

APPENDIX A

ADDITIONAL LOCAL LAWS ADOPTED TO IMPLEMENT
THE LWRP

LOCAL LAW NO. 2 FOR THE YEAR 1987
TOWN OF BRANT

LOCAL CONSISTENCY LAW FOR THE TOWN OF BRANT

BE IT ENACTED, BY THE TOWN BOARD OF THE TOWN OF BRANT AS FOLLOWS:

This Local Waterfront Revitalization Program (LWRP) consistency law for the Town of Brant requires all Type 1 and Unlisted actions (as defined by the State Environmental Quality Review Act (SEQRA) implementing regulations) that would be directly undertaken, approved, or funded by the Town to be reviewed by the Town Board for consistency with the Town of Brant LWRP. The law further prohibits such actions from being carried out, unless the Town Board finds and certifies that the action is consistent with the policies and purposes of LWRP. This applies equally to actions involving the Town Board and Town agencies. By adoption of this local law, the Town Board is legally committing itself and its agents to comply with the provisions of the LWRP.

ARTICLE I - GENERAL PROVISIONS

Section 1.1 - TITLE

This local law shall be known and may be cited as the Town of Brant LWRP Consistency Law.

Section 1.2 - PURPOSE

The purpose of this local law is to provide for the protection and beneficial use of the natural and man-made resources within the Town of Brant waterfront area by ensuring that certain actions to be undertaken, approved, or funded by Town agencies will be undertaken in a manner consistent with the policies and purposes of the Town of Brant Local Waterfront Revitalization Program.

Section 1.3 - AUTHORITY

This law is adopted under the authority of Town Board, Town of Brant

Section 1.4 - APPLICABILITY

All agencies of the Town of Brant must comply with this local law, prior to directly undertaking, approving, or funding any action within the waterfront area when such action is classified as Type I or Unlisted under Part 617 of Title 6 of the Official compilation of Codes, Rules and Regulations of the State of New York.

Section 1.5 - SEVERABILITY

The provisions of this local law are severable. If any part of this local law is found invalid, such findings will apply only to the particular provision and circumstances in question. The remainder of this local law, and the application of the disputed provision to other circumstances, will remain valid.

Section 1.6 - DEFINITIONS

- (a) "Action" means either a "Type I" or "Unlisted" action as defined in SEQR regulations at 6NYCRR 617.2.
- (b) "EAF" means Environmental Assessment Form as defined at 6NYCRR 617.2 (1).
- (c) "EIS" means Environmental Impact Statement as defined at 6NYCRR 617.2 (m).
- (d) "Local Waterfront Revitalization Program (LWRP)" means the local program to implement the NYS Coastal Management Program within the Town of Brant as approved by the

Secretary of State pursuant to the Waterfront Revitalization and Coastal Resources Act of 1981 (Article 42 of the Executive Law of New York State).

- (e) "Part 617" means the State Environmental Quality Review Regulations. (Part 617 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York).
- (f) "SEQR" means the State Environmental Quality Review Act (Article 8 of the Environmental Conservation Law, which is Chapter 43-b of the Consolidated Laws of the State of New York).
- (g) "Town" means the Town of Brant.
- (h) "Town Agency" means any board, department, office, other bodies or officers of the Town of Brant.
- (i) "Town Board" means the Town Board of the Town of Brant.
- (j) "CAF" means Coastal Assessment Form as adopted by the Town.
- (k) "Waterfront Area" means that portion of the NYS Coastal Area within the Town of Brant as delineated in the Town of Brant Local Waterfront Revitalization Program.
- (l) All other terms for which definitions are given in SEQR and/or Part 617 shall have the same meanings in this local law.
- (m) "Planning Board" means the Town of Brant Planning Board.

ARTICLE II - CONSISTENCY REVIEW PROCEDURES

Section 2.1 - INITIAL REVIEW

2.1.1 The Town Board or a Town agency, when proposing to undertake, approve, or fund a Type I or Unlisted action in the waterfront area, shall prepare or cause to be prepared a Waterfront Assessment Form (WAF) for the proposed action. Following the preparation of an Environmental Impact Statement or the issuance of a negative declaration pursuant to SEQR, a Town agency shall refer the WAF, any Environmental Impact Statement (EIS) or other pertinent information for that action to the Town Board for review and determination regarding the action's consistency with the policies and purposes of the LWRP.

Section 2.2 - CERTIFICATION OF CONSISTENCY.

2.2.1 Prior to its undertaking, approving, or funding of a proposed Type I or Unlisted action in the waterfront area, and for each action referred by a Town agency pursuant to section 2.1, the Town Board shall either:

- (a) Find and certify in writing that the action will not substantially hinder the achievement of any of the policies and purposes of the LWRP; or
- (b) If the action will substantially hinder the achievement of any policy of the LWRP, find and certify in writing that the following three requirements are satisfied:
 - (i) no reasonable alternatives exist which would permit the action to be undertaken in a manner which would not substantially hinder the achievement of such policy;
 - (ii) the action will minimize all adverse effects on

such policy to the maximum extent practicable; and
(iii) the action will result in an overriding regional or state-wide public benefit. Such certification shall constitute a determination that the action is consistent to the maximum extent practicable with the LWRP; or

(c) Find and certify in writing that the action is not consistent with the policies and purposes of the LWRP, since it would substantially hinder the achievement of one or more policies and would not satisfy all of the requirements identified in (b) just above.

2.2.2. The Town Board shall complete its review of the proposed action's consistency and prepare a written finding to the referring Town agency within thirty (30) days of the referral date. The Town Board may refer such actions for review to any municipal agency. Such agencies include but are not limited to the Town Attorney, Department of Public Works, and Planning Board.

2.2.3 The written findings and certification of the Town Board shall be filed with the Town Clerk before the action is undertaken, approved, or funded.

2.2.4. No action shall be undertaken, approved, or funded unless the Town Board, certifies its consistency with the policies and purposes of the LWRP by a finding pursuant to either 2.2.1(a) or 2.2.1(b) above.

Section 3.1 EFFECTIVE DATE

This local law shall take effect immediately upon approval of the Town of Brant Local Waterfront Revitalization Program by the NYS Secretary of State.

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LOCAL LAW NO. 3 FOR THE YEAR 1987
AMENDING THE
"ZONING ORDINANCE OF THE
TOWN OF BRANT, ERIE COUNTY, NEW YORK"

TOWN OF BRANT

A local law for the year 1987 amending the "Zoning Ordinance of the Town of Brant, Erie County, New York"

BE IT ENACTED, BY THE TOWN BOARD OF THE TOWN OF BRANT, as follows:

SECTION I

Amending Article II; Section 30-4 of the "Zoning Ordinance of the Town of Brant, Erie County, New York" (Zoning Ordinance).

That Article II; Section 30-4 is hereby amended to include the following:

Local Waterfront Revitalization Program (LWRP): The local program to implement the New York State Coastal Management Program within the Town of Brant as approved by the Secretary of State pursuant to the Waterfront Revitalization and Coastal Resources Act of 1981 (Article 42 of the Executive Law of N.Y.S.)

SECTION II

Amending Article IV; Section 30-13 (C) of the "Zoning Ordinance."

That Article IV; Section 30-13 (C) is hereby amended to include the following:

9. Those uses allowed in Section 30-13(A) and situated in the Waterfront area as defined in the Town's L.W.R.P. which exceeds one (1) or more of the following thresholds:

- (a) The use requires ten (10) or more parking spaces or loading docks, or any combination thereof which totals ten (10) or more spaces or docks.
- (b) The use results in the improvements to, or changes in use of land totalling 1.5 acres or more.

SECTION III

Amending Article IV; Section 30-15 (C) of the "Zoning Ordinance."

That Article IV; Section 30-15 (C) be amended to include the following:

4. Those uses allowed in Section 30-15(A) and situated in the Town's Waterfront Area as defined in the Town's L.W.R.P. which exceed one (1) or more of the following thresholds:

- (a) The use requires ten (10) or more parking spaces or loading docks, or any combination thereof which totals ten (10) or more spaces or docks.
- (b) The use results in the improvements to, or changes in the use of land totalling 1.5 acres or more.

SECTION IV

Amending Article X; Section 30-67(B) of the "Zoning Ordinance."

That Article X; Section 30-67(B) is hereby amended to read as follows:

B. Procedures For Special Use Permits. All applications for Special Use Permits shall be made to the Town Clerk as specified in 30-68. The Clerk, after determining that an application is in the proper form, shall transmit one (1) copy of the application and all supporting documents to the Town Board for action thereon. At the same time, the Town Clerk shall transmit one (1) copy of the application and all supporting documents to the Planning Board for review of the site plan, and for an evaluation of the proposed use and its relationship and conformity to the goals and objectives and policies established by the Town Comprehensive Master Plan and the Town's L.W.R.P.

SECTION VI

This Local Law shall take effect immediately upon approval of the Town of Brant Local Waterfront Revitalization Program by the New York State Secretary of State.