NEW YORK STATE DEPARTMENT OF STATE
COASTAL MANAGEMENT PROGRAM

Federal Consistency Assessment Form

An applicant, seeking a permit, license, waiver, certification or similar type of approval from a federal agency which is subject to the New York State Coastal Management Program (CMP), shall complete this assessment form for any proposed activity that will occur within and/or directly affect the State's Coastal Area. This form is intended to assist an applicant in certifying that the proposed activity is consistent with New York State's CMP as required by U.S. Department of Commerce regulations (15 CFR 930.57). It should be completed at the time when the federal application is prepared. The Department of State will use the completed form and accompanying information in its review of the applicant's certification of consistency.

A. APPLICANT (please print)

1. Name: West Bay estates, LLC / DBA / Colloca Estates Winery
2. Address: 14678 West Bay Road, Fairhaven, NY 13156
3. Telephone: Area Code (  ) 480-748-0350

B. PROPOSED ACTIVITY:

1. Brief description of activity:

Construct Dockage along waterfront of existing winery

2. Purpose of activity:

Provide access to winery for boaters on Lake Ontario and Little Sodus Bay.

3. Location of activity:

<table>
<thead>
<tr>
<th>Cayuga County</th>
<th>Fairhaven City, Town, or Village</th>
<th>Street or Site Description</th>
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</table>

4. Type of federal permit/license required: 14678 West Bay Road

5. Federal application number, if known: LRB-2022-00432

6. If a state permit/license was issued or is required for the proposed activity, identify the state agency and provide the application or permit number, if known:

   NYSDEC #7-0556-00379/00001
C. COASTAL ASSESSMENT Check either "YES" or "NO" for each of these questions. The numbers following each question refer to the policies described in the CMP document (see footnote on page 2) which may be affected by the proposed activity.

1. Will the proposed activity result in any of the following: YES/NO

a. Large physical change to a site within the coastal area which will require the preparation of an environmental impact statement? (11, 22, 25, 32, 37, 38, 41, 43)

b. Physical alteration of more than two acres of land along the shoreline, land under water or coastal waters? (2, 11, 12, 20, 28, 35, 44)

c. Revitalization/redevelopment of a deteriorated or underutilized waterfront site? (1)

d. Reduction of existing or potential public access to or along coastal waters? (19, 20)

e. Adverse effect upon the commercial or recreational use of coastal fish resources? (9,10)

f. Siting of a facility essential to the exploration, development and production of energy resources in coastal waters or on the Outer Continental Shelf? (29)

g. Siting of a facility essential to the generation or transmission of energy? (27)

h. Mining, excavation, or dredging activities, or the placement of dredged or fill material in coastal waters? (15, 35)

i. Discharge of toxics, hazardous substances or other pollutants into coastal waters? (8, 15, 35)

j. Draining of stormwater runoff or sewer overflows into coastal waters? (33)

k. Transport, storage, treatment, or disposal of solid wastes or hazardous materials? (36, 39)

l. Adverse effect upon land or water uses within the State’s small harbors? (4)

2. Will the proposed activity affect or be located in, on, or adjacent to any of the following: YES/NO

a. State designated freshwater or tidal wetland? (44)

b. Federally designated flood and/or state designated erosion hazard area? (11, 12, 17)

c. State designated significant fish and/or wildlife habitat? (7)

d. State designated significant scenic resource or area? (24)

e. State designated important agricultural lands? (26)

f. Beach, dune or Barrier Island? (12)

g. Major ports of Albany, Buffalo, Ogdensburg, Oswego or New York? (3)

h. State, county, or local park? (19, 20)

i. Historic resource listed on the National or State Register of Historic Places? (23)

3. Will the proposed activity require any of the following: YES/NO

a. Waterfront site? (2, 21, 22)

b. Provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (5)

c. Construction or reconstruction of a flood or erosion control structure? (13, 14, 16)

d. State water quality permit or certification? (30, 38, 40)

e. State air quality permit or certification? (41, 43)

4. Will the proposed activity occur within and/or affect an area covered by a State-approved local waterfront revitalization program, or State-approved regional coastal management program? (see policies in program document*)
D. ADDITIONAL STEPS

1. If all of the questions in Section C are answered "NO", then the applicant or agency shall complete Section E and submit the documentation required by Section F.

2. If any of the questions in Section C are answered "YES", then the applicant or agent is advised to consult the CMP, or where appropriate, the local waterfront revitalization program document*. The proposed activity must be analyzed in more detail with respect to the applicable state or local coastal policies. On a separate page(s), the applicant or agent shall: (a) identify, by their policy numbers, which coastal policies are affected by the activity, (b) briefly assess the effects of the activity upon the policy; and, (c) state how the activity is consistent with each policy. Following the completion of this written assessment, the applicant or agency shall complete Section E and submit the documentation required by Section F.

E. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with the State's CMP or the approved local waterfront revitalization program, as appropriate. If this certification cannot be made, the proposed activity shall not be undertaken. If this certification can be made, complete this Section.

"The proposed activity complies with New York State's approved Coastal Management Program, or with the applicable approved local waterfront revitalization program, and will be conducted in a manner consistent with such program."

Applicant/Agent's Name: Elliott Engineering Solutions, Robert J. Elliott, P.E.

Address: 560 Packetts Landing

Telephone: Area Code ( ) 585-377-0600

Applicant/Agent's Signature: __________________________ Date: 6/28/2022

F. SUBMISSION REQUIREMENTS

1. The applicant or agent shall submit the following documents to the New York State Department of State, Office of Planning and Development, Attn: Consistency Review Unit, One Commerce Plaza-Suite 1010, 99 Washington Avenue, Albany, New York 12231.

   a. Copy of original signed form.
   b. Copy of the completed federal agency application.
   c. Other available information which would support the certification of consistency.

2. The applicant or agent shall also submit a copy of this completed form along with his/her application to the federal agency.

3. If there are any questions regarding the submission of this form, contact the Department of State at (518) 474-6000.

*These state and local documents are available for inspection at the offices of many federal agencies, Department of Environmental Conservation and Department of State regional offices, and the appropriate regional and county planning agencies. Local program documents are also available for inspection at the offices of the appropriate local government.
Memorandum

Re: Consistency Assessment Form – Supplemental Information

C. COASTAL ASSESSMENT

3. a. Waterfront Site – The proposed dockage will provide recreational boaters on Lake Ontario and Little Sodus Bay access to the Colloca Estate Winery facilities overlooking Little Sodus Bay, further creating a “water enhanced use” for the tasting room, patios and decks of the winery.

3. d. State Water Quality Permit or Certification - There are no industrial or commercial discharges associated with this proposal. There are no planned activities along the waterfront. The only service to be provided is temporary dockage for winery patrons.

Existing surface drainage will not be impacted, nor will it be increased. There is no disturbance to groundwater.
JOINT APPLICATION FORM

For Permits for activities affecting streams, waterways, waterbodies, wetlands, coastal areas, sources of water, and endangered and threatened species.

You must separately apply for and obtain Permits from each involved agency before starting work. Please read all instructions.

1. Applications To:
   >NYS Department of Environmental Conservation
     Check all permits that apply:
     □ Dams and Impoundment Structures
     □ Tidal Wetlands
     □ Water Withdrawal
     □ Excavation and Fill in Navigable Waters
     □ Wild, Scenic and Recreational Rivers
     □ Long Island Well
     □ 401 Water Quality Certification *
     □ Coastal Erosion Management
     □ Incidental Take of Endangered / Threatened Species
     ✔ Check here to confirm you sent this form to NYSDEC.
   >US Army Corps of Engineers
     Check all permits that apply:
     □ Section 404 Clean Water Act
     □ Section 10 Rivers and Harbors Act
     ✔ Check here to confirm you sent this form to USACE.
     Is the project Federally funded?  □ Yes  ✔ No
     If yes, name of Federal Agency:
     General Permit Type(s), if known:
     Preconstruction Notification:  □ Yes  No
   >NYS Office of General Services
     Check all permits that apply:
     ✔ State Owned Lands Under Water
     □ Utility Easement (pipelines, conduits, cables, etc.)
     ✔ Docks, Moorings or Platforms
     ✔ Check here to confirm you sent this form to NYSOGS.
   >NYS Department of State
     Check if this applies:
     □ Coastal Consistency Concurrency
     ✔ Check here to confirm you sent this form to NYSDOS.

2. Name of Applicant
   West Bay Estates, LLC / DBA
   Colloca Estate Winery, Chris Colloca, Owner
   Taxpayer ID (if applicant is NOT an individual)
   26-3701526

   Mailing Address
   14678 West Bay Rd
   Post Office / City
   Fair Haven
   State
   NY
   Zip
   13156

   Telephone  480-748-0350
   Email

   Applicant Must be (check all that apply):
   ✔ Owner
   □ Operator
   □ Lessee

3. Name of Property Owner (if different than Applicant)

   Mailing Address
   Post Office / City
   State
   Zip

   Telephone
   Email

For Agency Use Only  Agency Application Number:

JOINT APPLICATION FORM  02/21  Page 1 of 4
4. Name of Contact / Agent
Elliott Engineering Solutions, Robert J. Elliott, as Agent

Mailing Address
540 Packetto Landing

Post Office / City
Fairport

State Zip
NY 14450

Telephone Email
585-377-0600 relliott@elliottengineers.com

5. Project / Facility Name
Colloca Estate Winery

Property Tax Map Section / Block / Lot Number:

Project Street Address, if applicable
14678 West Bay Road

Post Office / City
Fair Haven

State Zip
NY 13156

Provide directions and distances to roads, intersections, bridges and bodies of water
Old Rte. 104 (Old Ridge Road) to West Bay Road.

Town Village City County
Sterling Cayuga

Stream/Waterbody Name
Little Sodus Bay

Project Location Coordinates: Enter Latitude and Longitude in degrees, minutes, seconds:
Latitude: 43° 18' 02"
Longitude: 76° 46' 00"

6. Project Description: Provide the following information about your project. Continue each response and provide any additional information on other pages. Attach plans on separate pages.

a. Purpose of the proposed project:
Provide dockage and access for patrons of Colloca Estates Winery

b. Description of current site conditions:
Southerly portion of property has existing steel breakwall, limited dockage and a deck. Northerly portion is undeveloped. Existing concrete dock foundation has been damaged from high water conditions and is in need of repair.

c. Proposed site changes:
Extend steel breakwall from existing deck to north property line.
Install 4 permanent docks, with floating 30 ft. finger docks.
Replace existing dock with 40 ft. x 40 ft. dock, extended over the water. All as shown on the attached plan.

d. Type of structures and fill materials to be installed, and quantity of materials to be used (e.g., square feet of coverage, cubic yards of fill material, structures below ordinary/mean high water, etc.):
Total square footage of dock area = 40,000 sq.ft.
No excavation or fill other than toe stone as required by NYSDEC.

e. Area of excavation or dredging, volume of material to be removed, location of dredged material placement:
N/A

f. Is tree cutting or clearing proposed? Yes If Yes, explain below. ☑ No
Timing of the proposed cutting or clearing (month/year):
Number of trees to be cut: ______________ Acreage of trees to be cleared: ______________
g. Work methods and type of equipment to be used:
   Piling for the permanent docks will be placed down from barge.
   Steel sheeting will be placed from barge landward of the MHWL.

h. Describe the planned sequence of activities:
   Piling for the permanent docks will be placed down from barge.
   Steel sheeting will be placed from barge landward of the MHWL.

i. Pollution control methods and other actions proposed to mitigate environmental impacts:
   N/A - No excavation anticipated at or below MHWL.

j. Erosion and silt control methods that will be used to prevent water quality impacts:
   N/A

k. Alternatives considered to avoid regulated areas. If no feasible alternatives exist, explain how the project will minimize impacts:
   N/A

l. Proposed use: ☑ Private ☐ Public ☐ Commercial

m. Proposed Start Date: [ ] | Estimated Completion Date: [ ]

n. Has work begun on project? Yes ☐ If Yes, explain below. ☑ No

o. Will project occupy Federal, State, or Municipal Land? ☑ Yes ☐ If Yes, explain below. ☑ No
   Underwater lands of NYS, Dockage on Little Sodus Bay

p. List any previous DEC, USACE, CGS or DOS Permit / Application numbers for activities at this location:
   Unknown

q. Will this project require additional Federal, State, or Local authorizations, including zoning changes?
   ☑ Yes If Yes, list below. ☐ No

   [ ]
7. Signatures.
Applicant and Owner (If different) must sign the application. If the applicant is the landowner, the landowner attestation form can be used as an electronic signature as an alternative to the signature below, if necessary. Append additional pages of this Signature section if there are multiple Applicants, Owners or Contact/Agents.

I hereby affirm that information provided on this form and all attachments submitted herewith is true to the best of my knowledge and belief.

Permission to Inspect - I hereby consent to Agency inspection of the project site and adjacent property areas. Agency staff may enter the property without notice between 7:00 am and 7:00 pm, Monday - Friday. Inspection may occur without the owner, applicant or agent present. If the property is posted with "keep out" signs or fenced with an unlocked gate, Agency staff may still enter the property. Agency staff may take measurements, analyze site physical characteristics, take soil and vegetation samples, sketch and photograph the site. I understand that failure to give this consent may result in denial of the permit(s) sought by this application.

False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the NYS Penal Law. Further, the applicant accepts full responsibility for all damage, direct or indirect, of whatever nature, and by whomever suffered, arising out of the project described herein and agrees to indemnify and save harmless the State from suits, actions, damages and costs of every name and description resulting from said project. In addition, Federal Law, 18 U.S.C., Section 1001 provides for a fine of not more than $10,000 or imprisonment for not more than 5 years, or both where an applicant knowingly and willingly falsifies, conceals, or covers up a material fact; or knowingly makes or uses a false, fictitious or fraudulent statement.

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<thead>
<tr>
<th>Signature of Applicant</th>
<th>Date 04/22/2022</th>
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<tbody>
<tr>
<td>Applicant Must be (check all that apply):</td>
<td>Owner [ ✓ ] Operator [ ] Lessee [ ]</td>
</tr>
<tr>
<td>Printed Name</td>
<td>Chris Colloca</td>
</tr>
<tr>
<td>Title</td>
<td>CEO, Member</td>
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<th>Signature of Owner (if different than Applicant)</th>
<th>Date</th>
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<td>Printed Name</td>
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<th>Signature of Contact / Agent</th>
<th>Date 4/25/2022</th>
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<tbody>
<tr>
<td>Printed Name</td>
<td>Robert J. Elliott</td>
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<tr>
<td>Title</td>
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For Agency Use Only

DETERMINATION OF NO PERMIT REQUIRED

Agency Application Number (Agency Name) has determined that No Permit is required from this Agency for the project described in this application.

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<th>Agency Representative:</th>
<th>Title</th>
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<td>Signature</td>
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**NEW YORK**

**Department of Environmental Conservation**

**APPLICATION FOR PERMIT**

FOR THE CONSTRUCTION, RECONSTRUCTION OR EXPANSION OF
DOCKING AND MOORING FACILITIES
(INCLUDING PLATFORMS AND BREAKWATERS)

Supplement D-2

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**PROJECT CONSTRUCTION DESCRIPTION:**

**College Estate Winery - 14678 West Bay Rd, Fair Haven, N.Y.**

**Construction of Permanent Docks w/30' Seasonal, Floating Docks.**

**1. TYPE OF ACTIVITY:**

- [X] New Facility Construction
- [ ] Substantial Reconstruction
- [ ] Expansion
- [ ] Change in Use

**2. CAPACITY OF DOCKING FACILITY OR MOORING AREA:**

- Maximum number of boats to be docked: **60+**
- Boat type and size ranges to be served: **Sail + Power - up to 30' **
- Total surface area of facility perimeter: **40,000** square feet

**3. IDENTIFY STRUCTURE TYPES AND THE USE OF SUCH STRUCTURES, INCLUDE SIZE, TYPE OF CONSTRUCTION AND MATERIALS TO BE USED, IF SUBSTANTIAL RECONSTRUCTION IS REQUIRED, EXPLAIN EXTENT OF ACTIVITY INCLUDING PERCENTAGE OF THE TOTAL STRUCTURE SIZE AFFECTED.**

- **Permanent Docks:** 6' Steel Pilings, 4' Steel Frame & Decking
- **Floating Docks:** Aluminum Frame, Decking w/Balast

**Dimensions as shown on plan views**

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**4. FOR NEW FACILITY, EXPANSION OF EXISTING FACILITY OR CHANGE IN USE, CHECK APPROPRIATE ITEMS AND DESCRIBE THE SERVICES TO BE PROVIDED:**

- [ ] Water Supply: **n/a**
- [ ] Sewage Disposal: **n/a**
- [ ] Electrical Supply: **n/a**
- [ ] Gas Supply: **n/a**
- [ ] Gasoline/Oil Supply: **n/a**
- [ ] Other: **n/a**

(continue on attached sheet if necessary)

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**5. SIGNATURE:**

[Signature]

**DATE:** 04/22/2022

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(rev. 3/16)
Memorandum

West Bay Estates, LLC/DBA Colloca Estate Winery
DEC ID #7-0556-00379/00001
Corps ID LRB-2022-00432
NYSDOS ID F-20220486

Date: July 29, 2022

Re: Agency Review Comments – Responses & Supplemental Information

The following information is enclosed:

- Revised Plans and Details

The plans have been modified to eliminate the proposed deck. As previously stated there will be no ancillary services provided, other than dockage space.

Sheet 2 – dock dimensions have been added.

Previously submitted responses:

The facility perimeter, per DEC guidelines, has been added to the plans.

DEC Habitat Biologist has visited the site and has witnessed the erosion currently taking place.

The proposed steel wall will be placed uphill from the mean high water line and will be tied into the existing steel wall at the proposed deck. This location is shown on the cross-section and noted on the attached photo.

MHWL is noted on the plan and cross-section.

The proposed steel wall is placed in the existing embankment with no disturbance to the shoreline. There will be no fill placed along the shoreline unless directed by DEC or the Corps.

Steel pilings are noted on the plans, with a typical cross-section of the permanent docks.
New York State Section 401 Water Quality Certification

PRE-FILING MEETING REQUEST FORM

Prospective Applicant Information: DEP ID (if known):

Name of Prospective Applicant: West Bay Estates, LLC / DBA /
Colesa Estate Winery, Chris Colesa
Applicant must be property owner, lessee or operator (check which applies).
Email: [redacted] Phone: 420-768-0850
Mailing Address: Street: 14670 West Bay Rd. City: Fair Haven
State: NY Zip: 13150

Name of Property Owner (if different from prospective applicant):
Email:
Mailing Address:

Prospective Application Contact or Contractor (if applicable): Elliott Engineering Solutions
Email: [redacted] Phone: 585-571-0600
Mailing Address: Street 300 Packetts Landing City: Fairport
State: NY Zip: 14450

Project Location (where work will be done): 14670 West Bay Rd.

Town (where property taxes paid): Steeleville County: Carriaga
Street Address: 14670 West Bay Rd. City: Fair Haven
State: NY Zip: 13150

Project Name and Description (short description of proposed work, including acreage of US Waters):

Add description as shown on attached application + photos

04/22/2022

✓ Attachments (check each box to indicate that the attachment is provided with this form):
✓ Project Location Map, required (with location marked) ✓ Project Drawings & Site Plan, if available
✓ Project Site Photos, if available ✓ Project SEOR Documents, if available

Certification:
I hereby submit this form and the attachments indicated to request a pre-filing meeting for a Section 401 Water Quality Certification pursuant to 40 CFR §121.4. It is my intent to apply for a Section 401 Water Quality Certification for the project described in these materials, and any other DEC permits that may be required for the project, no earlier than 30 days from the date this pre-filing meeting request has been submitted. I also understand and acknowledge that DEC is not obligated to grant or respond to this request for a pre-filing meeting.

Prospective Applicant Signature: [redacted] Date: 04/22/2022

Property Owner Signature (if different than applicant): [redacted] Date: [redacted]
To comply with federal requirements at 40 CFR §121.5(b) for New York State Section 401 Water Quality Certification, all items below must be completed and the applicant must sign page 2 of this form.

1. By signing this form, the applicant affirms that the project proponent(s) and a point of contact were accurately identified in the Joint Application for Permit provided with this supplement.

2. By signing this form, the applicant affirms that the proposed project is accurately and completely identified in the Joint Application for Permit provided with this supplement, and in any supporting plans, photos, reports or other project information.

3. Identify here the applicable federal license or permit for this request:

   If this request relates to a Section 404 Nationwide Permit administered by the US Army Corps of Engineers, please identify the appropriate Nationwide Permit number(s):

4. Please identify the location and nature of any potential discharge that may result from the proposed project and the location of receiving waters (attached additional information as needed):

   no discharge anticipated

5. Please provide a description of any methods and means proposed to monitor the discharge and the equipment or measures planned to treat, control, or manage the discharge (attach additional information as needed):

   n/a
6. Please provide a list of all other federal, interstate, tribal, state, territorial, or local agency authorizations required for the proposed project, including all approvals or denials already received:

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<th>Corps</th>
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<td>NYSCOGS</td>
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7. Please indicate the date a Section 401 Water Quality Certification pre-filing meeting request was submitted to DEC and attach a copy of the request to this form. The pre-filing meeting request must have been made at least 30 days prior to submitting application for Section 401 Water Quality Certification.

See Attached

8. By signing below the applicant is providing the following statement: "The project proponent hereby certifies that all information contained herein is true, accurate, and complete to the best of my knowledge and belief."

9. By signing below the applicant is providing the following statement: "The project proponent hereby requests that the certifying authority review and take action on this CWA 401 certification request within the applicable reasonable period of time."

**Certification:**
In addition to the Joint Application Form provided with this supplement, I hereby submit this form and the attachments indicated to request a Section 401 Water Quality Certification from DEC. The project proponent hereby certifies that all information contained herein is true, accurate, and complete to the best of my knowledge and belief. The project proponent hereby requests that the certifying authority review and take action on this CWA 401 certification request within the applicable reasonable period of time.

\[\text{Signature}\]

Project Applicant/Proponent Signature

\[04/22/2022\]

Date