

Appendix C Local Commitment

Terms to become familiar with

Projects or Physical Activities:

1. Construction or activities that may affect the environment by changing the use, appearance or condition of any natural resources or structure directly undertaken by an agency, or involves funding by an agency and would require one or more new or modified approvals from an agency or agencies
2. Agency planning 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 or ordinances that may affect the environment.
4. Any combination of the above.

Agency: Any board, agency, department, office, other body or officer of the Town of Hamlin.

Certificate of Consistency: A form that certifies that the requested action is consistent to the maximum extent practicable with the LWRP policy standards and conditions. Consistent means the actions will fully comply with the LWRP policy standard and conditions whenever practicable.

Coastal Area: That portion of New York State coastal waters and adjacent shore lands as defined in Article 42 of the Executive Law which is located within the boundaries of the Town of Hamlin, as shown on the coastal area map on file.

Waterfront Advisory Committee: The Waterfront Advisory Committee of the Town of Hamlin consists of seven members of the Hamlin Conservation Board which is the reviewing committee for projects presented for town approval.

Who To Contact For More Information

Town of Hamlin Planning Board or the
 Hamlin Waterfront Advisory Committee
 1659 Lake Road at P. O. Box 148
 Hamlin, N.Y. 14464 (716) 964-8961



What is the L.W.R.P. Chapter 121 of Town of Hamlin Code is the Waterfront Consistency Review. This Chapter was adopted in 1991 by the Town of Hamlin Town Board under the authority of the Municipal Home Rule Law and the Waterfront Revitalization Coastal Resources Act of the State of New York (Article 42, Executive Law).

The purpose of this chapter is to provide a framework for agencies of the Town of Hamlin to consider the policies and purpose contained within the L.W.R.P. when reviewing applications for actions that are located within this area.

The intention of the Town of Hamlin is preservation, enhancement and utilization of the natural and man-made resources of this unique coastal area of the town. According to this chapter it is intended to achieve a balance permitting the beneficial use of coastal resources while preventing the loss of living estuarine resources and wildlife; the diminution of open space areas or public access to the waterfront; the erosion of shoreline; the impairment of scenic beauty; losses due to flooding, erosion and shoreline; the impairment of scenic beauty; losses due to flooding, erosion and sedimentation or permanent adverse changes to ecological systems. Provision of this chapter shall only apply while there is the existence of the adopted Local Waterfront Revitalization Program.

How is a project reviewed? Prior to any funding or undertaking on a proposed action located within the Town of Hamlin Coastal Area, those proposing such action shall make a referral to the Town of Hamlin for a determination that the proposed action is consistent with the LWRP policy standards and conditions. During this process the project may need to be reviewed by other outside agencies such as the DEC and Army Corp. If found consistent with the town and all outside agencies are satisfied, Certificate of Consistency is then issued and necessary permits obtained.

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Enforcement:

The Town of Hamlin Enforcement Officer is responsible for enforcing Chapter 121. No work or activity on a project in the coastal area shall commence or be undertaken until the Code Enforcement Officer/Building Inspector has received the determination of consistency. In the event that an activity is not being performed in accordance with this chapter or any conditions imposed thereunder, the Building Inspector shall issue a stop-work order and all work shall immediately cease. No further work or activity shall be undertaken on the project so long as a stop-work order is in effect.

What is the Penalty for this offense?

Town Code states a person who violates any of the provisions of, or who fails to comply with any condition imposed by, this chapter shall have committed a violation, punishable by a fine not exceeding five hundred dollars (\$500.00) for a conviction of a first offense and punishable by a fine of one thousand dollars (\$1,000.00) 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 violation.

The Town Attorney is authorized and directed to institute any and all actions and proceedings necessary to enforce this chapter. Any civil penalty shall be in addition to and not in lieu of any criminal prosecution and penalty.

Town of Hamlin Code Enforcement Officer can be reached at (716) 964-8181.

Town of Hamlin
Local
Waterfront
Revitalization
Program