

**LWRP Consistency Review Law**  
**Town of Grand Island**  
**Local Law #2 of 2024**

Be it enacted by the Town Board of the Town of Grand Island as follows:

**403-1 Title.**

This chapter shall be known as the “Town of Grand Island Local Waterfront Revitalization Program (LWRP) Consistency Review Law”.

**403-2. 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 of the State of New York or the “Executive Law”).
- b) The purpose of this law is to provide a framework for the agencies of the Town of Grand Island (the Town) to consider the policies and purposes contained in the Town of Grand Island Local Waterfront Revitalization Program (LWRP) when reviewing applications for actions or direct agency actions (as defined below) proposed within the Waterfront Revitalization Area of the Town of Grand Island; and to assure that such actions and direct actions undertaken by agencies (as defined below) are consistent with the LWRP policies and purposes.
- c) It is the intention of the Town of Grand Island that the preservation, enhancement, and utilization of the unique Waterfront Revitalization Area occur in a coordinated and comprehensive manner to ensure a proper balance between the protection of natural resources and the need to accommodate population growth and economic development. Accordingly, this chapter is intended to achieve such a balance, permitting the beneficial use of waterfront resources while preventing degradation or loss of living waterfront resources and wildlife; diminution of open space areas or public access to the waterfront; disruption of natural waterfront processes; impairment of scenic or historical resources; losses due to flooding, erosion, and sedimentation; impairment of water quality; or permanent adverse changes to ecological systems.
- d) The substantive provisions of this chapter shall only apply when there is in existence a Town of Grand Island Local Waterfront Revitalization Program that has been adopted in accordance with Article 42 of the Executive Law of the State of New York.

### 403-3. Definitions.

- a) **Actions** include all the following, except minor actions:
  - (1) projects or physical activities, such as construction or any other activities that may affect natural, manmade, or other resources in the waterfront revitalization area, or the environment, by changing the use, appearance, or condition of any resource or structure, that:
    - A. are directly undertaken by an agency; or
    - B. involve funding by an agency; or
    - C. require one or more new or modified approvals, permits, or review from an agency or agencies;
  - (2) agency planning and policymaking 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, ordinances, executive orders, and resolutions that may affect waterfront resources or the environment; and
  - (4) any combination of the above.
- b) **Agency** means any board, agency, department, office, other body, or officer of the Town of Grand Island
- c) **Code Enforcement Officer** means the Building Inspector of the Town of Grand Island
- d) **Consistent** means that the action fully complies with the LWRP policy standards, conditions, and objectives and, whenever practicable, will advance one or more of them.
- e) **Direct Actions** mean actions planned and proposed for implementation by an agency, such as, but not limited to, a capital project, rulemaking, procedure making and policy making.
- f) **Environment** means all conditions, circumstances, and influences surrounding and affecting the development of living organisms or other resources in the waterfront revitalization area.
- g) **Environmental Assessment Form (EAF)** means the form used by municipal agencies to assist it in determining the environmental significance or non-significance of an action, pursuant to Article 8 of the Environmental Conservation Law (SEQRA).

- h) **Environmental Impact Statement (EIS)** means a written draft of final document prepared to provide a means for agencies, project sponsors and the public to systematically consider significant adverse environmental impacts, alternatives, and mitigation to an action, pursuant to Article 8 of the Environmental Conservation Law (SEQRA).
- i) **Local Waterfront Revitalization Program (LWRP)** means the locally adopted Town of Grand Island Local Waterfront Revitalization Program that was approved by the Secretary of State pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Article 42 of the Executive Law) and incorporated into the NYS Coastal Management Program. A copy of the Town of Grand Island LWRP plan describing the NYS Coastal Management Program within the Grand Island WRA is on file in the Office of the Clerk of the Town of Grand Island.
- j) **Ministerial act** means an action performed upon a given state of facts in a prescribed manner imposed by law without the exercise of any judgment or discretion as to the propriety of the act.
- k) **Minor actions** include the following actions, which are not subject to review under this chapter:
- (1) maintenance or repair involving no substantial changes in an existing structure or facility;
  - (2) 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 local law where structures may not be replaced, rehabilitated or reconstructed without a permit;
  - (3) repaving of existing paved highways not involving the addition of new travel lanes;
  - (4) street openings and right of way openings for the purpose of repair or maintenance of existing utility facilities;
  - (5) maintenance of existing landscaping or natural growth, **except** where threatened or endangered species of plants or animals are affected, and in Significant Coaster Fish and Wildlife Habitat areas and in nature preserves.
  - (6) granting of individual setback and lot line variances, **except** in relation to a regulated natural feature;

- (7) minor temporary uses of land having negligible or no permanent impact on waterfront resources or the environment;
- (8) installation of traffic control devices on existing streets, roads, and highways;
- (9) mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns;
- (10) information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soil studies that do not commit the agency to undertake, fund, or approve any Type I or Unlisted action;
- (11) official acts of a ministerial nature or ministerial act involving no exercise of discretion, including building permits and historic preservation permits where issuance is predicated solely on the applicant's compliance or noncompliance with the relevant local building and preservation codes;
- (12) routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment;
- (13) 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;
- (14) collective bargaining activities;
- (15) investments by or on behalf of agencies or pension or retirement systems, or refinancing existing debt;
- (16) inspections and licensing activities relating to the qualifications of individuals or businesses to engage in their business or profession;
- (17) purchase or sale of furnishings, equipment or supplies, including surplus government property, **other than** the following: land, radioactive material, pesticides, herbicides, or other hazardous materials;
- (18) adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list;
- (19) 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 Part have been fulfilled;

- (20) 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;
- (21) adoption of a moratorium on land development or construction;
- (22) interpreting an existing code, rule or regulation;
- (23) designation of local landmarks or their inclusion within historic districts;
- (24) 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 waterfront 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 Part;
- (25) local legislative decisions such as rezoning where the Town Board determines the action will not be approved.

- l) **Town Board** means the Town of Grand Island Town Board and its authorized designee(s).
- m) **Waterfront Assessment Form (WAF)** means checklist form that is used by municipal agencies to assist in determining the consistency of an action proposed within the Town of Grand Island WRA, a sample of which is appended to this law.
- n) **Waterfront Revitalization Area (WRA)** means the portion of the New York State coastal area shown on the coastal area map on file in the office of the Secretary of State and described as the Town of Grand Island WRA in Section I of the Town of Grand Island LWRP approved by the New York State Secretary of State pursuant to Article 42 of the Executive Law.

#### **403-4. Management and Coordination of the LWRP.**

- a) The Town Board shall be responsible for overall management and coordination of the LWRP. In performing this task, the Town Board shall:
  - 1. Focus on implementation, priorities, work assignments, timetables, and budgetary requirements of the LWRP.

2. Make applications for funding from State, federal, or other sources to finance projects under the LWRP.
  3. Coordinate and oversee liaison between Town agencies, to further implementation of the LWRP.
  4. Schedule semi-annual LWRP coordinating meetings, including but not limited to representatives of the Town Board, Planning Board, Zoning Board of Appeals, Comprehensive Plan Review Board, Code Enforcement Officer, Engineering Department, and such other agencies or staff charged with LWRP implementation, in order to foster a strong relationship and maintain an active liaison among the town agencies responsible for implementing the LWRP..
  5. Prepare an annual report on progress achieved and problems encountered in implementing the LWRP and recommend actions necessary for further implementation.
  6. Perform other functions regarding the waterfront revitalization area and direct such actions or projects as are necessary, or as the Town Board may deem appropriate, to implement the LWRP.
- b) The Code Enforcement Officer shall be responsible for coordinating with NYS Department of State (DOS) regarding consistency review for actions by State or federal agencies. Coordination shall include providing an informal opinion on the proposed action to DOS, at DOS's request, within 15 days of said request, regardless of any requirement for a local consistency decision.

**403-5. Review of Actions.**

- a) Whenever a proposed action is located within the WRA, each agency shall, prior to approving, funding, or undertaking the action, make a determination that it is consistent with the LWRP policy standards summarized in section i) below. No action within the WRA shall be approved, funded, or undertaken by an agency without such a determination.
- b) The Town Board, assisted by the Code Enforcement Officer, shall be responsible for coordinating review of actions in the WRA for consistency with the LWRP, and will advise, assist, and make consistency recommendations for other agencies in the implementation of the LWRP, its policies and projects, including physical, legislative, regulatory, administrative, and other actions included in the program.

- c) The Town Board, with assistance from the Code Enforcement Officer, will provide each agency with preliminary evaluation of actions within the WRA, based on the submitted application and the WAF drafted by the involved agency. 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 within the WRA, the agency shall refer such application or direct action and associated WAF, a sample of which is appended to this local law, to the Town Board, within ten (10) days of its receipt.
- d) The Town Board or their designee shall require the applicant to submit all completed applications, WAF, EAF, and any other information deemed necessary to its consistency recommendation. The recommendation shall indicate whether, in the opinion of the Town Board or their designee, the proposed action is consistent with or inconsistent with one or more of the LWRP policy standards and objectives and shall elaborate in writing the basis for its opinion. The Town Board or their designee shall, along with its consistency recommendation, make any suggestions to the agency concerning modification of the proposed action, including the imposition of conditions, to make it consistent with LWRP policy standards and objectives or to greater advance them. Such recommendation shall go to the agency within thirty (30) days of receipt of the completed information submitted by the applicant.
- e) If an action requires approval of more than one agency, decision making will be coordinated between agencies to determine which agency will conduct the final consistency review, and that agency will thereafter act as designated consistency review agency. Only one WAF per action will be prepared. If the agencies cannot agree, the Town Board or their designee shall designate the consistency review agency.
- f) Upon recommendation of the Town Board or their designee, the agency shall consider whether the proposed action is consistent with the LWRP policy standards summarized in section i) herein. Prior to making its determination of consistency, the agency shall consider the consistency recommendation of the Town Board. The agency shall render a written determination of consistency based on the WAF, the Town Board recommendation and such other information as is deemed necessary to its determination. No approval or decision shall be rendered for an action within the WRA without a determination of consistency. The designated agency will make the final determination of consistency.

The Zoning Board of Appeals is the designated agency for the determination of consistency for variance applications subject to this law. The Zoning Board of Appeals shall consider the written consistency recommendation of the Town Board in the event

and at the time it makes a decision to grant such a variance and shall impose appropriate conditions on the variance to make the activity consistent with the objectives of this law.

- g) Where an EIS is being prepared or required, the draft EIS must identify applicable LWRP policies and standards and include a discussion of the effects of the proposed action on such policy standards. No agency may make a final decision on an action that has been the subject of a final EIS and is located within the WRA until the agency has made a written finding regarding the consistency of the action with the local policy standards referred to in section i) herein.
- h) In the event the Town Board's recommendation is that the action is inconsistent with the LWRP policies, and the agency makes a contrary determination of consistency, the agency shall elaborate in writing the basis for its disagreement with the recommendation and explain the manner and extent to which the action is consistent with the LWRP policy standards.
- i) Actions to be undertaken within the WRA shall be evaluated for consistency in accordance with the following summary of LWRP policies, which are derived from and further explained and described in Section III of the Town of Grand Island LWRP plan, a copy of which is on file in the Clerk's office and available for inspection during normal business hours. Agencies which undertake direct actions shall also consult with Section IV-Proposed Land and Water Uses and Projects of the LWRP, in making their consistency determination. The action shall not be inconsistent with any of the following policies:

- Policy 1        Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational, and other compatible uses.
- Policy 1A       Revitalize Ferry Village and Whitehaven areas for commercial, recreational, and residential uses.
- Policy 2        Facilitate the siting of water dependent uses and facilities on or adjacent to coastal waters.
- Policy 3        Further develop the State's major ports of Albany, Buffalo, New York, Ogdensburg, and Oswego as centers of commerce and industry, and encourage the siting, in these port areas, including those under the jurisdiction of State public authorities, of land use and development which is essential to, or in support of, the waterborne transportation of cargo and people.



- Policy 4 Strengthen the economic base of smaller harbor areas by encouraging the development and enhancement of those traditional uses and activities that have provided such areas with their unique maritime identity
- Policy 5 Encourage the location of development in areas where public services and facilities essential to such development are adequate.
- Policy 6 Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.
- Policy 7 Significant coastal fish and wildlife habitats will be protected, preserved, and where practical, restored so as to maintain their viability as habitats.
- Policy 7A Restore and protect the Grand Island Tributaries significant coastal fish and wildlife habitat.
- Policy 7B Restore and protect the Buckhorn Island-Goat Island Rapids significant coastal fish and wildlife habitat.
- Policy 7C Restore and protect the Buckhorn Island Wetlands significant coastal fish and wildlife habitat.
- Policy 7D Restore and protect the Buckhorn Island-Tern Colony significant coastal fish and wildlife habitat.
- Policy 7E Restore and protect the Strawberry Island-Motor Island Shallows significant coastal fish and wildlife habitat.
- Policy 8 Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which bio-accumulate in the food chain or which cause significant sublethal or lethal effect on those resources.
- Policy 9 Expand recreational use of fish and wildlife resources in coastal areas by increasing access to existing resources, supplementing existing stocks, and developing new resources.
- Policy 10 Further develop commercial finfish, shellfish, and crustacean resources in the coastal area by encouraging the construction of new, or improvement of existing onshore commercial fishing facilities, increasing marketing of the State's seafood products, maintaining adequate stocks, and expanding aquaculture facilities.
- Policy 11 Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.

- Policy 12 Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands and bluffs.
- Policy 13 The construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty years as demonstrated in design and construction standards and/or assured maintenance or replacement programs.
- Policy 14 Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development, or at other locations.
- Policy 15 Mining, excavation or dredging in coastal waters shall not significantly interfere with the natural coastal processes which supply beach materials to land adjacent to such waters and shall be undertaken in a manner which will not cause an increase in erosion of such land.
- Policy 16 Public funds shall only be used for erosion protective structures where necessary to protect human life, and new development which requires a location within or adjacent to an erosion hazard area to be able to function, or existing development; and only where the public benefits outweigh the long term monetary and other costs including the potential for increasing erosion and adverse effects on natural protective features.
- Policy 17 Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible.
- Policy 18 To safeguard the vital economic, social, and environmental interests of the State and of its citizens, proposed major actions in the coastal area must give full consideration to those interests, and to the safeguards which the State has established to protect valuable coastal resource areas.
- Policy 19 Protect, maintain, and increase the level and types of access to public water related recreation resources and facilities.
- Policy 20 Access to the publicly owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly owned shall be provided and it shall be provided in a manner compatible with adjoining uses.

- Policy 21 Water dependent and water enhanced recreation will be encouraged and facilitated and will be given priority over non-water-related uses along the coast.
- Policy 22 Development when located adjacent to the shore will provide for water-related recreation whenever such use is compatible with reasonably anticipated demand for such activities and is compatible with the primary purpose of the development.
- Policy 23 Protect, enhance and restore structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the State, its communities, or the Nation.
- Policy 24 Prevent impairment of scenic resources of statewide significance.
- Policy 25 Protect, restore, or enhance natural and man-made resources which are not identified as being of statewide significance, but which contribute to the overall scenic quality of the coastal area.
- Policy 25A Protect and restore natural resources of the Niagara River Corridor that contribute to the overall scenic quality of the Grand Island WRA.
- Policy 26 Conserve and protect agricultural lands in the State's coastal area.
- Policy 27 Decisions on the siting and construction of major energy facilities in the coastal area will be based on public energy needs, compatibility of such facilities with the environment, and the facility's need for a shorefront location.
- Policy 28 Ice management practices shall not interfere with the production of hydroelectric power, damage significant fish and wildlife and their habitats, or increase shoreline erosion or flooding.
- Policy 29 The development of offshore uses and resources, including renewable energy resources, shall accommodate New York's long-standing ocean and Great Lakes industries, such as commercial and recreational fishing and maritime commerce, and the ecological functions of habitats important to New York.
- Policy 30 Municipal, industrial, and commercial discharge of pollutants, including but not limited to, toxic and hazardous substances, into coastal waters will conform to State and National water quality standards.
- Policy 31 State coastal area policies and management objectives of approved local Waterfront Revitalization Programs will be considered while reviewing coastal water classifications and while modifying water quality standards; however,

those waters already overburdened with contaminants will be recognized as being a development constraint.

- Policy 32 Encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high, given the size of the existing tax base of these communities.
- Policy 33 Best management practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters.
- Policy 34 Discharge of waste materials into coastal waters from vessels subject to State jurisdiction will be limited so as to protect significant fish and wildlife habitats, recreational areas and water supply areas.
- Policy 35 Dredging and filling in coastal waters and disposal of dredged material will be undertaken in a manner that meets existing State dredging permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands.
- Policy 36 Activities related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills into coastal waters; all practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution for damages will be required when these spills occur.
- Policy 37 Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into coastal waters.
- Policy 38 The quality and quantity of surface water and groundwater supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.
- Policy 39 The transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within coastal areas will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural land, and scenic resources.
- Policy 40 Effluent discharged from major steam electric generating and industrial facilities into coastal waters will not be unduly injurious to fish and wildlife and shall conform to state water quality standards.
- Policy 41 Land use or development in the coastal area will not cause national or State air quality standards to be violated.

- Policy 42 Coastal management policies will be considered if the State reclassifies land areas pursuant to the prevention of significant deterioration regulations of the Federal Clean Air Act.
- Policy 43 Land use or development in the coastal area must not cause the generation of significant amounts of acid rain precursors: nitrates and sulfates.
- Policy 44 Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.
- j) If the agency determines that an action will be inconsistent with one or more LWRP policy standards or objectives, such action shall not be undertaken unless modified to be consistent with the LWRP policies.
- k) Each agency shall maintain a file for each action made the subject of a consistency determination, including any recommendations received from the Code Enforcement Officer. Such files shall be made available for public inspection upon request.

#### **403-6. Enforcement.**

In the event that an activity is being performed in violation of this law or any conditions imposed thereunder, the Town Board 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.

#### **403-7. Violations.**

- a) Violations of the Town of Grand Island LWRP Consistency Review Law shall be enforced and punishable in accordance with violations of Chapter 407 of the Town of Grand Island Code and shall also be subject to the penalties prescribed therein. 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 local law. Any civil penalty shall be in addition to and not in lieu of any criminal prosecution and penalty.

#### **403-8. Severability.**

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

**403-9. 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.

**TOWN OF GRAND ISLAND WATERFRONT ASSESSMENT FORM**

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**A. INSTRUCTIONS**

1. Applicants, or, in the case of direct actions, Town agencies shall complete this Waterfront Assessment Form (WAF) for proposed actions which are subject to the LWRP Consistency Review Law. This assessment is intended to supplement other information used by a Town agency in making a determination of consistency with the policy standards set forth in the LWRP Consistency Review Law.
2. Before answering the questions in Section C, the preparer of this form should review the policies and policy explanations contained in Section III of the Town of Grand Island Local Waterfront Revitalization Program (LWRP) plan, a copy of which is on file in the office of the Town Clerk. A proposed action should be evaluated as to its beneficial and adverse effects upon the waterfront area and its consistency with the policy standards.
3. If any question in Section C on this form is answered "yes", the proposed action may affect the achievement of the LWRP policy standards contained in the LWRP Consistency Review Law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to making a determination that is consistent with the LWRP policy standards. If an action cannot be certified as consistent with the LWRP policy standards and conditions, it shall not be undertaken.

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

**1. Describe nature and extent of action:**

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**2. Type of Town agency action (check appropriate response):**

a. Directly undertaken (e.g., construction, planning activity, agency regulation, land transaction)

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b. Financial assistance (e.g. grant, loan, subsidy)

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c. Permit, approval, license, certification

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d. Agency undertaking action:

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**3. If an application for the proposed action has been filed with a Town, the following information shall be provided:**

a. Name of applicant

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b. Mailing address:

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c. Telephone number:

( \_\_\_\_\_ ) \_\_\_\_\_

d. Property tax number:

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e. Application number, if any:

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**4. 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?

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\_\_\_\_\_

**5. Location of action (Street or Site Description and nearest intersection)**

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a. Size of site (acres):

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b. Amount (acres) of site to be disturbed:

\_\_\_\_\_

c. Present land use:

\_\_\_\_\_  
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d. Present zoning classification:

\_\_\_\_\_



e. Describe any unique or unusual landforms on the project site (i.e. bluffs, wetlands, other geological formations):

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f. Percentage of site that contains slopes of 15% or greater:

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g. Streams, lakes, ponds or wetlands existing within or continuous to the project area?

1. Name

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2. Size (in acres)

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3. Name

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4. Size (in acres)

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h. Is the property serviced by public water?

Yes \_\_\_\_\_ No \_\_\_\_\_

i. Is the property serviced by public sewer?

Yes \_\_\_\_\_ No \_\_\_\_\_

**C. WATERFRONT ASSESSMENT**

(Check either "Yes" or "No" for each of the following questions). 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.

**1. Will the proposed action be located within, or contiguous to, or have a potentially adverse effect upon any of the resource areas found within the waterfront area as identified in the LWRP?**

Yes \_\_\_\_\_ No \_\_\_\_\_

a. Significant fish or wildlife habitats?

Yes \_\_\_\_\_ No \_\_\_\_\_

b. Scenic resources of local or State-wide significance?

Yes \_\_\_\_\_ No \_\_\_\_\_

c. Important agricultural lands?

Yes \_\_\_\_\_ No \_\_\_\_\_

d. Natural protective features in a coastal erosion hazard area?

Yes \_\_\_\_\_ No \_\_\_\_\_

**2. Will the proposed action have a significant effect upon:**

a. Scenic quality of the waterfront environment?

Yes \_\_\_\_\_ No \_\_\_\_\_

b. Development of future or existing water-dependent uses?

Yes \_\_\_\_\_ No \_\_\_\_\_

c. Operation of the State's major ports?

Yes \_\_\_\_\_ No \_\_\_\_\_

d. Land or water uses within a small harbor area?

Yes \_\_\_\_\_ No \_\_\_\_\_

e. Designated State or federal freshwater wetlands?

Yes \_\_\_\_\_ No \_\_\_\_\_

f. Commercial or recreational use of fish and wildlife resources?

Yes \_\_\_\_\_ No \_\_\_\_\_

g. Existing or potential public recreation opportunities?

Yes \_\_\_\_\_ No \_\_\_\_\_

h. Structures, sites or districts of historic, archaeological or cultural significance to the Town/Village/City, State or nation?

Yes \_\_\_\_\_ No \_\_\_\_\_

i. Stability of the shoreline?

Yes \_\_\_\_\_ No \_\_\_\_\_

j. Surface or groundwater quality?

Yes \_\_\_\_\_ No \_\_\_\_\_

**3. Will the proposed action involve or result in any of the following:**

a. Physical alteration of land along the shoreline, underwater land or surface waters?

Yes \_\_\_\_\_ No \_\_\_\_\_

b. Physical alteration of two (2) acres or more of land located elsewhere in the waterfront area?

Yes \_\_\_\_\_ No \_\_\_\_\_

c. Expansion of existing public services or infrastructure in undeveloped or low-density areas of the waterfront area?

Yes \_\_\_\_\_ No \_\_\_\_\_

d. Siting or construction of an energy generation facility not subject to Article VII or VIII of the Public Service Law?

Yes \_\_\_\_\_ No \_\_\_\_\_

e. Mining, excavation, filling or dredging in surface waters?

Yes \_\_\_\_\_ No \_\_\_\_\_

f. Reduction of existing or potential public access to, or along, the shoreline?

Yes \_\_\_\_\_ No \_\_\_\_\_

g. Sale or change in use of publicly owned lands located on the shoreline or underwater?

Yes \_\_\_\_\_ No \_\_\_\_\_

h. Development within a designated flood or erosion hazard area?

Yes \_\_\_\_\_ No \_\_\_\_\_

i. Development on a beach, dune, bluff or other natural feature that provides protection against flooding or erosion?

Yes \_\_\_\_\_ No \_\_\_\_\_

j. Construction or reconstruction of erosion protective structures?

Yes \_\_\_\_\_ No \_\_\_\_\_

k. Diminished or degraded surface or groundwater quantity and/or quality?

Yes \_\_\_\_\_ No \_\_\_\_\_

l. Removal of ground cover from the site?

Yes \_\_\_\_\_ No \_\_\_\_\_

#### 4. Project details

a. If a project is to be located adjacent to shore:

1 Does the project require a waterfront location?

Yes \_\_\_\_\_ No \_\_\_\_\_

2 Will water-related recreation be provided?

Yes \_\_\_\_\_ No \_\_\_\_\_

3 Will public access to the foreshore be provided?

Yes \_\_\_\_\_ No \_\_\_\_\_

4 Will it eliminate or replace a water-dependent use?

Yes \_\_\_\_\_ No \_\_\_\_\_

5 Will it eliminate or replace a recreational or maritime use or resources

Yes \_\_\_\_\_ No \_\_\_\_\_

b. Is the project site presently used by the community neighborhood as an open space or recreation area?

Yes \_\_\_\_\_ No \_\_\_\_\_

c. Will the project protect, maintain and/or increase the level and types or public access to water-related recreation resources or facilities?

Yes \_\_\_\_\_ No \_\_\_\_\_

d. Does the project presently offer or include scenic views or vistas that are known to be important to the community?

Yes \_\_\_\_\_ No \_\_\_\_\_

e. Is the project site presently used for commercial or recreational fishing or fish processing?

Yes \_\_\_\_\_ No \_\_\_\_\_

f. Will the surface area of any local creek corridors or wetland areas be increased or decreased by the proposal?

Yes \_\_\_\_\_ No \_\_\_\_\_

g. Is the project located in a flood prone area?

Yes \_\_\_\_\_ No \_\_\_\_\_

h. Is the project located in an area of high coastal erosion?

Yes \_\_\_\_\_ No \_\_\_\_\_

i. Will any mature forest (over 100 years old) or other locally important vegetation be removed by the project?

Yes \_\_\_\_\_ No \_\_\_\_\_

j. Do essential public services or facilities presently exist at or near the site?

Yes \_\_\_\_\_ No \_\_\_\_\_

k. Will the project involve surface or subsurface liquid waste disposal?

Yes \_\_\_\_\_ No \_\_\_\_\_

l. Will the project involve transport, storage, treatment or disposal of solid waste or hazardous materials?

Yes \_\_\_\_\_ No \_\_\_\_\_

m. Will the project involve shipment or storage of petroleum products?

Yes \_\_\_\_\_ No \_\_\_\_\_

n. Will the project involve the discharge of toxics, hazardous substances or other wastes or pollutants into coastal waters?

Yes \_\_\_\_\_ No \_\_\_\_\_

o. Will the project involve or change existing ice management practices?

Yes \_\_\_\_\_ No \_\_\_\_\_

p. Will the project alter drainage flow, patterns or surface water runoff on or from the site?

Yes \_\_\_\_\_ No \_\_\_\_\_

q. Will best management practices be utilized to control storm water runoff into waterfront waters?

Yes \_\_\_\_\_ No \_\_\_\_\_

r. Will the project cause emissions that would exceed federal or State air quality standards or generate significant amounts of nitrates or sulfates?

Yes \_\_\_\_\_ No \_\_\_\_\_

s. Will the project affect any area designated as a tidal or freshwater wetland?

Yes \_\_\_\_\_ No \_\_\_\_\_

t. Will the project utilize or affect the quality or quantity of sole source or surface water supplies?

Yes \_\_\_\_\_ No \_\_\_\_\_

**D. REMARKS OR ADDITIONAL INFORMATION TO SUPPORT OR DESCRIBE ANY ITEM(S)**

**CHECKED "YES"** (Add any additional sheets necessary)

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If you require assistance or further information in order to complete this form, please contact the Town of Grand Island Building Department.

Please submit completed form, along with one copy of a site/sketch plan to:

***Town of Grand Island Building Department***

Preparer's Name (Please print):	
Affiliation:	
Telephone Number:	
Date:	