



Name: New York Yacht Club  
CRMC File No.: 2022-09-020  
Staff Report



STATE OF RHODE ISLAND  
**COASTAL RESOURCES MANAGEMENT COUNCIL**  
STAFF REPORT TO THE COUNCIL

DATE: April 17, 2023  
TO: Jeffrey M. Willis, Executive Director  
FROM: Ross Singer

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Applicant's Name:	New York Yacht Club
CRMC File Number:	2022-09-020
Project:	Modification and expansion of existing recreational boating facility
Location:	5 Halidon Avenue; Newport: Plat(s): 41; Lot(s): 12
Water Type/Name:	Type 3, Brenton Cove
Coastal Feature:	Narrow sand beach backed by seawall
Plans Reviewed:	"New York Yacht Club- In Water Repairs Newport Rhode Island" last revised 11-21-2022 and prepared by St. Jean Engineering, LLC

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**INTRODUCTION:**

An existing recreational facility is proposed to be modified and expanded, to consist of a 16'x136' concrete floating dock, 16'x198' floating concrete wave attenuators, 10'x132' race committee dock and a 10'x122' floating dinghy docks which extend from an existing concrete wharf. The facility is proposed to extend 160ft beyond mean low water (MLW). The site is located off the eastern side of an existing filled wharf within designated Type 3 waters. This facility is used for docking dinghies and for hosting sailing race events.

This facility has been modified and expanded a number of times.

- Assent 1988-02-014 approved a modest facility consisting of a 4ftx50ft fixed pier 4ftx20ft ramp, and a 7.5x20ft terminal float, extending 50ft beyond MLW.
- Assent 1989-03-003 expanded the facility to extend the existing pier with 7.25ftx110ft fixed pier with a 7.25ft x 50ft L section and a 14.75ft x137ft floating concrete dock. In addition, a pump out facility was added. The facility extends 160ft beyond MLW.
- Assent 2000-04-020 approved the installation of a U-shaped finger float dinghy dock 8ft x 60ft and 12ft x 60ft
- Assent 2005-02-056 approved a 40ft extension of the dinghy docks.

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The current proposed expansion does not extend farther seaward; however the terminal L wave attenuators extend 148 feet eastward beyond the existing configuration. Furthermore, the proposed race committee and dinghy docks are 22 feet and 32 feet longer than the existing docks. NYYC wishes to expand and modernize the facility to provide better and safer access for dinghies and regatta support vessels as well as allowing better access for temporary docking at lower tides.

## **COMMENTS ON APPLICATION/APPLICABLE POLICIES, STANDARDS & ETC:**

### §1.3.1(D) Recreational Boating Facilities

This facility is considered a private recreational facility and is used only for docking dinghies and hosting sailing race events. This is a non-residential facility and therefore the residential boating facility standards listed in §1.3.1(D)(11) do not apply. In addition, this facility is not considered a marina; therefore, there is no overnight berthing allowed and there is no boat count associated with the facility.

### §1.3.1(R) Submerged aquatic vegetation

A survey was performed on September 10, 2022, to investigate the presence of submerged aquatic vegetation (SAV). No SAV resource was identified, nor is the site historically noted for SAV.

### §1.3.6 Protection and Enhancement of Public Access to the Shore

It was determined that this project is considered a significant expansion in public trust resources and a public access plan was requested. Consistent with §1.3.6(C)(3), as the site is not practically feasible for providing public access, the applicant consulted with the City of Newport to consider offsite alternatives. The applicant has proposed that New York Yacht Club will donate a new ADA compliant ramp to be installed as part of the Stone Pier Dinghy Dock in addition to financial contributions totaling \$100,000 (Application 2022-12-092). On April 12, 2023, the city Harbormaster recommended approval of the donation to the city council, and the city formally accepted the donation on April 14, 2023.

The proposed project is a significant expansion of private use in Type 3 waters in close proximity to Type 1 waters. §1.3.6(C)(2) 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.*” The financial contribution to the Stone Pier Dinghy Dock located in Kings Park will amount to approximately 20-25% of the total cost of the project which will provide increased public access to State waters.

The ADA compliant ramp and additional financial contribution to the public dinghy dock expands access for the public. It is CRMC staff opinion that the financial contribution provides adequate compensation for the requirement of §1.3.6 Protection and Enhancement of Public Access to the Shore.

No Variances are required for this project.

## **COMMENTS ON OBJECTION:**

An objection was received from an owner of a mooring in the vicinity of the facility. The mooring was left off the first set of submitted plans. The plans were revised to include the mooring (mooring #629) and the objector is concerned with the proximity of the mooring to the expanded facility. The mooring is located 175 feet from the existing facility, and the mooring would be 117 feet from the proposed expanded facility. This is greater than the standard minimum 50 foot setback required for residential boating facilities, marinas,

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and commercial structures. It is Staff's opinion that the distance of the proposed facility from the mooring is sufficient to not create a hazard.

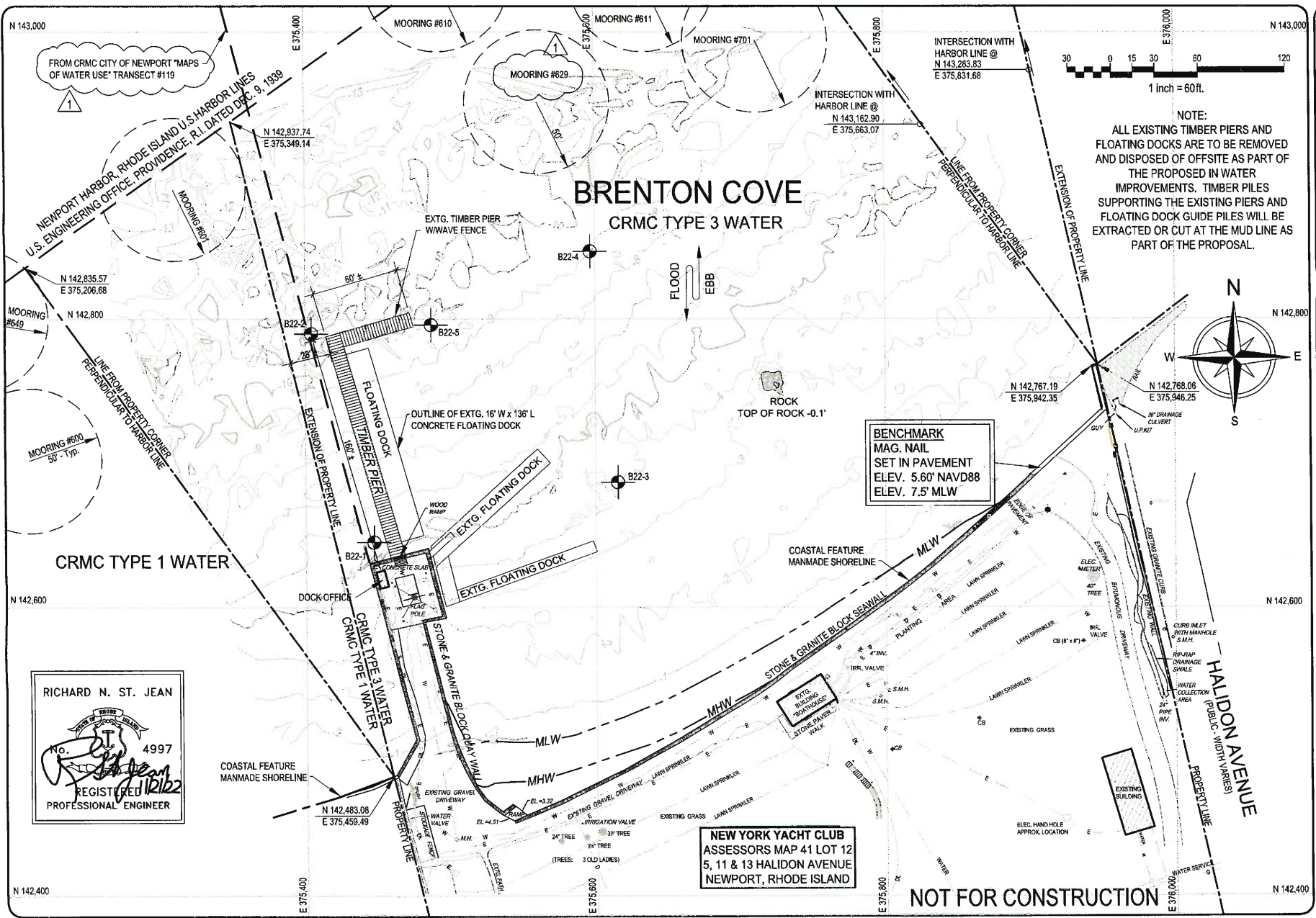
An additional comment was forwarded from the Newport Waterfront Commission questioning the need for a public access plan. CRMC Staff along with the Executive Director determined that this project is a considerable expansion of private use of public trust resources and a public access plan was requested of the applicant.

Following the City's approval of the applicant's public access plan, an objection was received from Ryan Patrick Kelly. The objection questions whether the proposed ADA compliant ramp and financial contribution for the King Park Dinghy Dock satisfy the requirements of RICRMP §1.3.6. Mr. Kelly questions whether the public access plan provides a level of access proportional to that which will be impacted by the proposed project in accordance with §1.3.6(B)(2). Additionally, Mr. Kelly believes that the one-time financial contribution contradicts §1.3.6(C)(5) by not providing long term maintenance. It should be noted that the dinghy dock will be maintained by the City.

**CONCLUSION/ RECOMMENDATION:**

It is staff's opinion that the project is consistent with applicable RICRMP standards, policies and prohibitions, however Staff defers to the council whether the impact on coastal resources caused by this project has been mitigated by the proposed public access plan. If the Council decides to approve the project, standard stipulations shall be prepared.





FROM CRMC CITY OF NEWPORT "MAPS OF WATER USE" TRANSECT #119

NEWPORT HARBOR, RHODE ISLAND U.S. HARBOR LINES  
U.S. ENGINEERING OFFICE, PROVIDENCE, R.I. DATED DEC. 9, 1939

N 142,835.57  
E 375,206.68

N 142,800

MOORING #649

CRMC TYPE 1 WATER

RICHARD N. ST. JEAN



N 142,400

N 142,937.74  
E 375,349.14

MOORING #610

N 142,800

MOORING #611

B22-4

B22-5

B22-3

N 142,400

E 375,400

N 142,483.08  
E 375,459.49

E 375,600

MOORING #610

E 375,600

MOORING #629

E 375,600

MOORING #701

E 375,600

MOORING #611

E 375,600

E 375,600

E 375,600

E 375,600

E 375,600

E 375,600

E 375,600

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E 375,600

**BRENTON COVE**  
CRMC TYPE 3 WATER

FLOOD  
EBB

ROCK  
TOP OF ROCK -0.1'

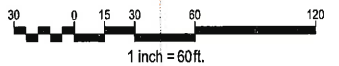
**BENCHMARK**  
MAG. NAIL  
SET IN PAVEMENT  
ELEV. 5.60' NAVD88  
ELEV. 7.5' MLW

**NEW YORK YACHT CLUB**  
ASSESSORS MAP 41 LOT 12  
5, 11 & 13 HALDON AVENUE  
NEWPORT, RHODE ISLAND

INTERSECTION WITH  
HARBOR LINE @  
N 143,283.83  
E 375,831.68

INTERSECTION WITH  
HARBOR LINE @  
N 143,162.90  
E 375,663.07

LINE FROM PROPERTY CORNER  
PERPENDICULAR TO HARBOR LINE



NOTE:  
ALL EXISTING TIMBER PIERS AND  
FLOATING DOCKS ARE TO BE REMOVED  
AND DISPOSED OF OFFSITE AS PART OF  
THE PROPOSED IN WATER  
IMPROVEMENTS. TIMBER PILES  
SUPPORTING THE EXISTING PIERS AND  
FLOATING DOCK GUIDE PILES WILL BE  
EXTRACTED OR CUT AT THE MUD LINE AS  
PART OF THE PROPOSAL.



N 142,767.19  
E 375,942.35

N 142,768.06  
E 375,946.25

COASTAL FEATURE  
MANMADE SHORELINE

STONE & GRANITE BLOCK SEAWALL

MLW

MLW

MLW

MLW

MLW

MLW

MLW

MLW

MLW

**NOT FOR CONSTRUCTION**

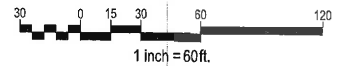
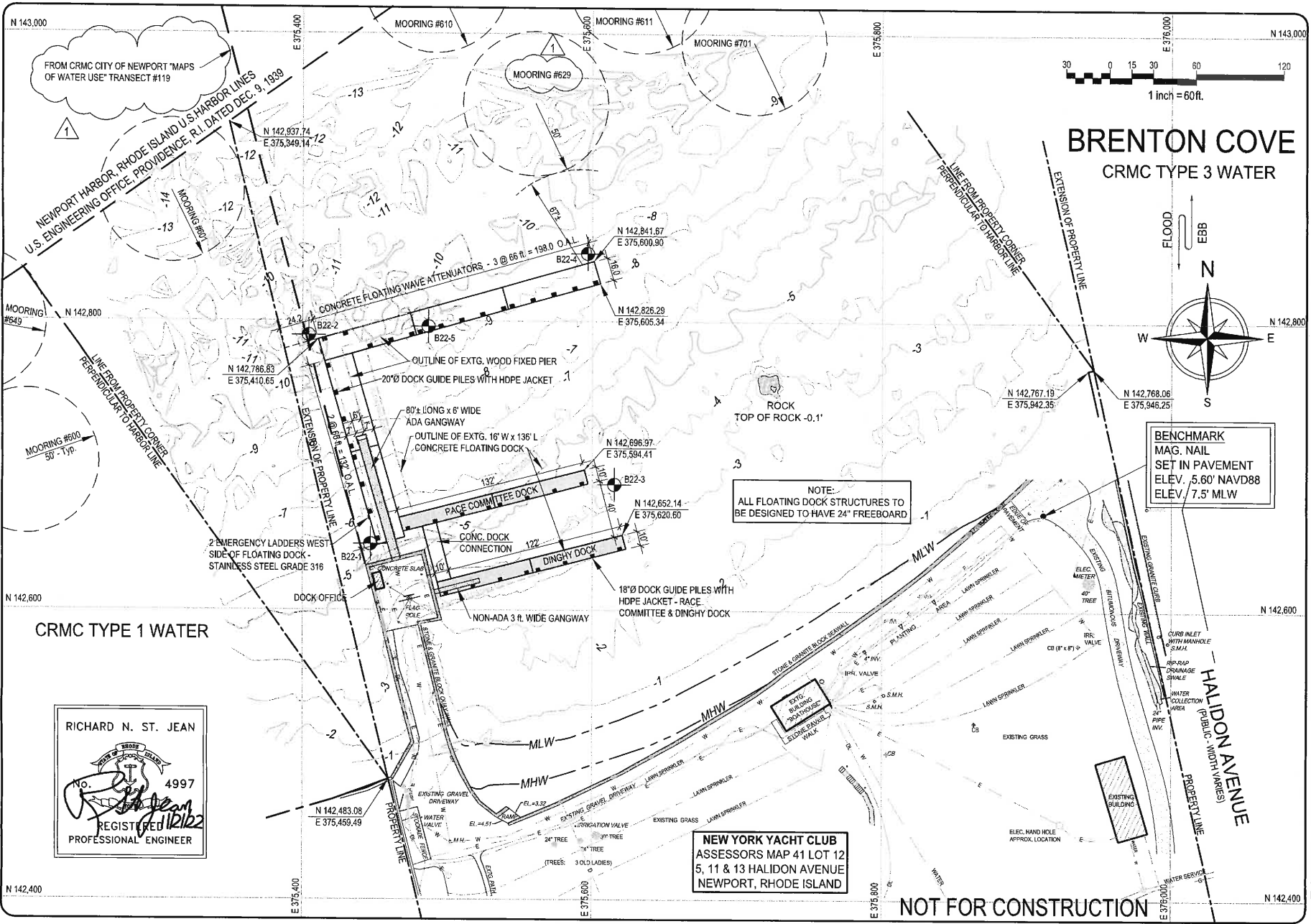
1. SHOW MOORING #629, SHOW CRMC TYPE 1 - TYPE 3 BOUNDARY  
#119 (11/21/22)  
REVISIONS

**New York Yacht Club - In-Water Repairs**  
Newport, Rhode Island  
Prepared For:  
New York Yacht Club  
Assessors (Map 41)  
3 Haldon Ave., Newport, Rhode Island  
Lot 41

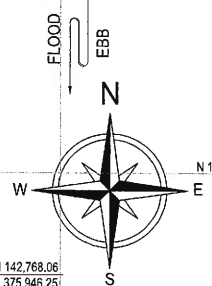
**Existing Conditions Plan**

**ST. JEAN ENGINEERING, LLC**  
CIVIL, MARINE AND STRUCTURAL  
CONSULTING ENGINEERING  
209 Arnolds Neck Drive  
Warwick, RI 02888  
Phone: 401-398-0999  
email: sj.jean-engineering@verizon.net

SHT NO.  
**S8**  
8 of 10



**BRENTON COVE**  
CRMC TYPE 3 WATER



**BENCHMARK**  
MAG. NAIL  
SET IN PAVEMENT  
ELEV. 5.60' NAVD88  
ELEV. 7.5' MLW

**NOTE:**  
ALL FLOATING DOCK STRUCTURES TO  
BE DESIGNED TO HAVE 24" FREEBOARD

**NEW YORK YACHT CLUB**  
ASSESSORS MAP 41 LOT 12  
5, 11 & 13 HALIDON AVENUE  
NEWPORT, RHODE ISLAND

**NOT FOR CONSTRUCTION**

N 143,000

N 143,000

N 142,600

N 142,600

N 142,400

N 142,400

E 375,400

E 375,800

E 376,000

E 375,400

E 375,800

E 376,000

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NEWPORT HARBOR, RHODE ISLAND U.S. HARBOR LINES  
U.S. ENGINEERING OFFICE, PROVIDENCE, R.I. DATED DEC. 9, 1968

LINE FROM PROPERTY CORNER  
PERPENDICULAR TO HARBOR LINE

EXTENSION OF PROPERTY LINE

LINE FROM PROPERTY CORNER  
PERPENDICULAR TO HARBOR LINE

EXTENSION OF PROPERTY LINE

CRMC TYPE 1 WATER

HALIDON AVENUE  
(PUBLIC - WIDTH VARIES)

**RICHARD N. ST. JEAN**  
NO. 4997  
REGISTERED PROFESSIONAL ENGINEER

1. SHOW MOORING #629 SHOW CRMC TYPE 1 - TYPE 3 BOUNDARY  
#119 (1/12/122)  
REVISIONS

**New York Yacht Club - In-Water Repairs**  
Newport, Rhode Island  
Prepared For:  
New York Yacht Club  
Assessor's Map 41  
3 Halidon Ave., Newport, Rhode Island  
Lot 31  
**Overall Plan - Floating Docks**

**ST. JEAN ENGINEERING, LLC**  
CIVIL, MARINE AND STRUCTURAL  
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309 Annapolis Neck Drive  
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SHEET NO.  
**S9**  
9 of 10