

**Appendix A**

LWRP Consistency Review Law and Waterfront Assessment Form



# TOWN OF WHEATFIELD NIAGARA COUNTY

2800 Church Road  
North Tonawanda, NY 14120-1099  
Phone: (716) 694-6440 Fax: (716) 694-5419

Kathleen M. Harrington  
*Town Clerk  
Registrar of Vital Statistics  
Records Management Officer  
Marriage Officer*

## Town of Wheatfield

### AUTHORIZING RESOLUTION

I, Kathleen Harrington-McDonnell, elected Town Clerk of The Town of Wheatfield, 2800 Church Road, North Tonawanda, NY 14120, do hereby certify that the following resolution was adopted at the regular meeting of the Town of Wheatfield held on March 25, 2013 at 7:30 pm, and is incorporated in the original minutes of said meeting and that said resolution has not been altered, amended or revoked and is in full force and effect.

Resolved:

Moved by Councilman Helwig and seconded by Councilman to adopt Local Law 5-2013, concerning an amendment to the Town's Zoning Law to provide for consistency review for properties located within the LWRP District.

**This motion was CARRIED: AYES 5 – NAYS 0.**

Kathleen M. Harrington-McDonnell  
Town Clerk

Seal of Municipality

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one.)

of Wheatfield

Local Law No. 5-2013 of the year 2013

A local law amendment to Town's Zoning Law to provide for consistency review for properties located  
(Insert Title)  
within the LWRP District.

Be it enacted by the Town Board of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of Wheatfield as follows:

see attached

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(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. 5-2013 of 2013 of the ~~(County)(City)~~(Town)(Village) of Wheatfield was duly passed by the Town Board on March 25, 2013, 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) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted *(Elective Chief Executive Officer\*)* on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**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) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. *(Elective Chief Executive Officer\*)*

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.

**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) *(Name of Legislative Body)* (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.

\* 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.)**

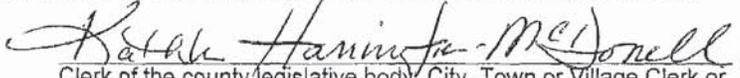
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority 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 \_\_\_\_\_ above.

  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 04-16-2013

(Seal)

## GENERAL PROVISIONS

### I. Title

This local law will be known as the Town of Wheatfield Local Waterfront Revitalization Program (LWRP) Consistency Review Law.

### II. Authority and Purpose

1. This local law is adopted under the authority of the Municipal Home Rule Law and the Waterfront Revitalization of Coastal Areas and Inland Waterways Act of the State of New York (Article 42 of the Executive Law).
2. The purpose of this local law is to provide a framework for the agencies of the Town of Wheatfield (Town) to incorporate the policies and purposes contained in the Town of Wheatfield Local Waterfront Revitalization Program (LWRP) when reviewing applications for actions or direct agency actions located within the coastal area. This law will also ensure that such actions, as well as direct actions undertaken by Town agencies, are consistent with the LWRP policies and purposes.
3. It is the intention of the Town of Wheatfield that the preservation, enhancement and utilization of the natural and manmade resources of the waterfront area of the Town occur in a coordinated and comprehensive manner to ensure a proper balance between protection of natural resources and the need to accommodate growth and economic development. Accordingly, this local law is intended to achieve such a balance, permitting the beneficial use of waterfront resources while preventing: loss and degradation of living waterfront resources and wildlife; adverse impacts to historic structures; diminution of open space areas or public access to the waterfront; disruption of natural waterfront processes; impairment of scenic, cultural or historical resources; losses due to flooding, erosion and sedimentation; impairment of water quality; or permanent adverse changes to ecological systems.
4. The substantive provisions of this local law shall only apply while there is in existence a Town of Wheatfield Local Waterfront Revitalization Program that has been adopted in accordance with Article 42 of the Executive Law of the State of New York.

### III. 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 coastal area or the environment by changing the use, appearance or condition of any resource or structure, that:
    - (i) are directly undertaken by an agency; or
    - (ii) involve funding by an agency; or

- (iii) *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 coastal 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 Wheatfield.
- C. "Coastal area" means that portion of New York State coastal waters and adjacent shorelands as defined in Article 42 of the Executive Law which is located within the boundaries of the Town of Wheatfield, as shown on the coastal area map on file in the office of the Secretary of State and as delineated in the Town of Wheatfield Local Waterfront Revitalization Program (LWRP).
- D. "Code Enforcement Officer" means the Building Inspector and/or Code Enforcement Officer of the Town of Wheatfield.
- E. "Consistent" means that the action will fully comply with the LWRP policy standards, conditions and objectives and, whenever practicable, will advance one or more of them.
- F. "Direct Actions" mean actions planned and proposed for implementation by an applicant or agency, such as, but not limited to, a capital project, rule making, procedure making and policy making.
- G. "Environment" means the physical conditions that will be affected by a proposed action, including land, air, water, minerals, flora, fauna, noise, resources of agricultural, archeological, historic or aesthetic significance, existing patterns of population concentration, distribution or growth, existing community or neighborhood character, and human health.
- H. "Local Waterfront Revitalization Program (LWRP)" means the Local Waterfront Revitalization Program of the Town of Wheatfield, 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 the Office of the Town Clerk of the Town of Wheatfield.
- I. "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-place and in-kind, on the same site, including upgrading buildings to meet building or fire codes,
- (3) repaving or widening 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, or within Significant Coastal Fish and Wildlife Habitat areas;
- (6) granting of individual setback and lot line variances, except in relation to a regulated natural feature or a bulkhead or other shoreline erosion protection structure;
- (7) minor temporary uses of land having negligible or no permanent impact on coastal 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 soils studies that do not commit the agency to undertake, fund or approve any action;
- (11) 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;
- (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, storage of road de-icing substances, or other hazardous materials;
- (18) adoption of regulations, policies, procedures and local legislative decisions in furtherance of 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 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 Part;
- (25) local legislative decisions such as rezoning where the Town of Wheatfield determines the action will not be approved.

J. "Waterfront Assessment Form (WAF)" means the form, a sample of which is appended to this local law, used by an agency to assist in determining the consistency of an action with the Local Waterfront Revitalization Program.

#### **IV. Management and Coordination of the LWRP**

- A. The Town of Wheatfield Code Enforcement Officer shall be responsible for coordinating review of actions in the Town's coastal area for consistency with the LWRP, and will advise, assist and make consistency recommendations to other Town agencies in the implementation of the LWRP, its policies and projects, including physical, legislative, regulatory, administrative and other actions included in the program.
- B. The Town Code Enforcement Officer shall coordinate with the New York State Department of State regarding consistency review of actions by Federal agencies and with State agencies regarding consistency review of their actions.
- C. The Town Code Enforcement Officer shall assist the Town Board, or their designee, in making applications for funding from State, Federal, or other sources to finance projects under the LWRP.
- D. The Town Code Enforcement Officer shall perform other functions regarding the coastal area and direct such actions or projects, as the Town Board may deem appropriate, to implement the LWRP.

**V. Review of Actions.**

- A. Whenever a proposed action is located within the Town's waterfront areas, each Town agency shall, prior to approving, funding or undertaking the action, make a determination that it is consistent with the LWRP policy standards summarized in Subparagraph I herein. No action in the coastal area shall be approved, funded or undertaken by that agency without such a determination.
- B. Whenever a Town agency receives an application for approval or funding of an action, or as early as possible in the agency's formulation of a direct action to be located in the coastal area, the agency shall refer a copy of the completed Waterfront Assessment Form (WAF) to the Town Code Enforcement Officer within ten (10) days of its receipt and prior to making its determination shall consider the recommendation of the Town Code Enforcement Officer with reference to the consistency of the proposed action.
- C. After referral from an agency, the Town Code Enforcement Officer shall consider whether the proposed action is consistent with the LWRP policy standards set forth in Subparagraph I herein. The Town Code Enforcement Officer shall require the applicant to submit all completed applications, WAF, Environmental Assessment Form (EAF), and any other information deemed necessary to its consistency recommendation.

The Town Code Enforcement Officer shall render its written recommendation to the agency within thirty (30) days following referral of the WAF from the agency, unless extended by mutual agreement of the Town Code Enforcement Officer and the applicant or in the case of a direct action, the agency. The Town Code Enforcement Officer's recommendation shall indicate whether the proposed action is consistent with or inconsistent with one or more of the LWRP policy standards and shall elaborate in writing the basis for its opinion. The Town Code Enforcement Officer shall, along with a

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 or to greater advance them.

In the event that the Town Code Enforcement Officer's recommendation is not forthcoming within the specified time, the agency shall make its consistency decision without the benefit of the Town Code Enforcement Officer's recommendation.

The Town shall maintain a file for each action made the subject of a consistency determination. Such file shall be kept in the office of the Code Enforcement Officer and made available for public inspection upon request

- D. If an action requires approval of more than one Town agency, decision making will be coordinated between the agencies to determine which agency will conduct the final consistency review, and that agency will thereafter act as designated consistency review agency for the specific action being reviewed. Only one WAF per action will be prepared. If the agencies cannot agree, the Town Code Enforcement Officer shall designate the consistency review agency.
- E. Upon receipt of the Town Code Enforcement Officer's recommendation, the agency shall consider whether the proposed action is consistent with the LWRP policy standards summarized in Subparagraph I herein. The agency shall consider the consistency recommendation of the Town Code Enforcement Officer, the WAF and other relevant information in making its written determination of consistency. No approval or decision shall be issued for an action in the coastal area without a written determination of consistency having first been rendered by a Town agency.
- F. The Zoning Board of Appeals is the designated agency for making 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 Code Enforcement Officer in the event and at the time it makes a decision to grant such a variance and may impose appropriate conditions on the variance to make the activity consistent with the objectives of this law.
- G. Where an Environmental Impact Statement (EIS) is being prepared or required, the draft EIS must identify applicable LWRP policies standards in Subparagraph I and include a thorough discussion of the effects of the proposed action on such policy standards.
- H. In the event the Town Code Enforcement Officer's recommendation is that the action is inconsistent with the LWRP, and the agency makes a contrary determination of consistency, the agency shall elaborate in writing the basis for its disagreement with the recommendation and state the manner and extent to which the action is consistent with the LWRP policy standards.
- I. Actions to be undertaken within the coastal area shall be evaluated for consistency in accordance with the following summary of LWRP policy standards, which are derived

from and further explained and described in Section III of the LWRP, a copy of which is on file in the Town Clerk's office and available for inspection during normal business hours. Agencies which undertake direct actions must also consult with Section IV, in making their consistency determination. The action must be consistent with the policies to:

As appropriate, an action shall be consistent with the policy to:

1. 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);
2. Preserve historic resources in the waterfront area (Policy 2);
3. Enhance visual quality and protect outstanding scenic resources (Policy 3);
4. Minimize loss of life, structures, and natural resources from flooding and erosion (Policy 4);
5. Protect and improve water resources (Policy 5);
6. Protect and restore ecological resources, including locally significant fish and wildlife habitats, wetlands and rare ecological communities (Policy 6);
7. Protect and improve air quality in the waterfront area (Policy 7);
8. Minimize environmental degradation in the local waterfront area from solid waste and hazardous substances (Policy 8);
9. Provide for public access to, and recreational use of, canal waters, public lands, and public resources of the waterfront area (Policy 9);
10. Protect water-dependent uses and promote siting of new water-dependent uses in suitable locations (Policy 10);
11. Promote the sustainable use of living aquatic resources (Policy 11);
12. Promote appropriate use and development of energy and mineral resources.

## **VI. Enforcement**

No action within the Town of Wheatfield coastal area, which 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 Town 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 Code Enforcement Officer and Town Attorney shall be responsible for enforcing this Chapter.

**VII. Violations**

- 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 three hundred and fifty dollars (\$350.00) for a conviction of a first offense and punishable by a fine of two thousand dollars (\$2,000.00) for a conviction of a second or subsequent offense. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate 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. The Town may also enforce this local law by injunction or other civil proceeding.

**VIII. 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.

**IX. 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 WHEATFIELD**  
**Waterfront Assessment Form**

A. INSTRUCTIONS (Please print or type all answers)

1. Applicants, or in the case of direct actions, Town of Wheatfield agencies, shall complete this Waterfront Assessment Form (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 of Wheatfield agency in making a determination of consistency.
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 Wheatfield Town Clerk's office. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the coastal 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.

B. DESCRIPTION OF SITE AND PROPOSED ACTION

1. Type of 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. Type of Approval Action Requested (check all that apply)

<input type="checkbox"/> Site Plan Approval	<input type="checkbox"/> Variance
<input type="checkbox"/> Rezoning	<input type="checkbox"/> Building Permit
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Special Use Permit
<input type="checkbox"/> Other	

3. Describe nature and extent of action:

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4. Location: \_\_\_\_\_  
\_\_\_\_\_

5. Size of site: \_\_\_\_\_

6. Present land use: \_\_\_\_\_

7. Present zoning classification: \_\_\_\_\_

8. Describe any unique or unusual land forms on the project site (i.e. steep slopes, swales, ground depressions, other geological formations):

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9. Percentage of site which contains slopes of 15% or greater: \_\_\_\_\_

10. Streams, lakes, ponds or wetlands existing within or contiguous to the project area?

(1) Name: \_\_\_\_\_

(2) Size (in acres): \_\_\_\_\_

11. If an application for the proposed action has been filed with the agency, the following information shall be provided:

(a) Name of applicant

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(b) Mailing address:

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(c) Telephone number: (       ) \_\_\_\_\_

12. Will the action be directly undertaken, require funding, or approval by a state or federal agency?

Yes \_\_\_ No \_\_\_ If yes, which agency \_\_\_\_\_

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

- |    |  |                      |
|----|--|----------------------|
| 1. | Will the proposed action have a <u>significant effect</u> 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 Wheatfield, State or nation? | ___ ___              |
| 2. | Will the proposed action <u>involve</u> or <u>result in</u> any of the following:  | <u>YES</u> <u>NO</u> |
|    | (a) Physical alteration of land along the shoreline, land under water or waterways?  | ___ ___              |
|    | (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?                 | ___ ___              |
|    | (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 under water?   | ___ ___              |
|    | (h) Development within a designated flood hazard area?   | ___ ___              |
|    | (i) Development on a natural feature that provides protection against flooding or erosion?   | ___ ___              |
|    | (j) Diminished surface or groundwater quality?   | ___ ___              |
|    | (k) Removal of ground cover from the site?   | ___ ___              |

3. <u>PROJECT</u>	<u>YES</u> <u>NO</u>
(a) If a project is to be located adjacent to shore:	
(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:	
(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?	___ ___
(d) Does the present site offer or include scenic views or vistas known to be important to the community?	___ ___
(e) Is the project site presently used for commercial fishing or fish processing?	___ ___
(f) Will the surface area of any waterways or wetland areas be increased or decreased by the proposal?	___ ___
(g) Does any mature forest (over 100 years old) or other locally important vegetation exist on this site which will be removed by the project?	___ ___
(h) Will the project involve any waste discharges into waterfront waters?	___ ___
(i) Does the project involve surface or subsurface liquidwaste disposal?	___ ___

- (j) Does the project involve transport, storage, treatment or disposal of solid waste or hazardous materials? \_\_\_ \_\_\_
- (k) Does the project involve shipment or storage of petroleum products? \_\_\_ \_\_\_
- (l) Does the project involve discharge of toxics, hazardous substances or other pollutants into the waterway? \_\_\_ \_\_\_
- (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 stormwater runoff into waterfront waters? \_\_\_ \_\_\_
- (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 to complete this form.)

If assistance or further information is needed to complete this form, please contact Town of Wheatfield Code Enforcement Officer at (716) 694-1026

Preparer's Name: \_\_\_\_\_

Title: \_\_\_\_\_ Agency: ) \_\_\_\_\_

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

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