

## **Appendix A Waterfront Consistency Law and Waterfront Assessment Form**

To ensure implementation of the LWRP, each participating Chautauqua Lake community has adopted a local Waterfront Consistency Law, which included a Waterfront Consistency Assessment Form. As an example, see below the Town of Chautauqua Waterfront Consistency Law.

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### **Town of Chautauqua Local Law No. 4 of 2008**

#### **ADOPTING WATERFRONT CONSISTENCY REGULATIONS**

Be it enacted by the Town of Board of the Town of Chautauqua, County of Chautauqua and State of New York, as follows:

#### **SECTION 1. WATERFRONT CONSISTENCY LAW**

A new Chapter 141 providing for waterfront consistency regulations, is hereby added to the Town of Chautauqua Code, and shall read as follows:

#### **Chapter 141 Waterfront Consistency**

- §141-1. Title.**
- §141-2. Authority and Purpose.**
- §141-3. Definitions.**
- §141-4. Review of Actions.**
- §141-5. LWRP Policy Standards & Conditions.**
- §141-6. Enforcement.**
- §141-7. Violations; penalties for offenses.**

**§141-1. Title.**

This article will be known as the Town of Chautauqua Waterfront Consistency Law.

**§141-2. Authority and Purpose.**

A. This chapter is adopted under the authority of the Municipal Home Rule Law §10 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 chapter is to provide a framework for agencies of the Town of Chautauqua to consider the policies and purposes contained in the Chautauqua Lake Local Waterfront Revitalization Program when reviewing applications for actions or undertaking direct agency actions in the waterfront area, and to assure that such actions are consistent therewith.

C. It is the intention of the Town of Chautauqua to preserve, enhance and use the natural and manmade resources of the unique waterfront areas of the Town in a coordinated and comprehensive manner, to ensure a proper balance between such natural resources and the accommodation of population growth and economic development. This chapter is intended to achieve such a balance, permitting the beneficial use of waterfront resources while preventing loss of fish and wildlife, diminution of open space areas or public access to the waterfront, erosion of shoreline, losses due to flooding, erosion and sedimentation, impairment of water quality, impairment of scenic, cultural or historic resources, and permanent adverse changes to ecological systems.

D. The substantive provisions of this chapter shall only apply while there is in existence a Local Waterfront Revitalization Program that has been adopted in accordance with Article 42 of the Executive Law of the State of New York

**§141-3. Definitions.**

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

**ACTION** – All of the following, except minor actions, that are undertaken by an agency:

A. Projects or physical activities, such as construction or other activities that may affect the environment by changing the use, appearance or condition of any natural resource or structure, that are:

1. directly undertaken by an agency;
2. involve funding by an agency; or
3. require one or more new or modified approvals from an agency or agencies

B. Agency planning and policy-making activities that may affect the

environment and commit the agency to a definite course of future decisions;

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

D. Any combination of the above.

AGENCY - Any board, agency, department, office, other body, or officer of the Town of Chautauqua.

CONSISTENT - Consistent with the LWRP policy standards and conditions and, whenever practicable, advancing one or more of them.

DIRECT ACTION - An action planned and proposed for implementation by an agency, such as, but not limited to, a capital project, rule-making, procedure-making and policy-making.

ENVIRONMENT - The physical conditions that will be affected by a proposed action, including land, air, water, minerals, flora fauna, noise, resources of agricultural, archaeological, historic or aesthetic significance, existing patterns of population concentration, distribution or growth, existing community or neighborhood character, and human health.

LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP) - The Chautauqua Lake Local Waterfront Revitalization Program in which the Town of Chautauqua is included, approved by the Secretary of State pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42), a copy of which is on file in Town Clerk's Office.

MINOR ACTION - Includes the following:

A. Maintenance or repair involving no substantial changes in an existing structure or facility;

B. Replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, except for structures in areas designated by the Coastal Erosion Hazard Area (CEHA) law where structures may not be replaced, rehabilitated or reconstructed without a permit;

C. Repaving or widening of existing paved highways not involving the addition of new travel lanes;

D. Street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities;

E. Maintenance of existing landscaping or natural growth, except where threatened or endangered species of plants or animals are affected, or within significant coastal fish and wildlife habitat areas;

- F. Granting of individual setback and lot-line variances, except in relation to a regulated natural feature, a bulkhead or other shoreline defense structure;
- G. Minor temporary uses of land having negligible or no permanent impact on coastal resources or the environment;
- H. Installation of traffic-control devices on existing streets, roads and highways;
- I. Mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns;
- J. Information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any action; g actions, which are not subject to review under this chapter:
- K. Official acts of a ministerial nature involving no exercise of discretion, including building permits where issuance is predicated solely on the applicant's compliance or noncompliance with the relevant local building code.
- L. Routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment;
- M. 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 those activities do not commit the agency to commence, engage in or approve such action;
- N. Collective bargaining activities;
- O. Investments by or on behalf of agencies or pension or retirement systems, or refinancing existing debt;
- P. Inspections and licensing activities relating to the qualifications of individuals or businesses to engage in their business or profession;
- Q. Purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, storage of road deicing substances, or other hazardous materials;
- R. Adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list;
- S. 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 this chapter have been fulfilled;

T. Civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion;

U. Adoption of a moratorium on land development or construction;

V. Interpreting an existing code, rule or regulation;

W. Designation of local landmarks or their inclusion within historic districts;

X. 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 coastal resources or 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 this chapter;

Y. Local legislative decisions such as rezoning where the Town Board determines the action will not be approved.

**WATERFRONT AREA** - The Waterfront Revitalization Area delineated within the Town of Chautauqua in the Chautauqua Lake Local Waterfront Revitalization Program.

**WATERFRONT ASSESSMENT FORM (WAF)** - The form used by an agency to assist it in determining the consistency of an action with the Local Waterfront Revitalization Program.

#### **§141-4. Review of Actions.**

A. Whenever a proposed action is located in the Waterfront 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 Section 141-5 hereof. No action in the Waterfront Area shall be approved, funded or undertaken by that agency without such a determination.

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 within the Waterfront Area, the applicant, or in the case of a direct action, the agency, shall prepare a Waterfront Assessment Form (WAF) to assist with the consistency review.

C. The agency shall refer a copy of the completed WAF to the Town Zoning Board of Appeals within ten (10) days of its receipt and, prior to making its determination, shall consider the recommendation of the Town Zoning Board of Appeals about the consistency of the proposed action.

D. Upon receiving a referral from an agency, the Town Zoning Board of Appeals shall consider whether the proposed action is consistent or inconsistent with the LWRP

policy standards and conditions set forth in Section 141-5 hereof, as follows:

1. The Zoning Board of Appeals shall render a written recommendation to the agency within thirty (30) days following referral of the WAF from the agency, unless such time is extended by mutual agreement of the Board and the applicant or in the case of a direct action, the agency.

2. The Zoning Board of Appeals may require the applicant to submit all completed applications, WAFs and any other information deemed necessary for such consideration.

3. The recommendation shall indicate whether the proposed action is consistent or inconsistent with one or more of the LWRP policy standards or conditions and the basis of the opinion.

4. The Zoning Board of Appeals also shall make any suggestions to the agency concerning modification of the proposed action to make it consistent with the LWRP policy standards and conditions or to greater advance them.

5. If the Zoning Board of Appeals does not timely render its recommendation, the referring agency may make its determination without the benefit of the Board's recommendation.

E. If the agency and the Zoning Board of Appeals concur in the consistency of the proposed action, the agency may proceed with the action. If the agency disagrees with the recommendation, the agency shall within ten (10) days prepare and transmit to the Zoning Board of Appeals a written finding detailing its position. The Board and the agency shall meet to resolve their differences within fifteen (15) days of the Board's receipt of the agency's finding.

F. If the Board and the agency cannot reach a mutually agreeable determination of consistency, the matter will be referred to the Town Board for a finding of consistency. The agency shall take no action until the Town Board has made a determination and finding of consistency with the LWRP.

1. Where the Zoning Board of Appeals is the agency, this subsection shall not apply, but the Zoning Board of Appeals shall make a consistency finding when reviewing and considering an application for a variance or special use permit.

2. Where the Town Board is the agency, this subsection shall not apply, but the Town Board shall consider the consistency recommendation of the Zoning Board of Appeals and policy standards when making its final determination.

G. Where an action involves the preparation of an Environmental Impact Statement (EIS) for purposes of environmental review, the draft EIS shall identify applicable LWRP policy standards in Section 20-120 and thoroughly discuss the effects of the proposed action on such policy standards.

H. The Town Clerk shall maintain a file for each action subject to a consistency determination, which shall include any recommendation received from the Zoning Board of Appeals, and such files shall be kept open for public inspection upon request.

**§141-5. LWRP Policy Standards & Conditions.**

Actions to be undertaken within the Waterfront 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 Chautauqua Lake LWRP, a copy of which is on file in Town Clerk's office and available for inspection during normal business hours.

In the case of direct actions, the agency shall also consult with Section IV of the LWRP in making its consistency determination.

The action shall be consistent with policies to:

- A. Foster a pattern of development in the waterfront area that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a waterfront location, and minimizes adverse effects of development. (Policy 1)
- B. Preserve historic resources of the waterfront area of Chautauqua Lake. (Policy 2)
- C. Enhance visual quality and protect scenic resources in the Chautauqua Lake area. (Policy 3)
- D. Minimize loss of life, structures, and natural resources from flooding and erosion. (Policy 4)
- E. Protect and improve water resources. (Policy 5)
- F. Protect ecological resources around Chautauqua Lake, including important fish habitats, wetlands, and rare ecological communities. (Policy 6)
- G. Protect and improve air quality in the Chautauqua Lake area. (Policy 7)
- H. Minimize environmental degradation in the Chautauqua Lake communities from solid waste and hazardous substances and wastes. (Policy 8)
- I. Provide for public access to, and recreational use of, waterfront, public lands, and public resources of the waterfront area. (Policy 9)
- J. Protect Chautauqua Lake's water-dependent uses and promote siting of new water-dependent uses in suitable locations. (Policy 10)
- K. Promote the sustainable use of fish resources in Chautauqua Lake. (Policy 11)
- L. Protect existing agricultural lands in and adjacent to the Chautauqua Lake Waterfront Revitalization Area. (Policy 12)
- M. Promote appropriate use and development of energy and mineral resources. (Policy 13)

**§141-6. Enforcement.**

No action within the Waterfront Area that is subject to review under this chapter shall proceed until a written determination has been issued from a Town agency that the action is consistent with the Town's LWRP policy standards. In the event that an activity is being performed in violation of this law or any conditions imposed thereunder, the Code Enforcement Officer or any other authorized official of the Town 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. The Town Code Enforcement Officer and Town Attorney shall be responsible for enforcing this chapter.

**§141-7. Violations; penalties for offenses.**

A. 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 \$250 for a conviction of a first offense and punishable by a fine of \$500 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 violation.

B. 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.

**SECTION 2. SEVERABILITY**

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

**SECTION 3. EFFECTIVE DATE**

This local law shall take effect immediately upon its filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.



(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. 4 of 2008 of the ~~(County)~~(City)(Town)(~~Village~~) of CHAUTAUQUA was duly passed by the CHAUTAUQUA TOWN BOARD on MAY 12, 2008, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

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 20\_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. 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 \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

\* 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 chairperson 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 20\_\_\_\_ 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 \_\_\_\_\_ 20\_\_\_\_, 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 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, 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 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 appropriate 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-----1-----, above.

SHEILA F. HAMMOND *Sheila F. Hammond*  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body

(Seal)

Date: 5/28/08

(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 Chautauque

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.

Signature *[Handwritten Signature]*  
Title Attorney for Town

County \_\_\_\_\_  
City \_\_\_\_\_ of Chautauque  
Town \_\_\_\_\_  
Village \_\_\_\_\_

Date: 5/28/08

**Town of Chautauqua  
Waterfront Assessment Form**

**A. INSTRUCTIONS (Please print or type all answers)**

1. Applicants, or in the case of direct actions, Town of Chautauqua agencies, shall complete this WAF for proposed actions which are subject to the consistency review law. This assessment is intended to supplement other information used by the designated Town agency in making a determination of consistency with the Chautauqua Lake Local Waterfront Revitalization Program.
2. Before answering the questions in Section C, the preparer of this form should review the policies and explanations of policy contained in the Local Waterfront Revitalization Program (LWRP), a copy of which is on file in the Town Clerk's office. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the waterfront area.
3. If any questions in Section C on this form are answered "yes", then the proposed action may affect the achievement of the LWRP policy standards contained in the consistency review law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to making a determination regarding its consistency with the LWRP policy standards. If an action cannot be certified as consistent with the LWRP policy standards, it shall not be undertaken.
4. This form should be filled out by the applicant and submitted to the Town of Chautauqua Zoning Board of Appeals.

**B. DESCRIPTION OF SITE AND PROPOSED ACTION**

1. Type of Town 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 (Street or Site Description. Please include the parcel(s) tax map number(s)): \_\_\_\_\_  
\_\_\_\_\_

4. Size of site: \_\_\_\_\_
5. Present land use: \_\_\_\_\_
6. Present zoning classification: \_\_\_\_\_
7. Describe any unique or unusual landforms on the project site (i.e. bluffs, wetlands, ground depressions, other geological formations): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
8. Percentage of site which contains slopes of 15% or greater: \_\_\_\_\_
9. Streams, lakes, ponds or wetlands existing within or continuous to the project area?  
(a) Name \_\_\_\_\_  
(b) Size (in acres) \_\_\_\_\_
10. Is the property serviced by public water? Yes \_\_\_\_\_ No \_\_\_\_\_
11. Is the property serviced by public sewer? Yes \_\_\_\_\_ No \_\_\_\_\_
12. If an application for the proposed action has been filed with the Town agency, the following information shall be provided:  
(a) Name of applicant: \_\_\_\_\_  
(b) Mailing address: \_\_\_\_\_  
(c) Telephone number: Area Code ( ) \_\_\_\_\_  
(d) Application number, if any: \_\_\_\_\_  
(e) Property tax number: \_\_\_\_\_  
(Please attach copy of tax map with parcel highlighted)
13. 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 WATERFRONT 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 in the Chautauqua Lake LWRP? | <u>YES</u> | <u>NO</u> |
|    | (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:   | <u>YES</u> | <u>NO</u> |
|    | (a) Commercial or recreational use of fish and wildlife resources?   | ___        | ___       |
|    | (b) Scenic quality of the waterfront environment?  | ___        | ___       |
|    | (c) Development of future, or existing water dependent uses?   | ___        | ___       |
|    | (d) Stability of the shoreline?  | ___        | ___       |
|    | (e) Surface or groundwater quality?  | ___        | ___       |
|    | (f) Existing or potential public recreation opportunities?   | ___        | ___       |
|    | (g) Structures, sites or districts of historic, archeological or cultural significance to the Town of Chautauqua, State or nation? | ___        | ___       |
| 3. | Will the proposed action involve or result in any of the following:  | <u>YES</u> | <u>NO</u> |
|    | (a) Physical alteration of land along the shoreline, land under water or water resources?  | ___        | ___       |
|    | (b) Physical alteration of two (2) acres or more of land located elsewhere in the waterfront area?                                 | ___        | ___       |
|    | (c) Expansion of existing public services or infrastructure in undeveloped or low density areas of the waterfront area?            | ___        | ___       |
|    | (d) Energy facility not subject to Article VII or VIII of the Public Service Law?  | ___        | ___       |
|    | (e) Mining, excavation, filling or dredging?   | ___        | ___       |
|    | (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 underwater?  | ___        | ___       |
|    | (h) Development within a designated flood or erosion hazard area?  | ___        | ___       |
|    | (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?   | ___        | ___       |
| 4. | Project  |            |           |
|    | (a) If a project is to be located adjacent to shore:   | YES        | NO        |

Chautauqua Lake Local Waterfront Revitalization Program

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|     |   |     |     |
|-----|---|-----|-----|
| (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:  | YES | NO  |
| (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 waterfront facilities?         | ___ | ___ |
| (c) | Is the project site presently used by the community neighborhood as an open space or recreation area?   | YES | NO  |
| (d) | Does the present site offer or include scenic views or vistas known to be important to the community?   | ___ | ___ |
| (e) | Will the surface area of any waterways or wetland areas be increased or decreased by the proposal?  | ___ | ___ |
| (f) | Does any mature forest (over 100 years old) or other locally important vegetation exist on this site which will be removed by the project?    | ___ | ___ |
| (g) | Will the project involve any waste discharges?  | ___ | ___ |
| (h) | Does the project involve surface or subsurface liquid waste disposal?   | ___ | ___ |

- (i) Does the project involve transport, storage, treatment or disposal of solid waste or hazardous materials?
- (j) Does the project involve shipment or storage of petroleum products?
- (k) Does the project involve discharge of toxics, hazardous substances or other pollutants into water resources?
- (l) Does the project involve or change existing ice management practices?
- (m) Will the project affect any area designated as a tidal or freshwater wetland?
- (n) Will the project alter drainage flow, patterns or surface water runoff on or from the site?
- (o) Will best management practices be utilized to control storm water runoff into water resources?
- (p) Will the project utilize or affect the quality or quantity of sole source or surface water supplies?
- (q) 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 necessary to complete this form)

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Preparer's Name (Please print) : \_\_\_\_\_

Title: \_\_\_\_\_

Agency: \_\_\_\_\_

Telephone Number: (\_\_\_\_\_) \_\_\_\_\_

Date: \_\_\_\_\_