

PROPOSAL FOR
IMPROVEMENTS
TO
THE BAYVIEW AVENUE
WATERFRONT
MANHASSET, NEW YORK

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EXECUTIVE SUMMARY

The Bayview Civic Association of Manhasset together with the New York State Water Resource Commission have conceived a plan for the revitalization of the Manhasset Bay waterfront along Bayview Avenue in Manhasset. The 2,000 foot stretch of Bayview Avenue that runs along the shoreline has been the subject of numerous improvement proposals dating back to 1945. Lacking community support and sufficient funding these plans were never implemented.

Unlike the former proposals which were grandiose and insensitive to the environment our plan would be modest in scope and would include improvements to mitigate the environmental impact from adjacent developments and the high traffic roadway. The proposed improvements would compliment the New York State DEC and Town of North Hempstead plans to clean up Manhasset Bay. The project would qualify for a New York State Environmental Protection Fund Grant based on the project's scope.

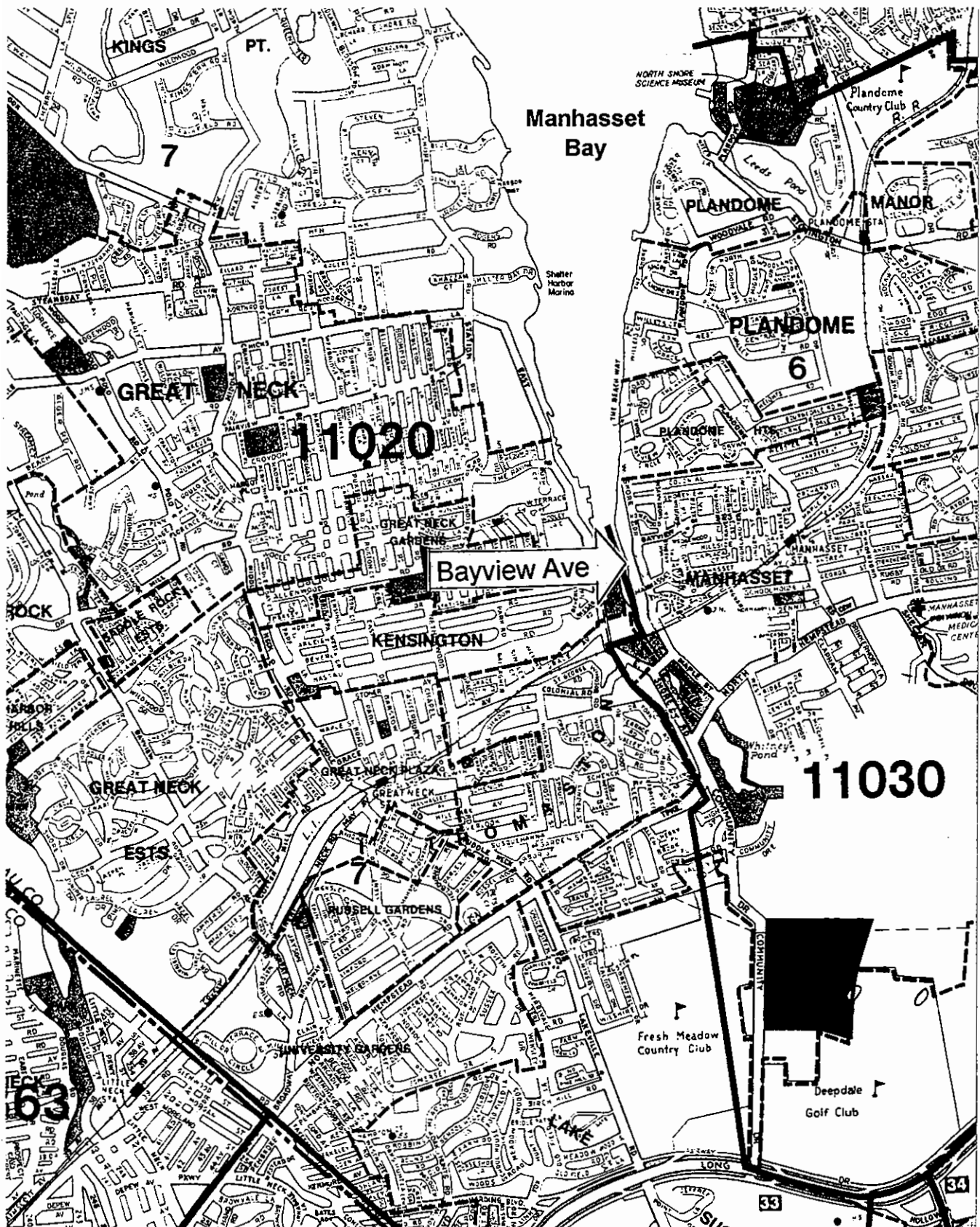
Specifically, Article 54, Title 11 (Local Waterfront Revitalization Plans and Coastal Rehabilitation Projects) of the NYS Environmental Conservation Law provides for state assistance payments of up to fifty percent toward the cost of local waterfront revitalization plans and coastal rehabilitation projects. To qualify, the project must serve a public purpose and be approved by the commissioner of environmental conservation. A detailed description of the proposed improvements and their applicability to Title 11 follows.

Pursuant to Article 42 (Waterfront Revitalization of Coastal Areas and Inland Waterways) of the NYS Conservation Law, assistance payments are to be made to the "local government", which would be the Town of North Hempstead. However, the section of Bayview Avenue in question and the adjacent shoreline is Nassau County property. Accordingly, both the town and county must submit applications to the state. The initial application should be for funds to prepare a feasibility study.

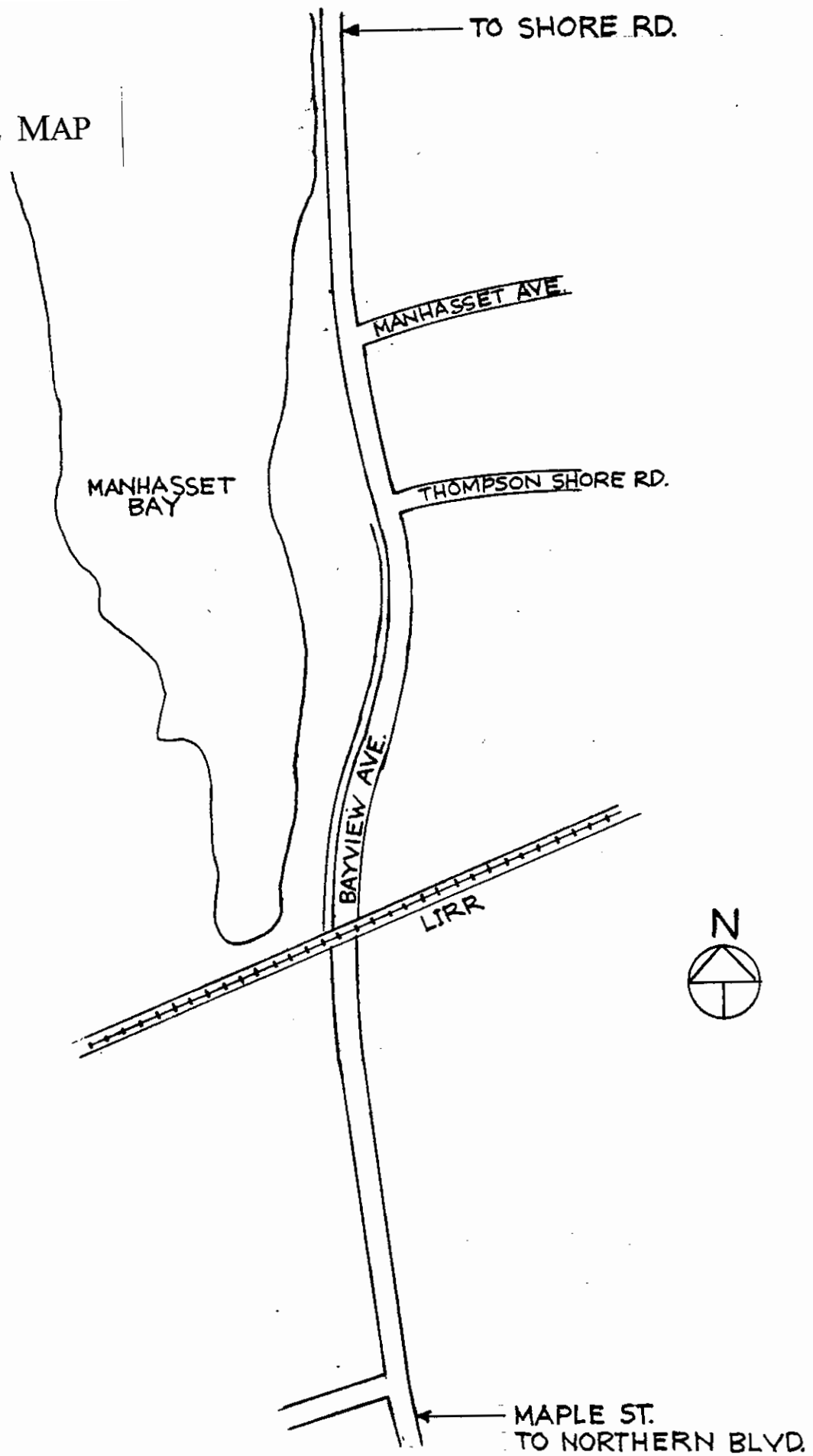
DESCRIPTION OF PROPOSED IMPROVEMENTS

Pedestrian Walkway	The proposed walkway would extend from the intersection of Bayview Avenue and Maple Avenue north to the intersection of Bayview Avenue and Shore Road, where an existing sidewalk runs along the north side of Bayview Avenue up to Plandome Road. This would provide uninterrupted access from Plandome Road south to Manhasset Valley Park and Northern Boulevard. The proposed walkway would run along the Manhasset Bay (west) side of Bayview Avenue.
Shoreline Stabilization	Natural forces have eroded the shoreline along Bayview Avenue such that in some locations the distance between the paved roadway and the embankment sloping down to the bay is less than three feet. There is essentially no shoulder in these locations. Additionally, several utility poles risk being undermined. Reconstructing the shoreline and or installing bulkheading at these locations would both stabilize the shoreline and create a buffer between the polluting effects of the roadway and the bay. It should be noted that less than 20% of the shoreline would require bulkheading.
Storm Water Control	Storm water runoff has been identified as the chief contributor of pollution in Manhasset Bay. Bayview Avenue was constructed at a time when pollution was not a concern. Toxins in the form of fertilizers and pesticides drain directly into the Bay from surrounding residential and commercial developments. Similarly, hydrocarbon contamination from automobile traffic is free to enter the bay in the absence of any type of filtration. The proposed improvements would incorporate storm inlets and catch basins in compliance with current environmental regulations.
Natural Vegetation	In conjunction with the reconstruction and stabilization of the shoreline, we propose that vegetation indigenous to the wetlands be planted. This would provide additional stabilization and assist in the filtration of excess storm water runoff.

LOCATION MAP



DETAIL MAP



DESCRIPTION OF PHOTOGRAPHS

1. View of the intersection of Bayview Avenue and Maple Street looking west. This is the southern boundary of the proposed improvements. The walkway would begin at the northwest corner of the intersection (right).
2. View of the intersection of Bayview Avenue and Maple Street looking south at the north entrance to Manhasset Valley Park.
3. View of Bayview Avenue looking north from the Maple Street intersection. The proposed walkway would run along the west side of the road (upper left).
4. Same location as photo #3 looking south.
5. View of Bayview Avenue looking south at the Long Island Railroad tressel. Note the inadequate shoulder and the absence of a walkway creating a hazard for pedestrians.
6. View of Bayview Avenue looking south from the Thompson Shore Road intersection. Note the wide grassy area between the guardrail and Manhasset Bay is Nassau County property. This is the only section of the roadway with a guardrail.
7. View of grassy area looking east toward Bayview Avenue.
8. View of grassy area looking west toward Manhasset Bay.
9. View of the west shoulder of Bayview Avenue looking west from the Manhasset Avenue intersection. Note the old substandard post and cable guardrail.
10. Evidence of dumping and contamination of wetlands along Bayview Avenue.
11. View of inadequate shoulder along Bayview Avenue north of the Manhasset Avenue intersection. Note how close the roadway is to the embankment leading down to the bay.
12. Another View of the inadequate west shoulder looking south. Note how the utility pole is being undermined by the erosion of the shoreline.
13. View of Bayview Avenue looking north from the Thompson Shore Road intersection.
14. Winter view of Bayview Avenue looking northwest from the Manhasset Avenue intersection. Note evidence of erosion (trees falling into the bay) and the proximity of the roadway to the bay.

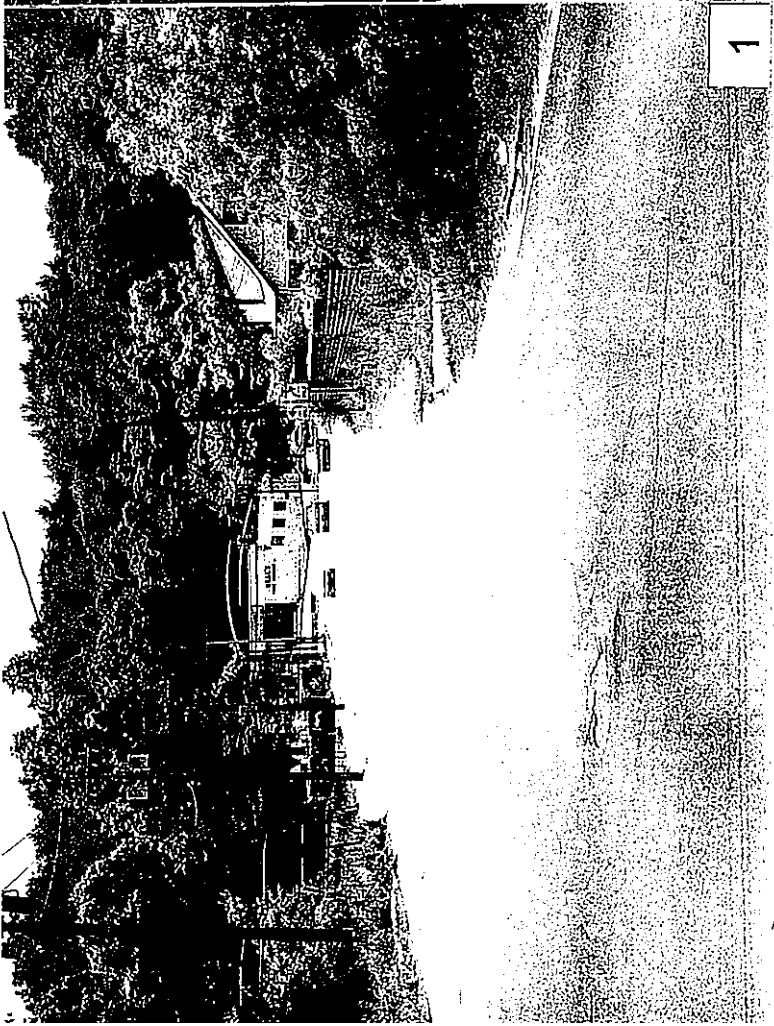
15. View of Bayview Avenue looking north at the Shore Road Intersection. This is the northern boundary of the proposed improvements; b) same view showing close-up of damaged utility pole creating a hazardous condition.
16. View of the northern section of the Bayview Avenue shoreline looking east from Great Neck. Note that the existing bulkheading terminates at the northern boundary of the proposed improvements.



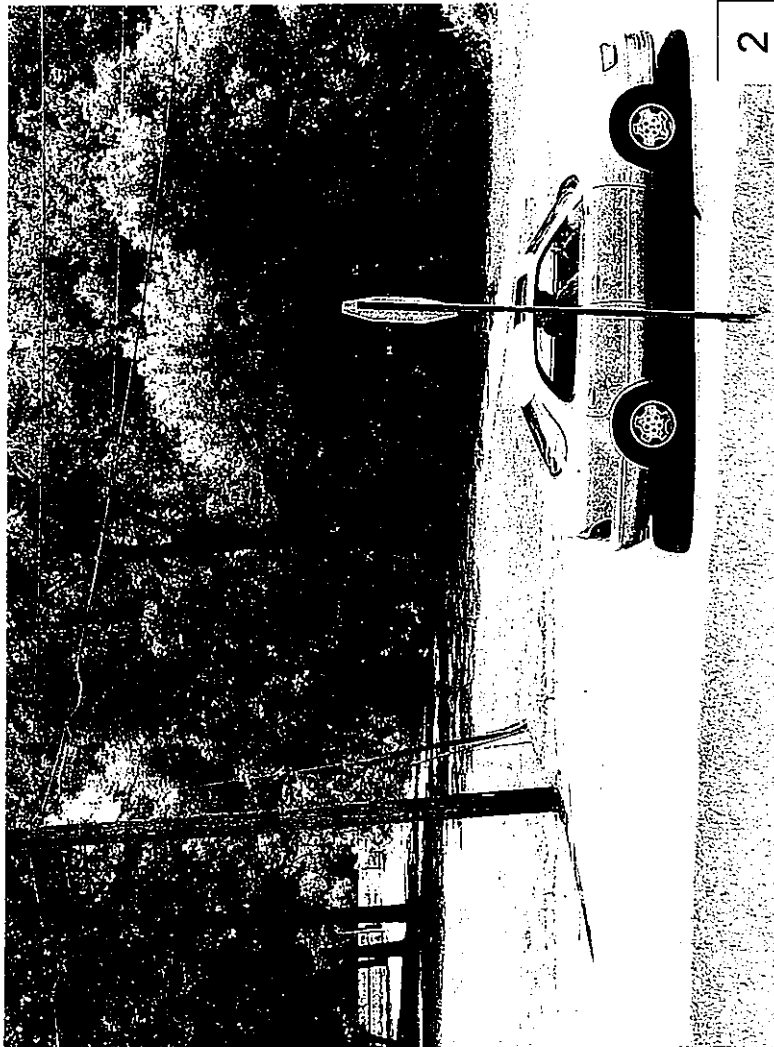
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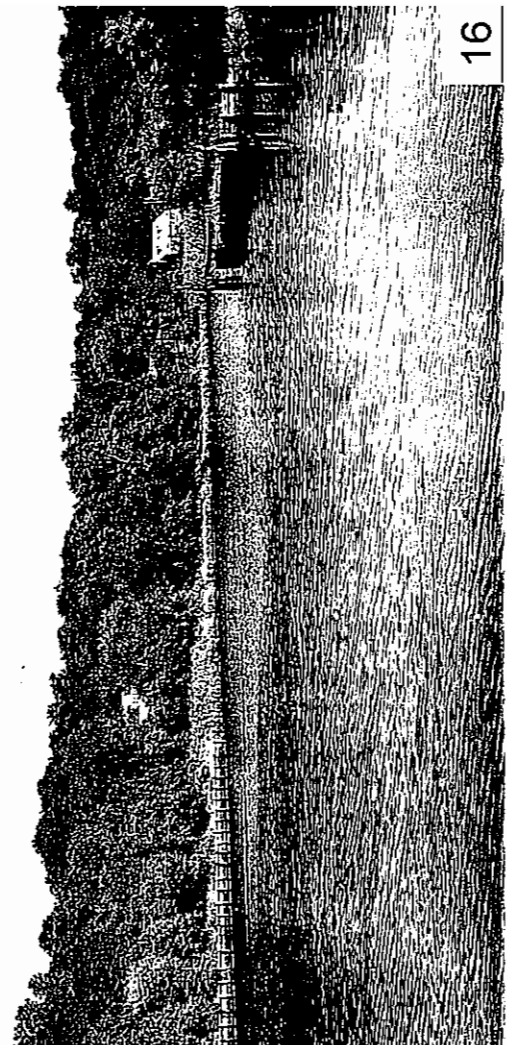
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use of vacant public lands in or around urban areas, subject to other requirements of state law and the jurisdiction of other public agencies with respect thereto, for purposes of urban forestry and arboriculture under this article, and to provide trees and shrubs for planting in accordance with an approved urban forestry or arboricultural plan. This program shall be administered in cooperation with the Cornell cooperative extension and the soil and water conservation districts to avoid duplication between these agencies and the department.

§ 53-0307. Funding of department; municipal authorization for local urban forestry and arboriculture programs.

In the absence of federal legislation funding the department's participation under section 53-0305, no duty is imposed on the department hereunder. Federal funding, however, is not a prerequisite to local implementation of municipal urban forestry or arboriculture programs, as herein provided; and any municipality may implement a local urban forestry or arboriculture program within its jurisdiction under the authority of this title and chapter. All charges and expenses incurred under this section by a town shall be a charge upon the taxable property of that part of the town outside any incorporated village.

ARTICLE 53 ENVIRONMENTAL PROTECTION ACT

Title

1. General provisions
3. Open space land conservation projects
5. Non-hazardous municipal landfill closure projects
7. Municipal waste reduction or recycling projects
9. Park, recreation and historic preservation projects
11. Local waterfront revitalization plans and coastal rehabilitation projects
13. Long Island central pine barrens area planning

TITLE 1 GENERAL PROVISIONS

Section

- 54-0101. Definitions.
54-0103. Powers and duties of the commissioner.
54-0105. Powers and duties of a municipality.
54-0107. Other powers not affected.

§ 54-0101. Definitions.

As used in this article, unless otherwise specified within any title of this article, the following terms shall mean and include:

1. "Commissioner" means the commissioner of environmental conservation; except that within and for the purposes of the projects undertaken by the office pursuant to title nine of this article, the term shall mean the commissioner of the office of parks, recreation and historic preservation.
2. "Cost" means the cost of an approved project, which shall include engineering and architectural services, plans and specifications, consultant and legal services, and other direct expenses incident to such project less any federal assistance received or to be received and any other assistance from other parties.
3. "Department" means the department of environmental conservation.
4. "Facility" means any structure or site improvement including paths, trails, roads, bridges, ramps and buildings.
5. "Federal assistance" means funds available, other than by loan, from the federal government, either directly or through allocation by the state for construction or program purposes pursuant to any federal law or program.
6. "Governing body" means:
 - a. in the case of a county outside of the city of New York, the county board of supervisors or other elective governing body;
 - b. in the case of a city or village, the local legislative body thereof, as the term is defined in the municipal home rule law;
 - c. in the case of a town, the town board;
 - d. in the case of a public benefit corporation, the board of directors, members or trustees thereof;
 - e. in the case of a public authority, the governing board of directors, members, or trustees thereof;
 - f. in the case of a not-for-profit corporation, the board of directors thereof or such other body designated in the certificate of incorporation to manage the corporation; and
 - g. in the case of an Indian tribe or nation, any governing body recognized by the United States or the state of New York.

7. "Municipality" means a local public authority or public benefit corporation, a county, city, town, village, or Indian tribe or nation residing within New York state, or any combination thereof. For the purposes of title 5 and title 9 of this article, municipality shall also include state agencies, state public authorities and state public benefit corporations. For the purposes of title 7 of this article, the term municipality shall also include a school district and a supervisory district.

8. "Not-for-profit corporation" means a corporation formed pursuant to the not-for-profit corporation law and qualified for tax-exempt status under the federal internal revenue code.

9. "Office" means the office of parks, recreation and historic preservation.

10. "Solid waste" shall have the definition set forth in title 5 of article 27 of this chapter but shall not include hazardous waste as defined in title 9 of article 27 of this chapter.

11. "State assistance payment" means the payment of monies by the state for projects authorized by the environmental protection fund, to preserve, enhance, restore and improve the quality of the state's environment.

12. "Secretary" means the secretary of state.

§ 54-0103. Powers and duties of the commissioner.

In administering the provisions of this article the respective commissioner or the secretary:

1. shall make an itemized estimate of funds or appropriations requested annually for inclusion in the executive budget;
2. may, in the name of the state, as further provided within this article, contract to make, within the limitations of appropriations available therefor, state assistance payments to a municipality toward the cost of a project approved and to be undertaken pursuant to this article, or to a not-for-profit corporation toward the costs of a project approved and to be undertaken pursuant to titles three and nine of this article. Such contracts shall be subject to approval by the state comptroller and, as to form, by the attorney general;
3. may, in the name of the state, enter into contracts, within the limitations of appropriations available therefor, with not-for-profit corporations, public benefit corporations, and private contractors for services contemplated by this article to be funded hereunder. Such contracts shall be subject to approval by the state comptroller and, as to form, by the attorney general;
4. shall approve vouchers for the payments pursuant to an approved contract. All such payments shall be paid on the audit and warrant of the state comptroller; and
5. may perform such other and further acts as may be necessary, proper or desirable to carry out the provisions of this article.

§ 54-0105. Powers and duties of a municipality.

A municipality shall have the power and authority to:

1. Undertake and carry out any project for which state assistance payments pursuant to contract are received or are to be received pursuant to this article and maintain and operate such project;
2. Expend money received from the state pursuant to this article for costs incurred in conjunction with the approved project; and
3. Perform such other and further acts as may be necessary, proper or desirable to carry out a project or obligation, duty or function related thereto.

§ 54-0107. Other powers not affected.

Nothing in this article shall be construed to limit or restrict any powers of the commissioner or any other agency pursuant to any other provision of law.

TITLE 3 OPEN SPACE LAND CONSERVATION PROJECTS

Section

- 54-0301. Definitions.
54-0303. Open space land conservation projects.

§ 54-0301. Definitions.

For purposes of this title, "open space land conservation projects" shall mean acquisition projects including the purchase of conservation easements undertaken by the commissioner and/or the commissioner of the office of parks, recreation and historic preservation listed in the state open space land acquisition plan prepared pursuant to title 2 of article 49 of this chapter.

TITLE 11
LOCAL WATERFRONT REVITALIZATION PLANS
AND COASTAL REHABILITATION PROJECTS

Section

- 54-1101. Local waterfront revitalization plans.
 54-1103. Coastal rehabilitation projects.
 54-1105. State assistance payments for coastal rehabilitation projects.
 54-1107. State assistance application procedure and standards.
 54-1109. Contracts for state assistance payments for coastal rehabilitation.
 54-1111. State projects.

§ 54-1101. Local waterfront revitalization plans.

1. The secretary is authorized to provide on a competitive basis, within amounts appropriated, state assistance payments to municipalities toward the cost of any local waterfront revitalization plan approved by the secretary.
2. The secretary and a local government may enter into a contract for the undertaking by the municipality of a local waterfront revitalization plan. Such plan shall be recommended to the secretary by the governing body of the municipality, and when approved by the secretary, undertaken by the municipality pursuant to any applicable provision of law.
3. State assistance payments shall not exceed fifty percent of the plan cost. For the purpose of determining the amount of the state assistance payments, the cost of the plan shall not be more than the amount set forth in the application for state assistance payments approved by the secretary. The state assistance payments shall be paid on audit and warrant of the state comptroller on a certificate of availability of the director of the budget.
4. The secretary shall have the power to approve vouchers for payments pursuant to an approved contract.
5. No monies shall be expended for local waterfront revitalization plans except pursuant to an appropriation therefor.
6. The secretary shall impose such contractual requirements and conditions upon any municipality which receives state assistance payments pursuant to this article as may be necessary and appropriate to ensure that a public benefit shall accrue from the use of such funds by the municipality.

§ 54-1103. Coastal rehabilitation projects.

As used in this title, "coastal rehabilitation project" shall mean those projects which serve a public purpose for beach nourishment necessary to maintain the natural functions of beach areas, maintenance of the natural passage of sand along coastal areas, emergency breach closures and similar activities undertaken by the state, a municipality, or a not-for-profit corporation which demonstrates to the commissioner's satisfaction that it is financially and otherwise capable of operating and maintaining the project, for the restoration and rehabilitation of coastal areas diminished, damaged or destroyed by natural forces.

§ 54-1105. State assistance payments for coastal rehabilitation projects.

1. The commissioner is authorized to provide on a competitive basis, within amounts appropriated, state assistance payments to a municipality or a not-for-profit corporation toward the cost of any coastal rehabilitation project approved by the commissioner.
2. The commissioner and a municipality or not-for-profit corporation may enter into a contract for the undertaking of a coastal rehabilitation project. Such project shall be recommended to the commissioner by the governing body of the municipality or not-for-profit corporation as that term is defined pursuant to subdivision six of section 54-0101, and when approved by the commissioner, undertaken by the municipality or not-for-profit corporation pursuant to this article and any other applicable provisions of law.
3. State assistance payments shall not exceed fifty percent of the project cost or two million dollars, whichever is less. Such costs are subject to final computation and determination by the commissioner upon completion of the project, and shall not exceed the maximum eligible cost set forth in the contract.
4. Prior to processing applications for state assistance payments toward the cost of coastal rehabilitation projects, the commissioner shall promulgate rules and regulations which shall include criteria for determining eligible expenditures and procedures for governing the commitment and disbursement of funds appropriated in accordance with this title. The commissioner shall also promulgate rules and regulations which shall

include application procedures, review processes, and project approval guidelines and criteria consistent with section 54-1107.

§ 54-1107. State assistance application procedure and standards.

In the case of coastal rehabilitation projects, a municipality or not-for-profit corporation, upon the approval of its governing body, may submit an application to the commissioner, in such form and containing such information as the commissioner may require, for state assistance payments toward the cost of a project which is within the state of New York and which is eligible for state assistance pursuant to this title. The commissioner shall review such project application and may approve, disapprove or recommend modifications thereto consistent with applicable law, criteria, standards or rules and regulations relative to such projects. Such criteria and standards shall include, but not be limited to: the consistency of the project with the Coastal Erosion Hazard Areas Act, article 34 of this chapter, notwithstanding paragraph d of subdivision three of section 34-0108 of this chapter; the official coastal policies of the state pursuant to article 42 of the executive law; the extent of natural damages to the coastal area and the suitability and feasibility of the project in relation to maintaining natural resource features and functions; the importance of the coastal area to recreational resources, fish and wildlife resources, and/or endangered or threatened species habitat; and the public benefits provided by the project.

Upon approval of a project application, a municipality or not-for-profit corporation shall enter into a contract, as further provided within this article, with the commissioner for state assistance payments toward the cost of such project to be received pursuant to this article.

§ 54-1109. Contracts for state assistance payments for coastal rehabilitation.

1. The commissioner may, in the name of the state, enter into contracts with municipalities or not-for-profit corporations, to provide state assistance payments toward the cost of coastal rehabilitation projects which shall include the following provisions:
 - a. an estimate of the costs of the project as determined by the commissioner;
 - b. an agreement by the commissioner to make state assistance payments toward the cost of the project by periodically reimbursing the municipality or not-for-profit corporation during the progress of project development or following completion of the project as may be agreed upon by the parties, in an amount not to exceed the amounts established elsewhere in this title; and
 - c. an agreement by the municipality or not-for-profit corporation:
 - (i) to proceed expeditiously with and complete the project as approved by the commissioner;
 - (ii) to undertake and maintain the coastal rehabilitation project in accordance with applicable law and rules and regulations;
 - (iii) to provide for the payment of the municipality's or not-for-profit corporation's share of the cost of the project;
 - (iv) to assume the full cost of any additional elements or continued operation of the project;
 - (v) to repay within one year of notification by the commissioner, any state assistance payments made toward the cost of the project or an equitable portion of such monies declared appropriate by the commissioner, if the municipality or not-for-profit corporation fails to complete the project as approved. No repayment, however, shall be required where the commissioner determines that such failure, disposition or change of use was immediately necessary to protect public health and safety;
 - (vi) to apply for and make reasonable efforts to secure federal assistance for the project; and
 - (vii) to not sell, lease, or otherwise dispose of or use lands rehabilitated under this title for any purpose inconsistent with the project for a period of seven years from the commissioner's approval of the project.
2. In connection with each contract, the commissioner shall keep adequate records of the amount of the payment by the state and of the amount of federal assistance, if any, received by the municipality or not-for-profit corporation. Such records shall be retained by the commissioner and shall establish the basis for recalculation of the state payment as required herein.

§ 54-1111. State projects.

The commissioner is authorized, within amounts appropriated, to directly undertake a coastal rehabilitation project pursuant to this title in accordance with section 1 of chapter 535 of

the laws of 1945, as amended, or as specifically appropriated, on state lands or state lands underwater.

TITLE 13 LONG ISLAND CENTRAL PINE BARRENS AREA AND SOUTH SHORE ESTUARY RESERVE PLANNING

Section

54-1301. Long Island central pine barrens area planning.

54-1301. Long Island south shore estuary reserve planning.

§ 54-1301. Long Island central pine barrens area planning.

In order to further the purposes of article 57 of this chapter, the commissioner shall provide, within amounts appropriated from the environmental protection fund, state assistance payments for the preparation of the comprehensive central pine barrens land use plan pursuant to section 57-0121 of this chapter. State assistance payments may be made to the central pine barrens joint planning and policy commission established in article 57 of this chapter for all eligible costs incurred after April first, nineteen hundred ninety-three. No monies shall be expended for Long Island central pine barrens area planning except pursuant to an appropriation therefor.

§ 54-1303. Long Island south shore estuary reserve planning.

In order to further the purposes of article forty-six of the executive law, the commissioner shall provide, within amounts appropriated from the environmental protection fund, state assistance payments for the preparation of the comprehensive management plan for the Long Island south shore estuary reserve as provided for in section nine hundred sixty-six of the executive law. State assistance payments may be made to the Long Island south shore estuary reserve council established by section nine hundred sixty-four of the executive law for all eligible costs incurred after April first, nineteen hundred ninety-four. No moneys shall be expended for Long Island south shore estuary reserve management planning except pursuant to an appropriation therefor.

ARTICLE 55 SOLE SOURCE AQUIFER PROTECTION

Section

55-0101. Declaration of policy.

55-0103. Legislative findings.

55-0105. Purpose.

55-0107. Definitions.

55-0109. Special groundwater protection areas; nomination.

55-0111. Special groundwater protection areas; designation.

55-0113. Special groundwater protection areas; Long Island designation.

55-0115. Comprehensive management plan; contents.

55-0117. Comprehensive management plan; approval.

§ 55-0101. Declaration of policy.

It is declared to be the public policy of this state to provide funds for the preparation and implementation of groundwater watershed protection plans in order to maintain existing water quality in special groundwater protection areas within federally designated sole source aquifer areas contained within counties having a population of one million or more and to further the implementation of nonpoint source controls for the protection of the potable supply underlying the entire recharge area.

§ 55-0103. Legislative findings.

The legislature finds that:

1. The scientific evidence of groundwater contamination is mounting;
2. Such contamination, once it occurs, is often irreversible;
3. Within this area subject to sole source aquifer designation, due to their particular rate of recharge and associated hydrogeological conditions, certain groundwater recharge watershed areas are particularly critical for the maintenance of large volumes of high quality groundwater for long periods of time;
4. In the face of mounting cases of groundwater contamination from toxic organic compounds, nutrients, salts and other pollutants, the state needs a program for the designation, protection and management of special groundwater protection areas;
5. It is desirable to maintain natural vegetative and hydrogeologic conditions in special groundwater protection areas;
6. Prevention of the contamination of high quality groundwater and the protection of special groundwater protection areas costs substantially less than measures to mitigate harm following contamination; and

7. There is a demonstrated need to protect, preserve and enhance the land and water resources of special groundwater protection areas through a new program which combines the capabilities and resources of the local, state and federal governments and the private sector.

8. Some of the nonpoint source control strategies developed for the special groundwater protection areas can be used to minimize further contamination in developed deep aquifer recharge areas.

§ 55-0105. Purpose.

It is the purpose of this article to:

1. Establish procedures for the designation of special groundwater protection areas within designated sole source aquifer areas contained within counties having a population of one million or more;
2. Acknowledge the variations in hydrogeology, water quality, and land uses within designated areas, and the existence of certain areas which are of vital importance in maintaining water quality in the designated sole source aquifer area;
3. Assure that such vital areas within designated sole source aquifer areas are protected and managed in such a way as to maintain or improve existing water quality;
4. Establish procedures for the development and implementation of a site-specific comprehensive management plan for each designated special groundwater protection area;
5. Initiate the implementation of a portion of the state groundwater management program using the Long Island sole source aquifer region as a model for future state-wide application; and
6. Establish guidelines for federal-state cooperation in the planning, funding and implementation of special groundwater protection area plans.

§ 55-0107. Definitions.

Unless the context otherwise requires, the definitions in this section shall govern the construction of the following terms as used in this article:

1. "Plan" shall mean the comprehensive management plan established pursuant to section 55-0115 of this article.
2. "Recharge" shall mean the downward movement of water to the water table through the soil overlying an aquifer.
3. "Special groundwater protection area" shall mean recharge watershed area within a designated sole source area contained within counties having a population of one million or more which is particularly important for the maintenance of large volumes of high quality groundwater for long periods of time.
4. "Watershed" shall mean an area where water drains into a specific basin or reservoir, or, for groundwater, a region where water is abundantly recharged to the subsurface groundwater reservoir.

§ 55-0109. Special groundwater protection areas; nomination.

1. Any municipality or person may nominate a special groundwater protection area within a federally designated sole source aquifer contained within counties having a population of one million or more.
2. Such a nomination petition shall be sent to the commissioner and shall include the following information:
 - (a) whether the special groundwater protection area is a recharge zone for groundwater with a present or future water supply potential;
 - (b) whether the special groundwater protection area is largely undeveloped with tracts of natural vegetation, or natural geological conditions;
 - (c) whether the groundwater which is recharged through the special groundwater protection area is of high quality;
 - (d) whether the hydrogeologic conditions are such that development could lead to degradation of water quality;
 - (e) whether portions of the groundwater within the sole source aquifer area are already contaminated with toxic organics, nutrients, salts or other pollutants so as to warrant special protection for areas which recharge high quality groundwater;
 - (f) whether maintenance of existing high quality in the groundwater recharged through the special groundwater protection area would have significant economic, social, ecological, recreational or aesthetic benefits for the sole source aquifer area; and
 - (g) whether degradation of such groundwater would have significant economic, social, ecological, recreational and aesthetic costs for the area.
3. The nomination petition shall also identify: