












Chautauqua Lake Landform

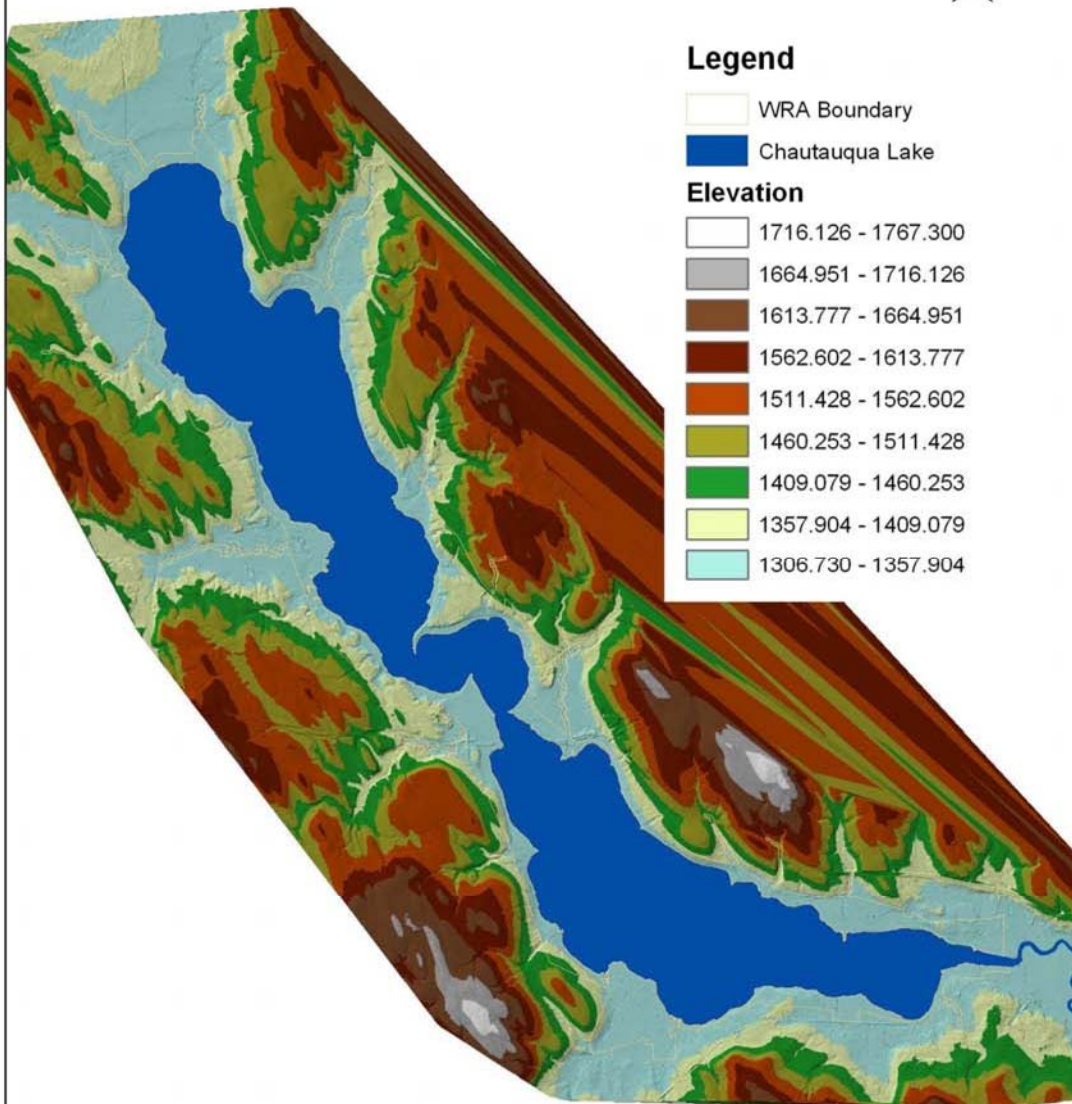


Legend

-  WRA Boundary
-  Chautauqua Lake

Elevation

-  1716.126 - 1767.300
-  1664.951 - 1716.126
-  1613.777 - 1664.951
-  1562.602 - 1613.777
-  1511.428 - 1562.602
-  1460.253 - 1511.428
-  1409.079 - 1460.253
-  1357.904 - 1409.079
-  1306.730 - 1357.904



LIST OF APPENDICES

APPENDIX A

SAMPLE WATERFRONT CONSISTENCY

LAW

APPENDIX B

SAMPLE WATERFRONT ASSESSMENT

FORM

APPENDIX C

**GUIDELINES FOR NOTIFICATION AND
REVIEW OF STATE AGENCY ACTIONS WHERE LOCAL
WATERFRONT REVITALIZATION PROGRAMS ARE IN EFFECT**

APPENDIX D

HARBOR MANAGEMENT PLAN

APPENDIX E

LAND FORM

**APPENDIX A:
SAMPLE WATERFRONT CONSISTENCY LAW**

VILLAGE OF

Local Law No. ___ of the year of _____

Be it enacted by the Village Board of the Village of _____ as follows:

GENERAL PROVISIONS

I. Title

This local law will be known as the Village of _____ Waterfront Consistency Law.

II. Authority and Purpose

1. This local law 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).
2. The purpose of this local law is to provide a framework for agencies, as defined below, of the Village of _____ to consider the policies and purposes contained in the Local Waterfront Revitalization Program when reviewing applications for actions or direct agency actions located in the waterfront area; and to assure that such actions and direct actions are consistent with the said policies and purposes.
3. It is the intention of the Village of _____ that the preservation, enhancement and utilization of the natural and manmade resources of the unique waterfront areas of the Village take place in a coordinated and comprehensive manner to ensure a proper balance between natural resources and the need to accommodate population growth and economic development. Accordingly, this local law is intended to achieve such a balance, permitting the beneficial use of water front resources while preventing: loss of fish and wildlife; diminution of open space areas or public access to the waterfront; erosion of shoreline; losses due to flooding, erosion and sedimentation; or permanent adverse changes to ecological systems.
4. The substantive provisions of this local law shall only apply while there is in existence a Local Waterfront Revitalization Program which has been adopted in accordance with Article 42 of the Executive Law of the State of New York

III. Definitions

- A. "Actions" means either Type I or unlisted actions as defined in SEQRA regulations (6N.Y.C.R.R.617.2) which are undertaken by an agency and which include:

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

- a) is directly undertaken by an agency; or
 - b) involve funding by an agency; or
 - c) require one or more new or modified approvals from an agency or agencies
2. agency planning and policy-making 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 the environment; and
 4. any combination of the above.
- B. "Agency" means any board, agency, department, office, other body, or officer of the Village of _____ .
- C. "Waterfront area" means the Waterfront Revitalization Area delineated in the Village's Local Waterfront Revitalization Program.
- D. "Waterfront Assessment Form (WAF)" means the form used by an agency to assist it in determining the consistency of an action with the Local Waterfront Revitalization Program.
- E. "Consistent" means that the action will fully comply with the LWRP policy standards and conditions and, whenever practicable, will advance one or more of them.
- F. "Direct Actions" mean actions planned and proposed for implementation by an agency, such as, but not limited to, a capital project, rule making, procedure making and policymaking.
- G. "Local Waterfront Revitalization Program (LWRP)" means the Local Waterfront Revitalization Program of the Village of _____, 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 Clerk of the Village of _____ .

IV. Review of Actions

- A. Whenever a proposed action is located in the Village's waterfront area, an agency shall, prior to approving, funding or undertaking the action, make a determination that it is consistent with the LWRP policy standards and conditions set forth in Paragraph 9 herein.

- B. Whenever an agency receives an application for approval or funding of an action or as early as possible in the agency's formulation of a direct action to be located in the waterfront area, the applicant, or in the case of a direct action, the agency, shall prepare a Waterfront Assessment Form (WAF) to assist with the consistency review.
- C. The agency shall refer a copy of the completed WAF to the Village Planning Board within ten (10) days of its submission and prior to making its determination, shall consider the recommendation of the Village Planning Board with reference to the consistency of the proposed action.
- D. After referral from an agency, the Village Planning Board shall consider whether the proposed action is consistent with the LWRP policy standards and conditions set forth in Paragraph 9 herein. The Village Planning Board shall require the applicant to submit all completed applications, WAFs and any other information deemed to be necessary to its consistency recommendation.
- E. The Village Planning Board shall render a written recommendation to the agency within thirty (30) days following referral of the WAF from the agency, unless extended by mutual agreement of the Board and the applicant or in the case of a direct action, the agency. The recommendation shall indicate whether the proposed action is inconsistent with one or more of the LWRP policy standards or conditions and the basis for the opinion. The Village Planning Board shall, along with the consistency recommendation, make any suggestions to the agency concerning modification of the proposed action to make it consistent with the LWRP policy standards and conditions or to greater advance them.

In the event that the Village Planning Board's recommendation is not forthcoming within the specified time, the referring agency shall make its decision without the benefit of the Board's recommendation.

- F. If the agency and the Board concur in the consistency of the proposed action; the agency may proceed with the action. In the event that the agency, after reviewing the written recommendation of the Board, finds that it disagrees with the consistency recommendation of the Board, the agency shall within days prepare a written finding detailing its position and transmit it to the Board. The Board and the agency shall meet to resolve their differences within days of the Board's receipt of the agency's finding.
- G. If the Board and the agency cannot reach a mutually agreeable determination of consistency, the matter will be referred to the Village Board for a finding of consistency. The agency shall take no action until the Village Board has made a determination and finding of consistency with the LWRP

- H. The provisions of IV (7) shall not apply to the Zoning Board of Appeals. Instead, where the Zoning Board of Appeals is the agency, the Zoning Board of Appeals shall consider the written consistency recommendation of the Board when reviewing and considering and application for a variance.
- I. Actions to be undertaken within the waterfront area shall be evaluated for consistency in accordance with the following LWRP policy standards and conditions, which are derived from and further explained and described in Section III of the Village of LWRP, a copy of which is on file in Village Clerk's office and available for inspection during normal business hours. In the case of direct actions, the agency shall also consult with Section IV of the LWRP in making their consistency determination. The action shall be consistent with the policy to:
1. Revitalize and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational, and other comparable uses.
 2. Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters.
 3. Strengthen small harbors by maintaining the mix of traditional uses, assuring safe navigation, and resolving use conflicts and competition through harbor and water surface use management.
 4. Encourage the location of development in areas where public services and facilities essential to such development are adequate.
 5. Protect, preserve, and where practical, preserve significant fish and wildlife habitats to maintain their viability as habitats.
 6. In order to minimize damage to natural resources and property from flooding and erosion, development' will be sited away from hazard areas wherever practical, and natural flooding and erosion protective features will not be degraded.
 7. Construct erosion protection structures only if they are necessary to protect human life, existing development, or new water-dependent development and will result in no measurable increase in erosion or flooding at other locations. Non-structural measures shall be used whenever possible. Public funds shall only be used where the public benefits outweigh the long-term costs.
 8. Maximize public access and recreational opportunities to the shoreline and to waterways.

9. Protect, enhance and restore structures, districts, and sites that are of significance to the history, architecture, archeology or culture of the state, its communities, or the nation.
10. Protect and improve the visual quality of the waterfront.
11. Municipal, industrial, and commercial discharge of effluent and pollutants, including, but not limited to, toxic and hazardous substances, into water bodies will conform to state and national water quality standards.
12. Policies and management objectives of approved local waterfront revitalization programs will be considered while reviewing water body classifications and while modifying water quality standards; however, those waters already overburdened with contaminants will be recognized as being a development constraint.
13. Best management practices will be used to ensure the control of stormwater runoff, combined sewer overflows, and the non-point discharge of excess nutrients, organics, and eroded soils into state waterways.
14. Discharge of waste materials into state waters from vessels subject to state jurisdiction will be limited so as to protect significant fish and wildlife habitats, recreational areas, and water supplies.
15. Excavation, dredging, and dredge spoil disposal will be undertaken in a manner which protects fish and wildlife habitats, scenic resources, natural protective features, important agricultural land, and wetlands, and does not cause an increase in the erosion of such land.
16. Preserve and protect wetlands and the benefits derived from these resources.

J. If the agency determines that the action would not be consistent with one or more of the LWRP policy standards and conditions, such action shall not be undertaken unless the determining agency makes a written finding with respect to the proposed action that:

1. no reasonable alternatives exist which would permit the action to be undertaken in a manner which will not substantially hinder the achievement of such LWRP policy standards and conditions;
2. the action would be undertaken in a manner which will minimize all adverse effects on such LWRP policy standards and conditions;
3. the action will advance one or more of the other LWRP policy standards and conditions; and

4. the action will result in an over-riding Village, regional or state-wide public benefit.

Such a finding shall constitute a determination that the action is consistent with the LWRP policy standards and conditions.

K. Each agency shall maintain a file for each action made the subject of a consistency determination, including any recommendations received from the Village Planning Board. Such files shall be made available for public inspection upon request.

V. Enforcement

This local law shall be enforced pursuant to the enforcement provisions of the Village Zoning Law, Section xxxxxx

VI. 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.

VII. 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.

**APPENDIX B:
SAMPLE WATERFRONT ASSESSMENT FORM**

VIII. VILLAGE OF

WATERFRONT ASSESSMENT FORM (WAF)

A. INSTRUCTIONS (Please print or type all answers)

1. Applicants or, in the case of direct actions, Village agencies, shall complete this WAF for proposed actions which are subject to the LWRP consistency review law. This assessment is intended to supplement other information used by a Village agency in making a determination of consistency with the Village's Local Waterfront Revitalization Program.
2. Before answering the questions in Section C, the preparer of this form should review the policies and explanations of policy contained in the Local Waterfront Revitalization Program (LWRP), a copy of which is on file in the Village Clerk's office. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the waterfront area.
3. If any question in Section C on this form is answered "Yes", then the proposed action may affect the achievement of the LWRP policy standards and conditions contained in the consistency review law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to making a determination that it is consistent to the maximum extent practicable with the LWRP policy standards and conditions. 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. Type of Village 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 actions: _____

2. Describe nature and extent of action:

3. Location of action:

_____ Street or
Site Description

4. Size of site _____

5. Present land use _____

6. Present zoning classification _____

7. Describe any unique or unusual land forms on the project site (i.e. bluffs, ground

formations):

depre
ssions
,
other
geolo
gical

8. Percentage of site which contains slopes of 15% or greater: _____

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

(1) Name _____

(2) Size (in acres) _____

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

(a) Name of applicant: _____

(b) Mailing address: _____

(c) Telephone number: () ___ - _____

(d) Application number, if any:

11. Will the action be directly undertaken, require funding, or approval by a State or federal agency.

Yes _____ No _____

If yes, which State or federal agency? _____

C. WATERFRONT ASSESSMENT (check either 'Yes' or 'No' for each of the following questions) 1. Will the

proposed action have a significant effect upon: . YES NO

- (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 Village, State or nation..... _

2. Will the proposed action involve or result in any of the following: . YES NO

- (a) Physical alteration of land along the shoreline, land under water
or coastal waters?.....
- (b) Physical alteration of two (2) acres or more of land located
elsewhere in the waterfront area_
- (c) Expansion of existing public services or infrastructure in
undeveloped or low density areas of the waterfront area_
- (d) Energy facility not subject to Article VII or VIII of the Public
Service Law?.....
- (e) Mining, excavation, filling or dredging?.....
- (f) Reduction of existing or potential public access to or along
the shore?.....
- (g) Sale or change in use of publicly-owned lands located on the
shoreline or under water?.....
- (h) Development within designated flood hazard area_
- (1) Development on a natural feature that provides protection
against flooding or erosion?
Diminished surface or groundwater quality?
- (k) Removal of ground cover from the site_

3. Project

- (a) If project is to be located adjacent to shore:
 - (1) Will water-related recreation be provided?
 - (2) Will public access to the shoreline 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 sites..... ____ ____

(6) Is it located in a flood prone area? . ____

(7) Is it located in an area of high erosion? ____ ____

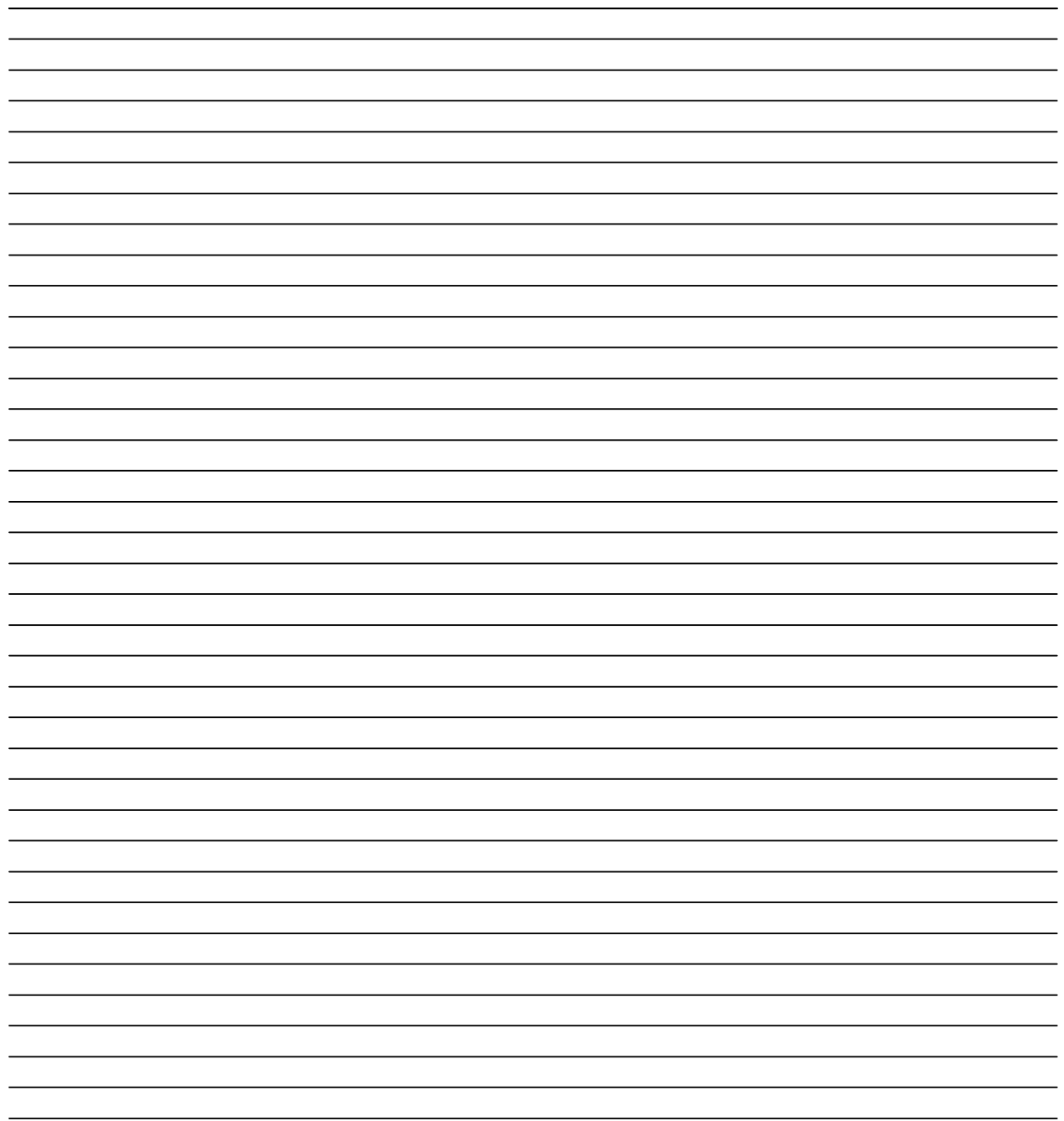
(b) If the project site is publicly owned:

- (1) Will the project protect, maintain and/or increase the level and types of public access to water-related recreation resources and facilities? ____ ____

YES NO

- (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 a waterway?
- (c) Is the project site presently used by the community as an open space or recreation
a r e a ? . _____
- (d) Does the present site offer or include scenic views or vistas known to be important to the community?.....
- (e) Will the surface area of any waterways or wetland areas be increased or decreased by the proposal?
- (f) Will the project involve any waste discharges?
- (g) Does the project involve surface or subsurface liquid waste disposal?
- (h) Does the project involve transport storage, treatment or disposal of solid waste or hazardous material?
- (I) Does the project involve shipment or storage of petroleum products?
- (j) Does the project involve discharge of toxics, hazardous substances or other pollutants?
- (k) Will the project affect any area designated as a freshwater wetland. (1) Will the project alter drainage flow, patterns or surface water runoff on or from the site?
- (m) Will best management practices be utilized to control storm water runoff into waterways?
- (n) Will the project cause emissions which exceed federal or State air quality standards or generate significant amounts of nitrates or sulfates?

C. REMARKS OR ADDITIONAL INFORMATION (Add any sheets necessary to complete this form)



Village Clerk at (315) ____ -

Preparer's Name: _____ Telephone Number: () ____ -

Title: _____ Agency: _____ Date:

APPENDIX C:

**GUIDELINES FOR NOTIFICATION AND REVIEW OF STATE
AGENCY ACTIONS WHERE LOCAL WATERFRONT
REVITALIZATION PROGRAMS ARE IN EFFECT**

PURPOSE OF GUIDELINES

- A. The Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Article 42 of the Executive law) and the Department of State's regulations (19 NYCRR Part 600) require certain state agency actions identified by the Secretary of State to be consistent to the maximum extent practicable with the policies and purposes of approved Local Waterfront Revitalization Programs (LWRPs). These guidelines are intended to assist state agencies in meeting that statutory consistency obligation.
- B. The Act also requires that state agencies provide timely notice to the situs local government whenever an identified action will occur within an area covered by an approved LWRP. These guidelines describe a process for complying with this notification requirement. They also provide procedures to assist local governments in carrying out their review responsibilities in a timely manner.
- C. The Secretary of State is required by the Act to confer with state agencies and local governments when notified by a local government that a proposed state agency action may conflict with the policies and purposes of its approved LWRP. These guidelines establish a procedure for resolving such conflicts.

DEFINITIONS

A. Action means:

1. A "Type 1" or "Unlisted" action as defined by the State Environmental Quality Review Action (SEQRA);
2. Occurring within the boundaries of an approved LWRP; and
3. Being taken pursuant to a state agency program or activity which has been identified by the Secretary of State as likely to affect the policies and purposes of the LWRP.

- B. Consistent to the maximum extent practicable means that an action will not substantially hinder the achievement of any of the policies and purposes of an approved LWRP and, whenever practicable, will advance one or more of such policies. If an action will substantially hinder any of the policies or purposes of an approved LWRP, then the action must be one:

1. For which no reasonable alternatives exist that would avoid or overcome any substantial hindrance;
2. That will minimize all adverse effects on the policies or purposes of the LWRP to the maximum extent practicable; and
3. That will result in an overriding regional or statewide public benefit.

C. Local Waterfront Revitalization Program or LWRP means a program prepared and adopted by a local government and approved by the Secretary of State pursuant to Executive Law, Article 42; which program contains policies on the management of land, water and man-made resources, proposed land uses and specific projects that are essential to program implementation.

III. NOTIFICATION PROCEDURE

- A. When a state agency is considering an action as described in II above, the state agency shall notify the affected local government.
- B. Notification of a proposed action by a state agency:
 1. Shall fully describe the nature and location of the action;
 2. Shall be accomplished by use of either the State Clearinghouse, other existing state agency notification procedures, or through an alternative procedure agreed upon by the state agency and local government;
 3. Should be provided to the local official identified in the LWRP of the situs local government as early in the planning stages of the action as possible, but in any event at least 30 days prior to the agency's decision on the action. (The timely filing of a copy of a completed Coastal Assessment Form with the local LWRP official should be considered adequate notification of proposed action.)
- C. If the proposed action will require the preparation of a draft environmental impact statement, the filing of this draft document with the chief executive officer can serve as the state agency's notification to the local government.

IV. LOCAL GOVERNMENT REVIEW PROCEDURE

- A. Upon receipt of notification from a state agency, the local government will be responsible for evaluating a proposed action against the policies and purposes of its approved LWRP. Upon request of the local official identified in the LWRP, the state agency should promptly provide the situs local government with whatever additional information is available which will assist the situs local government to evaluate the proposed action.
- B. If the situs local government cannot identify any conflicts between the proposed action and the applicable policies and purposes of its approved LWRP, it should inform the state agency in writing of its finding. Upon receipt of the local government's finding, the state agency may proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
- C. If the situs local government does not notify the state agency in writing of its finding within the established review period, the state agency may then presume that the proposed action does not conflict with the policies and purposes of the municipality's approved LWRP.
- D. If the situs local government notifies the state agency in writing that the proposed action does conflict with the policies and/or purposes of its approved LWRP, the state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the Resolution of Conflicts procedure established in V below shall apply. The local government shall forward a copy of the identified conflicts to the Secretary of State at the time when the state agency is notified. In notifying the state agency, the local government shall identify the specific policies and purposes of the LWRP with which the proposed action conflicts.

V. RESOLUTION OF CONFLICTS

- E. The following procedure applies whenever a local government has notified the Secretary of State and state agency that a proposed action conflicts with the policies and purposes of its approved LWRP:
 - 1. Upon receipt of notification from a local government that a proposed action conflicts with its approved LWRP, the state agency should contact the local LWRP official to discuss the content of the identified conflicts and the means for resolving them. A meeting of state agency and local government representatives may be necessary to discuss and resolve the identified conflicts. This discussion should

take place within 30 days of the receipt of a conflict notification from the local government.

2. If the discussion between the situs local government and the state agency results in the resolution of the identified conflicts, then, within seven days of the discussion, the situs local government shall notify the state agency in writing, with a copy forwarded to the Secretary of State, that all of the identified conflicts have been resolved. The state agency can then proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
3. If the consultation between the situs local government and the state agency does not lead to the resolution of the identified conflicts, either party may request, in writing, the assistance of the Secretary of State to resolve any or all of the identified conflicts. The Secretary must receive this request within 15 days following the discussion between the situs local government and the state agency. The party requesting the assistance of the Secretary of State shall forward a copy of their request to the other party.
4. Within 30 days following the receipt of a request for assistance, the Secretary or a Department of State official or employee designed by the Secretary, will discuss the identified conflicts and circumstances preventing their resolution with appropriate representatives from the state agency and situs local government.
5. If agreement among all parties cannot be reached during this discussion, the Secretary shall, within 15 days, notify both parties of his/hr findings and recommendations.
6. The state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the foregoing Resolution of Conflicts procedures shall apply.

APPENDIX D
HARBOR MANAGEMENT PLAN

Harbor Management Program

Article 42 of the New York State Executive Law, Section 922 – Waterfront Revitalization of Coastal Areas and Inland Waterways – authorizes local governments to prepare harbor management plans (HMP) as part of their Local Waterfront Revitalization Program (LWRP). In the course of preparing a joint LWRP, the Towns of Chautauqua, Ellery, Ellicott, Busti and North Harmony and Villages of Mayville, Bemus Point, Celoron, and Lakewood recognized the need to manage water activities in areas adjacent to the Waterfront Revitalization Area (WRA) proposed in their program. To that end, the Towns and Villages have integrated an HMP within the LWRP. As outlined below, the HMP addresses conflict, congestion, and competition for space in the use of surface waters and underwater lands and identifies various alternatives for the optimum use of the waterfront and adjacent water surfaces. More specifically, LWRP Section II identifies those areas within the WRA that are recognized as important Town and Village resources; LWRP Section III provides specific guidance for the HMP area; LWRP Section IV summarizes the results of public visioning projects that identified the key harbor management issues concerning water use in the Town, and Village and recommends specific planning principles and capital projects for implementing the vision; LWRP Section VI identifies the authorities of various New York State agencies.

The following list identifies the required elements of a harbor management program found in 19 NYCRR 603.3 – "Harbor Management" and identifies the pertinent section of the LWRP that deals with the element.

a. Boundary

Chautauqua Lake is approximately 17 miles in length with a maximum width of 2 miles. Chautauqua Lake is comprised of two distinct basins, north and south, and covers an area of approximately 20 square miles at an elevation of 1308 feet above mean sea level. The Village of Mayville and Town of Chautauqua shorelines encompass a large portion of the north basin. The Village of Bemus Point and Towns of Ellery and North Harmony have waterfront to the north and south of the center of the lake at the "narrows." The Villages of Celoron and Lakewood and the Towns of Busti and Ellicott are located at the southeastern end of Chautauqua Lake in the south basin. The waterfront boundary for the HMP includes all those lands and waters lying below the low water mark of Chautauqua Lake within the boundaries of the Towns of Chautauqua, Ellery, Ellicott, Busti and North Harmony, encompassing the entire water surface of Chautauqua Lake. The WRA of the Chautauqua Lake LWRP also includes the waterfront areas within the lateral boundaries of Villages of Mayville, Bemus Point, Celoron, and Lakewood.

b. Inventory and Analysis

As noted, the Chautauqua Lake LWRP integrates the Chautauqua Lake Harbor Management Plan (HMP) into LWRP in subsequent sections of Section II Inventory and Analysis and more specifically as follows: Land Ownership, Public Access and Recreation, Infrastructure, Historical

Resources, Topography and Geology, Water Quality, Protected Features, Natural Resources,
Environmentally Sensitive Features, Fish and Wildlife, Tourism Resources, Scenic Views

c. Issues of Local Importance

describes potentially conflicting water use issues that are reflected in the policies (Chapter 3) and that are components of the HMP: The overall policy direction of the LWRP is set forth in Section III, Policy 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.

d. Issues of Regional Importance

According to the Inventory and Analysis developed for the LWRP, the economy of Chautauqua County is based on agriculture, tourism, and manufacturing, with the manufacturing sector experiencing a steady downward trend. The Chautauqua Lake communities, varying in size and economic vitality, have all been affected by this trend. According to the LWRP, As these communities enter the new century, many see tourism as the key to growth.

e. Opportunities and Objectives

Village of Celoron

- Create downtown revitalization plan to develop commercial area into a destination for tourist and county residents.
- Improve Lucille Ball Memorial Park.
- Develop vacant Celoron Amusement Park
- Create a gateway for the community and waterfront along Dunham Avenue.

Town of Ellicott

- Develop abandoned rail line east of Bonita into a nature preserve area. The railroad bed crosses wetland tracts and connects to City of Jamestown.
- Link the City of Jamestown River Walk with wetland areas.
- Develop Burtis Bay Park. Complete components of master plan.
- Encourage development of winter activities related to the lake.

Village of Lakewood

- Complete Chautauqua Avenue area revitalization efforts. Improve signage and streetscape amenities. - \$1.8 million has been invested to date.
- Create public docking to allow visitors to access downtown and the Hartley Park area from the Lake.

· Create a park in the center of the downtown area as open space to enhance streetscape and provide pedestrian amenities.

· Enlarge the beach area for additional swimming capacity

· Create Crescent Overlook in Hartley Park to improve utilization.

· Upgrade Community Park to allow for uses that complement Hartley Park

· Implement walking tour program to encourage tourism.

Town of Busti

- Establish trails linking Vukote Park, the Wetland Preserve, Goose Creek Landing (Loomis property), and the Stoneman Industrial Park to enhance overall parks system.
- Create system of nature trails / boardwalks with markers in the Wetland Preserve.
- Create a canoe and kayak landing for Goose Creek on Loomis property.
- Purchase land on the Vukote canal or the lakeshore to provide lake access for town residents.
- Complete Vukote Park Master Plan.
- Add public amenities such as parking at Wetland Preserve.

Town of North Harmony

- Create Fishing Park at the Ball Creek outlet under the I-86 Bridge.
- Develop the Stow Property.
- Build a public dock at the Ferry area to encourage better utilization of the Stow area by boaters
- Acquire Tom's Point or a portion thereof
- Improve Stow commercial area with façade program and streetscape improvements.
- Enhance Ashville commercial area – Goose Creek connection, business clusters.
- Proximity to Dobbins Woods Preserve

Town of Chautauqua

- Encourage the DEC to provide public dockage and picnic tables to allow boaters to better utilize Pendergast Point boat launch. Dredge area in front of launch.
- Promote Chautauqua Institution tourism
- Seawall replacement project
- Lighting plan and implementation

Village of Mayville

- Develop trails to link the Lakeside Park area to the Rails-to-Trails system.
- Implement the Recreational Waterfront Plan.
- Complete Downtown Master Plan and link to Lake uses.
- Establish performing arts center / retail center to complement Chautauqua

Institution efforts as indicated in Recreational Waterfront Plan.

- Work with private developer to encourage development in Lakeside Park area.

Town of Ellery

- Work with New York State and private developers to restore the Minturn Mansion into an historic lake museum and nature interpretive center.
- Work with New York State DEC to provide input on Cheney Farm property development. Projects may include hiking trails, farming museum, access to lake for public and acquisition of additional lands.
- Develop a bike path to connect Long Point State Park to Bemus Point.
- Maintain the scenic vista on the Cheney Farm.

Village of Bemus Point

- Create downtown revitalization plan to address aesthetic enhancements, streetscapes and signage.
- Encourage New York State DEC to upgrade boat launch area and parking with better landscaping and maintenance.
- Upgrade Bemus Point – Stow Ferry landing area breakwalls and pedestrian access.

f. Underwater Lands and Navigable Waters See

h. (below)

g. Water dependent Uses

Policy 2. Protect Chautauqua Lake's water-dependent uses and promote siting of new water-dependent uses in suitable locations.

h. Management of Underwater Lands and Navigable Waters

Section VI of the Chautauqua Lake LWRP identifies the Office of General Services as the administrator of State-owned underwater lands through Administration of the Public Lands Law for acquisition and disposition of lands, grants of land and grants of easement of land under water, issuance of licenses for removal of materials from lands under water, and oil and gas leases for exploration and development.

Navigable waters on Chautauqua Lake are managed under the authority of the New York State Navigation Law. Section 30 of the Navigation Law places jurisdiction over navigable waters in the New York State Office of Parks, Recreation and Historic Preservation. Locally, XXX

i. Water Use Plan See . (below for a list of policies that constitute the HMP

Water Use Plan)

j. Policies concerning present and future use of the water use plan area

The Chautauqua Lake LWRP sets forth the water use policy of the participating communities in Section III, Policy 1: "The future of the Chautauqua Lake area will be influenced by the ability of the Chautauqua Lake communities to preserve open spaces and protect natural resources while enhancing and revitalizing the community assets that help to create the unique experience of visiting Chautauqua Lake. Tourism is the primary economic base for many of the lake communities such as Chautauqua, Ellery and Bemus Point... This policy is intended to foster a development pattern

that provides for the beneficial use of the environmental, historical, and cultural resources of the Chautauqua Lake communities while maintaining and building on their traditional economic base. "

k. Capital Projects

Section IV., Proposed Land & Water Uses and Proposed Projects, lists the capital projects that have been identified by the Chautauqua Lake Communities as potential waterfront projects. They include:

Village of Celoron

- Repair Existing Breakwall
- Lucille Ball Park Improvements
- Development of Old Celoron Amusement Park Site
- Incorporate Trail Network from Celoron to Busti

Town of Ellicott

- Build Aluminum Dock at Burtis Bay Park
- Establish Small Boat Launch at Burtis Bay Park
- Clean Up of Lakeshore at Burtis Bay Park
- Create Trail Between Celoron and Lakewood along Old Rail Line
- Work with Watershed Conservancy to Develop Trail System through Bonita

Wetlands

- Upgrade Stormwater Systems to Minimize Nonpoint Pollutants

Village of Lakewood

- Improve Street Endings – Trees, Small Craft Launches, Design as Cycling and Walking Stops
- Conserve and Improve Stream Corridors
- Enlarge Beach at Hartley Park
- Install Public Dock at Hartley Park

New Breakwall or Rip Rap at Hartley Park

- Improve Boat Launch at Community Park
- Incorporate Trail Network from Ellicott to Busti
- Upgrade Stormwater Systems to Minimize Nonpoint Pollutants

Town of Busti

- Acquire Lakefront Property at Vukote to Provide Lake Access

- Keep Canal Zone Open at Vukote
- Remove Debris from Goose Creek
- Develop Trail System that Links Wetland Preserve, Vukote Park, Goose Creek and Stoneman Industrial Park
- Establish Nature Trails / Boardwalks and Improve Wetland Park Area

Town of North Harmony

- Encourage Commercial Recreational Development Along Goose Creek in Ashville
- Create Trail Along Goose Creek from Ashville to Creek Outlet
- Improve Ferry Launch Area
- Fishing Park
- Improve Stow Property
- Install Boat Launch and Public Dock at Tom's Point

Town of Chautauqua and Village of Mayville

- Develop Three Access Points at Street Endings within Town Of Chautauqua as Low Impact Access Points
- Improve NYS DEC Prendergast Point Launch Facility
- Complete Seawall Along Lakeside Park
- Maintain and Replace Seawall along Chautauqua Institution
- Establish Lighthouse Pier in Accordance with Mayville Park Plan
- Tributary Management Study and Implementation
- Lake Bottom Gravel Deposits Removed at Tributary Outlets

Town of Ellery and Village of Bemus Point

- Dredge Sediment Areas at Creek Deltas, Creek Outlets and Canal Outlets
- Develop Walking / Bike Trail Between Downtown Bemus Point and Long PointState Park
- Restore Minturn Mansion to a Historic / Lake Interpretative Center and Museum
- Develop Streetscape Community Plan for Commercial Areas in Bemus Point
- Create Façade Improvement Program to Assist with Implementation of Streetscape Plan

Develop New York State DEC Property (Cheney Farm):

- Maintain Ferry Service and Ferry Area
- Complete Town of Ellery Park
- Acquire Lakefront Between Italian Fisherman and Village Beach
- Expand Parking Capacity

I. Techniques to Implement the Harbor Management Plan

The Chautauqua Lake LWRP, Section IV outlines the means for implementing the program: Zoning Law

The four Villages and five Towns participating in the LWRP all have zoning ordinances. For each of the communities, the Zoning Code regulates land use under traditional zoning provisions. These traditional zoning provisions categorize land use by type (e.g. residential,

commercial, industrial) into districts and allow for permitted uses and conditional uses. Conditional uses are permitted in zoning districts subject to specific circumstances.

LWRP Consistency Law

The LWRP Consistency Law requires that actions, which are directly undertaken, funded, or permitted by the municipality be consistent with the provisions of the LWRP, and will serve to implement all of the waterfront policies. Each participating Chautauqua Lake community, to ensure implementation of the LWRP, must adopt this law. A model local law is proposed in Appendix A. Additionally, a Waterfront Consistency Assessment Form should be adopted as part of the consistency law. The form should be used by the enforcement organization to facilitate the consistency review. A standard consistency form is provided in Appendix B.

Intergovernmental Cooperation

Some of the proposed projects are located on or adjacent to lands owned and controlled by the New York State Department of Environmental Conservation (NYS DEC). Consequently, each municipality should maintain a relationship with the NYS DEC to promote the community's goals and understand the necessary permits for project development.

New York State

Some of the proposed LWRP projects, such as Stow's development plans or Prendergast Point's Improvements, are proposed on or adjacent to state owned lands. Consequently, in an effort to promote local revitalization of the Chautauqua Lake communities, the State should work in coordination with the Chautauqua Lake communities and private sector developers to promote the development of these projects.

Management Structure Necessary to Implement the LWRP

Administration of the LWRP should be integrated into the decision-making process for proposed projects and land use issues in each municipality. The board with the power to grant the discretionary approval of actions within each municipality should be given the duty of administering the LWRP. Responsibilities will include the review of the proposed actions, within the defined waterfront revitalization boundary, to assure their consistency with the LWRP. This local level of management is the base from which the LWRP can begin to be implemented.

Optional Lake Management Structures

The LWRP proposes a number of alternative structures for a management structure to address issues that are regional problems. The ultimate form has not yet been decided.

m. Additional Considerations

1. Conflict and Competition for Space

Water-Dependent Uses – Are activities which require a location in, on, over, or adjacent to the water because the activities require direct access to water and the use of water is an integral part of the activity.

Issues associated with conflict and competition for space are addressed in Section III, Policy 2 and standards: Protect Chautauqua Lake's water-dependent uses and promote siting of new water-dependent uses in suitable locations.

2. Structures

Section III, Policy 7.1 Minimize flooding damage in the Chautauqua Lake communities through the use of appropriate management measures, requires development structures to be located away from areas of known flooding, and prohibits principal structures that are intended for habitation to be located within 50 feet of the shoreline.

3. Regional Needs

The regional needs of the Chautauqua Lake communities are summarized in Section III, Policy 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.

4. Additional Applications

i. commercial shipping is n/a

There are no major ports within the local waterfront. The State's Policy is assessed as not applicable to this LWRP. The following water-dependent commercial uses are located within the Waterfront Revitalization Area (WRA): The Summer Wind Cruise Boat; The Lakewood Yacht Club; The Bemus Point / Stow Ferry; The Chautauqua Belle Cruise Boat; Evergreen Outfitters; and The Casino Restaurant.

ii. recreational boating

The Chautauqua Lake LWRP identifies marinas and public launch facilities as appropriate water-dependent uses and recognizes the importance of recreational boating in Section III, Policy 2: Protect Chautauqua Lakes water-dependent uses and promote siting of new water-dependent uses in suitable

iii. commercial and recreational fishing and shellfishing

Chautauqua Lake supports an abundant and diverse warm water fish population with bass, walleye, muskellunge and perch being the predominate species. Although commercial

fishing plays no role in the local economy, recreational fishing contributes greatly to the economy with both summer and winter fishing

opportunities. The Chautauqua Lake LWRP protects this valuable resource in Section III, Policy 4, Promote the sustainable use of fish resources in Chautauqua Lake.

iv. aquaculture and mariculture is n/a

v. waste management

Section III, Policy 10: Minimize environmental degradation in the Chautauqua Lake communities from solid waste and hazardous substances and wastes and sets appropriate standards to implement the policy are found in Policy 10.1 Manage solid waste to protect public health and control pollution; and, Policy 10.2 Manage hazardous waste to protect public health and control pollution.

vi. mineral extraction

Issues related to mineral extraction are treated in Section III, Policy 9.3: Ensure that mining, excavation, and dredging do not cause an increase in erosion, or an adverse effect on natural resources.

vii. dredging

The Chautauqua Lake LWRP recognizes the need for dredging in some locations and sets standards in Section III, Policy 9.3: Ensure that mining, excavation, and dredging do not cause an increase in erosion, or an adverse effect on natural resources.

viii. public access

Section III, Policy 11 sets forth a policy to provide for public access to, and recreational use of, waterfront, public lands, and public resources of the waterfront areas.

ix. recreation

Issues related to recreational use of the waterfront are treated in Policy 11: Provide for public access to, and recreational use of, waterfront, public lands, and public resources of the waterfront area.

x. habitats and natural resource protection

Although Chautauqua Lake does not have any designated Significant Coastal Fish and Wildlife Habitats, the New York State DEC Region 9 Office identified prime spawning and nursery habitat locations on Chautauqua Lake in their work included in the Supplemental Environmental Impact Statement (SEIS Policy 5.1 Protect fish habitats. Policy 5.2 Protect freshwater wetlands). The Chautauqua Lake LWRP addresses the issue in Section III, Policy 5: Protect ecological resources around

Chautauqua Lake, including important fish habitats, wetlands, and rare ecological communities.

xi. water quality

Section III, Policy 6: Protect and improve water resources, sets policy standards to control direct and non-point discharges into the lake.

xii. open space

Section III, Policy 3 protects agricultural lands adjacent to the WRA. To further protect open space, Section III, Policy Standard 1.4 requires proposed development to be located on areas where adequate public infrastructure exists. Section III, Policy 6 sets forth a policy to Protect ecological resources around Chautauqua Lake, including important fish habitats, wetlands, and rare ecological communities, and sets standards for its application.

xiii. aesthetic values

The issue of aesthetic values is treated in two separate policies. Scenic vistas are treated in Section III, Policy 12: Enhance visual quality and protect scenic resources throughout the Chautauqua Lake communities. Historic resources are treated in Section III, Policy 13: Preserve historic resources of the waterfront area of Chautauqua Lake.

xiv. water dependent uses see
policy 2

xv. common law riparian or littoral rights

Section II, Inventory and Analysis notes that the vast majority of land in the WRA is privately owned. Policy 11, which calls for adequate public access to the waters of Chautauqua Lake, recognizes that private ownership places limitations on the general public. This policy sets standards determining when public access to a site is appropriate.

xvi. public interest under the Public Trust Doctrine

Land underwater in Chautauqua lake (except where previously granted) is held in trust by the State of New York. The public interest in these lands is treated in Section III, Policy Standard 3.2, which sets forth the requirement that public trust lands under water must be accessible to the public.

APPENDIX E LAND FORMS

