

## **Shoreline Management Law – FAQs**

### **1. What is the purpose of this new law?**

a. Establish standards and procedures for minimizing and preventing damage from coastal flooding and erosion and to protect natural protective features and other natural resources. The village's shorelines are vital resources, provide scenic qualities, important habitat value, recreational opportunities, and are located within the Peconic Estuary which is a NY State listed Critical Environmental Area.

b. Regulate, in coastal areas subject to coastal flooding and erosion, land use and development activities so as to minimize or prevent damage or destruction to manmade property, natural protective features, other natural resources, and to promote public health and safety.

c. Regulate the construction of flood and erosion protection solutions, through the Planning Board review process, in coastal areas subject to serious erosion, to assure that when the construction of flood and erosion protection solutions is justified, their construction and operation will minimize or prevent damage or destruction to man-made property, private and public property, natural protective features, and other natural resources.

### **2. How do I obtain a permit to build a flood and erosion protection solution?**

Submit an application for a Shoreline Management Permit, along with the appropriate fees. The requirements for the permit can be found in 163-99 3.1 of the Village Code. A review by the Planning Board will be required prior to approval of the application.

### **3. If I have an existing bulkhead will I be allowed to repair or replace it?**

Yes. As per 163-97 2.5(g.) a Shoreline Management Permit is required for the repair/restoration/replacement of existing, non-conforming flood and erosion solutions including but not limited to bulkheads and seawalls. As the preference is for more natural solutions, where pre-existing, non-conforming solutions exist, applicants are requested to consider replacing the non-conforming structure with a flood and erosion protection solution permitted by this code for the shoreline type pertaining to the property (high bluff, medium/low bluff, beach/marsh). Natural flood and erosion protection solutions that are permitted by this code have a lessened erosional impact on the beach than vertical bulkheads.

### **4. Will new bulkheads be permitted?**

No. As per included in 163-7 2.5a(3)a - Vertical walls comprised of concrete, steel, timber, composite materials or stone are not permitted unless already existing at the site.

### **5. How can I find out if my property is categorized as a High Bluff, Medium/Low Bluff or Beach/Marsh Area?**

The Shoreline Management Permit Application - Appendix A is a map that shows all waterfront properties in North Haven, most of which have been categorized according to Shoreline Type ie High Bluff (generally greater than 20' high), Medium/Low Bluff (generally less than 20' high) or Beach/Marsh. The Shoreline Management Permit Application and Appendix A can be obtained at Village Hall or on the Village of North Haven website after the approval of this local

law. If you have any questions regarding the categorization of your property you may speak to the North Haven Planning Clerk.

**6. What is a Structural Solution?**

Structural solutions shall generally consist of sloping rock revetment.

**7. What is a Non-Structural Solution?**

Shoreline stabilization approaches using only beach compatible sand fill material, vegetation, and natural materials (excluding rock) such as coir fibers or logs, designed and installed to mimic characteristics of natural features, but are created by human design, engineering, and construction to provide erosion or flood protection. This definition is intended to include, but not be limited to, vegetation management, slope or bank grading, marsh restoration or creation, beach nourishment, and dune creation and restoration.

**8. If I live on a High Bluff property, what type of flood and erosion protection structure can I apply to build?**

Generally, a two-tier design to stabilize both the face and the crest of the bluff and the toe of eroding high bluffs. Along the toe of the bluff, the Village will permit either structural or non-structural solutions. Along the face and crest of the bluff, the Village will permit reshaping of the bluff and non-structural solutions.

**9. If I live on a Medium/Low Bluff property, what type of flood and erosion protection structure can I apply to build?**

Generally, non-structural solutions. Should the non-structural solution fail over time, an applicant is expected to document maintenance according to the approved maintenance plan and must establish a failure of the solution according to specified triggers in 163-98 2.5(e). If such triggers are met, structural solutions may be considered by the Planning Board for the subject property if the owner chooses to submit an application.

**10. If I live on a Marsh/Beach area, what type of flood and erosion protection structure can I apply to build?**

Generally, non-structural solutions. Should the non-structural solution fail over time, an applicant is expected to document maintenance according to the approved maintenance plan and must establish a failure of the solution according to specified triggers in 163-98 2.5(e). If such triggers are met, structural solutions may be considered by the Planning Board for the subject property if the owner chooses to submit an application.

**11. Do I need a permit to build stairs to access the beach?**

Yes. A Shoreline Management Permit is required to construct elevated walkways or stairways for the purpose of providing access to the beach and requires approval by the Planning Board. Requirements for such structures are defined in 163-98 2.5

- 12.** If I have existing stairs to access the beach and they need to be repaired or replaced, do I need a permit?

Yes. If the repair/restoration/replacement of existing elevated walkways or stairways that access the beach are **minor**, defined as the cost of which is less than 50 percent of the estimated full replacement cost of the structure at the time of restoration, review and approval is required by the Building Inspector and a Building Permit is required. If the repair/restoration/replacement of existing elevated walkways or stairways that access the beach are **major**, defined as the cost of which is greater than 50 percent of the estimated full replacement cost of the structure at the time of restoration, review and approval is required by the Planning Board and a Shoreline Management Permit is required.

- 13.** If I am approved for a Flood and Erosion Protection Solution, do I also need to install a naturalized buffer on my property?

Yes. All properties constructing a Shoreline Protection solution will be required to implement a naturalized buffer consistent with Section 163-20 2.B6 of the code.

- 14.** If I already have an existing non-structural solution on my property and it is failing, can I submit an application for a structural solution?

As per 163-98 2.5b.(4)a. Non-structural solutions that pre-date the effective date of this local law, and are in the Medium/Low Bluff Shoreline Areas or Beach/Marsh Areas and are experiencing failures must submit an application to the Planning Board for a structural solution if Bluff Failure Triggers are met per section 163-98 2.5 f. If such triggers are met, structural solutions may be considered for the subject property.

If the property is located in a High Bluff Shoreline Area, per 163-98 2.5a the homeowner may apply for a structural solution to stabilize the toe of the bluff.

- 15.** Both of my adjacent neighbors have structural solutions, can I apply for a structural solution?

Yes. Per 163-98 2.5d If a naturally vegetated property is bounded by two structural solutions, and is experiencing erosion, the Village of North Haven will permit a structural solution if the property is located in Medium/Low Bluff Shoreline Area or a Marsh/Beach Shoreline Area. It is not necessary for the homeowner to request a variance from the Zoning Board of Appeals.

- 16.** If I need to make repairs to my existing flood and erosion protection solution, do I need a permit?

Yes. Per the requirements in section 163-98 2.5 a Shoreline Management permit is required for restoration/replacement and repair of all existing Flood and Erosion Protection solutions.

- 17.** How do I know if this new code applies to me?

This local law applies to all waterfront properties in the Village of North Haven bounded by coastal waters. Coastal Waters are the Shelter Island Sound, Noyack Bay, Sag Harbor Cove, and their connecting water bodies, bays, harbors, shallows creeks and marshes.

