

SECTION V. TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM

This section outlines and describes the measures used by the Village of Greenport to implement its Local Waterfront Revitalization Program set forth in the preceding sections. This section is organized into the following general parts:

- A - Existing Local Laws and Regulations
- B - Local Laws and Regulations Adopted to Implement the LWRP
- C - Implementation of LWRP Policies
- D - Management Structure
- E - Compliance Procedures
- F - Financial Resources

Part A describes existing local laws and regulations previously enacted by the Village which regulate land use and development activities in the waterfront area. Part B describes local laws and regulations recently adopted to implement the land use and development activities proposed in the LWRP. Parts C, D, E, and F describe specific LWRP implementation techniques and measures.

A. EXISTING LOCAL LAWS AND REGULATIONS

1. Zoning Law (Chapter 85)

The Zoning Law, Chapter ⁸⁵ of the Village Code, was adopted ~~in 1971~~ ⁱⁿ "the ~~interest of~~ ^{interest} the protection and promotion of the public health, safety, and welfare." The Village's Zoning Law, as amended, provides for the regulation of land use through thirteen specific articles. Key articles include the following: Article II creates five zoning districts, see Map 11 Zoning Map, including Waterfront Commercial, General Commercial, Retail Commercial, One- and Two-Family Residential, and One-Family Residential Districts; Articles IV and V establish district bulk, parking, and supplemental regulations; and Articles VII, IX, and X establish the powers, duties, and procedures of the Building Inspector, Board of Appeals, and Planning Board.

The Zoning Law constitutes the Village's foremost means of implementing and enforcing the Local Waterfront Revitalization Program. Existing development controls, administrative procedures, and enforcement authority established in this law have been generally adequate to direct land use patterns and development activities in the Village.

2. Flood Damage Prevention Law (Village Code, Chapter 40)

This local law was adopted in 1983 and incorporates the Flood Insurance Rate Maps and regulations promulgated by the Federal Emergency Management Agency. The purpose of this law is to prevent flood damage and to minimize public and private losses due to flood conditions in specific flood prone areas. In particular, these regulations provide for the administration of building permits by the Building Inspector for the development in all special flood hazard areas, establish general and specific construction standards for such development, and

include provisions for hearing and deciding upon appeals and variance requests.

3. Coastal and Freshwater Wetlands, Floodplain and Drainage Law (Village Code Chapter 82)

Adopted in 1976, this law was enacted to provide for the protection, preservation, maintenance and use of Village water-courses, coastal wetlands, tidal marshes, floodplain lands, freshwater wetlands, watersheds, water recharge areas and natural drainage systems.

4. Flood Hazard Construction Standards (Village Code, Chapter 39)

This law, adopted in 1973, was drafted to assure the Federal Emergency Management Agency that the Village would begin to collect data within the community for the development and implementation of flood plain area management measures. Provisions of this law also include review of building permit and subdivision applications by the Building Inspector to determine if a proposed action is consistent with the need to minimize flood damage.

5. Recreation Areas and Beaches (Village Code, Chapter 64)

This law was adopted by Greenport in 1976 "for the preservation and maintenance of suitable recreation facilities for its citizens and their guests, so as to ensure the peaceful, orderly and most beneficial use of any and all recreational facilities" within the Village of Greenport. Provisions of this law include regulations on littering, parking, liability for injuries and stolen property, and the selling and distribution of goods.

6. Boats (Village Code, Chapter 20)

This local law, establishing boating regulations, was adopted in 1962. It provides rules and regulations applicable to all waters within the Village of Greenport and to all waters bounding the Village for a distance of one-thousand-five hundred (1,500) feet from the shore, provided they are not within or bounding Town of Southold waters for a distance of one-thousand-five (1,500) feet from shore.

Provisions of this law include regulation of discharges from boats.

7. Clamming (Village Code, Chapter 29)

Adopted in 1971, this chapter was established to "conserve the quantity and quality of clams located in the waters within the Incorporated Village of Greenport and to ensure the equitable distribution of the same among the citizens of the Village of Greenport and Southold Town."

Provisions of this law include regulations on the quantity of clams permitted, hours allowed, residence requirements, application and duration of permit. Although clamming was discontinued in the early 1970's, these regulations would be enforced if clamming were reinstated.

B. LOCAL LAWS AND REGULATIONS ADOPTED TO IMPLEMENT THE LWRP

1. Zoning Law Amendments (Chapter 85, Articles II and III)

- a. The existing Waterfront Commercial District was amended to eliminate residential condominiums as an allowable use, to increase the number of permitted water-dependent uses from 12 to 14, to establish water-enhanced uses as conditional uses to ensure that water-dependent uses will not be displaced by water-enhanced uses, and, through a bonus building coverage provision, encourage the construction of a public waterfront walkway by developers.

The W-C district boundary includes all properties in Waterfront Areas 1, 2, and 3 currently zoned Waterfront Commercial. The Townsend Manor Inn and the vacant parcel of land owned by Winter Harbor Fisheries were rezoned to Waterfront Commercial.

- b. A new Park District classification has been established, which includes all Village-owned lands used for park, open space and utilities. These lands were zoned for residential or commercial use.

2. Zoning Law Amendments (Chapter 85, Article X)

Site development plan regulations were amended to include the following items as site development plan elements to be submitted with development plans:

- the demonstration of containment and recharge of stormwater runoff on development sites during and after construction;
- the identification of historic resources on or adjacent to the subject site;
- the demonstration of public and/or visual access to the shoreline in instances where a developer of a waterfront parcel has offered, and the Planning Board has accepted, such access; and
- the location of pumpout facilities at new marinas and/or marinas to be expanded.

3. An Historic Preservation Local Law has been established, which will serve to preserve and protect the historic resources of the Village.

4. A LWRP Consistency Law has been established to provide a framework for agencies of the Village to consider the policies and purposes of the LWRP when reviewing agency actions in the Village, and to assure that such actions are consistent with the LWRP policies and purposes.

C. IMPLEMENTATION OF LWRP POLICIES

POLICIES 1, 1A, 1B, 2, 2A

1. EXISTING LEGISLATION THAT IMPLEMENTS THESE POLICIES

- a. Section 85-10 (Waterfront Commercial District) of Chapter 85 of the Village's Zoning Law permits commercial uses which are appropriate for specific waterfront locations and for underutilized/deteriorated sites that are located along the Waterfront Areas 1 and 2.
- b. Section 85-32 (approval of site development plans) of Chapter 85 of the Village's Zoning Law includes standards and guidelines that all commercial development must adhere to.
- c. The Village's Historic Preservation Local Law which will ensure the harmonious, orderly, and efficient growth and development of the Village, consistent with its historic integrity.

2. PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THESE POLICIES

- Harborwalk Project
- Central Business District Design Plan
- Municipal Parking Field Development and Expansion Project
- Traffic and Parking Study Project
- Hotel/Conference Center Project
- Waterfront Mini-park Project
- Transportation Museum Project
- Accessory Dock Project
- Fish Unloading and Packaging Facility Project

POLICY 3

Not applicable.

POLICY 4

1. LEGISLATION THAT IMPLEMENTS THESE POLICIES

See the part 1 discussion in this section for Policies 1, 1A, etc.

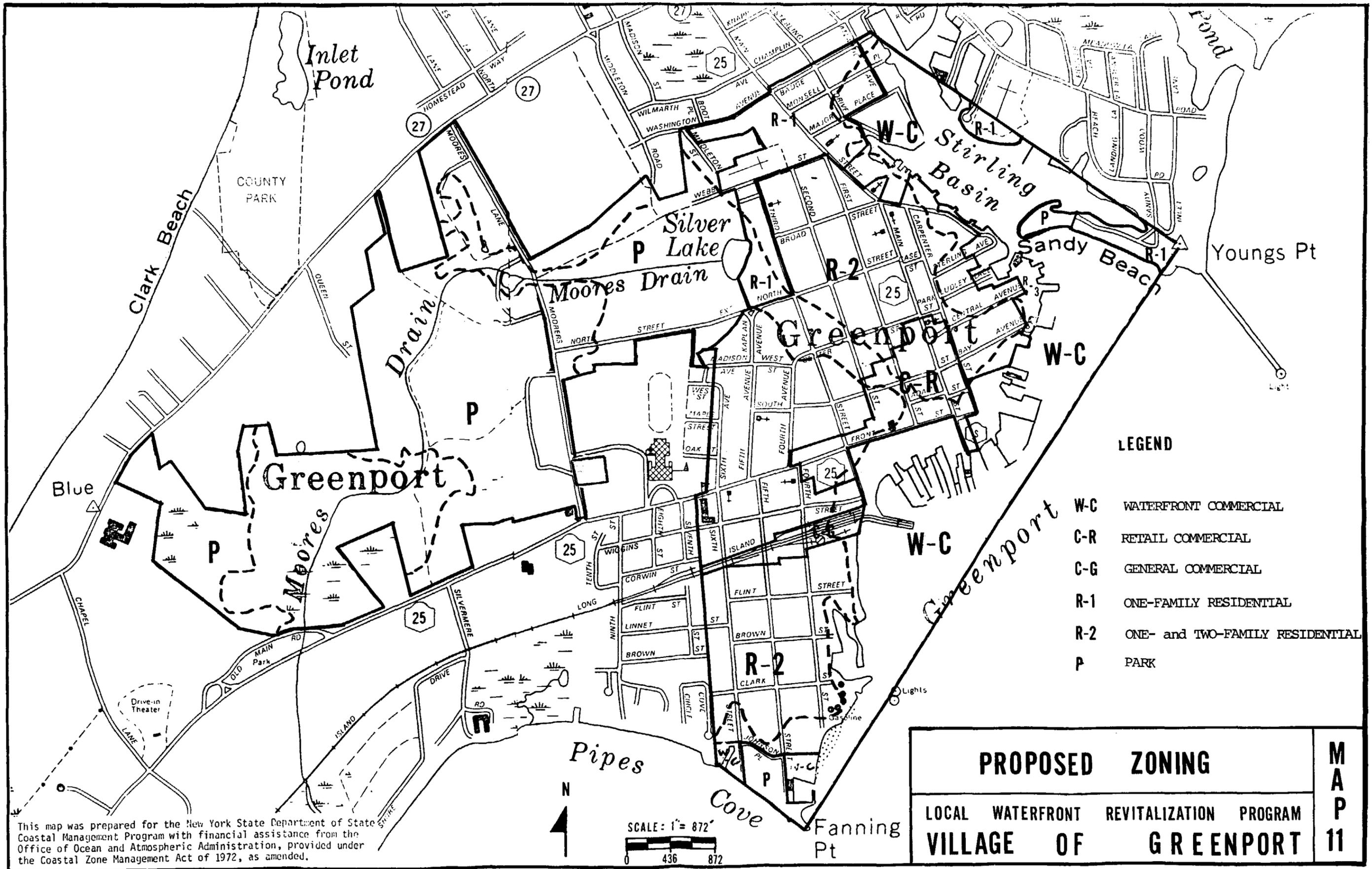
2. PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THIS POLICY

- Accessory Fishing Dock Project
- Fish Unloading and Packaging Facility Project
- Accessory Dock Project
- The Village Board has adopted an Official Policy Statement with regard to the continued use of the Greenport Commercial Fishing Dock for commercial fishing vessels.

POLICY 5, 5A

1. LEGISLATION THAT IMPLEMENTS THESE POLICIES

Chapters 69 (Sewer Use) and 81 (Water Supply) of the Village Municipal Code are adequate to implement both of these policies.



This map was prepared for the New York State Department of State Coastal Management Program with financial assistance from the Office of Ocean and Atmospheric Administration, provided under the Coastal Zone Management Act of 1972, as amended.

- LEGEND**
- W-C WATERFRONT COMMERCIAL
 - C-R RETAIL COMMERCIAL
 - C-G GENERAL COMMERCIAL
 - R-1 ONE-FAMILY RESIDENTIAL
 - R-2 ONE- and TWO-FAMILY RESIDENTIAL
 - P PARK

PROPOSED ZONING		M A P 11
LOCAL WATERFRONT REVITALIZATION PROGRAM VILLAGE OF GREENPORT		

POLICY 7

Not applicable.

POLICY 8

1. LEGISLATION THAT IMPLEMENTS THIS POLICY

Chapters 20 (Boats), 64 (Recreation Areas and Beaches), 82 (Wetlands, Floodplains, Drainage) of the Village Municipal Code, as well as the applicable laws of the State are adequate to implement this policy.

POLICY 9

1. LEGISLATION THAT IMPLEMENTS THIS POLICY

a. Chapter 29 (Clamming) regulates clamming activity in the Village. Although clamming was discontinued in the early 1970's, these regulations would be enforced if clamming were reinstated.

b. See the part 1 discussions in this section for Policies 1, 1A, etc.

2. PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THIS POLICY

- Harborwalk
- Accessory Dock Project
- Waterfront Mini-park Projects
- Waterfront Park Project

POLICY 10, 10A

1. LEGISLATION THAT IMPLEMENTS THESE POLICIES

See the part 1 discussions in this section for Policies 1, 1A, etc...and Policy 4.

2. PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THESE POLICIES

- Fish Unloading and Packaging Facility Project
- Accessory Dock Project
- Commercial Fishing Museum Project

POLICY 11

1. LEGISLATION THAT IMPLEMENTS THIS POLICY

Chapter 40 (Flood Damage Prevention Law) of the Village Municipal Code is adequate to implement this policy.

POLICY 12

1. LEGISLATION THAT IMPLEMENTS THIS POLICY

Chapter 40 (Flood Damage Prevention Law) and Chapter 82 (Wetlands, Floodplains and Drainage) of the Village's Municipal Code, as well as the New York State Department of Environmental Conservation tidal wetland regulations are adequate to implement this policy.

POLICY 13A

1. LEGISLATION THAT IMPLEMENTS THIS POLICY

Chapter 82 (Wetlands, Floodplains, Drainage) provides for the protection, preservation, maintenance and use of Village water-courses and is adequate to implement this policy.

POLICY 14

1. LEGISLATION THAT IMPLEMENTS THIS POLICY

Chapter 40 (Flood Damage Prevention Law) and Chapter 82 (Wetlands, Floodplains and Drainage) of the Village Municipal Code, as well as the New York State Department of Environmental Conservation tidal wetland regulations are adequate to implement this policy.

POLICY 15

1. LEGISLATION THAT IMPLEMENTS THIS POLICY

Chapter 82 (Wetlands, Floodplains and Drainage) of the Village Municipal Code and existing State regulations are adequate to implement this policy. The New York State Department of Environmental Conservation regulates dredging activities in shoreline and wetland areas. These regulations are comprehensive in nature and address actions according to their potential to interfere with the natural coastal processes, as well as their potential for increasing soil erosion and sedimentation.

POLICY 16

1. LEGISLATION THAT IMPLEMENTS THIS POLICY

Chapter 40 (Flood Damage Prevention Law) of the Village Municipal Code is adequate to implement this policy.

POLICY 17

1. LEGISLATION THAT IMPLEMENTS THIS POLICY

Chapter 40 (Flood Damage Prevention Law) and Chapter 82 (Wetlands, Floodplains and Drainage) of the Village Municipal Code and the New York State Department of Environmental Conservation tidal wetland regulations are adequate to implement this policy.

POLICY 19

1. PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THIS POLICY

See the part 1 and 2 discussions in this section for policies 20 and 20A.

POLICY 20, 20A

1. LEGISLATION THAT IMPLEMENTS THESE POLICIES

- a. Chapter 85, Article X, Section 85-32 (Approval of site development plans) has been amended to incorporate a provision that public access to the shoreline be shown on site plan development drawings.
- b. Chapter 85, Article II (Zoning Districts and Zoning Map), and Article III (District Regulations) has been amended by establishing a new Park District which will cover all Village lands committed to park and open space uses that are currently zoned for residential or commercial use.

2. PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THESE POLICIES

- Harborwalk Project
- Accessory Dock Project
- Central Business District Design Plan
- Waterfront Mini-park Projects
- Waterfront Park

POLICY 21

1. LEGISLATION THAT IMPLEMENTS THIS POLICY

See the part 1 discussion in this section for Policies 1, 1A, etc...

2. PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THESE POLICIES

- Harborwalk
- Accessory Dock Project
- Hotel/Conference Center/Recreational Marina Project
- Waterfront Mini-park Projects
- Mobil Waterfront Park

POLICY 22

1. LEGISLATION THAT IMPLEMENTS THIS POLICY

See the part 1 discussion in this section for Policies 1, 1A, etc.

2. PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THESE POLICIES:

- Harborwalk

POLICY 23

1. LEGISLATION THAT IMPLEMENTS THIS POLICY

- a. Applicable laws of the State and federal government (SEQRA, National Historic Preservation Act) help to protect historic buildings, structures, and significant archeological or cultural areas within the Greenport Village Historic district.
- b. An Historic Preservation Local Law has been established which provides a procedure to identify, preserve and enhance the historic structures, sites, and districts of the Village. This law will also insure the harmonious, orderly, and efficient growth and development of the Village, consistent with its historic integrity.

POLICY 24

Not applicable.

POLICY 25

1. LEGISLATION THAT IMPLEMENTS THIS POLICY

- a. Applicable laws of the State and federal government help to protect historic buildings, structures, and significant archeological or cultural areas within the Greenport Village Historic District. Chapter 85, Article 5 (Sign regulations) regulates the use of signs and marquees in the Village.
- b. Chapter 85, Article X, Section 85-32 of the Village code (Approval of site development plans) has been amended to include the provision for and/or maintenance of visual access to the waterfront to the maximum extent practical where it is desired and feasible. This provision, as a site plan development element, will be incorporated into site development plan maps and drawings, such as plan, elevation and perspective drawings of the proposed development.
- c. An Historic Preservation Local Law has been established to serve to preserve and protect the small harbor character and architecturally rich resources of the Village, as well as to insure the harmonious, orderly, and efficient growth and development of the Village, consistent with its historic integrity.

2. PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THIS POLICY

- Harborwalk
- Central Business District Design Plan
- Waterfront Mini-parks

POLICY 26

Not applicable.

POLICY 27

Not applicable.

POLICY 28

Not applicable.

POLICY 29

1. LEGISLATION THAT IMPLEMENTS THIS POLICY

Existing State legislation is adequate to implement this policy.

POLICY 30

1. LEGISLATION THAT IMPLEMENTS THIS POLICY

Chapter 69 (Sewer use) of the Village Municipal Code is adequate to implement this policy. This law requires the use of the Village's municipal sewage system for all development within the Village.

POLICY 31

1. LEGISLATION THAT IMPLEMENTS THIS POLICY

Applicable State laws and procedures are adequate to implement this policy.

POLICY 32

Not applicable.

1. LEGISLATION THAT IMPLEMENTS THIS POLICY

See the part 1 discussion in this section for Policies 1, 1A, etc.

POLICY 34

1. LEGISLATION THAT IMPLEMENTS THESE POLICIES

- a. Chapter 20 (Boats) of the Village Municipal Code stipulates that the dumping of oil, refuse, garbage, untreated sewage or waste is prohibited, except that toilets may be discharged in any areas not within one thousand (1,000) feet of any shoreline.
- b. Chapter 85, Article IV, Section 85-11 (Schedule of regulations) was amended to require that the location of pumpout facilities be shown on site plan proposals for all new marinas and expansions of existing marinas. Also, the Village will require that by June 1992 all existing marinas will have pumpout facilities.

POLICY 35

LEGISLATION THAT IMPLEMENTS THIS POLICY

Existing State legislation is adequate to implement this policy. The New York State Department of Environmental Conservation will not issue permits for dredging when it has been determined that the anticipated impacts will exceed acceptable levels of State dredging permit standards, as set forth in regulations developed pursuant to the State Environmental Conservation Law.

POLICY 36

1. LEGISLATION THAT IMPLEMENTS THIS POLICY

Existing applicable Suffolk County and New York State laws are adequate to implement this policy.

POLICY 37

1. PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THIS POLICY

See the part I discussion in this section for Policy 33.

POLICY 38

1. LEGISLATION THAT IMPLEMENTS THIS POLICY

Existing applicable Suffolk County and New York State legislation is adequate to implement this policy.

POLICY 39

1. LEGISLATION THAT IMPLEMENTS THIS POLICY

Existing local and State legislation is adequate to implement this policy. There is currently no storage, treatment and/or disposal of hazardous wastes within the Village. No land use activity is permitted in the Village which will produce such hazardous wastes, as defined in Article 27 of the New York State Environmental Conservation Law.

POLICY 40

Not applicable.

POLICY 41

1. LEGISLATION THAT IMPLEMENTS THIS POLICY

Existing State legislation is adequate to implement this policy. Existing land uses which are permitted within the Village are restricted to marine oriented commercial and recreational, retail commercial, general commercial, residential, and open space uses. All of these land uses are unlikely to significantly impact air quality within the Village.

of opinion prior to issuing a letter of "concurrence" or "objection" to the applicant.

7. A copy of DOS' "concurrence" or "objection" letter to the applicant will be forwarded to the Trustees.

Financial Assistance Actions

1. Upon receiving notification of a proposed federal financial assistance action, DOS will request information on the action from the applicant for consistency review purposes. As appropriate, DOS will also request the applicant to provide a copy of the application documentation to the Trustees. A copy of this letter will be forwarded to the Trustees and will serve as notification that the proposed action may be subject to review.
2. DOS will acknowledge the receipt of the requested information and provide a copy of this acknowledgement to the Trustees. DOS may, at this time, request the applicant to submit additional information for review purposes.
3. The review period will conclude thirty (30) days after the date on DOS' letter of acknowledgement or the receipt of requested additional information, whichever is later. The review period may be extended for major financial assistance actions.
4. The Trustees must submit the Village's comments and recommendations on the proposed action to DOS within twenty (20) days (or other time agreed to by DOS and the Trustees) from the start of the review period. If comments and recommendations are not received within this period, DOS will presume that the Village has "no opinion" on the consistency of the proposed financial assistance action with the LWRP policies.
5. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the Village, DOS will contact the Trustees to discuss any differences of opinion or questions prior to notifying the applicant of DOS' consistency decision.
6. A copy of DOS' consistency decision letter to the applicant will be forwarded to the Trustees.

F. FINANCIAL RESOURCES

Implementation of this waterfront program will require coordination among local, State and Federal agencies and officials, non-profit organizations, private individuals, and corporations to mobilize the necessary financial resources for each project.

For local management, administration, enforcement of regulations and projects, the Village will rely mainly on its tax revenues.

Areas of funding and technical assistance which may be made available to implement the program are:

- The Department of Housing and Urban Development Small Cities and Urban Development Action Grant Programs for Village economic development activities;

- Technical support from the NYS Department of Transportation for the Village's Traffic and Parking Study;
- Technical and financial support in the form of grants from the New York State Department of State Division of Coastal Resources and Waterfront Revitalization for the implementation of LWRP projects.
- Technical and financial support from the New York State Department of Parks, Recreation and Historic Preservation for identifying and evaluating historic resources within the Village;
- Technical and financial support from other State, or quasi-State agencies, for such things as the Village's Central Business District revitalization program.

POLICY 42

1. LEGISLATION THAT IMPLEMENTS THIS POLICY

Existing State legislation is adequate to implement this policy.

POLICY 43

1. LEGISLATION THAT IMPLEMENTS THIS POLICY

Existing State legislation is adequate to implement this policy.

POLICY 44

1. LEGISLATION THAT IMPLEMENTS THIS POLICY

Chapter 82 (Wetlands, Floodplains, and Drainage) of the Village's Municipal Code and New York State Department of Environmental Conservation tidal and freshwater regulations are adequate to implement this policy.

D. MANAGEMENT STRUCTURE

All Village agencies will retain their current legislative and administrative responsibilities. However, when an action is proposed within the Village, as defined in the Compliance Procedures part of this section, a consistency determination will be made prior to approving, funding or undertaking the action by the respective Village agency to assure, that the subject action is consistent with the policies and purposes of this program. The Village Board of Trustees, Planning Board, Zoning Board of Appeals, and other Village agencies will be the municipal entities making consistency determinations.

Responsibilities related to the Local Waterfront Revitalization Program, other than those associated with consistency determinations, are assigned as follows:

Mayor - provides overall program supervision and management and is the local official responsible for the LWRP.

Village Board of Trustees - will monitor and coordinate, with other Village Boards and concerned non-governmental bodies, the implementation of the LWRP, its policies and projects, including physical, legislative, regulatory, administrative, and other actions included in the program. The Village Board may cause to be prepared reports and communication concerning the program for the Deptment of State and other agencies of the State of New York, as may be appropriate or required. The Village Board of Trustees shall be the lead agency for the LWRP and will make the final decision as to the Village's position on the consistency of State and Federal actions with tthe Village's LWRP.

Planning Board - will advise the Village Board on LWRP implementation priorities. The Planning Board will monitor planned actions of local, State and Federal agencies within the Village, in order to review the consistency of such actions with the LWRP, and recommend remedial

action where necessary. It will be the responsibility of the Planning Board to make an annual report to the Village Board on progress achieved and on problems encountered with the LWRP during the year and may recommend actions to further implement the LWRP.

Community Development Office and Building Inspector - This office, when required, will assist and advise the Planning Board and Board of Trustees on whether proposed actions are consistent with the Village's LWRP. Subject to the approval of the Village Board, the Community Development Office will make application for funding from State, Federal, or other sources to finance LWRP projects.

Harbormaster - oversees boating activity along the Village's shoreline.

Village Clerk - keeps records of Village government actions in the waterfront area

E. COMPLIANCE PROCEDURES

LOCAL ACTIONS

In order to provide a framework for agencies of the Village of Greenport to consider the policies and purposes contained in the Local Waterfront Revitalization Program when reviewing applications for actions or direct agency actions in the Village, and to assure, that such actions are consistent with the LWRP policies and purposes, a local consistency law has been established.

Although the entire Village of Greenport lies within the State coastal boundary, only Type I or Unlisted actions, pursuant to the State Environmental Quality Review Law, proposed in the Village will be subject to the local consistency law.

Actions proposed in the Village identified as Type II, Excluded, or Exempt, as defined in the State Environmental Quality Review Law, or actions proposed outside of the Village will not be subject to the local consistency law.

The review procedure, as set forth by the local consistency law, will be as follows:

1. Whenever a proposed action is located in or to be undertaken in the Village, 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.
2. 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 Village, 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.
3. Prior to making its determination, the agency may solicit and consider the recommendation of the Community Development Office with reference to the consistency of the proposed action. The agency shall require the applicant to submit all completed applications, EAF's and any other

8. The following Resolution of Conflicts Procedure applies whenever the Village has notified the Secretary of State and State agency that a proposed action conflicts with the policies and purposes of its approved LWRP.

- Upon receipt of notification from the Village that a proposed action conflicts with its approved LWRP, the State agency should contact the Village Board of Trustees to discuss the content of the identified conflicts and the means for resolving them. A meeting of the State agency and Village representatives may be necessary to discuss and resolve the identified conflicts. This discussion should take place within 30 days of the receipt of a conflict notification from the Village.
- If the discussion between the Village and the State agency results in the resolution of the identified conflicts, then, within seven days of the discussion, the Village shall notify the State agency in writing, with a copy forwarded to the Secretary of State, that all of the identified conflicts have been resolved. The State agency can then proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
- If the consultation between the Village and the State agency does not lead to the resolution of the identified conflicts, either party may request, in writing, the assistance of the Secretary of State to resolve any or all of the identified conflicts. This request must be received by the Secretary within 15 days following the discussion between the Village and the State agency. The party requesting the assistance of the Secretary of State shall forward a copy of their request to the other party.
- Within 30 days following the receipt of a request for assistance, the Secretary or a Department of State official or employee designated by the Secretary, will discuss the identified conflicts and circumstances preventing their resolution with appropriate representatives from the State agency and Village.
- If agreement among all parties cannot be reached during this discussion, the Secretary shall, within 15 days, notify both parties of his/her findings and recommendations.

FEDERAL ACTIONS

For Federal agencies' consistency with the LWRP, the following consistency procedures are in effect:

Direct Actions

1. After acknowledging the receipt of a consistency determination and supporting documentation from a federal State agency, the Department of State (DOS) will forward copies of the determination and other descriptive information on the proposed direct action to the Village Board of Trustees (Trustees) and to other interested parties.

2. This notification will indicate the date by which all comments and recommendations must be submitted to DOS and will identify DOS' principal reviewer for the proposed action.
3. The review period will be about twenty-five (25) days. If comments and recommendations are not received by the date indicated in the notification, DOS will presume that the Village has "no opinion" on the consistency of the proposed direct federalState agency action with the LWRP policies.
4. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the Village, DOS will contact the Village to discuss any differences of opinion or questions prior to agreeing or disagreeing with the federalState agency's consistency determination on the proposed direct action.
5. A copy of DOS' "agreement" or "disagreement" letter to the federalState agency will :

Permit and License Actions

1. DOS will acknowledge the receipt of an applicant's consistency certification and application materials. At that time, DOS will identify DOS' principal reviewer for the proposed action.
2. Within thirty (30) days of receiving such information, the Trustees will contact the principal reviewer for DOS to discuss: (a) the need to request additional information for review purposes; and (b) any possible problems pertaining to the consistency of a proposed action with the LWRP policies.
3. When DOS and the Trustees agree that additional information is necessary, DOS will request the applicant to provide the information. A copy of this information will be provided to the Trustees upon receipt.
4. Within thirty (30) days of receiving the requested additional information or discussing possible problems of a proposed action with the principal reviewer for DOS, whichever is later, the Trustees will notify DOS of the reasons why a proposed action may be inconsistent or consistent with the LWRP policies.
5. After that notification, the Trustees will submit the Village's written comments and recommendations on a proposed permit action to DOS before or at the conclusion of the official public comment period. If such comments and recommendations are not forwarded to DOS by the end of the public comment period, DOS will presume that the Village has "no opinion" on the consistency of the proposed action with the LWRP policies.
6. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the Village on a proposed permit action, DOS will contact the Trustees to discuss any differences

information deemed to be necessary to its consistency determination. The agency shall make the determination of consistency based upon such information, the recommendation of the Community Development Office, if requested, and the CAF.

4. The agency shall render its written determination within thirty (30) days following the submission by the applicant of the required information, unless extended by mutual agreement of the agency and the applicant.

The determination shall indicate whether the proposed action is consistent or inconsistent with one or more of the LWRP policy standards or conditions. The determination shall state the manner and extent to which any inconsistency affects the LWRP policy standards and conditions.

The agency shall, along with its consistency determination, make any suggestions to the applicant concerning modification of the proposed action to make it consistent with LWRP policy standards and conditions or to greater advance them. In the event that the agency's determination is not forthcoming within the specified time, the application shall be deemed to have received a determination that it is consistent.

5. Actions to be undertaken within the Village shall be evaluated for consistency in accordance with the LWRP policy standards and conditions, which are explained and described in Section III of this document. Agencies which undertake direct or funding actions shall also consult with Section IV of the LWRP in making their consistency determination.
6. If the agency determines that the action would cause a substantial hindrance to the achievement of the LWRP policy standards and conditions, such action shall not be undertaken unless the agency determines with respect to the proposed action that:
 - 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;
 - the action would be undertaken in a manner which will minimize all adverse affects on such LWRP policy standards and conditions to the maximum extent practicable; and
 - the action will result in an overriding Village, regional or state-wide public benefit.

Such a finding shall constitute a determination that the action is consistent.

7. Each agency shall maintain a file for each action made the subject of a consistency determination. Such files shall be made available for public inspection upon request.

Procedures to be used for review of Federal and State actions for consistency with the LWRP are described below.

STATE ACTIONS

For State agencies' consistency with the LWRP, the following consistency procedures are in effect:

1. When a State agency is considering an action in the Village, the State agency shall notify the Village Board of Trustees.
2. Notification of a proposed action by a State agency:
 - Shall fully describe the nature and location of the action;
 - Shall be accomplished by use of either the State Clearinghouse, other existing State agency notification procedures, or through any alternative procedure agreed upon by the State agency and local government;
 - Should be provided to the Village Board of Trustees as early in the planning stages of the action as possible, but in any event at least 30 days prior to the State agency's decision on the action. (The timely filing of a copy of a completed Coastal Assessment Form with the Village Board of Trustees should be considered adequate notification of a proposed action.)
3. If the proposed action will require the preparation of a draft environmental impact ment, the filing of this draft document with the Village Mayor can serve as the State agency's notification to the Village.
4. Upon receipt of notification from a State agency, the Village will be responsible for evaluating a proposed action against the policies and purposes of its approved LWRP.
5. If the Village cannot identify any conflicts between the proposed action and the applicable policies and purposes of its approved LWRP, it should inform the State agency in writing of its finding. Upon receipt of the Village's finding, the State agency may proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
6. If the Village does not notify the State agency in writing of its finding within the established review period, the State agency may then presume that the proposed action does not conflict with the policies and purposes of the Village's approved LWRP.
7. If the Village notifies the State agency in writing that the proposed action does conflict with the policies and/or purposes of its approved LWRP, the State agency shall not proceed with its consideration of the proposed action as long as the Resolution of Conflicts Procedure described below shall apply. The Village shall forward a copy of the identified conflicts to the Secretary of State at the time when the State agency is notified. In notifying the State agency, the Village shall identify the specific policies and purposes of the LWRP with which the proposed action conflicts.