

PETITION OF BA MAR GROUP, LLC

ADDENDUM TO COASTAL ANALYSIS FORM

Pursuant to section 209-5, the following responds to each of the criteria set forth in subsection G, relating to the consistency of the proposed action with the adopted Town of Stony Point Local Waterfront Revitalization Program (“LWRP”) adopted by the Town Board on June 14, 1994 and on file in the office of the New York Secretary of State.¹

The action to be considered is the adoption of new Revised Base Flood Elevations (“RBFs”) to replace the existing Advisory Base Flood Elevations (“ABFs”) for the area that includes the Ba Mar Mobile Home Community at Grassy Point and one adjoining lot. The action does not include any physical activity, nor does it require or necessarily lead to a physical activity. Any physical activity will be the subject of separate review.

Following are the consistency review items set forth in section 209-5.G, and the Petitioner’s responses.

G. Actions to be undertaken within the coastal area shall be evaluated for consistency in accordance with the following LWRP policy standards and conditions, which are derived from and further explained and described in Section III of the Town of Stony Point LWRP, a copy of which is on file in the Town Clerk's office and available for inspection during normal business hours. Agencies which undertake direct actions shall consult Section IV of the LWRP in making their consistency determination. The action shall be consistent with the policy to:

(1) Revitalize the deteriorated and underutilized waterfront areas of Stony Point (Policies 1, 1A, 1B and 1C).

The current ABFs have curtailed and inhibited the rebuilding of the Ba Mar Mobile Home Community (“Ba Mar”). The ABFs were adopted by the Federal Emergency Management Agency (“FEMA”) in the wake of Superstorm Sandy, which occurred in 2012. The Town of Stony Point adopted the ABFs by Local Law No. 1 of 2012. The ABFs were intended, by definition, to be temporary, but have not been updated by)². In fact, coastal ABFs have been replaced by Preliminary or Effective FIRMs in all locations affected by Superstorm Sandy in New York except Rockland County.³

Because of the advisory, temporary nature of the ABFs, and the uncertainty surrounding them, individual homeowners and the community operator at Ba Mar have been reluctant to invest in new homes and infrastructure. The result is a community with many vacant homes.

The adoption of the proposed RBFs will bring greater certainty to homeowners and the community owner, which will then encourage rebuilding and restoration of

¹ The adopted and filed LWRP can be found at https://docs.dos.ny.gov/opd-lwrp/LWRP/Stony%20Point_T/Index.html.

² See, <http://www.region2coastal.com/faqs/advisory-bfe-faq/>

³ See, <http://www.region2coastal.com/view-flood-maps-data/view-preliminary-flood-map-data/>.

individual homes and infrastructure. Although Ba Mar was not specifically cited in Policies 1, *et als* (because it was a fully functioning community at the time of its adoption), the adoption of the RBREs will help to “restore, revitalize, and redevelop deteriorated and under-utilized waterfront areas [at Ba Mar] for commercial, cultural, recreational and other compatible uses”.⁴

(2) Retain and promote commercial and recreational water-dependent uses (Policies 2, 2A, 2B and 2C).

Policies 2, 2A, 2B and 2C relate to water-dependent uses and the development of vacant properties for water-dependent uses in specific geographic areas, particularly then-existing vacant parcels on Grassy Point and Beach Roads, and at the northerly end of Hudson Drive. They also encourage a balance between marinas and other water-dependent uses on the river.

The adoption of the RBFES are limited in their geographic area and do not affect the geographic areas discussed in these policies. Similarly, they do not affect the balance between marinas and other water-dependent uses on the river.

The adoption of the RFBES, will, however, assure against the spread of vacant land to the Ba Mar area and restore the Ba Mar area to the vibrancy it had at the time the LWRP was adopted and prior to Superstorm Sandy.

(3) Strengthen the economic base and small harbor character of the Stony Point waterfront by encouraging the development and enhancement of traditional maritime uses and activities (Policies 4, 4A and 4B).

The adoption of the RBFES will allow for the restoration of the Ba Mar residential community. The restoration of Ba Mar will help to strengthen the economic base of the area by reintroducing the traditional residential component it represents. Ba Mar residents will be able to patronize commercial establishments along the river, providing those establishments with additional economic stability.

(4) Ensure that development occurs where adequate public infrastructure is available to reduce health and pollution hazards (Policies 5, 5A, 5B and 5C).

One stated intent of these policies is to “Strengthen existing residential, industrial and commercial centers”. Ba Mar was one of those “existing residential * * * centers” at the time the LWRP was adopted. The adoption of the RBFES is squarely within this intent as it will foster the restoration of Ba Mar.

To the extent that Policies 5, 5A, 5B and 5C encourage appropriate economic development, the restoration of the pre-existing Ba Mar residential community will provide additional patrons for new facilities.

⁴ LWRP, Policy 1.

(5) Expedite local permit procedures and use performance standards for development within the waterfront area (Policy 6).

The existing ABFEs have had precisely the opposite effect: they have discouraged the redevelopment of Ba Mar. The adoption of the RBFES will provide greater certainty for reinvestment in Ba Mar.

(6) Protect significant and locally important fish and wildlife habitats from human disruption and chemical contamination (Policies 7, 7A, 7B, 7C and 8).

Ba Mar is outside the geographic areas specified in Policies 7, 7A, 7B and 7C of the LWRP (Iona Island, Haverstraw Bay, Hudson River Mile 44-56). The adoption of the RBFES will have no impact on these policies.

The adoption of the RBFES will have no impact on the introduction of hazardous wastes and other pollutants into the river (Policy 8).

(7) Encourage and expand commercial fishing facilities to promote commercial and recreational fishing opportunities (Policies 9, 9A and 10).

Ba Mar is not one of the areas described in Policies 9, 9A and 10 for the promotion of commercial and recreational fishing and crabbing. The adoption of the RBFES will help to restore Ba Mar to its status at the time of LWRP adoption.

(8) Minimize flooding and erosion hazards through nonstructural means, carefully selected, long-term structural measures and appropriate siting of structures (Policies 11, 12, 13, 14, 15, 15A, 16 and 17).

The proposed RBFES are specifically intended to address and reflect flooding issues. The RBFES were calculated using publicly available topographic information and the methodology used by FEMA in determining Preliminary FIRMS in other communities affected by Superstorm Sandy.

The commentary to Policy 11 expressly recognizes that “[i]n coastal lands identified as floodways, no mobile homes shall be sited other than in existing mobile home parks”.⁵ Ba Mar was one of the mobile home parks existing at the time the LWRP was adopted. The RBFES require the elevation of individual homes and other structures to a higher grade than was permitted at the time of the LWRP adoption. They therefore provide greater flood protection for these structures than was anticipated in the LWRP.

There are no dunes in the Ba Mar area, nor were there at the time of LWRP adoption (Policy 12).

⁵ LWRP, p. III-23.

Policies 13, 14, 15, and 15A relate to physical activities that are not part of the adoption of the RBFEs nor a necessary consequence of the adoption of the RBFEs.

Policy 16 relates to the expenditure of public funds. No such expenditures are part of this action.

The adoption of the RBFEs is consistent with Policy 17, which encourages the use of “non-structural measures to minimize damage to natural resources and property from flooding and erosion.” Among the measures proposed “the setback of buildings and structures”. The RBFEs provide for appropriate first floor building elevations that take into account calculated flood and storm levels.

(9) Safeguard economic, social and environmental interests in the coastal area when major actions are undertaken (Policy 18).

The adoption of the RBFEs will encourage reinvestment in Ba Mar by homeowners and the community owner. It will restore a once-vibrant community.

(10) Maintain and improve public access to the shoreline and to water-related recreational facilities while protecting the environment (Policies 1, 1A, 18,1C, 2, 2A, 2B, 2C, 9, 9A, 19, 19A, 19B, 19C, 20, 20A, 20B,20C, 21, 21A, 21B, 21C, 21D, 22 and 22A).

The adoption of the RBFEs will have no impact on public access to the shore line or to water related recreational facilities.

(11) Protect and restore historic and archaeological resources (Policies 23 and 23A).

The adoption of the RBFEs will have no impact on historic or archeologic resources. Ba Mar has existed in its current location since at least the 1950s. The restoration that will be encouraged by the adoption of the RBFEs will not impact areas outside Ba Mar.

(12) Protect and upgrade scenic resources (Policies 24, 24A, 25, 25A, 25B and 25C).

The adoption of the RBFEs will encourage the removal and replacement of vacant and dilapidated structures that have become or can become eyesores.

(13) Site and construct energy facilities in a manner in which will be compatible with the environment and contingent upon the need for a waterfront or water location (Policies 27, 30, 31, 35, 36, 38, 39, 40, 41, 42, 43 and 44).

The adoption of the RBFEs will have no impact on the siting or construction of energy facilities. The Ba Mar area is zoned for a mobile home community. The immediately surrounding area is not zoned for energy facilities. The construction of energy facilities would require different action by the Town Board and other agencies.

(14) Prevent ice management practices which could damage significant fish and wildlife and their habitat (Policy 28).

The adoption of the RBFES will have no impact on ice management practices.

(15) Protect surface and groundwater from direct and indirect discharge of pollutants and from overuse (Policies 30, 31, 32, 33, 34, 34A, 35, 36, 37, 38, 39, 40 and 44).

The adoption of the RBFES will have no adverse impact on surface and groundwater, nor will such adoption cause or encourage direct or indirect discharge of pollutants or overuse. The RBFES will encourage the restoration of a pre-existing community in a manner consistent with current standards and regulations that are protective of such resources.

(16) Perform dredging and dredge spoil in a manner protective of natural resources (Policies 15, 15A and 35).

The adoption of the RBFES will have no impact on dredging or the creation of dredge spoil.

(17) Handle and dispose of solid and hazardous wastes and effluents in a manner which will not adversely affect the environment (Policies 34, 34A, 36 and 39).

The adoption of the RBFES will have not create solid or hazardous wastes or effluents.

(18) Protect air quality (Policies 41, 42 and 43).

The adoption of the RBFES will not impact air quality.

(19) Protect freshwater wetlands (Policy 44).

The adoption of the RBFES will be protective of freshwater wetlands to the same extent as the adopted Preliminary FIRMS in other communities along the river.

Dated: June 11, 2018