Local Law Filing

NEW YORK STATE DEPARTMENT OF S
41 State Street, ALBANY, NY 1

(Use this form to file a local law with the Secretary of State.)

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
OCT 3 1 2002
MISCELLANEOUS
& STATE RECORDS

19

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Village of Village of Bayville

Local Law No. 7 of the year 2002

A local law Village of Bayville Waterfront Consistency Review Law
(Insert Title)

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

Village of Village of Bayville as follows:

BE IT ENACTED, by the Board of Trustees of the Incorporated Village of Bayville, as follows:

PURPOSE:

SEE ATTACHED

EFFECTIVE DATE:

This law shall become effective upon filing in the Office of the Secretary of State.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

DOS-239 (Rev. 7/90)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 7 of 2002 of the (Village) of Bayville was duly passed by the Board of Trustees (Name of Legislative Body) on October 28, 2002, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of ___ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative Body) on _____ ___, and was (approved)(not disapproved)(repassed after disapproval) by the _____ (Elective Chief Executive Officer*) and was deemed duly adopted on _____ ___. in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of ___ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative Body) on _____ ___, and was (approved)(not disapproved)(repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ ___. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ . ___, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referndum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of ___ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative Body) on _____ ___, and was (approved)(not disapproved)(repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ ___ Such local law was subject permissive referendum and no valid petition requesting such referendum was filed as of _____ ___ in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. **(City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. _____ of ___ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ ___, became operative.

6. **(County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. _____ of ___ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ ___, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropritate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.

Maria Alfonso-Hardy

Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legilsative body

(Seal)

Date: October 30, 2002

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF Nassau

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

James A. Bailey

Signature

Village Attorney

Title

of Bayville

Village

Date: October 30, 2002

WATERFRONT CONSISTENCY REVIEW

§ 1. Title.

This local law will be known as the "Village of Bayville Waterfront Consistency Review Law."

§ 2. Authority, purpose and Intent.

A. This local law is adopted under the authority of the Municipal Home Rule Law and the Waterfront Revitalization of Coastal Areas and Inland Waterways Act of the State of New York (Article 42 of the Executive Law).

B. The purpose of this local law is to provide a framework for agencies of the Village of Bayville to consider the policies and purposes contained in the Local Waterfront Revitalization Program when reviewing applications for actions or direct agency actions located in the coastal area and to assure that such actions and direct actions are consistent with the said policies and purposes.

C. It is the intention of the Village of Bayville that the preservation, enhancement and utilization of the natural and manmade resources of the unique coastal area of the village take place in a coordinated and comprehensive manner to ensure a proper balance between natural resources and the need to accommodate economic development. Accordingly, this local law is intended to achieve such a balance, permitting the beneficial use of coastal resources while preventing loss of estuarine resources and wildlife; diminution of open space areas or public accesses to the waterfront; erosion of shoreline; impairment of scenic beauty; losses due to flooding, erosion and sedimentation; or permanent adverse changes to ecological systems.

D. The substantive provisions of this local law shall apply only while there is in existence a village Local Waterfront Revitalization Program which has been adopted by the Village and approved by the Secretary of State.

§ 3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ACTIONS:

A. Either Type I or unlisted actions as defined in SEQRA regulations (6NYCRR 617.2)which are undertaken by an agency and which include:

(1) Projects or physical activities, as construction or other activities that may affect the environment by changing the use, appearance or condition of any natural resource or structure, that:

(a) Are directly undertaken by an agency: or

(b) Involve funding by an agency: or

(c) Require one or more new or modified approvals from an agency or agencies.

(2) Agency planing and policy-making activities that may affect the environment and commit the agency to a definite course of future decisions.

(3) Adoption of agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect the environment.

(4) Any combination of the above.

B. This law does not apply to excluded or exempt actions as defined in the SEQRA regulations (6 NYCRR Part 617). The following Type II actions are not subject to review under this law:

(1) Maintenance or repair involving no substantial changes in an existing structure or facility.

(2) Agricultural farm management practices, including construction, maintenance and repair of farm buildings and structures and land use changes consistent with generally accepted principles of farming.

(3) Repaving of existing highways not involving the addition of new travel lanes.

(4) Street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities.

(5) Maintenance of existing landscaping or natural growth.

(6) Routine activities of educational institutions, including expansion of existing facilities by less than 10,000 square feet of gross floor area and school closings, but not changes in use related to such closings.

(7) Extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any actions on this list.

(8) Granting of individual setback and lot line variances.

(9) Granting of an area variance(s) for a single-family, two-family or three-family residence.

(10) Public or private best forest management (silvicultural) practices on less than 10 acres of land, but not including waste disposal, land clearing not directly related to forest management, clearcutting or the application of herbicides or pesticides.

(11) Mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns.

(12) Information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soil studies that do not commit the agency to undertake, fund or approve any Type I or unlisted action.

(13) Official acts of a ministerial nature involving no exercise of discretion, including building permits and historic preservation permits where issuance is predicated solely on the applicant's compliance or noncompliance with the relevant local building or preservation code(s).

(14) Routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment.

(15) Conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided that those activities do not commit the agency to commence, engage in or approve such action.

(16) Collective bargaining activities.

(17) Investments by or on behalf of agencies or pension or retirement systems, or refinancing existing debt.

(18) Inspections and licensing activities relating to the qualifications of individuals or businesses to engage in their business or profession.

(19) Purchase or sale of furnishings, equipment or supplies, including surplus government property, other than land, radioactive material, pesticides, herbicides or other hazardous materials.

(20) Adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list.

(21) Engaging in review of any part of an application to determine compliance with technical requirements, provided that no such determination entitles or permits the project sponsor to commence the action unless and until all requirements of 6 NYCRR Part 617.5 have been fulfilled.

(22) Civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgement or order, or the exercise of prosecutorial discretion.

(23) Adoption of a moratorium on land development or construction.

(24) Interpreting an existing code, rule or regulation.

(25) Designation of local landmarks or their inclusion within historic districts.

(26) Emergency actions that are immediately necessary on a limited and temporary basis for the protection or preservation of life, health, property or natural resources, provided that such actions are directly related to the emergency and are performed to cause the least change or disturbance, practicable under the circumstances, to the environment. Any decision to fund, approve or directly undertake other activities after the emergency has expired is fully subject to the review procedures of 6 NYCRR Part 617.5.

AGENCY – Any board, agency, department, office, other body or officer of the Village of Bayville.

APPLICANT – Any person, other than the agency, who proposes an action located in the Village's coastal area.

BUILDING INSPECTOR –The Building Inspector of the Village of Bayville.

COASTAL AREA – That portion of New York State coastal waters and adjacent shorelands as defined in Article 42 of the Executive Law which is located within the boundaries of the Village of Bayville, as shown on the Coastal Area Map on file in the office of the Secretary of State and as delineated in the Village of Bayville Local Waterfront Revitalization Program.

COASTAL ASSESSMENT FORM (CAF) -- The form contained in Appendix A, completed by an agency to assist it in assuring that the action being proposed is consistent with the policy and purposes of the LWRP.

CONSISTENT – The action will fully comply with the LWRP policies and purposes and, whenever practicable, will advance one or more of them.

DIRECT ACTIONS – Actions planned and proposed for implementation by a Village, such as, but not limited to, a capital project, rule- making, procedure-making and policy-making.

WATERFRONT REVITALIZATION COMMITTEE – The Waterfront Revitalization Committee of the Village of Bayville, as established by Chapter 78 of the Village Code.

LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP) – The Local Waterfront Revitalization Program of the Village of Bayville, approved by the Secretary of State pursuant to the Waterfront Revitalization and Coastal Resources Act (Executive Law, Article 42), a copy of which is on file in the office of the Clerk of the Village of Bayville.

§ 4. Waterfront Revitalization Committee.

The Committee is authorized to review and make recommendations to appropriate agencies regarding the consistency of proposed actions with the Village of Bayville Local Waterfront Revitalization Program policy standards and conditions.

§ 5. Review of actions.

A. Whenever a proposed action is located in the village's coastal area, an agency shall, prior to approving, funding or undertaking the action, make a determination that it is consistent with the LWRP policy standards and conditions set forth in Subsection G herein.

B. Whenever an agency receives an application for approval or funding of an action or as early as possible in the agency's formulation of a direct action to be located in the coastal area, the applicant, or in the case of a direct action, the agency, shall prepare a coastal assessment form (CAF) to assist with the consistency review of the proposed action.

C. The agency shall refer a copy of the completed CAF to the Committee within 10 days of its submission and prior to making its determination shall consider the recommendation of the Committee with reference to the consistency of the proposed action.

D. After referral from an agency, the Committee shall consider whether the proposed action is consistent with the LWRP policy standards and conditions set forth in Subsection G herein. The Committee shall require the applicant to submit all completed applications, CAF's and any other information deemed to be necessary to its consistency recommendation.

E. The Committee shall render its written recommendation to the agency within 30 days following referral of the CAF from the agency, unless extended by mutual agreement of the Committee and the applicant or, in the case of direct action, the agency. The recommendation shall indicate whether, in the opinion of the Committee, the proposed action is consistent with or inconsistent with one or more of the LWRP policy standards or conditions and shall elaborate in writing the basis for its opinion.

    (1) The Committee shall, along with its consistency recommendations, make any suggestions to the agency concerning modification of the proposed action to make it consistent with LWRP policy standards and conditions or to greater advance them.

    (2) In the event that the Committee's recommendation is not forthcoming within the specified time, the referring agency shall make its decision without the benefit of the Committee's recommendation.

F. The agency shall make the determination of consistency based on the CAF, the Committee's recommendation and such other information as is deemed necessary in its determination. The agency shall issue its determination within 30 days following receipt of the Committee's recommendation and submission by the applicant of any additional required information. The agency shall have the authority, in the finding of consistency, to impose practicable and reasonable conditions on any action to ensure that it is carried out in accordance with this local law.

G. Actions to be undertaken within the Bayville 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 Village of Bayville LWRP, a copy of which is on file in the Village Clerk's office and available for inspection during normal business hours. Agencies which undertake direct actions shall also consult with Section IV of the LWRP in making their consistency determination. The action shall be consistent with:

Policy 1: Foster a pattern of development in the Long Island Sound coastal area that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a coastal location, and minimizes adverse effects of development.

(a) **Policy 1.1**: Concentrate development and redevelopment in or adjacent to the Village of Bayville.

(b) **Policy 1.2**: Ensure that development or uses take appropriate advantage of their coastal location.

(c) **Policy 1.3**: Protect stable residential areas.

(d) **Policy 1.4**: Maintain and enhance natural areas, recreation, and open space.

(e) **Policy 1.5**: Minimize adverse impacts of new development and redevelopment.

(f) **Policy 1.6:** Undertake redevelopment in a manner that maintains a mix of recreational and working waterfront uses and other compatible uses.

(g) **Policy 1.7:** Undertake redevelopment consistent with environmental and physical conditions, particularly with respect to surface water drainage.

(h) **Policy 1.8:** Formulate appropriate measures to mitigate flood-prone roads and low-lying areas through inter-agency cooperation.

(i) **Policy 1.9:** Eliminate the presence of non-conforming commercial uses in residential zoning districts, where such uses create conflicts with existing residential development.

(j) **Policy 1.10**: Explore the feasibility of consolidating Village land holdings to create larger areas of contiguous public property.

Policy 2: Preserve historic resources of the Long Island Sound coastal area.

(a) **Policy 2.1**: Maximize preservation and retention of historic resources.

(b) **Policy 2.2**: Protect and preserve archaeological resources.

(c) **Policy 2.3**: Protect and enhance resources that are significant to the coastal culture of the Village of Bayville.

(d) **Policy 2.4**: Increase public awareness of the historical resources of the Village.

***Policy 3*: Enhance visual quality and protect scenic resources throughout Long Island Sound.**

(a) **Policy 3.1**: Protect and improve visual quality throughout the Bayville local waterfront area.

***Policy 4*: Minimize loss of life, structures and natural resources from flooding and erosion.**

(a) **Policy 4.1**: Minimize losses of human life and structures from flooding and erosion hazards.

(b) **Policy 4.2**: Preserve and restore natural protective features.

(c) **Policy 4.3**: Protect public lands and public trust lands and use of these lands when undertaking all erosion or flood control projects.

(d) **Policy 4.4**: Manage navigation infrastructure to limit adverse impacts on coastal processes.

(e) **Policy 4.5**: Ensure that expenditure of public funds for flooding and erosion control projects results in a public benefit.

(f) **Policy 4.6**: Consider a sea level rise when siting and designing projects involving substantial public expenditures.

(g) **Policy 4.7:** Minimize adverse impacts associated with existing flooding and erosion.

***Policy 5*: Protect and improve water quality and supply in the Long Island Sound coastal area.**

(a) **Policy 5.1**: Prohibit direct or indirect discharges that would cause or contribute to contravention of water quality standards.

(b) **Policy 5.2**: Manage land use activities and use best management practices to minimize non-point pollution of coastal waters.

(c) **Policy 5.3**: Protect and enhance the quality of coastal waters.

(d) **Policy 5.4**: Limit the potential for adverse impacts of watershed development on water quality and quantity.

(e) **Policy 5.5:** Protect and conserve the quality and quantity of potable water.

(f) **Policy 5.6:** Where feasible, and as budgetary considerations allow, mitigate existing stormwater-derived sources of contamination to the Mill Neck/Oak Neck Creek System and Oyster Bay Harbor.

***Policy 6:* Protect and restore the quality and function of the Long Island Sound ecosystem.**

(a) **Policy 6.1**: Protect and restore ecological quality in the Village of Bayville.

(b) **Policy 6.2:** Protect and restore the Mill Neck Creek Wetlands and Oyster Bay Harbor Significant Coastal Fish and Wildlife Habitats.

(c) **Policy 6.3:** Protect and restore tidal wetlands.

(d) **Policy 6.4:** Protect vulnerable fish, wildlife and plant species and rare ecological communities.

(e) **Policy 6.5:** Restore tidal wetlands along the shores of Oyster Bay Harbor and the Mill Neck/Oak Neck Creek system.

(f) **Policy 6.6:** Protect natural resources and associated values in the Oyster Bay-Cold Spring Harbor Regionally Important Natural Area.

Policy 7: Protect and improve air quality in the Long Island Sound coastal area.

(a) **Policy 7.1:** Control or abate existing and prevent new air pollution in the Village of Bayville.

(b) **Policy 7.2:** Limit sources of atmospheric deposition of pollutants to the Sound and all waters surrounding the Village of Bayville, particularly from nitrogen sources.

Policy 8: Minimize environmental degradation in the Long Island Sound coastal area from solid waste and hazardous substances and wastes.

(a) **Policy 8.1:** Manage solid waste to protect public health and control pollution.

(b) **Policy 8.2:** Manage hazardous wastes to protect public health and control pollution.

(c) **Policy 8.3:** Protect the environment from degradation due to toxic pollutants and substances hazardous to the environment and public health.

(d) **Policy 8.4:** Prevent and remediate discharges of petroleum products.

(e) **Policy 8.5:** Transport solid waste, and hazardous substances and waste, in a manner that protects: the safety, well-being, and general welfare of the public; the environmental resources of the State; and the continued use of transportation facilities.

Policy 9: Provide for public access to, and recreational use of, coastal waters, public lands, and public resources of the Long Island Sound coastal area.

(a) **Policy 9.1:** Promote appropriate and adequate physical public access and recreation throughout the Village of Bayville.

(b) **Policy 9.2:** Preserve visual access from public lands to coastal lands and water and, where physically appropriate and feasible, enhance existing public facilities to provide new opportunities for the viewing of the scenic resources within the Village of Bayville.

(c) **Policy 9.3:** Preserve the public interest in and use of lands and water held in public trust by the Village of Bayville, Town of Oyster Bay, State of New York and federal government.

(d) **Policy 9.4:** Assure public access to public trust lands and navigable waters.

(e) **Policy 9.5:** Ensure that the form of new or enhanced public access at any given location is based on site-specific environmental, infrastructural, and social constraints.

(f) **Policy 9.6:** Enhance the Mill Neck Preserve for passive recreational uses in association with habitat restoration.

(g) **Policy 9.7:** Ensure that vessel operations do not significantly impair the use of established bathing beaches.

(h) **Policy 9.8:** Retain existing public lands in public ownership in perpetuity, so as to ensure that adequate facilities are available for public access and recreation.

Policy 10: Protect Long Island Sound's water-dependent uses and promote siting of new water-dependent uses in suitable locations.

(a) **Policy 10.1:** Protect existing water-dependent uses in the Village of Bayville.

(b) **Policy 10.2:** Improve the economic viability of water-dependent uses by allowing for non-water-dependent accessory and multiple uses in the Village, particularly water-enhanced and maritime support services.

(c) **Policy 10.3:** Minimize adverse impacts of new and expanding water-dependent uses, and provide for their safe operation.

(d) **Policy 10.4:** Provide sufficient infrastructure for water-dependent uses.

(e) **Policy 10.5:** Promote efficient harbor operation.

(f) **Policy 10.6:** Optimize surface water uses for various user groups, while minimizing adverse effects on natural resources and the human environment.

(g) **Policy 10.7:** Facilitate timely public dredging projects.

(h) **Policy 10.8: Seek** to establish a cooperative mechanism among the adjacent municipalities sharing jurisdiction over the water surface area in the Bayville LWRA, in order to ensure effective oversight of in-water activities.

Policy 11: Promote sustainable use of living marine resources in Long Island Sound.

(a) **Policy 11.1:** Ensure the long-term maintenance and health of living marine resources.

(b) **Policy 11.2:** Provide for commercial and recreational use of the Bayville LWRA's finfish, shellfish, crustaceans, and marine plants.

(c) **Policy 11.3:** Maintain and strengthen a stable commercial fishing fleet in the Village of Bayville.

(d) **Policy 11.4:** Promote recreational use of marine resources.

(e) **Policy 11.5:** Promote managed harvest of shellfish originating from uncertified waters.

(f) **Policy 11.6:** Promote aquaculture.

***Policy 12*: Protect agricultural lands in the eastern Suffolk County portion of Long Island Sound's coastal area.**

***Policy 13*: Promote appropriate use and development of energy and mineral resources.**

(a) **Policy 13.1**: Conserve energy resources.

(b) **Policy 13.2:** Promote alternative energy sources that are self-sustaining, including solar and wind-powered energy generation.

(c) **Policy 13.3:** Minimize adverse impacts associated with mineral extraction and subaqueous sand and gravel extraction.

H. Actions not consistent with LWRP policy standards and conditions.

(1) If the Village agency determines that the action would not be consistent with one or more of the LWRP policy standards and conditions, such action shall not be undertaken unless the Village agency makes a written finding with respect to the proposed action that:

(a) No reasonable alternatives exist which would permit the action to be undertaken in a manner which will not substantially hinder the achievement of such LWRP policy standards and conditions;

(b) The action will be undertaken in a manner which will minimize all adverse effects on such LWRP policy standards and conditions;

(c) The action will advance one or more of the other LWRP policy standards and conditions; and,

(d) The action will result in overriding village, regional or statewide public benefit.

(2) Such a finding shall constitute a determination that the action is consistent with the LWRP policy standards and conditions.

I. Each Village agency shall maintain a file for each action made the subject of a consistency determination, including any recommendations received form the Waterfront Revitalization Committee. Such files shall be made available for public inspection upon request.

§ 6. Enforcement.

The Village Building Inspector shall be responsible for enforcing this local law. No work or activity on a project in the coastal area which is subject to review under this local law shall be commenced or undertaken until the Village Building Inspector has been presented with a written determination from a Village agency that the action is consistent with the village's LWRP policy standards and conditions.

§ 7. Violations.

A. A person who violates any of the provisions of or who fails to comply with any conditions imposed by this local law shall be guilty of a violation, punishable by a fine not exceeding $500 for a conviction of a first offense and punishable by a fine not exceeding $1,000 for a conviction of a second or subsequent offense. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional offense.

B. The Village Attorney is authorized and directed to institute any and all actions and proceedings necessary to enforce this local law. Any civil penalty shall be in addition to and not in lieu of any criminal prosecution and penalty. The village may also enforce this local law by injunction or other civil proceeding.

§ 8. Severability.

The provisions of this local law are severable. If any provisions of this local law is found invalid, such finding shall not affect the validity of this local law as a whole or any part of provision hereof other than the provision so found to be invalid.

§ 9. Effective Date.

This Local Law shall take effect immediately upon its filing in the office of the Secretary of State.

Appendix A

Coastal Assessment Form

A. INSTRUCTIONS (Please print or type answers)

1. Applicants, or in the case of direct actions village agencies, shall complete this CAF for proposed actions which are subject to the Consistency Review Law. This assessment is intended to supplement other information used by a village agency in making a determination of consistency.

2. Before answering the questions in Section C, the preparer of this form should review the policies and explanations of policies contained in the Local Waterfront Revitalization Program (LWRP), a copy of which is on file in the Village Clerk's office. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the coastal area.

3. If any question in Section C, on this form, is answered "yes," then the proposed action may affect the achievement of the LWRP policy standards and conditions contained in the Consistency Review Law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to making a determination that it is consistent to the maximum extent practicable with the LWRP policy standards and conditions. If an action cannot be certified as consistent with the LWRP policy standards and conditions, it shall not be undertaken.

B. DESCRIPTION OF SITE AND PROPOSED ACTION

1. Type of village agency action (check appropriate response):

   (a) Directly undertaken (e.g. capital construction, planning activity, agency regulation, land transaction) _____

   (b) Financial assistance (e.g. grant, loan, subsidy) _____

   (c) Permit, approval license, certification _____

   (d) Agency undertaking action: _____

2. Describe nature and extent of action:

_____
_____
_____
_____

3. Location of action: _____
_____
_____

4. Size of site: _____

5. Present land use: _____

6. Present zoning classification: _____

7. Describe any unique or unusual land forms on the project site (i.e., bluffs, dunes, swales, ground depressions, other geological formations): _____
_____
_____

8. Percentage of site which contains slopes of 15% or greater: _____
_____

9. Streams, ponds or wetlands existing within or contiguous to the project area?

   (1) Name: _____

   (2) Size (in acres): _____

10. If an application for the proposed action has been filed with the village agency, the following information shall be provided:

   (a) Name of applicant: _____

   (b) Mailing address: _____

   (c) Telephone number: Area Code ( ) _____

   (d) Application number, if any: _____

11. Will the action be directly undertaken, require funding, or approval by a state or federal agency?

   Yes _____ No _____ If yes, which state or federal agency?

_____
_____
_____
_____
_____

C. COASTAL ASSESSMENT (Check either "Yes" or "No" for each of the following questions)

1. Will the proposed action be located in or contiguous to or have a potentially adverse effect upon any of the resource areas identified on the coastal area map:

	YES	NO
(a) Significant fish or wildlife habitats?	_____	_____
(b) Scenic resources of local or statewide significance?	_____	_____
(c) Important agricultural lands?	_____	_____
(d) Natural protective features in an erosion hazard area?	_____	_____

If the answer to any question above is "yes," please explain in Section D any measures which will be undertaken to mitigate any adverse effects.

2. Will the proposed action have a significant effect upon:

(a) Commercial or recreational use of fish and wildlife resources?	_____	_____
(b) Scenic quality of the coastal environment?	_____	_____
(c) Development of future or existing water dependent uses?	_____	_____
(d) Operation of the state's major ports?	_____	_____
(e) Land or water uses within a small harbor area?	_____	_____
(f) Stability of the shoreline?	_____	_____
(g) Surface or groundwater quality?	_____	_____
(h) Existing or potential public recreation opportunities?	_____	_____
(i) Structure, sites or districts of historic, archeological or cultural significance to the village, town, county, state or nation?	_____	_____

	YES	NO
3. Will the proposed action involve or result in any of the following:		
(a) Physical alteration or land along the shoreline, land under water or coastal waters?	_____	_____
(b) Physical alteration of two (2) acres or more of land located elsewhere in the coastal area?	_____	_____
(c) Expansion of existing public services or infrastructure in undeveloped or low density areas of the coastal area?	_____	_____
(d) Energy facility not subject to Article VII or VIII of the Public Service Law?	_____	_____
(e) Mining, excavation, filling or dredging in coastal waters?	_____	_____
(f) Reduction of existing or potential public access to or along the shore?	_____	_____
(g) Sale or change in use of publicly owned lands located on the shoreline or under water?	_____	_____
(h) Development within a designated flood or erosion hazard area? If so where?	_____	_____
(i) Development on a beach, dune, barrier island or other natural feature that provides protection against flooding or erosion?	_____	_____
(j) Construction or reconstruction of erosion protective structures?	_____	_____
(k) Diminished surface or groundwater quality?	_____	_____
(l) Removal of ground cover from the site?	_____	_____

	YES	NO
4. PROJECT		
(a) If a project is to be located adjacent to shore:		
(1) Will water-related recreation be provided?	_____	_____
(2) Will public access to the foreshore be provided?	_____	_____
(3) Does the project require a waterfront site?	_____	_____
(4) Will it supplant a recreational or maritime use?	_____	_____
(5) Do essential public services and facilities presently exist at or near the site?	_____	_____
(6) Is it located in a flood prone area?	_____	_____
(7) Is it located in an area of high erosion?	_____	_____
(b) If the project site is publicly owned:		
(1) Will the project protect, maintain and/or increase the level and types of public access to water-related recreation resources and facilities?	_____	_____
(2) If located in the foreshore, will access to those and adjacent lands be provided?	_____	_____
(3) Will it involve the siting and construction of major energy facilities?	_____	_____
(4) Will it involve the discharge of effluents from major steam electric generating and industrial facilities into coastal facilities?	_____	_____
(c) Is the project site presently used by the community neighborhood as an open space or recreation area?	_____	_____
(d) Does the present site offer or include scenic views or vistas known to be important to the community?	_____	_____

	YES	NO
(q) Will the project utilize or affect the quality or quantity of sole source or surface water supplies?	_____	_____
(r) Will the project cause emissions which exceed federal or state air quality standards or generate significant amounts of nitrates or sulfates?	_____	_____

D. REMARKS OR ADDITIONAL INFORMATION: (Add any additional sheets to complete this form).

If assistance or further information is needed to complete this form, please contact the Village Clerk at 34 School Street, Bayville, New York, 11709

Preparer's Name: _____

Telephone Number: ( ) _____

Title: _____ Agency: _____

Date: _____