

10:15 – 11:25 **Breakout 3A - Navigating Urban Waterway Redevelopment**

Urban waterfront redevelopment can be far more complex than land-bound development. Urban waterfronts were historically constructed on filled land and generally used for industry and manufacturing - effectively creating contiguous brownfields along shorelines. Many urban communities are now reclaiming their waterfronts and creating vibrant residential and mixed-use communities with waterfront access and open space through rezoning. The complexities of urban waterfront development include brownfields remediation, storm resiliency, lack of infrastructure/transportation, wetlands and permitting. Whether a waterfront project is large or small, approvals must be sought from and coordinated among more than a dozen federal, state and local regulators. The panel comprised of tri-state developers with waterfront experience, an environmental lawyer focused on waterfront planning and permitting, an architect and an engineer, they explored these complexities drawing on real world experiences. The panel also explored the application of Metropolitan Waterfront Alliance's Waterfront Edge Design Guidelines (WEDG) - an incentive-based rating system that promotes strategies to improve public access and support recreation, enliven the waterfront, support economic development, improve water quality, restore and protect shorefront habitats, improve governmental regulation, and increase resilience to climate change.

Speakers

Chris Vitolano (CV), Principal and Site/Civil Engineer, Langan

Bonnie Campbell (BC), Two trees Management Company

Michael Bogin (MB), Principal, Sive, Pagat & Riesel, P.C.

Jay Valgora (JV), principal, STUDIO V Architecture, PLLC

Panel question and opening comments- How do you go about managing the various Regulatory Agencies and their often conflicting goals?

MB- “Sandy” brought an emphasis to waterfront development. Regulatory challenges between multiple agencies were complicated by the immediate need to restore damaged areas to viable sustainable repairs. There were many conference calls and meetings with NYDEC to discuss how to repair, and manage the increasing “pressure wetlands” parties to bring people closer to wetlands. The NYDEC Brownfields 2003/2004 program, provided “Real relief” to property owners/developers. This plus tax benefits created the need for the NYDEC and Towns to start rezoning waterfront areas.

JV- Challenges as a designer plus “Regulations.” creates an opportunity. Waterfront used to be segregated via factories, with little to no access to the waterfront. Redevelopment was now to bring people back to the waterfront area to enjoy the aesthetics and recreational aspects. Issues arise on how to best create/maintain “open space” and comply with stormwater regulations and buffer zones. Some solutions involve creating “rolling roofs”, phytoremediation on roofs – “historical wetland discharge areas”. These provide “great design opportunities with ecological benefits”

BC- The challenges focus on the balance between compliance with the waterfront zoning that often restricted waterfront access and use. The new emphasis is to create a public waterfront with “public street” accessibility. Provide resilient structures and designs, change grades and add history of the waterfront to re-introducing history

MB- Michael’s experience involved the EPA Region II & NYDEC. His approach was to open dialogue and negotiate/cooperation with the agencies to give and take. The focus moves to evaluating what types of projects failed during “Super Storm Sandy”, and which ones survived. An example scenario touched on was the Tower wall – “Failure of Vision”.

JV- Jay’s work focused on the contradictions between the Agencies. An example discussed was the Wetland & the Bunt House Community. How to balance between both? As a result of the discussions between the various Agencies and different needs by various developing Sites, the Waterfront Edge Design Guidelines (WEDG) was created. The focus is to find better way to use waterfront. To provide a set of “elective” guidelines that could be comparable to the “LEED” program for Site development. The WEDG program has to be flexible to account for different waterfront usages (industrial, maritime, recreation, and “need use) that have different goals (economic, public access, recreation, protection). The vision of the WEDG is to be able to produce a “score” card system that agencies and designers could use to match the waterfront use and goals. The WEDG has been used on one large water front park, with more to be evaluated over the coming years.

Q Question from the audience: Waterfront shoreline with riprap where is the boundary? Is it 40 feet wide?

MB- A) Depends on the Agency, which is major source of the problems as a project moves from one Agency to another for permitting. For example the NJDEP considers for:

- A) Walkway the boundary starts at the main high water line;
- B) NYDEC often uses the “Top” of the waterfront boundary; and
- C) Other Agencies and States use many different set backs up to and including 150 foot lines, which can arbitrarily be moved based upon newer data.

D) Then there are scenarios where a portion of waterline collapsed and can’t be replaced “Mainline” waterway and the destroyed bulkhead is now under a building.

Q Question from the audience: Alta Survey’s are they accurate and address what is required?

The short answer is no. Direction is needed to be provides to the surveyor to resolve issues. There times that where Divers are needed to survey actual underwater features. Pier head line also important underneath land important

Land Zoned Water – titled work may be required to determine not just prior owner search, but some go back 300 years.

Q Question from the audience: New WEDG System vs. Coastal Line Development Guidelines?

A main part of WEDG is for “Resiliency (Series of points):

- Points for “soft edges”
- Creating “reinforced edges”
- Adding free board to a site
- Adding boat access
- Parks dept. stronger resiliency

An example discussed was the discrepancy of needs such as the Sandy Hook Pilot Organization – that was destroyed by Super Storm Sandy. The rebuilding of this site (real “Maritime”) required the need for a strong resiliency. The WEDG program would be flexible to identify and differentiate these requirements.

- Q Question from the audience: Are neighboring states such as CT going to accept WEDG?
- NJ/NY shared shoreline so they are working together.
 - CT is starting to accept and/or it is gaining acceptance.
 - Internationally the program is gaining recognition, and example country provided was Turkey.
 - The question still to be determined is who will monitor WEDG down the road?
- Q Question from the audience: How is WEDG being incorporated into stormwater codes? The WEDG program will allow flexibility to respond to development needs wanted by the public. Examples mentioned were areas where public wanted access and services such as water taxi service.
- Q Question from the audience: Industrial/Residential – Is there a balance? Mix is good for community sustainability. Important to note that about WEDG is that it is not all residential usages, but is to include industrial and maritime usages as well as parks and ecological. Residential needs to differentiate and be consistent with needs that Residential developments want for sustainability, such as restaurants. Commercial is not or/should not include restaurants, and light manufacturing regulations need to be changed.
- Q Question from the audience: Permeable Solutions – Will DOT accept examples such as “Formed based code” and/or WEDG certification? WEDG – is under “Beta” testing and the MWA is working with the Harvard Business School on a certification type process. Pervious materials, the DOT is not currently setup to maintain and changes may be in order. However, Rain gardens are a great solution. They, they may need more architecture, but add permeability and are self-sustaining. More flexibility is needed for acceptance for where other solutions vary, such as DOT to recognize Green roofs as a stormwater alternative. NYDEC has not been recognizing, but some flexibility appears to be coming. Formed based code has not yet moved toward this concept, but there is optimism.
- Q Question from the audience: “Titled Wetland” – Soil or vegetation? NYSDEC bases on aerial photo from 1974. What is and what is not defined as wetland soils? The various references can be periodically updated, a resiliency initiative is probably in order, issues properly identifying freshwater wetlands surround whether the soils identified are truly “hydraulic soils”?