

Appendix P

Example of Coordinated State and Municipal Review Based On LWRP

(NYSDEC, NYSDOS, Village of Head-of-the-Harbor)

5-99-029
PR-GH

JUN 11 1999

Coastal Assessment Form

RECEIVED

A. INSTRUCTIONS (Please print or type all answers)

1. State agencies shall complete this CAF for proposed actions which are subject to Part 600 of Title 19 of the NYCRR. This assessment is intended to supplement other information used by a state agency in making a determination of significance pursuant to the State Environmental Quality Review Act (see 6 NYCRR, Part 617). If it is determined that a proposed action will not have a significant effect on the environment, this assessment is intended to assist a state agency in complying with the certification requirements of 19 NYCRR Section 600.4.
2. If any question in Section C on this form is answered "yes", then the proposed action may affect the achievement of the coastal policies contained in Article 42 of the Executive Law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to either (a) making a certification of consistency pursuant to 19 NYCRR Part 600 or, (b) making the findings required under SEQOR, 6 NYCRR, Section 617.9, if the action is one for which an environmental impact statement is being prepared. If an action cannot be certified as consistent with the coastal policies, it shall not be undertaken.
3. Before answering the questions in Section C, the preparer of this form should review the coastal policies contained in 19 NYCRR Section 600.5. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the coastal area.

B. DESCRIPTION OF PROPOSED ACTION

1. Type of state 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, license, certification

2. Describe nature and extent of action: tidal wetlands permit application for proposed rock revetment above MHW

3. Location of action

Suffolk County Stony Brook, Smithtown City, Town or Village 6 Emmet Way Street or Site Description

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

- (a) Name of applicant: Richard Goodman
- (b) Mailing address: 285 East Main St. Suite 105 Smithtown, NY 11787
- (c) Telephone Number: Area Code (516) 724-2727
- (d) State agency application number: 1-4734-01277/00001

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

Yes _____ No If yes, which federal agency? _____

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

1. Will the proposed action be located in, or contiguous to, or have a significant effect upon any of the resource areas identified on the coastal area map:
 - (a) Significant fish or wildlife habitats?
 - (b) Scenic resources of statewide significance?



DEPARTMENT OF STATE

George E. Pataki
Governor
Alexander F. Treadwell
Secretary of State

July
Division of
Coastal Resources
41 State Street
Albany, NY 12231-0001

June 21, 1999

Mr. Kendall Klett
NYS Department of Environmental Conservation
Region I
Building 40, SUNY at Stony Brook
Stony Brook, NY 11790-2356

Re: S-99-029
Richard Goodman - Stony Brook Harbor, Village of Head
of the Harbor, Suffolk County

Dear Mr. Klett:

The Department of State has reviewed the material that you forwarded regarding the proposed project referenced above.

The proposal is in an area covered by the Village of Head-of-the-Harbor's approved Local Waterfront Revitalization program (LWRP). Pursuant to Article 42 of the Executive Law and its implementing regulations, 19 NYCRR 600, state agency actions occurring within the boundaries of an approved Local Waterfront Revitalization Program (LWRP) need to be consistent to the maximum extent practicable with the policies and purposes of that program. When a state agency is considering an action within the boundaries of an approved LWRP, the state agency shall notify the affected government. Notification of a proposed action by a state agency should be provided to the local official identified in the LWRP 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. If the 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. Whenever a local government has notified the Secretary of State and state agency that proposed action conflicts with the policies and/or purposes of its approved LWRP, procedures have been identified to resolve the conflict.

If in the future, any federal permits or funding is required in regard to this project, the project would be reviewed by this Department for its consistency with the Village of Head-of-the-Harbor's Local Waterfront Revitalization Program. In that case, a copy of all application materials (and in the case where a Federal permit is applied for, a Federal Consistency Assessment Form) should be submitted to this Department.

Thank you for the opportunity to review the material concerning this proposal project. If you have any questions or need additional information, please call me at (518) 486-3047.

Sincerely,

Gary J. Haight
Coastal Resources Specialist

GJH/bos
c: Village of Head-of-the-Harbor - L. Swanson

State Act S-98-029

VILLAGES OF HEAD-OF-THE-HARBOR AND NISSEQUOGUE
JOINT COASTAL MANAGEMENT COMMISSION

3-99-029

Nissequogue Village Hall
P.O. Box 352
St. James, NY 11780

Head-of-the-Harbor Village Hall
500 North Country Road
St. James, NY 11780

DEPARTMENT OF STATE
COASTAL PROGRAMS

July 2, 1999

JUL 07 1999

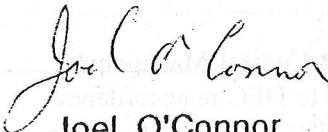
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Ms Kendall Klett, Environmental Analyst
New York State Department of Environmental Conservation
Division of Environmental Permits, Room 121
Building 40-SUNY
Stony Brook, New York 11790-2356

Dear Ms Klett:

Regarding the application of Dr Richard Goodman for a DEC permit for a rock revetment, timber stairs and platform, the proposed action conflicts with the LWRP for the two villages. It does not meet the relevant provisions of the zoning code of the Village of Head of the Harbor.

Sincerely yours,



Joel O'Connor
Chairman

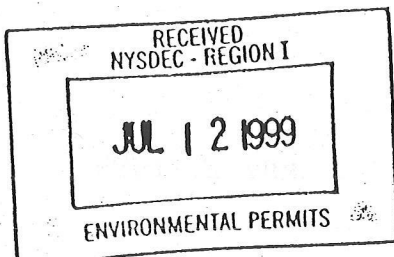
cc Steven C. Resler, Division of Coastal Resources & Waterfront
Revitalization, NYS Department of State
Jerry Harris, Building Inspector



DEPARTMENT OF STATE

George E. Pataki
Governor
Alexander F. Treadwell
Secretary of State

Division of
Coastal Resources
41 State Street
Albany, NY 12231-0001



July 7, 1999

Mr. Kendall Klett
Environmental Analyst
NYS Department of Environmental Conservation
Division of Environmental Permits
Building 40 - SUNY
Stony Brook, New York 11790-2356

Re: S-99-029
Richard Goodman - revetment and stairs
Stony Brook Harbor
Village of Head-of-the-Harbor, Suffolk County
NYSDEC #1-4734-01277/00001

Dear Mr. Klett:

On June 11, 1999 the Department of State received the Coastal Assessment Form that you prepared regarding the above-referenced proposal. In a June 21, 1999 letter to you, Mr. Gary Haight of this Department indicated that pursuant to Article 42 of the State Executive Law and implementing regulations in 19 NYCRR Part 600, the Department of Environmental Conservation's (DEC) action regarding this matter is required to be consistent to the maximum extent practicable with the policies and purposes of the approved Local Waterfront Revitalization Program (LWRP) of the Villages of Head-of-the-Harbor and Nissequogue.

We received a copy of the July 2, 1999 letter to you regarding this matter from the Joint Coastal Management Commission of the Villages of Head-of-the-Harbor and Nissequogue. That letter, provided to DEC in accordance with the State's notification requirements and guidelines pertaining to approved LWRPs, indicates that Mr. Goodman's proposal and a decision by DEC to authorize it would conflict with the Villages' State approved LWRP. Although that letter does not provide a detailed assessment of those conflicts, it does indicate that the proposal does not meet the relevant provisions of the Village of Head-of-the-Harbor's zoning law, which implements many of the policies and purposes of the approved LWRP.

The Department of State has reviewed the proposal against the policies and purposes of the approved LWRP, and agrees with the Joint Coastal Management Commission. Mr. Goodman's proposal and DEC's decision to authorize it would not be consistent with policies 1, 2A, 5 (and through cross-reference 2, 7, 11, 12, 13, 14, 17, and 44), 7, 7A (and through cross-reference 13, 13A, and 14), 12, 17, 19, 20, 25, and 44 of the LWRP. These policies and local implementing laws were developed to provide a high level of protection to natural resources, including bluffs, wetlands, and the State designated Stony Brook Harbor and West Meadow Significant Coastal Fish and Wildlife Habitat, the relatively undeveloped character of, and land and water uses in and adjacent to Stony Brook Harbor. In this instance, the policies and purposes of the LWRP are implemented at the State level through Article 25 of the Environmental Conservation Law and 6 NYCRR Part 661, and State consistency requirements of Article 42 of the Executive Law and 19 NYCRR Part 600.

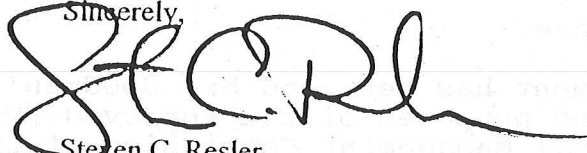
Since the proposed revetment and DEC's authorization of it would conflict with the policies and purposes of the

Kendall Klett, NYSDEC/Region 1
S-99-029
NYSDEC #1-4734-01277/00001
July 7, 1999
Page 2.

Village's approved LWRP, the revetment should not be authorized. If necessary, the Department of State can provide you with more detailed information indicating how and why the proposed revetment and State agency authorization of it would not be consistent with the approved LWRP.

If you have any questions or need any additional information or assistance regarding this matter, please contact me at (518) 473-2470 (e-mail sresler@dos.state.ny.us).

Sincerely,

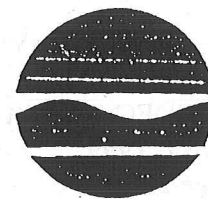


Steven C. Resler
Supervisor of Consistency Review and Analysis
New York Coastal Management Program

SCR/bms

- c: NYSDEC/Region 1 - John Pavacic, Regional Permit Administrator
NYSDEC/Region 1 - Karen Graulick, BMHP/Tidal Wetlands Unit (Stony Brook)
Head-of-the-Harbor/Nissequogue CZMC - Joel O'Connor, Chair
Head-of-the-Harbor/Nissequogue CZMC - Larry Swanson, Co-Chair
NYSDOS - Charles T. McCaffrey and Sally Ball

New York State Department of Environmental Conservation
Division of Environmental Permits
Rm 121 Building 40-SUNY
Stony Brook, New York 11790-2356
Telephone (516) 444-0365
Facsimile (516) 444-0360



John P. Cahill
Commissioner

July 20, 1999

DEPARTMENT OF STATE
COASTAL PROGRAMS

Mr. Roy Haje
En-Consultants
1329 North Sea Road
Southampton, NY 11968

JUL 26 1999

RECEIVED

Re: Goodman property
6 Emmet Way
Stony Brook, NY
DEC# 1-4736-01277/00001

Dear Mr. Haje;

The Department has reviewed Mr. Goodman's proposal against the policies and purposes of the approved LWRP and concurs with the Joint Coastal Management Commission of the Villages of Head-of-the-Harbor and Nissequogue and the Department of State in that the proposal is inconsistent with the LWRP. Pursuant to Article 42 of the State Executive Law and implementing regulations in 19NYCRR Part 600, the Department of Environmental Conservation's action is required to be consistent to the maximum extent practicable with the policies and purposes of the approved LWRP. Therefore, the DEC cannot issue a permit for this proposal.

I have enclosed a copy of the Department of State's determination for your perusal.

Sincerely,

Kendall P. Klett
Environmental Analyst

cc: Goodman, applicant
NYDOS, Steven Resler
Head of the Harbor Chair, Joel O'Connor
NYSDEC, John Wieland