Town of Evans
Local Waterfront Revitalization Program

Town of Evans
Local Waterfront Revitalization Program

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Adopted:
Town of Evans Town Board, December 17, 1986

Approved:
NYS Secretary of State Gail S. Shaffer, February 18, 1987

Concurred:
U.S. Office of Ocean and Coastal Resource Management, March 26, 1987

This Local Waterfront Revitalization Program has been adopted and approved in accordance with the provisions of the Waterfront Revitalization and Coastal Resources Act of 1981 (Executive Law, Article 42) and its implementing regulations (6 NYCRR 601). Federal concurrence on the incorporation of this Local Waterfront Revitalization Program into the New York State Coastal Management Program as a Routine Program Implementation has been obtained in accordance with the provisions of the U.S. Coastal Zone Management Act of 1972 (P.L. 92-583), as amended, and its implementing regulations (15 CFR 923).

The preparation of this program was financially aided by a federal grant from the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management under the Coastal Zone Management Act of 1972, as amended. Federal Grant No. NA-82-AA-D-CZ068.

The New York State Coastal Management Program and the preparation of Local Waterfront Revitalization Programs are administered by the New York State Department of State, 162 Washington Avenue, Albany, New York 12231.

STATE OF NEW YORK
DEPARTMENT OF STATE

GAIL S. SHAFFER
SECRETARY OF STATE

REPLY TO
☐ 162 WASHINGTON AVENUE
ALBANY, NY 12231
(518) 474-4750

☐ 270 BROADWAY
NEW YORK CITY, NY 10007
(212) 587-5800

February 18, 1987

Honorable Eugene J. Heil
Supervisor
Town of Evans
Town Hall
42 No. Main Street
Angola, New York 14006

Dear Supervisor Heil:

It is with great pleasure that I inform you that, pursuant to the Waterfront Revitalization and Coastal Resources Act, I have approved the Town of Evans Local Waterfront Revitalization Program (LWRP). The Town is to be commended for its thoughtful and energetic response to opportunities presented along its waterfront.

I will notify State agencies shortly that I have approved the Town's LWRP and will provide them a list of their activities which must be undertaken in a manner consistent to the maximum extent practicable with the Evans LWRP.

Again, I would like to commend the Town of Evans on its efforts to develop the LWRP and look forward to working with you in the years to come as you endeavor to revitalize your waterfront.

Sincerely,

Gail S. Shaffer

GSS:lc

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
Washington, D.C. 20235

MAR 26 1987

Mr. George Stafford
Director
Division of Coastal Resources
and Waterfront Revitalization
Department of State
162 Washington Street
Albany, New York 12231

Dear Mr. Stafford:

The Office of Ocean and Coastal Resource Management has completed its review of your request to incorporate the Town of Evans Local Waterfront Revitalization Program (LWRP) into the New York State Coastal Management Program (NYS CMP). We have received the adopted program which has been approved by the New York Secretary of State. We received no comments objecting to adopting the LWRP as a routine program implementation change.

We concur with your request to incorporate the Town of Evans LWRP into the NYS CMP as a routine program implementation. In accordance with the Coastal Management Regulations, 15 CFR 923.84, Federal Consistency will apply to the Town of Evans LWRP after you publish notice of our approval.

Sincerely,

James P Blaznyard

Peter L. Tweedt
Director

Supervisor Heil moved and Councilman Sellers seconded,

WHEREAS: the Town of Evans has prepared a Final Local Waterfront Revitalization Program (LWRP) in cooperation with the Erie County Department of Environment and Planning and the New York State Department of State;

NOW, THEREFORE BE IT

RESOLVED: that the Final Town of Evans Local Waterfront Revitalization Program is hereby adopted, and be it further

RESOLVED: that the Final LWRP be submitted to the New York State Secretary of State for review under provisions of the New York State Waterfront Revitalization and Coastal Resources Act of 1981.

VOTE RESULT:		
	Councilman Sellers	aye
	Supervisor Heil	aye
	Councilman Ralph	aye
	Councilman Schlenker	aye

STATE OF NEW YORK

COUNTY OF ERIE

TOWN OF EVANS

I, Mary F. McNeal Deputy, Town Clerk of the Town of Evans, Erie County, New York, DO HEREBY CERTIFY, that I have compared the foregoing with the original resolution adopted by the Town Board of the Town of Evans at a meeting of said Board held on the 17th day of December, 1986, and that the foregoing is a true and correct transcript of said original resolution and of the whole thereof, and that said original resolution is on file in my office.

I DO FURTHER CERTIFY that each of the members of said Town Board had due notice of said meeting, and that _____ Eugene J. Heil, Supervisor, and Anne H. Sellers, Lawrence J. Ralph, Honor M. Schlenker, _____, Councilmen, were present at such meeting.

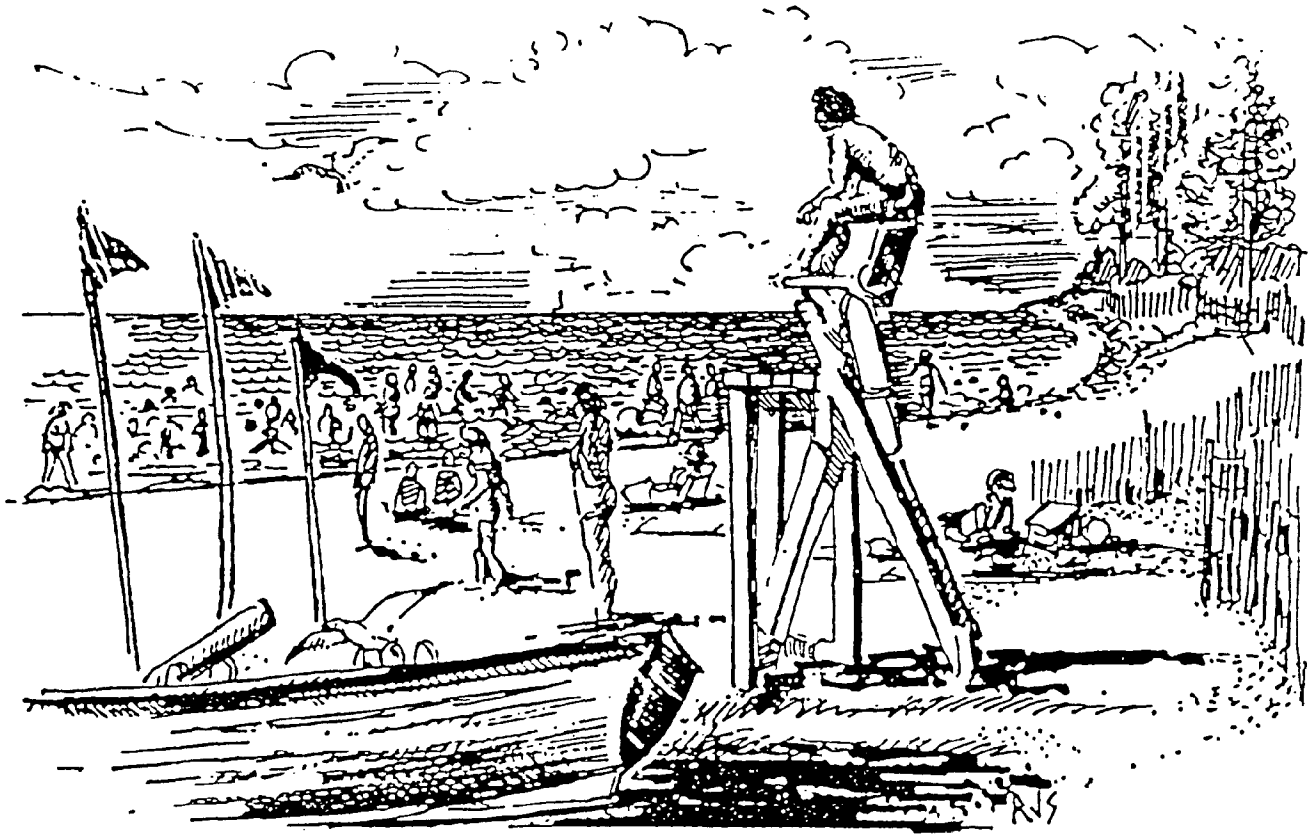
IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Evans, this 22nd day of December, 19 86.

Mary F. McNeal

Mary F. McNeal, Deputy Town Clerk

TOWN OF EVANS
NEW YORK

LOCAL WATERFRONT REVITALIZATION PROGRAM



Prepared For the Town of Evans
By the Erie County Department of Environment and Planning

October 1986

TOWN OF EVANS

LOCAL WATERFRONT REVITALIZATION PROGRAM

Prepared By: Erie County Department of Environment and Planning

Prepared For: Town of Evans

This report was prepared for the New York State Department of State, Coastal Management Program with financial assistance from the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration, provided under the Coastal Zone Management Act of 1972, as amended.

October, 1986

Federal Grant Number NA-82-AA-D-CZ068

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Final Environmental Impact Statement (as a separate document)

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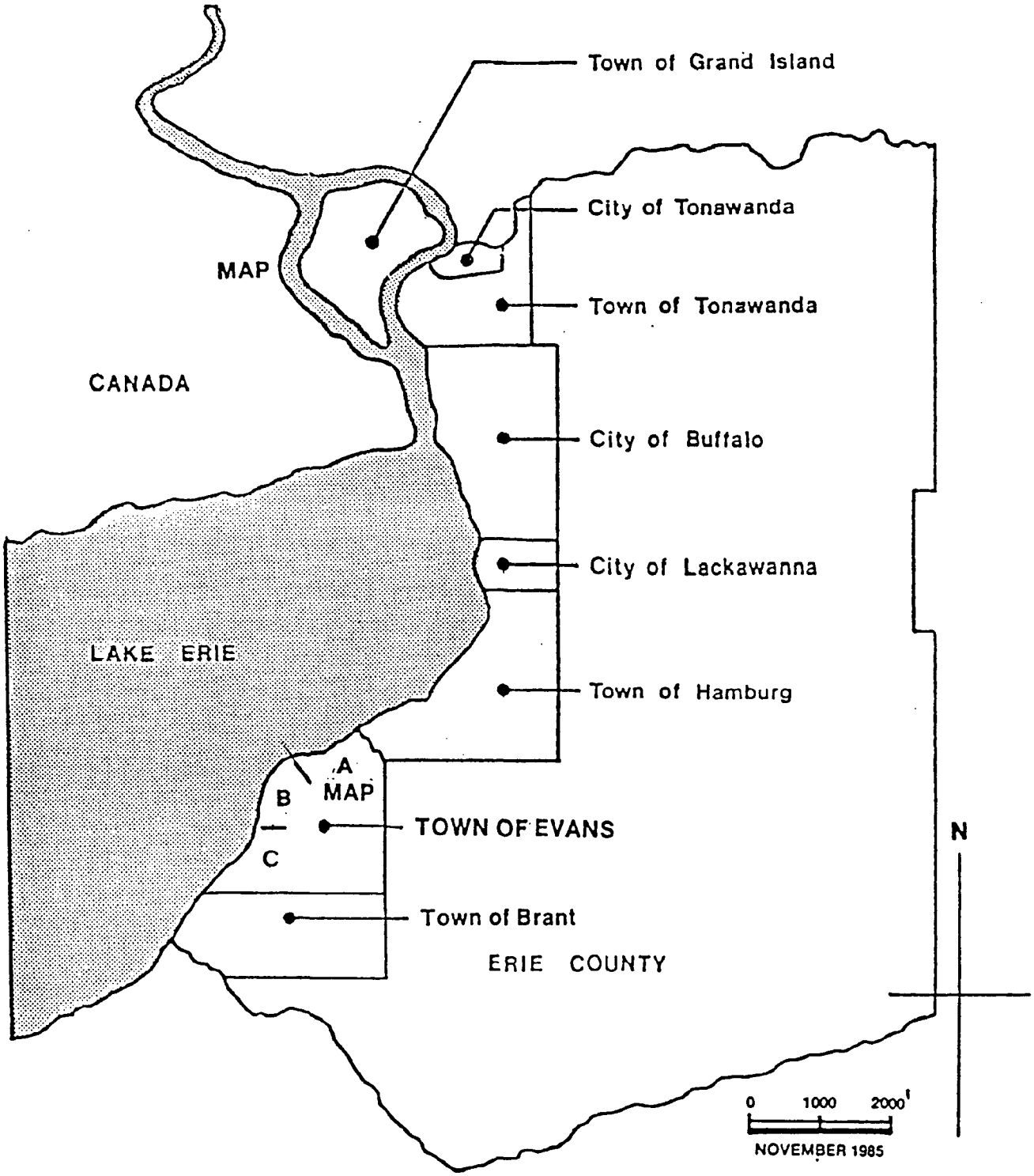
TOWN OF EVANS

INTRODUCTION

The Town of Evans occupies 47 square miles of land in southwestrn Erie County, extending twelve miles along the shoreline of Lake Erie. The Town is bordered on the northeast by the Town of Hamburg, on the east by the Town of Eden, on the south by the Town of Brant, and on the west and northwest by Lake Erie. The population of the Town (including the Village of Angola) is roughly 18,000.

Evans is predominantly rural in character, although most of the lakeshore has been developed for low density residential uses. The Evans lakeshore has been popular for decades as a summer recreation area, and features numerous cottages, camps, and religious retreats. Along the lakeshore Evangola State Park, Wendt Beach County Park, Evans Town Park, Bennett Beach Park, and the Sturgeon Point Marina function as major regional recreation attractions. More recently, the area has become increasing popular for year-round suburban residences.

Elsewhere, the Town maintains a diversified agricultural base. Some commercial/residential activity occurs in concentrations along Route 5 near Angola, in Evans Center, in North Evans, and in Derby. Industrial activity does not form a major component of the Town's land use.



LOCAL WATERFRONT REVITALIZATION PROGRAM ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING STUART ALEXANDER AND ASSOCIATES, PLANNERS/ LANDSCAPE ARCHITECTS	MAP 1 **REGIONAL SETTING** TOWN OF EVANS

SECTION I

WATERFRONT REVITALIZATION AREA BOUNDARY

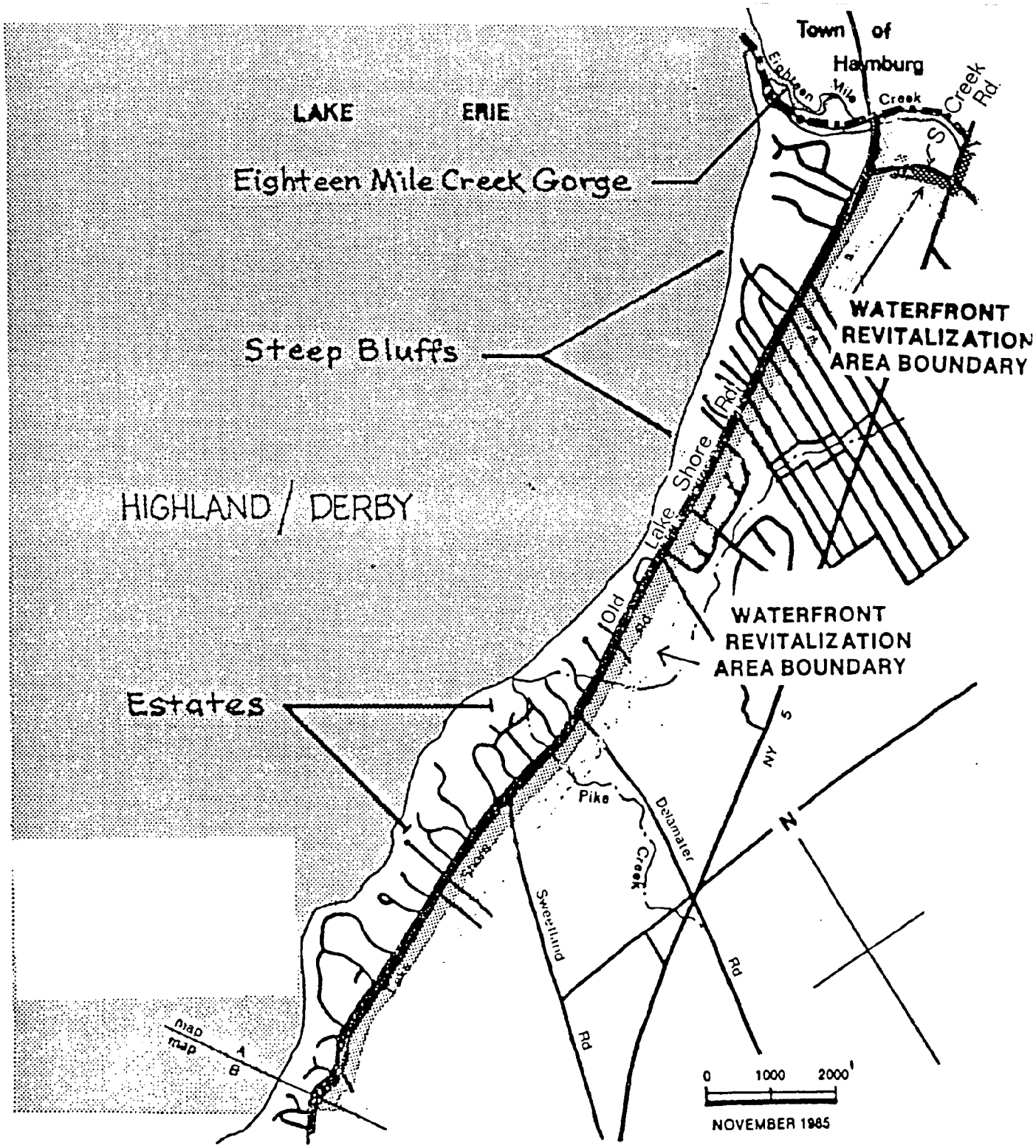
TOWN OF EVANS

WATERFRONT REVITALIZATION AREA BOUNDARY

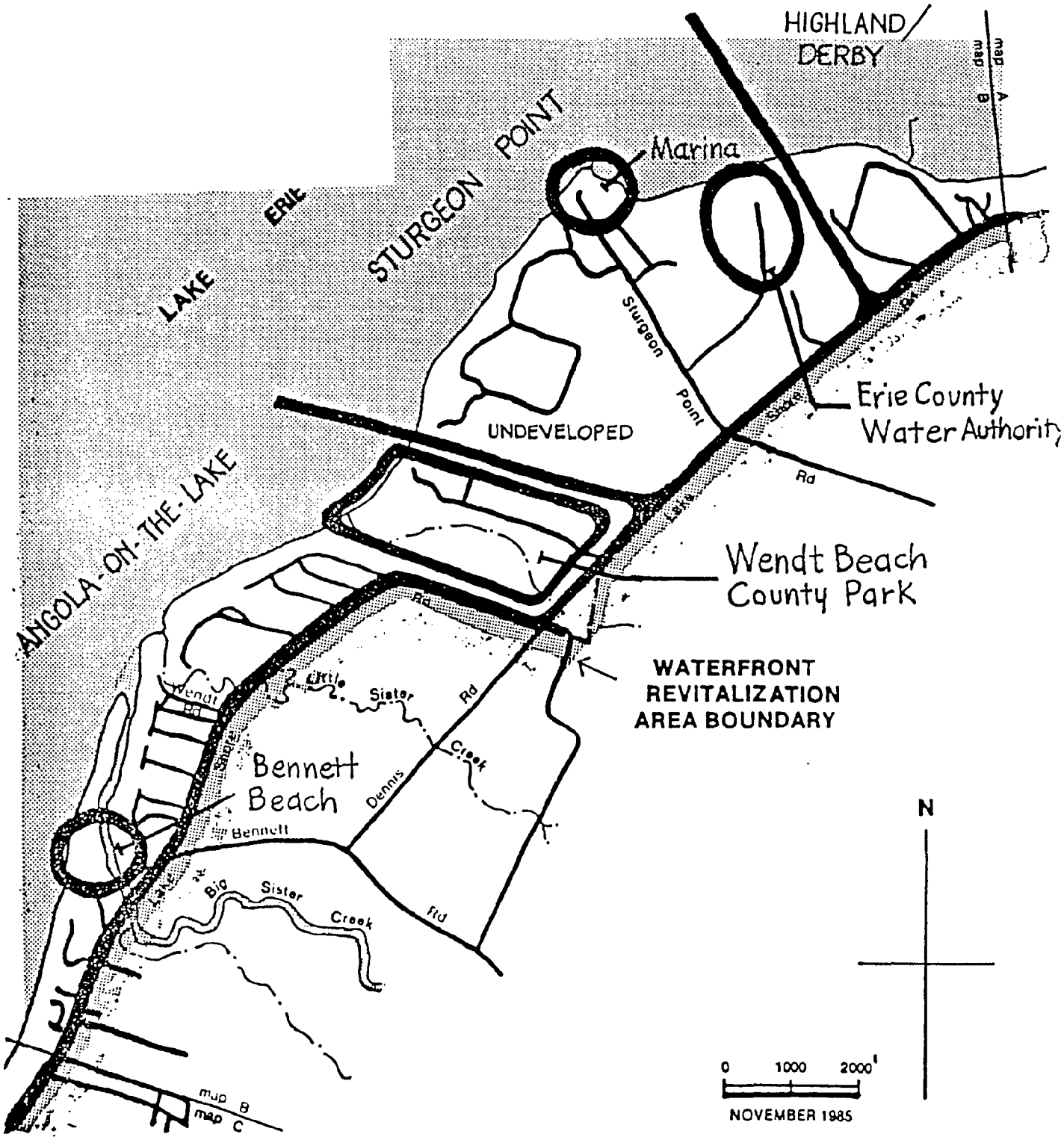
A. Inland Boundary: (See Map Series 1)

The Town of Evans Waterfront Revitalization Area includes all land and water between the Lake Erie shoreline and the following inland boundary:

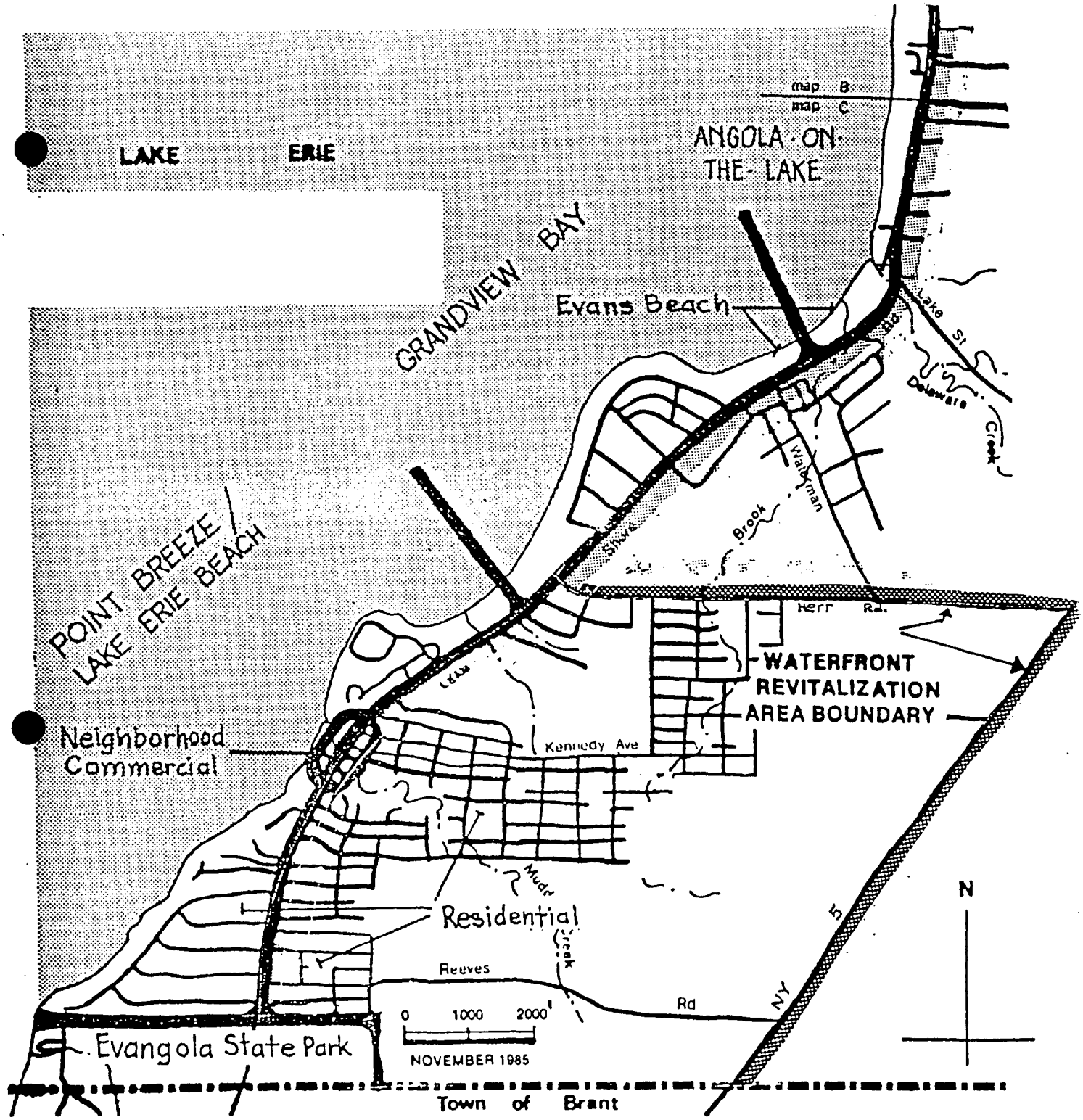
Beginning at the point of intersection of the eastern right-of-way of New York State Route 5 and the Evans/Hamburg Town Line, the boundary proceeds southerly along the Route 5 right-of-way to its intersection with the center line of the right of way of South Creek Road; then northwesterly along this center line to its intersection with the eastern (southern) right-of-way of Lake Shore Road; then southwesterly along the Lake Shore Road right-of-way to its intersection with the east boundary line of Wendt Beach County Park; then south and west along the park boundary line to the eastern right-of-way of Old Lake Shore Road; then southerly along this right of-way to its intersection with the northern right of way of Herr Road; then east along this right-of-way to the eastern right of way of New York State Route 5; then southwesterly along this right of way, to the Evans/Brant Town line.



LOCAL WATERFRONT REVITALIZATION PROGRAM ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING STUART ALEXANDER AND ASSOCIATES, PLANNERS/ LANDSCAPE ARCHITECTS	MAP 1A **COASTAL BOUNDARY** TOWN OF EVANS



LOCAL WATERFRONT REVITALIZATION PROGRAM ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING STUART ALEXANDER AND ASSOCIATES, PLANNERS/ LANDSCAPE ARCHITECTS	MAP 1B **COASTAL BOUNDARY** TOWN OF EVANS



LOCAL WATERFRONT REVITALIZATION PROGRAM ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING STUART ALEXANDER AND ASSOCIATES, PLANNERS/ LANDSCAPE ARCHITECTS	MAP 1C **COASTAL BOUNDARY** TOWN OF EVANS

SECTION II

INVENTORY AND ANALYSIS

TOWN OF EVANS

INVENTORY AND ANALYSIS

I. INTRODUCTION

The Evans waterfront revitalization area as previously established by the Town stretches for roughly 12 miles along the Lake Erie shoreline, extending inland 400' to 4000' to Lake Shore Rd; the southernmost 1.5 miles extends an additional 8000' to 10,000' inland to NY Route 5. Located within the revitalization area are Sturgeon Point, Wendt Beach, Bennett Beach, Evans Town Park, and portions of Evangola State Park and Eighteen Mile Creek.

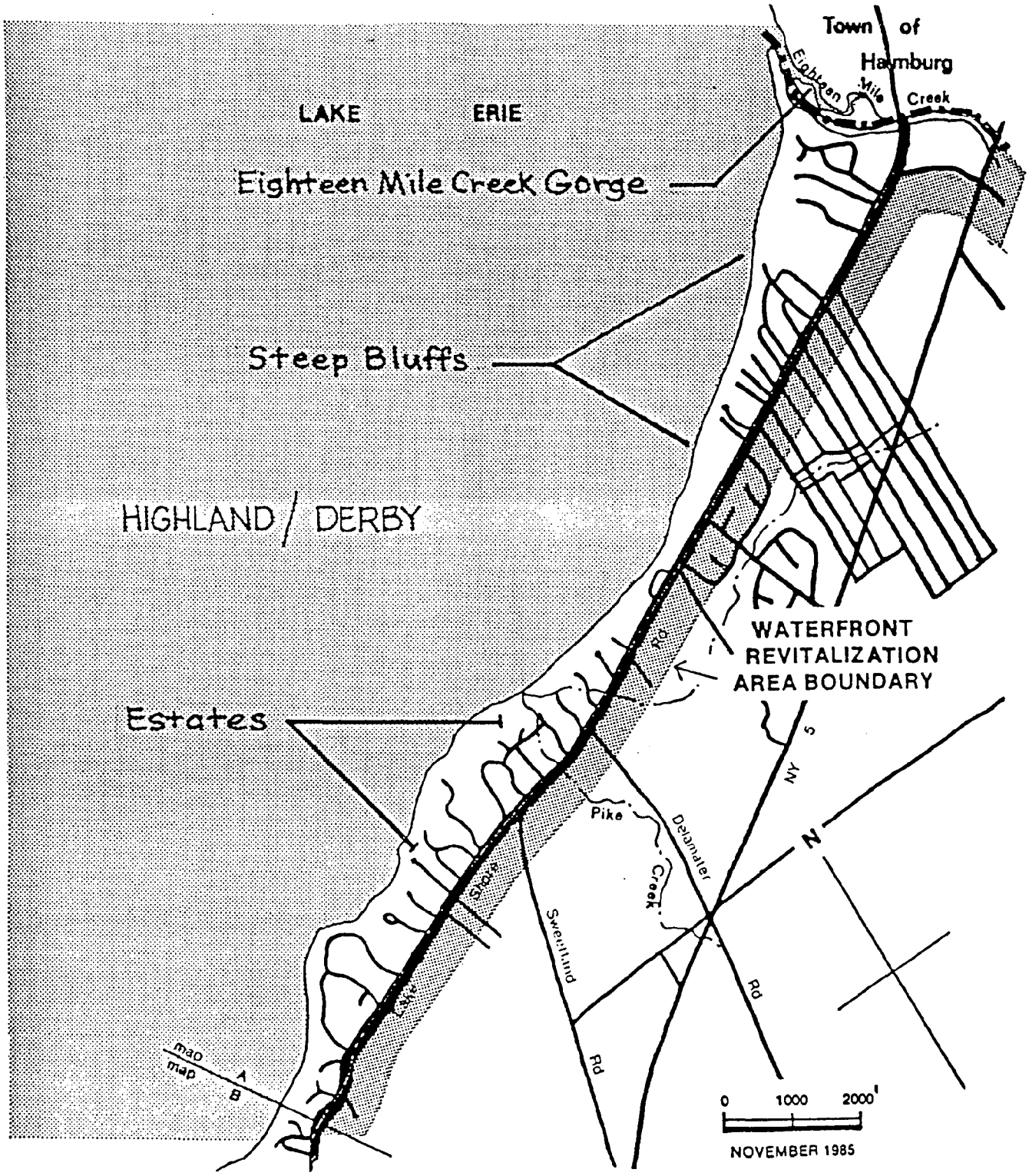
The Town of Evans waterfront is largely residential in character, with numerous summer residences and tax-exempt institutional properties. Beaches are common, and public shoreline access is available at five parks.

II. PHYSICAL STATUS

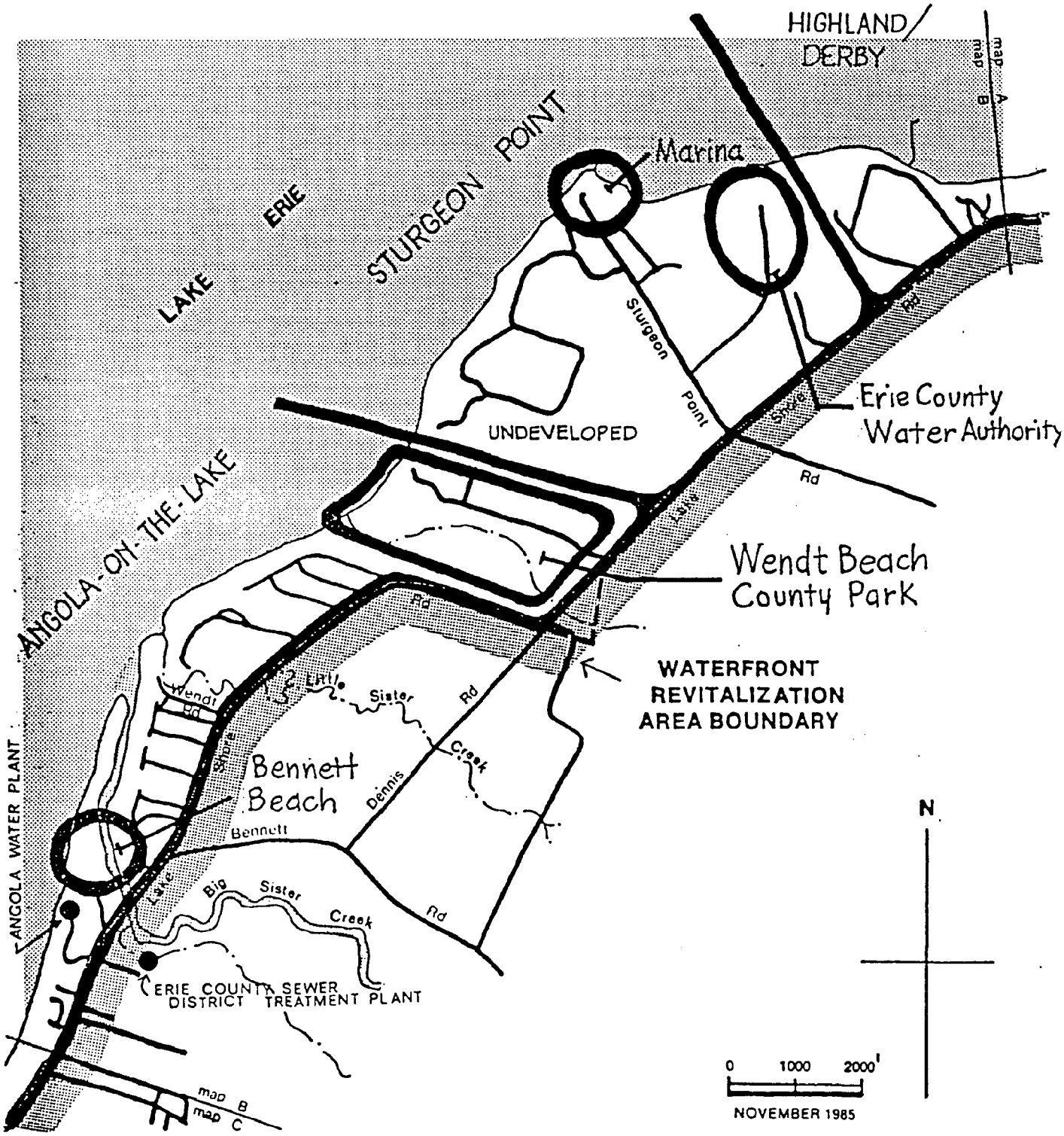
A. Land Use and Buildings: (Existing neighborhoods and uses are illustrated on Map Series 2 and 3).

Highland/Derby:

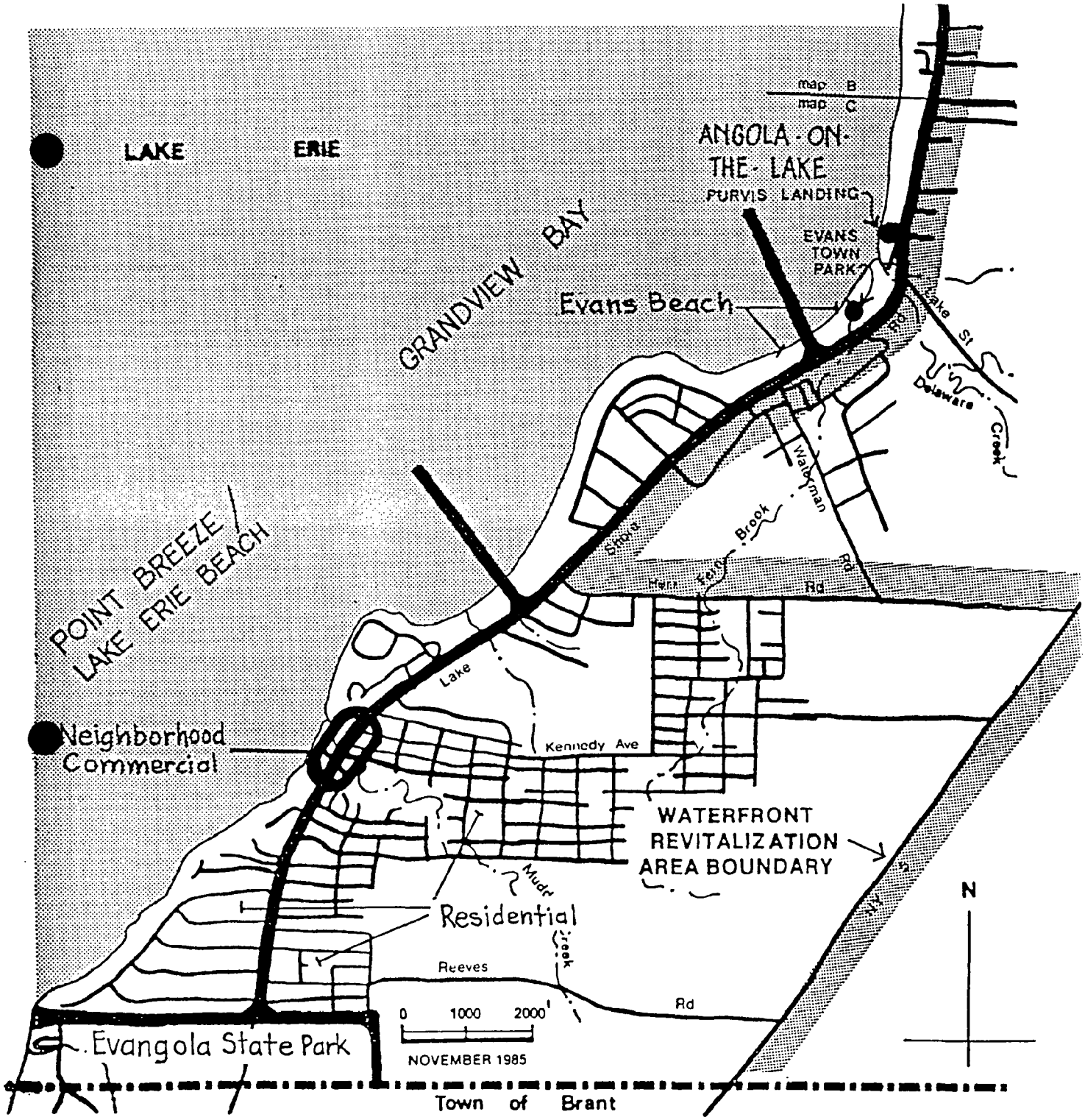
Eighteen Mile Creek delineates the northern limit of the Evans waterfront forming the municipal boundary with the Town of Hamburg. The creek flows through a steep scenic gorge (often exceeding 70' in depth) that remains in a natural state and contains fossil deposits of international significance. Some low density residential development mixed with woodland occurs at the top of the gorge along South Creek Road.



LOCAL WATERFRONT REVITALIZATION PROGRAM ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING STUART ALEXANDER AND ASSOCIATES, PLANNERS/ LANDSCAPE ARCHITECTS	MAP 2A **CHARACTER/ NEIGHBORHOODS** TOWN OF EVANS



LOCAL WATERFRONT REVITALIZATION PROGRAM ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING STUART ALEXANDER AND ASSOCIATES, PLANNERS/ LANDSCAPE ARCHITECTS	MAP 2B **CHARACTER/ NEIGHBORHOODS** TOWN OF EVANS



LOCAL WATERFRONT REVITALIZATION PROGRAM ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING STUART ALEXANDER AND ASSOCIATES, PLANNERS/ LANDSCAPE ARCHITECTS	MAP 2C **CHARACTER/ NEIGHBORHOODS** TOWN OF EVANS

South of the creek for roughly four miles the lakeshore contains numerous residential estates, private clubs, and religious institutions. Most buildings date to the early 1900's, although a contemporary townhouse development has been constructed on the bluffs at the mouth of Eighteen Mile Creek. Commercial activity along this section of waterfront is negligible.

Sturgeon Point

The Erie County Water Authority's Sturgeon Point Water Treatment Plant occupies 75 acres of land south of the estates; this is a modern facility on extensive landscaped grounds. Portions of these grounds are being considered for the development of recreational facilities. Nearby is the Sturgeon Point Marina, a Town-owned facility which includes a large parking area. This marina is currently undergoing major rehabilitation. The Sturgeon Point community contains a mixture of single-family housing types generally in good condition. Substantial amounts of undeveloped woodland and roughly 100 acres of cropland remain nearby (including a 55-acre parcel owned by Erie County).

Angola-on-the-Lake:

This three-mile section of shoreline south of Sturgeon Point is defined by Wendt Beach Park at the northern end and Evans Town Park at the southern end. Wendt Beach is an Erie County park covering 178 acres and includes a 2200' long sand beach, concession building, picnic areas, and parking. Bennett Beach, owned by the City of Buffalo but maintained by Erie

County, occupies roughly 50 acres and includes similar facilities. Between these two parks is an area of summer residences, private camps, and scattered woodland. Sand dunes (15'-30' high) occur along the lakeshore in the vicinity of Bennett Beach.

The Angola-on-the-Lake community continues south from Bennett Beach roughly one mile to the Evans Town Park. This portion of the community contains a mixture of summer cottages, institutions, and commercial establishments. Evidence of physical deterioration is exhibited in this area.

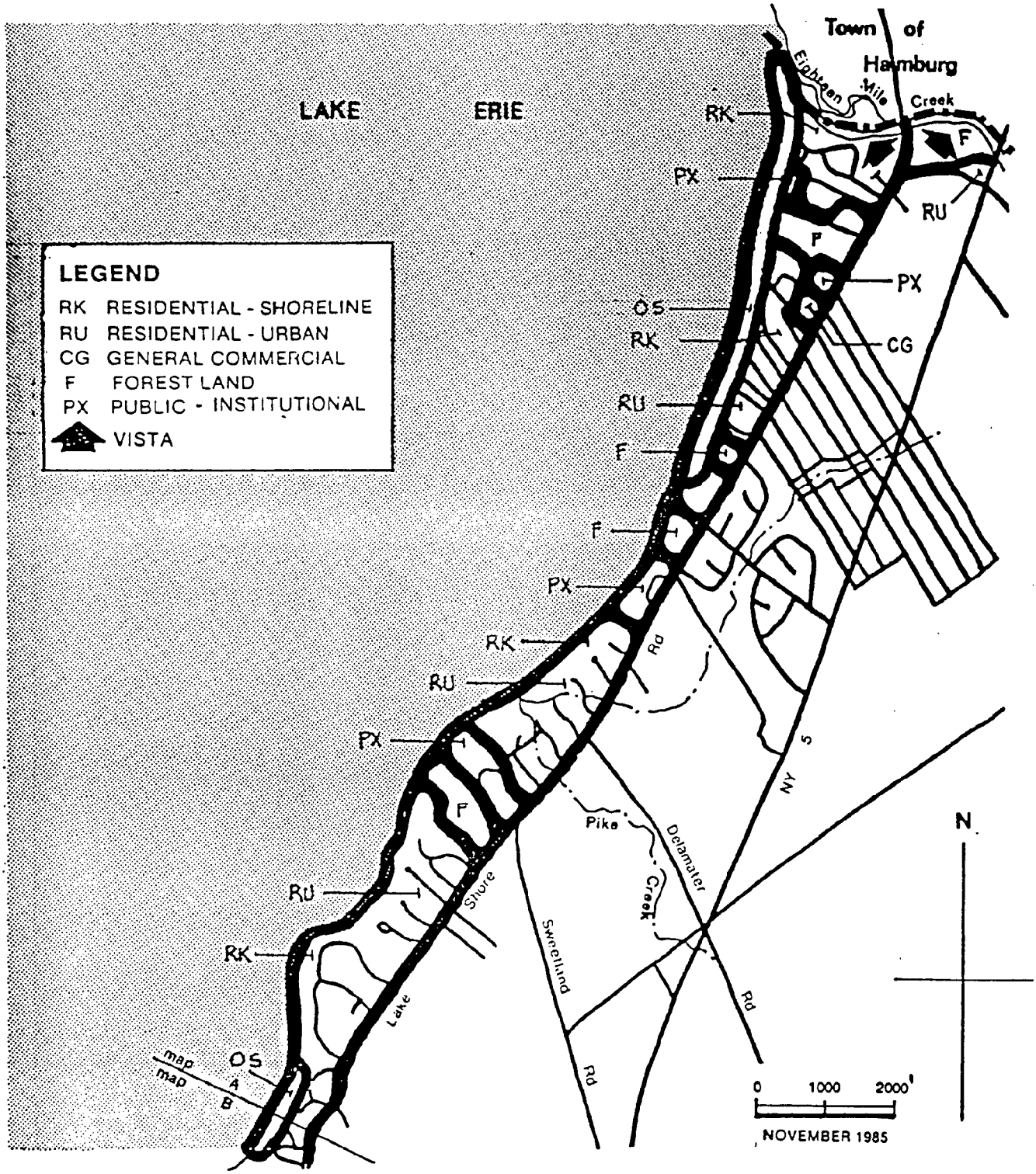
Public boat launch ramps exist at Wendt Beach and at Purvis Landing (north of Delaware Creek); however, these ramps are not regularly maintained by the Town.

The Village of Angola water plant and an Erie County Sewer District treatment plant are located slightly south of Big Sister Creek. The sewer plant lies immediately outside of the waterfront revitalization area.

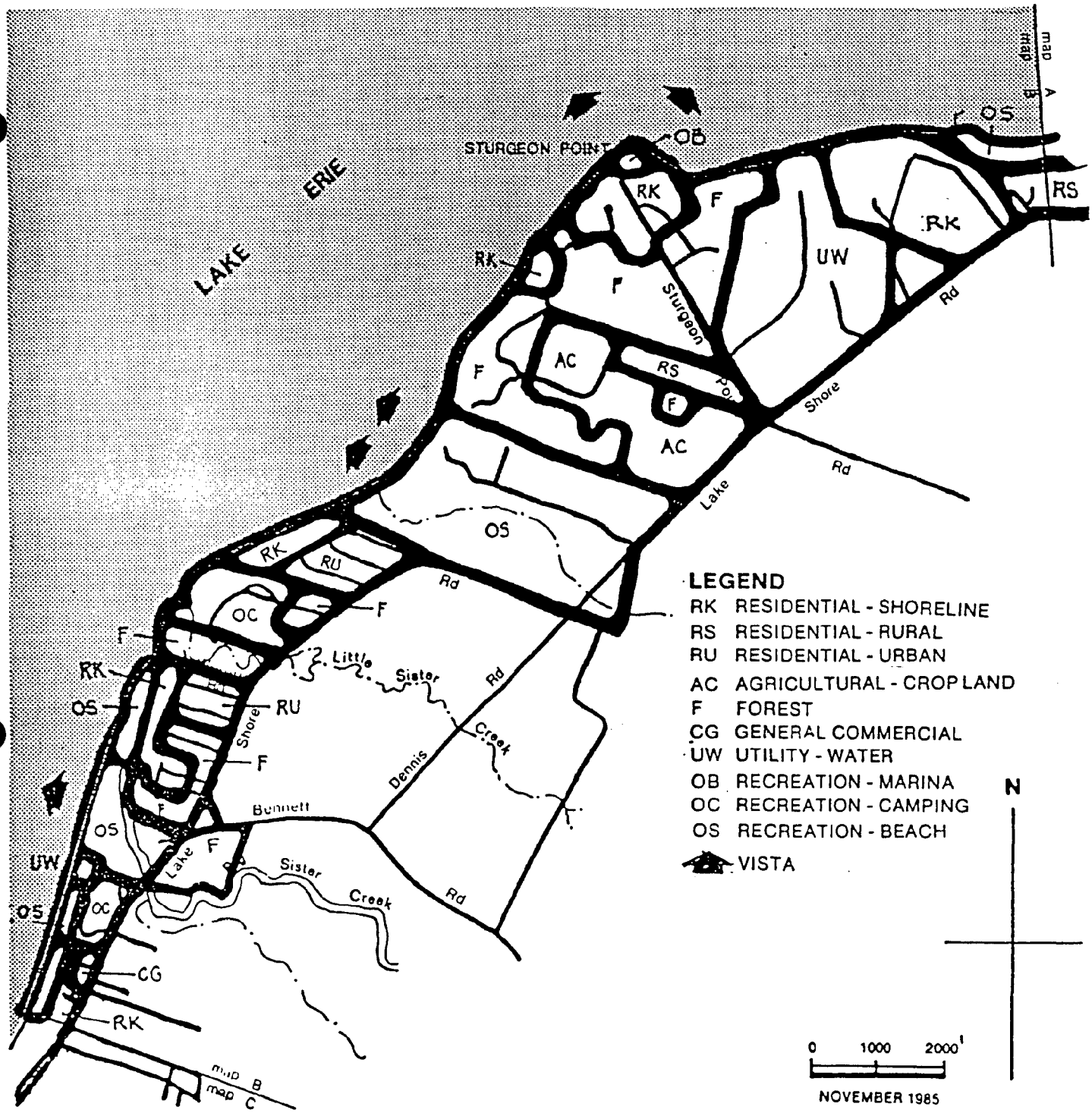
The Evans Town Park is bisected by Lake Shore Road. The two sections are linked via a pedestrian tunnel. The park includes a sand beach, picnic areas, restrooms, and parking and athletic fields.

Grandview Bay:

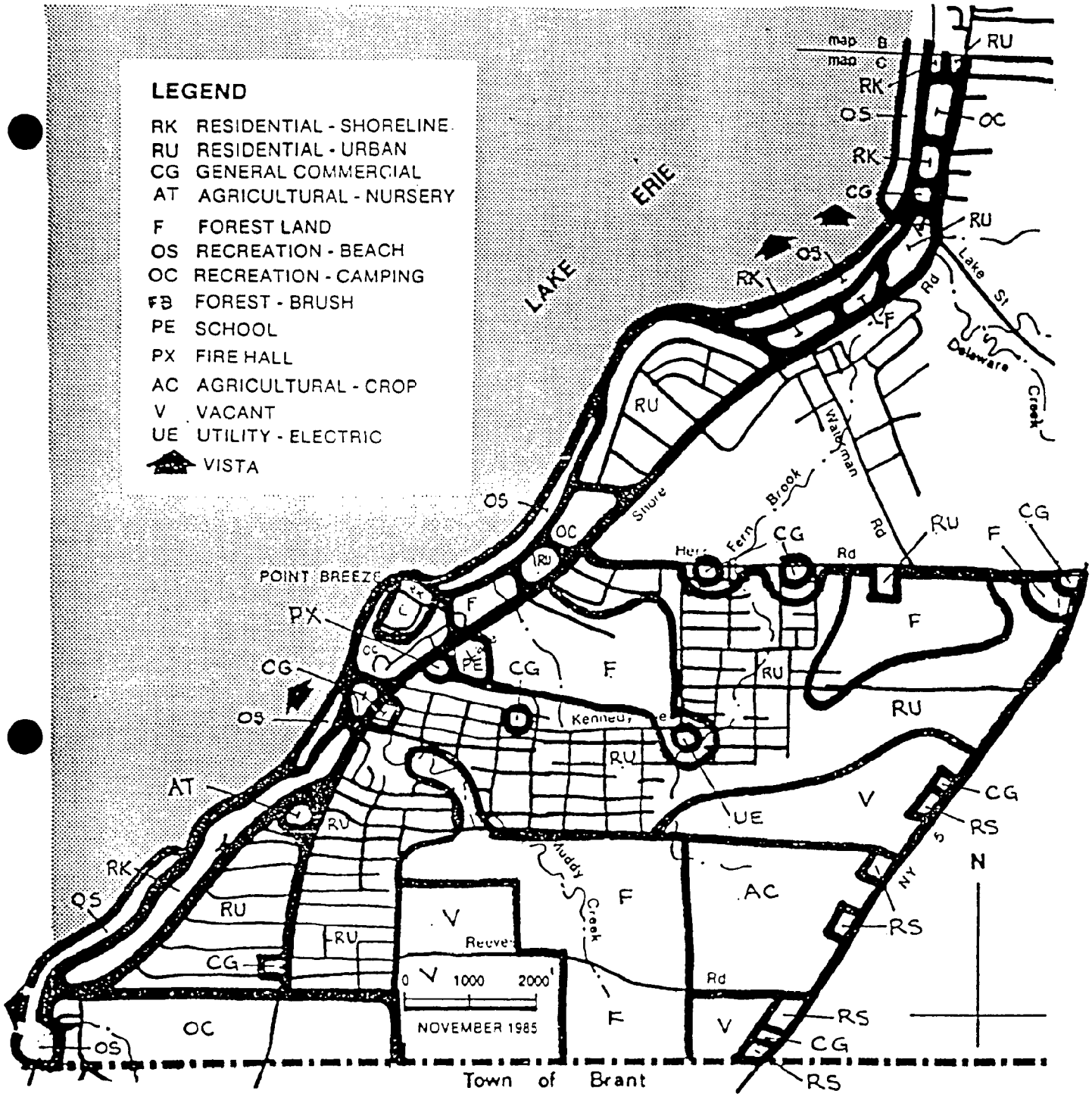
Immediately south of the Town Park is the Grandview Bay community, largely residential with well-maintained buildings. Limited amounts of land are in institutional use. Private beaches exist along the



LOCAL WATERFRONT REVITALIZATION PROGRAM ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING STUART ALEXANDER AND ASSOCIATES, PLANNERS/ LANDSCAPE ARCHITECTS	MAP 3A **EXISTING USES/ VISTAS** TOWN OF EVANS



LOCAL WATERFRONT REVITALIZATION PROGRAM ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING STUART ALEXANDER AND ASSOCIATES, PLANNERS/ LANDSCAPE ARCHITECTS	MAP 3B **EXISTING USES/ VISTAS** TOWN OF EVANS



LOCAL WATERFRONT REVITALIZATION PROGRAM ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING STUART ALEXANDER AND ASSOCIATES, PLANNERS/ LANDSCAPE ARCHITECTS	MAP 3C **EXISTING USES/ VISTAS** TOWN OF EVANS

shoreline, extending south roughly 1.5 miles to Point Breeze.

Point Breeze/Lake Erie Beach

The area near Point Breeze contains a cluster of small commercial uses, a campground, a sand beach owned by the Lake Erie Beach Property Owners Association, and some housing (including a few mobile homes at Point Breeze campground). There are instances of deteriorated facades and inadequately-maintained grounds. South and east of Point Breeze is the Lake Erie Beach community, including a 2100' sand beach extending to Evangola State Park. The community extends inland roughly two miles to NY Route 5, between Herr Road to the north and the Town of Brant boundary to the south. The community includes a relatively dense (i.e. 10,000 sq. ft. lot size) residential area which is interspersed with large tracts of wood and brush. Portions of the area along Route 5 and Reeves Road are used for agriculture. Isolated commercial uses (taverns, grocery, real estate office, etc.) are located along Route 5, Lake Shore, Kennedy, and Herr Roads. The community also contains a public elementary school, fire hall, and electric substation. Local road conditions exhibit wide variation, from two-lane paved highways to one-lane dirt paths. A large number of its 1935 housing units were largely seasonal; many have now been converted to permanent year-round use. Signs of deterioration are common. The Lake Erie Beach community has been targeted for the receipt of Community Development Block Grant funds in recent years. Its 4300 residents are predominantly low-to-moderate income. Funds have been used to

undertake highway, drainage, and infrastructure improvements and housing rehabilitation.

B. Transportation and Utilities

Lake Shore Road parallels the waterfront along the entire length of the waterfront area. The County road is a two-lane highway with numerous curves that pose occassional hazards to traffic, especially when coupled with heavy summer volumes of vehicles and pedestrians. Secondary roads in the area are often privately owned.

The Niagara Frontier Transportation Authority provides bus service along Lake Shore Road Monday through Friday. Four trips daily serve downtown Buffalo. Fares vary depending upon distance travelled (from a minimum of 55 cents to a maximum of $1.50). Saturday service is available on Route 5, approximately one mile east of Lake Shore Road. No service is provided on Sunday.

Sanitary sewer service is provided through Erie County Sewer District No. 2, which uses a modern treatment plant on the east side of Lake Shore Road south of Big Sister Creek. Roughly 80% of the waterfront area is served by sanitary sewers. The principal gap in the system is a two-mile segment centered on Sturgeon Point; roughly 25% of the Lake Erie Beach area also remains unserviced. The sewer system is operating at roughly 90% of design capacity of 4.5 MGD. Except for the extreme southeast (centered along Reeves Road and containing part of the Brant-Evans Agricultural District No. 2), the entire waterfront area lies within the sewer district.

Water service along most of the waterfront is provided by the Town of Evans, which purchases water from the Village of Angola municipal system. The Angola system directly serves the area between Lake Street and Bennett Beach (the system's water plant is located immediately south of Bennett Beach). The system normally operates at about 75% of its 2.3 MGD design capacity.

Water to a three-mile segment of the waterfront area (from Sturgeon Point Road north to roughly one mile north of Pike Creek) is supplied through the Erie County Water Authority's modern Sturgeon Point intake and treatment plant. The plant provides water to much of Erie County. Its design capacity is 96 MGD; current average utilization is roughly 40 MGD.

Solid waste disposal in the Town is the responsibility of the individual property owner. Contracts with private refuse collection firms are most commonly used (A town-wide collection system is currently under study by the Town Board).

C. Topography:

Sturgeon Point essentially separates two distinctive areas of the Evans lakeshore. To the south of Sturgeon Point are numerous stretches of sand beach (with occasional dunes) that are separated by bluffs and promontories. Significant beaches include Evangola, Point Breeze, Evans, Bennett, and Wendt. Grandview Bay's shoreline is typical of a bluff formation.

North of Sturgeon Point the shore is dominated by cliffs up to 60' high with occasional stretches of narrow beach.

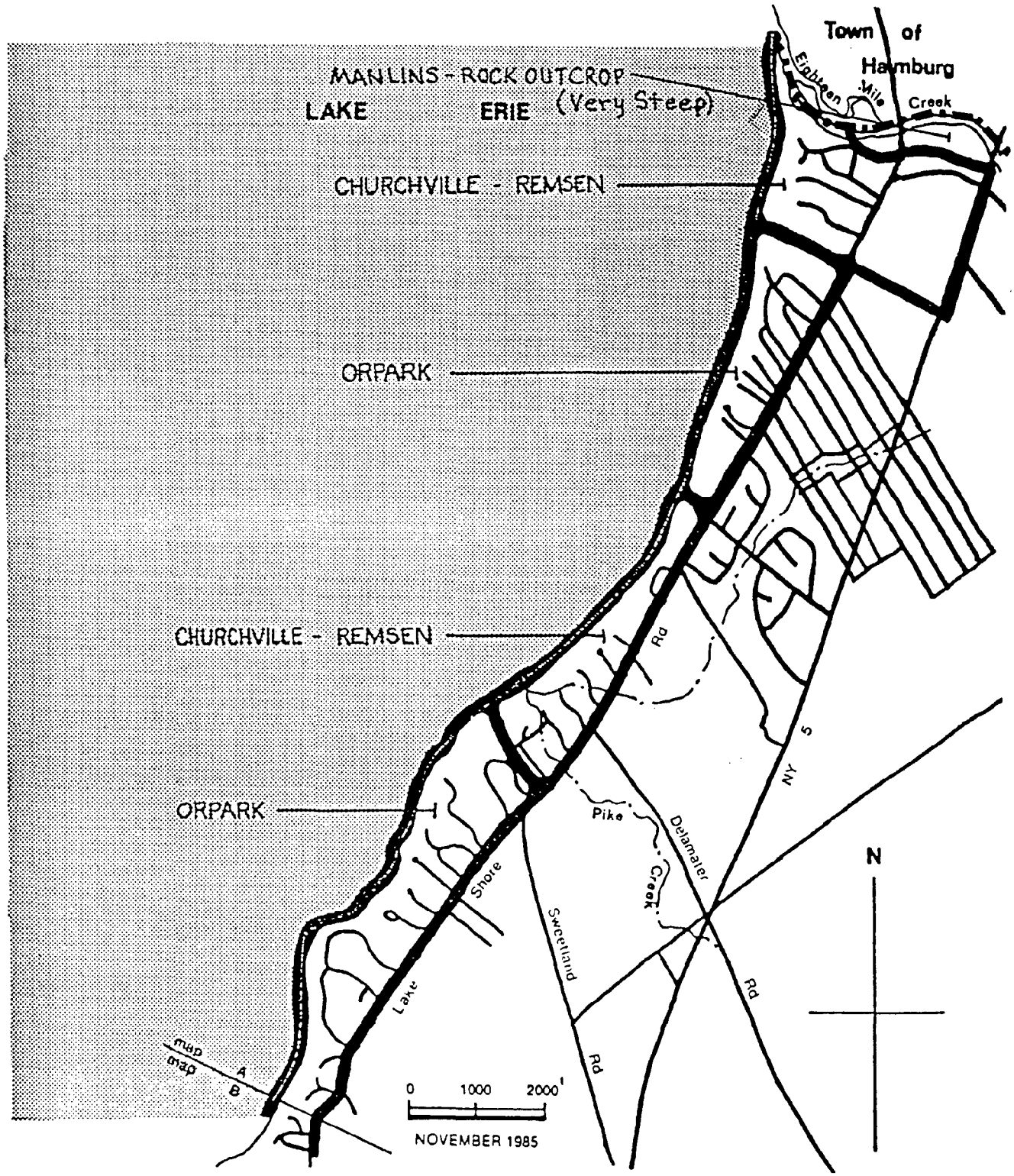
This terrain continues to Eighteen Mile Creek, which forms a dramatic gorge.

D. Soils:

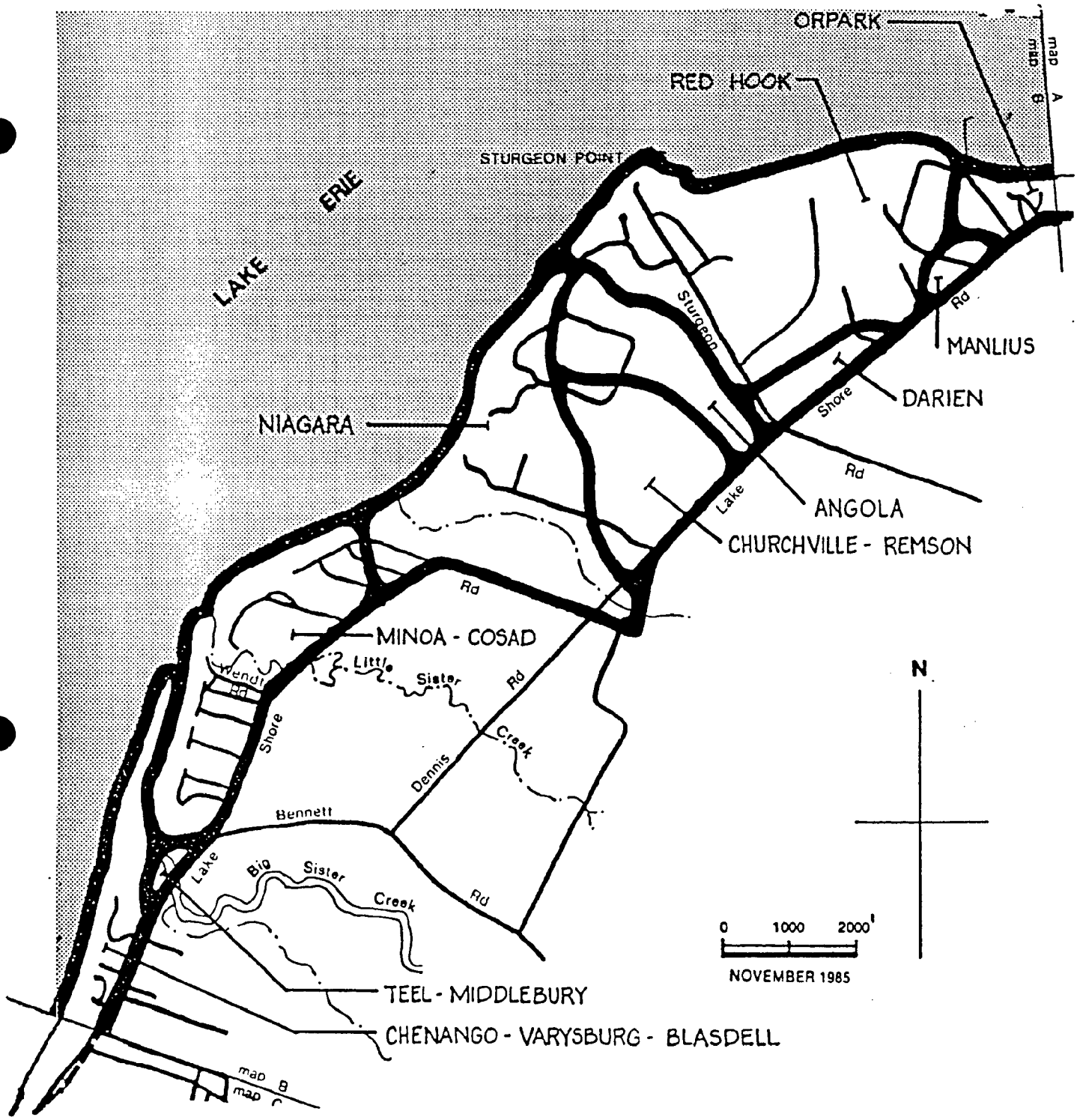
The soils within the Town of Evans waterfront fall into thirteen series as classified by the U.S.D.A. Soil Conservation Service and are identified on Map 4. These include Cosad, Niagara, Rhinebeck (silty loams), Angola, Manlius, Orpark, Remsen, Darien (silty clay loams), Varysburg, Blasdell-Farnham, Redhook (gravelly sandy loams), Middlebury, and Wayland (sandy silt loams).

The silty loams are poorly drained with slow permeability. This, coupled with a high water table and clay sub-soils, results in seasonal wetness and unstable conditions especially on slopes. Soil nutrients will support most native plant life; however, the seasonal wetness limits the variety of vegetation. These soil types are found in the vicinity of Point Breeze, Evans Town Park, and Wendt Beach Park extending southward to Big Sister Creek.

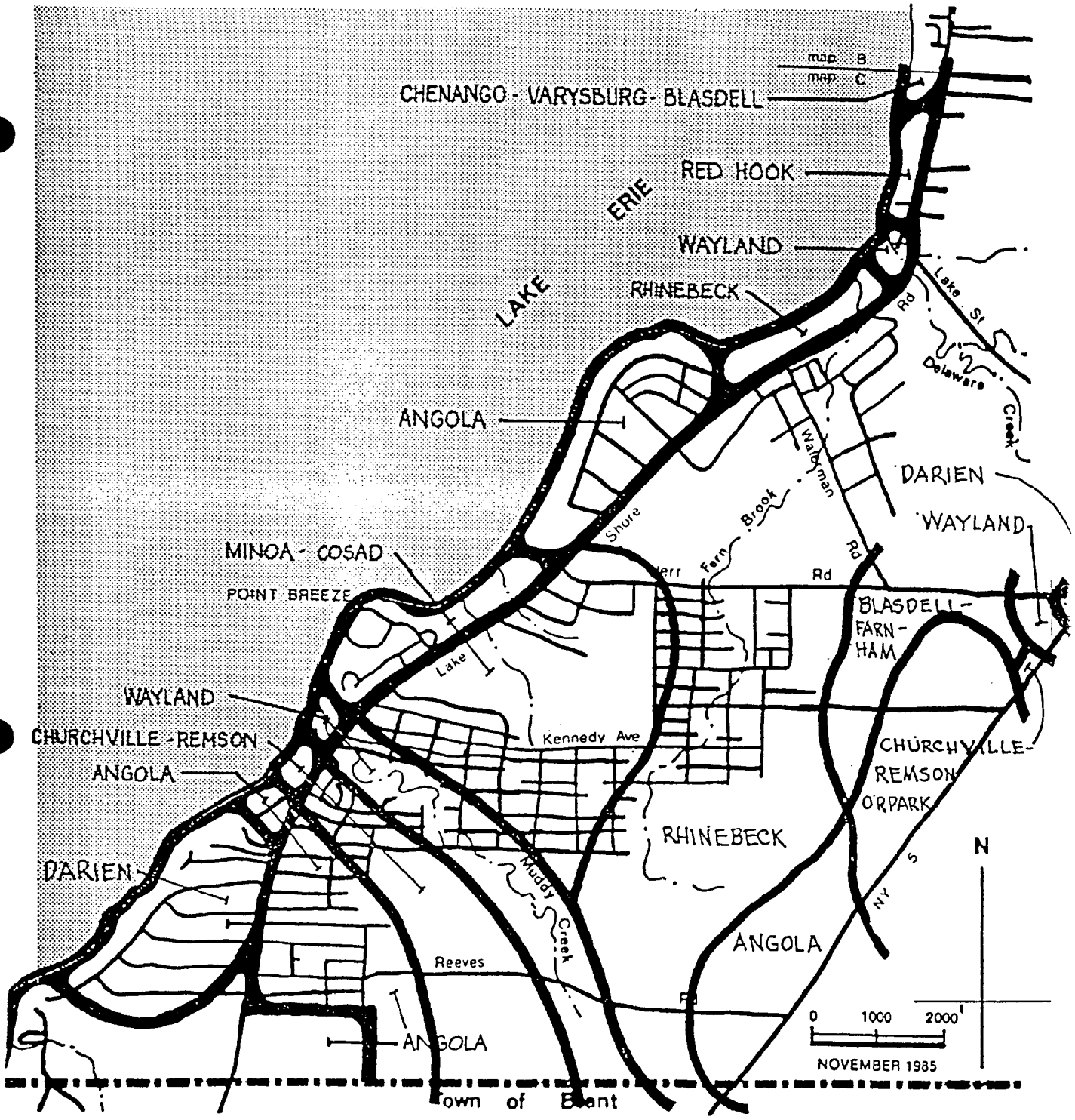
The silty clay loams are poor to moderately well drained soils. Shallow bedrock and slow permeability contribute to some seasonal wetness and instability. This also limit the variety of plant material indigenous to these areas. The water table varies between one and three feet below grade. These soils are found in the vicinity of Evangola State Park, Lake Erie Beach and Sturgeon Point and north of Sturgeon Point to Eighteen Mile Creek. Manlius rock outcrops occur along the walls of the Eighteen Mile Creek gorge.



LOCAL WATERFRONT REVITALIZATION PROGRAM ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING STUART ALEXANDER AND ASSOCIATES, PLANNERS/ LANDSCAPE ARCHITECTS	MAP 4A **SOILS** TOWN OF EVANS



LOCAL WATERFRONT REVITALIZATION PROGRAM ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING STUART ALEXANDER AND ASSOCIATES, PLANNERS/ LANDSCAPE ARCHITECTS	MAP 4B **SOILS** TOWN OF EVANS



LOCAL WATERFRONT REVITALIZATION PROGRAM ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING STUART ALEXANDER AND ASSOCIATES, PLANNERS/ LANDSCAPE ARCHITECTS	MAP 4C **SOILS** TOWN OF EVANS

The gravelly sandy loams are well drained with rapid permeability. However, a seasonally high water table produces occasional wetness and unstable conditions in certain areas. Bedrock is five to six feet below grade. These soil conditions are found in the vicinity of Sturgeon Point and Angola-on-the-Lake.

The sandy silty loams are poor to moderately well drained soils existing in floodplain areas adjacent to small creeks. Bedrock is usually deeper than five feet. Because of their location they are generally wet and prone to seasonal flooding. These soils exist adjacent to Big Sister Creek, Muddy Creek and Delaware Creek.

In addition, over five miles of the Evans lakeshore is occupied by stretches of sand beach. The longest continuous beach (roughly four miles in length) extends from Wendt Beach through Bennett Beach to Evans Beach. The northern portion of this beach contains significant dune formations 15' to 30' in height. These dunes are most prominent in the vicinity of Little Sister and Big Sister Creeks and Bennett Beach. Other sand beaches are found at Evangola State Park, Lake Erie Beach, Point Breeze, Sturgeon Point, and Claddagh Bay (about one mile north of Sturgeon Point). Publicly-owned beaches include Evangola and portions of Evans, Bennett,and Wendt Beaches. All beaches serve as significant natural protective features which mitigate the effects of coastal erosion processes.

E. Hydrology:

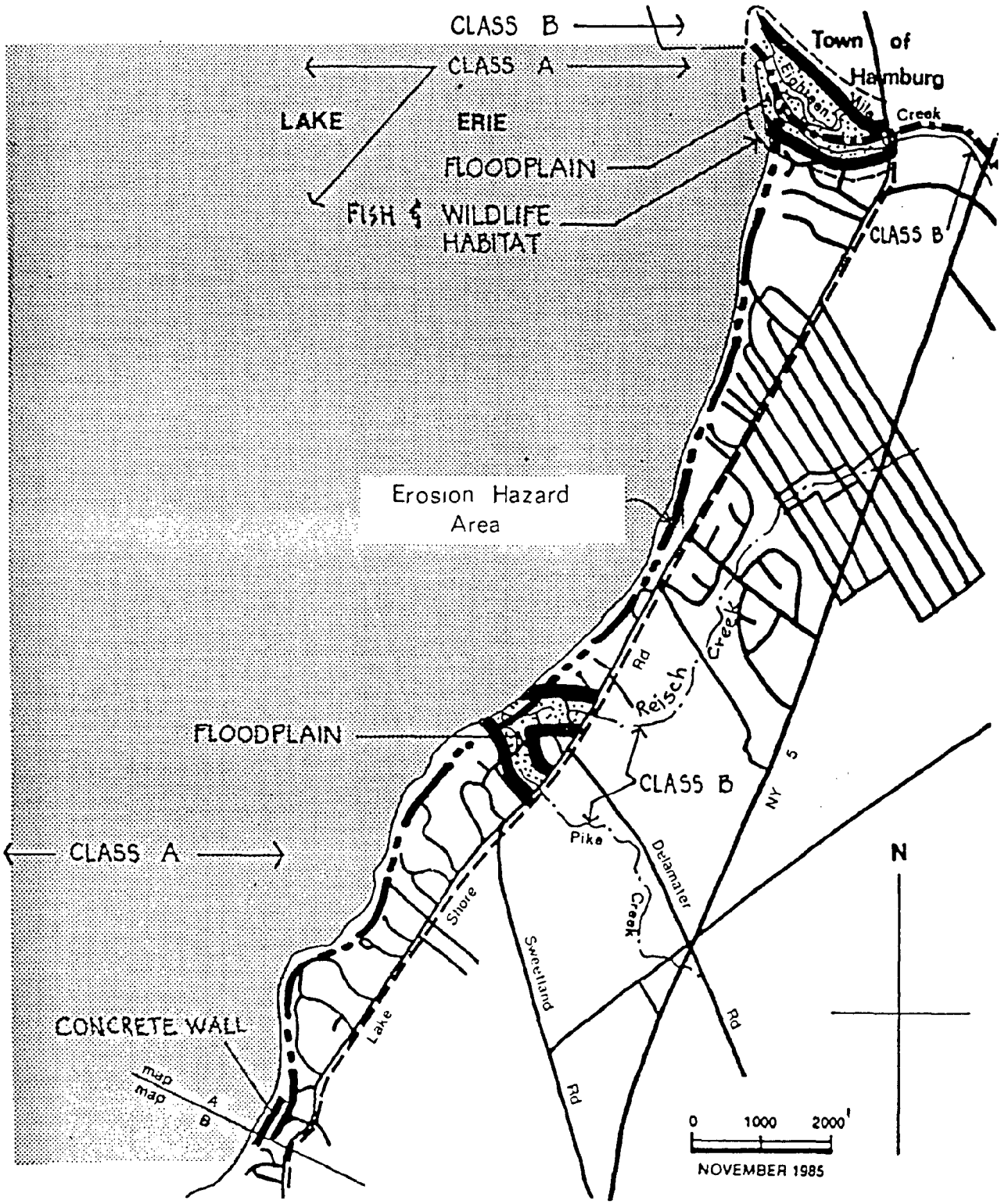
Fifteen streams of varying importance have been identified as flowing through the Evans waterfront. From north to south, these streams, their Department of Environmental

Conservation catalog number, and their classifications include the following:

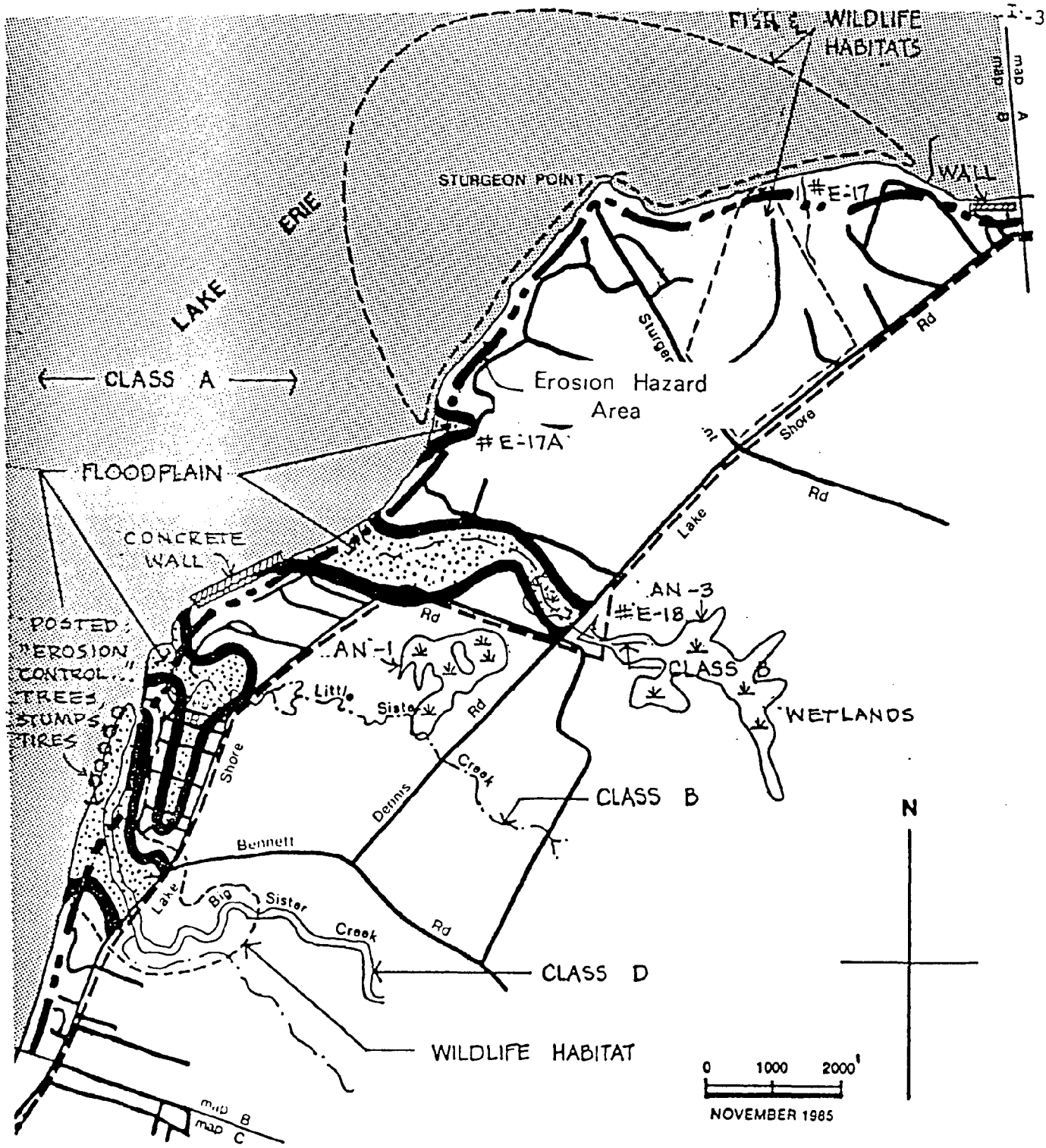
STREAMS	NYSDEC WATERS INDEX NO.	CLASSIFICATION
Eighteen Mile Creek	E-13	B
Reisch Creek	E-14	B
Pike Creek	E-15	B
Unnamed, 2600'N. of Sturgeon Point Rd.	E-17	B
Unnamed, 800' N. of Wendt Beach Rd.	E-17A	B
Unnamed, 500' N. Shell Rd.	E-18	B
Little Sister Creek	E-19	B
Big Sister Creek	E-20	B and D
N. Tributary of Delaware Creek	E-20A	B
Delaware Creek	E-21	B
Fern Brook	E-21A	B
Unnamed, 900' S. of Herr Rd.	E-21B	B
Unnamed, 1400' S. of Herr Rd.	E-21C	B
Muddy Creek	E-22	B
Unnamed Stream in Evangola State Park	E-22A	B

Lake Erie is designated "Class A - Special (International Boundary Waters)" in accordance with 6 NYCRR 839.6, Item No. 3, along the entire Evans shoreline. Big Sister Creek receives treated discharges from the Erie County Sewer District No. 2 Advanced Treatment Plant, located immediately outside the waterfront area boundary, and is classified a "D" stream in the vicinity of this discharge (for classification descriptions refer to Appendix A).

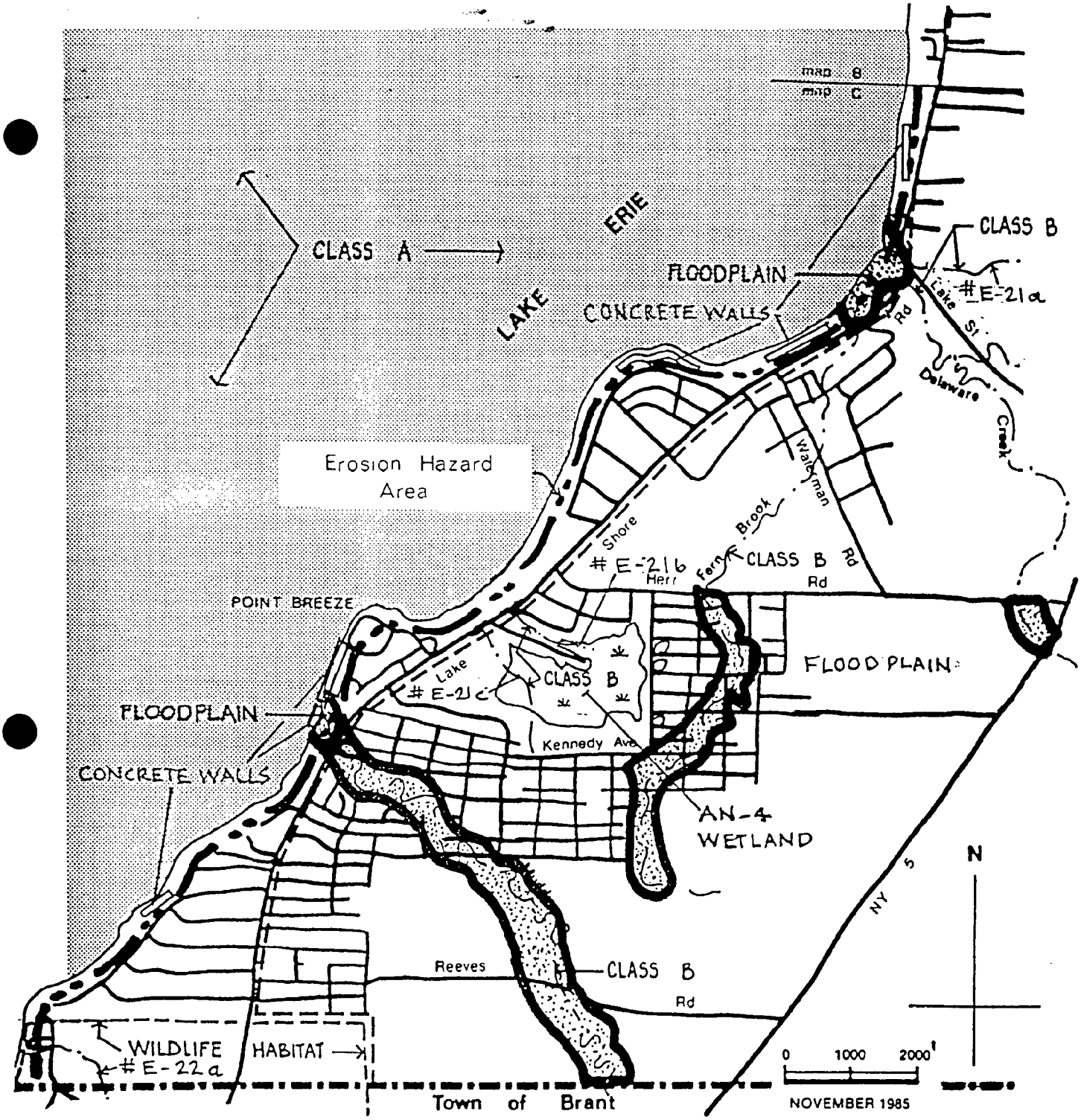
Reference should be made to Map 5 for a graphic description of the above streams.



LOCAL WATERFRONT REVITALIZATION PROGRAM ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING STUART ALEXANDER AND ASSOCIATES, PLANNERS/ LANDSCAPE ARCHITECTS	MAP 5A **HYDROLOGY/ EROSION/ HABITATS** TOWN OF EVANS



LOCAL WATERFRONT REVITALIZATION PROGRAM ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING STUART ALEXANDER AND ASSOCIATES, PLANNERS/ LANDSCAPE ARCHITECTS	MAP 5B **HYDROLOGY/ EROSION/ HABITATS** TOWN OF EVANS



LOCAL WATERFRONT REVITALIZATION PROGRAM ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING STUART ALEXANDER AND ASSOCIATES, PLANNERS/ LANDSCAPE ARCHITECTS	MAP 5C **HYDROLOGY/ EROSION/ HABITATS** TOWN OF EVANS

F. Flooding and Erosion

Seasonal flooding is associated with Eighteen Mile, Reisch, Pike, Little Sister, Big Sister, and Delaware Creeks, Fern Brook, Streams #E-17a and #E-18, and the Lake Erie shore. Flooding along Muddy Creek affects residential properties in the Lake Erie Beach community.

Much of the Town of Evans lakeshore is subject to erosion resulting from high lake levels, wind-generated wave action, ice, and rain. The Evans shoreline is largely comprised of a combination of rocky bluffs up to 60' in height which often rise from several lengthy stretches of beach. This combination of natural protective features serves to mitigate the effects of erosion-inducing actions. In addition, several stretches of retaining walls have been installed by private property owners along the base of bluffs to further reduce erosion potential.

In total, these retaining walls have been installed along roughly 1.5 miles of the Town's shoreline.

The New York State Department of Environmental Conservation has determined that erosion rates along the Evans shoreline are less than one foot per year.

Reference should be made to Map 5 for a graphic location of preliminary erosion hazard areas as determined by the New York State Department of Environmental Conservation.

G. Off-Shore Conditions

The bed of Lake Erie maintains a constant gradual 2% grade off the Evans shore to a distance of 2000' to

3000'. Six-foot depths are usually reached about 400' off-shore. Slightly deeper conditions exist near Sturgeon Point, Pike Creek, and Delaware Creek. Wave action and littoral drift frequently form sand bars at Sturgeon Point, requiring constant dredging to maintain an open channel to the marina (improvements currently under construction are intended to alleviate this condition). There are certain areas of comparatively shallow depth (3'-12') 2000' off Wendt Beach and 4000' off Bennett Beach.

An Erie County Water Authority Intake extends roughly 2000' into the lake north of Sturgeon Point. The Village of Angola intake lies 1500' west of Bennett Beach. Numerous remains of man-made structures are visible along much of the near-shore lake bed.

H, Wetlands and Wildlife habitats:

A Class II wetland (AN-3) has been identified by the New York State Department of Environmental Conservation as lying partially within the waterfront area. This wetland occupies the southeastern portion of Wendt Beach Park. Immediately to the south (and outside the waterfront area) is a Class I wetland designated AN-1. Another Class II wetland (AN-4) lies within the revitalization area in the Lake Erie Beach community south of Herr Road. This wetland is associated with a stream identified as E-21c. Reference should be made to Map 5 for a graphic depiction of the area.

Woodland along creeks and in Evangola State Park provides cover for a variety of small animals and birds. Important fish habitats exist at Sturgeon Point and along Eighteen

Mile and Big Sister Creeks. Smallmouth Bass, Brown Trout, Coho Salmon, Chinook Salmon, and Perch are among typical varieties found in Lake Erie.

A June 1984 New York State Department of Environmental Conservation analysis of the Sturgeon Point fishery indicated that the area is very typical of a major portion of the Lake Erie nearshore area. Primary game fish present are walleye and smallmouth bass. Panfish species include yellow perch, brown bullhead, rock bass, and white bass. Stocked
salmonids, particularly rainbow trout; are present during fall and spring months. The Sturgeon Point area is scheduled to receive 25,000 yearling rainbow trout each spring.

The New York State Department of Environmental Conservation has determined Eighteen Mile and Big Sister Creeks to be "Significant Coastal Fish and Wildlife Habitats".

Eighteen Mile Creek is considered a rare ecosystem type within the region. It is a major tributary to Lake Erie and is an important salmonid stream lined with relatively undisturbed mature vegetation. In 1983, the Department of Environmental Conservation stocked the stream with approximately 20,000Coho. Similarly, the channel of Big Sister Creek is relatively undisturbed and provides a valuable habitat for coho and chinook salmon, steelhead, and brown trout.

Reference should be made to Map 5 for a graphic depiction of these areas.

A small deer habitat exists in the upland area northeast of the Sturgeon Point Marina.

I. Zoning:

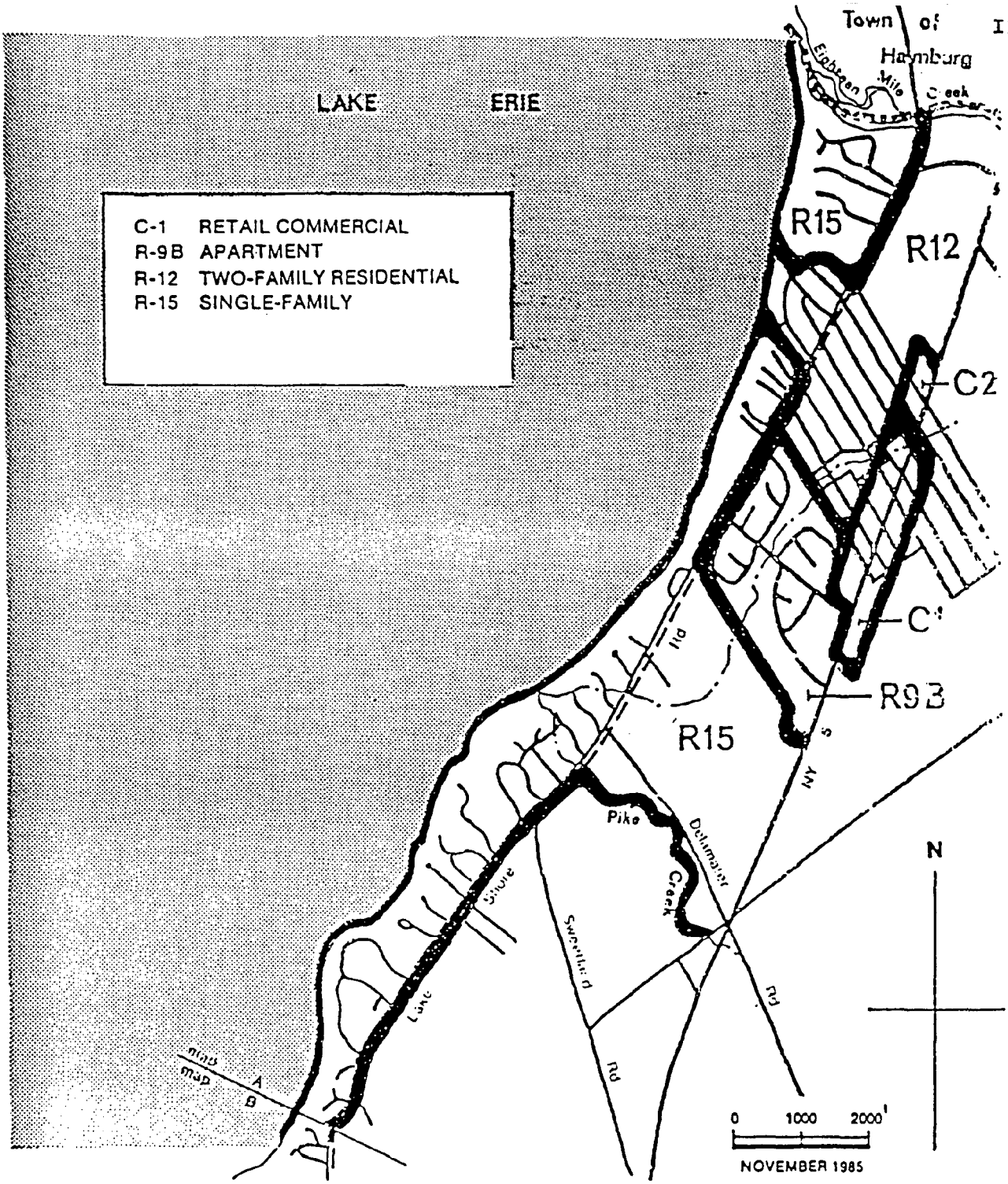
Six types of zoning districts are found within the Evans waterfront area:

C-1:	Retail Commercial (Point Breeze and Angola-on-the-Lake).
R-9:	Apartment (Angola-on-the-Lake and Lake Erie Beach)
R-9A:	Residence (Along Route 5 south of Herr Road)
R-12:	Two-Family Residential (Sturgeon Point and most areas south of Wendt Beach);
R-15:	Single-Family Residential (adjacent to Evangola State Park, Bennett Beach Park, and most areas north of and including Wendt Beach);
R-20A:	Residence-Agricultural (in the vicinity of Route 5 and Reeves Rd.)

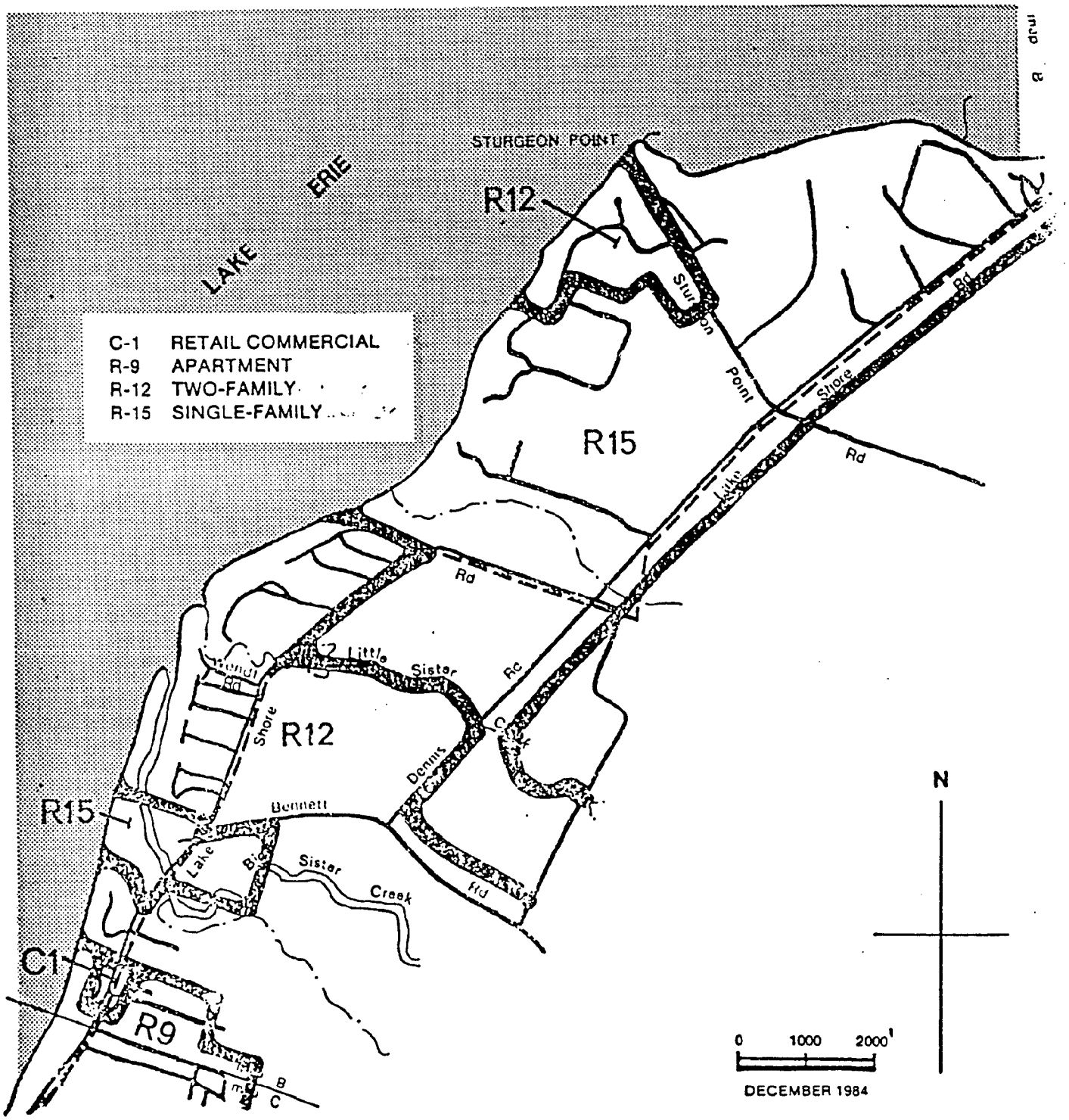
Of the 2545 acres of land within the waterfront area, about 71% is zoned either R-15 (1070 acres) or R-12 (730 acres). Roughly 405 acres are zoned R-9; 45 acres are R-9A; and 290 acres are R-20A. Only five acres are zoned C-1. Reference should be made to Map 6 for a graphic description of existing zoning.

J. Public Access and Recreation:

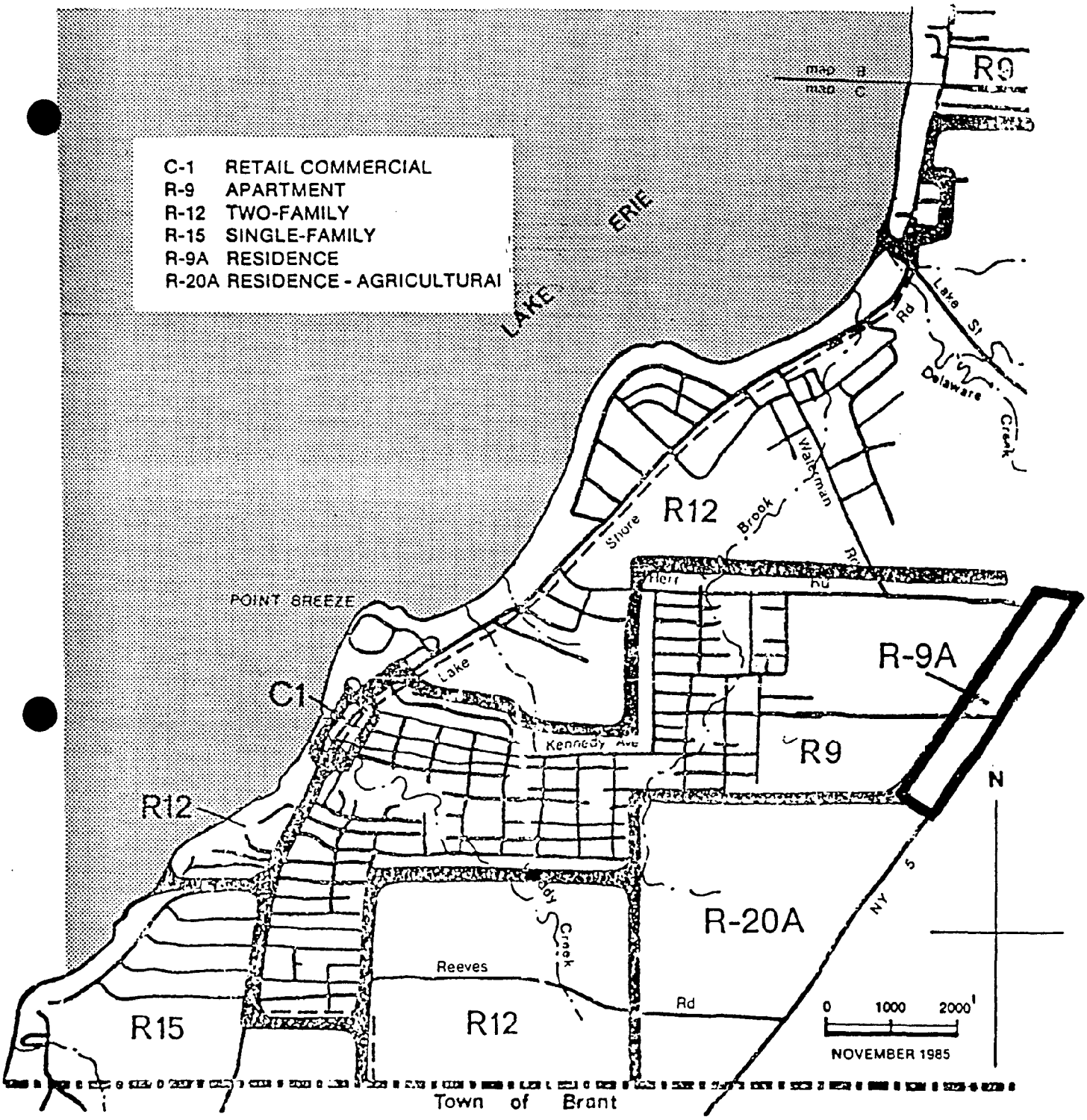
Five public parks provide access to the Town of Evans shoreline. These include Evans Town Park, the Town-owned Sturgeon Point Marina, Wendt Beach County Park, Bennett



LOCAL WATERFRONT REVITALIZATION PROGRAM ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING STUART ALEXANDER AND ASSOCIATES, PLANNERS/ LANDSCAPE ARCHITECTS	MAP 6A **EXISTING ZONING** TOWN OF EVANS



LOCAL WATERFRONT REVITALIZATION PROGRAM ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING STUART ALEXANDER AND ASSOCIATES, PLANNERS/ LANDSCAPE ARCHITECTS	MAP 6B **EXISTING ZONING** TOWN OF EVANS



LOCAL WATERFRONT REVITALIZATION PROGRAM ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING STUART ALEXANDER AND ASSOCIATES, PLANNERS/ LANDSCAPE ARCHITECTS	MAP 6C **EXISTING ZONING** TOWN OF EVANS

Beach Park (owned by the City of Buffalo but maintained by Erie County), and Evangola State Park. Nominal user fees are collected at these parks. Together these facilities occupy over one mile of shoreline. All except the Sturgeon Point Marina include bathing beaches. In addition, a portion of Bennett Beach is reserved for the launching and storage of small sailing craft (hobie-cats).

All of these parks are heavily used during the summer. At Wendt Beach peak summer Sundays witness crowds of 3,000 to 4,000; Bennett Beach attracts roughly 1,000 people during comparable times. Nominal entry fees ($2 per car) are charged on weekends from Memorial Day to Labor Day. No charge is levied on weekdays; typical crowds of 500 to 800 are estimated to use Wendt Beach during the week. The Erie County Parks Department also conducts programs for the handicapped and elderly at Wendt Beach throughout the summer. Bennett Beach closes after Labor Day; Wendt Beach remains open throughout the year (the park is used for informal cross-country skiing in winter).

The Sturgeon Point Marina (a Town-owned facility) covers 12.5 acres of land and a one-acre harbor area, and has traditionally been an important recreation source for Town and County residents. Sturgeon Point is presently the only publicly-maintained marina between Buffalo and Dunkirk, and is extremely popular with sport fishermen. In 1984, daily launches totalled 4,747, while 81 seasonal docking and 175 seasonal launching passes were issued (fees of $4, $250 and $30 were charged for the respective passes). In addition, 1598 ice fishermen parked at Sturgeon Point during the 1983-84 season (the parking fee is $2).

Substantial improvements are being planned at the Marina. A 1984 master plan recommended the construction of a 200-slip marina, parking for 100 cars with trailers and 195 cars (including 6 spaces for the handicapped and 10 for boat rentals); overflow parking for 30 additional cars; two double boat launch ramps; new restroom, office, "warm-up", and launch control facilities; 6 acres of landscaped grounds to include pathways and picnic areas; and improvements to the shoreline and harbor breakwall to reduce dredging requirements. The Corps of Engineers (Buffalo District) has completed and submitted its Recreational Navigation Improvement study and draft Environmental Impact Statement for review. Pending approval, designs for off-shore improvements are expected to be prepared during May-September 1986 with construction initiated during fall of 1986. The New York State Department of Environmental Conservation has allocated $1.8 million for landside improvements. Designs will be prepared upon completion of off-shore designs by the Corps (it should be noted that the two new launch ramps have already been constructed and are in use). The Town of Evans has also requested to obtain an additional two acres of adjoining land from Erie County for ancillary parking and for septic system disposal purposes. A final Environmental Impact Statement for landside improvements has been completed. It is hoped that the full project will be completed by the 1990 boating season.

The Evans Town Park encompasses about 11 acres of land on both sides of Lake Shore Road. The lakeside parcel includes a sand beach and picnic grove. The inland parcel contains a softball diamond, picnic areas, tennis courts, and playground equipment. The two parcels are connected by a pedestrian tunnel under Lake Shore Road. The park

can accomodate parking for approximately 220 cars. A $2 non-resident parking fee is charged daily between Memorial Day and Labor Day. Town residents are not charged. During peak summer Sundays, the park is estimated to attract 1,000 users. At such times, parking facilities are at capacity and additional potential users must be turned away.

Evangola State Park encompasses roughly 700 acres of land within the Towns of Evans and Brant. Approximately 130 acres lie within Evans. The park includes a 3600' stretch of sand beach (1100' in Evans) two campgrounds (one of which, with 15 campsites, is in Evans) and extensive picnic grounds. Parking, located in the Brant portion, is provided for 2000 cars. All recreation facilities are located within approximately 245 of the Park's 700 acres. Much of the remaining acreage is occupied by woodland and brush. It should be noted that Evangola provides the only publicly-owned campsites along the entire Erie County shoreline.

Reference should be made to Map 7 for a graphic description of public recreation.

Although roughly 10% of the Evans shoreline is used for public recreation, virtually all of this land serves a regional constituency. While the Evans Town Park is more localized in nature, it nevertheless is popular with residents from throughout the County. There remains a need to provide neighborhood-oriented recreation opportunities within the more densely-populated section of the Evans waterfront. A particular need exists in the Lake Erie Beach community, containing 4300 residents at an average residential density of 4.5 units per acre. No public recreation facilities are currently available

within this neighborhood, although the 1963 Town of Evans comprehensive plan recommended the establishment of playground and picnic facilities at several sites within the community. An under-utilized 5-acre waterfront parcel along the banks of Muddy Creek presents an opportunity for partially fulfilling this recommendation. Development of recreation facilities at this site would also help to relieve congestion at Evans Town Park.

An additional opportunity for providing passive recreation exists on the grounds of the Erie County Water Authority Plant at Sturgeon Point. The 75-acre grounds along the crest of a 70' bluff are extensively wooded. They possess significant potential for the development of picnic grounds and trails and scenic vistas of the improved Sturgeon Point Marina. The popularity of fishing at Sturgeon Point and along Big Sister Creek at Bennett Beach results in seasonal traffic congestion and parking problems. Sturgeon Point is regionally popular during winter months for ice fishing. Presently only a portion of the unpaved parking area at the Sturgeon Point Marina is plowed in winter. Frequently, cleared parking is inadequate to meet demand, and cars are forced to park along Sturgeon Point Road and nearby local streets. These streets, which are narrow under even the best conditions, are narrowed even further during winter due to accumulated plowed snow along the shoulders. Parked cars further contribute to a condition of congestion and potential hazard. It is anticipated that proposed improvements at the marina will alleviate the situation.

Big Sister Creek is an extemely popular trout and salmon stream, with peak runs occurring in spring and fall. Although public bank access exists through Bennett Beach

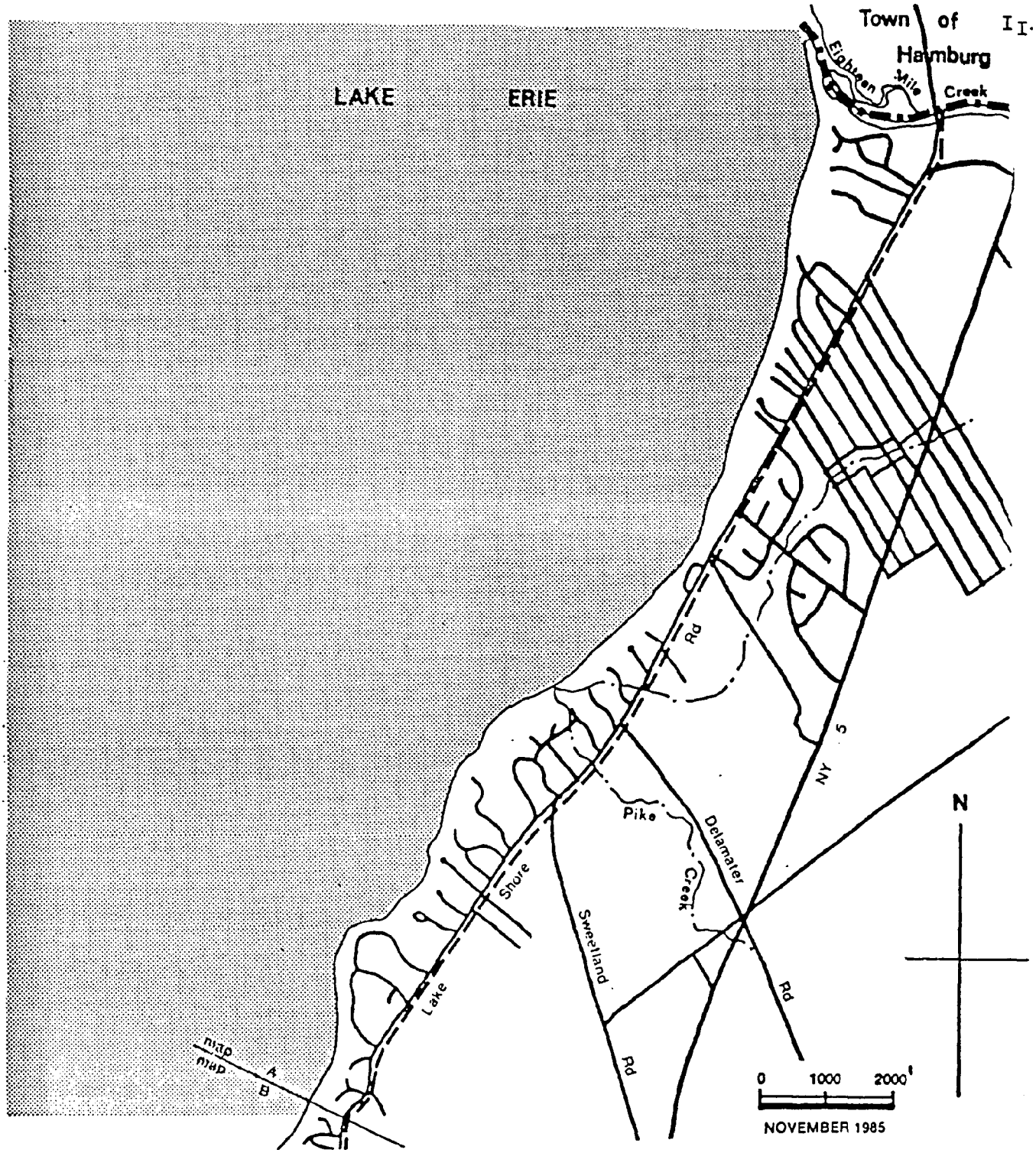
Park, the park is closed to vehicular access from Labor Day to Memorial Day. Consequently, fishermen are forced to park illegally along Lake Shore Road (which is posted for "No Parking"). Congestion is frequent and hazards are created. The Town and County are cooperating in improving parking and access in the vicinity during peak fishing periods.

K. Historic, Archaeological, and Cultural Resources

1. Geologic

Throughout geological time, streams have cut through the interbedded shales and limestones of southern Erie County and left Eighteen Mile Creek Gorge, a striking formation with steep walls of an average of 70 feet in height. The gorge stretches from the shore of Lake Erie east along the Evans/Hamburg Town Line to the eastern boundary line of the Town of Hamburg, with a portion winding through the northern part of the Town of Eden. The downcutting of the gorge has exposed a continuous sequence of rocks of Devonian age, a period of geological history about 400 million years ago. The exposed shale and limestone layers yield abundant and diversified plant and animal fossils representative of the 360 million year old marine environment that existed over Western Limestone and Wanakah Shale members of the Ludlowville formation estimated at 380 million years old. The entire sequence of rocks can be seen very well by looking out from either the Route 5 or Old Lake Shore Road bridges which cross the creek.

There are three reasons why Eighteen Mile Creek Gorge has achieved international recognition as a geologic resource:



LOCAL WATERFRONT REVITALIZATION PROGRAM

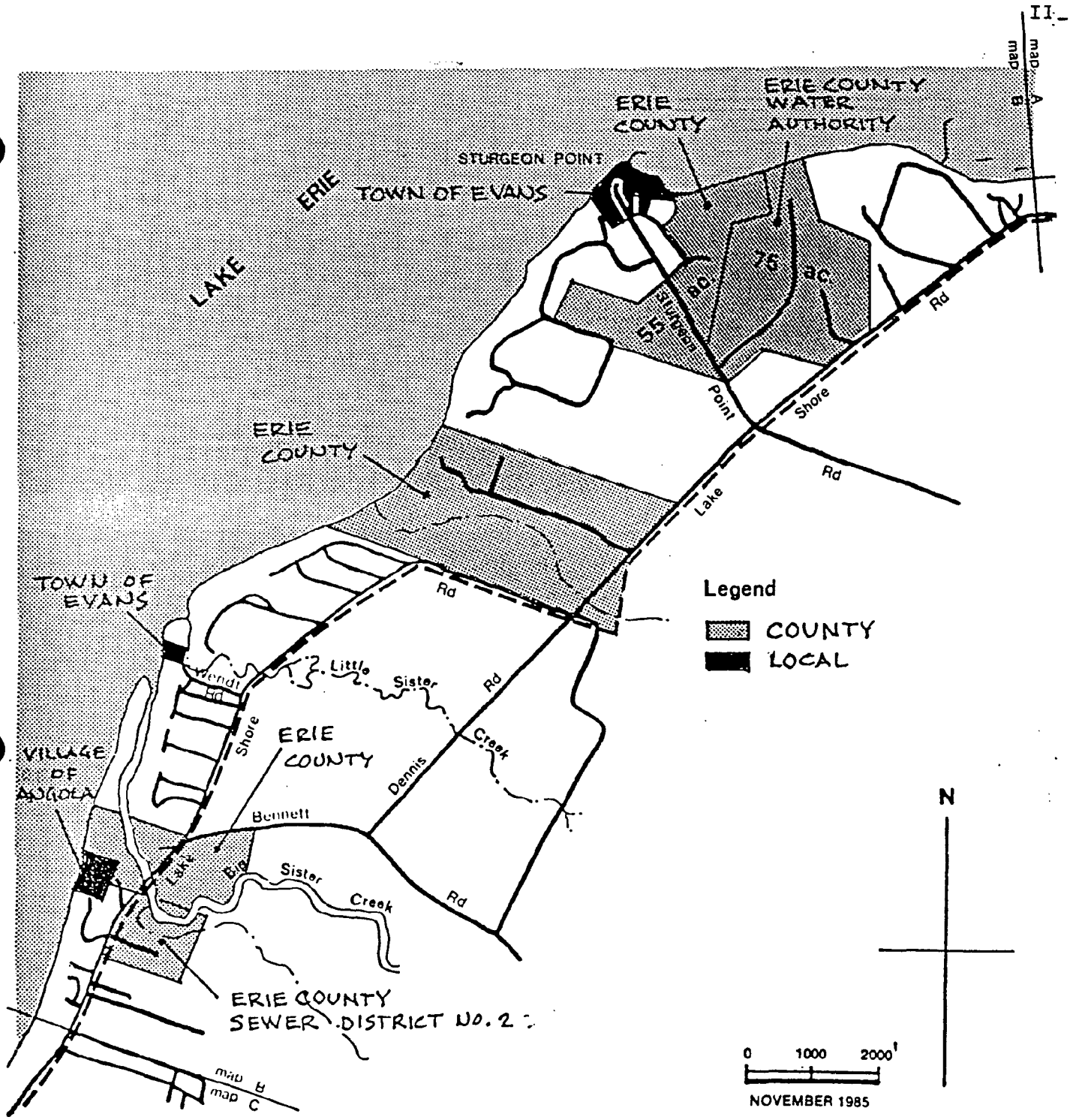
ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING

STUART ALEXANDER AND ASSOCIATES, PLANNERS/ LANDSCAPE ARCHITECTS

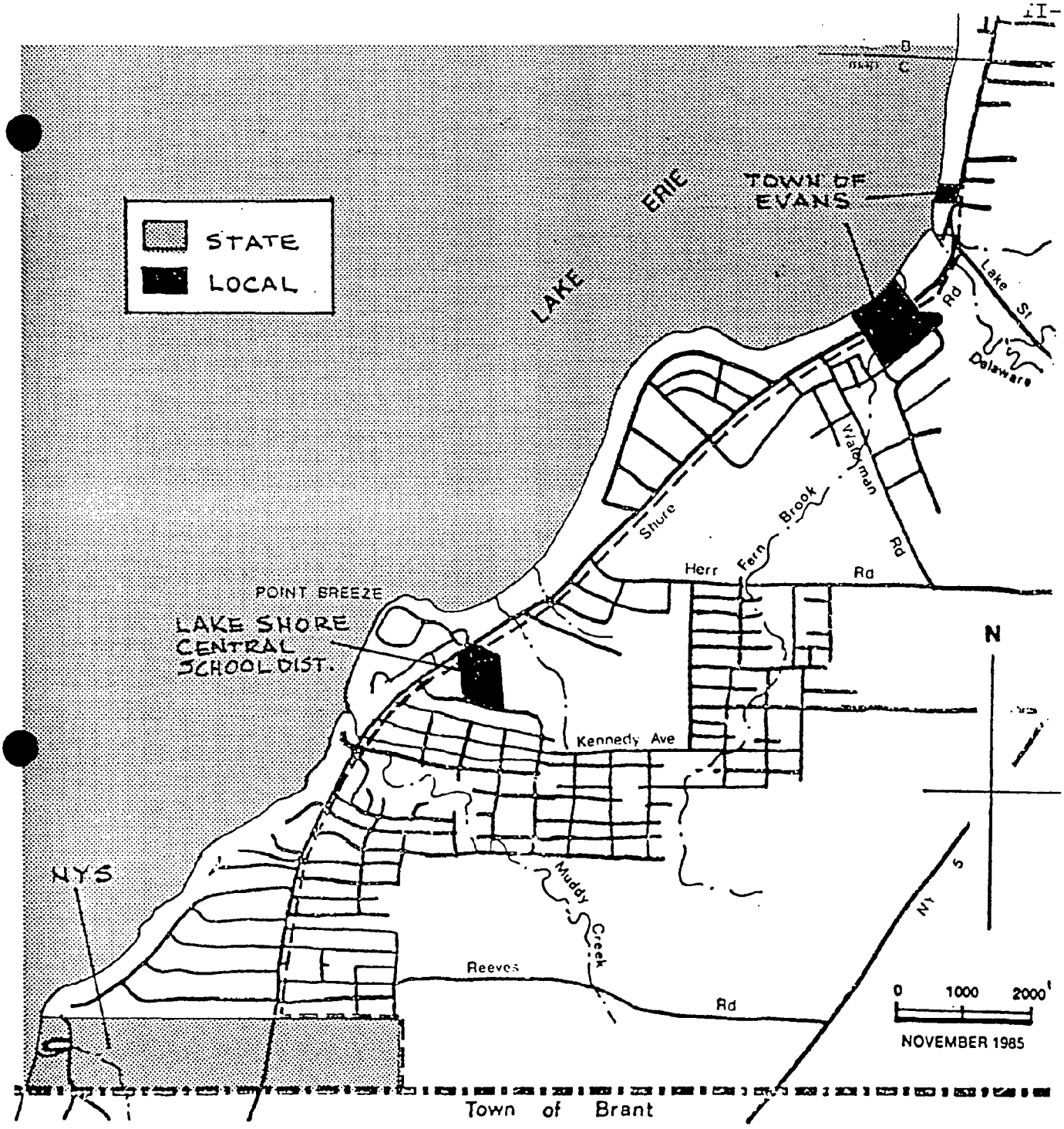
MAP 7A

MAJOR PUBLIC WATERFRONT LANDS

TOWN OF EVANS



LOCAL WATERFRONT REVITALIZATION PROGRAM ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING STUART ALEXANDER AND ASSOCIATES, PLANNERS/ LANDSCAPE ARCHITECTS	MAP 7B **MAJOR PUBLIC WATERFRONT LANDS** TOWN OF EVANS



LOCAL WATERFRONT REVITALIZATION PROGRAM ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING STUART ALEXANDER AND ASSOCIATES, PLANNERS/ LANDSCAPE ARCHITECTS	MAP 7C **MAJOR PUBLIC WATERFRONT LANDS** TOWN OF EVANS

a. Exposure of a continuous sequence of rocks

Eighteen Mile Creek Gorge can and has been likened to the Grand Canyon as, similar to the Grand Canyon, a continuous sequence of rocks is exposed which becomes younger from bottom to top, thereby permitting a detailed study of geologic history over an extended period of time with few gaps. There are few similar places where an opportunity of this nature exists.

b. Quantity of fossils

The different formations exposed in the gorge yield a superb quantity of fossils. For example, the Wanakah shale member along the mouth at Lake Erie contains a diversity of fossils including brachipods, bryozoans, gastropods, pelecypods, trilobites, echinoderms, ostracies, corals, and sponges.

c. Quality of fossils

The area is unique due to the amount of well-preserved fossils that have been found. Very little metamorphasis of the rock has taken place, resulting in fossils which are largely unaltered.

In addition to the geologic and scenic uniqueness of the area, there are physical characteristics of the gorge that point to the need for preservation. The gorge is a fragile area with much of the walls being made of loosely packed shale which crumbles very easily. Everywhere at the bottom of the walls are large amounts of material that have already been eroded or disturbed and have fallen (talus). A soils map of

the area indicates that very little of the area either in the bottom or at the crest of the gorge is suitable for development. The soils in the bottom of the gorge have a low potential for development because of flooding hazards. Many of the soils at the crest of the gorge walls have excessive slope or are susceptible to soil slumping. Development in proximity to the gorge crest can cause mass movement of soil along the entire length of the slope of the walls. This combination of factors suggests that the gorge cannot sustain significant encroachment without suffering physical deterioration.

2. Archaeologic:

The area at the mouth of Eighteen Mile Creek with Lake Erie has also been identified as a potentially significant archaeological site of statewide importance. The area was identified in July, 1981 on the New York State Museum Archaelogical file.

3. Historic:

The following structures have been identified through the 1981 Historic Resources Survey carried out by Erie County for the Town of Evans. A decision on their State or national significance is pending from the New York State Office Parks, Recreation and Historic Preservation.

a. Morsman Stone House - 6706 Old Lake Shore Rd.: The house is architecturally significant as an example of a transitional Federal-Greek Revival style design. The house has stepped chimneys and flat stone lintels.

b. Spencer Kellogg Home "Lochevan" - 7200 Old Lake Shore Rd.: The house is an unusual example of late 19th century architecture built by a prominent Buffalo industrialist. The building exhibits the influence of the English Arts and Crafts movement. The gatehouse has a stylized crenelated tower under which vehicles pass entering the estate. The segmental arch of the tower is unusual as is the rough-faced stone of which it is constructed.

c. Bennett Homestead - Old Lake Shore Rd.: - Original home of Mr. Aldrich purchased in 1830 by Joseph Bennett who added 2 rooms and finished off the inside. Additions were made in 1880-1884 to accomodate summer campers and boarders. Joseph Bennett ("Deacon Bennett") helped organize the Baptist Church at Evans Center. He worked on the Erie Canal, was a postmaster in Evans, was County Postmaster had a term in Assembly in Albany and was Town of Evans Supervisor for several terms. The house is historically significant for association with the early history of the Town. It lacks architectural significance.

d. Darwin Martin Summer House - 6472 Old Lake Shore Rd.: This Prairie School design has significance as the work of Frank Lloyd Wright. The house dates from the in-between years when Wright had lost much of his popularity in this country. It demonstrates a certain loyalty to Wright among his clients as the architect had built houses for the Martin family in Buffalo in the early years of the century.

L. Water-Dependent Uses:

The Erie County Water Authority Sturgeon Point intake

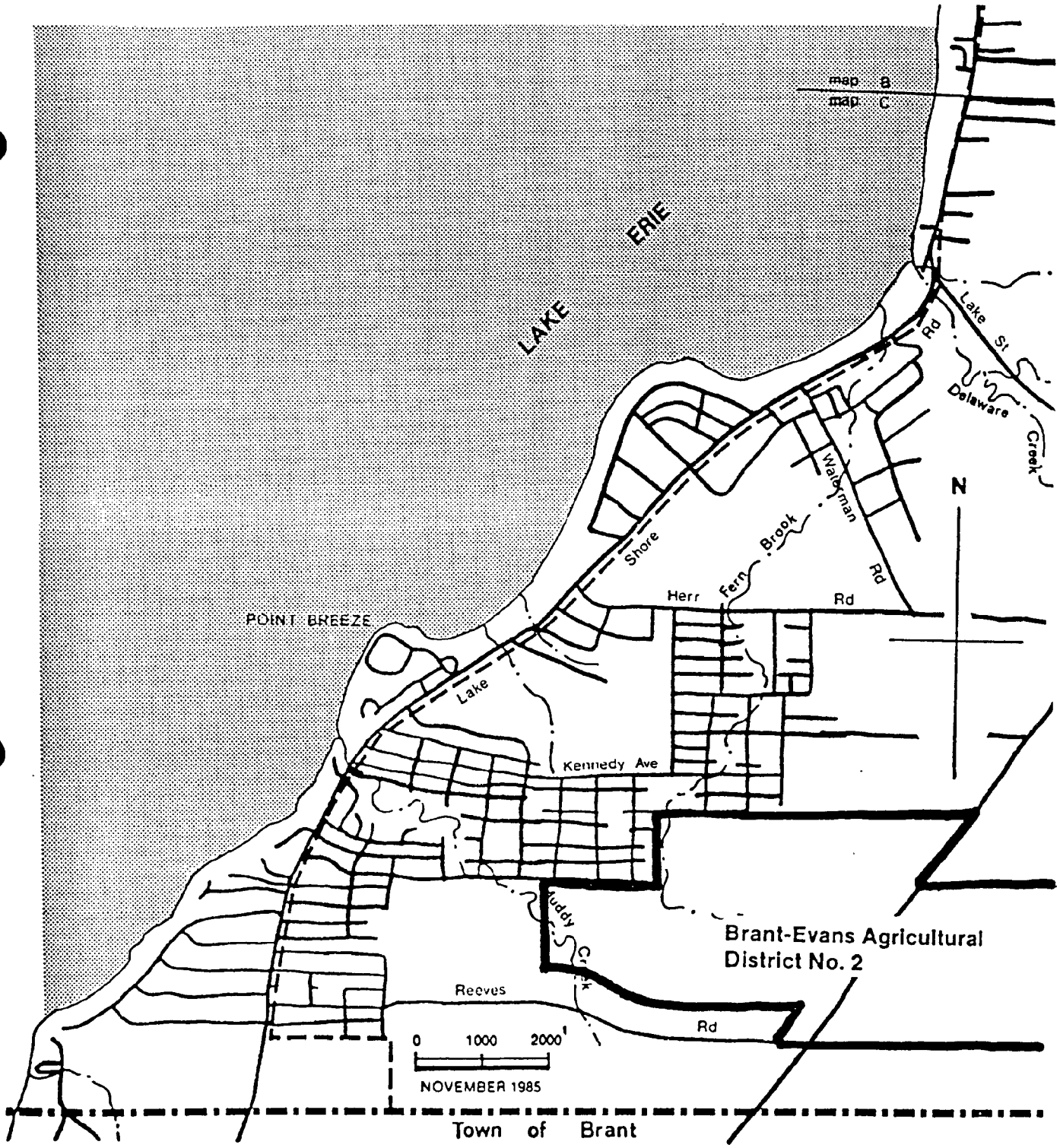
plant, the Village of Angola water intake plant, and the Erie County Sewer District No. 2 treatment plant are important water-dependent utilities located within the Evans waterfront area. Elsewhere along the Evans shoreline, existing water-dependent uses are recreational in nature. These include the Sturgeon Point Marina and Point Breeze Camp boat launches, as well as swimming at the Evans Town Park, Wendt Beach, Bennett Beach, and Evangola State Park (located partly in the Town of Brant).

M. Aesthetics:

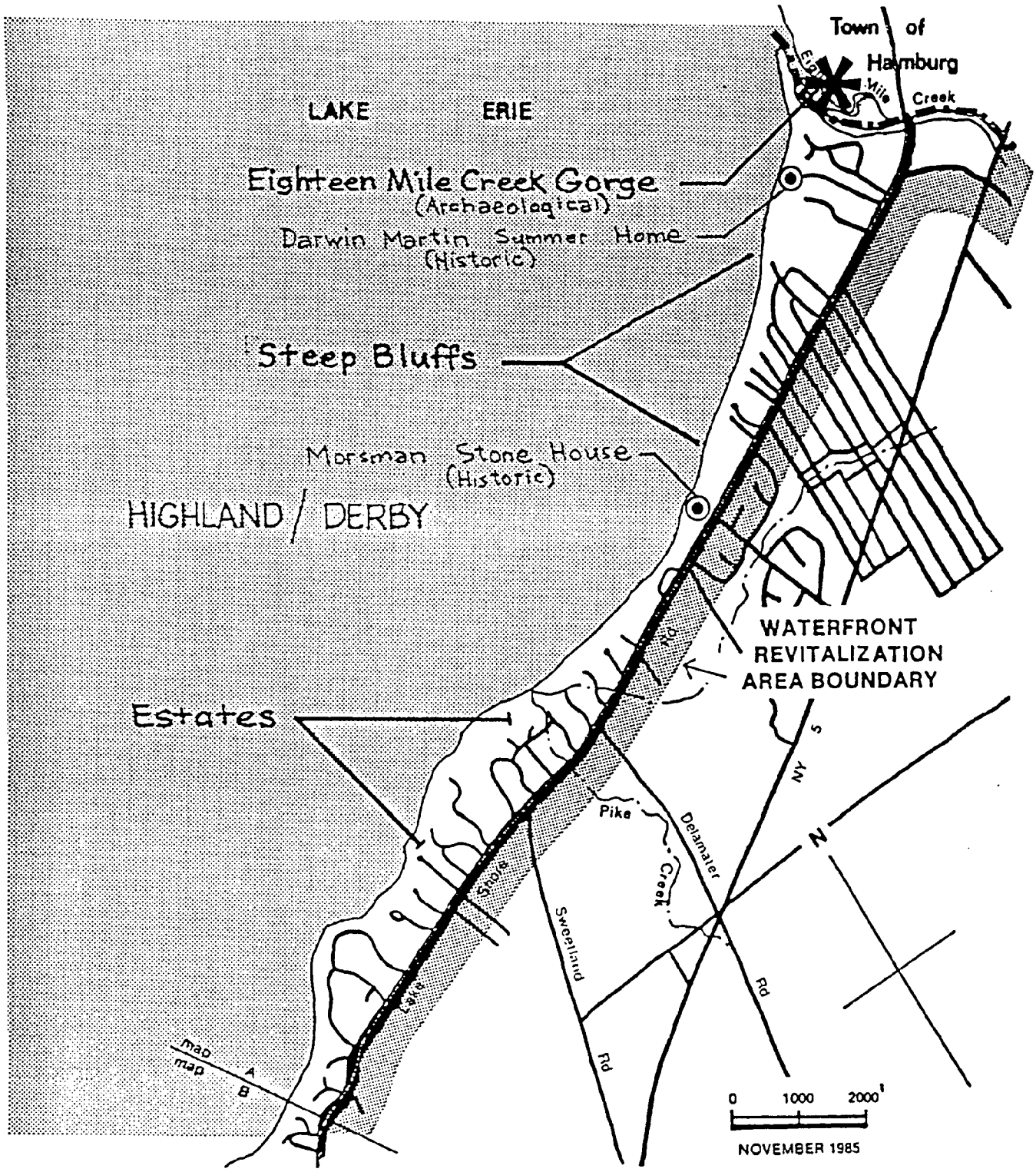
There is considerable variation to the overall aesthetic quality of the Evans waterfront. Public parks and beaches offer fine views of Lake Erie in pleasant surroundings. The Eighteen Mile Creek gorge is a significant scenic asset. Residential areas at Grandview Bay and the estate section of Lake Shore Road also exhibit high aesthetic quality, although views of the lake are restricted.

N. Agricultural Districts:

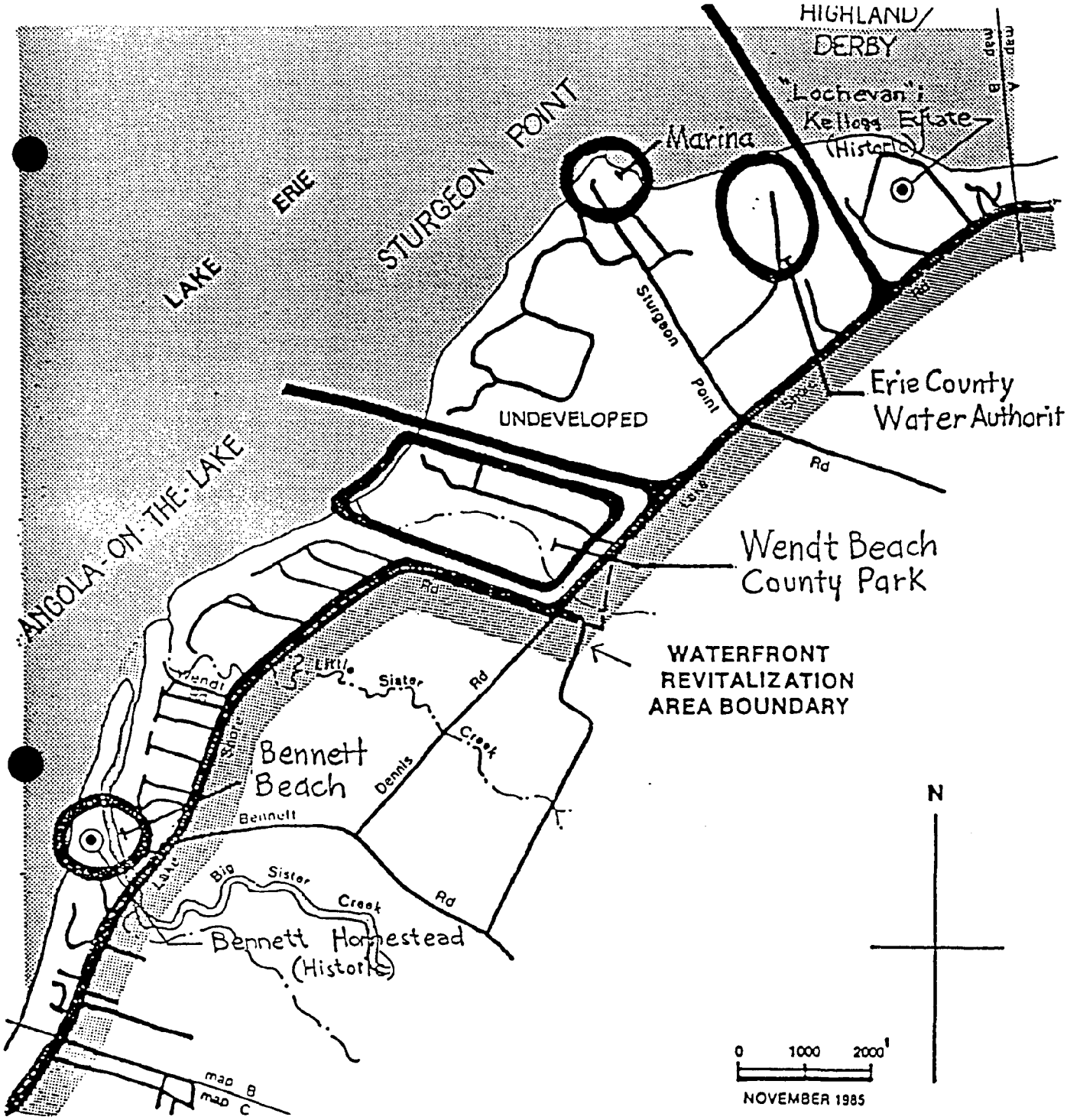
Approximately 280 acres of land in the extreme southeast portion of the Waterfront Revitalization Area are part of the 1251 acre Brant-Evans agricultural district No. 2. The district, established in 1975 and reviewed in 1984, contains 761 acres of tilled land. Most land is devoted to support dairy herds. Land within the district is suitable for vineyards; 91% of the soils in the district can support agricultural activities if adequate drainage is provided. Refer to Map 8 for a graphic depiction of the district's location.



LOCAL WATERFRONT REVITALIZATION PROGRAM ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING STUART ALEXANDER AND ASSOCIATES, PLANNERS/ LANDSCAPE ARCHITECTS	MAP 8 **AGRICULTURAL DISTRICTS** TOWN OF EVANS



LOCAL WATERFRONT REVITALIZATION PROGRAM ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING STUART ALEXANDER AND ASSOCIATES, PLANNERS/ LANDSCAPE ARCHITECTS	MAP 8 A CULTURAL RESOURCES TOWN OF EVANS



LOCAL WATERFRONT REVITALIZATION PROGRAM ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING STUART ALEXANDER AND ASSOCIATES, PLANNERS/ LANDSCAPE ARCHITECTS	MAP 8 B **CULTURAL RESOURCES** TOWN OF EVANS

III. CRITICAL ISSUES:

Although five public parks provide access to the Evans shoreline, these parks primarily service a regional constituency. In addition, all parks charge nominal (i.e. $1 or $2) user fees. A need exists to provide neighborhood - oriented recreation facilities, particularly in the densely developed Lake Erie Beach neighborhood (a majority of whose 4300 residents are low-to-moderate income). For these residents, the nearest public recreation facilities are located two miles away at either Evans Town Park or Evangola State Park. An opportunity exists in the vicinity of Muddy Creek to transform an underutilized and unappealing beachfront parcel into an attractive waterfront park located in the heart of the Lake Erie Beach neighborhood.

An opportunity exists at Sturgeon Point for the creation of a successful residential development. Erie County now owns 55 acres of undeveloped land between the Sturgeon Point Marina, and Erie County Water Aurhority Plant. This land includes a 1400' length of shoreline along the crest of a steep 70' high bluff and commands superb views of the Lake Erie shore. Development of this land would capitalize upon an underutilized resource and generate tax revenues for the Town. Due to the present lack of sanitary sewers serving the site, such development is unlikely to occur at a significant level for 10-15 years. Coupled with a modest projected Town population growth rate of roughly 0.3% annually, during the next 20 years, full development of the site will be feasible only over the long term.

Preservation of the unique ecological and archaeological

resources found in the Eighteen Mile Creek Gorge is of utmost importance. Public access to this area, while highly desirable, must nevertheless occur only under strictly controlled conditions. The preparation of a resource management plan jointly with the Town of Hamburg could serve as a vehicle to address public access and preservation issues in this environmentally sensitive area.

SECTION III

WATERFRONT REVITALIZATION PROGRAM POLICIES

DEVELOPMENT POLICIES

Policy 1 Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational and other compatible uses.

Policy 1A Revitalize the Lake Erie Beach residential and commercial area.

Policy 1B Redevelop Sturgeon Point Marina.

Policy 1A is intended to focus capital resources on the redevelopment of the Lake Erie Beach neighborhood into a quality lakefront residential community. The neighborhood is designated as a Community Development Block Grant Target Area within the Erie County Consortium. (See Inventory and Analysis, subsection II.J. Public Access and Recreation for further description.)

The following guidelines will be used to determine the consistency of a proposed action with this policy.

1. When an action is proposed to take place in the Lake Erie Beach or Sturgeon Point areas, the following guidelines will be used:

   a. Priority should be given to uses which are dependent on or enhanced by a location adjacent to the water.

   b. The action should enhance existing and anticipated uses. For example, a new highway should be designed and constructed so as to serve the potential access needs for desirable recreational development at Sturgeon Point and Lake Erie Beach.

c. The action should serve as a catalyst to private investment in the area.

d. The action should improve the deteriorated condition of an area and, at a minimum, must not cuase further deterioration. For example, a building could not be abandoned without protecting it againt vandalism and/or structural decline.

e. The action must lead to development which is compatible with the character of the area, with consideration given to scale, architectural style, density, and intensity of use.

f. The action should have the potential to improve the existing economic base of the community, and, at a minimum, must not jeopardize this base.

g. The action should improve adjacent and upland views of the water, and, at a minimum, must not affect these views in an insensitive manner;

h. The action should have the potential to improve the possibilities for multiple uses of sites within these areas.

2. If an action is proposed to take place outside of the areas covered by this policy, and is either within the Town of Evans, Town of Hamburg or Town of Brant, the involved Town, State and/or Federal agency must determine if it is feasible to take the action within the areas covered by this policy. If feasible, strong consideration should be given to taking the action in such areas. If not feasible, appropriate steps must be taken to ensure

that the action does not cause further deterioration of the areas covered by this policy.

See also Policies 19,20 and 21 and Section IV, Proposed Uses and Proposed Projects.

Policy 2 Facilitate the siting of water dependent uses and facilities on or adjacent to coastal waters.

There is a finite amount of waterfront space suitable for development purposes. Consequently, while the demand for any given piece of property will fluctuate in response to varying economic and social conditions, on a Townwide basis the only reasonable expectation is that long-term demand for waterfront space will intensify. To ensure that such water-dependent uses can continue to be accommodated, public agencies will avoid undertaking, funding, or approving non-water-dependent uses when such uses would preempt the reasonably foreseeable development of water-dependent uses; furthermore, such agencies will utilize appropriate existing programs to encourage water-dependent activities.

In general, the following water dependent uses and facilities are appropriate to the Town of Evans waterfront area:

1. Uses which depend on the utilization of resources found in coastal waters (for example: fishing, mining of sand and gravel, mariculture activities);

2. Recreational activities which depend on access to coastal waters (for example: swimming, fishing, boating, wildlife viewing);

3. Structures needed for navigational purposes(for example: locks, dams, lighthouses);

4. Flood and erosion protection structures (for example: breakwaters, bulkheads);

5. Facilities needed to store and service boats and ships (for example; marinas, boat repair, boat construction yards);

6. Utilities requiring large quantities of water for processing and/or cooling purposes (for example: sewer and water treatment plants, hydroelectric power plants, pumped storage power plants);

7. Scientific/educational activities which, by their nature, require access to coastal waters (for example: certain meteorological and oceanographic activities); and

8. Support facilities which are necessary for the successful functioning of permitted water dependent uses (for example: parking lots, snack bars, first aid stations, short term storage facilities). Though these uses must be near the given water dependent use they should, as much as possible, be sited inland from the water dependent use rather than on the shore.

More specifically, in the foreseeable future, water-dependent uses accommodated within the Evans waterfront are expected to be primarily a continuation of existing uses with some additional development of water dependent recreation facilities at Sturgeon Point Marina and Lake Erie Beach. Existing water-dependent uses include: Sturgeon Point Marina; boat launches at Purvis Landing, Wendt Road and Point Breeze Camp; swimming beaches at Evans Town Park, Wendt Beach Park, Bennett Beach, Evangola State Park, and the Lake Erie Beach Property Owners Association park; Erie County Sturgeon Point Water Intake Plant; Erie County Sewer District No. 2 treatment plant; and the Village of Angola water intake plant.

In addition to water dependent uses, uses which are enhanced by a waterfront location are encouraged to locate along the shore, though not at the expense of water-dependent uses. A water-enhanced use is defined as a use that has no critical dependence on obtaining a waterfront location, but the profitability of the use and/or the enjoyment level of the users would be increased significantly if the use were adjacent to, or had visual access to the waterfront. A restaurant which uses good site design to take advantage of a waterfront view, and a golf course which incorporatrs the coastline into the course design, are two examples of water-enhanced uses.

If there is no immediate demand for a water dependent use in a given area but a future demand is reasonably foreseable, temporary non-water-dependent uses are preferable to a non-water-dependent use which involves an irreversible, or nearly irreversible, commitment of land. Parking lots, passive recreational facilities, outdoor storage areas, and non-permanent structures are uses or facilities which are likely to be considered temporary non-water-dependent uses.

New water-dependent and water-enhanced uses to be developed within the Town of Evans waterfront areas are to be sited and designed, so that they enhance, or at least do not detract from, the surrounding area and avoid adverse impacts on significant coastal resources. Consideration should be given to such factors as the protection of nearby residential areas from odors, noise, and traffic and the preservation of natural erosion protective features. Affirmative approaches should be employed so that water-dependent and water enhanced uses and adjacent uses will complement one another. In addition, to help ensure the future availability of waterfront land for water-dependent uses, consideration should be given in siting and design of any development on land adjacent to the water, to

the reservation of land suitable to accommodate the long-term space needs of water-dependent uses, for example, by devoting such land to open space or temporary non-water-dependent uses.

Policy 3 Further develop the State's major ports of Albany, Buffalo, New York, Ogdensburg and Oswego as centers of commerce and industry, and encourage the siting, in these port areas, including those under the jurisiction of State public authorities, of land use and development which is essential to or in support of the waterborne transportation of cargo and people.

This State Coastal Policy is not applicable to the Town of Evans waterfront area, which does not include one of the State's major ports.

Policy 4 Strengthen the economic base of smaller harbor areas by encouraging the development and enhancement of those traditional uses and activities which have provided such areas with their unique maritime identity.

This State Coastal Policy is not applicable to the Town of Evans, which does not include a small harbor, as defined by this policy.

Policy 5 Encourage the location of development in areas where public services and facilities essential to such development are adequate, except when such development has special functional requirements or other characteristics which necessitates its location in other coastal areas.

The large scale investment of public funds for constructing sewer and water lines as well as an efficient transportation network requires a commitment by the Town to channel development into areas which can best accommodate the service needs of that development. This eliminates the future need of extending service areas into outlying regions, while foregoing the excess capacity of existing treatment plants. The public is well served by a policy of infill development due to the cost savings both in tax dollars and in reduced fuel consumption. The latter occurs from the closer proximity of work, home, and in the case of waterfront development, recreational areas.

As noted in the inventory section, the Town of Evans waterfront is fully serviced by a public water system and has a sound transportation system which can easily accommodate existing development. The waterfront is entirely within a public sewer district, but service is not presently available to lands north of Wendt Beach Park to approximately Delameter Road.

For any action that would result in large-scale development or an action which would facilitate or serve future developmnt, a determination shall be made as to whether the action is within, contiguous to, or in close proximity to an area of concentrated development where infrastructure and public servicers are adequate. The following guidelines shall be used in making that determination.

1. A potential development site may be considered to be within, contiguous to, or in close proximity to an area of concentrated development, if three or more of the following conditions are met:

   a. Population density of the area surrounding or adjacent to the proposed site exceeds 1,000 persons per square mile;

b. Fewer than 50% of the buildable site (i.e.,sites meeting lot area requirements under the Town's zoning regulations) within one mile radius of the proposed site are vacant;

c. The proposed site is served by or is near to public or private sewer and water lines;

d. Public transportation service is available within one mile of the proposed site; and

e. A significant concentration of commercial and/or industrial activity is within one-half mile of the proposed site.

2. The following points shall be considered in assessing the adequacy of infrastructure and public services for a potential site:

a. Streets and highways serving the proposed site can safely accommodate the peak traffic generated by proposed land development;

b. The proposed development's water needs (consumptive and fire fighting) can be met by the existing water supply system;

c. Public sewage disposal systems can accommodate the wastes generated by the proposed development;

d. Energy needs of the proposed development can be accommodated by existing utility systems;

e. Stormwater runoff from the proposed site can be accommodated by on-site and/or off-site facilities; and

f. Schools, police and fire protection, and health and social services are adequate to meet the needs of the population expected to live, work, shop, or conduct business in the area as a result of the proposed development.

It is recognized that certain forms of development may and/or should occur at locations which are not within or near areas of concentrated development. Thus, this coastal development policy does not apply to the following types of development projects and activities.

1. Economic activities which depend upon sites at or near locations where natural resources are present.

2. Development which by its nature is enhanced by a non-urbanized setting, e.g., a resort complex, campgrounds.

3. Development which is designed to be a self-contained activity,e.g., a small college, religious retreat.

4. Water-dependent uses with site requirements not compatible with this policy or when alternative sites are not available.

5. Development which becuase of its isolated location and small-scale has little or no potential to generate and/or encourage further land development.

6. Uses and/or activities which because of public safety considerations should be located away from populous areas.

7. Rehabilitation or restoration of existing structures and facilities.

8. Development projects which are essential to the construction and/or operation of the above uses and activities.

<u>Policy 6</u> Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.

The confusion, time delay, and costs associated with the issuance of permits required from all government levels prior to approval of waterfront development is not conducive to attracting public or private investment along the shoreline. The Town of Evans will utilize existing laws to ensure compliance with the Town waterfront program, and when new regulations may be necessary, will coordinate and combine review periods as well as public hearing requirements to the maximum extent possible.

For specific types of development activities and in areas suitable for such development, Town, State, and Federal agencies will make every effort to coordinate and synchronize existing permit procedures and regulatory program, as long as the integrity of the regulations' objectives is not jeopardized. Efforts will be made to ensure that each agency's procedures and programs are synchronized between levels of government, and if necessary, legislative and/or programmaic changes will be recommended.

When proposing new regulations, an agency will determine the feasibility of incoporating the regulations within existing procedures, if this reduces the burden on a particular type of development and will not jeopardize the integrity of the regulations' objectives.

FISH AND WILDLIFE POLICIES

Policy 7 Significant coastal fish and wildlife habitats, as identified on the coastal area map, shall be protected, preserved, and, where practical, restored so as to maintain their viability as habitats.

The State Policy is not applicable at this time, as habitats of Statewide significance have not yet been officially designated.

Policy 7A Locally important fish habitats at Eighteen Mile Creek and Big Sister Creek shall be protected, preserved, and restored where practicable.

The Eighteen Mile Creek habitat within the waterfront area is located from the mouth of the creek inland to Old Lake Shore Road. This is a distance of one-third mile. It has been virtually undeveloped and is characterized by steep, sheer cliffs of 70' - 100' in height. The creek is one of the few major tributaries to Lake Erie and has a relatively undisturbed border of mature vegetation. The creek is significant, because it provides angling opportunities for salmonids and other fish species ascending the streams to spawn. Further details regarding Eighteen Mile Creek can be found in the Inventory and Analysis section.

The Big Sister Creek habitat is located from its mouth inland through the County-maintained Bennett Beach Park to Old Lake Shore Road. It averages about 15 feet in width. The creek is significant due to spring and fall runs of salmon and trout. For a more complete description of the Big Sister Creek habitat, reference should be made to the inventory section.

In order to protect and preserve these habitats, actions shall not be undertaken which would destroy or signficantly impair the viability of the area as habitats. Any activities that would degrade water quality, increase temperature or turbidity, alter depths, or reduce water flows in Eighteen Mile Creek or Big Sister Creek may have an adverse impact on the fisheries using the habitats. These impacts would be most detrimental during the salmonid runs. Generally, salmon run from late August through November, while steelhead trout run from November through May. Smallmouth bass spawn in May through early June with hatching ocurring in late June and early July.

Policy 8 Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which bio-accumulate in the food chain or which cause significant sublethal or lethal effect on those resources.

Hazardous wastes are unwanted by-products of manufacturing processes and are generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law Section 27-0901.3 as follows:

> Hazardous waste means a waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may:
>
> a. Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or
>
> b. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed.

A list of hazardous wastes (6 NYCRR Part 371) has been adopted by the NYS DEC.

The handling (storage, transport, treatment and disposal) of the materials included on this list is being strictly regulated in New York State to prevent their entry or introduction into the environment, particularly into the State's air, land and waters. Such control should effectively minimize possible contamination of and bio-accumulation in the State's coastal fish and wildlife resources at levels that cause mortality or create physiological and behavioral disorders.

Other pollutants are those conventional wastes, generated from point and non-point sources, and not identified as hazardous wastes, but controlled through other State laws.

<u>Policy 9</u> Expand recreational use of fish and wildlife resources in coastal areas by increasing access to existing resources, supplementing existing stocks, and developing new resources. Such efforts shall be made in a manner which ensures the protection of renewable fish and wildlife resources and considers other activities dependent on them.

The educational and recreational value of coastal areas having a significant concentration of fish and wildlife resources is of extreme important to the general public. This is especially important in the Eighteen Mile Creek gorge and Lake Erie waters offshore from Sturgeon Poing, as well as Big Sister Creek. The former represents a high quality fishing spot within a geologically significant environment. The combination of these factors presents unique opportunities for public enjoyment. Sturgeon Point waters offer one of the most popular walleye and yellow perch fishing areas in Lake Erie. Sturgeon Point is also the most popular fishing location in Erie County, especially for yellow perch fishing.

The recreational use of these resources is to be maintained and increased, primarily through continuation of the State fish stocking programs and provision of increased access and supporting facilities, as further described under policies 1, 19, 20, 21 and 22. Any efforts to increase recreational use of these resources, however, must be undertaken in a manner which ensures the protection of the fish and wildlife resources and which takes into consideration other activities dependent on these resources. Such efforts must also take into account sound resource management considerations. Such considerations include biology of the species, carrying capacity of the resource, public demand, costs, and available technology.

The following additional guidelines should be considered by Town, State, and Federal agencies in determining the consistency of a proposed action with the above policy.

1. Consideration should be made as to whether an action will impede existing or future utilization of the Town's recreational fish and wildlife resources.

2. Efforts to increase access to recreational fish and wildlife resources should not lead to overutilization of that resource or cause impairment of the habitat. Sometimes such impairment can be more subtle than actual physical damage to the habitat. For example, increased human presence can deter animals from using the habitat area.

3. The impacts of increasing access to recreational fish and wildlife resources should be determined on a case-by-case basis, consulting the habitat description (see Policy 7), if appropriate, and/or conferring with a trained fish and wildlife biologist.

4. Any public or private sector initiatives to supplement existing stocks (e.g., stocking a stream with fish reared in a hatchery) or develop new resources (e.g., creating private fee-hunting or fee-fishing facilities) must comply with existing State law.

Policy 10 Further develop commercial finfish, shellfish and crustacean resources in the coastal area by: (i) encouraging the construction of new, or improvement of existing on-shore commercial fishing facilities; (ii) increasing marketing of the State's seafood products; and (iii) maintaining adequate stocks and expanding aquaculture facilities. Such efforts shall be in a manner which ensures the protection of such renewable fish resources and considers other activities dependent on them.

This State Coastal Policy is not applicable to the Town of Evans. Commercial fishing and fish processing activities do not currently exist in the Town and are unlikely to develop in the future.

FLOODING AND EROSION POLICIES

Policy 11 Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.

Policy 11A Buildings and other structures within the special flood hazard areas along Big Sister, Little Sister, Muddy, Pike, and Reisch Creeks, Fern Brook, and two unnamed streams will be sited in the coastal area so as to minimize damage to property and human life.

The public health and safety is continuously threatened by flooding. The cost and endangerment to human life which can result from such natural occurrences requires utmost attention by public agencies and jurisdictions.

This policy applies to those areas identified as Special Flood Hazards on the Flood Insurance Study maps filed for the Town of Evans and dated September 16, 1982. (Floodplains are depicted generally on Maps 5A-C in the Inventory and Analysis section.)

The following guidelines should be used in determining the consistency of a proposed action with this policy.

A. General standards within flood hazard areas:

1. Anchoring:

a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

b. All mobile homes shall be anchored to resist flotation, collapse or lateral movement by providingover-the-top and frame ties to ground anchors. Special requirements shall be that:

(1) Over-the-top ties shall be provided at each of the corners of the mobile home, with two (2) additional ties per side at intermediate locations, with mobile homes less than fifty (50) feet long requiring one (1) additional tie per side.

(2) Frame ties shall be provided at each corner of the home, with five (5) additional ties per side at intermediate points, with mobile homes less than fifty (50) feet requiring four (4) additional ties per side.

(3) All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.

(4) Any additions to the mobile home shall be similarly anchored.

2. Construction materials and methods. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

3. Utilities.

a. All new and replacement water supply systems shall be designed to minimize flood damage.

b. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage and shall be consistent with the need to minimize flood damage.

c. Base flood elevation data shall be provided for subdivision proposals and other proposed developments which contain at least fifty (50) lots or five (5) acres, whichever is less.

4. Subdivision proposals:

a. All subdivision proposals shall have public utilities and facilities such as sewer, gs, electrical and water systems located and constructed to minimize flood damage.

b. New and replacement sanitary sewer systems shall be designed to minimize the infiltration of floodwaters into the systems and discharges from the systems into the floodwaters.

c. On-site waste disposal systems shall be located as to avoid impairment to or contamination from flooding.

B. Specific standards. In all areas of special flood hazard where base flood elevation data have been provided a set forth in the Town's Flood Damage Prevention Law the following standards are required.

1. Residential construction. New residential construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

2. Nonresidential construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, shall:

a. Be floodproofed so that below the base flood level the structure is water tight with walls sustantially impermeable to the passage of water;

b. Have structural component capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

c. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied.

3. Mobile homes.

a. Mobile homes shall be properly anchored (see part A above).

b. For new mobile home parks and mobile home subdivisions; for expansions to existing mobile home parks and mobile home subdivisions where the repair, reconstruction of improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for mobile mobile homes not placed in a mobile home park or mobile home subdivision, it shall be required that:

(1) Stand of lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile hme will be at or above the base flood level;

(2) Adequate surface drainage and access for a hauler are provided;

(3) In the instance of elevation on pilings, that lots are large enough to permit steps, piling foundations are placed on stable soil

no more than ten (10) feet apart, and reinforcement is provided for pilings more than six (6) feet above the ground level.

c. No mobile home shall be place in a floodway, except in an existing mobile home park or an existing mobile home subdivision.

Where human lives may be endangered by major lake storms, all necessary emergency preparedness measures shall be taken including disaster preparedness planning.

Policy 12 Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands and bluffs. Primary dunes will be protected from all encroachments that could impair their natural protective capacity.

Beaches, blufs, and other natural protective features help safeguard coastal lands and property from damage, as well as reduce the danger to human life, resulting from flooding and erosion. Excavation of coastal features, improperly designed structures, inadequate site planning, or other similar actions which fail to recognize their fragile nature and high protective values, lead to the weakening or destruction of these landforms. Activities or development in, or in proximity to, natural protective features must ensure that all such adverse effects are minimized.

This policy shall apply to the natural erosion protective features within the Town of Evans waterfront area. These

include nearshore areas, bluffs, and beaches. Bluffs and/or beaches are found along virtually the entire Town shoreline, as previously described in the Inventory and Analysis section.

The following guidelines shall be used in determining the consistency of proposed actions with this policy. In general, any activity or development in, or in proximity to, a natural protective feature that may be permitted under the following guidelines must be consistent with other applicable policies of the LWRP and must prevent, if possible, or minimize any adverse effects on natural protective features and their protective functions and values.

1. NEARSHORE AREAS: Those lands under water beginning at the mean low water line and extending waterward in a direction perpendicular to the shoreline to a point where mean low water depth is 15 feet, or to a horizontal distance of 1,000 feet from the mean low waterline, whichever is greater.

   a. Excavating, mining or dredging which diminishes erosion protection afforded by a natural protective feature in a nearshore area is prohibited, except that dredging may be permitted for construction or maintenance of navigation channels, bypassing sand around natural and manmade obstructions, or artificial beach nourishment.

   b. Clean sand or gravel of a compatible type and size is the only material which may be deposited within nearshore areas.

2. BEACH AREAS: The zone of unconsolidated material that extends landward from the mean low water line to the place where there is a marked change in a material or

physiographic form, or to the line of permanent vegetation, whichever is most waterward, except where dune formations are present, the beach area shall extend to the landward toe of the dune formation.

a. Excavation or mining which diminishes the erosion protection afforded by beaches is prohibited.

b. Materials may be deposited on beaches only for the purpose of expanding or stabilizing the beaches. Clean sand or gravel of a compatible type and size is the only material which may be deposited within beach areas.

c. Active bird nesting and breeding areas must not be disturbed unless such disturbance is pursuant to a specific wildlife management activity approved in writing by the NYS DEC.

3. BLUFF: Any bank or cliff with a precipitous drop or rounded face adjoining a beach or a body of water. The waterward limit of a bluff is the landward limit of its contiguous beach. Where no beach is present, the waterward limit is mean low water. The landward limit is 25 feet landward of the receding edge.

a. The following activities are prohibited:

(1) Excavation or mining of bluffs, except to provide shoreline access and in accordance with the provisions of this policy.

(2) Any grading, excavtion, or other soil disturbance conducted on a bluff that causes or directs surface water over the receding edge.

(3) All development unless specifically allowed by the provisions of this subsection of this policy.

b. Subject to the general provisions of this policy and the specific conditions stated below, activities specifically allowed are:

(1) Minor alterations of a bluff for new construction, modification, or restoration of an erosion protection structure.

(2) Bluff cuts for the provision of shoreline access, where:

- The bluff cut is made in a direction perpendicular to the shoreline.
- Ramp slope of the bluff cut does not exceed 1:6.
- Side slopes of the bluff cut do not exceed 1:3 unless terraced or otherwise structurally stabilized.
- Side slopes and other disturbed non-roadway areas are stabilized with vegetation or other approved physical means.
- Completed roadways are stabilized and drainage provided for.

(3) New construction, modification, or restoration of walkways or stairways.

c. Active bird nesting and breeding areas must not be disturbed unless such disturbance is pursuant to a specific wildlife management activity approved in writing by the NYS DEC.

4. MOTOR VEHICLE RESTRICTIONS: The use of motor vehicles is prohibited on beach vegetation, primary dunes, and bluffs.

5. Activities and development within natural erosion protective feature areas that have been designated by the NYS DEC as Erosion Hazard Areas must comply, a required, with the provisions of the Coastal Erosion Hazards Area Act (Environmental Conservation Law, Section 3-0301 & Section 34-0108) and its implementing regulations (6 NYCRR Part 505).

<u>Policy 13</u> The construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty years as demonstrated in design and construction standards and/or assured maintenance or replacement programs.

Erosion protection structures are widely used throughout the Town's coastal area. However, because of improper design, construction and maintenance standards, many fail to give the protection which they are presumed to provide. As a result, developement is sited in areas where it is subject to damage or loss due to erosion. This policy will help ensure the reduction of such damage or loss.

This policy applies within DEC-identified Erosion Hazard Areas to the construction, reconstruction, or modificationof any structures specifically designed to reduce or prevent erosion,

such as a groin, jetty, sewall, revetment, breakwater, or artificial beach nourishment project.

Guidelines for evaluating an action's consistency with this provision are as follows:

1. The construction, modification, or restoration of erosion protection structures must:

   a. Not be likely to cause a measurable increase in erosion at the development site or at other locations.

   b. Minimize and, if possible, prevent advrse effects upon natural protective features, existing erosion protection structures, and natural resources such as significant fish habitats.

2. All erosion protection structures must be designed and constructed according to generally accepted engineering principals which have demonstrated success or, where sufficient data is not currently available, a likelihood of success in controlling long-term erosion. The protective measures must have a reasonable probability of controlling erosion on the immediate site for at least 30 years.

3. All materials used in such structures must be durable and capable of withstanding inundation, wave impacts, weathering, and other effects of storm conditions for a minimum of thirty (30) years. Individual component materials may have a working life of less than thirty years only when a maintenance program ensures that they will be regularly maintained and replaced as necessary to attain the required thirty years of erosion protection.

Policy 14 Activities and development including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development, or at other locations.

Erosion and flooding are processes which occur naturally. However, by his actions, man can increase the severity and adverse effects of thoe processes, causing damage to, or loss of property, and endangering human lives. Those actions include: the use of erosion protection structures such as groins, or the use of impermeable docks which block the littoral transport of sediment to adjacent shorelands, thus increasing their rate of recession; the failure to observe proper drainage or land restoration practices, thereby causing run-off and the erosion and weakening of shorelands; and the placing of structures in identified floodways so that the base flood level is increased causing damage in otherwise hazard-free areas.

See also Policies 13 and 33.

Policy 15 Mining, excavation or dredging in coastal waters shall not significantly interfere with the natural coastal processes which supply beach materials to land adjacent to such waters and shall be undertaken in a manner which will not cause an increase in erosion of such land.

Coastal processes, including the movement of beach materials by water, and any mining, excavation or dredging in nearshore or offshore waters which changes the supply and net flow of such materials can deprive shorelands of their natural regenerative powers. Such mining, excavation and dredging should be

accomplished in a manner so as not to cause a reduction of supply, and thus an increase of erosion, to such shorelands. Offshore mining is a future alternative option to land mining for sand and gravel deposits which are needed to support building and other industries.

Policy 16 Public funds shall only be used for erosion protective structures where necessary to protect human life, and new development which requires a location within or adjacent to an erosion hazard area to be able to function, or existing development; and only where the public benefits outweigh the long term monetary and other costs including the potential for increasing erosion and adverse effects on natural protective features.

Public funds are used for a variety of purposes on the Town's shorelines. This policy recognizes the public need for the protection of human life and existing investment in development or new development which requires a location in proximity to the coastal area or in adjacent waters to be able to function. However, it also recognizes the adverse impacts of such activities and development on the rate of erosion and on natural protective features and requires that careful analysis be made of such benefit and long-term costs prior to expending public funds.

Policy 17 Whenever possible, use non-structural measures to minimize damage to natural resources and property from flooding and erosion. Such measures shall include: (i) the set back of buildings and structures; (ii) the planting of vegetation and the installation of sand fencing and draining; (iii) the reshaping of bluffs; and (iv) the

flood-proofing of buildings or their elevation above the base flood level.

This policy recognizes both the potential adverse impacts of flooding and erosion upon development and upon natural protective features in the coastal area as well as the costs of protection against those hazards which structural measures entail.

This policy shall apply to the planning, siting and design of proposed activities and development, including mesures to protect existing activities and development. To ascertain consistency with the policy, it must be determined if any one, or a combination of, non-structural measures would afford the degree of protection appropriate both to the character and purpose of the activity or development, and to the hazard. If non-strucural measures are determined to offer sufficient protection, then consistency with the policy would require the use of such measures, whenever possible.

In determining whether or not non-structural measures to protect against erosion or flooding will afford the degree of protection appropriate, an analysis, and if necessary, other materials such as plans or sketches of the activity or development, of the site and of the alternative measures should be prepared to allow an assessment to be made.

Non-strucural measures shall include, but not be limited to the following measures:

1. Within identified Coastal Erosion Hazard Areas:

   a. Restrictions on the location of development as provided in Policy 12.

b. Strengthening of coastal landforms by such means as:

(1) planting of appropriate vegetation on dunes and bluffs,

(2) reshaping of bluffs to achieve an appopriate angle of repose so as to reduce the potential for slumping and to permit the planting of stabilizing vegetation,and

(3) installing drainage systems on bluffs to reduce runoff and internal seepage of waters which erode or weaken the landforms.

2. Within identified Flood Hazard Areas:

a. Avoidance of risk or damage from flooding by the siting of buidlings outside the hazard area.

b. Flood-proofing of buildings or their elevation above the base flood level.

See also Policy 11.

GENERAL POLICY

Policy 18 To safeguard the vital economic, social and environmental interests of the State and of its citizens, proposed major actions in the coastal area must give full consideration to those interests, and to the safeguards which the State has established to protect valuable coastal resource areas.

Proposed major actions may be undertaken in the coastal area if they will not significantly impair valuable coastal waters and resources, thus frustrating the achievement of the purposes of the safeguards which the State has established to protect those waters and resources. Proposed actions must take into account the social, economic and environmental interests of the State and its citizens in such matters that would affect natural resources, water levels and flows, shoreline damage, hydro-electric power generation, and recreation.

PUBLIC ACCESS AND RECREATION POLICIES

Policy 19 Protect, maintain, and increase the level and types of access to public water-related recreation resources and facilities so that these resources and facilities may be fully utilized in accordance with reasonably anticipated public recreation need and the protection of historic and natural resources. In providing such access, priority shall be given to public beaches, boating facilities, fishing areas and waterfront parks.

Policy 19A Maintain the level of access to Evans Town Park, Erie County Wendt Beach Park, and Evangola State Park.

Policy 19B Improve access opportunities at Bennett Beach, Sturgeon Point Marina, Purvis Landing, and Wendt Beach Road Boat Launch.

Existing public water-related recreation resources and facilities within the Town of Evans (described further in the Inventory and Analysis, II.J. Public Access and Recreation, and shown on Maps 2A-C) include: Evans Town Park, Sturgeon Point

Marina, Purvis Landing, and Wendt Road Boat Launch (all Town facilities); Erie County Wendt Beach Park; Bennett Beach (owned by the City of Buffalo, operated by Erie County); and Evangola State Park. Wendt Beach Park, Bennett Beach, and Evangola State Park are major regional recreational facilities; Sturgeon Point Marina is the only publicly maintained marina between Buffalo and Dunkirk; Evans Town Park serves Town and County residents; and Purvis Landing (boat launch ramp) and the Wendt Road Boat Launch provide much needed supplemental boat launching capacity. It is essential that public access to these facilities be maintained, where adequate, or be improved, where needed.

Policy 19A indicates those facilities where existing access is adequate and shall be maintained. Policy 19B indicates those facilities where access opportunities are to be improved. In particular, at Bennett Beach, off-season (fall and winter) parking accommodations at the park or other parking arrangements for people fishing Big Sister Creek will be provided, as feasible. At Sturgeon Point Marina, improved parking, boat access and vehicular access will be provided as part of the future development of the facility. At the Purvis Landing and Wendt Road boat launches, boat access will be improved through rehabilitation of existing ramps. The order of priority for making improvements is Sturgeon Point Marina, Bennett Beach, and Purvis Landing and Wendt Road boat launches.

In addition, as feasible and subject to the relevant guidelines given below, public transportation services to major recreation facilities should be increased, so as to improve access opportunities for the non-automobile-owning public and reduce traffic congestion that may impair public acces.

The following additional guidelines will be used in determining the consistency of a proposed action with this policy:

1. The existing access from adjacent or proximate public lands or facilities to public water-related recreation resources and facilities shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or proximate public lands or facilities to public water-related recreation resources and facilities be eliminated, unless in the latter case, estimates of future use of these resources and facilities are too low to justify maintaining or providing increased public acces or unless such actions are found to be necessary or beneficial by the public body having jurisdiction over such access as the result of a reasonable justification of the need to meet systematic objectives.

The following is an explanation of the terms used in the above guidelines:

a. Access - the ability and right of the public to reach and use public coastal lands and waters.

b. Public water-related recreation resources or facilities- all public lands or facilities that are suitable for passive or active recreation that requires either water or a waterfront location or is enhanced by a waterfront location.

c. Public lands or facilities - lands or facilities held by State or local government in fee simple or less-than-fee simple ownership and to which the public has access or could have acces, including underwater lands.

d. A reduction in the existing level of public access - includes but is not limited to the following:

(1) The number of parking spaces at a public water-relatd recreation resource or facility is significantly reduced.

(2) The service level of public transportation to a public water-related recreation resource or facility is significantly reduced during peak season use and such reduction cannot be reasonably justified in terms of meeting systemwide objectives.

(3) Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.

(4) There are substantial increases in the following: already existing special fares (not including regular fares in any instance) of public transportation to a public water-related recreation resource or facility, except where the public body having jurisdiction over such fares determine that such substantial fare increases are necessary; and/or admission fees to such a resource or facility, and an analysis shows that such increases will significantly reduce usage by individuals or families with income levels below the State government established poverty level.

e. An elimination of the possibility of increasing public access in the future includes, but is not limited to the following:

(1) Construction of public facilities which physically prevent the provision, except at great expense, of convenient public access to public water-related recreation resources and facilities.

(2) Sale, lease, or other transfer of public lands that could provide public access to a public water-related recreation resource or facility.

(3) Construction of private facilities which physically prevent the provison of convenient public access to public water-related recreation resources or facilities from public lands and facilities.

2. Any proposed project to increase public access to public water-related recreation resources and facilities shall be analyzed according to the following factors:

a. The level of access to be provided should be in accord with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.

b. The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resource of the facility. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.

3. The State will not undertake or fund any project which increases access to a water-related resource or facility that is not open to all members of the public.

4. In their plans and programs for increasing public access to public water-related resources and facilities, State agencies shall give priority in the following order to projects located: within the boundaries of the Federal-Aid Metropolitan Urban Area served by public transportation; outside the defined Urban Area boundary and served by public transportation; and outside the defined Urban Area boundary but not served by public transportation.

See also Policies 1, 9, 20, 21 and 22 and Section IV, Proposed Uses and Proposed Projects.

Policy 20 Access to the publicly-owned foreshore and to lands immediately adjacent to the foreshore of the water's edge that are publicly owned shall be provided, and it should be provided in a manner compatible with adjoining uses. Such lands shall be retained in public ownership.

Publicly owned lands within the Town of Evans that are adjacent to the water's edge are shown on Maps 7A-7C in the Inventory and Analysis section. Most of these lands (as described in the Inventory and Analysis, II.J, Public Access and Recreation) are currently devoted to public recreation uses and provide existing access to public land and waters. Lands lying under the waters of Lake Erie are generally owned by the State of New York.

While such publicly-owned lands shall be retained in public ownership, traditional sales of easements on lands underwater to adjacent onshore property owners are consistent with this policy, provided such easements do not substantially interfere with continued public use of the public lands on which the easement is granted. Also, public use of such publicly-owned

underwater lands and lands immediately adjacent to the shore shall be discouraged where such use would be inappropriate for reasons of public safety, military security, or in the protection of fragile coastal resources.

The following additional guidelines will be used in determining the consistency of a proposed action with this policy:

1. Existing access from adjacent or proximate public lands or facilities to existing public coastal lands and/or waters shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or nearby public lands or facilities to public coastal lands and/or waters be eliminated, unless such actions are demonstrated to be of overriding regional or statewide public benefit, or in the latter case, estimates of future use of these lands and waters are too low to justify maintaining or providing increased access.

   The following is an explanation of the terms used in the above guidelines:

   a. (See definitions under Policy 19 of "access", and "public lands or facilities").

   b. A reduction in the existing level of public access - includes but is not limited to the following:

      (1) Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.

(2) Pedestrian access is diminished or blocked completely by public or private development.

c. An elimination of the possibility of increasing public access in the future - includes but is not limited to the following:

(1) Construction of public facilities which physically prevent the provision, except at great expense, of convenient public access to public water-related recreation resources and facilities.

(2) Sale, lease, or other conveyance of public lands that could provide public access to publiccoastal lands and/or waters.

(3) Construction of private facilities which physically prevent the provision of convenient public access to public coastal lands and/or waters from public lands and facilities.

2. The existing level of public access within public coastal lands or waters shall not be reduced or eliminated. A reduction in the existing level of public access - includes but is not limited to the following:

a. Access is reduced or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.

b. Access is reduced or blocked completely by and public developments.

3. Public access from the nearest public roadway to the shoreline and along the coast shall be provided by new land use or development, except where (a) it is inconsistent with public safety, military security, or the protection of identified fragile coastal resources; (b) adequate access exists within one-half mile; or (c) agriculture would be adversely affected. Such access shall not be required to be open to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

4. The State will not undertake or fund any project which increases access to a water-related resource or facility that is not open to all members of the public.

5. In their plans and programs for increasing public access, State agencies shall give priority in the following order to projects located: within the boundaries of the Federal-Aid Metropolitan Urban Area but not served by public transportation; outside the defined Urban Area boundary but not served by public transportation.

6. Proposals for increased public access to coastal lands and waters shall be analyzed according to the following factors:

   a. The level of access to be provided should be in accord with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.

   b. The level of access to be provided shall not cause a degree of use which would exceed the physical

capability of the resource. If this were determined to be the case, the proposed level of access to be provided shall be inconsistent with the policy.

See also Policies 1, 9, 19, 21 and 22 and Section IV, Proposed Uses and Proposed Projects.

Policy 21 Water dependent and water enhanced recreation will be encouraged and facilitated, and will be given priority over non-water related uses along the coast, provided it is consistent with the preservation and enhancement of other coastal resources and takes into account demand for such facilities. In facilitating such activities, priority shall be given to areas where access to the recreation opportunities of the coast can be provided by new or existing public transportation services and to those areas where the use of the shore is severely restricted by existing development.

Policy 21A Expand and improve the public marina and water-related recreational facilities at Sturgeon Point.

Policy 21B Develop public water-related recreational facilities at Lake Erie Beach.

Policy 21C Improve public facilities for the recreational use of Eighteen Mile Creek.

The demand for additional marina, swimming and fishing facilities in the Town of Evans and Erie County has been well documented in Town, County, and State reports. The public right

to recreational use of Lake Erie's resources is important to realize and can be accomplished through the expansion, development and improvement of public water-related recreation facilities as provided by Policies 21A, 21B, and 21C.

At Sturgeon Point, existing marina and recreational facilities are to be expanded and improved, as described in the Inventory and Analysis section under II.J, Public Access and Recreation, and the Proposed Projects section under Project 1: Lake Erie Beach.

At Eighteen Mile Creek, facilities are needed to allow management of the recreational uses of the area's exceptional fish and wildlife, scenic, and archaeological resources in a way that enhances recreational uses, while protecting the area's important resources and respecting private property rights. Such facilities are to be provided in accordance with the joint resources management plan prepared with the Town of Hamburg, if such plan has been completed.

Consistent with demand and the protection of other important coastal resources, water-related (dependent and enhanced) recreation uses shall have a higher priority than any non-water related uses, including non-water-related recreation uses. Water dependent recreation uses shall have a higher priority than water-enhanced uses, including water-enhanced recreation uses. Determining a priority among water-dependent uses will require a case-by-case analysis. (See Policy 2 for definitions and additional provisions concerning water-dependent uses.)

Any development of water-related recreational facilities or increase in recreational use must be consistent with the preservation and enhancement of other important coastal resources, such as fish and wildlife habitats, aesthetically

significant areas, historic and cultural resources, agriculture capacity to accommodate anticipated use. Boating facilities will, as appropriate, include parking, park-like surroundings, toilet facilities, and pumpout facilities.

Water-related off-road recreational vehicle use is an acceptable activity, provided no adverse environmental impacts occur. Where adverse environmental impact will occur, mitigating measures will be implemented where practicable to minimize such adverse impacts. If acceptable mitigtion is not practicable, prohibition of the use by off-road recreational vehicles will be posted and enforced. (See also Policy 12.)

See also Policies 1, 9, 19, 20 and 22 and Section IV, Proposed Uses and Proposed Projects.

<u>Policy 22</u> Development, when located adjacent to the shore, will provide for water-related recreation, as a multiple use, whenever such recreational use is appropriate in light of reasonably anticipated demand for such activities and the primary purpose of the development.

<u>Policy 22A</u> The Town shall promote and encourage multiple use of the Erie County Water Authority Water Treatment Plant at Sturgeon Point for passive recreational use.

Many developments present practical opportunities for providing recreation facilities as an additional use of the site or facility. Therefore, whenever developments are located adjacent to the shore, they should to the fullest extent permitted by existing law provide for some form of water-related recreation use unless there are compelling reasons why any form of such

recreation would not be compatible with the development, or a reasonable demand for public use cannot be foreseen.

The water treatment plant operated by the Erie County Water Authority at Sturgeon Point, in particular, offers ideal opportunities for passive recreational use as a multiple use. The Plant is located on a 75 acre wooded site and has a small deer habitat. It occupies 500 feet of lake shoreline atop a 70 foot bluff overlooking the Sturgeon Point Marina. On clear days, Port Colborne, Ontario can be seen from the shore. The Town shall initiate discussions with the Authority to determine proper legal arrangements.

Other types of existing or potential development within the Town of Evans waterfront area which might provide water-related recreation as a multiple use include but are not limited to:

parks
highways
utilities
utility transmission rights of way
sewage treatment facilities
schools and similar institutional uses*
nature preserves*
large residential subdivisions (50 units)
shopping complexes
office buildings

*The types of recreation uses likely to be compatible with these facilities are limited to the more passive forms, such as trails or fishing access. In some cases, land areas not directly or immediately needed by the facility could be used for recreation.

Prior to taking action relative to any development, public agencies should consult with the State Office of Parks, Recreation, and Historic Preservation and the Town of Evans to determine appropriate recreation uses. The agency should provide OPRHP and the Town with the opportunity to participate in project planning.

Appropriate recreation uses which do not require any substantial additional construction shall be provided at the expense o the project sponsor provided the cost does not exceed 2% of total project cost.

In determining whether compelling reasons exist which would make inadvisable recreation as a multiple use, safety considerations should reflect a recognition that some risk is acceptable in the use of recreational facilities.

Whenever a proposed development would be consistent with CMP policies and the development could, through the provision of recreation and other multiple uses, significantly increase public use of the shore, then such development should be encouraged to locate adjacent to the shore (this situation would generally only apply within the more developed portions of the waterfront area).

HISTORIC AND SCENIC RESOURCES POLICIES

<u>Policy 23</u> Protect, enhance and restore structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the State, its communities, or the nation.

<u>Policy 23A</u> Protect archaeologically significant sites in the vicinity of Eighteen Mile Creek.

Among the most valuable of the State's man-made resources are those which are of historic, archaeological, or cultural significance. The protection of these resources must involve a recognition of their importance by all agencies. Protection must include concern not just with specific sites but with areas of significance, and with the area around specific sites.

Within the Town of Evans waterfront area, areas of potential archaeological significance, as identified by the State Historic Preservation Office, exist within the vicinity of Eighteen Mile Creek (see the Inventory and Analysis Section, sub-section K. Historic, Archaeological and Cultural Resources, for a further description). There are four structures of local historic significance in the local waterfront area (see Map 8 A-C).

Prior to undertaking any Type I or unlisted action as defined in 6 NYCRR, Part 617 of Article 8 of the State Environmental Conservation Law in the identified area of potential archaeological significance, anyone proposing such activity shall consult with the State Historic Preservation Office to determine whether significant archaelogical resources are present at the site and what measures are necessary to preserve or avoid these cultural resources. All practicable means shall be used to preserve significant archaeological resources.

In the event the New York State Department of Parks, Recreation and Historic Preservation determines that all or some of those sites are of State or national significance than, prior to any Type I or unlisted actions (as defined by SEQR) which might affect these sites, adequate protective measures shall be devised which would prevent or mitigate adverse impacts to those resources .

This policy shall not be construed to prevent the construction, reconstruction, alteration, or demolition of any building, structure, earthwork, or component thereof which has been officially certified as being imminently dangerous to life or public health.

Policy 24 Prevent impairment of scenic resources of statewide significance, as identified on the coastal area map. Impairment shall include: (i) the irreversible modification of geologic forms, the destruction or removal of structures, whenever the geologic forms, vegetation or structures are significant to the scenic quality of an identified resource; and (ii) the addition of structures which because of siting or scale will reduce identified views or which because of scale, form, or materials will diminish the scenic quality of an identified resource.

This State Coastal Policy is not applicable to the Town of Evans, because there are no scenic resources of statewide significance nor are any likely to be designated.

Policy 25 Protect, restore or enhance natural and man-made resources which are not identified as being of statewide significance, but which contribute to the overall scenic quality of the coastal area.

Policy 25A Protect and enhance the natural and scenic resource identified as the Eighteen Mile Creek gorge which contributes to the overall scenic quality of the Town coastal area.

Policy 25B Protect and enhance the scenic qualities of bluff areas overlooking Sturgeon Point Marina.

The Evans waterfront area includes the Eighteen Mile Creek and its gorge, which forms the boundary between the Town of Evans and the Town of Hamburg and which is a regionally important scenic resource. The scenic quality of the area is the result of primarily its combination of dramatic geology, natural vegetation, running water, and limited development (see Inventory and Analysis section, K. Cultural Resources for further description). Any action which would impair the scenic quality of this area is inconsistent with this policy. Impairment shall include: (1) the irreversible modification of geologic forms, including that resulting from the disturbance and/or acceleration of natural geological processes; (2) the destruction or removal of vegetation, whenever such vegetation is significant to the scenic quality of the area; (3) the substantial and permanent reduction of the quality and/or quantity of water flowing in the Eighteen Mile Creek; and (4) the addition of structures which because of siting or scale will reduce scenic access or which because of scale, form, or materials will diminish the scenic quality of the area. In addition, actions which may affect the scenic quality of this area shall comply with the joint resource management plan prepared with the Town of Hamburg, if such plan has been completed. (See also Policies 21 and 23).

The Evans waterfront area also possesses generally good visual quality, important elements of which are the open space characteristics of the Town's public parks and the natural beach and bluff formations lining the shoreline. In addition to contributing to the overall scenic quality of the waterfront area, public parks afford important access to scenic vistas of Lake Erie and the shoreline.

At Sturgeon Point, significant bluff formations offer excellent scenic vistas of Lake Erie, which are enhanced by the focal point provided by the boating activity at the Sturgeon Point Marina. In addition to preserving the scenic qualities of this area, the Town will undertake efforts to purchase a small area from Erie County at the top of the bluff for not only a leach field for the marina, but also a public viewing area. The Town will also pursue a multiple use agreement with the Erie County Water Authority to permit passive recreational use of surplus lands at their facility near Sturgeon Point. This will open up vistas to the marina and Port Colborne, Ontario. (See also Policies 21 and 22).

When considering a proposed action, Town, State and Federal agencies shall ensure that the action will be undertaken so as to protect, restore, or enhance the overall scenic quality of the waterfront area and, in particular, those elements cited above. The following siting and development-related guidelines are to be used to achieve this policy, recognizing that each development situation is unique and that the guidelines will have to be applied accordingly.

1. Structures and other development, such as highways, power lines, and signs, should be sited back from shorelines or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore.

2. Structures should be clustered or oriented to retain views, save open space, and provide visual organization to a development.

3. Sound existing structures should be incorporated into the overall development scheme.

4. Deteriorating and/or degrading elements should be removed.

5. The original land form should be maintained or restored, except when changes screen unattractive elements and/or add appropriate interest.

6. Vegetation should be maintained or added to provide interest, encourage the presence of wildlife, blend structures into the site, and obscure unattractive elements, except when selective clearing creates views of coastal waters.

7. Appropriate materials, in addition to vegetation, should be used to screen unattractive elements.

8. The scale, form and materials of buildings and other structures should be compatible with and add interest to the landscape.

AGRICULTURAL LANDS POLICY

Policy 26 To conserve and protect agricultural lands in the State's coastal area, an action shall not result in a loss, nor impair the productivity, of important agricultural lands, as identified on the coastal area map, if that loss or impairment would adversely affect the viability of agriculture in an agricultural district or, if there is no agricultural district, in the area surrounding such lands.

This policy applies to those agricultural lands identified in the Inventory and Analysis section on Maps 3A-C as Agricultural Cropland (AC) and/or on Map 8 as lying within the boundaries of

the Brant-Evans Agricultural District. The policy requires a concern for the loss of any important agricultural land. However, the primary concern must be with the loss of agricultural land when that loss would have a significant adverse effect on the viability of the agricultural area of which those lands are a part.

An agricultural area is an predominantly in farming and in which farms produce similar products and/or rely on the same agribusiness support services and are to a signficant degree interdependent. The boundary of such area need not be restricted to land within the Brant-Evans Agricultural District, then, at a minimum, the agricultural area must include the entire agricultural district.

A series of determinations are necessary to establish whether proposed action is consistent with the conservation and protection of agricultural lands or whether it is likely to adversely affect the viability of an agricultural area. First, it must be determined whether a proposed action would result in the loss of important agricultural lands as defined above. If it would not result, either directly or indirectly, in the loss of such lands, then the action is consistent with this policy.

If it is determined that the action would result in a loss of important agricultural lands, but that the loss would not have an adverse effect on the viability of the surrounding agriculture area, then the action may be consistent with this policy, if undertaken in a mannerthat would minimize the loss of the important agricultural lands. If the action is determined to result in a significant loss of important agricultural land, that is, a loss sufficient to adversely affect the surrounding agriculture area's viability, -- its abiity to continue to

exist, to prosper, and even to expand -- then the action is not consistent with this policy.

The following guidelines define more fully what must be considered in making the above determinations:

1. A proposed action would be likely to adversely affect the viability of an agricultural area in which important agricultural lands are located if:

   a. the action would occur on important agricultural land and would:

      (1) consume more than 10% of the land of an active farm containing such land.

      (2) consume a total of 100 acres or more of such land, or

      (3) divide an active farm containing such land into two or more parts thus impeding efficient farm operation.

   b. the action would result in environmental changes which may reducethe productivity or adversely affect the quality of the product of any such land.

   c. the action would create real estate market conditions favorable to the conversion of large areas of important agricultural land to non-agricultural uses. Such conditions may be created by:

      (1) public water or sewer facilities to serve non-farm structures,

(2) transportation improvements, except for maintenance of, and safety improvements to, existing facilities, that serve non-farm or non-farm related development,

(3) major non-agricultural development adjacent to such land,

(4) any change in land use regulations applying to such land which would encourage or allow uses incompatible with the agricultural use of the land.

2. The following types of facilities and activities should not be construed as having adverse effects on the preservation of agricultural land:

a. farm dwellings, barns, silos, and other accessory uses and structures incidental to agricultural production or necessary for farm family supplemental income,

b. agribusiness development which includes the entire structure of local support services and commercial enterprises necessary to maintain an agricultural operation.

3. Whenever a proposed action will result in the loss of important agricultural lands, but it has been determined that such loss will not adversely affect the surrounding agricultural area's viability, the loss of agricultural land shall be minimized in the following manner:

a. The proposed action shall, to the extent practicable, be sited or undertaken so as to minimize the loss of

any such land which has been farmed within two of the last five years.

b. To the extent practicable, agricultural use of identified important agricultural land not directl;y necessary for the operation of the proposed non-agricultural action should be provided for through such means as lease arrangements with farmers, direct undertaking of agriculture, or sale of surplus land to farmers. Agricultural use of such land shall have priority over any other proposed multiple use of the land.

ENERGY AND ICE MANAGEMENT

Policy 27 Decisions on the siting and construction of major energy facilities in the coastal area will be based on public energy needs, compatibility of such facilities with the environment, and the facility's need for a shorefront location.

Demand for energy in New York will increase, although at a rate slower than previously predicted. The State expects to meet these energy demands through a combination of conservation measures; traditional and alternative technologies; and use of various fuels including coal in greater proportion.

A determination of public need for energy is the first step in the process for siting any new facilities. The directives for determining this need are contained primarily in Article 5 of the New York State Energy Law. That Article requires the preparation of a State Energy Master Plan. With respect to transmission lines and steam electric generating facilities,

Articles VII and VIII of the State's Public Service Law require additional forecasts and establish the basis for determining the compatibility of these facilities with the environment and the necessity for a shorefront location. The policies derived from the siting regulations under these Articles are entirely consistent with the coastal policies derived from other laws, particularly the regulations promulgated pursuant to the Waterfront Revitalization and Coastal Resources Act. That Act is used for the purposes of ensuring consistency with the State Coastal Management Program and this LWRP.

In consultation with the Town of Evans, the Department of State will comment on the State Energy Master Plan; present testimony for the record during relevant certification proceedings under Articles VII and VIII of the PSL; and use the State SEQR and DOS regulations to ensure that decisions on other proposed energy facilities (other than transmission facilities and steam electric generating plants) which would impact the waterfront area are made consistent with the policies and purposes of the LWRP.

<u>Policy 28</u> Ice management practices shall not damage significant fish and wildlife and their habitats, increase shoreline erosion or flooding, or interfere with the production of hydroelectric power.

Prior to undertaking actions required for ice management, and assessment must be made of the potential effects of such actions upon the production of hydroelecric power, fish and wildlife and their habitats, flood levels and damage, rates of shoreline erosion damage, and upon natural protective features.

Following such an examination, adequate methods of avoidance or

mitigation of such potential effects must e utilized if the proposed action is to be implemented.

Policy 29 Encourage the development of energy resources on the Outer Continental Shelf, in Lake Erie and in other water bodies, and ensure the environmental safety of such activities.

The State recognizes the need to develop new indigenous energy sources. It also recognizes that such development may endanger the environment. Among the various energy sources being examined are those which may be found on the Outer Continental Shelf (OCS) or in Lake Erie. The State encourages the wise development of off-shore energy resources in a manner that will ensure the environmental safety of such activities, protect important coastal resources, and, in Lake Erie, protect public water supplies.

State law currently prohibits development of wells nearer than one-half mile from the shoreline, two miles from public water supply intakes, and one thousand feet from any other structure or installation in or on Lake Erie. Further, State law prohibits production of liquid hydrocarbons in Lake Erie, either alone or in association with natural gas. Additional guidelines may be promulgated by the Department of Environmental Conservaion, which has primary responsibility for regulating off-shore development of energy resources.

WATER AND AIR RESOURCES POLICIES

Policy 30 Municipal, industrial, and commercial discharge of pollutants including but not limited to, toxic and hazardous substances, into coastal waters will conform to State and National water

quality standards.

Municipal, industrial and commercial discharges include not only "end-of-the pipe" discharges into surface and groundwater but also plant site runoff, leaching, spillages, sludge and other waste disposal, and drainage from raw material storage sites. Also, the regulated industrial discharges are both those which directly empty into receiving coastal waters and those which pass through municipal treatment systems before reaching the Town's waterways.

Policy 31 State coastal area policies and purposes of approved Local Waterfront Revitalization Programs will be considered while reviewing coastal water classifications and while modifying water quality standards; however, those waters already overburdened with contaminants will be recognized as being a development constraint.

The water quality classifications for Lake Erie and streams flowing through the Town of Evans waterfront area, as identified in the Inventory and Analysis section, E. Hydrology, are appropriate to the policies and the proposed land and water uses for the Town's waterfront area and should be maintained. There are no waters overburdened with contaminants within the Town's waterfront area.

Policy 32 Encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high, given the size of the existing tax base of these communities.

In shoreline areas, such as the 55-acre County-owned parcel at Sturgeon Point and the large private land holding between Wendt Beach and the Sturgeon Point residential community, the Town will require large lot development which can accommodate septic systems or package treatment plants until public sewer hookups are financially feasible. Minimum lot sizes for any dwelling in these areas shall be 15,000 square feet. (See also Policy 5).

Policy 33 Best management practice will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters.

Best management practices include both structural and non-structural methods of preventing or mitigating pollution caused by the discharge of stormwater runoff and combined sewer overflows. At present, structural approaches to controlling stormwater runoff (e.g., construction of retention basins) and combined sewer overflows(e.g., replacement of combined system with separate sanitary and stormwater collection systems) are not economically feasible. Until funding for such projects becomes available, non-structural approaches will be encouraged.

In the Town of Evans various open space reservation and drainage easement areas have been identified along the waterfront at Big Sister Creek, Little Sister Creek, Pike Creek, Delaware Creek, Muddy Creek, Fern Brook, Reisch Creek, two unnamed streams, and Eighteen Mile Creek. Specific reference should be made to the Land Use Plan (Section IV, Maps 9A-9C) for an exact delineation of these areas. Guidelines for determining the consistency of proposed actions located within these areas with this policy are as follows:

1. A proposed structure or building must not impede the flow of floodwater or otherwise cause damage to life or property.

2. The proposed structure or building would not interfere with the maintenance of adequate drainage channels and ponding areas to carry abnormal flows of stormwater in periods of heavy precipitation.

3. No use of land shall be permitted which change or alters existing surface drainage patterns as they affect an abutting property owner.

See also Policy 11 and Section IV.A., Proposed Uses.

Policy 34 Discharge of waste materials into coastal waters from vessels will be limited so as to protect significant fish and wildlife habitats, recreational areas and water supply areas.

The discharge of sewage, garbage, rubbish, and other solid and liquid materials from watercraft and marinas into the State's waters is regulated. Priority will be given to the enforcement of this Law in such areas as the significant habitats, beaches, and public water supply intakes located within the Town of Evans waterfront area, which need protection from contamination by vessel wastes. Also, specific effluent standards for marine toilets have been promulgated by the Department of Environmental Conservation (6 NYCRR,Part 657). To further discourage the discharge of vessel waste materials into the lake waters, pump-out facilities will be required at the Sturgeon Point Marina.

Policy 35 Dredging and dredge spoil disposal in coastal waters will be undertaken in a manner that meets existing State dredging permit requirements, and protects signficant fish and wildlife habitats, scenic resources, natural

protective features, important agricultural lands, and wetlands.

Dredging often proves to be essential for waterfront revitalization and development, maintaining navigation channels at sufficient depths, pollutant removal and meeting other coastal management needs. Such dredging projects, however, may adversely affect water quality, fish and wildlife habitats, wetlands and other important coastal resources. Often these adverse effects can be minimized through careful design and timing of the dredging operation and proper siting of the dredge spoil disposal site. State dredging permits will be granted if it has been satisfactorily demonstrated that these anticipated adverse effects have been reduced to levels which satisfy dredging standards set forth in regulations developed pursuant to Environmental Conservation Law, (Articles 15, 24, 25, and 34), and are consistent with policies pertaining to the protection of coastal resources (policies 7A, 12, 15, 25, 25A, 26 and 44).

Policy 36 Activities related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills into coastal waters; all practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution for damages will be required when these spills occur.

The storage of petroleum and petroleum products is prohibited within the waterfront area, unless used by an occupant for agricultural purposes. All activities within the Town of Evans waterfront area which are subject to this policy shall furthermore comply with all applicable State and Federal regulations.

Policy 37 Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into coastal waters.

See Policy 33.

Policy 38 The quality and quantity of surface water and groundwater supplies, will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.

Lake Erie is the major source of drinking water in the Town of Evans and therefore must be protected. Much of the Town of Evans waterfront area is serviced by a high technology sanitary sewer system and all commercial and industrial discharges are regulated by State and Federal law. See also Policies 5, 32 and 33.

Policy 39 The transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within coastal areas will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural lands and scenic resources.

The terms "solid wastes" and "solid waste management facilities"are defined in New York's Solid Waste Management Act (Environmental Conservation Law, Article 27). Solid wastes include sludges from air or water pollution control facilities, demolition and construction debris and industrial and commercial wastes. The term "hazardous waste" is defined under Policy 8.

Hazardous wastes include unwanted by-products of manufacturing processes generally characterized as being flammable, corrosive, reactive, or toxic.

No storage of solid waste is permitted in the Town of Evans waterfront area, except in the Brant-Evans Agricultual District in the southeast sector of the waterfront area. There are no existing treatment facilities or known disposal sites, nor are such facilities appropriate to the waterfront area. Any transport of solid waste in the waterfront must comply with State and Federal regulations and ensure the protection of the Town's water resources, fish and wildlife habitats, recreation areas, agricultural lands, wetlands, and scenic resources.

<u>Policy 40</u> Effluent discharged from major steam electric generating and industrial facilitis into coastal waters will not be unduly injurious to fish and wildlife and shall conform to State water quality standards.

Since there are no major steam electric generating or industrial facilities existing or planned in the waterfront area, this State Coastal Policy is not applicable.

<u>Policy 41</u> Land use or development in the coastal area will not cause National or State air quality standards to be violated.

The Town's Local Waterfront Revitalization Program incorporates the air quality policies and programs developed for the State by the Department of Environmental Conservation pursuant to the Clean Air Act and State Laws on air quality. The requirements of the Clean Air Act are the minimum air quality control requirements applicable within the waterfront area.

To the extent possible, the State Implementation Plan will be consistent with the land and water use policies of this local program. Conversely, program decisions with regard to specific land and water use proposals and any recommendations with regard to specific sites for major new or expanded energy, transportation, or commercial facilities will reflect an assessment of their compliance with the air quality requirements of the State Implementation Plan.

Policy 42 Coastal management policies will be considered if the State reclassifies land areas pursuant to the prevention of significant deterioration regulations of the Federal Clean Air Act.

The policies of this program concerning proposed land and water uses and the protection and preservation of coastal resources will be taken into account prior to any action to change prevention of significant deterioration land classifications in the coastal region or adjacent areas.

Policy 43 Land use or development in the coastal area must not cause the generation of significant amounts of the acid rain precursors: nitrates and sulfates.

The Town's Local Waterfront Revitalization Program incorporates the State's policies on acid rain. As such, the local program will assist in the State's efforts to control acid rain. These efforts to control acid rain will enhance the continued viability of coastal fisheries, wildlife, agricultural, scenic and water resources.

Policy 44 Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.

Policy 44A Preserve and protect the wetlands in Wendt Beach County Park and adjacent to Anthony J. Schmidt Elementary School, as identified on the NYS DEC draft wetlands inventory map for the Town of Evans.

The Town of Evans waterfront area includes part of a Class II weltand (AN-3) in the southeastern portion of Wendt Beach Park and another Class II wetland (AN-4) on privately owned land in the Lake Erie Beach area adjacent to the Anthony J. Schmidt Elementary School. (The wetlands are generally depicted in the Inventory and Analysis section on Maps 5 and 5C.) The benefits derived from the preservation of these wetlands include but are not limited to: habitat for wildlife; erosion, flood and storm control; natural pollution treatment; groundwater protection; recreational opportunities; educational and scientific opportunities; and aesthetic open space.

Any proposed activities or development which may affect these wetlands will be subject to State regulations under the Freshwater Wetlands Act (Environmental Conservation Law - Article 24).

SECTION IV

PROPOSED LAND AND WATER USES AND BENEFITS

TOWN OF EVANS

PROPOSED LAND AND WATER USES

A. LAND USES (See Map Series 9)

The Town of Evans Waterfront Revitalization Area is largely residential in character, with estates, summer residences, and tax-exempt institutional properties. Smaller scale commercial uses are scattered along the southern half of the Town's lakefront. Beaches are common, and five public parks occupy portions of the shoreline.

For descriptive purposes, the Evans waterfront has been divided from north to south into the following sub-areas:

1. Highland/Derby
2. Sturgeon Point
3. Angola on the Lake
4. Grandview Bay
5. Point Breeze/Lake Erie Beach

Proposed land uses for these areas are categorized as residential, commercial, institutional, and recreation/open space. Further elaboration regarding the nature of residential uses is provided in the following narrative descriptions for each sub-area. With respect to recreation/open space uses, such land consists for the most part of large public parks, such land consists for the most part of large public parks, such as Wendt Beach and Bennett Beach, and environmentally sensitive lands where development is severely restricted or not allowed,

such as bluffs and beaches. Where land categorized as recreation/open space is privately owned, such as Camp Lakeland and the Point Breeze campground, recreation uses are expected to continue for the forseeable future. It should be noted, however, that residential uses are also an acceptable use of such lands, provided that the open space characteristics are maintained to the extent possible.

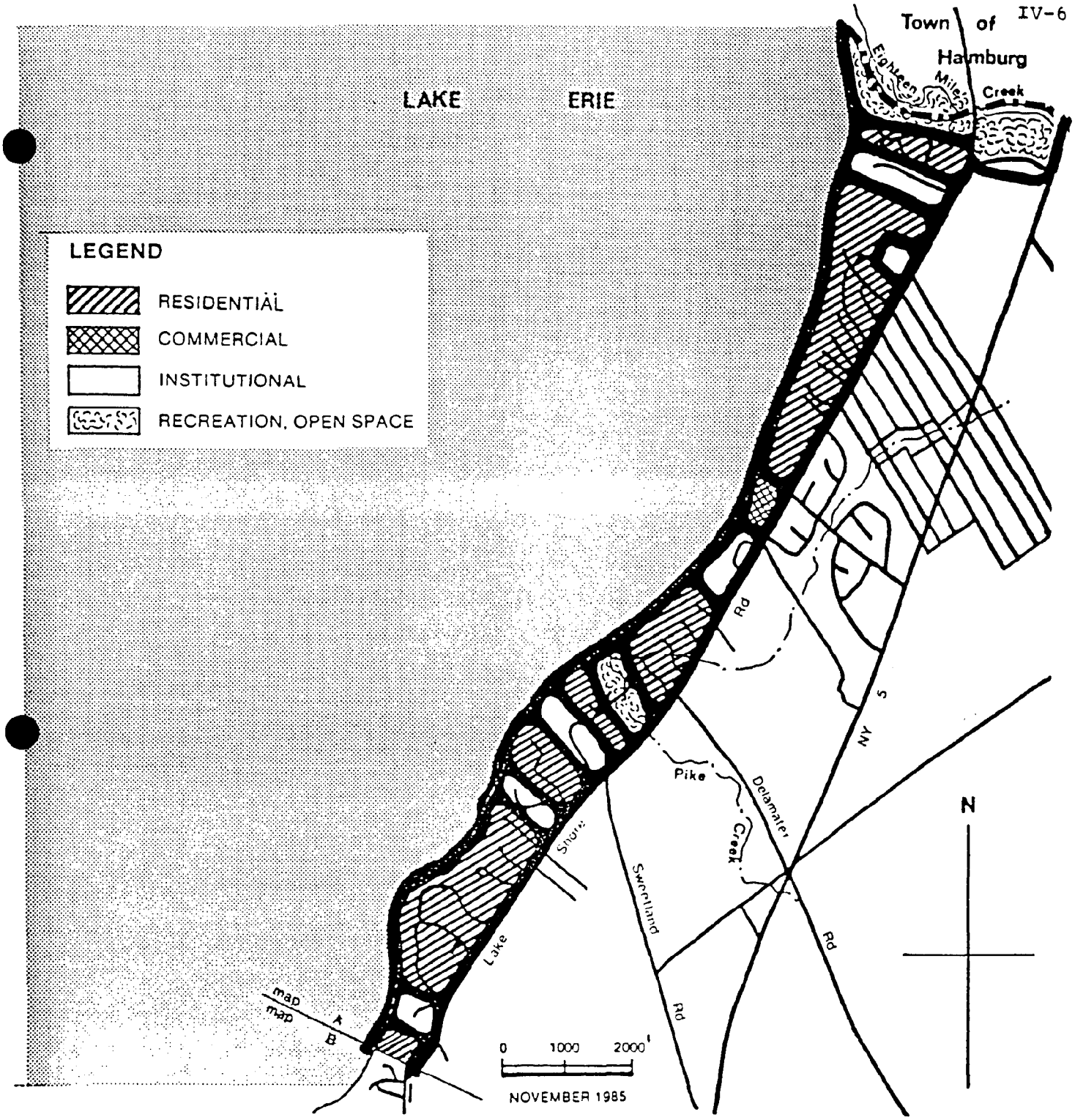
1. Highland/Derby

Most of the shoreline is occupied by large residential estates; several are now used by tax-exempt institutions. In addition, a contemporary townhouse development has been constructed on the bluffs overlooking Eighteen Mile Creek. Undeveloped sections of shoreline occur infrequently. Residential densities of 3 to 4 units per acre typify much of this sub-area of the Town's Waterfront Revitalization Area. Commercial activity is practically nonexistent.

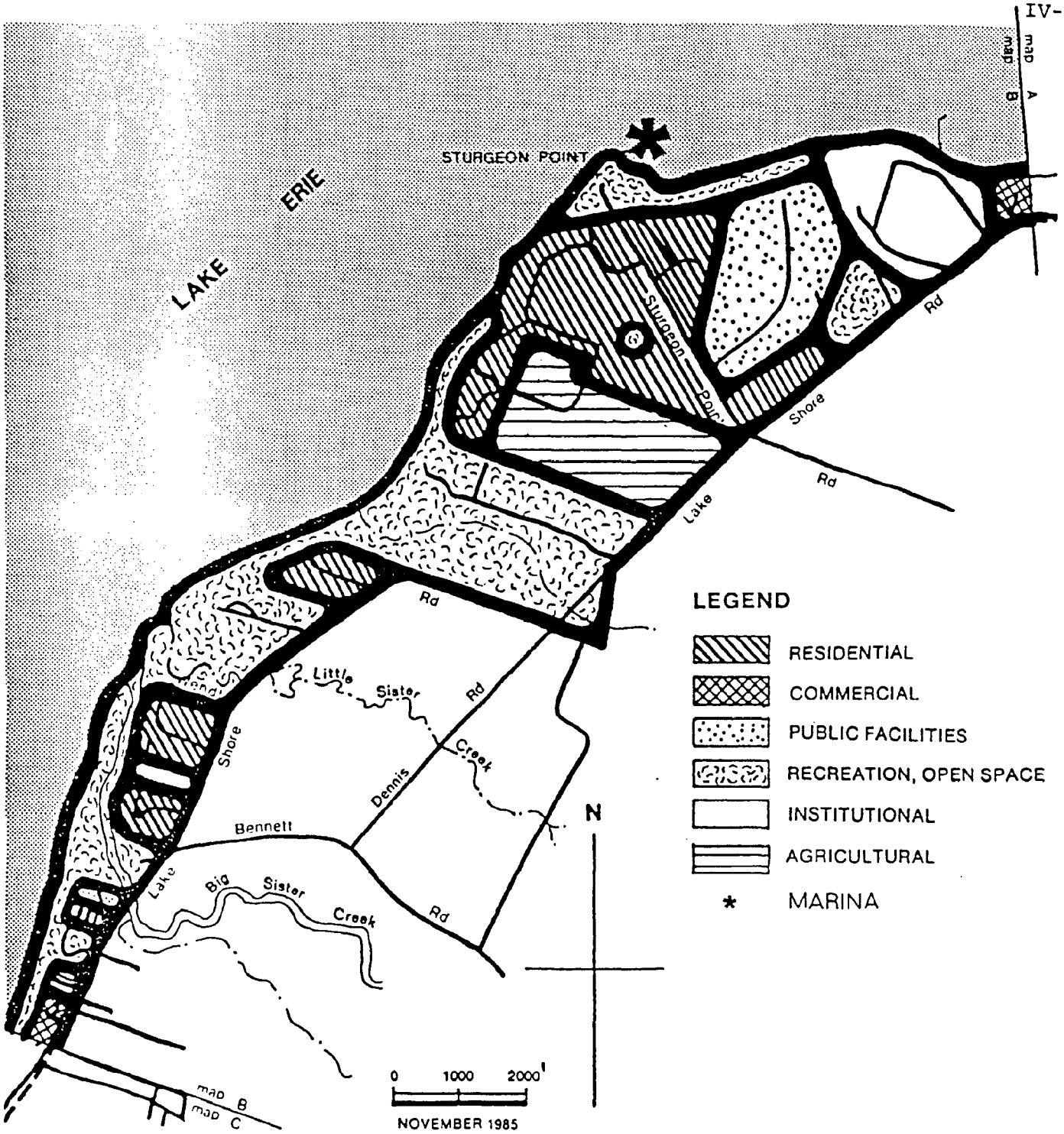
The land use plan proposes a continuation of existing development patterns in the Highland/Derby area. Preservation of the Eighteen Mile Creek gorge as permanent open space is proposed; due to its environmental sensitivity, public use of this unique area must be carefully evaluated. A resource management plan prepared jointly with the Town of Hamburg could identify appropriate guidelines for its future use.

2. Sturgeon Point

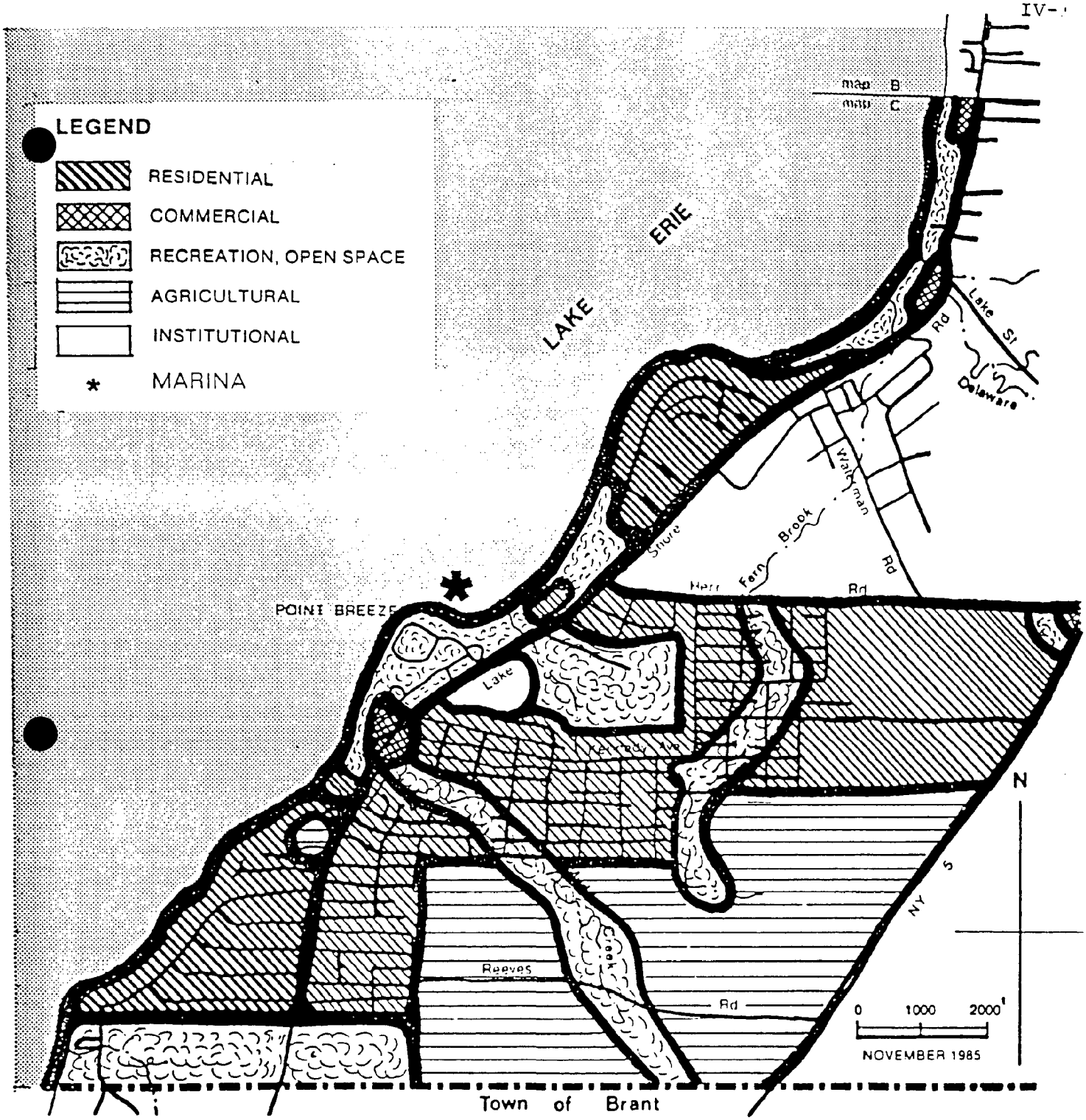
The Sturgeon Point area presents the most significant opportunity for future development of any area along the Town of Evans waterfront. Substantial improvements to the



LOCAL WATERFRONT REVITALIZATION PROGRAM ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING STUART ALEXANDER AND ASSOCIATES, PLANNERS/ LANDSCAPE ARCHITECTS	MAP 9A **LAND USE PLAN** TOWN OF EVANS



LOCAL WATERFRONT REVITALIZATION PROGRAM ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING STUART ALEXANDER AND ASSOCIATES, PLANNERS/ LANDSCAPE ARCHITECTS	MAP 9B **LAND USE PLAN** TOWN OF EVANS



LOCAL WATERFRONT REVITALIZATION PROGRAM ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING STUART ALEXANDER AND ASSOCIATES, PLANNERS/ LANDSCAPE ARCHITECTS	MAP 9C **LAND USE PLAN** TOWN OF EVANS

* The Point Breeze Marina is included as a proposed use on the assumption that the Town Board accepts the FEIS and subsequently issues the necessary local approvals. Should the Board disapprove the project, the inclusion of the use on this map is deleted.

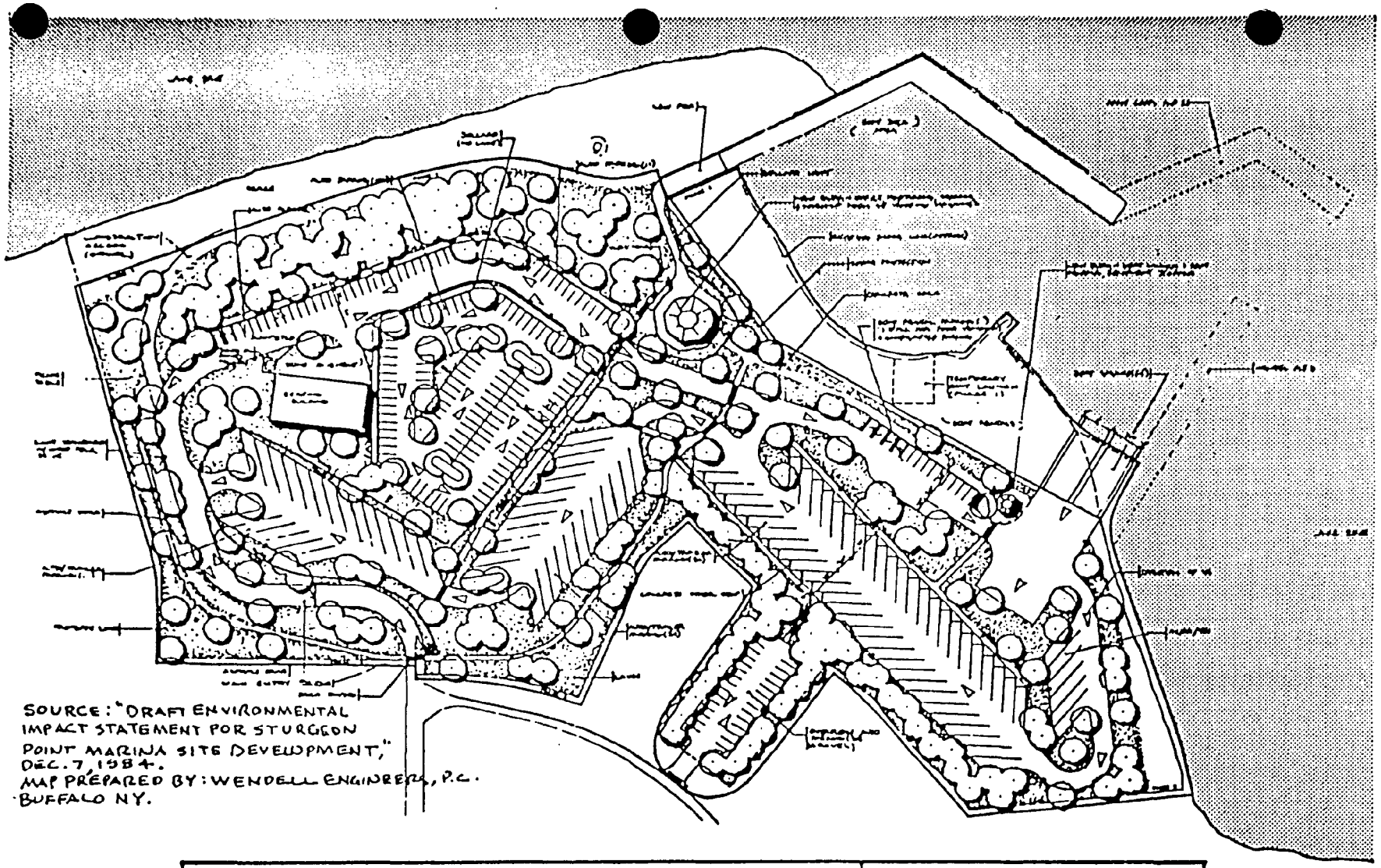
Town marina will result in the creation of a high-quality harbor of refuge accommodating 200 moored boat. Reference should be made to Map 10 for a graphic description of the Plan. The Erie County Water Authority property, which covers 75 acres, is only partially occupied by treatment facilities and remains an opportunity for additional recreational development. Finally, the 55-acre undeveloped County-owned parcel (including 1,400' of shoreline) provides a substantial opportunity for eventual private residential development.

Proposed land uses reinforce existing patterns. The 55-acre County-owned parcel is recommended for single-family residential development overlooking the shoreline characterized by a 3 to 4 unit per acre density. Portions of this parcel might also be used for future marina needs and water enhanced commercial uses. It should be noted that in the long term the residential density may be increased should public sewers become available. Such a density increase would require modifications to the Town Zoning Ordinance. Use of a portion of the Water Authority property for public recreation is also proposed.

Elsewhere, existing single-family residential patterns are to be maintained. Also, existing agricultural activities are proposed to remain; however, should such activities eventually terminate, a conversion of these lands to low-density single-family residential use should be considered with densities of one to three units per acre.

3. <u>Angola-on-the-Lake:</u>

In general, proposed land uses reinforce existing



LOCAL WATERFRONT REVITALIZATION PROGRAM

ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING

MAP 10

STURGEON POINT MARINA CONCEPTUAL PLAN

TOWN OF EVANS

patterns. In this respect, residential densities of 1 to 4 units per acre are proposed. Expansion and further diversification of recreation facilities is recommended. The introduction of overnight camping at County-maintained parks should be considered. Improved fishing access to Big Sister Creek at Bennett Beach is proposed. Continued use of Town-owned boat ramps for day launches at Purvis Landing and at Wendt Road is also recommended.

4. Grandview Bay:

Existing uses are stable and well-established. A continuation of these land use patterns is proposed. Residential densities of 3 to 4 units per acre are proposed, similar in nature to existing densities.

5. Point Breeze/Lake Erie Beach:

Overall land use patterns in the area will be maintained. Principal recommendations for this area address the need for continued physical improvement efforts. The Lake Erie Beach community is a recipient of Community Development Block Grant funding for rehabilitation of infrastructure and buildings. Residential densities of 2 to 3 units per acre characterize this sub-area.

As a component of this effort, it is further proposed that a major improvement project be implemented at the mouth of Muddy Creek which would create a significant public recreation area. This Lake Erie Beach Park would include a sand beach, playground, parking, picnic grounds, comfort station, and extensive landscaping which will transform an underutilized parcel into a valuable scenic and recreation

resource serving as a focus for continuing neighborhood revitalization efforts. Additional improvements to the Muddy Creek channel will assist in alleviating seasonal flooding that affects numerous residential properties in the Lake Erie Beach community. This concept plan is described in detail under "proposed projects".

Finally, a new 300 slip marina at the Point Breeze Campground has been proposed by a private individual. Such a marina is currently undergoing the environmental review process. Issues such as impact on surrounding neighborhood, sand deprivation to adjacent beaches, and water quality are being addressed. The proposed marina's consistency with the LWRP policies cannot be determined until a draft EIS has been completed and above issues addressed.

B. Water Uses

Of the uses envisioned for Lake Erie adjacent to the Town of Evans, recreation uses form the dominant component. Swimming is popular at Evangola, Evans, Bennett Beach, and Wendt Beach parks, as well as at numerous private beaches. Additional public swimming opportunities are proposed at Lake Erie Beach. Sturgeon Point is a major regional focus of sport fishing activities. Big Sister and Eighteen Mile Creeks also have important fish habitats popular with area fishermen. The Sturgeon Point Marina as well as numerous privately-owned boat launch ramps provide access for pleasure boaters.

TOWN OF EVANS

PROPOSED PUBLIC AND PRIVATE PROJECTS

PROPOSED PROJECT 1: LAKE ERIE BEACH

A project featuring a joint public-private undertaking is proposed for the Town of Evans Waterfront Revitalization Area:

A. The Site

Lake Erie Beach is a privately-owned 5.3 acre parcel near the southern end of the Town of Evans waterfront area (See Map 11). The parcel (owned by the Lake Erie Beach Property Owners Association) contains a 200' wide, 600' long beach and a community center. Muddy Creek traverses the southern third of the parcel, meandering across the beach to an outlet in Lake Erie. Much of the south bank of the creek is a relatively steep feature roughly 8' to 10' in height. The area south of the creek contains numerous mature trees. A narrow dirt road enters the site in this area from Lake Shore Road and provides access to the beach. North of the creek, most of the parcel is occupied by the beach. Terrain slopes gently downwards to the lake from Lake Shore Road. A small grassy area immediately north of the creek includes a deteriorated picnic shelter. Two small roadways enter the site and provide access to the beach and the community center. The inland boundary of the parcel adjoins several small commercial establishments.

The site is located within a densely-developed residential neighborhood containing both seasonal and year-round

structures. Much of this neighborhood is drained by Muddy Creek, which is associated with seasonal flooding.

B. The Plan: (See Map 12):

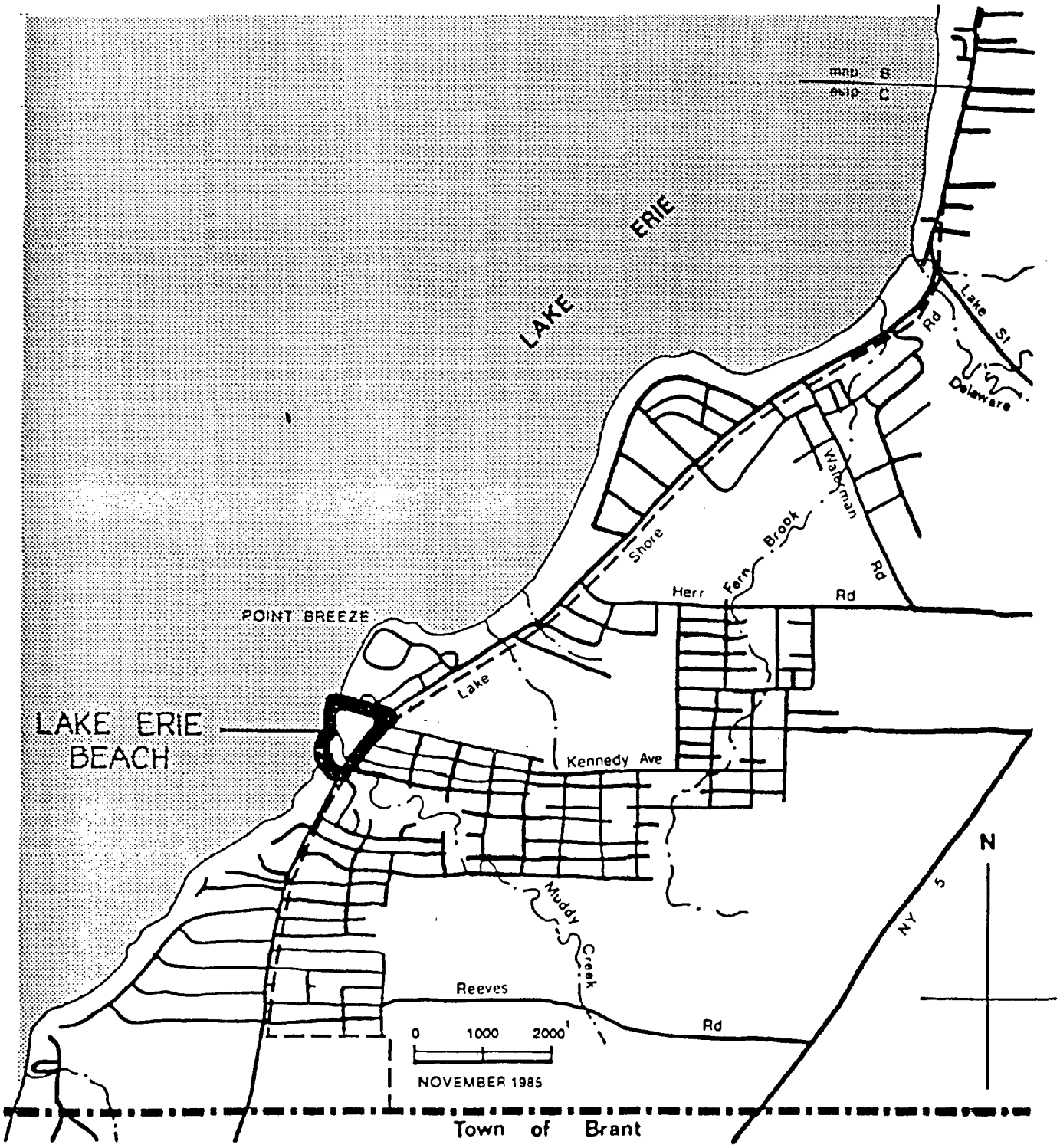
The proposed concept plan prepared for Lake Erie Beach emphasizes development of an intensively-used bathing beach to primarily serve neighborhood residents. Additional facilities to complement the beach include play equipment, picnic areas, and parking.

C. Costs:

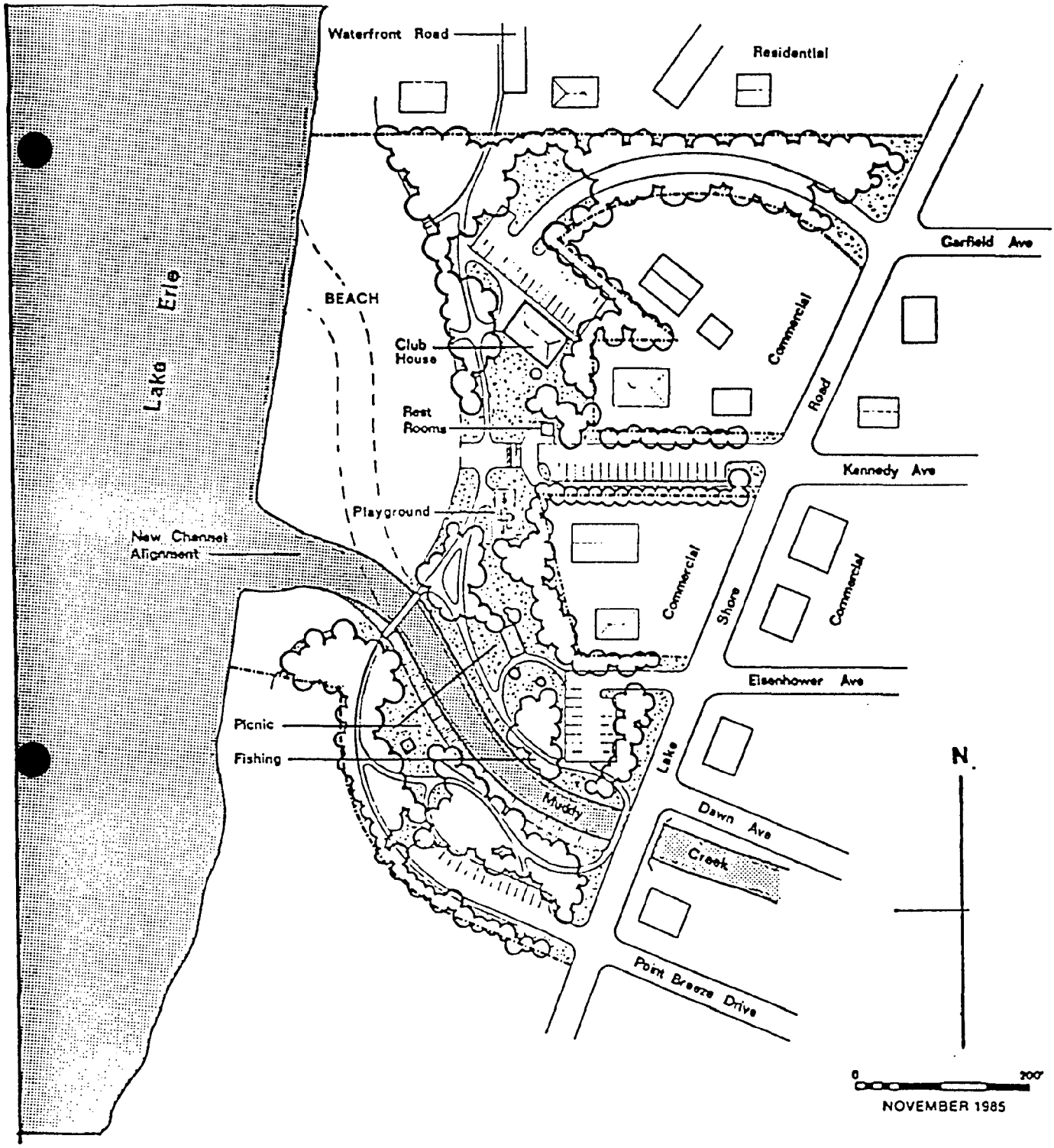
Item	Quantity	Cost
Site Preparation	200,000 S.F.	$ 4,600
Roadways	25,000 S.F.	22,500
Parking	39,400 S.F.	
59,100		
Pathways	12,000 S.F.	
18,000		
Stairs		2,000
Bridge		
25,000		
*Creek Alignment/Channel Stabilization		12,500
Play Equipment		8,000
Restrooms	400 S.F.	12,000
Utilities	300 L.F.	16,000
Shelters	2	10,000
Furniture		4,000
Lifeguard Tower	1	1,000
Grading and Seeding	140,000 S.F.	7,000
Misc. Grubbing, Clearing Rip-Rap		25,900
Landscaping		10,000
		237,600
	Contingencies (10%)	23,200
	Fees	25,000
	Total	285,000

*Preliminary Estimate: Subject to detailed engineering analysis.

Note: Annual operating and maintenance costs for all facilities are estimated at $85,000.



LOCAL WATERFRONT REVITALIZATION PROGRAM ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING STUART ALEXANDER AND ASSOCIATES, PLANNERS/ LANDSCAPE ARCHITECTS	MAP 11 **PROJECT LOCATION** TOWN OF EVANS



LOCAL WATERFRONT REVITALIZATION PROGRAM

ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING

STUART ALEXANDER AND ASSOCIATES, PLANNERS/ LANDSCAPE ARCHITECTS

MAP 12

CONCEPT PLAN: LAKE ERIE BEACH

TOWN OF EVANS

D. Phasing:

A three-phased development is recommended for Lake Erie Beach Park as follows:

Phase 1:

Initial improvements are concentrated on the beach and parking facilities along Kennedy Avenue. Restrooms, landscaping improvements, pathways, stairs, and a lifeguard tower are recommended. In addition, realignment of Muddy Creek and the installation of a pedestrian bridge should be undertaken. The total Phase I costs are estimated at $142,750. (Note: At this time, creek channel stabilization is anticipated to consist of rip-rap. However, a detailed hydraulic study of Muddy Creek is required to determine the most appropriate stabilization technique. The cost of such a study is approximately $1,200).

Phase 2:

Picnic and fishing improvements along both banks of Muddy Creek are recommended. Parking, pathways, shelters, furniture, and landscaping would be provided. A playground would also be installed. Total Phase 2 costs are estimated at $86,900.

Phase 3:

Efforts would be concentrated in the nothern half of the park near the community center. Roadway and parking improvements,landscaping, pathways, and furniture would be installed. Total Phase 3 costs are estimated at $56,150.

Construction is anticipated to occur during the 1990-1992 construction seasons.

Proposed Project 2: STURGEON POINT RESIDENTIAL DEVELOPMENT

The description which follows outlines a potential long-range private development opportunity on 53 acres of county-owned land along Sturgeon Point Road overlooking Lake Erie.

A. The Site

Erie County presently owns an irregularly shaped 53 acre parcel immediately west of the County Water Authority Treatment Plant (Refer to Map 7B). The parcel is bisected by Sturgeon Point Road, which runs southest to northwest. The northern section includes a 1400' length of shoreline along the crest of a 50' high bluff overlooking the nearby Sturgeon Point Marina. Low density residential development occurs along the western and southwestern edges of the parcel. Land to the south is largely undeveloped or agricultural. The site is covered with a mixture of woodland and brush. Topography is generally level.

B. The Concept:

As one of the few remaining undeveloped sites along the Erie County lakeshore, an opportunity exists to develop a residential communiy of 100 to 150 housing units. Such a development would return exempt land to the Town of Evans tax base, and would capitalize upon an underutilized waterfront site. Presently, the lack of sanitary sewers in the vicinity makes immediate

development unfeasible. Over the long term (10 years), capital improvements to the infrastructure system will permit the potential of this site to be realized.

Any such development will be set back from the edge of the bluff a distance sufficient enough to ensure preservation of the natural protective value of the bluff, as well as to provide the opportuntiy for public access and to maintain the scenic quality of the area.

SECTION V

TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM

TOWN OF EVANS

TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM

The Town of Evans currently has in place a number of statutory, financial, and administrative mechanisms to assist in the implementation of adopted waterfront plans and policies. These include zoning, subdivision regulation, environmental review, and floodplain management and permit requirements; capital budgeting a well as funding for operation, maintenance, and staffing of public facilities; and ongoing operations of the Town Planning Board, which also functions as the Local Waterfront Advisory Committee.

The following pages briefly describe existing implementation mechanisms, and list additional mechanisms for realization of local waterfront policy objectives.

A. LOCAL LAWS AND REGULATION NECESSARY TO IMPLEMENT THE LWRP

1. Existing Local Laws and Regulations

a. Zoning Law of the Town of Evans:

This local law divides the Town into ten categories of zoning districts and regulates uses, densities, bulk, open spaces, and parking requirements. The Planning Board is authorized to undertake site plan reviews in an advisory capacity to the Town Board.

The Zoning Law serves to implement the following policies:

1. Policy 5 - Re: Location of Development in Area Where Public Services are available - The lands within the Coastal Zone which are not serviced by public sewers are all zoned for large lot development. This directs the more intensive uses to other areas.

2. Policy 11A - Re: Flooding within Special Flood Hazard Areas. The existing zoning ordinance prohibits most ues from areas prone to periodic flooding.

3. Policy 26 -Re: Agricultural Protection. The area within the coastal zone subject to this policy is zoned for residential-agricultural use.

4. Policy 32 - Re: Use of Alternative Sanitary waste systems. See item No. 1 above.

5. Policy 33 - Re: Stormwater Runoff Control - the Zoning Ordinance prohibits land uses which change or alter existing surface drainage patterns as they affect abutting property.

6. Policy 36 - Re: Shipment and Storage of Petroleum and Other Hazardous Materials. Except for agricultural purposes the storage of these materials is prohibited in the coastal zone pursuant to the Zoning Ordianance requirements.

7. Policy 39 - Re: Transport Storage, etc. of Solid Wastes - Except for the southeast sector of the coastal zone no solid waste facilities are permitted pursuant to the Zoning Ordinance.

B. Subdivision of Land Ordinance:

This local law establishes design standards and review procedures for land subdivision and development proposals, regulating items such as roadways, lot configuration, drainage easements and utility easements. The Planning Board functions in an advisory capacity on matters concerning site plan reviews, and forwards its recommendations to the Town Board for final approval (Section 20A-1).

The Subdivision of Land Ordinance aids in implementing the following LWRP policies.

1. Policy 33 - Re: Stormwater Runoff Control - The ordinance requires easements where a subdivision is travered by a watercourse, drainage way or channel. The easement must conform to the lines of the watercourse or wider, depending on drainage requirements.

2. Policy 11A - Re: Flooding Within Special Flood Hazard Areas. The ordinance prohibits platting of land for residential use or other uses on lands subject to flooding.

C. Floodplain Law

This local law restricts development in flood hazard areas and floodways identified by the Federal Insurance Administration. The law assists in implementing the following LWRP Policies:

1. Policy 11A - Re: Flooding In Special Flood Hazard

Areas - Restrictions are placed on building construction techniques to protect property and human safety in certain areas subject to flooding.

2. Policy 17 - Re: Use ot Non-Structural Measures to Minimize Flooding and Erosion Damage. The law includes requirements for flood proofing buildings such as construction above the base flood level.

D. Littering of Beaches Law:

This law prohibits the carrying or discarding of any glass containers on or adjacent to any of the Lake Erie beaches within the Town.

This law serves to implement the following LWRP policy.

1. Policy 25 - Re: Protection of Natural Resources Which contribute to Scenic Quality. The law ensures that unsightly debris and litter are prohibited from Town beaches. These represent a significant scenic resource to the community which should not be despoiled.

2. <u>ADDITIONAL LOCAL LAWS AND REGULATIONS</u>

a. <u>Environmental Quality Review Law Revisions</u>

This local law requires the Planning Board to review all Type I and unlisted actions within the waterfront revitalization area for consistency with LWRP policies. A copy of the law is shown in Appendix B.

The law serves to implement the following LWRP policies.

1. Policy 1A Re: Lake Erie Beach Revitalization

2. Policy 1B Re: Redevelopment of Sturgeon Point Marina

In reviewing actions affecting the above two areas the Planning Board would apply those guidelines listed under the policy explanation relative to policy 1A and 1B.

3. Policy 2 Re: Water Dependent Use; In reviewing land and water uses proposed for the coastal zone the Planning Board will apply the guidelines listed in the explanation for policy 2.

4. Policy 5 Re: Development in Areas served by Public Services; the Planning Board will examine proposals relative to capacity of existing road network and sewerage disposal plans.

5. Policy 7A - Re: Protection of Fish Habitats at Sturgeon Point, Eighteen Mile Creek, and Big Sister Creek. The Planning Board will ensure that actions do not destroy or impair fish habitats in these areas.

6. Policy 9 - Re: Expand Recreational Fishing at Eighteen Mile Creek, Big Sister Creek, and Sturgeon Point. The Planning Board shall apply the guidelines listed under the explanation for policy 9.

7. Policy 19A and 19B Re: Access at Various Public Shoreline Recreation Areas. The Planning Board shall apply the guidelines listed under the explanation for policy 19 when reviewing actions against this policy.

8. Policy 20 Re: Access to the Foreshore of Lake Erie.

The Planning Board shall apply guidelines listed under the explanation for policy 20 when reviewing actions against this policy.

9. Policy 22 Re: Multiple use of Shoreline. The Planning Board shall apply the guidelines listed under the explanation for policy 22 when reviewing actions against this policy.

10. Policy 33 Re: Stormwater Drainage. In reviewing actions against this policy the Planning Board shall use the guidelines listed under the explanation for policy 33.

B. OTHER PUBLIC AND PRIVATE ACTIONS NECESSARY TO IMPLEMENT THE LWRP.

1. Local Government Actions Necessary to Implement the LWRP

a. Public Property Retention/Acquisition
Shoreline property currently under public ownership and dedicated to recreational use (including Evangola, Wendt Beach, Bennett Beach, and Evans Town Parks, as well as the Sturgeon Point Marina and boat launch access points at Wendt Road and Purvis Landing) will be retained for public shoreline access. In addition, the Town will encourage efforts to develop portions of Erie County Water Authority property for recreational facilities.

The Town will undertake efforts to provide additional shoreline access facilities at Lake Erie and along Eighteen Mile Creek.

b. Municipal Budgeting:

The Town will continue to reserve funds for the construction and ongoing maintenance of public parks and facilities within the waterfront revitalization area. Maintenance of drainage channels and public infrastructure will also be regularly undertaken.

c. Non-Local Funding:

The Town will continue to identify State and Federal programs and other funding sources which may become available to implement waterfront development projects and plans such as the proposed Lake Erie Beach Park. Relevant programs are listed under "Federal and State Programs Likely to Affect Implementation." Town personnel will assist in the preparation of specific grant applications to secure such funding.

d. Eighteen Mile Creek Resource Management Study:

In cooperation with the Town of Hamburg a resource management study for Eighteen Mile Creek will be undertaken. The Erie County Department of Environment and Planning has also identified the need for such a plan in their 1983 report entitled "Erie County Sport Fisherty Management Plan". The major purpose of the undertaking will be the continued preservation of the fish habitat and the archaeological, scenic, and recreational values of the area.

Funding assistance through the New York State Local Waterfront Revitalization Program will be sought for the program. A secondary approach to securing resources for plan completion will be to approach Erie County for technical assistance. The Town of Evans will aim at completing the plan in 1988.

The resource management plan will identify opportunities for controlled access to the gorge for fishing enthusiasts within the framework of private land ownership, land constraints and limited parking areas.

2. Private Actions Necessary to Implement the LWRP

An opportunity for private investment exists in the Sturgeon Point area, primarily on a 53 acre Erie County-owned parcel adjacent to the Sturgeon Point Marina. This parcel is suited for residential development and would generate substantial benefits to the municipal tax base.

In order to successfully implement the proposed Lake Erie Beach Park, the cooperation of the private Lake Erie Beach Property Owners Association (the current owner of the parcel) will be necessary. Transfer of title from the current owner to the Town is anticipated to be a requirement.

C. MANAGEMENT STRUCTURE NECESSARY TO IMPLEMENT THE LWRP

1. Overall Program Coordination

Successful implementation of the Local Waterfront Revitalization Program will require the participation of the Town Board, Zoning Board of Appeals,and Building Inspector.

The Town will continue to actively participate in the Erie County Waterfront Task Force which serves as a vehicle for intermunicipal coordination.

The Town Supervisor's office will serve as the lead local contact for the LWRP. The office will be responsible for ensuring that all waterfront related action are properly reviewed by the Town Planning Board for consistency with shoreline policies. The office will also be the contact for all correspondence with NYSDOS regarding the program.

2. Management Reponsibilities

a. Planning Board:

The Planning Board or other designated lead agency will review all type I and unlisted proposed public and private actions within the waterfront area to ensure compatability with adopted waterfront policies. The Planning Board will also determine the necessity for various technical studies, and initiate efforts to identify and implement various public and private projects that further enhance waterfront revitalization.

b. Town Board:

The Town Board will enact and amend local laws affecting the implementation of waterfront policy objectives, including adoption of the municipal budget.

c. Building Inspector:

The staff and resources of the Building Inspector's Office will provide necessary technical support to the Planning Board as requested. Such support will include environmental reviews.

d. Local Procedures for Review of Proposed Local Actions:

All Type I and unlisted actions proposed by the public and private sector within the waterfront area will be subject to scrutiny by the Planning Board for consistency with adopted waterfront policies. Reference should be made to Attachment B and the local SEQR Law - Section 6B-9 for a clear description of local compliance.

e. Local Procedures for Review of Proposed State and Federal Actions:

Any State or federal actions within the Town's waterfront area will be submitted to the Town Supervisor for subsequent referral to the Town Planning Board for review against the local LWRP. The Town Supervisor will also distribute, if appropriate, the proposed action

to other Town departments, (e.g. engineering, law) for review. Upon receipt of comments, the Town will forward a response to the appropriate State or federal agency.

IMPLEMENTATION BLUEPRINT

1.	REGULATORY CHANGES		
	o Environmental Quality Review Law Revisions	Town of Evans	1986
2.	CAPITAL PROJECT		
	o Sturgeon Point Marina		
	- Funding	Town of Evans Corps of Engineers	1985-86
	- Design	Town of Evans Corps of Engineers	1985-86
	- Construction	Town of Evans Corps of Engineers	1987-89
	- Owner	Town of Evans	
	o Lake Erie Beach		
	- Acquisition	Town of Evans	1988
	- Concept Plan	Town of Evans	1988
	- Funding Secured	Town of Evans	1989
	- Design	Town of Evans	1989-90
	- Construction	Town of Evans	1990-92
	- Owner	Town of Evans	
3.	PLANNING ACTIONS		
	o Eighteen Mile Creek	Town of Evans, Town of Hamburg Erie County	1988

SECTION VI

FEDERAL AND STATE PROGRAMS LIKELY TO AFFECT IMPLEMENTATION

FEDERAL AND STATE PROGRAMS LIKELY TO AFFECT IMPLEMENTATION

A. FEDERAL ACTIONS AND PROGRAMS WHICH SHOULD BE CARRIED OUT IN A MANNER CONSISTENT WITH THE LWRP.

The following is a list of Federal actions and programs which are to be undertaken in a manner consistent with the LWRP. The actions and programs are listed under three categories: (1) Direct Federal activities and development projects, (2) Federal licenses and permits, and (3) Federal assistance.

DEPARTMENT OF COMMERCE

National Marine Fisheries Services

1.00 Fisheries Management Plans

DEPARTMENT OF DEFENSE

Army Corps of Engineers

1.00 Proposed authorizations for dredging, channel improvements, breakwaters, other navigational works, or erosion control structures, beach replenishment, dams or flood control works, ice management practices and activities, and other projects with potential to impract coastal lands and waters.

2.00 Land acquisition for spoil disposal or other purposes.

3.00 Selection of open water disposal sites.

Army, Navy and Air Force

4.00 Location, design, and acquisition of new or expanded defense installations (active or reserve status, including associated housing, transprotation or other facilities).

5.00 Plans, procedures and facilities for landing or storage use zones.

6.00 Establishment of impact, compatability or restricted use zones.

DEPARTMENT OF ENERGY

1.00 Prohibition orders.

GENERAL SERVICES ADMINISTRATION

1.00 Acquisition, location and design of proposed Federal Government property or buildings, whether leased or owned by the Federal Government.

2.00 Disposition of Federal surplus lands and structures.

DEPARTMENT OF INTERIOR

Fish and Wildlife Service

1.00 Management of National Wildlife refuges and proposed acquisitions.

National Park Service

3.00 National Park and Seashore management and proposed acquisitions.

DEPARTMENT OF TRANSPORTATION

Amtrak, Conrail

1.00 Expansions, curtailments, new construction, upgradings or abandonments of railroad facilities or services, in or affecting the State's coastal area.

Coast Guard

2.00 Location and design, construction or enlargement of Coast Guard stations, bases, and lighthouses.

3.00 Location, placement or removal of navigation devices which are not part of the routine operations under the Aids to Navigation Program (ATON).

4.00 Expansion, abandonment, designation or anchorages, lightering areas or shipping lanes and ice management practices and activities.

Federal Aviation Administration

5.00 Location and design, construction, maintenance, and demolition of Federal aids to air navigation.

Federal Highway Administration

6.00 Highway construction.

FEDERAL LICENSES AND PERMITS

DEPARTMENT OF DEFENSE

Army Corps of Engineers

1.00 Construction of dams, dikes or ditches across navigable waters, or obstruction or alteration of navigable waters required under Sections 9 and 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401, 403).

2.00 Establishment of harbor lines pursuant to Section 11 of the Rivers and Harbors Act of 1899 (33 U.S.C. 404, 405).

3.00 Occupation of seawall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the U.S. pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408).

4.00 Approval of plans for improvements made at private expense under USACE supervision pursuant to the Rivers and Harbors Act of 1902 (33 U.S.C. 565).

5.00 Disposal of dredged spoils into the waters of the U.S., pursuant to the Clean Water Act, Section 404, (33 U.S.C. 1344).

6.00 All actions for which permits are required pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

7.00 Construction of artificial islands and fixed structures in Long Island Sound pursuant to Section 4(f) of the River and Harbors Act of 1912 (33 U.S.C.).

DEPARTMENT OF ENERGY

Economic Regulatory Commission

1.00 Regulation of gas pipelines, and licensing of import or export of natural gas pursuant to the Natural Gas Act (15 U.S.C. 717) and the Energy Reorganization Act of 1974.

2.00 Exemptions from prohibition orders.

Federal Energy Regulatory Commission

3.00 Licenses for non-Federal hydroelectric projects and primary transmission lines under Sections 3(11), 4(e) and 15 of the Federal Power Act (16 U.S.C. 796(11), 797(11) and 808).

4.00 Orders for interconnection of electric transmission facilities under Section 202(b) of the Federal Power Act (15 U.S.C. 824a(b)).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission (continued)

5.00 Certificates for the construction and operation of interstate natural gas pipeline facilities, including both pipelines and terminal facilities under Section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)).

6.00 Permission and approval for the abandonment of natural gas pipeline facilities under Section 7(b) of the Natural Gas Act (15 U.S.C. 717f(b)).

ENVIRONMENTAL PROTECTION AGENCY

1.00 NPDES permits and other permits for Federal installations, discharges in contiguous zones and ocean waters, sludge runoff and aquaculture permits pursuant to Section 401, 402, 403, 405, and 318 of the Federal Water Pollution Control Act of 1972 (33 U.S.C. 1341, 1342, 1343, and 1328).

2.00 Permits pursuant to the Resources Recovery and Conservation Act of 1976.

3.00 Permits pursuant to the underground injection control program under Section 1424 of the Safe Water Drinking Water Act (42 U.S.C. 300h-c).

4.00 Permits pursuant to the Clean Air Act of 1976 (42 U.S.C. 1857).

DEPARTMENT OF INTERIOR

Fish and Wildlife Services

1.00 Endangered species permits pursuant to the Endangered Species Act (16 U.S.C. 153(a)).

Mineral Management Service

2.00 Permits to drill, rights of use and easements for construction and maintenance of pipelines, gathering and flow lines and associated structures pursuant to 43 U.S.C. 1334, exploration and development plans, and any other permits or authorizations granted for activities described in detail in OCS exploration, development, and production plans.

3.00 Permits required for pipelines crossing federal lands, including OCS lands, and associated activities pursuant to the OCS Lands Act (43 U.S.C. 1334) and 43 U.S.C. 931 (c) and 20 U.S.C. 185.

INTERSTATE COMMERCE COMMISSION

1.00 Authority to abandon railway lines (to the extent that the abandonment involves removal of trackage and disposition of right-of-way); authority to construct railroads; authority to construct coal slurry pipelines.

NUCLEAR REGULATORY COMMISSION

1.00 Licensing and certification of the siting, construction and operation of nuclear power plans pursuant to Atomic Energy Act of 1954, Title II of the Energy Reorganization Act of 1974 and the National Environmental Policy Act of 1969.

DEPARTMENT OF TRANSPORTATION

Coast Guard

1.00 Construction or modification of bridges, causeways or pipelines over navigable waters pursuant to 49 U.S.C. 1455.

2.00 Permits for Deepwater Ports pursuant to the Deepwater Ports Act of 1974 (33 U.S.C. 1501).

Federal Aviation Administration

3.00 Permits and licenses for construction, operation or alteration of airports.

FEDERAL ASSISTANCE*

DEPARTMENT OF AGRICULTURE

10.068	Rural Clean Water Program
10.409	Irrigation, Drainage, and Other Soil and Water Conservation Loans
10.410	Low to Moderate Income Housing Loans
10.411	Rural Housing Site Loans
10.413	Recreation Facility Loans
10.414	Resource Conservation and Development Loans
10.415	Rural Rental Housing Loans
10.416	Soil and Water Loans
10.418	Water and Waste Disposal Systems for Rural Communities
10.419	Watershed Protection and Flood Prevention Loans
10.422	Business and Industrial Loans
10.423	Community Facilities Loans
10.424	Industrial Development Grants
10.426	Area Development Assistance Planning Grants
10.429	Above Moderate Income Housing Loans
10.430	Energy Impacted Area Development Assistance Program
10.901	Resource Conservation and Development
10.902	Soil and Water Conservation
10.904	Watershed Protection and Flood Prevention
10.906	River Basin Surveys and Investigations

DEPARTMENT OF COMMERCE

11.300	Economic Development - Grants and Loans for Public Works and Development Facilities
11.301	Economic Development - Business Development Assistance
11.302	Economic Development - Support for Planning Organizations
11.304	Economic Development - State and Local Economic Development Planning
11.305	Economic Development - State and Local Economic Development Planning
11.307	Special Economic Development and Adjustment Assistance Program - Long Term Economic Deterioration
11.308	Grants to States for Supplemental and Basic Funding of Titles I, II, III, IV, and V Activities
11.405	Anadromous and Great Lakes Fisheries Conservation
11.407	Commercial Fisheries Research and Develoment
11.417	Sea Grant Support
11.427	Fisheries Development and Utilization - Research and Demonstration Grants and Cooperative Agreements Program
11.501	Development and Promotion of Ports and Intermodal Transportation
11.509	Development and Promotion of Domestic Waterborne Transport Systems

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

14.112	Mortgage Insurance - Construction or Substantial Rehabilitation of Condominium Projects
14.115	Mortgage Insurance - Development of Sales Type Cooperative Projects
14.117	Mortgage Insurance - Homes
14.124	Mortgage Insurance - Investor Sponsored Cooperative Housing
14.125	Mortgage Insurance - Land Development and New Communities
14.126	Mortgage Insurance - Management Type Cooperative Projects
14.127	Mortgage Insurance - Mobile Home Parks
14.218	Community Development Block Grants/Entitlement Grants
14.219	Community Development Block Grants/Small Cities Program
14.221	Urban Development Action Grants
14.223	Indian Community Development Block Grant Program

DEPARTMENT OF INTERIOR

15.400	Outdoor Recreation - Acquisition, Development and Planning
15.402	Outdoor Recreation - Technical Assistance
15.403	Disposal of Federal Surplus Real Property for Parks, Recreation, and Historic Monuments
15.411	Historic Preservation Grants-In-Aid
15.417	Urban Park and Recreation Recovery Program
15.600	Anadromous Fish Conservation
15.605	Fish Restoration
15.611	Wildlife Restoration
15.613	Marine Mammal Grant Program
15.802	Minerals Discovery Loan Program
15.950	National Water Research and Development Program
15.951	Water Resources Research and Technology - Assistance to State Institutes
15.592	Water Research and Technology - Matching Funds to State Institutes

DEPARTMENT OF TRANSPORTATION

20.102	Airport Development Aid Program
20.103	Airport Planning Grant Program
20.205	Highway Research, Planning, and Construction
20.309	Railroad Rehabilitation and Improvement - Guarantee of Obligations
20.310	Railroad Rehabilitation and Improvement - Redeemable Preference Shares
20.506	Urban Mass Transportation Demonstration Grants
20.509	Public Transportation for Rural and Small Urban Areas

GENERAL SERVICES ADMINISTRATION

39.002 Disposal of Federal Surplus Real Property

COMMUNITY SERVICES ADMINISTRAITON

49.002 Community Action
49.011 Community Economic Development
49.013 State Economic Opportunity Offices
49.017 Rural Development Loan Fund
49.018 Housing and Community Development (Rural Housing)

SMALL BUSINESS ADMINISTRATION

59.012 Small Business Loans
59.013 State and Local Development Company Loans
59.024 Water Pollution Control Loans
59.025 Air Pollution Control Loans
59.031 Small Business Pollution Control Financing Guarantee

ENVIRONMENTAL PROTECTION AGENCY

66.001 Air Pollution Control Program Grants
66.418 Construction Grants for Wastewater Treatment Works
66.426 Water Pollution Control - State and Areawide Water Quality Managment Planning Agency
66.451 Solid and Hazardous Waste Management Program Support Grants
66.452 Solid Waste Management Demonstration Grants
66.600 Environmental Protection Consolidated Grants Program Support Comprehensive Environmental Response, Compensation and Liability (Super Fund)

*Numbers refer to the Catalog of Federal Domestic Assistance Programs, 1980 and its two subsequent updates.

B. STATE ACTIONS AND PROGRAMS WHICH SHOULD BE CARRIED OUT IN A MANNER CONSISTENT WITH THE LWRP.

The following is a generic list of State agency programs and activities, as identified by the NYS Department of State, which should be undertaken in a manner consistent with approved LWRPs. It should be noted that some of these programs and activities may not be relevant to the City of Lackawanna waterfront revitalization area.

Pursuant to Article 42 of the Executive Law, the Secretary of State individually and separately notifies affected State agencies of those agency programs and activities which are to be undertaken in a manner consistent with approved LWRPs. The following list is informational only and does not represent or substitute for the notification required by Article 42.

DEPARTMENT OF COMMERCE

1.00 Preparation or revision of statewide or specific plans to address S economic development needs.

2.00 Allocation of the state tax-free bonding reserve.

DEPARTMENT OF CORRECTIONAL SERVICES

1.00 Facilities construction, rehabilitation, expansion, or demolition or funding of such activities.

DORMITORY AUTHORITY OF THE STATE OF NEW YORK

1.00 Financing of higher education and health care facilities.

2.00 Planning and design services assistance program.

6.00 Implementation of the Environmental Quality Bond Act of 1972, including:

(a) Water Quality Improvement Projects
(b) Land Preservation and Improvement Projects including Wetland Preservation and Restoration Projects, Unique Area Preservation Projects, Metropolitan Parks Projects, Open Space Preservation Projects and Waterways Projects.

7.00 Marine Finfish and Shellfish Programs.

8.00 New York Harbor Drift Removal Project.

9.00 Permit and approval programs:

Air Resources

9.01 Certificate of Approval for Air Pollution Episode Action Plan
9.02 Certificate of Compliance for Tax Relief - Air Pollution Control Facility
9.03 Certificate to Operate: Stationary Combustion Installation; Incinerator; Process, Exhaust or Ventilation System
9.04 Permit for Burial of Radioactive Material
9.05 Permit for Discharge of Radioactive Material to Sanitary Sewer
9.06 Permit for Restricted Burning
9.07 Permit to Construct: a Stationary Combustion Installation; Incinerator; Indirect Source of Air Contamination; Process, Exhaust or Ventilation System

Construction Management

9.08 Approval of Plans and Specifications for Wastewater Treatment Facilities.

Fish and Wildlife

9.09 Certificate to Possess and Sell Hatchery Trout in New York State
9.10 Commercial Inland Fisheries Licenses
9.11 Fishing Preserve License
9.12 Fur Breeder's License
9.13 Game Dealer's License
9.14 Licenses to Breed Domestic Game Animals
9.15 License to Possess and Sell Live Game
9.16 Permit to Import, Transport and/or Export under Section 184.1 (11-0511)
9.17 Permit to Raise and Sell Trout
9.18 Private Bass Hatchery Permit
9.19 Shooting Preserve Licenses
9.20 Taxidermy License

Lands and Forest

9.21 Certificate of Environmental Safety (Liquid Natural Gas and Liquid Petroleum Gas)
9.22 Floating Object Permit
9.23 Marine Regatta Permit
9.24 Mining Permit
9.25 Navigation Aid Permit
9.26 Permit to Plug and Abandon (a non-commercial oil, gas or solution mining well)
9.27 Permit to Use Chemicals for the Control or Elimination of Aquatic Insects
9.28 Permit to Use Chemicals for the Control or Elimination of Aquatic Vegetation
9.29 Permit to Use Chemicals for the Control or Extermination of Undesirable Fish
9.30 Underground Storage Permit (Gas)
9.31 Well Drilling Permit (Oil, Gas, and Solution Salt Mining)

Marine Resources

9.32 Digger's Permit (Shellfish)
9.33 License of Menhaden Fishing Vessel
9.34 License for Non-Resident Food Fishing Vessel
9.35 Non-Resident Lobster Permit
9.36 Marine Hatchery and/or Off-Bottom Culture Shellfish Permits
9.37 Permits to Take Blue-Claw Crabs
9.38 Permit to Use Pond or Trap Net
9.39 Resident Commercial Lobster Permit
9.40 Shellfish Bed Permit
9.41 Shellfish Shipper's Permits
9.42 Special Permit to Take Surf Clams from Waters Other Than the Atlantic Ocean

Regulatory Affairs

9.43 Approval - Drainage Improvement District
9.44 Approval - Water (Diversions for) Power
9.45 Approval of Well System and Permit to Operate
9.46 Permit - Article 15, (Protection of Water) - Dam
9.47 Permit - Article 15, (Protection of Water) - Dock, Pier or Wharf
9.48 Permit - Article 15, (Protection of Water) - Dredge or Deposit Material in a Waterway
9.49 Permit - Article 15, (Protection of Water) - Stream Bed or Bank Disturbances
9.50 Permit - Article 15, Title 15 (Water Supply)
9.51 Permit - Article 24, (Freshwater Wetlands)
9.52 Permit - Article 25, (Tidal Wetlands)
9.53 River Improvement District approvals
9.54 River Regulatory District approvals
9.55 Well Drilling Certificate of Registration

EDUCATION DEPARTMENT

1.00 Facilities construction, rehabilitation, expansion, demolition or the funding of such activities.

2.00 Permit and approval programs:

2.01 Certificate of Incorporation (Regents Charter)
2.02 Private Business School Registration
2.03 Private School License
2.04 Registered Manufacturer of Drugs and/or Devices
2.05 Registered Pharmacy Certificate
2.06 Registered Wholesaler of Drugs and/or Devices
2.07 Registered Wholesaler-Repacker of Drugs and/or Devices
2.08 Storekeeper's Certificate

ENERGY PLANNING BOARD AND ENERGY OFFICE

1.00 Preparation and revision of the State Energy Master Plan.

NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY

1.00 Issuance of revenue bonds to finance pollution abatement modifications in power-generation facilities and various energy projects.

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of lands under the jurisdiction of the Department.

2.00 Classification of Waters Program; classification of land areas under the Clean Air Act.

3.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

4.00 Financial assistance/grant programs:

4.01 Capital projects for limiting air pollution
4.02 Cleanup of toxic waste dumps
4.03 Flood control, beach erosion and other water resource projects
4.04 Operating aid to municipal wastewater treatment facilities
4.05 Resource recovery and solid waste management capital projects
4.06 Wastewater treatment facilities

Solid Wastes

9.56 Permit to Construct and/or Operate a Solid Waste Management Facility
9.57 Septic Tank Cleaner and Industrial Waste Collector Permit

Water Resources

9.58 Approval of Plans for Wastewater Disposal Systems
9.59 Certificate of Approval of Realty Subdivision Plans
9.60 Certificate of Compliance (Industrial Wastewater Treatment Facility)
9.61 Letters of Certification for Major Onshore Petroleum Facility Oil Spill Prevention and Control Plan
9.62 Permit - Article 36, (Construction in Flood Hazard Areas)
9.63 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
9.64 Permit Granted (for Use of State Maintained Flood Control Land)
9.65 State Pollutant Discharge Elimination System (SPDES) Permit
9.66 401 Water Quality Certification

10.00 Preparation and revision of Air Pollution State Implementation Plan.

11.00 Preparation and revision of Continuous Executive Program Plan.

12.00 Preparation and revision of Statewide Environmental Plan.

13.00 Protection of Natural and Man-made Beauty Program.

14.00 Urban Fisheries Program.

15.00 Urban Forestry Program.

16.00 Urban Wildlife Program.

ENVIRONMENTAL FACILITIES CORPORATION

1.00 Financing program for pollution control facilities for industrial firms and small businesses.

FACILITIES DEVELOPMENT CORPORATION

1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

OFFICE OF GENERAL SERVICES

1.00 Administration of the Public Lands Law for acquisition and disposition of lands, grants of land and grants or 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.

2.00 Administration of Article 4-B, Public Buildings Law, in regard to the protection and management of State historic and cultural properties and State uses of buildings of historic, architectural or cultural significance.

3.00 Facilities construction, rehabilitation, expansion, or demolition.

DEPARTMENT OF HEALTH

1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

2.00 Permit and approval programs:

2.01 Approval of Completed Works for Public Water Supply Improvements
2.02 Approval of Plans for Public Water Supply Improvements.
2.03 Certificate of Need (Health Related Facility - except Hospitals)
2.04 Certificate of Need (Hospitals)
2.05 Operating Certificate (Diagnostic and Treatment Center)
2.06 Operating Certificate (Health Related Facility)
2.07 Operating Certificate (Hospice)
2.08 Operating Certificate (Hospital)
2.09 Operating Certificate (Nursing Home)
2.10 Permit to Operate a Children's Overnight or Day Camp
2.11 Permit to Operate a Migrant Labor Camp
2.12 Permit to Operate as a Retail Frozen Dessert Manufacturer
2.13 Permit to Operate a Service Food Establishment
2.14 Permit to Operate a Temporary Residence/Mass Gathering
2.15 Permit to Operate or Maintain a Swimming Pool or Public Bathing Beach
2.16 Permit to Operate Sanitary Facilities for Realty Subdivisions
2.17 Shared Health Facility Registration Certificate

DIVISION OF HOUSING AND COMMUNITY RENEWAL and its subsidiaries and affiliates

1.00 Facilities construction, rehabilitation, expansion, or demolition.

2.00 Financial assistance/grant programs:

2.01 Federal Housing Assistance Payments Programs (Section 8 Programs)
2.02 Housing Development Fund Programs
2.03 Neighborhood Preservation Companies Program
2.04 Public Housing Programs
2.05 Rural Initiatives Grant Program
2.06 Rural Preservation Companies Program

2.07 Rural Rental Assistance Program
2.08 Special Needs Demonstration Projects
2.09 Urban Initiatives Grant Program
2.10 Urban Renewal Programs

3.00 Preparation and implementation of plans to address housing and community renewal needs.

HOUSING FINANCE AGENCY

1.00 Funding programs for the construction, rehabilitation, or expansion of facilities.

JOB DEVELOPMENT AUTHORITY

1.00 Financing assistance programs for commercial and industrial facilities.

MEDICAL CARE FACILITIES FINANCING AGENCY

1.00 Financing of medical care facilities.

OFFICE OF MENTAL HEALTH

1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

2.00 Permit and approval programs:

2.01 Operating Certificate (Community Residence)
2.02 Operating Certificate (Family Care Homes)
2.03 Operating Certificate (Inpatient Facility)
2.04 Operating Certificate (Outpatient Facility)

OFFICE OF MENTAL RETARDATION AND DEVELOPMENT DISABILITIES

1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

2.00 Permit and approval programs:

NIAGARA FRONTIER TRANSPORTATION AUTHORITY [regional agency]

1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Authority.

2.00 Facilities construction, rehabilitation, expansion, or demolition.

3.00 Increases in special fares for transportation services to public water-related recreation resources.

OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION (including Regional State Park Commissions)

1.00 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the Office.

2.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

3.00 Funding program for recreational boating, safety and enforcement.

4.00 Funding program for State and local historic preservation projects.

5.00 Land and Water Conservation Fund programs.

6.00 Nomination of properties to the Federal and/or State Register of Historic Places.

7.00 Permit and approval programs:

7.01 Floating Objects Permit
7.02 Marine Regatta Permit
7.03 Navigation Aide Permit
7.04 Posting of Signs Outside State Parks

8.00 Preparation and revision of the Statewide Comprehensive Outdoor Recreation Plan and the Statewide Comprehensive Historic Preservation Plan and other plans for public access, recreation, historic preservation or related purposes.

9.00 Recreation services programs.

10.00 Urban Cultural Parks Program.

NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION

1.00 Corporation for Innovation Development Program.

2.00 Center for Advanced Technology Program.

DEPARTMENT OF SOCIAL SERVICES

1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

2.00 Homeless Housing and Assistance Program.

3.00 Permit and approval programs:

3.01 Certificate of Incorporation (Adult Residential Care Facilities)
3.02 Operating Certificate (Children's Services)
3.03 Operating Certificate (Enriched Housing Program)
3.04 Operating Certificate (Home for Adults)
3.05 Operating Certificate (Proprietary Home)
3.06 Operating Certificate (Public Home)
3.07 Operating Certificate (Special Care Home)
3.08 Permit to Operate a Day Care Center

4.05 Certificate of Convenience and Necessity to Operate a Railroad
4.06 Highway Work Permits
4.07 License to Operate Major Petroleum Facilities
4.08 Outdoor Advertising Permit (for off-premises advertising signs adjacent to interstate and primary highway)
4.09 Permits for Use and Occupancy of N.Y. State Canal Lands [except Regional Permits (Snow Dumping)]
4.10 Real Property Division Permit for Use of State-Owned Property

5.00 Preparation or revision of the Statewide Master Plan for Transportation and sub-area or special plans and studies related to the transportation needs of the State.

6.00 Water Operation and Maintenance Program--Activities related to the containment of petroleum spills and development of an emergency oil-spill control network.

URBAN DEVELOPMENT CORPORATION and its subsidiaries and affiliates

1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Corporation.

2.00 Construction, rehabilitation, expansion, or demolition of residential, commercial, industrial, and civic facilities and the funding of such activities, including but not limited to actions under the following programs:

(a) Tax-Exempt Financing Program
(b) Lease Collateral Program
(c) Lease Financial Program
(d) Targeted Investment Program
(e) Industrial Buildings Recycling Program

DIVISION OF YOUTH

1.00 Facilities construction, rehabilitation, expansion, or demolition and the funding or approval of such activities.

C. Federal and State Actions and Programs Necessary to Further the LWRP

1. Federal Actions and Programs

a. U.S. Army Corps of Engineers

(1) Financial assistance under the Improvements to Navigation Program for the Sturgeon Point Marina.

b. Department of Housing and Urban Development

(1) Financial assistance under the Community Development Block Grant Program to ensure continued drainage improvements and residential rehabilitation in the Lake Erie Beach community.

2. State Actions and Programs

a. Office of Parks, Recreation and Historic Preservation

(1) Financial assistance through the Federal Land and Water Conservation Fund as administered through OPR for development of a public park at Lake Erie Beach and Sturgeon Point Marina.

b. Environmental Conservation

(1) Complete an erosion hazard survey to assist the Town in determining the severity of their shoreline erosion problems and the need to impose a regulatory program as outlined in the NYS Coastal Erosion Management Act.

(2) Continue to finance and implement the Lake Erie Fisheries Management Plan and establish it as top priority within the Department.

(3) Issue permit for realignment and stabilization of the Muddy Creek channel through Lake Erie Beach under Article 15, Title V of the Protection of Waters Provision of the State Environmental Conservation Law.

c. Department of State

(1) Provide financial assistance through the Local Waterfront Revitalization Program for the design of a public park at Lake Erie Beach.

(2) Provide financial assistance through the Local Waterfront Revitalization Program for the preparation of a resources management plan for Eighteen Mile Creek.

(3) Provide financial assistance through the Local Waterfront Revitalization Program for a comprehensive Town of Evans drainage study.

d. Department of Transportation

(1) Maintain Seaway Trail signs at appropriate locations along NYS Rte. 5 to aid in the areas promotion as a tourist/retail corridor.

SECTION VII

CONSULTATION WITH OTHER AFFECTED FEDERAL, STATE, REGIONAL AND LOCAL AGENCIES

SECTION VII CONSULTATION WITH OTHER AFFECTED FEDERAL, STATE, REGIONAL AND LOCAL AGENCIES

I. DESCRIPTION OF CONSULTATION ACTIVITIES

A. METHOD

The Town of Evans has established and carried out several approaches for consulting with federal, state, regional and other local agencies that are affected by the development of a Town of Evans Local Waterfront Revitalization Program (LWRP). These approaches have been selected to facilitate understanding of the Town's waterfront program, promote information sharing, coordinate related Town and agency activities and resolve conflicts between the Town's LWRP and the policies and/or programs of these governmental agencies.

The approaches used include (1) establishment of the Erie County Waterfront Task Force (2) technical assistance consultations (3) supportive written communications.

1. <u>ERIE COUNTY WATERFRONT TASK FORCE MEETINGS</u>

- <u>Description</u>: Activities of the Task Force are detailed in Section VIII. Local Commitment. The Task Force was formed to assist in coordinating LWRP efforts among all waterfront municipalities in Erie County (including the

Towns of Brant, Evans, Hamburg, Tonawanda, Grand Island and the Cities of Lackawanna, Tonawanda and Buffalo). Representatives from these municipalities serve on the Task Force as well as representatives from all related agencies carrying out waterfront program policies or projects in Erie County. Another major function of the Task Force is to provide for an information exchange among both agency and LWRP municipal officials concerning each's waterfront concerns and interests.

- Meeting Schedule: The Erie County Waterfront Task Force has met three times since the beginning of LWRP development in the waterfront municipalities. The first meeting was held on August 1, 1984, the second meeting on February 2, 1984, and a third meeting on September 26, 1984.

- Accomplishments: The Erie County Task Force meetings provided a needed mechanism for information exchange and coordination of waterfront activities among government agencies and municipalities. It serves as an alert mechanism by which potentially controversial, inconsistent, duplicative efforts can be identified. Attendance at the meetings has been excellent. The support demonstrated by Task Force participants has established the Task Force as a viable, effective entity for coordinating waterfront planning on a Countywide basis. The attention the media has given these meetings is indicative of the Task

Force's meaningful role in waterfront planning.

2. TECHNICAL CONSULTATION

- Description: Issue oriented conversations have been held with several governmental agencies on a need basis concerning the development of the Town of Evans waterfront revitalization program.

- U.S. Army Corps of Engineers - Consultation has occurred with the U.S. Army Corps of Engineeers in relation to the Town's waterfront program because of the Corps involvement in developing the Sturgeon Point Marina and in relation to the Corps study of Muddy Creek in the Lake Erie Beach area. As projects progress, continuing involvement with the Corps of Engineers will be necessary.

II. CONFLICT RESOLUTION METHODS

A. METHOD

The consultation methods noted in Part I also provide a mechanism to resolve conflicts both general and municipality oriented concerning the Local Waterfront Revitalization Program. These methods include Erie County Waterfront Task Force meetings, agency consultations, and written communications.

In addition to these methods, two other conflict resolution methods have been utilized: 1) Erie County Waterfront Policy Plan and 2) SEQR Coastal Assessment.

1. ERIE COUNTY WATERFRONT POLICY PLAN:

This plan was prepared by the Erie County Department of Environment and Planning in 1983. The plan provides policies pertaining to waterfront management that focus on ensuring consistent and up to date approaches to waterfront issues facing the area. The plan has been used as a reference resource throughout the development of the municipal local waterfront revitalization pograms. The plan also will be used as a reference by which the County, through its integrated review process reviews appropriate local waterfront actions for consistency and impacts. This type of review enables the early identification of potential conflicts and recommends alternative actions or means to resolve the conflicts.

2. SEQR COASTAL ASSESSMENT:

It is anticipated that as part of the SEQR process the evaluation as required by the Coastal Assessment procedures will provide a major means to identify and resolve conflicts between federal, state and local agencies.

- New York State Department of Environmental Conservation - Due to the NYSDEC's participation in the Sturgeon Point Marina project there is continuous need to keep DEC informed of related waterfront program development issues. Planned activities in the Lake Erie Beach area concerning Muddy Creek realignment also requires information exchange. An official meeting was held with New York State DEC staff on May 3, 1984 concerning elements of the municipalities' waterfront programs. At the time, specifics of the Town of Evans program were explained re: policies, uses and projects.

- Coordination with LWRP's in adjacent waterfront municipalities: Town of Brant, Town of Hamburg. As part of waterfront program development in these three municipalities, there has been a special emphasis placed on assessing impacts each program might have on the other. Of particular interest is the impact of the Sturgeon Point marina project on the development of a marina in the Town of Hamburg.

- Briefing with elected federal, state, local officials representing the Town of Evans - These officials participate in Erie County Waterfront Task Force meetings and often they and/or their representatives attend advisory committee meetings. A special briefing session on the LWRP was held for County Legislators on April 16, 1984.

- Accomplishments: Consultation on the technical aspects of the Town of Evans program with all appropriate agencies and government representatives has proved necessary since few really understand the parameters of developing a local waterfront revitalization program. These conversations should help provide the basis for consistency with agency program and policies.

3. WRITTEN COMMUNICATIONS

- Description: In order to assure that all relevant waterfront agencies were kept informed of progress being made on the development of the local waterfront revitalization program, two methods were uesed as follows:

  1. Transmittal of Technical Memo: A technical memo

was sent to appropriate federal, state, and regional agencies on April 17, 1984 which reviewed all aspects of the Town's local waterfront revitalization program. Included was an explanation of the Town's waterfront policies, and coastal area projects, and program implementation techniques.

2. "Waterfront News" This quarterly information sheet provides a summary of ongoing activities concerning the development of the local waterfront revitalization program. The mailing list of approximately 250 includes all relevant waterfront agencies as well as elected representatives from waterfront municipalities.

B. ACCOMPLISHMENTS

The above techniques were an effective way to transmit pertinent information on the development of the Local Waterfront Revitalization Program. Responses to the technical review memo indicated an understanding and acceptance of the elements.

SECTION VIII
LOCAL COMMITMENT

SECTION VIII. LOCAL COMMITMENT

The Town of Evans has established and carried out in conjunction with Erie County and the other waterfront LWRP municipalities in Erie County procedures for obtaining local commitment to its Local Waterfront Revitalization Program. A two tier method was selected to facilitate understanding and commitment at the municipal level and also promote information sharing and coordination of LWRP's among all participating LWRP Erie County municipalities as well as with related waterfront agencies.

Two types of advisory committees comprise this two tier approach in the Town of Evans including (1) an intermunicipal Erie County Waterfront Task Force and (2) designation of the Town's Planning Board as the LWRP advisory committee.

These groups met throughout the LWRP preparation process and provided valuable guidance to Town and County officials. Two public meetings were also held to obtain citizen feedback.

COUNTY OF ERIE

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