Remo are non-conforming uses. The principal commercial area in the waterfront is the Smithtown CBD. The western third of the Smithtown CBD is in the waterfront area, however, the uses are not related to the water. The types of uses include filling stations, retail stores, supermarket, taverns and miscellaneous businesses.

The former Kings Park Psychiatric Center is a large land use in the waterfront area. The Center comprises approximately 565 acres and consisted of, now mostly abandoned, patient residences, administrative offices, kitchens, employee residences, a laundry, shops, a power plant, a landfill, recreational facilities, storage buildings, farm fields and woods. A portion of the former Psychiatric Center is now Nissequogue River State Park.

While the major land uses within the waterfront area are recreational and residential, and the main value of the waterfront area are the various recreational opportunities the waterfront provides or can provide, there are several uses, particularly at the intersection of Main St and the Nissequogue River that inhibit the recreational potential that the River affords. In addition the former Kings Park Psychiatric Center presents opportunities for major recreational development, broadly defined.

The high demand for housing on Long Island has exerted pressure for higher density development in and outside the waterfront. The lack of developable land outside the waterfront is increasing the pressure for developing in the waterfront area.

Over the years the community has instituted policies and changes to the zoning to protect the aesthetics and ecology of the waterfront. The Town has had an implicit policy since 1932, when the zoning ordinance was first adopted, to protect the natural character of the waterfront. The waterfront has always been zoned in the most restrictive category. In the 1950's and 60's the Town adopted other techniques to implement its policy of protecting the waterfront, including a land acquisition program to acquire vacant parcels, thus controlling their development. However, since the mid 1970's, little land has been acquired.

Water-Dependent and Water-Enhanced Uses

There are numerous *water-dependent* uses in the local waterfront area, including:

- Sunken Meadow State Park, the largest facility with nearly 3 miles of shoreline;
- The large parcels Suffolk County has acquired along the Nissequogue River for open

- space, which are used for passive recreation (hiking, fishing, photography, etc.);
- The Town has a number of water-dependent uses, including Callahan's Beach, the Bluffs (Old Dock Road Park), Landing Avenue Park, Cruikshank Park, and nature preserves resulting from clustered development;
- The Town owned Short Beach, Long Beach, Schubert Beach in the Village of Nissequogue, and Cordwood Path Park in the Village of Head of the Harbor;
- Boating facilities in the Nissequogue River State Park, and a boat club using the Town Marina in Stony Brook Harbor

There are numerous *water-enhanced* uses in the local waterfront area, including:

- Picnic grounds, food concessions, and a 27 hole golf course at Sunken Meadow State Park;
- The Town-owned picnic areas at Callahan's Beach and Landing Avenue Park;
- The restaurant on Old Dock Road is enhanced by the water;
- Other water enhanced uses include the Sweetbriar Nature Center, and the future uses of the Kings Park Psychiatric Center may be enhanced by their location near the water.

In addition, opportunities exist to increase water-dependent and water-enhanced uses in the Smithtown Central Business District.

Though not water enhanced the Saint Johnland and Harbor Trees subdivisions, the seasonal homes in the vicinity of Upper Dock Road, residences along the Nissequogue River and in Fort Salonga all benefit by being near the shore.

Underutilized, Abandoned or Deteriorated Sites

With the exception of the former Kings Park Psychiatric Center the uses in the waterfront area are, in general, in good condition and well utilized. The condition of the Psychiatric Center, Sunken Meadow State Park, Caleb Smith State Park, the Upper Dock Road area, the western end of the CBD, and the San Remo area are discussed below:

At the former Kings Park Psychiatric Center most buildings on the site are no longer used and are in such a deteriorated state that in many cases, reuse is not feasible. Some of these buildings were of historic significance and had reuse potential, but due to lack of care over the past 25 years these buildings have been vandalized and deteriorated to the point that rehabilitation and reuse is not economical. The State, in fact, has demolition plans in place to deal with this facility. The portion of the former Psychiatric Center that is now the dedicated Nissequogue River State Park has preserved and reused some of the original buildings and is providing recreational uses but requires a master plan to assure the most effective use of the resources of the Park.

Sunken Meadow State Park is another large area land use. The upper level picnic area has not been used for many years, except for occasional education activities, and two utilities: Suffolk County Water Authority and a cell tower. The character of the area is both open and wooded and the conditions of the structures on the property are fair. In 2015, NYSOPRHP adopted a Master Plan for the Park, and took the original LWRP into consideration. The updated LWRP will promote the Park's Master Plan.

Caleb Smith State Park Preserve has one building that is in disrepair and could be restored (It is likely that the fate of the building will be decided before the LWRP is adopted). This Park, which also has a Master Plan, taking the LWRP into consideration, is used for passive recreation, conservation and open space. The general character of the area within the Park is natural and

wooded with some fields. Areas surrounding the Park are predominately residential. The Park buildings are sited within twenty feet to one half mile from the water.

The Smithtown Central Business District is not blighted or deteriorating. However, the lack of amenities has a negative impact on the district. Additionally, although the proximity of the CBD to the water is very minimal, there are a number of incompatible uses that detract from the natural character of the area. The area of Main St in the vicinity of the Nissequogue River could be reused for development that takes better advantage of the amenities the River affords.

Development Regulations

The Town Code contains several local laws whose purpose is to manage development. The principle land use regulations in the Town include zoning, subdivision, flood damage prevention, transfer of density flow rights, and environmental and coastal quality review. Other Town regulations, such as those regarding the environment and waterways; County regulations, such as, the Sanitary Code; State regulations, such as, Scenic and Recreational Rivers and Coastal Erosion Hazard Areas; and federal regulations, such as those of the US Army Corps of Engineers can also affect the location and design of development activities. The Town regulations will be described in terms of how they implement the Policy below and how they might be revised if necessary to improve implementation of the Policy. A separate section of the LWRP will describe State and federal programs required to be consistent with Policies of the LWRP, and actions of State and federal agencies necessary to advance the LWRP.

Comprehensive Plan

The Town's existing Comprehensive Plan was completed and adopted in 1961, prior to the adoption of the LWRP and a range of environmental regulations. In 2015 the Planning Department completed a draft of a Comprehensive Plan Update, which has yet to be adopted. The draft Plan Update contains extensive information on the demographics of the Town, its natural environment and cultural resources. This information, data, and maps, should be consulted when necessary to interpret and apply the coastal policies of the LWRP. The Comprehensive Plan and the LWRP are complementary. As stated below, the Comprehensive Plan acknowledges the goals of the LWRP and summarizes the land use pattern of the waterfront area:

The land uses that most effectively achieve these goals are conservation, recreation, and low-density residence. Small areas of water-related business should be located at the Kings Park Bluff and along Main Street in Smithtown. High-density residence should be avoided except in San Remo where the land use was established before the waterfront area was designated. The density should be kept as low as possible in order to avoid adverse effects on the natural resources. When possible, incompatible land uses (e.g. adult entertainment, body shops, etc.) should be relocated out of the waterfront area.

Issues and Opportunities

There are a range of challenging issues, as well as opportunities, that will need to be addressed relative to some of the major facilities and land areas within the community, including:

Former Kings Park Psychiatric Center

Issue

It has been more than two decades since most of the Kings Park Psychiatric Center closed. Many of the buildings, which had historic value or reuse potential deteriorated to point that their rehabilitation is no longer feasible. Buildings have been vandalized and toxic substances have been exposed. The site needs substantial State investment to be made ready for appropriate new uses. On the positive side a portion of the site is being redeveloped as the Nissequogue River State Park

Opportunity

Despite the condition of the property and its buildings, the size of the property, its landscape character and some remaining buildings, provide substantial opportunities for redevelopment for a broad range of recreational, institutional, and cultural uses. New York State's Saratoga Springs State Park provides a useful model of how the site could be developed.

Western Portion of the Smithtown Central Business District

Issue

The western entrance to the Smithtown Central Business District, the area where Route 25 crosses the Nissequogue River, is characterized by inappropriate uses that do not take advantage of the amenities the River can provide, nor is there a sense of entrance to the Smithtown CBD. Additionally traffic and conflicting regulations (State Scenic River regulations and Smithtown zoning) inhibit appropriate redevelopment.

Opportunity

The presence of the River provides opportunities for water dependent and enhanced uses, such as fishing, kayaking, hiking, and picnicking, that not only increase recreational opportunities but can visually enhance this entrance to the Smithtown CBD. Other uses upland from the River, that are appropriate for a central business district, but that are also compatible with the natural character of the River can be developed.

St Johnland

Issue

St Johnland is an important facility providing needed services to the community and can increase the range of services it provides by expanding. However its campus setting is surrounded by natural open space important to the character and environmental quality of the Town's waterfront area.

Opportunity

There is an opportunity to allow for expansion of the facility and its services while preserving the open space character of the area through zoning incentives, transfer of development rights, and/or land swaps.

San Remo

Issue

The San Remo neighborhood is a long established neighborhood of dense, primarily single family homes, located in an area where natural conditions would indicate the need for lower density to avoid water quality and storm water management problems. Given that the nature of the development cannot be expected to change the challenge is how to address water quality and storm water problems.

Opportunity

There are opportunities to improve water quality by reducing storm water runoff and pollution from septic systems through a range of applications including sewers and innovative techniques.

Public Infrastructure

Issue

The Smithtown Comprehensive Plan describes the extent and nature of the public infrastructure in the Town including: Power, Communications, Water, Drainage, Sewage, and Solid Waste. Within the waterfront area, lack of wireless communication facilities, availability of sewers and adequacy of sewage treatment, drainage systems adequacy, and availability of public water supply are issues to be addressed. (See Comprehensive Plan Volume IV, Community Facilities Study, Section VIII, Utilities and Other Infrastructure)

Opportunities

Sewage and water supply, drainage and power issues are addressed in the policies on water quality and supply, flooding, erosion and sea level rise, and energy and mineral resources. Opportunities need to be found to improve wireless communication in the waterfront area without compromising the visual quality associated with the extensive open space of the area.

Other sections of the LWRP address more fully major uses of the coastal area including: open space, recreation and public access; natural areas; uses of the harbors: agriculture; historic resources and scenic areas.

Policy

POLICY 1: Foster a pattern of development in the Smithtown waterfront area that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a coastal location, and minimizes adverse effects of development.

This policy is intended to maintain, with some exceptions, the general mix of land uses that presently characterize the waterfront area and is shown on MAP x Proposed Land and Water. Uses This pattern is one of large areas of open space, active water dependent or water enhanced recreational uses, areas of residential use, a large area to be redeveloped for primarily recreational purposes, and a few commercial uses, some of which should be redeveloped to more appropriate uses given their location near the Nissequogue River and the central business district.

1.1 Support the land and water use pattern as shown on the Maps x, y, z and as described below.

Fort Salonga

This sub-area generally consists of low density, single-family residential development. Small vacant parcels should be developed in accordance with existing zoning, which calls for the same low density residential uses. Future development should not be more intensive than the existing development pattern.

Sunken Meadow State Park area

The Sunken Meadow State Park area includes all of Sunken Meadow State Park and St. Johnland. It is primarily utilized for recreational purposes. Sunken Meadow State Park should continue to be used for recreational purposes. Future development at St. Johnland should be concentrated around the existing buildings. The large tracts of undisturbed land should remain in their natural state.

Nissequogue River State Park area

It is proposed that this property consist of a variety of land uses pursuant to a master plan. The center should consist mostly of open space used for recreational purposes with a core area of recreational, cultural, institutional, and limited residential uses, buildings, and infrastructure. The open space should consist of active recreation, agriculture, and conservation land uses. Most of the active recreation should be located on NYS 25A near the entrance to the center.

The Town has many acres of mature woodland habitats, but virtually no abandoned field ecosystems. As important as mature woods are, other ecosystems are equally important. In order to promote ecological diversity, land management techniques, such as mowing, pruning, contained burns, etc. should be permitted/incorporated.

The existing wooded areas along Lawrence Road should remain in their natural state to act as a buffer separating the surrounding residential land uses.

San Remo

The San Remo area is almost fully developed with high density, single and some multi-family residential uses. Small, vacant undersized properties should remain undeveloped in an effort to control erosion, flooding, and pollution problems in the area.

Smithtown Landing

The Smithtown Landing area consists of all of the land along the east and west sides of the river from San Remo south to the Long Island Railroad on the west side of the river and Cherry Lane on the east side. It is predominantly comprised of conservation, recreation, and low-density residential development.

- Future development of vacant parcels should complement the existing land use pattern
- In the Oakside Drive open development, density should not exceed one dwelling per two acres
- The greenbelt should be completed and expanded in order to create a continuous natural corridor along the river and the Greenbelt Trail should be relocated from streets to along the river

Head of the River

This area comprises all of the land south of the Smithtown Landing area with the exception of Caleb Smith State Park Preserve. It includes about a dozen properties on Meadow Road and Jericho Turnpike west of the Bull, the western portion of the Smithtown CBD, and the residential neighborhood that is south of the railroad and adjacent to Caleb Smith State Park Preserve. The uses proposed for this area are:

- Land adjacent to the river should be used for water-dependent and water enhanced uses
- Non-compatible uses should be changed only to more compatible uses
- Land along the riverbank should be maintained for conservation and recreation
- South side of Main Street, east of the Bull should be developed for multi-family and commercial uses
 - Office
 - Retail
 - Personal service
- Land use west of the Bull should be maintained or reduced in intensity
- The parcels on the south side of Jericho Turnpike near the east end of the Park should be incorporated into the Park. If acquisition is not feasible, the land should be used for the lowest intensity use practical (e.g., office).

Caleb Smith State Park Preserve

This area is generally utilized for passive recreational purposes. The Park should be expanded to incorporate land that contains tributaries of the river.

Short Beach/Stony Brook Harbor/Long Beach

The Stony Brook Harbor/Long Beach area is currently utilized for conservation and recreation purposes and should be maintained for these uses

Long Island Sound

To be determined with harbor management component

Nissequogue River

To be determined with harbor management component

1.2 Ensure that development or uses take appropriate advantage of their coastal location.

- a. Reserve coastal waters for water-dependent uses and activities. Water-dependent use means a business or other activity which can only be conducted in, on, over, or adjacent to a water body because such activity requires direct access to that water body, and which involves, as an integral part of such activity, the use of the water.
- b. Accommodate water-enhanced uses along the Town waterfront where they are compatible with surrounding development, do not displace or interfere with water-dependent uses, and reflect the unique qualities of a coastal location through appropriate design and orientation. Water-enhanced use means a use or activity which does not require a location adjacent to coastal waters, but whose location on the waterfront adds to the public use and enjoyment of the water's edge. Water-enhanced uses are primarily recreational, cultural, retail, or entertainment focused.
- c. Allow other uses that derive benefit from a waterfront location, such as residential uses, in appropriate locations.
- d. Avoid uses on the waterfront that cannot by their nature derive economic benefit from a waterfront location.

1.3 Restore, revitalize, and redevelop deteriorated and undeveloped waterfront areas for commercial, cultural, recreational, and other compatible uses.

West End of Smithtown Central Business District at the Nissequogue River

Redevelop the portion of the west end of the Smithtown CBD that is in close proximity to the River into a hub of water dependent and water enhanced low key recreational uses that is supplemented with a mix of residential and water enhanced commercial uses. Redevelop non-compatible uses into more compatible uses.

Existing commercial development at the west end of the Smithtown CBD (Head of the River) is a source of many problems in the waterfront area. Certain intensive and intrusive land uses are not compatible with the nature of the Nissequogue River. NYS 25, NYS 25A and parking areas accessory to commercial uses are believed to be significant sources of storm water run-off pollution. Excessive noise levels caused by area traffic volumes detract from the aesthetic value of the Nissequogue River.

A large percentage of the west end of the CBD is undeveloped. Vacant industrial and commercial parcels should be developed for less intensive uses in an effort to reduce traffic congestion, minimize environmental impact, avoid conflicts with water dependent recreation uses, as well as to promote the concentration of intensive uses in the existing core of the CBD. Less intensive uses will facilitate the redesign of the commercial strip, control access, improve pedestrian movement, and enhance the visual quality of the waterfront. The basic kinds of uses that should be permitted in this area include passive recreation, limited active recreation (picnicking, tennis, etc.) attached single-family dwellings, convenience stores, small offices, bars, restaurants, and boat sales, rentals and services. The general pattern that development and redevelopment should follow in the area is that the areas immediately adjacent to the River should maintain a natural character with some water dependent use, uses, such as, hand launched boat rentals, access points for fishing, and trails. Back from the shoreline water enhanced uses, such as

food service and picnicking, should have priority. The lands away from River should be used for residential and commercial uses that are more compatible with, and take advantage of the natural character the River provides, support the Smithtown central business district, and avoid significant traffic increases.

Two parcels on the south side of the road total about nine acres and are vacant. These parcels abut the Nissequogue River greenbelt and their development for active recreation would significantly enhance access to this section of the waterfront because they front on a major highway.

Former Kings Park Psychiatric Center

Redevelop the former Kings Park Psychiatric Center for a mix of cultural, recreational, institutional and limited associated residential uses and the periphery of the Center for a mix of recreational, conservation and agricultural uses with the edges kept as open space buffers.

A Master Plan should be developed for the reuse of the lands of the former Center not now within the dedicated Nissequogue River State Park. This property should consist of a variety of land uses. The Center should consist of a core area of institutional and space buffer. The open space buffer would consist of active recreation, agriculture, and conservation land uses. Most of the active recreation would be located on NYS 2SA near the entrance to the Center. The kinds of uses that will be permitted in this area include, nursing homes, health related facilities, colleges, schools, cultural facilities, research and development activities; uses customarily accessory to institutions including residences for staff, students, etc.; active recreation; boat clubs; golf courses; membership clubs; passive recreation; forestry; agriculture and animal husbandry

The remnants of the original landscape design and the general character of the landscape should be retained.

1.4 Manage development and redevelopment in San Remo to avoid health and/or safety hazards by reason of location in flood hazard zones, poor drainage, shallow depth to ground water, poor soil conditions, or inadequate lot size.

The dense single-family residential development in San Remo is compromised because of the natural geologic, topographic, hydrologic, and soil conditions. The combination of the clay soils with dense, unsewered development would contaminate the groundwater which would pollute the Nissequogue River. Installing sewers is not economically feasible because the street pattern does not reflect the complex topography. However, feasible alternatives to conventional septic systems are available and should be considered.

Stormwater runoff drains directly into the River, and development increases the impermeable surface area, resulting in increased flow and non-point source pollution. Development in the flood hazard area exposes the residents to safety hazards as well as has the potential to increase flooding problems to other residents. Further, dense development would increase the demand on recreational facilities beyond their capacities. It would also result in the removal of significant amounts of vegetation, which would significantly degrade the visual quality of the waterfront area.

Redevelopment presents opportunities to mitigate the negative effects of the density such as reduction of impervious surfaces and upgrading of septic systems.

1.5 Minimize the impacts of new development and redevelopment

a. The following guidelines should be used, as appropriate, in implementing development or redevelopment actions:

- Priority should be given to water-dependent uses;
- The action should enhance recommended uses;
- The action should serve as a catalyst to private investment in the area;
- The action should improve the deteriorated condition of a site, and at a minimum, must not cause further deterioration (i.e. a building should not be abandoned without protecting it against vandalism and/or structural decline);
- The action should promote development that is compatible with the character of the area, with consideration given to scale, architectural style, density, and intensity of use;
- The action should have the potential to improve the existing economic base of the community;
- The action should protect or improve adjacent and upland views of the water, and, at a minimum, must not affect these views in an insensitive manner; and
- The action should improve the potential for development of multiple uses on the site;
- The redevelopment of abandoned structures should result in less environmental impact than those created by previous uses.

b. The following guidelines shall be used in reviewing development proposals to determine whether infrastructure and public services are adequate:

- The proposed site is served by or is near to public or private sewer and water lines;
- Public transportation service is available within one mile of the proposed site;
- Streets and highways serving the proposed site can safely accommodate the peak traffic generated by the proposed development, as well as other potential development;
- Safe and adequate pedestrian-related infrastructure;
- Development's water needs can be met by the existing water supply system;
- Sewage disposal system can accommodate the wastes generated by the development;
- Energy needs of the proposed land development can be accommodated by existing utility systems;
- Stormwater run-off from the proposed site can be accommodated by on-site and/or off-site facilities in an environmentally sound manner;
- Schools, police, fire protection, and health and social services are adequate to meet the needs of the population expected to live, work, shop, or conduct business in the area as a result of the development;
- Recognition of a desirable relationship to the general landform, its topographic and geologic character to natural drainage and surface water run-off and to the groundwater table;
- Minimize potential adverse land use, environmental, and economic impacts that would result from proposed development; and,
- Minimize the potential for adverse impacts of types of development that individually may not result in a significant adverse environmental impact, but when taken together could lead to or induce subsequent significant adverse impacts.

1.6 A bridge connecting Long Island and Connecticut shall not be located in the Smithtown coastal area

The terminus of the Sunken Meadow State Parkway is the only location in the Smithtown waterfront area where constructing a bridge to Connecticut is feasible regarding vehicular access. However, access is only one factor to be considered in siting such a bridge. Many other factors make a bridge in this location inappropriate. A bridge would significantly impact the recreational value and disrupt the function of the third most heavily used beach on Long Island. A bridge would cause significant pollution of the air, water, noise, and aesthetics. In addition, a bridge would likely cause significant adverse impacts to fish and wildlife habitat areas.

Implementation

Implementation Through Existing Local Laws

Chapter 151 Environmental and Coastal Quality Review

The ordinance requires all uses and development within the waterfront area to be consistent with applicable State and local policies established in the Smithtown LWRP. The regulations establish procedures for an initial review of proposed actions to determine their compatibility with SEQR and the LWRP requirements and referral to appropriate boards, departments, offices, officers and other bodies of the Town regarding the policies.

The ordinance requires consistency with the LWRP as a prerequisite for the following land use and zoning related actions:

- a) Zone changes
- b) Subdivisions
- c) Site plans
- d) Building permits for new buildings
- e) Special exceptions
- f) Permits for any actions requiring any of the following variances
 - i. Land use
 - ii. Height
 - iii. Signage
 - iv. Parking
 - v. Density
 - vi. Environmentally sensitive lands

Chapter 248, Subdivision Regulations. Specifies how vacant land can be divided into building lots.

The regulations include procedures for submitting plans, and policies regarding street layout, dedication of land for public purposes such as parks, water supply and distribution, drainage, regrading, preservation of natural features, etc. Subdivision Regulations are also significant because they are referred to in the Site Plan Review section of the Zoning Ordinance, and therefore regulate other types of development (e.g., commercial, industrial, institutional, multi-family). Subdivision Regulations are important in implementing several policies of the LWRP including appropriate location of development with regard to. public services and facilities; expediting permit

procedures; activities undertaken in coastal erosion and flood hazard areas; controlling stormwater run-off; minimizing non-point discharge into coastal waters and protection of wetlands.

The Subdivision Regulations encourage the retention of natural vegetation and discourage high maintenance landscaping near the shoreline. The regulations also require cluster development in the waterfront area.

Chapter 322, Zoning Ordinance.

Regulates how land is to be used, at what intensity, and under what conditions.

Most of the Smithtown area within the LWRP boundary is in the Town's most restrictive (e.g. one acre density) zoning district comprising those areas in Fort Salonga, Smithtown Landing, Kings Park Psychiatric Center and portions of Caleb Smith State Park. Higher density residential districts are located in the San Remo and Upper Dock Road areas. Small sections of the coastal area are zoned for commercial use and are generally located in the Town's central business district area.

The ordinance creates special purpose districts. One district is a "community facilities" district, which ensures that there is adequate land available for open space, environmental, recreational, and institutional facilities and uses. In order to discourage development for inappropriate uses, the district must have a minimum lot area of 5 acres.

Chapter 322.29 B. Local Waterfront Revitalization Program

The ordinance encourages water-dependent uses in the waterfront area. The ordinance prohibits the expansion, intensification or change of use of all non-residential areas except to water dependent uses.

Chapter 322.19 Environmentally Sensitive Lands

The ordinance requires that flood hazard, wetland areas, and other environmentally sensitive areas be excluded from computations of minimum lot areas density, building coverage and yield. The ordinance requires erosion control and management techniques for all phases of development. The ordinance contains erosion regulations relating to construction, and requires that all structures be set back at least one hundred feet (100') from any wetland, escarpment, natural surface water feature, or significant wildlife habitat. It also prohibits altering environmentally sensitive land or constructing, enlarging or altering a structure within ten (10) feet of any slope higher than five (5) feet having a slope greater than twenty-five percent (25%), or any A or V Flood Hazard Zone.

Chapter 323, Transfer of Density Flow Rights.

This chapter regulates the transfer of allowable wastewater discharge to and from sending and receiving parcels throughout the Town.

It encourages the preservation of environmentally land by including steep slopes, flood hazard zones, and areas of high groundwater in the calculation of lot area for the purpose of determining the number of rights that can be transferred from a sending parcel. It also prohibits the transfer of flow rights to environmentally sensitive sites. The chapter results in the preservation of open space in that sending parcels are required to either be maintained in their natural state in perpetuity. To ensure this, the parcels are either transferred to a government or other land preservation agency or are required to have a covenant filed with the deed.

Implementation Through Changes to Local laws

Chapter 248, Subdivision Regulations

- Reduce standard pavement width of streets in low density residential neighborhoods
- Eliminate requirement that mandates no more than a 5% change in grade extending 25 feet in the front and rear and 10 feet on each side of a proposed house
- Eliminate requirement that grading cannot create an artificial slope steeper than 5% in the required front, rear or side yards
- Modify stormwater design standards to encourage the use of “green” drainage practices opposed to standard catch basins and drywells.
- Allow permeable pavement in certain low traffic volume locations (e.g., overflow parking)
- Add guidelines for clustering

Chapter 322, Zoning Ordinance

- Define water-dependent and water enhanced uses
- Consider rezoning for western part of CBD to advance the proposed redevelopment
- Consider establishing a Park and Recreation for public and private park and recreational uses that do not allow residential uses except on a limited supportive role.

Official Map

The official map should be updated to reflect changes over the past 30 years, and protect future parks, streets, and drainage areas.

Implementation Through Proposed Administrative Changes or Actions

Nissequogue Scenic and Recreational River designation

The Town should seek that the stretch of the River in the vicinity of west end of Main St should be redesignated as “Community” by DEC to allow for new water dependent and enhanced use in the area.

St Johnland

The Town should facilitate a land swap between the St. Johnland Nursing Home and Nissequogue River State Park in order to preserve natural open space

Implementation Through Projects

Redevelopment Areas

Numerous projects, both public and private, will be required to achieve the outcomes described to complete redevelopment of the Kings Park Psychiatric Center according to a Master Plan that meets the policies of the LWRP. Similarly, but with a greater emphasis on private development, several projects will be necessary to achieve the vision laid out for the west end of Main Street at the Nissequogue River

Property Acquisition Program

The Town has identified certain critical environmental areas that should be protected in order to maintain the environmental, aesthetic, and recreational resources of the waterfront. Reasonably large properties can be protected by mandatory cluster development; however, some parcels are small and completely fragile. Acquisition is the only way to protect these properties. The Town has analyzed these properties to determine the level of government that should be involved with acquisition. It is proposed that the State acquire property near State Parks, the County near County parks and the Town in other areas.

Town Acquisition Program

It is recommended that the Town establish an acquisition program to prevent development on environmentally sensitive land. It is proposed that the Town either acquire such land fee simple or purchase the density flow rights to transfer to other properties throughout the Town. In both cases, use of the property would be restricted to passive recreation, leaving the property in its natural state. The cost of the program could be partially covered by funds in the Town's revolving Density Flow Rights Bank; however, it would be beneficial to supplement those funds with other sources.

HISTORIC AND CULTURAL RESOURCES

Inventory and Analysis

Historical Background

Until the mid-nineteenth century, when ships were the dominant mode of transportation, Smithtown's waterfront was more important to commerce than it is today. Vessels loaded and unloaded goods at landings near Old Dock Road, the Psychiatric Center channel, Landing Road, Landing Avenue, and Main Street. The Main Street area was especially important because it was the furthest up stream that commercial boats could go. The landing was adjacent to one of the few regionally important highways. West of the river, the highway was a toll road (Jericho Turnpike); to the east it was known as Middle Country Road.

In the early 1800's, earthen mill dams and watermills were built on the Nissequogue River creating Phillips Mill Pond and New Mill Pond. Small hamlets developed around these mills. The mills at Phillips Mill Pond were within a few hundred feet of the landing at Jericho Turnpike. The close proximity of the industrial mills to the transportation interface caused this area to develop into the commercial hub of the Town.

Although waterborne transportation was important to the early economy, it was probably the lack of a deep harbor that caused Smithtown to be less regionally important than Huntington, Northport and Port Jefferson. These communities were located adjacent to deep, well-protected harbors.

As transportation and industrial technology changed, the waterfront lost its commercial and geographic significance. With the advent of the railroad, and then automobiles, the role of boats became less significant in transportation. The development of electrical power meant that industry, which previously depended on water power, could locate near less obsolete modes of transportation. In the 1870's, the Long Island Railroad was extended through Smithtown and a station was built about one mile east of the Nissequogue River. A new commercial center developed around the railroad station and has evolved into the present central business district of the Town. The old hub declined and it is no longer evident that the area was a significant business center. Today this area is on the fringe of the Central Business District.

Historic Resources

There are many significant historic sites in the Smithtown waterfront area. In 1981, the Town completed a comprehensive historic sites inventory approved by the State Historic Preservation Office. The inventory identified 65(?) historic sites in the Smithtown waterfront area. Although none are listed on the National Register of Historic Places, it is likely that many are eligible for listing.

There are many threats to local historic sites including increasing pressures for redevelopment, natural deterioration, lack of funds for maintenance of public sites and insensitive development on adjoining parcels. The combination of increasing population density and the lack of developable land in Smithtown is increasing pressure to maximize the development of parcels on the waterfront. Therefore, historic sites are viewed as sites with potential for development including subdivision, building expansion and building replacement. The lack of adequate funding for maintenance of historic structures is a problem in Sunken Meadow State Park, Caleb Smith State Park, Nissequogue River State Park, and the former Kings Park Psychiatric Center. Many historic buildings in these facilities are deteriorating as a result of vandalism and have been

or are likely to be destroyed in the near future. In fact, the State has been contributing to the loss of historic structures by neglecting buildings and subsequently by authorizing the razing of neglected buildings at the former Psychiatric Center.

The historic sites provide many recreational, aesthetic, and cultural opportunities. Preserved and renovated historic sites could be used to promote tourism as well as enhance the quality of life in the waterfront area.

In the case of the former Psychiatric Center the buildings if properly protected could have been adaptively reused by the State for a variety of needs. Numerous architecturally handsome buildings are located in the Kings Park Psychiatric Center. However, many have been razed, and some are deteriorated. These buildings are by far the most significant brick victorian and colonial revival industrial and institutional architecture in the Town. In fact, this type of architecture is uncommon in all of Nassau and Suffolk Counties. The constructed landscape of the Kings Park site is also of historic value and many elements can be preserved.

There are numerous other significant historic features associated with the waterfront. Three fish hatcheries were located at Harrison's Pond, Landing Road and in the vicinity of the Thatch Pond Road. The remains of Fort Salonga, a revolutionary fort, are located near British Colony Road. The original pavilions in Sunken Meadow State Park are probably the best example of art modern architecture in the Town. In addition, there are many houses in the waterfront area that were built in the eighteenth and nineteenth centuries.

Although the old central business district is an historic area, virtually none of its character remains. In the late 1800's there were about one dozen wood frame commercial and residential buildings in the vicinity of the Long Island Railroad trestle. All of those buildings have been razed or destroyed by fires between the early 1900's and 1981. Most of the business buildings today are located east of the river and are actually an expansion of the current central business district rather than remnants from the old hub of Smithtown. Nevertheless, certain historic characteristics exist and are worthy of preservation. These structures include the Long Island Railroad trestle and the historic houses around Phillips Mill Dam.

Archeological Resources

In addition to historic resources, the Smithtown waterfront contains archeological resources. Along the Nissequogue River, in particular, there are numerous sites where shell fragments and other indications of a prehistoric habitation have been found. An important Revolutionary War site is located at Fort Salonga. The density of the sites, as shown on the NYS Archeological Site Location Map, shows the significance and sensitive archeological nature of the area. To prevent destruction of these archeological sites, it is critical that archeological information is available on a site prior to development, and that as development progresses, care is taken to ensure that resources are not recklessly damaged.

Policy

Policy 2: Protect, enhance, and restore structures, districts, areas, and sites that are of significance to the history, architecture, archaeology, or culture of the Town, State, or Nation.

Among the most valuable of the State's man-made resources are those structures or areas that are of historic, archaeological and cultural significance. The protection of these structures must involve recognition of their importance by all agencies and the ability to identify and describe them. Protection must include concern not just with specific sites, but with areas of significance, and with the area around specific sites. The policy is not to be construed as a passive mandate but must include effective efforts when appropriate to restore or revitalize through adaptive reuse.

The structures, districts, areas or sites that are of significance in the history, architecture, archeology or culture of the State, its communities, or the Nation comprise the following resources:

- A resource that is in a Federal or State park established, among other reasons, to protect and preserve the resource. Structures or sites within the Nissequogue River State Park that may be eligible for listing on the State or National Register of Historic Places.
- A resource on, nominated to be on, or determined eligible to be on the National or State Registers of Historic Places.
- A resource on or nominated to be on the State Nature and Historical Preserve Trust (Article 45 of the Environmental Conservation Law).
- An archeological resource that is on the State Department of Education's inventory of archeological sites.
- A local landmark, park, or locally designated historic site or district that is located within the boundary of the local waterfront area (see Table X for a list of locally designated sites and Map X for their location).

All practicable means to protect structures, districts, areas or sites that are of significance in the history, architecture, archeology or culture of the State, its communities or the Nation shall be deemed to include the consideration and adoption of any techniques, measures, or controls to prevent a significant adverse change to such significant structures, districts, areas or sites. A significant adverse change includes, but is not limited to:

- a. Alteration of, or addition to, one or more of the architectural, structural ornamental or functional features of a building, structure, or site that is a recognized historic, cultural, or archeological resource, or component thereof. Such features are defined as encompassing the style and general arrangement of the exterior of a structure and any original or historically significant interior features including type, color and texture of building materials; entry ways and doors; fenestration; lighting fixtures; roofing, sculpture and carving; steps; rails; fencing; windows; vents and other openings; grillwork; signs; canopies; and other appurtenant fixtures and, in addition, all buildings, structures, outbuildings, walks, fences, steps, topographical features, earthworks, paving and signs located on the designated resource property. (To the extent they are relevant, the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" shall be adhered to.)
- b. Demolition or removal in full or part of a building, structure, or earthworks that is a recognized historic, cultural, or archeological resource or component thereof. to include all those features

described in (a) above plus any other appurtenant fixture associated with a building structure or earthwork.

c. All proposed actions within 500 feet of the perimeter of the property boundary of the historic, architectural, cultural, or archeological resource and all actions within an historic district that would be incompatible with the objective of preserving the quality and integrity of the resource. Primary considerations to be used in making judgement about compatibility should focus on the visual and locational relationship between the proposed action and the special character of the historic, cultural, or archeological resource. Compatibility between the proposed action and the resource means that the general appearance of the resource should be reflected in the architectural style, design material, scale, proportion, composition, mass, line, color, texture, detail, setback, landscaping and related items of the proposed actions. With historic districts this would include infrastructure improvements or changes, such as street and sidewalk paving, street furniture and lighting.

This policy shall not be construed to prevent the construction, reconstruction, alteration, or demolition of any building, structure, earthwork, or component thereof of a recognized historic, cultural or archeological resource that has been officially certified as being imminently dangerous to life or public health. Nor shall the policy be construed to prevent the ordinary maintenance, repair, or proper restoration according to the U.S. Department of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings of any building, structure, site or earthwork, or component thereof of a recognized historic, cultural or archeological resource which does not involve a significant adverse change to the resource, as defined above.

2.1 Protect, restore, and rehabilitate locally significant historic sites in the waterfront area, including in Sunken Meadow State Park, Nissequogue River State Park, Caleb Smith State Park, and at the former Kings Park Psychiatric Center

This policy applies to the sites on the Town's historic inventory (see Table X and Map X) that may or not be on the National Register of Historic Places. The historic heritage of the Town of Smithtown is among its most valued and most important educational, cultural, and economic assets. There exists in the Town certain properties, sites, landmarks, and buildings of:

a. Special historic interest by reason of association with historic or famous events, or by reason of antiquity, or by reason of association with historic or famed personages. or by reason of being illustrative of events or periods in the history and growth of the Town;

b. Unusual aesthetic interest or value by reason of being representative of a style or period of architecture, or by reason of extraordinary architectural merit, or by reason of association with other buildings, landmarks, pieces of property, or archeological sites that are historically and/or architecturally valuable;

c. Historic buildings at the former Kings Park Psychiatric Center are deteriorating, with some having been razed. Remaining historic buildings at the Psychiatric Center that are in restorable condition should be restored and utilized for institutional and governmental purposes as described in Policy 1. Some of the historic buildings at Sunken Meadow State Park are deteriorated and should be restored. Restoration and rehabilitation are necessary to preserve these historic resources for educational, aesthetic, recreational, and tourism purposes.

2.2 Protect and preserve archeological resources

Given the possibility of archeologically significant sites within the waterfront area, public agencies shall contact the N.Y.S. Office of Parks, Recreation and Historic Preservation to determine appropriate protective measures to be incorporated into development decisions, including preparation of a report pursuant to *New York State Preservation Office Phase I Archeological Report Format Requirements (8-05)*.

2.3 Protect and enhance resources that are significant to the coastal culture of the Long Island Sound.

- a. Protect historic shipwrecks.
- b. Prevent unauthorized collection of artifacts from shipwrecks and underwater sites.
- c. Protect the character of historic maritime communities.

Implementation

Implementation Through Existing Local Law

Chapter 39, Historical Advisory Board

The Board advises the Town Board on the preservation of historical, architectural and cultural heritage.

Chapter 185, Historic Districts Local Law

This local law establishes a procedure for the conservation, protection, rehabilitation and perpetuation of places, sites, and structures of historic, architectural, or archeological significance. It establishes an Historical Advisory Board that advises the Town Board on matters relating to the preservation of the historical, architectural and cultural heritage, as well as the establishment and maintenance of Historic Land Use districts that include specifically identified sites, properties, buildings or landmarks of special historical, cultural, or architectural interest which together form distinct geographical areas within the Town. This law requires that anyone wishing to make an environmental change within a district obtain a “certificate of appropriateness”

Chapter 322 Zoning

Section 322-30.4 requires that variances for subdivisions preserve historically significant structures. Section 322-83 H 3. Requires that a variance for repair or rehabilitation of a historic structure not preclude continued designation of the structure and that the repair or rehabilitation is the minimum necessary for preservation. For the purposes of the zoning law historic structure is defined as a structure on or eligible to be on the National Register of Historic Places.

Implementation Through Changes in Local Laws

Implementation Through Administrative Changes and other Actions

- a. Designate Kings Park Psychiatric Center as an historic district.

Implementation Through Projects

Table X

HISTORIC SITES
IN THE
SMITHTOWN WATERFRONT

Sunken Meadow State Park and Kings Park

1. Sunken Meadow State Park District
 - a. Assistant Supervisor's Quarters (1928)
 - b. Supervisor (Golf Course) Quarters (pre-WWII)
 - c. Grove Picnic Area Refreshment Stand (1940)
 - d. Grove Comfort Station (1940)
 - e. Portions of maintenance buildings (pre-WWII)
 - f. Superintendent's Quarters (late 1800s)
 - g. Main Refreshment Stand (1934)
 - h. Main Bathhouse (1934)

2. Kings Park District (Kings Park, NY)
4. St Johnland Nursing Home (Sunken Meadow Rd)
5. Conklin House 1 (4 & 6 Upper Dock Road)
6. Conklin House 2 – KPSH (8 Upper Dock Road)
7. Thompson House – KPSH (10 Upper dock Road)
8. Smith House – KPSH (12 Upper Dock Road)
9. 14 Upper Dock Road – KPSH
10. Old Dock and Bluff (north end Old dock Road)
11. Shea House (91 Old Dock Road)
12. Kings Park State Hospital (Kings Park)
13. Doctors House (4th St at St Johnland Rd)
14. Obadiah Smith House (St Johnland Road)
15. Dowling House (933 St Johnland Road)

Smithtown at the Head of the River

1. Head of the River District
2. Site of Lewis/Nichols House (W. Main St north side)
3. Old Post Office, now Skotty's Pub (W. Main St)
4. Road Bridge over Nissequogue River (W. Main St south side)

5. Friede's Riverside Inn (W Main St)
6. LIRR Trestle over Nissequogue River
7. The Smithtown Bull (Jerico Tpk & RT 25A)
8. Head of the River Schoolhouse (807 Meadow Road)
9. Hill House (819 Meadow Road)
10. Ownby House (821 Meadow Road)
11. Lawrence House (823 Meadow Road)
12. Kelly House (825 Meadow Road)
- 12a. Lawrence House (829 Meadow Road)
13. Williams House, North Shore Eqpt (321 Jericho Turnpike)
14. Gilmor (Jericho Tpk north side)
15. Cruikshank Carriage House (536 Jericho Tpk)
16. Cruikshank House 1 (540 Jericho Tpk)
17. Cruikshank House 2 (556 Jericho TPK)

Route 25A at Head of the River

27. Molinoff House (30 Summerset Drive)

Phillips Hill Area at Head of the River

28. Head of the River District
- 28A Phillips/Purick House (Mill Dam Rd)
- 28B Remains of Sawmill
29. Phillip's Mill (Mill dam Rd)
30. The Mill House (5 Mill Rd)
31. Miller's Treadwell Wheeler House (4 Mill Rd)
32. Haven House (6 Mill Rd)

New Mill Road and Blydenburgh Park

33. Blydenburgh/Shaw House (30 New Mill Rd)
34. Richmond Barn & House (49 New Mill Rd)
37. Ranger Station (Blydenburgh County Park)
39. New Mill (Blydenburgh County Park)

Fort Solonga

1. Fort Salonga District
2. Remains of Fort Salonga (45 Brookfield Rd)
3. Longbotham Lower Farm (26 Marion Lane)
9. Brady House (97 Ft Solonga Rd)
10. Muma House, Punch Bowl Nursery (6 Callahan's Rd)
11. Cranford House (123 Rt 25A)
16. Dreier-O'Brien House (113 Sunken Meadow Rd)
17. Jonas Platt House (141 Sunken Meadow Rd)

Landing Avenue north side

1. Aaron's Landing, Lawrence/Phyfe Hs. (W. bank of River)
3. Potter Estate Superintendent's Cottage (559 Landing Avenue)
4. Gerli Estate, Smithtown Country Club (Landing Avenue)
5. Benjamin Darling House (467 Landing Avenue)

10. Ebenezer Jayne House (297 Landing Avenue)
11. Jayne/Blydenburgh House (60 Enkercamp Drive)
12. Sweet Briar Farm, Vail Blydenburgh Hs (60 Enkercamp Drive)
13. Ebenezer Jayne II House/Mills (Landing Avenue)

Landing Meadow Road and Oakside Drive

16. Norman Smith House (2 Landing Meadow Rd)
17. Sheehan House (4 Landing Meadow Rd)
18. Thompson House (8 Landing Meadow Rd)
19. Spruce Hill (20 Landing Meadow Rd)
20. Ships Hole Farm (38 Landing Meadow Rd)
- 20a Waterbury/Gilmartin Estate (Landing Meadow Rd)
22. Othniel Smith House (132 Oakside Drive)
23. Kenyon Estate, Cottage B (143 Oakside Drive)
24. Kenyon Estate, Cottage A (145 Oakside Drive)
25. Kenyon Estate, Main House (146 Oakside drive)

Edgewood Avenue

2. Seaman House (85 Edgewood Avenue)
4. Hare House (Hadley Drive)
5. 123 Edgewood Ave.
6. Ebo Hill (227 Edgewood Avenue)
7. Amy Kohlsaas House (Edgewood Avenue north side)
8. Adam Smith House/Higgins Estate (431 Edgewood Avenue)

River Road

5. M. Staunton House (115 River Rd)
- 5a. Garage/Stable (280 River Rd)
6. Site of Indian Artifacts (off River Rd on River)
7. Rassapeague Club (River Rd)
- 7a. Seaman House (318 River Rd)
- 7b. Scott Remodeled Barn (322 River Rd)
8. Rider/Hall House (326 River Rd)
9. Site of Old Mill (off River Rd)

Source: Smithtown Historic Sites Inventory. 1981

SCENIC RESOURCES

Inventory and Analysis

While the old aphorism “Beauty is in the eye of the beholder” is true for many situations, studies reveal that there is significant consensus among people when it comes to *what is scenic*, *what is an attractive view*, and *what makes a community visually attractive*.

Scenic Quality

The scenic quality of the waterfront landscape is a significant resource of the Town of Smithtown. The natural character of the landscape is a major factor in attracting visitors and residents to the recreational facilities of the waterfront area and enhances the quality of life of residents.

The landscape can be described in terms of its basic physical components: land, water, vegetation, and structures. The land consists of rolling terrain, bluffs, and beaches. Water features include ponds, streams, the Nissequogue River, Stony Brook Harbor, Sunken Meadow Creek, and Smithtown Bay. The land features are mostly in their natural condition, which contributes to the beauty of the waterfront. In a few places, the land has been altered in a way that degrades the scenic quality of the landscape. For example, angular slopes at the Old Dock Road Bluffs, which are the result of the construction of a parking lot, are out of character with the rest of the landforms in the area. Also, dredging for marinas in the Nissequogue River and Stony Brook Harbor have replaced some of the natural organic curves of the water's edge with a structured shoreline.

The vegetation consists of trees, shrubs and ground covers. Most of the vegetation in the Smithtown waterfront is native. The most common habitats include tidal wetlands, freshwater marshes, oak forests, abandoned fields, and transitional vegetation. The fact that Smithtown's waterfront is so heavily wooded enhances the scenic quality because the woody vegetation, unlike lawns, obscures many structures that contrast with the natural landscape.

The structural component of the landscape consists of man-made objects such as buildings, roads, and power lines. Smithtown is fortunate in that it has a limited, but an unfortunately increasing number of structures that are prominently visible from the water. The power plant smoke stack and a twelve-story building located in the former Kings Park Psychiatric Center are visible from Smithtown Bay and parts of the Nissequogue River. However, they are far from the shore and tend to act as landmarks. It is likely that future large, conspicuous structures would degrade the visual quality. Some houses east of Sunken Meadow State Park located outside the waterfront area are visible from the water. However, they do not seem to be significant, as they are small and scattered elements that are set back one half mile from the shore.

To protect scenic quality, while providing for allowable development, standards are needed for the review of development to ensure it does not compromise scenic quality. The standards need to address the siting of development, the modifications of the landform, the scale and shape of development, and the colors and materials used. One study that provides detailed criteria for the evaluation of development in scenic areas is *The Scenic Resources Implementation Handbook of the Columbia River Gorge Commission* (www.gorgecommission.org/handbooks.cfm)

The character of the land and water, the extensive natural vegetation, and the few discordant man made features makes most of the Town's waterfront an area of high scenic quality. The State has recognized this in its legislative designation of the Nissequogue River corridor as a *Scenic Recreational River*. While only a portion of the River is designated *scenic* the standards for

protection of the portion designated *recreational* also serve to protect scenic quality.

*New York State Wild, Scenic, and Recreational Rivers System
Program*

To protect the State's major rivers this State program establishes a Rivers System with three classes of rivers--wild, scenic, and recreational--and establishes basic criteria for the designation and management of rivers and river areas included in the Rivers System. In Smithtown, an approximately 7.6 mile section of the Nissequogue River from and including New Mill Pond north to the River's confluence with the Long Island Sound has been designated as a Recreational River. (The designation also includes the tributaries and ponds connected with the River.) In addition, the portion of the river that runs through Caleb Smith State Park Preserve, roughly 1.6-miles of the river, has been designated as a Scenic river.

Vistas

People's appreciation of the scenic quality of the waterfront is enhanced by opportunities to view it, both to and from the water, from high points, and along parkways and scenic roads. There are many significant vistas in the waterfront. The summit on NYS 25A at Sunken Meadow State Park is probably one of the most important vistas of Long Island Sound from Long Island. The view has a good composition with nearby attractive vegetation of varying shades and textures, and with green wooded land reaching to the blues of the sea and sky in the distance. It is also important because of its accessibility--about 16,000 cars per day drive through this vista. There are numerous other public overlooks along the shore that are not as accessible or impressive as the vista from 25A, but are nevertheless important. They include Callahan's Beach, Sunken Meadow State Park, and the Bluffs. These vistas lack significant foreground elements, as they are located at the tops of escarpments at the water's edge. At least two potentially significant vistas are located on the grounds of the former Kings Park Psychiatric Center. One consists of the view down the boulevard, and the other consists of views from the prominence near the water tower.

The elements that give vistas importance include:

- The visibility of water;
- The lack of features that detract from the overall scene;
- The presence of conspicuous foreground, midground, and background features;
- The composition of elements in the view; and
- The visibility of the scene (i.e., the number of viewers over time).

Visual Quality

It is not only the quality of the community's scenic area and significant vistas that enhance the character of the community but also the overall visual quality of its developed areas. The potential visual impact of new development in the Smithtown waterfront can be evaluated by the visual contrasts and dominance of new development with regard to its surroundings. In turn, these two components of visual impact can be ascertained by: the amount of regrading; the amount and characteristics of vegetation to be removed; the size, shape, and location of structures; and the characteristics of proposed revegetation. Many studies indicate that the size and color of structures are the most important factors affecting visual impact. Brightly colored structures tend to detract from the natural landscape more than earthtone structures. Large buildings and buildings located near the water tend to have more impact than small buildings and buildings

located far from the water. Other factors that affect visibility include building material and reflectivity. These factors are especially important since people using the water are using it principally for recreation and expect high visual quality.

The positive visual quality of the communities within the waterfront area is enriched by¹:

- Treed streets and wooded neighborhoods
- Large pockets of open space
- Well maintained single-family residences
- Spacious yards
- Low buildings (maximum 2-1/2 stories)
- A well defined transition between neighboring communities
- Access to the shore
- Presence of historic properties

The west end of the Smithtown central business district is a significant visual problem in the waterfront area at the Nissequogue River. The commercial strip, developed in the 1950's and 1960's, strongly contrasts with the overall character of the waterfront. About one dozen buildings of utilitarian character are scattered along the quarter mile stretch of Main Street east of the Nissequogue River. The color of the majority of the buildings contrasts with the color of background vegetation. A few of the buildings are large and tend to dominate the scene. Further, the area lacks sufficient landscaping that would reduce the visual clutter and obscure the negative visual elements. Fortunately, sufficient room exists on most of the sites to provide for trees and other planting.

Policy

Policy 3: Protect and, where possible, enhance the scenic and visual quality of the natural and man made environment throughout the waterfront area of the Town

The visual character of Smithtown's waterfront is less urbanized than the rest of the Town and much of the neighboring waterfronts. This natural visual character is becoming increasingly rare in the region as the region develops. Smithtown has a distinctive blend of scenic and visual resources as described above. These resources are critical to the Town's character and economy as an attractive suburban town. The intent of this policy is to ensure that these important scenic and visual resources remain, and are enhanced or improved both to maintain the character of the Town and to pass them on to future generations.

Policy 3.1 Protect scenic landscapes, viewsheds, and corridors, and viewpoints and views to and from the water as shown on Map x

- a. Minimize the introduction of discordant features.
- b. Mitigate discordant features by removal, modification or screening.
- c. Preserve existing vegetation and plant new appropriate vegetation that enhances scenic quality and vistas.
- d. Group or orient structures to preserve open space and provide visual organization.
- e. Protect dynamic landscape elements that contribute to public enjoyment of scenic quality.
- f. Recognize water dependent uses as important additions to the visual interest of the coast in appropriate locations (see Policy 10).

¹ Adapted from Draft Comprehensive Plan

- g. Prevent the irreversible modification of natural geological forms and the removal of vegetation from dunes, bluffs and wetland areas.
- h. Enhance access to scenic overlooks in Sunken Meadow State Park and Nissequogue River State Park.

Policy 3.2 Protect the scenic quality of the designated Nissequogue River Scenic and Recreational River

- a. Adhere to the State regulations (see appendix x) for protection of the scenic quality of the Nissequogue River to the extent that an action is allowed pursuant to Town land use regulations.
- b. Adhere to town land use regulations within the designated River corridor to the extent the action is permitted pursuant to NYSDEC regulation for the *Nissequogue Scenic and Recreational River*.

Policy 3.3 Enhance the visual quality of the Smithtown Central Business District to make the area more compatible with the Nissequogue River (see Policy 1.3).

Policy 3.4 Protect and enhance the positive visual character of the waterfront area's neighborhoods

In order to protect and enhance the visual quality of the waterfront neighborhoods, the following measures should be incorporated into the design of a proposed project:

- a. Recognize and protect the positive elements that contribute to the visual quality of the neighborhood including: treed streets and wooded areas, pockets of open space, low building height, well defined transitions between neighborhoods, access to the shore, and the presence of historic properties.
- b. Site structures and other development such as highways, power lines, and signs back from shorelines, or in other inconspicuous locations to maintain the attractive quality of the shoreline, and to retain views to and from the shore.
- c. Cluster or orient structures to retain views, save open space and provide visual organization to a development.
- d. Incorporate sound, existing structures (especially historic buildings) into the overall development scheme.
- e. Remove degrading elements, such as abandoned buildings, inappropriate signage, excessive artificial lighting, and other degrading elements as perceived by broad community consensus.
- f. Maintain or restore the original landform, except when changes screen unattractive elements and/or add appropriate interest.
- g. Maintain or add vegetation to provide interest, encourage the presence of wildlife, blend structures into the site, and obscure unattractive elements, except when selective clearing removes unsightly, diseased or hazardous vegetation. When selective clearing creates views of coastal waters from appropriate locations, street trees, shade trees, and other plant materials shall be installed, especially at the Kings Park Bluff, in San Remo and in the Smithtown CBD, to screen unattractive structures and elements from views from the water, using appropriate materials, in addition to vegetation.
- h. Reduce the visual contrast (with respect to color, scale, shape, and line) between

a project and the natural environment. Except for historic sites, colors should have "earth tone" hues (e.g., brown, tan, olive), low chromas, and low values. Natural materials (e.g., brick, wood) or man made materials that on close inspection resemble natural materials in appearance and function (e.g. materials made of PVC or cement) should be employed.

- i. Structures having contrasting shapes (e.g., ellipses) should not be permitted.
- j. Enhance the identity of the area and reduce visual chaos by controlling signs.

Implementation

Implementation Through Existing Local Law

Chapter 151, Environmental Quality and Coastal Consistency Review Law

This local law implements the provisions of the State Environmental Quality Review Act and the Waterfront Revitalization and Coastal Resources Act, thereby incorporating environmental factors and consideration of coastal resources into planning and decision making processes, and requiring the consistency of action with the LWRP.

Chapter 248, Subdivision Regulations

This law implements the visual quality policies in several ways:

- The Subdivision Regulations encourage the retention of natural vegetation and discourage high maintenance landscaping near the shoreline
- The regulations require clustering of development in the waterfront area
- The regulations require consistency with the LWRP

Chapter 285, Tree Preservation and Land Clearing

This local law regulates the destruction and removal of trees to secure various benefits, such as stabilization of soil, prevention of soil erosion and flooding, provision of aesthetic quality, noise barriers and natural habitats for wildlife, and maintenance of ecological systems. The ordinance also aids in erosion prevention by providing procedures that regulate the removal, destruction, or alteration of trees.

Chapter 322-29, Zoning, Local Waterfront Revitalization Program

This section manages the size of structures by establishing maximum floor area ratio (ratio of gross floor area to lot area) in the waterfront area.

Chapter 322-87, Site Plan Review, Compliance and Standards

This section establishes design standards for all development except one and two family homes.

Implementation Through Changes in Local Laws

Chapter 248, Subdivision regulations

- Should establish guidelines for clustering;
- Eliminate minimum clearing and grading requirements around houses;
- Require that street trees and/or buffer plantings be composed of native plants.

Chapter 322, Zoning

- Consider a revision to the zoning law to rezone dedicated parkland to a park and recreation zone and consider eliminating residential use as a permitted use, except as an

- accessory use, or by special permit, in areas in use as outdoor recreation.
- Reconcile the definition of activities subject to consistency review in the zoning law and the Environmental Quality and Coastal Consistency Review law (see Section VI Consistency).
- Consider revisions to the zoning law to set forth requirements for signs in the waterfront area, and to establish building material and color requirements in scenic areas.

Implementation through Administrative Changes and Other Actions

Implementation through Projects

Visual access to the waterfront should be enhanced by increasing access to the scenic overlooks in Sunken Meadow State Park and the Psychiatric Center. The high point in the Park is the Town's most scenic trail and should be more accessible to pedestrians and bicyclists. Access to the overlooks near Old Dock Road should be controlled to protect the visual quality of the overlooks themselves. Vistas along the shore and the Boulevard should be enhanced by planting street trees to create and frame them. A high point near the water tower should be re-developed from an ash landfill to overlook and be made accessible to pedestrians and bicyclists.

Continue acquisition of open space as indicated in the Comprehensive Plan.

Map x Scenic Resources (Note: need to add LWRP boundary, suggest not removing information outside boundary)

