



Waterfront Advisory Committee

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WATERFRONT ADVISORY COMMITTEE

To: Mayor Wiegman and the Board of Trustees

From: Charlie Kane, Waterfront Advisory Committee Chair

CC: Abe Zambrano
Janine King
Paula DiSanto
Dan O'Connor
WAC Committee

Subject: Proposed adoption of Local Law Introductory No. 2 of 2011 which would amend Chapter 116 to supplement the list of Type II actions contained in the New York State Environmental Quality Review Act Regulations and proposed determinations of the Planning Board, Zoning Board of Appeals, Police Chief, and Village Engineer—Preliminary Consistency Review

Date: July 18, 2011

On July 18, 2011, the Waterfront Advisory Committee (WAC) reviewed for consistency with the Village's Local Waterfront Revitalization Program (LWRP) the above-referenced referral from the Village Board about the proposed adoption of Local Law Introductory No. 2 of 2011. By a vote of 3 to 0, the WAC made a preliminary determination of consistency with the LWRP. WAC members Ms. Gallelli, Mr. Kane, and Mr. Murtaugh were present at the meeting.

The WAC had previously reviewed this referral on April 27, 2011 and had made a preliminary determination of consistency. At that time, the WAC had recommended that the language related to "radio communication or microwave transmission facilities" be broadened to be more inclusive so as to take into consideration future radio, television, telephone, or electronic communication developments. The WAC notes that such a revision has been made in the proposed Type II actions. It is because there have been revisions made to the proposed Type II list of actions by the Planning Board, Zoning Board of Appeals, Village Board, and Village Engineer that the WAC again is reviewing this referral for a preliminary determination of consistency.

The WAC evaluated this referral for consistency in accordance with the LWRP policy standards and conditions set forth in section 225-6(J) of the Village Code, which are further explained and described in Section III of the LWRP. The WAC members reviewed the policies in the LWRP

and believe that the policies not specifically listed below are not applicable to this proposed Local Law and agency resolutions and determinations.

Policy 1A: Existing planning and zoning documents should be reviewed and amended where necessary to ensure development within the community is consistent with adopted goals and policies

Policy 6A: To expedite permit procedures, the Village shall coordinate all relevant local laws into a development package for applicants and/or make all local laws available to applicants proposing development activities.

The above-mentioned policies are classified as *Development Policies* in the LWRP, and the WAC considers them relevant in supporting the proposed law and agency resolutions and determinations supplementing the list of Type II actions.

The WAC also notes that this action is consistent with the New York State Department of Conservation's goals (see NYSDEC SEQR Handbook, 3rd Edition, 2010, Chapter 6 Section E, Making SEQR More Efficient) to encourage local agencies to add to the statewide Type II list to streamline the application process for activities where there are no significant environmental impacts.

Furthermore, the WAC emphasized that placing additional actions on the Type II list does not in any way limit any boards' authority to review the action, and any associated potential non-significant environmental impacts, under any relevant local law including establishing conditions in any approval that is issued.

It is for the reasons contained in this memorandum that the WAC issues its preliminary recommendation of consistency.

CK/rr