

WATERFRONT ASSESSMENT FORM (WAF)— The form used by an agency to assist it in determining the consistency of an action with the Local Waterfront Revitalization Program.

§ 186-4. 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 Subsection D below.
- 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 direct action, the agency, shall prepare a Waterfront Assessment Form (WAF) to assist with the consistency review.
- C. Whenever an agency shall make a determination that an action is not consistent with the LWRP policy standards and conditions, it shall notify the applicant of such findings and the reason therefor within 45 days of filing of the application.
- D. 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 Sodus Point LWRP, a copy of which shall be on file in the 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 its consistency determination.
 - (1) Fostering a pattern of development in the Village of Sodus Point that enhances community character, preserves open space, makes efficient use of the infrastructure, makes beneficial use of a waterfront location, and minimizes potential adverse impacts of development.
 - (2) Preserving and protecting historic resources.
 - (3) Enhancing visual quality and protecting outstanding scenic resources.
 - (4) Minimizing loss of life, structures and natural resources from flooding and erosion.
 - (5) Protecting and improving water resources.
 - (6) Protecting and restoring ecological resources, including significant fish and wildlife habitats, wetlands and rare ecological communities.
 - (7) Protecting and improving air quality.
 - (8) Minimizing environmental degradation from solid waste and hazardous substances and wastes.
 - (9) Improving public access to the waterfront and the use of public lands.

- (10) Protecting existing water-dependent uses in the Village of Sodus Point and promoting the siting of new water-dependent uses in suitable locations.
 - (11) Promoting the sustainable use of living marine resources in the Village of Sodus Point.
 - (12) Protecting existing agricultural land in the Village of Sodus Point.
 - (13) Promoting appropriate use and development of energy and mineral resources.
- E. If the agency determines that the action would not be consistent with one or more of the LWRP policy standards and conditions, such actions 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; and
 - (3) The action will advance one or more of the other LWRP policy standards and conditions; and
 - (4) The action will result in an overriding Village, regional or state-wide public benefit.
- F. Each agency shall maintain a file for each action made the subject of a consistency determination. Such files shall be under the control of the Village Clerk.

§ 186-5. Enforcement.

- A. The Village Building Inspector shall be responsible for enforcing this chapter. No work or activity on an action in the waterfront area which is subject to review under this chapter shall be commenced or undertaken until the Building Inspector has been presented with a written determination from an agency that the action is consistent with the Village's LWRP policy standards and conditions.
- B. In the event that any construction, action or other activity is being performed in violation of this chapter or any conditions imposed thereunder, the Building Inspector 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. Posting of a stop-work order at any work site, or delivery to any individual shall constitute issuance. Issuance of a stop-work order shall not be a prerequisite to prosecution for violating this chapter.

§ 186-6. Penalties for offenses.

- A. The undertaking or performing or exercising any action as defined herein without agency approval shall constitute a violation of this chapter and shall be punishable by a fine not

to exceed \$250 or imprisonment for not more than 15 days, or both such fine and imprisonment.

- B. Each week of continuing violation of this chapter shall constitute a separate violation.
- C. This chapter may be enforced by a civil action, and any violation thereof may be enjoined by a court of competent jurisdiction.

§ 186-7. Severability.

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

§ 186-8. When effective.

This chapter takes effect immediately upon its filing in the office of the Secretary of State.

