

## Brittany Spurlock

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**From:** Ross Singer <rsinger@crmc.ri.gov>  
**Sent:** Monday, November 21, 2022 7:54 AM  
**To:** 'Lisa Turner'; 'Brittany Spurlock'  
**Cc:** 'Anthony Sawaia'  
**Subject:** FW: Application#2022-09-020

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Can you please add this correspondence to the NYYC file? 2022-09-020

Thank you

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Ross A. Singer  
Environmental Engineer III  
Coastal Resources Management Council  
4808 Tower Hill Road  
Wakefield RI, 02879  
[\(401\) 783-3370](tel:4017833370)

**From:** Barbara Hirschler [mailto:bhb527@aol.com]  
**Sent:** Friday, November 18, 2022 9:15 AM  
**To:** rsinger@crmc.ri.gov  
**Cc:** sland@cityofnewport.com  
**Subject:** Application#2022-09-020

November 18,2022

Dear Mr. Singer,

I am contacting you in regard to the NYYC application #2022-09-020. I received the current information from Jenn in your office on 11/16/22. In reviewing the file, mooring # 629, which my family leases from the City of Newport has been omitted and is not shown on the S8 Existing Condition Plan.

I met on 11/17/2022 with the Newport Harbormaster, Steve Land. He agreed that the mooring was not shown on the plan. The coordinates for mooring# 629 per the Harbormaster's record are Lat: 41 28.532 and Long 71 19.605. I believe that #629 is between moorings # 610 and #611 and south of them, as shown on the plan, making #629 closer to the NYYC's proposed East/West dock extension.

I respectfully request that the plan be revised to include mooring #629 and that the correct distance from the end of the proposed pier to mooring #629 be shown on S8 Existing Conditions Plan and that other documents in the application be revised to show the corrected distance. Please send me a written copy of the revised S8 plan and other documents. Thank-you for your assistance with this matter.

Sincerely,

Barbara Hirschler

[BHB527@aol.com](mailto:BHB527@aol.com)

401-742-3562

## Cstaff1

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**From:** Barbara Hirschler <bhb527@aol.com>  
**Sent:** Wednesday, December 7, 2022 10:57 AM  
**To:** Cstaff1@crmc.ri.gov  
**Cc:** cstaff1@crmc.ri.gov; lturner@crmc.ri.gov  
**Subject:** Re: 2022-09-020

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

December 7,2022

File :#2022-09-020

Dear CRMC,

Please add me to the mailing list for file #2022-09-020. I would like to be present at the council meeting and be able to make a comment when it goes to the board. I understand that the comment period ends on December 18,2022. Is there anything else I need to do to voice my questions before this is reviewed?Please confirm receipt of this email. Thank-you very much for your assistance with this matter!

Sincerely,

Barbara Hirschler  
8 Balsam Avenue  
Middletown, RI 02842  
401 742-3562

In a message dated 11/16/2022 10:36:21 AM Eastern Standard Time, Cstaff1@crmc.ri.gov writes:

| file #2022-09-020

## CStaff1

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**From:** RPK <ryanpatrickkelley@gmail.com>  
**Sent:** Thursday, April 13, 2023 3:00 PM  
**To:** cstaff1@crmc.ri.gov  
**Subject:** NYYC (File # 2022-09-020)  
**Attachments:** A.pdf; B.pdf

Dear Members of the CRMC:

I'm writing today in opposition to (File # 2022-09-020) on the basis that I believe neither the spirit nor specific requirements of RICRMP 1.3.6 have been satisfactorily addressed in favor of the public; in particular **subsections B-2 and C-5 of 1.3.6**.

As you are aware, the CRMC has asked the applicant to satisfy the conditions set forth in RICRMP 1.3.6 since they are proposing a significant expansion to an existing marina.

Given that the New York Yacht Club (applicant) is a private social and yacht club, the applicant is arguing that onsite public access would not be feasible. As such, an offsite public access plan is being pursued.

On March 22, 2023, the Newport City Council officially received a letter (see attached A) from applicant's attorney with an offer to procure an ADA-compliant ramp as part of the City of Newport's planned improvements (#2022-12-092) to the public King Park Dinghy Dock.

The estimated cost of that ramp (approximately \$45,000) was revealed at last night's (April 12, 2023) city council meeting (see attached B).

Miraculously, albeit in a process shielded from public view, the NYYC amended their offer to the City as a one-time donation in the amount of \$100,000 with the first \$45,000 being earmarked for the ADA ramp as mandated by 1.3.6 subsection C-4.

This donation was accepted and approved by the City Council despite testimony similar to the concerns of this letter.

The estimated total cost of the King Park project is expected to cost the City roughly \$400,000 to \$500,000.

The estimated total cost of the proposal put forth by the NYYC is unknown. However, a simple examination of applicant's plans points to a range that will be exponentially higher.

I believe knowing the costs of the proposed expansion is a critical component in determining how to satisfy **1.3.6, subsection B-2 which states:**

*Public access plans should provide for a level of access directly proportional to, and a type of access similar to, that which will be impacted by the proposed project.*

Put simply: total costs of a private expansion into RI waters should be a determining factor in any equitable funding formula to offset or compensate for a lack of improvement to public access.

It's my understanding that the City of Newport does not have such a formula and, therefore, it is my concern the exact sum of this donation was arrived at capriciously.

Furthermore, the long term impact of the applicant's proposed project also remains unknown.

However, given its extremely close proximity to Type 1 waters and adjacency to low intensity Type 2 waters, it can reasonably be assumed, this proposal could amount to a generational loss for Rhode Islanders of which no sum of money could fix.

Finally, I would like to point out that a one-time donation blatantly contradicts **1.3.6 subsection C-5 which states:**

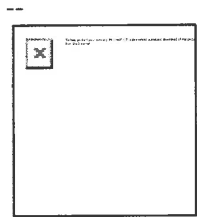
*All public access plans should provide for long-term maintenance.*

This said, I'd like to recommend the CRMC remit to the City a request for further study of a comprehensive, equitable, and publicly-known funding formula to transparently and fully satisfy the spirit and specific requirements of RICRMP 1.3.6.

Thank you for your time and consideration of this important precedent.

Sincerely,

Ryan Patrick Kelley  
Poplar Street  
Newport, RI 02840



**Ryan Patrick Kelley**  
401.215.7926



ADLER POLLOCK & SHEEHAN P.C.

49 Bellevue Avenue  
Newport, RI 02840-3207  
Telephone 401-847-1919  
Fax 401-751-0604

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Providence, RI 02903-1345  
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175 Federal Street  
Boston, MA 02110-2210  
Telephone 617-482-0600  
Fax 617-482-0604

[www.apslaw.com](http://www.apslaw.com)

March 15, 2023

**Via E-mail and Hand Delivery**  
Mayor Xaykham Khamsyvovang &  
Members of the City Council  
City of Newport  
43 Broadway  
Newport, RI 02840  
[lswistak@cityofnewport.com](mailto:lswistak@cityofnewport.com)

**Re: King Park Dinghy Dock and New York Yacht Club**

Dear Mayor Khamsyvovang and Members of the City Council:

This office represents the New York Yacht Club (“NYYC”), located at 5 Halidon Avenue in Newport. NYYC is currently in the permitting stages of its project to, *inter alia*, replace its current fixed wooden pier with a more modern floating dock system. This project may be familiar to you, as NYYC has been before the City’s Waterfront Commission, Planning Board, and City Council, and received letters of no objection from all three bodies.

The dock project is now before the Coastal Resources Management Council, which has raised a question regarding public access under R.I. Coastal Resources Management Plan § 1.3.6. Per CRMC guidance, an offsite access plan may be appropriate in scenarios when onsite public access is not practicably feasible. As NYYC is a private club, onsite public access is not practicably feasible and therefore offsite access is appropriate.

NYYC is aware that the City is currently in the permitting process before CRMC for the City’s own project, which will expand and significantly improve the dinghy docks located at King Park, nearby NYYC’s property. NYYC additionally understands that the project currently is unfunded. NYYC proposes that, as a public access plan per CRMC’s request under RICRMP § 1.3.6, it contribute to the funding of that significant project. In particular, NYYC proposes that it purchase for the City the ADA-compliant ramp that is necessary to access the expanded docks as called for by the City’s plans. This will permit members of the public entry to the new docks, which will assist with alleviating the pressures on the City’s current dinghy dock. NYYC believes that contribution to the City’s effort would provide a meaningful step towards construction and ensuring greater public access to the City’s waters.

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Mayor Khamsyvoravong &  
Members of the City Council  
March 15, 2023  
Page 2

We hope that the Council views this proposal favorably. The Council's approval will enable NYYC to present this public access plan to CRMC. NYYC is eager to assist the City with its King Park dock project and to receive its own final CRMC approval and proceed towards construction. Thank you for your consideration.

Very truly yours,



JOSHUA S. PARKS  
[jparks@apslaw.com](mailto:jparks@apslaw.com)



ADLER POLLOCK & SHEEHAN P.C.

49 Bellevue Avenue  
Newport, RI 02840-3207  
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Fax 401-751-0604

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March 15, 2023

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Mayor Xaykham Khamsyvovong &  
Members of the City Council  
City of Newport  
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Newport, RI 02840  
[lswistak@cityofnewport.com](mailto:lswistak@cityofnewport.com)

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Mayor Khamsyvoravong &  
Members of the City Council  
March 15, 2023  
Page 2

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Very truly yours,



JOSHUA S. PARKS  
[jparks@apslaw.com](mailto:jparks@apslaw.com)





City of Newport  
**REQUEST FOR CITY COUNCIL ACTION**

To: Mayor Xay Khamsyvovavong & Members of the City Council  
From: Joseph J. Nicholson, Jr., Esq., City Manager  
Date: March 29, 2023  
Subject: New York Yacht Club Donation - Ramp for King Park Stone Pier Dinghy Dock  
Staff Presentation: Stephen C. Land, Harbormaster

**RECOMMENDATION:**

The Harbormaster respectfully recommends the acceptance of the donation from the New York Yacht Club. The donation will consist of a 65' aluminum ramp that will be used at the new King Park Stone Pier Dinghy Dock. The ramp will be ADA accessible. It is recommended that the Council approve the attached resolution authorizing the City Manager to send a letter to the Coastal Resources Management Council (CRMC) indicating the City's acceptance of the ramp donation.

**BACKGROUND AND FINDINGS:**

The New York Yacht Club is currently in the permitting process for their reconstruction and expansion of their docks. As part of their application, the CRMC is requiring them to develop and support public access in Newport Harbor. They would like to donate the ADA accessible ramp that will be installed at the new King Park Stone Pier Dinghy Dock, which is currently in the CRMC permitting process as well.

The City's new dinghy dock at the Stone Pier will consist of (7) 20'x16' sections, (18) Greenheart pilings which will be drilled and installed, and a 65' aluminum ramp which will allow access to both sides of the dock. The estimated total cost of the project will be between \$400,000-500,000. The ramp is estimated to cost \$45,000.

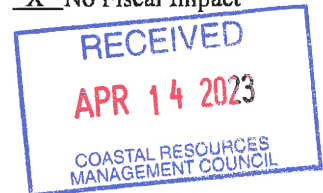
**PREVIOUS LEGISLATIVE ACTION**

**FISCAL IMPACT**

Currently Budgeted ( )  Requires additional appropriation  No Fiscal Impact

**SUPPORTING DOCUMENTS**

- Resolution
- Draft Letter to CRMC
- Letter from Joshua Parks, Esq. attorney for New York Yacht Club



Finance Dept. Review: \_\_\_\_\_ Date By: \_\_\_\_\_ (if applicable)

THE CITY OF NEWPORT

**RESOLUTION**

**OF THE  
COUNCIL**

No. ....

WHEREAS: the New York Yacht Club (NYYC) is currently in the permitting phase of their dock construction project with the Coastal Resource Management Council (CRMC) and they have been asked to increase public access in Newport Harbor; and

WHEREAS: the City of Newport is also in the permitting phase with the CRMC for the construction of the Stone Pier Dinghy Dock; and

WHEREAS: the New York Yacht Club would like to donate a new, ADA-compliant, 65' aluminum ramp that will be installed as part of the new Stone Pier Dinghy Dock.  
NOW THEREFORE BE IT

RESOLVED: that the City of Newport accepts the aluminum ramp donation from the New York Yacht Club and the City Manager is authorized to sign a letter to the Coastal Resource Management Council on behalf of the City indicating the City's acceptance of the ramp donation.

IN COUNCIL  
READ AND PASSED

\_\_\_\_\_  
Laura Swistak  
City Clerk



**DRAFT**

April 13, 2023

Jeffrey Willis, Executive Director  
Coastal Resources Management Council  
Oliver H. Stedman Government Building  
4808 Tower Hill Road  
Wakefield, RI 02879

Re: CRMC File No. 2022-09-020  
Application of New York Yacht Club

Dear Mr. Willis:

The New York Yacht Club is currently under consideration for a new dock at their property. To fulfill the public access component of their application, under RICRMP § 1.3.6, the NYYC request to contribute towards the new Stone Pier Dinghy Dock at King Park. The NYYC would like to donate a 65' aluminum ramp, ADA compliant, that will be installed at the new Stone Pier Dinghy Dock. The new City-owned dinghy dock will improve public access to Newport Harbor by providing a safe and spacious dock for all users to enjoy.

The City of Newport accepts the donation from the New York Yacht Club. We look forward to offering improved public access to the harbor. If there is any problem with this public access plan, please advise my office as soon as possible.

Sincerely,

Joseph J. Nicholson, Jr.  
City Manager



## Lisa Turner

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**From:** BARBARA HIRSCHLER <bhb527@aol.com>  
**Sent:** Tuesday, May 2, 2023 9:43 AM  
**To:** Lisa Turner  
**Subject:** Application 2022-09-020

May 2, 2023

Hi Lisa,

Thanks for speaking with me today regarding the NYYC application. I've attached the email from Josh Parks the NYYC attorney. The email dated 1/23/23 states at the end of the first paragraph that if my mooring #629 needs to be moved that the NYYC will cover those reasonable costs. During the regular inspection by Oldport Marine on March 11, 2022 my mooring was found to be in good shape.

Could you please add the attached emails to the application paperwork before the hearing on May 9, 2023? Thanks for your assistance. If you have any questions I can be reached at 401 742-3562 or via email.

Sincerely,

Barbara Hirschler

Sent from my iPhone

Begin forwarded message:

**From:** "Parks, Joshua" <JParks@apslaw.com>  
**Date:** January 23, 2023 at 9:56:18 AM EST  
**To:** BHB527@aol.com  
**Subject:** FW: NYYC

Dear Barbara: My name is Josh Parks, I am following up on a conversation you had with my colleague Dan the other day regarding the New York Yacht Club dock project and your mooring. Thanks for reaching out. As the revised plans make clear, the NYYC dock project should not impact your mooring (and in fact far exceeds the distance required by regulation). As I am sure you are aware, the location of moorings in Newport harbor are set by the Harbor Master. We have discussed the dock project, and your mooring, with the Harbor Master and expect that in the unlikely event your mooring must be relocated, he will do so. If it is required that your mooring be relocated, NYYC will cover those reasonable costs.

I hope this addresses your concerns. Please let me know if you have any questions or wish to discuss.

Best,  
Josh

### JOSHUA S. PARKS

V-CARD | BIO | WEBSITE | [JParks@apslaw.com](mailto:JParks@apslaw.com)

49 Bellevue Ave, Newport RI 02840

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**ADLER POLLOCK & SHEEHAN P.C.**  
PROVIDENCE - BOSTON - NEWPORT - NEW HAMPSHIRE



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**From:** Procaccini, Daniel <DProcaccini@apslaw.com>  
**Sent:** Friday, January 20, 2023 3:19 PM  
**To:** Barbara Hirschler <bhb527@aol.com>  
**Cc:** Parks, Joshua <JParks@apslaw.com>  
**Subject:** RE: NYYC

Dear Barbara:

Thanks for your email. As I mentioned the other evening, I was only briefly involved with this matter because Josh Parks was unavailable for the Waterfront Commission meeting. I have copied him here. My understanding is that everyone involved is hoping to work together amicably as this project is developed.

Dan

**DANIEL J. PROCACCINI**

V-CARD | BIO | WEBSITE | [DProcaccini@apslaw.com](mailto:DProcaccini@apslaw.com)

1 Citizens Plaza, 8th Floor, Providence RI 02903

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**From:** Barbara Hirschler <[bhb527@aol.com](mailto:bhb527@aol.com)>  
**Sent:** Friday, January 20, 2023 3:05 PM  
**To:** Procaccini, Daniel <[DProcaccini@apslaw.com](mailto:DProcaccini@apslaw.com)>  
**Subject:** NYYC

January 20,2023

Dear Mr. Procaccini,

How are you? I received a call in December from Jim Boyd the GM of the NYYC and sent him a followup email on 12/21. At that time he agreed that the NYYC would cover any and all costs for relocating my mooring if necessary. I am hoping *not* to have to relocate my mooring but may not know until the docks are in place in the summer of 2024.

Could you please send me a written statement confirming that offer? My mooring is serviced annually and was inspected by Oldport on March 11,2022 and found to be in good shape.

Thanks for your assistance with this matter.

Sincerely,

