City of North Tonawanda
Local Waterfront Revitalization Program

Adopted:
City of North Tonawanda Common Council, February 16, 1988

Approved:
NYS Secretary of State Gail S. Shaffer, April 1, 1988

Concurred:
U.S. Office of Ocean and Coastal Resource Management, September 7, 1988

STATE OF NEW YORK
DEPARTMENT OF STATE
ALBANY, N.Y. 12231-0001

GAIL S. SHAFFER
SECRETARY OF STATE

RECEIVED
MAR 8 1989
debra

February 28, 1989

Mr. James Burgess, Chief
Coastal Programs Division
Office of Ocean and Coastal
Resource Management
1825 Connecticut Avenue, NW
Washington, DC 20235

Dear Mr. Burgess:

Enclosed is the City of North Tonawanda Local Waterfront Revitalization Program (LWRP). The LWRP has been adopted by the municipality and approved by the New York State Secretary of State. In addition, your office has concurred on its incorporation into the State's Coastal Management Program as a routine program implementation action. Copies of this document are also being transmitted to State agencies, as well as selected federal, county, and local agencies.

Should you have any questions or concerns regarding this document, feel free to contact either myself or Charles McCaffrey of this office at (518) 474-9201.

Sincerely,

Charles McCaffrey Jr.
for

George R. Stafford
Director
Division of Coastal Resource
and Waterfront Revitalization

GRS:gn

Enclosure

City of North Tonawanda
Local Waterfront Revitalization Program

U.S. DEPARTMENT OF COMMERCE NOAA
COASTAL SERVICES CENTER
2234 SOUTH HOBSON AVENUE
CHARLESTON, SC 29405-2413

Property of CSC Library

HT168.N66 C58 1988
MAR 4 1999

Adopted:
City of North Tonawanda Common Council, February 16, 1988

Approved:
NYS Secretary of State Gail S. Shaffer, April 1, 1988

Concurred:
U.S. Office of Ocean and Coastal Resource Management, September 7, 1988

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, Division of Coastal Resources and Waterfront Revitalization, 162 Washington Avenue, New York 12231.

STATE OF NEW YORK
DEPARTMENT OF STATE
ALBANY, N.Y. 12231-0001

GAIL S SHAFFER
SECRETARY OF STATE

April 1, 1988

Honorable Elizabeth C. Hoffman
Mayor
City of North Tonawanda
City Hall
216 Payne Avenue
North Tonawanda, New York 14120

Mayor Hoffman:

It is with great pleasure that I inform you that, pursuant to the Waterfront Revitalization and Coastal Resources Act, I have approved the City of North Tonawanda 's Local Waterfront Revitalization Program (LWRP). The City 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 City '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 North Tonawanda LWRP.

Again, I would like to commend the City of North Tonawanda 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

U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
Office of Ocean and Coastal
Resource Management (OCRM)
Washington, D.C. 20235

7 SEP 1988

George Stafford
Director
Division of Coastal Resources
and Waterfront Revitalization
Department of State
162 Washington Street
Albany, N.Y. 12231

Dear Mr. Stafford:

The Office of Ocean and Coastal Resource Management concurs with your request to incorporate the City of North Tonawanda Local Waterfront Revitalization Program (LWRP) into the New York State Coastal Management Program as a routine program implementation change. We received five comments from Federal agencies, none objecting to incorporating the LWRP as a routine program implementation. This approval assumes you will make no further changes to the document in addition to the ones submitted.

In accordance with the Coastal Management Regulations, 15 CFR 923.84, Federal Consistency will apply to the City of North Tonawanda LWRP after you publish notice of our approval.

Sincerely,

for James P. Blizzard
Deputy Director

DEPARTMENT OF STATE
COASTAL PROGRAMS
APR 0 4 1988
RECEIVED

City of North Tonawanda
OFFICE OF THE MAYOR
CITY HALL
216 PAYNE AVENUE
NORTH TONAWANDA, N.Y. 14120

ELIZABETH C. HOFFMAN
Mayor

Telephone
695-8540

March 29, 1988

The Honorable Gail S. Shaffer
Secretary of State
162 Washington Avenue
Albany, New York 12231

Re: City of North Tonawanda
Local Waterfront Revitalization Program [LWRP]

Dear Secretary Shaffer:

On behalf of the City of North Tonawanda, I am pleased to send you the following LWRP documents:

[1] A certified copy of the Common Council resolution, passed on February 16, 1988, accepting the Finding Statement under the State Environmental Quality Review Act;

[2] The Local Consistency Law, Local Law 1 for 1988;

[3] A certification from the City Clerk that Mayor Elizabeth C. Hoffman approved the Consistency Law;

[4] A certified copy of the Common Council resolution, passed on February 16, 1988, amending the Zoning Ordinance to create a Waterfront District, and

[5] A certified copy of the Common Council resolution, passed on February 16, 1988, adopting the LWRP and authorizing Mayor Elizabeth C. Hoffman to transmit the LWRP to you, requesting approval of the Program.

The members of the Common Council and I want to thank Paula Ford, who assisted the City in initiating its LWRP, and Kevin Millington, who worked closely with Michele Tow throughout the development and review of the LWRP. Their assistance was very much appreciated by the City and Stuart I. Brown Associates.

The City looks forward to working on a continuing basis with representatives of the Coastal Management Program to improve our waterfront area.

Sincerely,

Elizabeth C. Hoffman
Mayor

ECH/saw
Encls: 5
C/no encls: Duane Sledzinski
David Sandel
Mark Narowski
C/w encls: Jeffrey Mis
Jeffrey Gosch
Stuart Brown
Michele Tow
File

City of North Tonawanda

OFFICE OF THE CITY CLERK
CITY HALL
216 PAYNE AVENUE
NORTH TONAWANDA, N.Y. 14120

GEORGE D. MAZIARZ
CITY CLERK

TELEPHONE
(716) 695-8555

February 23, 1988

To Whom It May Concern:

Please be advised that at the regular session of the Common Council of the City of North Tonawanda, held on the 16th day of February, 1988, the following resolution was duly adopted:

"MOVED by Alderman Jaccarino SECONDED by Alderman Narowski
RESOLVED, that the Common Council hereby adopts the Local Waterfront Revitalization Program (LWRP) and authorizes Mayor Elizabeth C. Hoffman to transmit the LWRP to the New York State Secretary of State, requesting her approval pursuant to Article 42 of New York State Executive Law.
Ayes: Narowski, Hood, Jaccarino, Sledzinski (4)
Nays: None (0)
CARRIED."

Very truly yours,

George D. Maziarz
City Clerk

GDM:jse

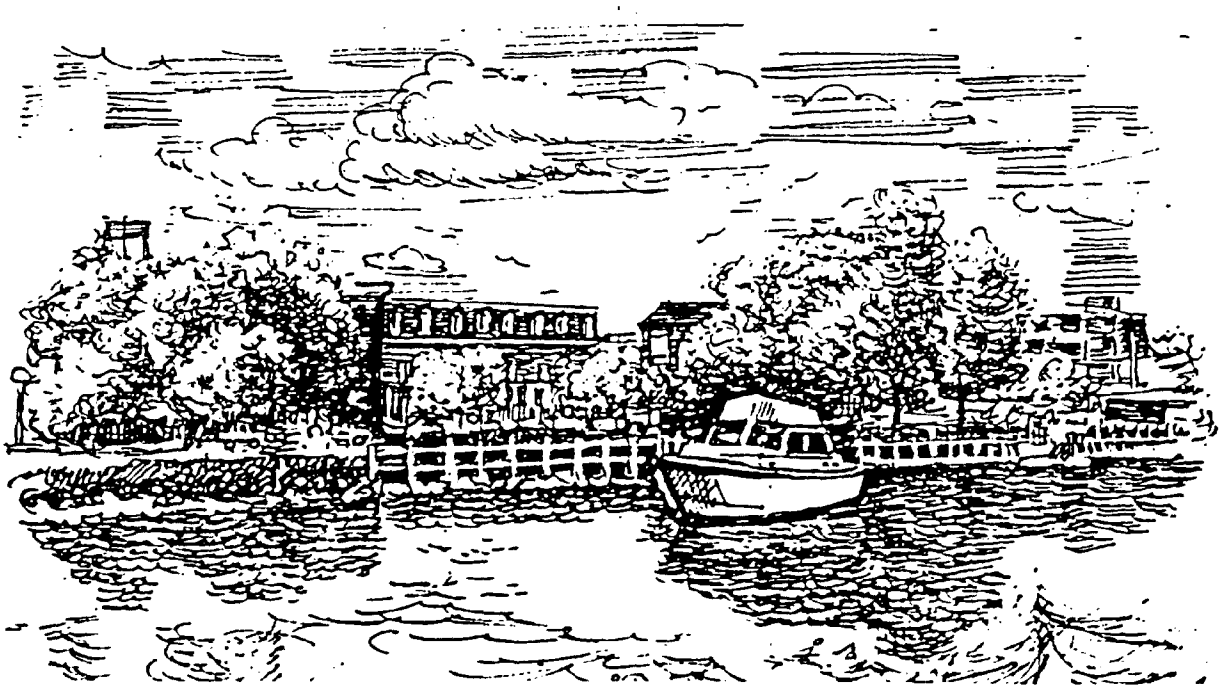
CITY OF NORTH TONAWANDA

LOCAL WATERFRONT REVITALIZATION PROGRAM

Prepared for the City of North Tonawanda

by

Stuart I. Brown Associates



CITY OF NORTH TONAWANDA

LOCAL WATERFRONT REVITALIZATION PROGRAM

This document 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.

April, 1988

NA-82-AA-D-CZ068

TABLE OF CONTENTS

Section	Title	Page No.
	List of Appendices	i
	List of Figures	ii
I	WATERFRONT REVITALIZATION AREA BOUNDARY	I-1 - I-7
II	INVENTORY AND ANALYSIS	
	- Regional Setting and Community Characteristics	II-3
	- Historic Setting	II-13
	- Methodology for Understanding the Inventory and Analysis	II-14
	- Coastal Zone - General Features	II-16
	- Land Use	II-23
	- Inventory of Major Parcels	II-34
	- Zoning	II-35
	- Land Ownership	II-47
	- Vacancy Analysis	II-47
	- Environmental Conditions	II-47
	- Utility Service	II-71
	- Circulation and Access	II-71
	- Major Recent and Proposed Waterfront Improvements	II-77
	- Overview of Previous Land Use Documents	II-85
	- Overview of Marketing Factors	II-87
	- Summary	II-95

TABLE OF CONTENTS

Section	Title	Page No.
III	WATERFRONT REVITALIZALIZATION PROGRAM POLICIES	
	- Development Policies	III-3
	- Fishing and Wildlife Policies	III-7
	- Flooding Policies	III-9
	- Public Access Policies	III-12
	- Recreation Policies	III-17
	- Historic and Scenic Resources Policies	III-20
	- Agricultural Lands Policies	III-23
	- Energy and Ice Management Policies	III-23
	- Water and Air Resources Policies	III-24
IV	PROPOSED USES AND PROJECTS	
	- Introduction	IV-3
	- Proposed Land Uses	IV-3
	- Proposed Water Uses	IV-19
V	TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM	
	- Local Laws and Regulations Necessary to Implement the LWRP	V-3
	- Other Public and Private Actions Necessary to Implement the LWRP	V-12
	- Management Structure Necessary to Implement the LWRP	V-38
	- Financial Resources Necessary to Implement the LWRP	V-39
VI	STATE AND FEDERAL ACTIONS AND PROGRAMS LIKELY TO AFFECT IMPLEMENTATION	
	- State and Federal Actions and Programs which should be Undertaken in a Manner Consistent with the LWRP	VI-4
	- Federal and State Programs Necessary to Further the LWRP	VI-24

TABLE OF CONTENTS

Section	Title	Page No.
VII	CONSULTATION WITH OTHER AFFECTED FEDERAL, STATE, REGIONAL AND LOCAL AGENCIES	
	- Description of Consultation Activities	VII-3
	- Conflict Resolution Methods	VII-6
VIII	ACTIVITIES TO SECURE LOCAL COMMITMENT	
	- Introduction	VIII-3
	- Procedures	VIII-3

Appendices

A	Results of Local Waterfront Revitalization Program Survey
B	Waterfront Zoning District
C	LWRP Consistency Law
D	Procedures for Coordinating State and Federal Consistency Determinations

LIST OF FIGURES

Number	Title	Page No.
1A	Waterfront Boundary	I-5
1B	Waterfront Boundary (Barge Canal East Sub-Area)	I-7
2	Regional Setting	II-5
3	Population in North Tonawanda, Niagara County and Erie County	II-7
4	Unemployment Rates for the U.S., Niagara County and Erie County	II-9
5	Labor Force Status in 1979, City of North Tonawanda	II-11
6A	Sub-Areas	II-17
6B	Sub-Areas (Barge Canal East Sub-Area)	II-19
7	Neighborhood Demographics	II-21
8	Land Use on the Waterfront by Sub-Area (Percentage)	II-25
9A	Land Use	II-27
9B	Land Use (Barge Canal East Sub Area)	II-29
10A	Major Waterfront Parcels	II-37
10B	Major Waterfront Parcels (Barge Canal East Sub-Area)	II-39
11	Major Waterfront Parcels - Key Features	II-41
12A	Potential for Land Use Change on Major Parcels	II-49
12B	Potential for Land Use Change on Major Parcels (Barge Canal East Sub-Area)	II-51
13A	Existing Zoning	II-53
13B	Existing Zoning (Barge Canal East Sub-Area)	II-55
14	Land Ownership by Sub-Area (Percent)	II-57

LIST OF FIGURES

Number	Title	Page No.
15A	Vacant Land Parcels	II-61
15B	Vacant Land Parcels (Barge Canal East Sub-Area)	II-63
16	Environmental Conditions	II-65
17	Environmental Conditions	II-73
18A	Major Recent and Planned Improvements	II-79
18B	Major Recent and Planned Improvements (Barge Canal East Sub-Area)	II-83
19	Housing Demand Projection - Niagara County	II-93
20A	Proposed Land Use - Projects	IV-5
20B	Proposed Land Use - Projects (Barge Canal East Sub-Area)	IV-7
21A	Proposed Land Use Concept	IV-9
21B	Proposed Land Use Concept (Barge Canal East Sub-Area)	IV-11
22A	Proposed Zoning	V-7
22B	Proposed Zoning (Barge Canal East Sub-Area)	V-9
23	Implementation Blueprint	V-13
24	Policy Implementation - Local Actions	V-23

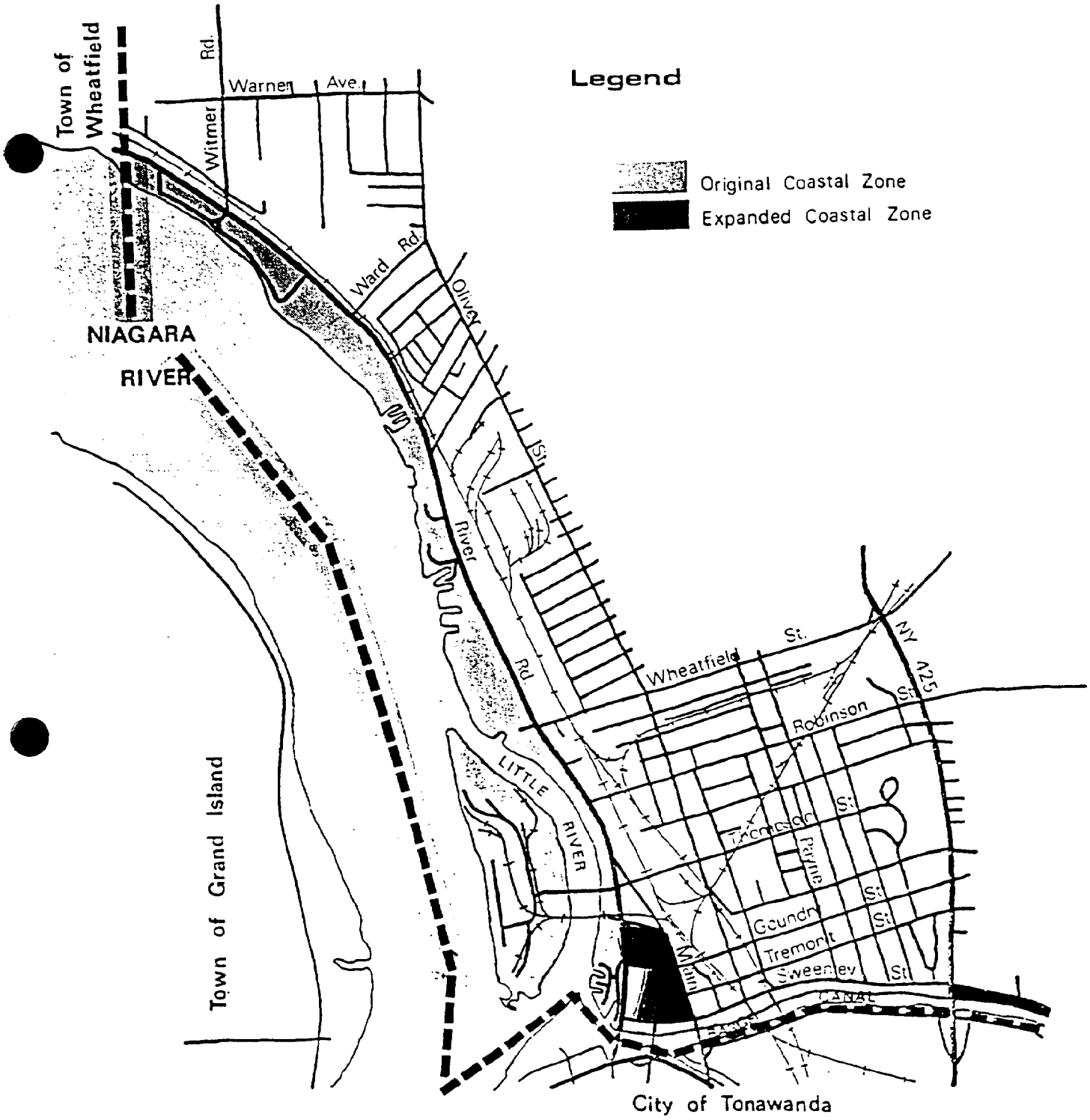
SECTION I

WATERFRONT REVITALIZATION AREA BOUNDARY

WATERFRONT REVITALIZATION AREA (WRA) BOUNDARY

Beginning at the intersection of the City of North Tonawanda/Town of Wheatfield municipal boundary and eastern right-of-way of River Road, the WRA proceeds south along the eastern right-of-way of River Road to the center line of Island Street; then east along the center line of Island Street to a point 100 feet east of the eastern right-of-way of Main Street; then south along a line 100 feet east of, and parallel to, the eastern right-of-way of Main Street to a point 100 feet north of the northern right-of-way of Sweeney Street; then east along a line 100 feet north of, and parallel to, the northern right-of-way of Sweeney Street to a point opposite the northern limits of the City's Botanical Gardens; then east to, and along, the northern limits of Botanical Gardens to the City's municipal boundary with Erie County within the Barge Canal; then south and west along the City's municipal boundary within the Barge Canal to the City's municipal boundary within the Niagara River; then north and northwest along the City's municipal boundary with the Town of Grand Island within the Niagara River to the Town of Wheatfield municipal boundary, then north along the City of North Tonawanda/Town of Wheatfield boundary to the point of origin.

See Figure 1 for a graphic display of the WRA.



City of North Tonawanda

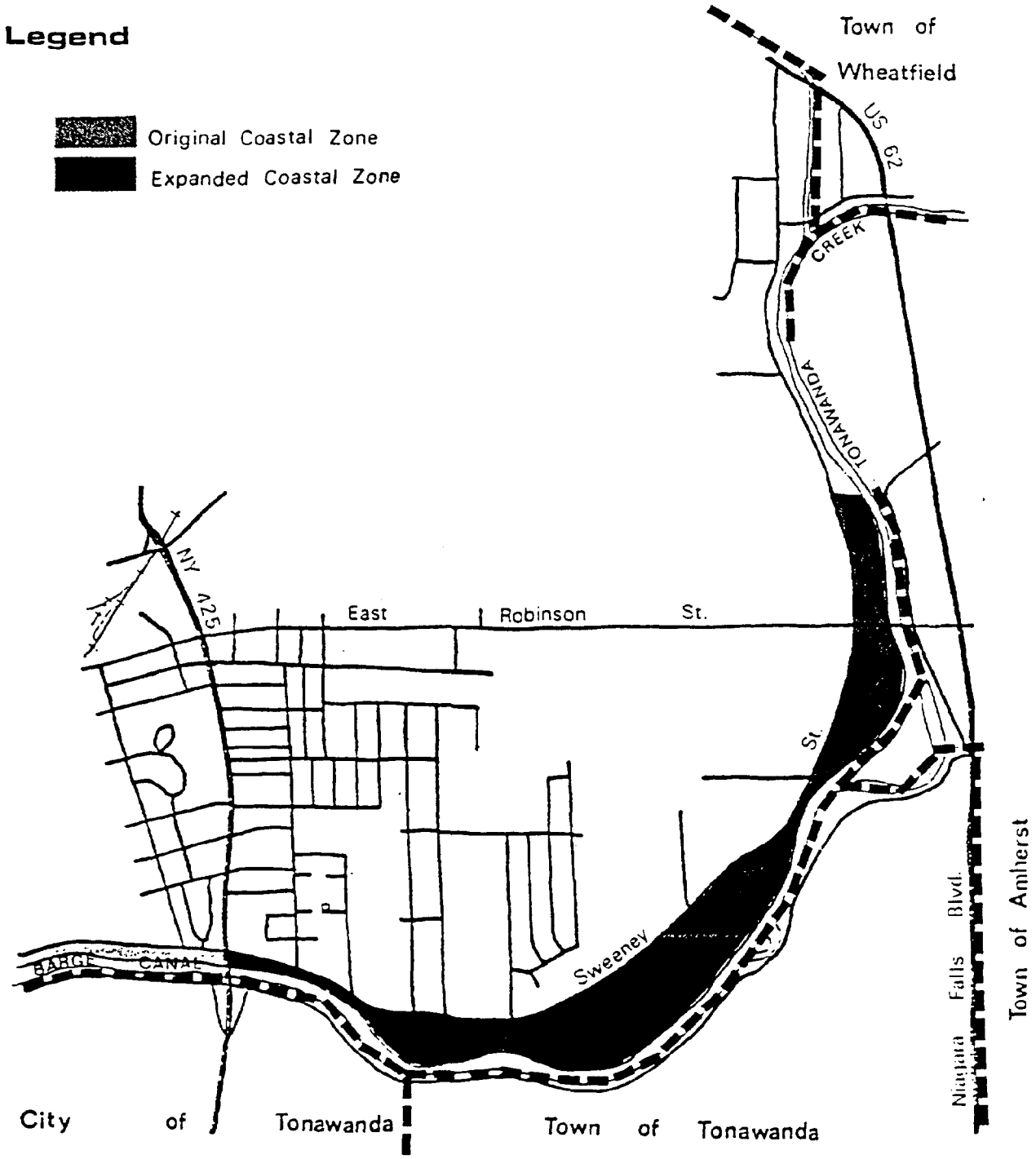
Local Waterfront Revitalization Program

Figure 1A: WATERFRONT BOUNDARY

N

0 2000

Stuart I. Brown Associates



City of North Tonawanda

Local Waterfront Revitalization Program

Figure 1B: WATERFRONT BOUNDARY

N

0 2000

Stuart I. Brown Associates

SECTION II

INVENTORY AND ANALYSIS

A. REGIONAL SETTING AND COMMUNITY CHARACTERISTICS

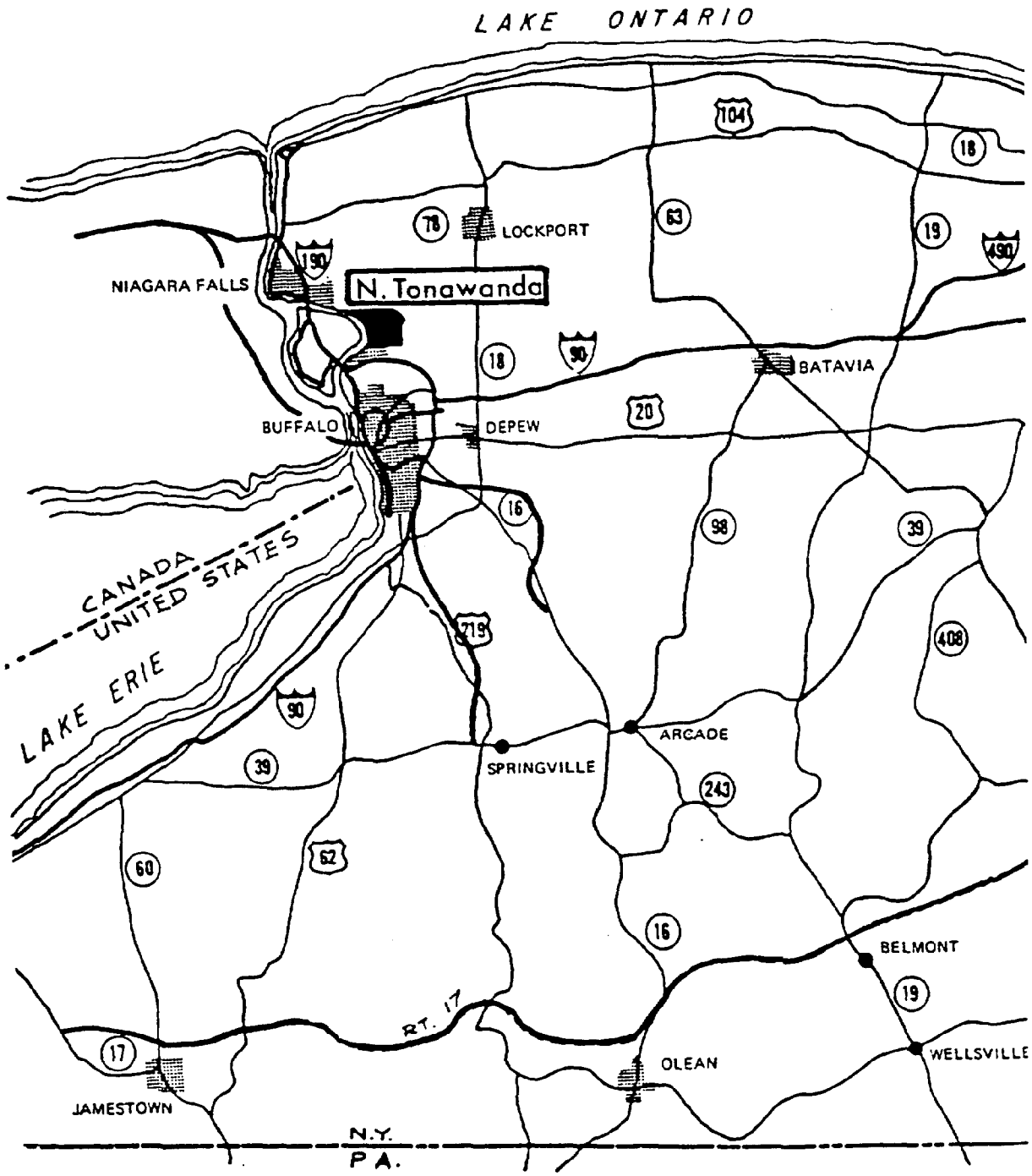
The City of North Tonawanda is located in the southwest corner of Niagara County approximately three miles south of the City of Niagara Falls and seven miles north of the City of Buffalo. It is within the Buffalo Standard Metropolitan Statistical Area and had a 1980 population of 35,760 according to the United States Bureau of Census. The Bureau has also estimated that the City's 1984 population dropped to 35,216, representing a 2 percent decrease since 1980. Figure 2 reflects a graphic description of the City's location within the region.

As illustrated in Figure 2, the City is strategically located along both the East Channel of the Niagara River and the Barge Canal, the latter being part of the Erie Canal in the 1800's. This location fostered population and industrial growth outward from the confluence of the two water bodies into the approximately 10.6 square mile area which comprises the City. A unique feature of the community is the large amount of undeveloped land in outlying areas. An examination of aerial photographs and field surveys indicates that approximately 20 percent of the City's land area has not yet been developed into an urban or suburban area. This characteristic is not common to other cities in the Erie-Niagara Region.

Although North Tonawanda has land available to accommodate growth, the dynamics of a declining birth rate and a depressed local economy have caused a slight decrease in population within the community. Figure 3 compares the rate of population growth and change in the City with Erie County and Niagara County.

As Figure 3 clearly shows, the City grew at a rapid rate in the 1940's and 50's, mirroring the population surge attributed to the baby boom and manufacturing expansion during this period throughout the Northeast. In fact, the City outpaced the growth of Niagara County and Erie County. As heavy industry declined along with the birth rate, however, North Tonawanda has experienced a slight loss of population since 1970. Population projections anticipate a stabilization of the population in the City and the rest of the region by the Year 2000.

North Tonawanda has been experiencing a severe unemployment problem since the mid-1970's. Figure 4 shows the unemployment rate in ten-year intervals since 1950 for Niagara County, Erie County and the United States. Figure 5 reflects the labor force status in 1979 within the City. The data clearly reflect the incidence of major economic problems within the City. The 1980 federal census data was recored during the first year of a three-year period wherein the Erie-Niagara Region lost 22 percent of its manufacturing jobs and eight percent of its total jobs. Between March 1984 and February 1985, Niagara County's average unemployment rate was 45 percent higher than the Statewide figure. (3)



City of North Tonawanda

Local Waterfront Revitalization Program

Figure 2: REGIONAL SETTING

N

Stuart I. Brown Associates

YEAR	NORTH TONAWANDA	NIAGARA COUNTY	ERIE COUNTY
1940	20,254	160,110	798,377
1950	24,731(+22%)	189,992(+19%)	899,237(+13%)
1960	34,757(+40.5%)	242,269(+27%)	1,064,688(+18%)
1970	36,012(+3.6%)	235,720(-2.7%)	1,113,491(+4.6%)
1980	35,760(-.6%)	227,354(-3.5%)	1,015,472(-8.8%)
1990	34,500(-3.5%)	217,257(-4.4%)	983,773(-3%)
2000	35,400(+3%)	221,589(+2%)	987,749(+.4%)

Figure 3: Population in North Tonawanda, Niagara County and Erie County [1,2]

	United States	Erie County	Niagara County	Erie-Niagara Region
1950	5.2			5.8
1960	5.4	6.7	6.5	
1970	4.8	4.7	5.4	
1980	7.0	9.5	9.7	
1984	7.4	8.7	9.5	
November 1985	7.0	6.7	8.6	

Figure 4: Unemployment Rates for the U.S.

Niagara County and Erie County

Source: New York State Labor Department, U.S. Census (1950-1984)

	Males*	Females*	Total
Total	10,715	7,717	18,432
Worked in 1979	10,540	7,481	18,021
50 to 52 weeks	7,350	3,943	11,293
40 to 49 weeks	1,215	1,268	2,483
1 to 39 weeks	1,975	2,270	4,245
With unemployment in 1979	2,095	1,707	3,302
Mean weeks of unemployment	16.5	14.4	15.6 (average)

Total with unemployment:	3,802
Percent of total work force experiencing unemployment: (3,802 out of 18,432 people)	20.6 percent
People employed 15 or more weeks:	1,537

*Includes persons 16 years and older in the labor force.

Figure 5: Labor Force Status in 1979,

City of North Tonawanda

SOURCE: 1980 Census - Neighborhood Statistics Program and 1980 Census of Population and Housing - Table P-10

The shutdown of two waterfront industries in North Tonawanda in the mid-1970's was a key contributor to the economic problems facing the community. These were International Paper and Tonawanda Iron and Steel, which together once employeed more than 600 people. In addition, cutbacks in nearby chemical, auto and steel plants have affected a high percentage of the North Tonawanda work force.

In summary, North Tonawanda has experienced a slight population loss, as well as severe unemployment. Niagara County's jobless rate is 22 percent higher than the national average. It should be stressed, however, that population and employment indicators point toward a stabilization of these trends in the near future. The City's waterfront location provides a good opportunity to initiate efforts which can assist in gaining long term economic stability for the community. Waterfront development and people-oriented activities at the water's edge will benefit service-oriented businesses which must play a prominent role in the area's recovery. Furthermore, efforts to increase sport fishing can result in further economic spin-off benefits to area retail concerns, restaurants, and marine businesses. A comprehensive and targeted local waterfront program can serve as a valuable element in the overall economic recovery of the City.

B. HISTORIC SETTING

As previously noted, the City of North Tonawanda grew outward from the downtown area, located adjacent to the confluence of the Niagara River and the Barge Canal. The earliest record of human habitation in what is now North Tonawanda identifies a tribe of Neuter Indians believed to have settled on Tonawanda Island. An Indian burial mound was discovered on the southeast tip of the Island and included implements unlike any attributable to recorded races of Indians.[4] The Iroquois, Seneca and Tuscarora nations followed the pre-historic Neuter tribe as users of the land within North Tonawanda. There are no records of any Indian settlements within the area due to the large swamp which extended from the present City line to the junction of Ellicott and Tonawanda Creeks and as far inland as the east boundary of the Conrail right of way. The area was extremely valuable as a hunting and fishing ground, however.[5]

At the time of the Erie Canal construction in 1823, the area now known as North Tonawanda included only a bridge across Tonawanda Creek, a few houses, and two small stores. It was hoped that the Canal would promote growth and bring development to the area and, in fact, three local entrepreneurs bought land and laid out Niagara Village in anticipation of a boom town environment. Unfortunately, the expectations of George Goundry and James and John Sweeney proved false and their newly-created company failed. For a time, the area was deserted even though the Canal was open and functioning.

The North Tonawanda area was originally part of the Town of Tonawanda, along with the Village of Kenmore, City of Tonawanda and Town of Grand Island, dating back to 1836. In 1854 the Twin Cities broke away from the Town and were incorporated as the Village of Tonawanda.[6] North Tonawanda was formally incorporated as a City having its present boundaries in 1897.

Although the City's strategic location along the Erie Canal did not provide immediate economic benefits to the area, it eventually was the major reason that the Twin Cities area prospered as a lumber center in the late 1800's. The proximity of the valuable white oak trees on Grand Island combined with the transportation access afforded by the Erie Canal to give North Tonawanda the seed for a booming lumber cutting and water transport center. Once the white oaks were depleted on the Island, logs were floated by raft to the City from the Upper Great Lakes. The boom lumber period lasted approximately 20 years and peaked during the 1890's when North Tonawanda surpassed Chicago as the nation's major lumber milling center. During this period barge traffic was heavy and most residents in the City worked in the lumber milling industry and resulted in a time of rapid growth. North Tonawanda's waterfront was dotted with lumber stacks and finger piers extending into the Niagara River to accommodate the large amount of commercial boat traffic.

Although the late 1800's represented the heyday of the City's use of its waterfront for commercial purposes, various industries developed in the 1900's which continued to rely on the community's shoreline location. Such industries included Tonawanda Iron and Steel along the Niagara River, as well as International Paper located on Tonawanda Island. Both companies used the River for water transport. Ironically, the two firms have recently shut down, thereby eliminating the City's last waterfront industries.

The waterfront has played a very significant role in North Tonawanda's history ranging from the name Tonawanda itself, which is an Indian word meaning "swift running water,"[9] to the major lumber trade in the 1800's. With the recent closing of International Paper and Tonawanda Iron and Steel, the major waterfront users are now recreational boating concerns. This reflects a common trend in older, urban municipalities in Erie and Niagara Countries where efforts are being made to promote former industrial areas as new locations for the expanding recreational boating and fishing industry. These initiatives are seen as having valuable economic spin-off benefits to area businesses which can complement other City revitalization efforts. Furthermore, transforming former industrial land into a pleasant urban environment can also enhance a community's image in the eyes of both visitors and City residents.

The City of North Tonawanda, therefore, is at the initial stages of a new type of shoreline development. If managed properly, the waterfront recreational industry can contribute substantially to the economic revitalization of the community.

C. METHODOLOGY FOR UNDERTAKING THE INVENTORY AND ANALYSIS

The purpose of the inventory and analysis element is to identify opportunities, as well as opportunities and constraints to waterfront development. It is also intended to define certain natural features which should be preserved as part of the management program developed by the City.

In order to best review shoreline conditions, the waterfront has been divided into five sub-areas: the Niagara River, Tonawanda Island, Downtown, Barge Canal-West and Barge Canal-East. The specific sub-area boundaries are defined in Sub-section II-D. A focused analysis of each sub-area will permit a thorough examination of the characteristics unique to each and also allow for a recognition of the various waterfront conditions in the City. (See Figure 6.)

North Tonawanda's waterfront borders not only the Niagara River, but the Little River and Barge Canal, as well. The development pattern, adjacent neighborhood features, and overall community desires differ depending on which water body a specific area borders, which further justifies the sub-area approach to analysis.

The waterfront area, as defined in Section I, is narrow. In some instances, it has been necessary to include a wider study area to ensure that all possible factors which might influence waterfront development are addressed. For example, the demographic characteristics of adjacent neighborhoods and land use patterns have been examined to better determine recreational needs, development pressures, and potential uses for waterfront property. A specific delineation of the study area, as opposed to the waterfront area has not been defined. In cases where the study area extends beyond the waterfront area, the area will be defined within the text.

A wide range of information has been collected in the inventory phase, including the following:

- Environmental Factors
- Land Use
- Neighborhood Demographics
- Circulation Patterns
- Public Service Capacity
- Major Waterfront Land Parcels
- Vacant Waterfront Parcels
- Public Land Ownership Patterns
- Recent and Proposed Capital Improvements

As noted earlier, a thorough analysis of these factors within each sub-area will permit an understanding of those opportunities and constraints present in the waterfront area. It should be stressed, however, that the technical analysis has been strongly complemented by information received from City officials, as well as local residents, through both public meetings and a survey questionnaire. (Appendix I to this report includes the waterfront survey.)

Finally, information gathered in this section will assist in formulating shoreline policies. The data will not only determine policy direction, but also will provide background material for preparing those guidelines necessary to review waterfront actions for consistency with the policies.

D. COASTAL ZONE - GENERAL FEATURES

The North Tonawanda waterfront area is approximately 9 miles long and contains over 548 acres. As noted above, the waterfront has been divided into five sub-areas. The following narrative defines the boundaries of each and includes demographic information applicable to the City neighborhoods of which the particular sub-area is a part. (Reference should be made to Figure 6 for a graphic description of the sub-area locations.)

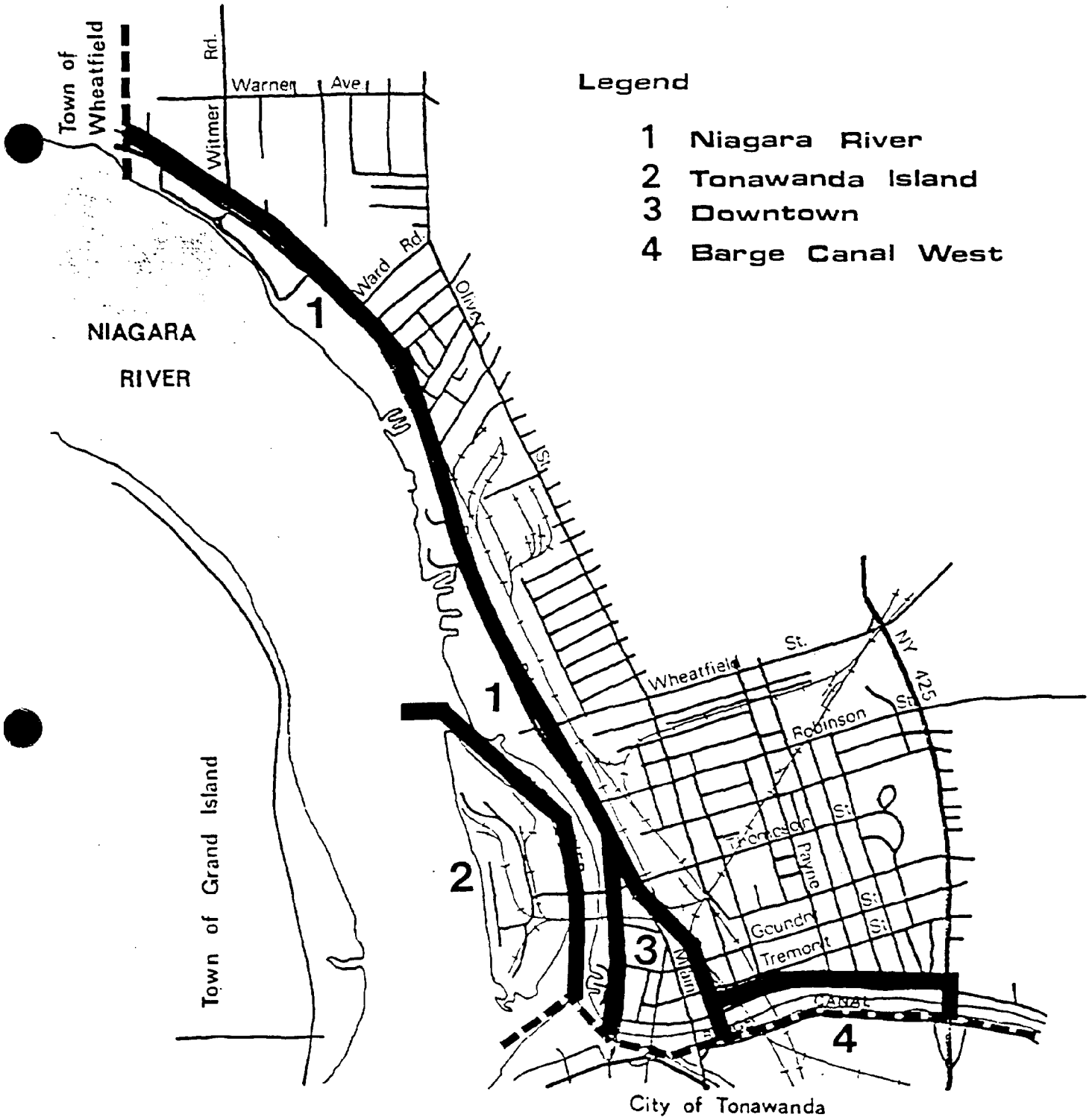
1. NIAGARA RIVER: This area extends from the Town of Wheatfield-City of North Tonawanda municipal boundary south to the Barge Canal along an imaginary line east of River Road. It does not include Tonawanda Island. The sub-area contains approximately 3.2 miles of shoreline and encompasses 183 acres. As defined by 1980 Neighborhood Statistics Program (NSP) census data for North Tonawanda (dated October 6, 1982), the Niagara River sub-area extends through portions of five neighborhoods.

   Although most of the waterfront area is non-residential, the land immediately east of the Conrail tracks includes large residential concentrations. The northern area above Ninth Avenue has approximately 2,800 residents. Most of the homes are owner-occupied and in sound condition. The residents have income levels somewhat below the City average. The remaining area has approximately 2,300 residents and a very old housing stock. High unemployment and income levels below the City average are evident in that portion of the City.

   It should be noted that some of neighborhood 8 overlaps with Tonawanda Island, Downtown and Barge Canal-West sub-areas. Reference should be made to Figure 7 for a numerical tabulation of socio-economic and housing conditions in the neighborhoods which overlap the waterfront zone.

2. TONAWANDA ISLAND: This includes the entire island as depicted on Figure 6. It contains 1.8 miles of shoreline and encompasses approximately 95 acres. The Island is separated from the mainland by the Little River, having a width of approximately 650 feet. Adjacent neighborhood characteristics are not applicable to this sub-area due to the physical separation of the Island from the mainland and its distance from the nearest major residential concentration. There are no housing units on Tonawanda Island.

3. DOWNTOWN: This sub-area is bounded by Island Street on the north, Main Street to the east, the Barge Canal on the south and River Road to the west. It encompasses the downtown area as defined in the City's recently approved Fiscal 1985 HUD Small Cities Comprehensive Downtown Community Development Block Grant Program. The shoreline extends 0.21 miles along the Barge Canal and encompasses approximately 29 acres. Very little housing exists within the downtown area, however the number of housing units does increase immediately north and northeast



City of North Tonawanda

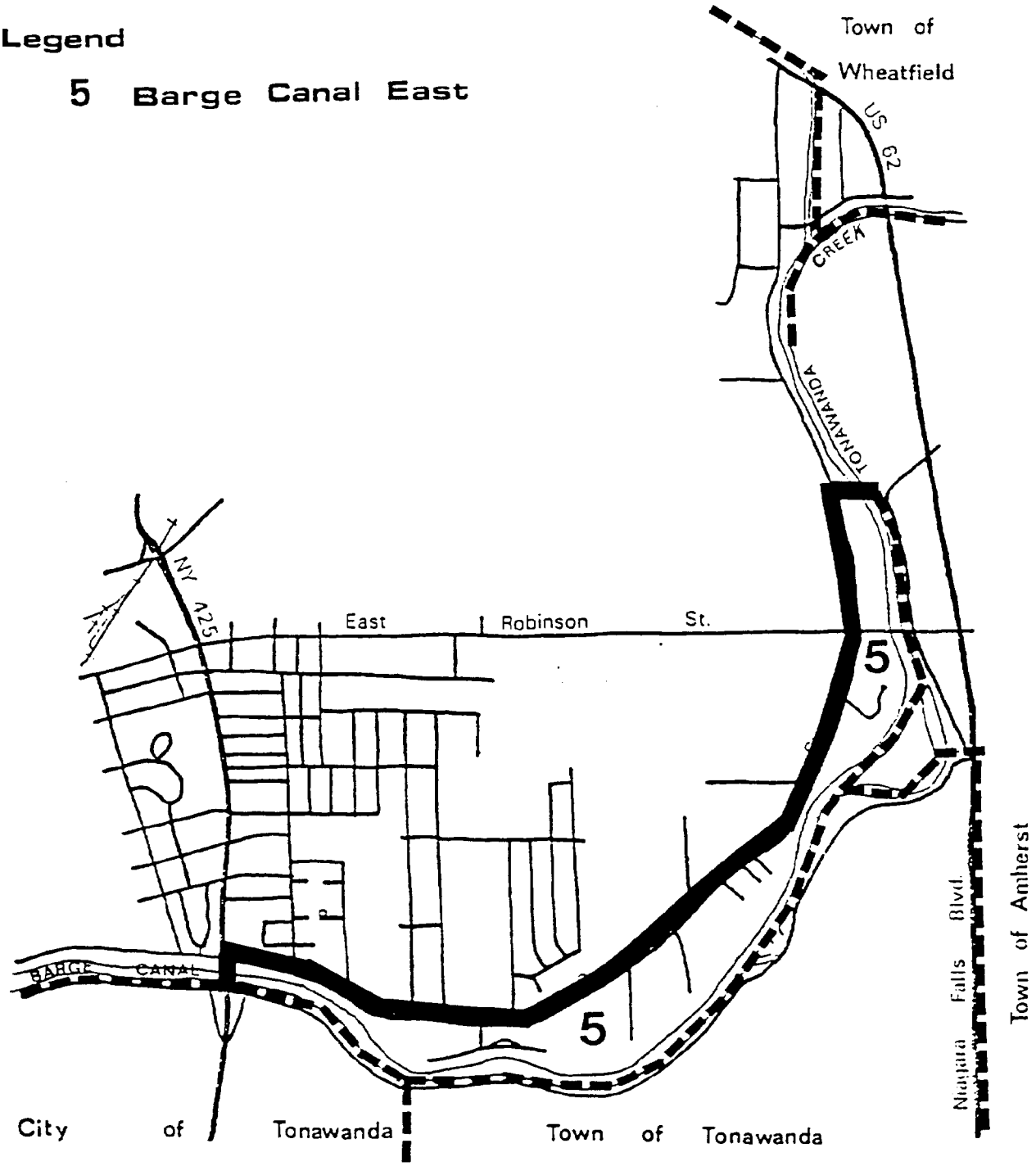
Local Waterfront Revitalization Program

Figure 6A: SUB-AREAS

N

0 2000

Stuart I. Brown Associates



City of North Tonawanda

Local Waterfront Revitalization Program

Figure 6B: SUB-AREAS

N

0 2000

Stuart I. Brown Associates

Neighborhood	Household Size	Median Income	Population	Estimated Percent of Land in Residential Use	Percent Owner Occupied	Percent Vacancy Rate	Percent of Houses Built 1939 or Earlier	Percent in Same D/U Since 1975	Percent of Labor Force Unemployed in 1979
1. N-1	2.93	17,394	2,003	55	77.0	3	.05	72	7.3
2. N-2	2.98	14,415	1,123	55	71.6	6	64	63	3.3
3. N-4	2.63	15,307	1,164	60	70.4	4	46	69	8.4
4. N-5	2.66	14,865	1,236	45	58.4	2	89	56	11.9
5. N-8	1.91	9,033	1,041	45	25.2	11	57	33	11.0
6. N-12	2.56	14,773	1,006	70	46.9	5	80	53	13.4
7. N-13	2.38	15,769	1,031	70	47.6	2	82	51	8.0
8. N-24	2.18	3,215	1,868	60	21.0	2	6	41	9.2
9. N-25	3.11	20,357	1,168	20	92.8	2	11	63	16.3
10. N-26	3.15	22,695	1,149	35	95.0	1	4	72	4.1
City Totals	2.77	17,599	35,760	45	69.4	3	38	61	8.5

Figure 7: Neighborhood Demographics

Source: 1. Neighborhood Statistical Program, City of North Tonawanda, United States Census Bureau - 10/6/82

2. Aerial Photographs - 1972

of the central business district. There is a high concentration of low and moderate income households in this area. The percent of owner-occupied units is below the City average, the housing stock is very old, and the unemployment levels are above the City average.

4. BARGE CANAL-WEST: This sub-area is bounded by Main Street on the west, the Barge Canal to the south, Twin Cities Memorial Highway (Route 429) on the east and the north boundary is an imaginary line 100 feet north of the northern right of way of Sweeney Street. It contains approximately 26 acres and extends .76 miles along the Barge Canal. The sub-area is part of three neighborhoods which are characterized by older housing units, a high percentage of lower income households, and generally high unemployment levels when compared to the City average.

5. BARGE CANAL-EAST: The southern and eastern boundaries are formed by the Barge Canal as it meanders in a southwesterly direction from the Town of Pendleton line. The northern and western boundaries are formed by an imaginary line 100 feet inland from Sweeney Street. The northern terminus of the sub-area is the City of North Tonawanda Botanical Gardens. Barge Canal-East encompasses 215± acres and 2.5 miles of the Barge Canal shoreline. It is included within three City neighborhoods having a combined population of 4,175. In the extreme northern sector approximately 80 percent of the land within neighborhoods 025 and 026 is vacant. Housing conditions are very good, household sizes are larger than the City average, reflecting the concentrations of families in this area, and the homes are newer than the City average, as well. The neighborhoods are stable with a small elderly population and a correspondingly higher number of persons 15 and under.

   The southwestern sector of this sub-area is characterized by a lower household size, more densely populated residential areas, and a very low percentage of owner occupied housing units. Many of these characteristics can be explained by the existence of a 200 unit State assisted municipal housing complex and 50 unit elderly development managed by the North Tonawanda Housing Authority.

E. LAND USE

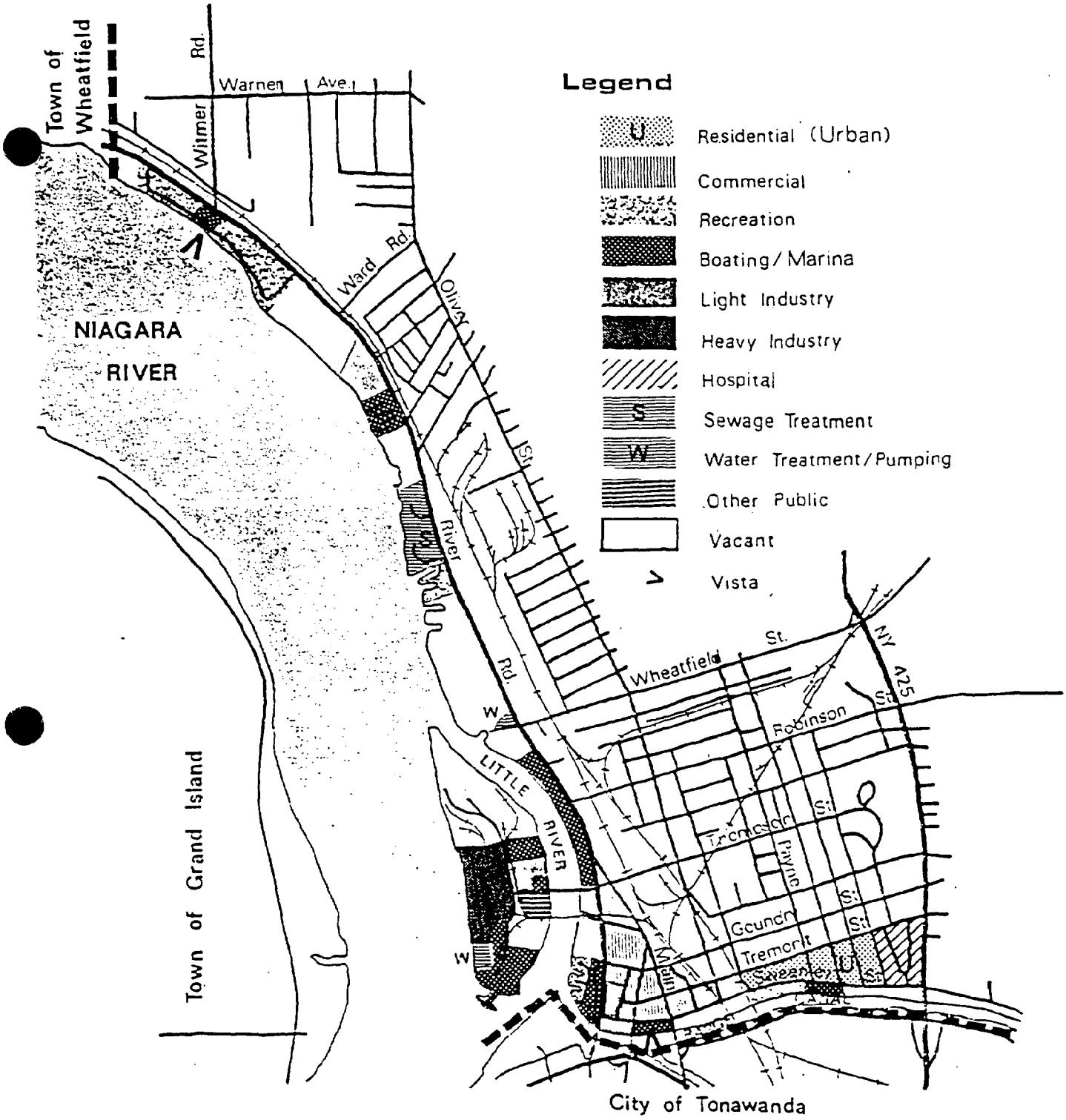
Figure 8 provides a tabular summary of the major land uses within each sub-area while Figure 9 provides a graphic description. The following narrative summarizes the key land use characteristics of the North Tonawanda waterfront area by sub-area;

1. NIAGARA RIVER: Historically, the Niagara River sub-area developed as an industrial corridor, primarily because of transportation advantages offered by the River and nearby rail connections. Over the past ten to fifteen years, the predominance of industry has largely been replaced by vacant land, as well as water-oriented commercial and governmental uses.

Sub-Area	Residential	Industrial	Commercial	Marina	Parks	Transportation	Utilities	Vacant	Other	Total
Niagara River	1	11	2	9	14	22	3	38	0	100%
Tonawanda Island	0	40	0	12	0	8	3	34	3	100%
Downtown	0	14	52	0	3	31	0	0	0	100%
Barge Canal-West	23	3	19	0	5	33	1	15	1	100%
Barge Canal-East	48	0	0	0	28	11	1	12	0	100%
Total Area	15	13	14	5	10	20	2	19	2	100%

Figure 8: Land Use on the Waterfront

By Sub-Area (percentages)



City of North Tonawanda

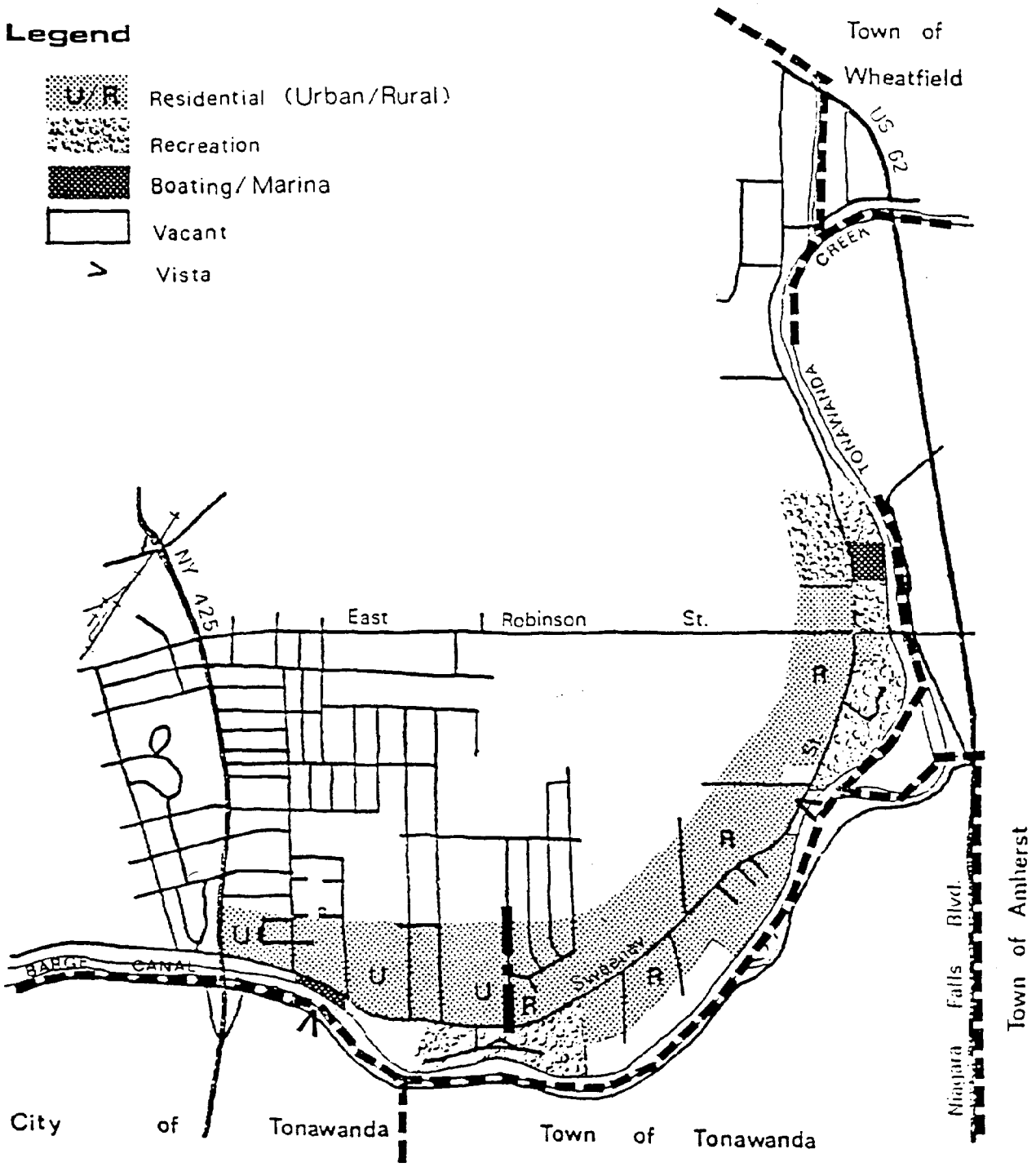
Local Waterfront Revitalization Program

Figure 9A: LAND USE

N

0 2000

Stuart I. Brown Associates



City of North Tonawanda

Local Waterfront Revitalization Program

Figure 9B: LAND USE

N

0 2000

Stuart I. Brown Associates

The central area features the Niagara River Yacht Club, which leases 5 acres from the City; the 5 acre site of the former Kippers Plant, which closed in 1985 (but has since been purchased for an undefined use); City-owned Fisherman's Park; the vacant Ashland Oil tank farm; City of North Tonawanda Sewage Treatment Plant; City of Lockport water intake pumping station; and a large 25 acre vacant parcel formerly occupied by Tonawanda Iron and Steel. The City of Lockport raw water intake is located offshore from this central area, as well.

Fisherman's Park contains approximately 4 acres and includes facilities for on-shore fishing, including a covered fishing pavilion. The shoreline at the Park is broken by former lumber dock slips which provide an excellent cover for fish. Facilities within the Park need upgrading and expansion. Potential improvements include the installation of picnic furniture, rest-rooms, an boat dock facilities. Dredging of the inlets will make the area more attractive for boaters.

Marinas, water-enhanced restaurants, and boatyards dominate the southern area. Smith Boys Marina contains 170 slips and offers related boat servicing facilities. Bow and Stern Marina is located just north of Smith Boys on the Little River and accommodates 80 slips. At the extreme southern tip of the sub-area, where the Little River merges with the Barge Canal, is Wardell's Boatyard, situated on a 2.5 acre parcel, which provides boat repair, storage and other related services.

In summary, approximately 26 percent of the land uses are water-dependent or water-enhanced within the Niagara River sub-area. This is a relatively high percentage in comparison to other Niagara River communities in the Buffalo area. The shoreline has developed within the framework of an industrial zoning classification that has not differentiated the area from any similar manufacturing districts in the City. This has caused a variety of mixed commercial/industrial uses along all of River Road with few attempts at buffering unattractive views by property owners. As Interstate 190 is a major north-south highway between Buffalo and Niagara Falls, the impression many people form of the City is shaped by the character of land uses on, and adjacent to, River Road.

2. TONAWANDA ISLAND: The 95 acre island has also historically been industrial. It was the site of numerous lumber mills in the 1800's and more recently the large 27 acre International Paper Plant. The latter was located at the northern area of the Island. Now the acreage is almost totally vacant. The site still contains a large waste water treatment facility with a 14,000,000 gallon-per-day capacity, in addition to a water treatment facility of similar size. The owners of Smith Boys Marina recently purchased the land parcel, but have yet to undertake any large-scale development.

Smith Boys Marina also has facilities on the Island, including boat slips and dry dock storage space for recreational craft. The marina is located in the north-central sector of the Island on the Little River. Immediately south of Smith Boys are various light industrial concerns, as well as the Tonawanda Island Launch Club.

The north-central sector of the Island bordering the Niagara River is dominated by R. T. Jones Lumber Company. The latter employs approximately 30 individuals and is involved in lumber milling and processing. It is the largest industrial concern on the Island.

The southern sector is comprised of mixed governmental, marina, commercial and light industrial uses. These range from the City of North Tonawanda Water Treatment Plant to International Filler Corporation. Placid Harbor II Marina has boat slips and facilities for boat repair and storage and is located on the Island's extreme southern tip. A unique anchor pier extending into the Niagara River at this point provides harbor protection for marina users. Also included in this section of the Island are the Niagara County Fire Training Tower and the former Inn-on-the-River restaurant. Perhaps the finest vista of the River is present immediately south of the restaurant looking toward Grand Island and the City of Tonawanda.

The fire training area is situated on a 2.5 acre site and is used by various volunteer fire companies in the County for drills, educational seminars, and other fire fighting purposes. A small portion of the property borders the Little River for approximately 200 linear feet and is separated from the main training area by a chain link fence. Since there are no public access points on the Island along the River, this area may provide an opportunity for shoreline access. It could be designed to accommodate fishing activities, as well.

A water use located offshore of Tonawanda Island in the East Channel of the River is the City's raw water intake.

3. DOWNTOWN: The 29 acre sub-area contains 69 structures, including two industrial buildings on Manhattan Street. Webster Street is the main downtown thoroughfare; it contains a variety of retail establishments and service businesses such as banks, beauty shops and insurance agencies. A large variety store is the anchor of the retail area.

The Packet Inn, a three-story building located on Sweeney Street between Main and Webster adjacent to the Canal, is the dominant building in the sub-area. Constructed 200 years ago, it was designed to reflect the style of inns commonly visited by passengers traveling the "packet" or passenger boats. Economic problems forced the closing of the Inn in October 1981. In 1985 the facility was acquired by new owners and renovated at a cost of $1.5 million. The new Packet Center contains 78 apartments, office space and restaurant facilities.

In order to complement and promote the Packet Inn facilities, North Tonawanda worked with the City of Tonawanda to secure $130,000 in State assistance for construction of transient boat dock facilities both directly in front of the Inn, as well as on the immediate south shore of the Canal. In North Tonawanda this provides mooring space for twelve boats. Both cities have received additional State assistance to install lighting systems on the docks.

4. BARGE CANAL - WEST: Land uses are largely older residential units north of Sweeney Street, with State-owned open space located along much of the length of the Barge Canal. Most of the open space areas are landscaped with some opportunities for viewing the Canal. Generally views from Sweeney Street to the Canal are unobstructed except in several areas. Hi-Skipper Marina (50 slips) and Sales, located at the intersection of Payne Avenue and Sweeney Street, briefly interrupts the view of the Canal, as do two railroad bridges built to link Niagara County with Erie County. Only one bridge is now functional, while the other is free standing with no north or south abutments.

   A dominant land use immediately west of the Twin Cities Memorial Highway is the 250-bed DeGraff Memorial Hospital.

5. BARGE CANAL - EAST: The southwest sector of this sub-area is characterized by a gradual decrease in land use density as the distance from downtown increases. Land north of Sweeney Street consists of mixed residential uses dominated by two State-assisted apartment developments (Nor-Ton Courts and the Scafione Apartments) managed by the North Tonawanda Housing Authority.

   The area south of Sweeney Street is in State ownership. Various public park facilities are located in this area including the City of North Tonawanda's Service Drive Launch Ramps (double ramp) and Mayor's Park, as well as a privately-run Boys' Club camp immediately west of Mayor's Park. The latter is by reservation only and provides opportunities for picnicking and active recreation along the Canal. Unobstructed views of the Canal are present from Twin Cities Memorial Highway to Service Drive.

   Physical facilities at Mayor's Park include picnic areas and pavilions. The Park is in need of renovation, and restrooms need to be installed.

   The central sector of the Barge Canal - East sub-area consists mainly of strip residential uses on the north side of Sweeney Street with some local residential streets extending north off Sweeney Street. Generally, there is a large amount of vacant land immediately outside the waterfront area in this area. Low density strip residential uses also occur along Sweeney Street on the south side, having long narrow lots averaging 50'x 650' in size. The property lines do not abut the Canal, but terminate approximately 175 feet from the shoreline. New York State has retained ownership of the corridor immediately adjacent to the Canal and has

uninterrupted ownership for 8,552 l.f. (1.62 miles), extending from Webster Street in the downtown area to the approximate center sector of the Barge Canal - East sub-area.

The northern sector of the sub-area is characterized by low density strip residential uses along Sweeney Street and large vacant parcels immediately adjacent to the waterfront area. The City of North Tonawanda owns a linear strip 135 feet wide leading to Sweeney Street which serves as a paper street to Wright Avenue. St. Albert the Great Church owns a large 30 acre vacant parcel immediately west of Sweeney Street which is partially outside the waterfront areas. Finally, the municipally-owned Deerwood Golf Course is located in the extreme northern corner of the sub-area and is also partially located within the waterfront area on the west side of Old Falls Boulevard (continuation of Sweeney Street).

The area east of Sweeney Street is characterized by low density residential uses which abut the Canal bank, thereby prohibiting continuous public access along the shoreline. Other uses include a private Girl Scout Camp, and the municipally-operated Botanical Gardens Park on land owned by New York State. The Park includes two double boat launch ramps, which are to be repaired, and well-maintained flower displays on 11 acres immediately north of the East Robinson Street Bridge, opposite the Deerwood Golf Course on Old Falls Boulevard.

F. INVENTORY OF MAJOR PARCELS

A key part of the Inventory and Analysis is the identification of all public lands and private parcels of 5 or more acres. These usually represent areas where the greatest opportunities for, or constraints to, development exist. Large parcels often serve as anchors to development and dictate land use patterns. Therefore, the identification of these areas is useful in determing opportunities for future large-scale private or public investment along the waterfront.

Figure 10 graphically illustrates the major parcels, while Figure 11 includes a corresponding table which describes various features of each land use.

A key information item contained in Figure 11 is the column marked "Potential for Change." This notes the status of each land parcel relative to its potential to continue in the same land use category or change to a different use. Factors used to determine the response shown in this column included adjacent land use patterns, parcel size, location, and ownership patterns. Figure 12 graphically relates the major land parcels to the response given in the "Potential for Change" column in Figure 11. Only those parcels having a medium or major potential for change are shown.

G. ZONING

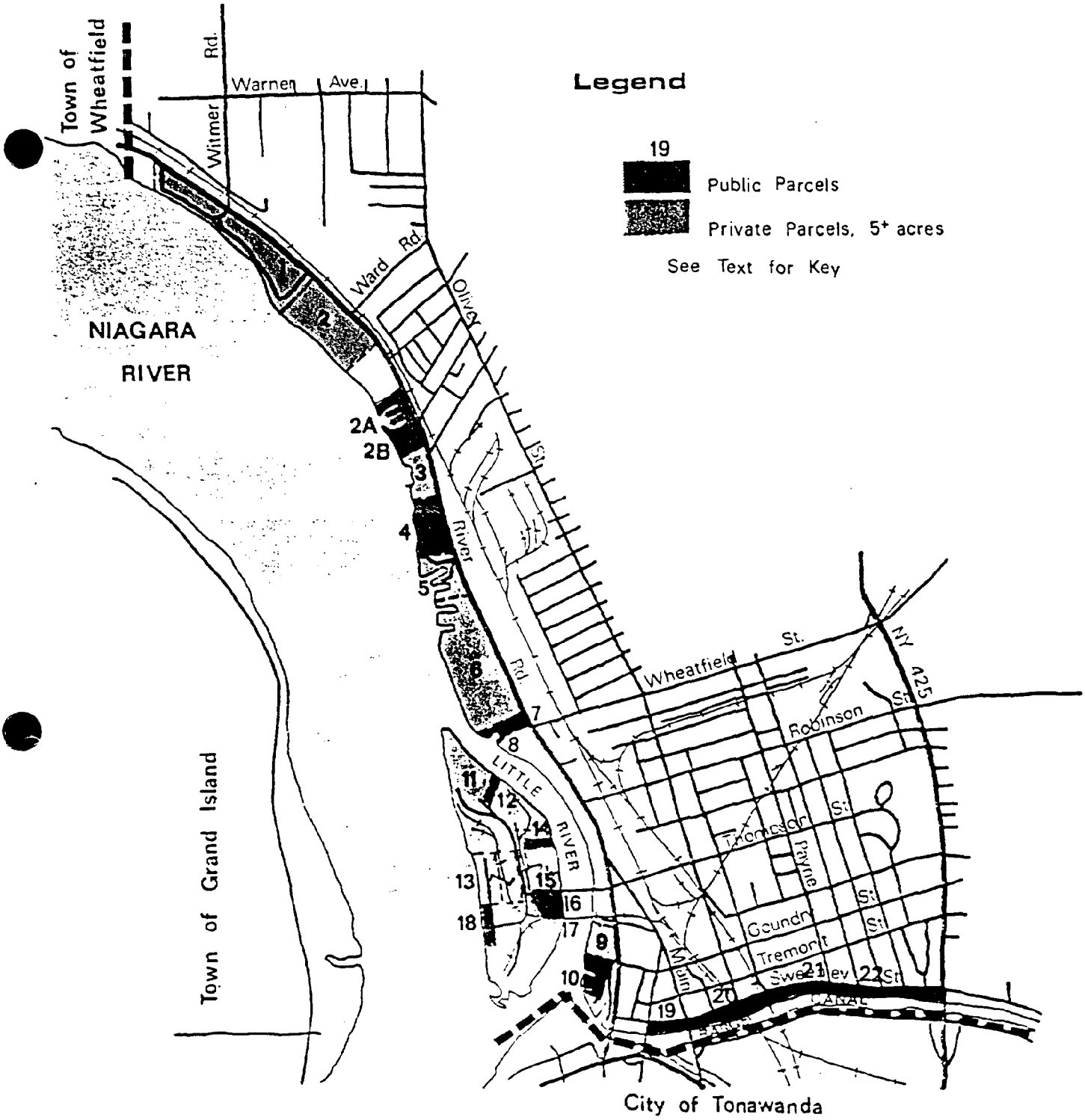
The City's waterfront is clearly divided among industrial and residential zoning classifications. The entire Niagara River and Tonawanda Island sub-areas are classified into various types of manufacturing districts, while the Barge Canal sub-areas are almost entirely residential. The only exceptions to this pattern are two small manufacturing pockets between Webster and Oliver Streets, as well as the area occupied by Hi-Skipper Marine Services.

An analysis of the 123 acres of vacant land identified on Figure 8 shows that 80 percent of these parcels are in manufacturing districts with the remaining acreage zoned R 1-2 (i.e., single family and two family residences).

It should be noted that the City's Zoning Ordinance is cumulative which allows most uses within an industrial zone. Furthermore, land in public ownership along the Barge Canal is exempt from local zoning controls and represents 23 percent of the total amount of vacant land in the waterfront area. Once the land is sold, however, the local regulations are applicable to any new use.

References should be made to Figure 13 for a graphic description of the zoning classifications within the waterfront area.

A definite need exists to establish special zoning provisions along the Niagara River Waterfront which encourages water-related development, public access along the shoreline, a variety of uses, and which pre-empt establishment of "nuisance" uses in the future, such as junk yards, slag heeps, etc.



City of North Tonawanda

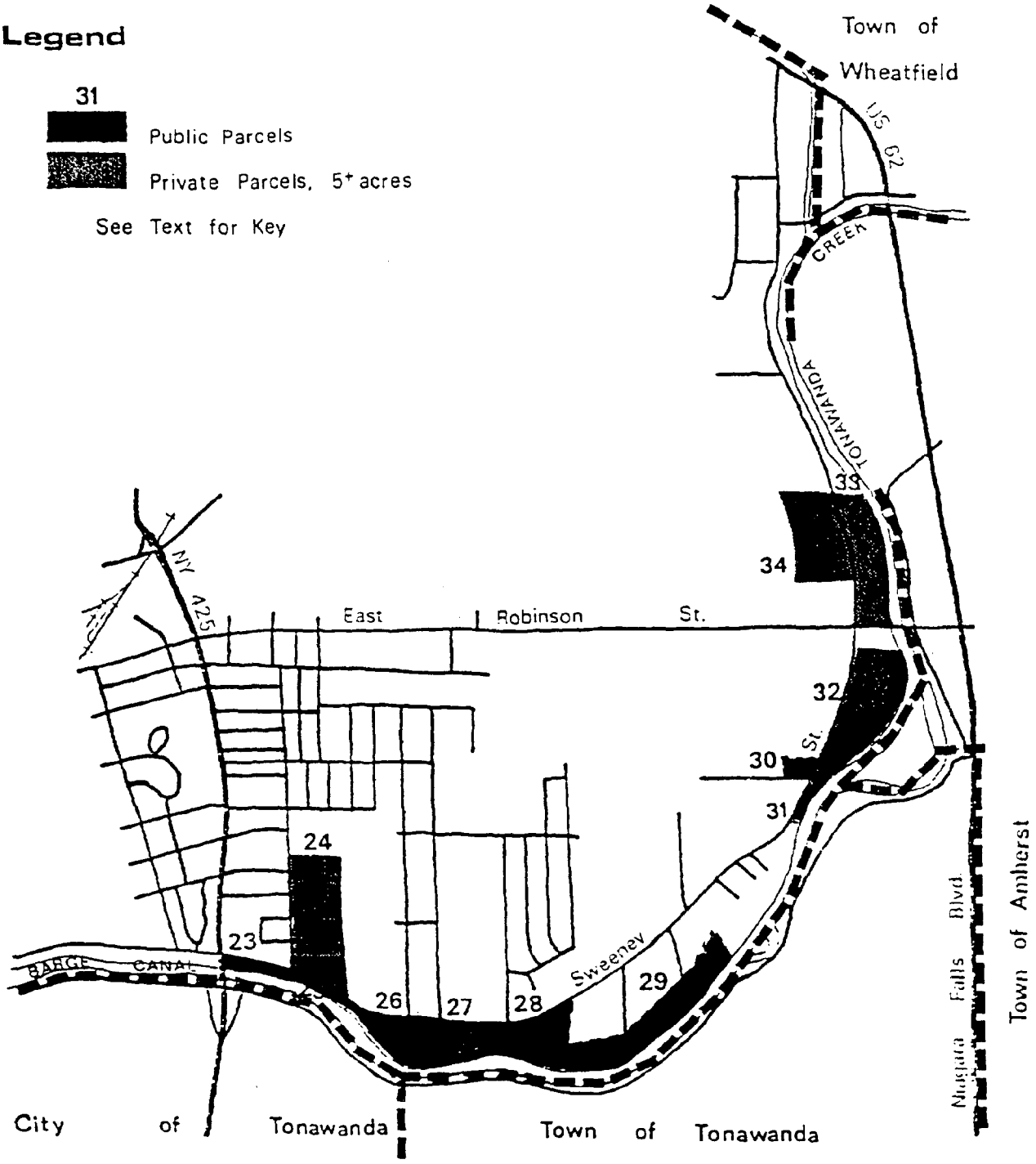
Local Waterfront Revitalization Program

Figure 10 A: MAJOR WATERFRONT PARCELS

N

0 2000

Stuart I. Brown Associates



City of North Tonawanda

Local Waterfront Revitalization Program

Figure 10B: MAJOR WATERFRONT PARCELS

N

0 2000

Stuart I. Brown Associates

No.	Type of Ownership	Name of Owner	Size (Acres)	Sub-Area	Land Use	Existing Use	Potential for Change	Zoning	Water Dependency	Major Investment
1	Private (Leased to City)	Niagara Mohawk Power Corp.	22	Niagara River	Park	Gratwick Park	None	WD	Yes	No
2	Private (Leased to City)	Niagara Mohawk Power Corp.	24	Niagara River	Vacant	Vacant	Minor	WD	No	No
2A	Public	City of North Tonawanda	5	Niagara River	Marina	Inner Harbor YC	Medium	WD	Yes	No
2B	Private	Former Kopper's	5	Niagara River	Vacant	Vacant	Major	WD	No	No
3	Private	Ashland Oil Co.	6	Niagara River	Vacant	Tank Farm (Vacant)	Medium	WD	No	No
4	Public	City of North Tonawanda	14	Niagara River	Utility	Sewage Treatment Plant	None	WD	Yes	No
5	Public	City of North Tonawanda	4	Niagara River	Park	Fisherman's Park	None	WD	Yes	No
6	Private	Rosal Homes Partners	25	Niagara River	Vacant	Vacant	Major	WD	No	Proposed
7	Public	City of Lockport	1.2	Niagara River	Utility	Water Pumping Station	None	WD	Yes	No
8	Public	City of North Tonawanda	.1	Niagara River	Utility	Water Line	None	WD	Yes	No
9	Private	Wilbert F. Hollet	6.8	Niagara River	Vacant	Vacant	Medium	WD	No	No
10	Public	City of North Tonawanda	2.1	Niagara River	Residential	Boat House Area	Medium	WD	Yes	No

Figure 11: Major Waterfront Parcels - Key Features

No.	Type of Ownership	Name of Owner	Size (Acres)	Sub-Area	Land Use	Existing Use	Potential for Change	Zoning	Water Dependency	Major Investment
11	Private	Smith Boys Marina	28.9	Tonawanda Island	Vacant	Vacant	Major	WD	No	Proposed
12	Public	City of North Tonawanda	.22	Tonawanda Island	Utility	Utility Easement	None	WD	Yes	No
13	Private	R T Jones Lumber	15.3	Tonawanda Island	Industry	Lumber Operations	None	WD	No	No
14	Public	City of North Tonawanda	.25	Tonawanda Island	Utility	Utility Easement	None	WI	Yes	No
15	Private	Taylor Devices	5	Tonawanda Island	Industry	Produces Industrial Shock Absorbers	None	WD	No	No
16	Public	Niagara County	3.1	Tonawanda Island	Other	Fire Training Center	Major	WI	No	No
17	Public	City of North Tonawanda	.06	Tonawanda Island	Vacant	Vacant	Major	WD	No	No
18	Public	City of North Tonawanda	2.4	Tonawanda Island	Utility	Water Treatment Plant	None	WD	Yes	No
19	Public	NYS	.88	Downtown	Park	Boat Docks	None	MI	Yes	Recent
20	Public	NYS	1.25	Barge Canal-West	Vacant	Vacant	Minor	MI	No	No
21	Public	NYS	1.4	Barge Canal-West	Park	Park	None	RC	Yes	No

Figure 11 (con't.): Major Waterfront Parcels - Key Features

No.	Type of Ownership	Name of Owner	Size (Acres)	Sub-Area	Land Use	Existing Use	Potential for Change	Zoning	Water Dependency	Major Investment
22	Public	NYS	2.7	Barge Canal-West	Vacant	Vacant	Medium	RC	No	No
23	Public	NYS	.82	Barge Canal-East	Vacant	Vacant/Boathouse	Minor	R1-2	Yes	No
24	Public	North Tonawanda Housing Auth.	1.9	Barge Canal-East	Residential		Minor	R-2	No	No
25	Public	NYS (Partially leased to City)	1.12	Barge Canal-East	Park	Park/Boat Launch	None	R-2	Yes	No
26	Public	NYS	2.6	Barge Canal-East	Vacant	Vacant	Medium	R1-2	No	No
27	Public	NYS	6.3	Barge Canal-East	Park/Camp	Boys' Club Camp	Medium	R1-2	Yes	No
28	Public	NYS (Leased to City)	9.7	Barge Canal-East	Park	Mayor's Park	None	R1-2	Yes	No
29	Public	NYS	18.4	Barge Canal-East	Vacant	Vacant	Medium	R1-2	No	No
30	Public	City of North Tonawanda	.3	Barge Canal-East	Vacant	Vacant	Minor	R1-2	No	No
31	Public	NYS	.59	Barge Canal-East	Vacant	Vacant	Medium	R1-2	No	No
32	Public	NYS	28.7	Barge Canal-East	Park/Camp	Girl Scout Camp	Medium	R1-2	Yes	No
33	Public	NYS (Leased to City)	11.5	Barge Canal-East	Park/Boat Launch	Botanical Gardens	None	R-2	Yes	No
34	Public	City of North Tonawanda	.77	Barge Canal-East	Park/Golf Course	Deerwood Golf Course	None	R1-1	No	No

Figure 11 (con't.): Major Waterfront Parcels - Key Features

H. LAND OWNERSHIP

Approximately 15 percent of the waterfront is in City ownership, 16 percent is in State ownership, while the remainder is privately held. Reference should be made to Figure 14 for a breakdown of land ownership by sub-area. A key factor is the high percentage (i.e., 36 percent) of the total acreage along the Barge Canal owned by New York State. In contrasts, 86 percent of all parcels on Tonawanda Island are in private ownership.

I. VACANCY ANALYSIS

Vacant parcels represent 24 percent of all the parcels inventoried along the shoreline. Thirty-eight percent of the parcels within the Niagara River sub-area are vacant, while 34 percent in the Tonawanda Island sub-area, and 15 percent and 12 percent in the Barge Canal - West and East sub-areas, respectively, are vacant. The downtown area has no parcels considered vacant.

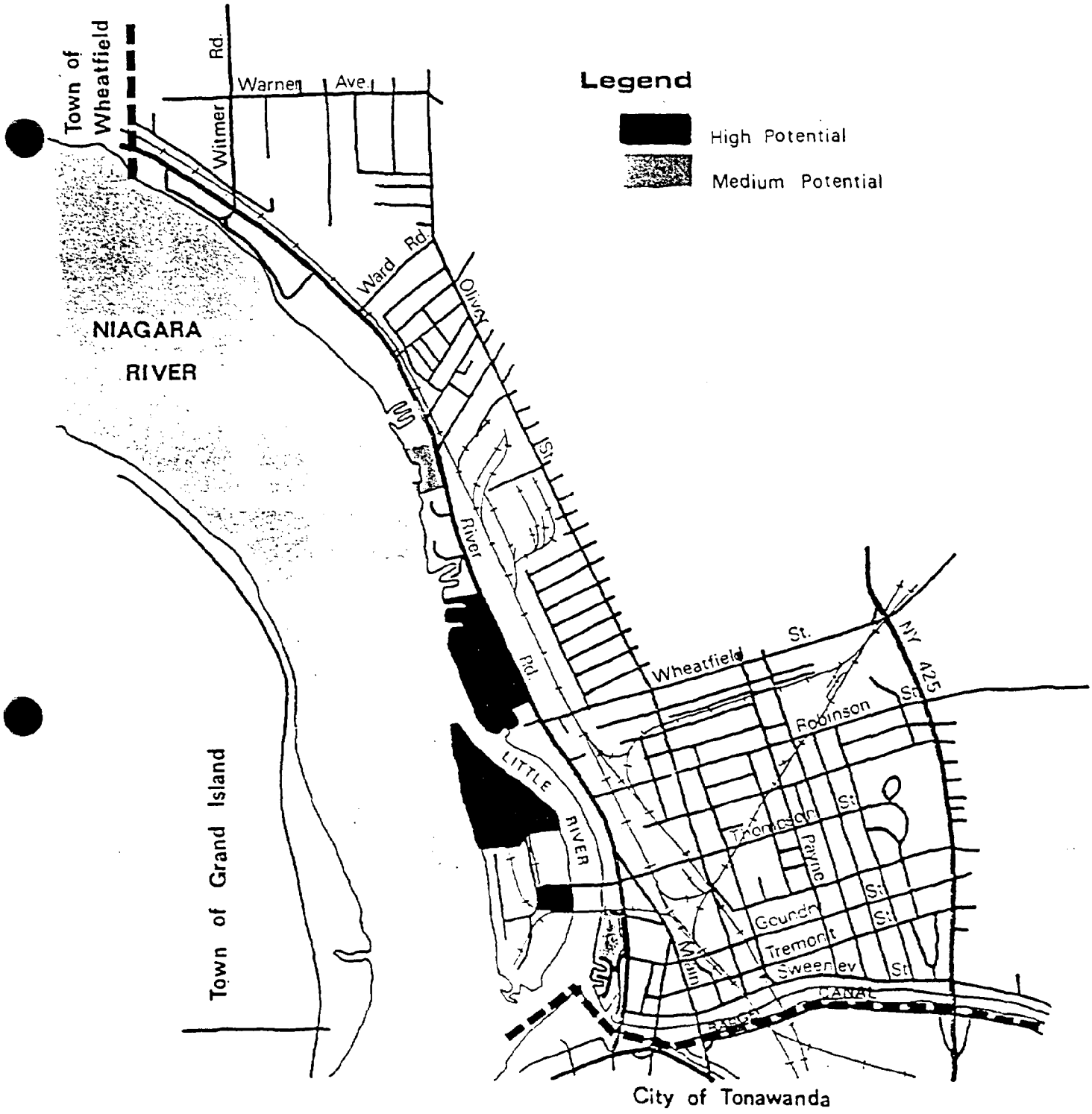
Throughout the waterfront, 20 percent of the vacant parcels are in public ownership. Public ownership is very extensive along the Barge Canal where New York State owns 99 percent of all vacant parcels. This documents the dominant position New York State has in determining any future development along the Canal. In contrast, all vacant parcels along the Niagara River are in private ownership, while 86 percent of those on Tonawanda Island are also privately held.

Reference should be made to Figure 15 for a graphic location of all vacant parcels within the City's waterfront area.

J. ENVIRONMENTAL CONDITIONS

An inventory of environmental conditions within the waterfront area is an essential ingredient when determining opportunities for, and constraints to, future development. For the purpose of this analysis, the following factors were examined: flood hazard areas, wetlands, inactive hazardous waste sites, topography, soils, fish habitats, water quality, and historic/archaeological features.

The conditions will be examined by sub-area. It should be noted that there are no State-regulated wetlands within the waterfront area and serious erosion problems do not occur within any sub-area. In addition, the City's waterfront is in attainment with all State air-quality standards.



City of North Tonawanda

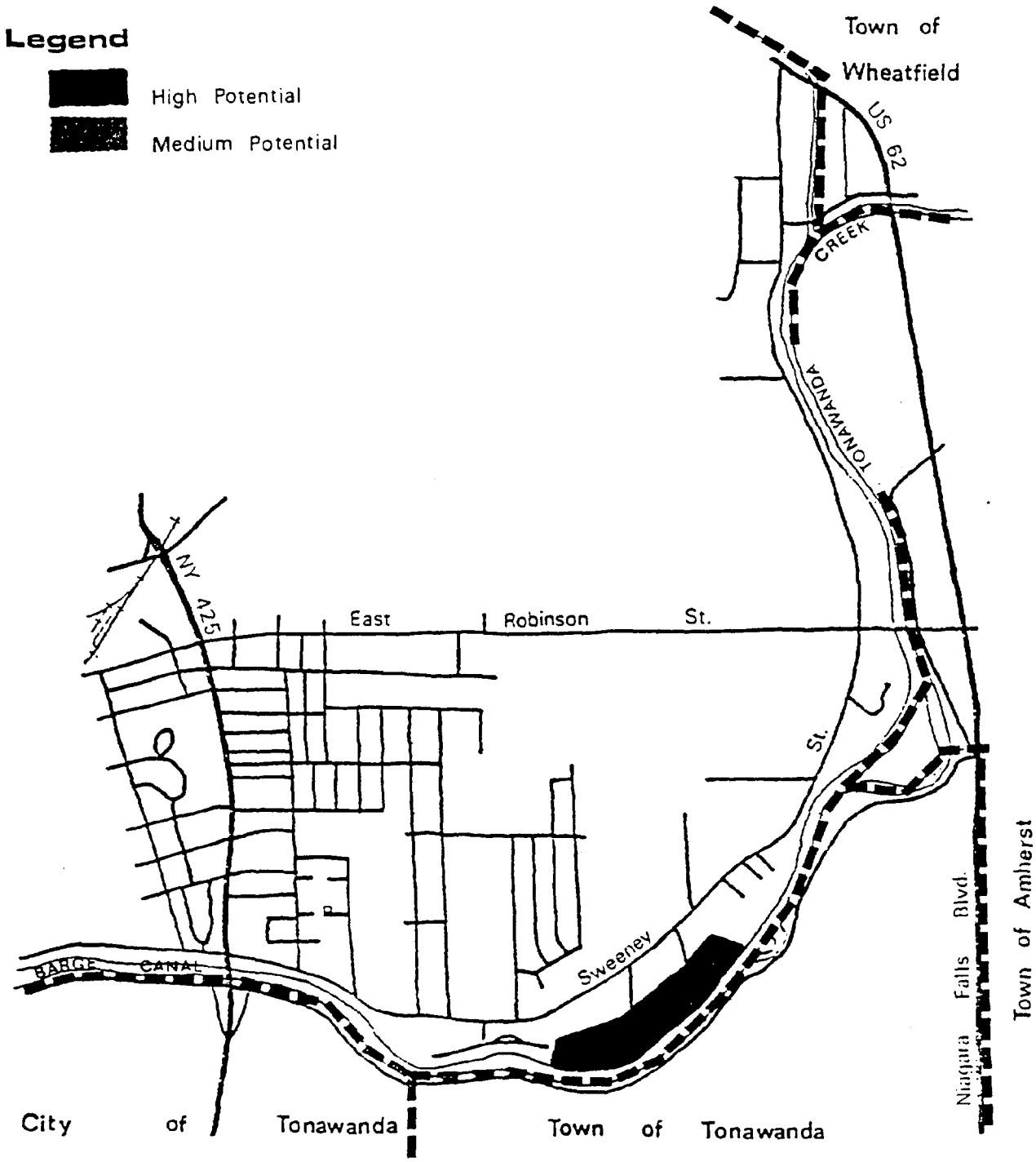
Local Waterfront Revitalization Program

Figure 12A: POTENTIAL FOR LAND USE CHANGE ON MAJOR PARCELS

N

0 2000

Stuart I. Brown Associates



City of North Tonawanda

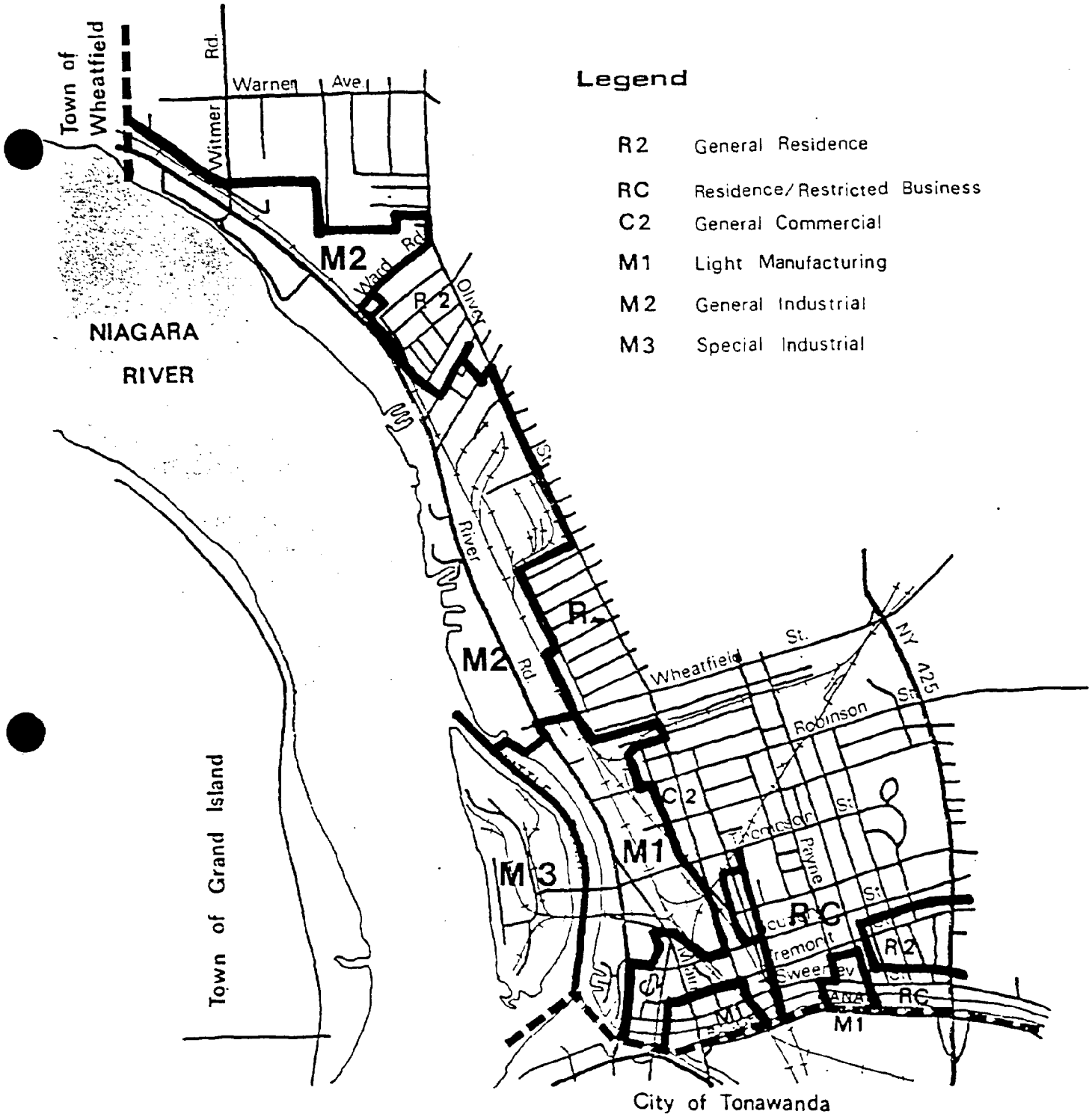
Local Waterfront Revitalization Program

Figure 12B: POTENTIAL FOR LAND USE CHANGE ON MAJOR PARCELS

N

0 2000

Stuart I. Brown Associates



City of North Tonawanda

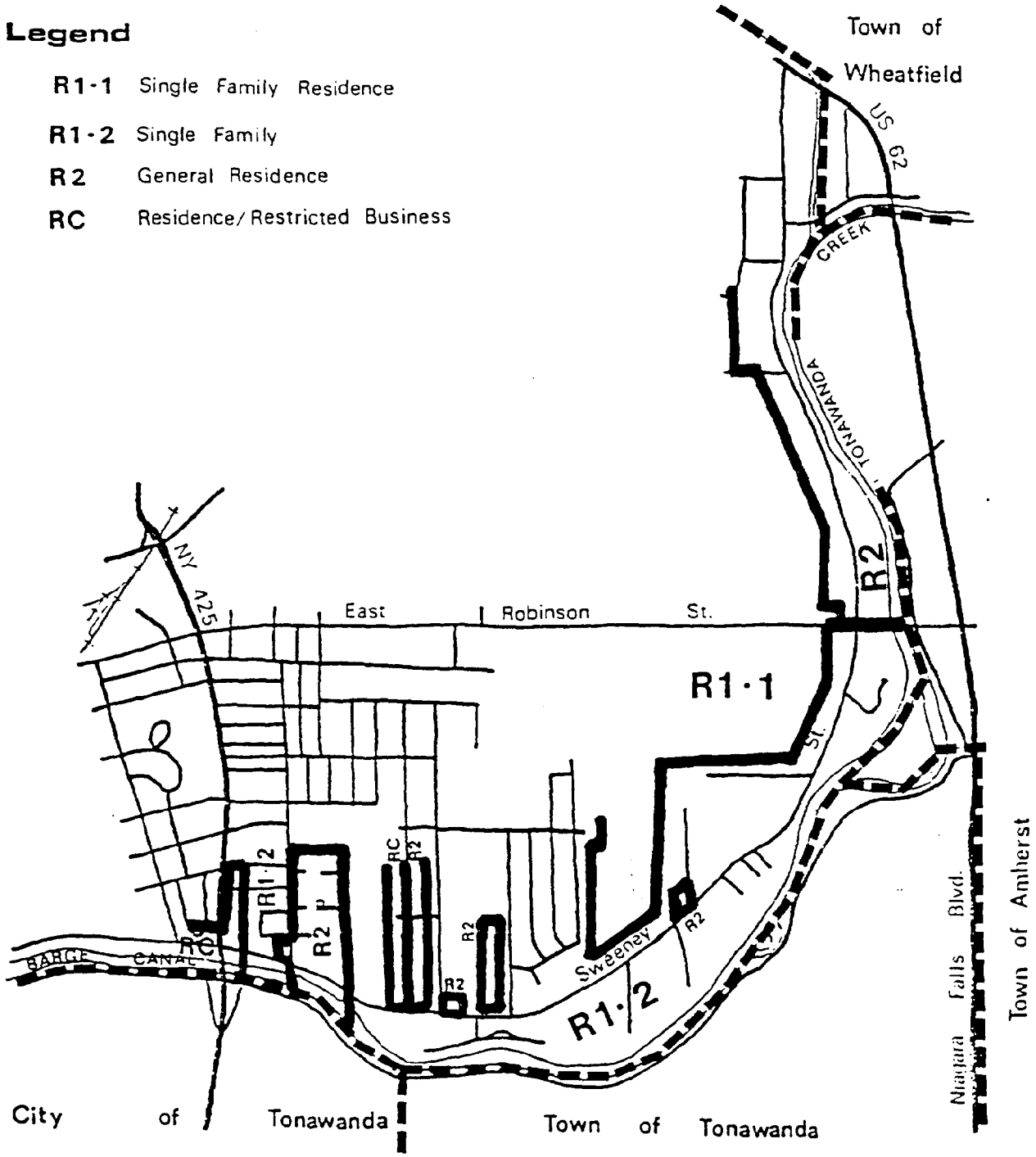
Local Waterfront Revitalization Program

Figure 13A: EXISTING ZONING

N

0 2000

Stuart I. Brown Associates



City of North Tonawanda

Local Waterfront Revitalization Program

Figure 13 B: EXISTING ZONING

N

0 2000

Stuart I. Brown Associates

Sub-Area	City-Owned	Other Public	Private
1. Niagara River	14	1	85
2. Tonawanda Island	11	3	86
3. Downtown	31	3	66
4. Barge Canal-West	34	23	43
5. Barge Canal-East	12	38	50
TOTAL	15%	17%	68%

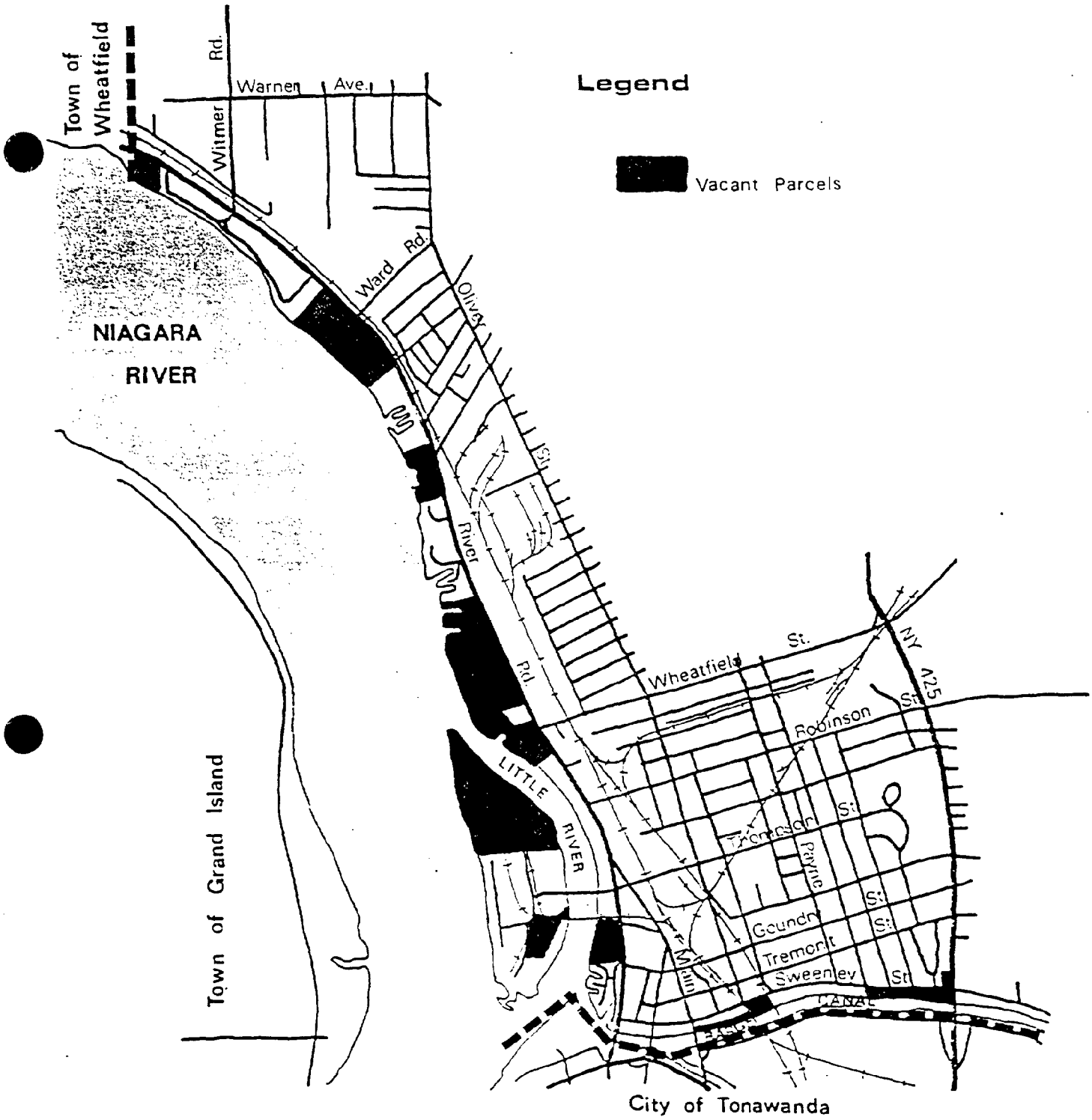
Figure 14: Land Ownership by Sub-Area (%)

1. NIAGARA RIVER: (See Figure 16.) The major environmental condition within this sub-area is the existence of an inactive hazardous waste site on a 45 acre parcel owned by the Niagara Mohawk Power Corporation. The entire parcel is leased to the City, with approximately one-half of the area being used as a waterfront park (i.e., Gratwick-Riverside Park). The New York State Department of Environmental Conservation (DEC) has assigned a class code of 2 to the site.[10] This classification indicates that the site is a significant threat to public health or the environment and cleanup action is required. The area was used by two large manufacturing firms for the disposal of a variety of toxic materials including phenolic resin, oil and grease, phenolic molding compounds, and municipal waste. In 1982, the owner removed more than 30 barrels of hazardous waste from the west bank of the Niagara River. The potential for contaminant migration is major, since the fill material is permeable, allowing lateral movement of contaminants to the River.[19] There has been no action to date on site cleanup,[20] but the DEC is working with Niagara Mohawk on this matter.

Although not located in the waterfront area, the Occidental Chemical Corporation - Durez Division toxic waste site seriously affects water quality within the City's Waterfront. There are 14 hazardous waste disposal areas on the 40-acre site. Contents include phenol tar, chlorobenzenes, phenol-bearing material, calcium-aluminum oxide, and calcium phosphate.[21] The plant is located in the City of North Tonawanda, approximately 1.7 miles from the Niagara River. There is a very high potential for contaminants to migrate within the groundwater off the site toward coastal waters.[22]

The Durez facility is a possible PCB source.[23] Sediments from the Pettit-Flume, which is a channel emptying into the Little River, were tested and found to contain high concentrations of PCB's, endrin, and hexachlorobenzene. The Pettit-Flume receives discharges from Occidental - Durez which are believed to have contributed to the major sediment contamination found in the Little River, which contains high levels of zinc and PCB's.[23] Occidental Chemical has a State Pollutant Discharge Elimination System (SPDES) Permit form New York State for discharge into the Pettit-Flume. Finally, the Occidental - Durez facility has been designated a Class 2 site by the DEC. It is also, presently, the subject of litigation between the State Attorney General's Office and Occidental Chemical Corporation relative to cleanup issues. The above classification denotes that the site is a significant threat to public health or the environment and cleanup action is required.

In addition to the Niagara Mohawk and Occidental-Durez sites, the State recently identified another site at 76 Robinson Street, formerly used by Booth Oil Co., as a Class 2 site. This 2.5 acre area is saturated with spilled oil, some of it containing PCB's. The site is approximately 250 feet from the waterfront area and 1,000 feet from the Niagara River.[11]



City of North Tonawanda

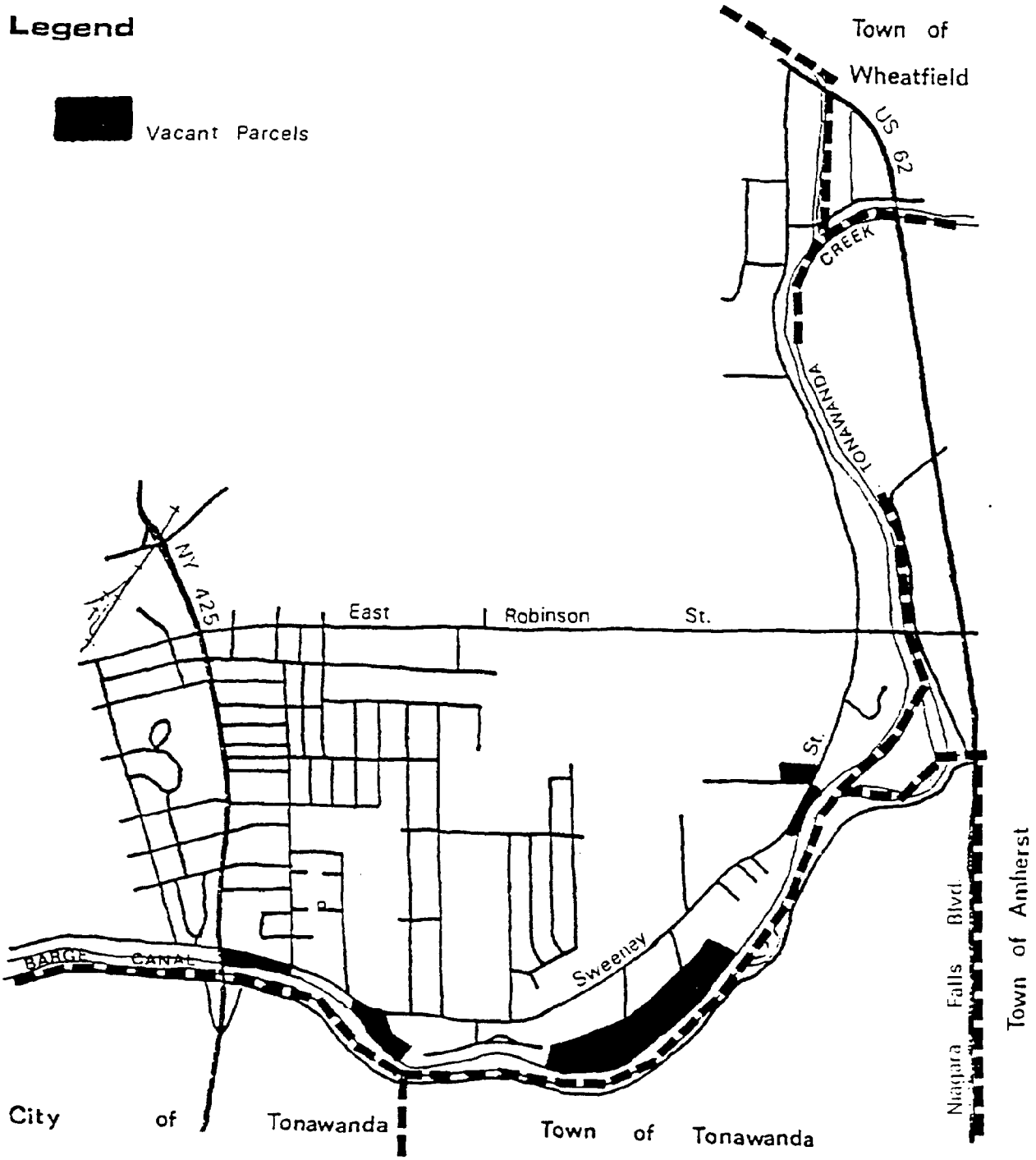
Local Waterfront Revitalization Program

Figure 15A: VACANT LAND PARCELS

N

0 2000

Stuart I. Brown Associates



City of North Tonawanda

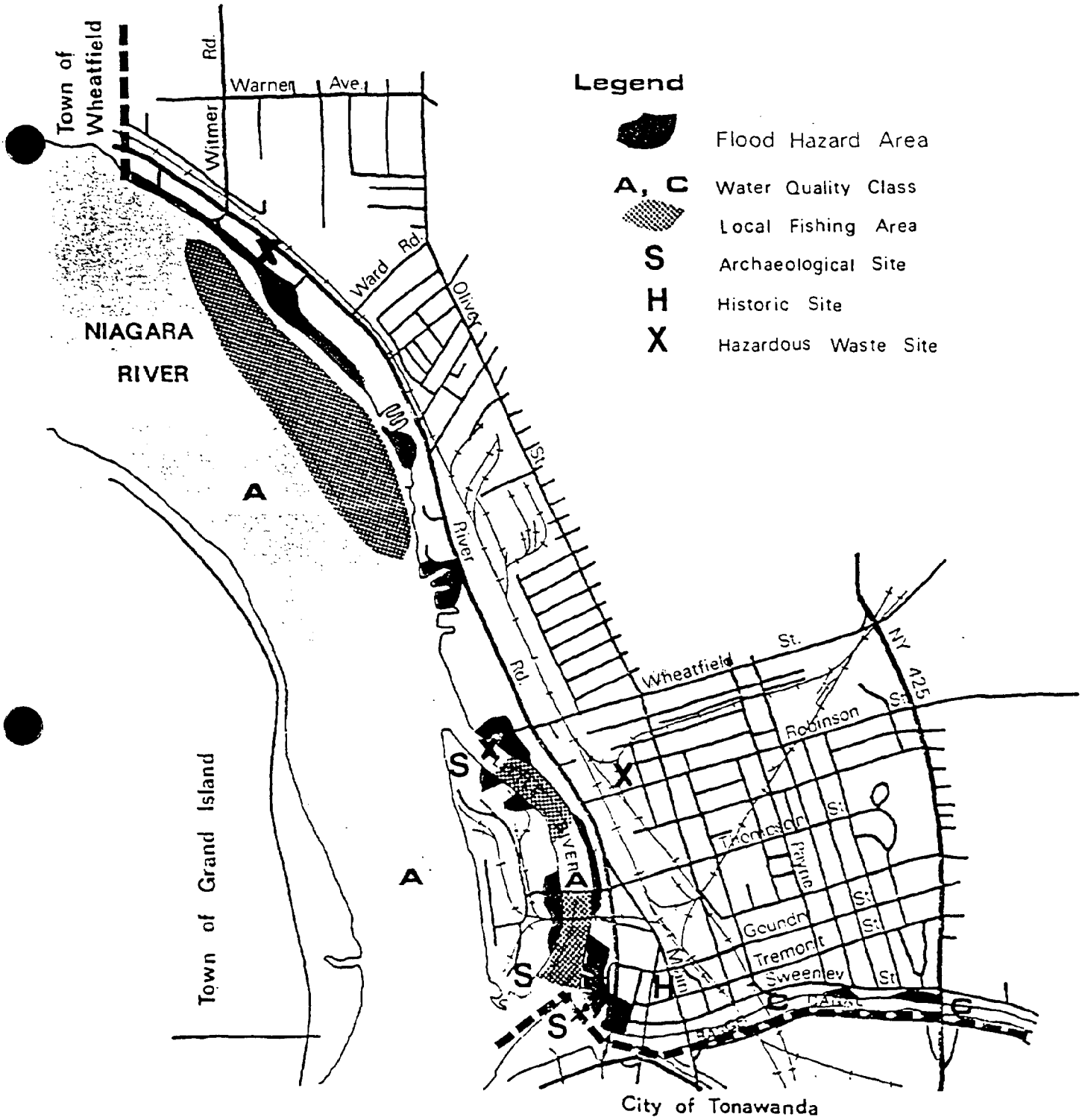
Local Waterfront Revitalization Program

Figure 15 B: VACANT LAND PARCELS

N

0 2000

Stuart I. Brown Associates



City of North Tonawanda

Local Waterfront Revitalization Program

Figure 16: ENVIRONMENTAL CONDITIONS

N

0 2000

Stuart I. Brown Associates

Other environmental features in the Niagara River sub-area include the existence of flood hazard areas located sporadically along the River shoreline and extending varying lengths inland. The flood hazard areas affect the boathouse area and Wardell's boatyard, located south of the railroad bridge leading to Tonawanda Island. Flood hazard areas have also been designated for part of the marina area north of Thompson Street, the Ashland property, and a small part of the former Tonawanda Iron and Steel site.[12]

Also located in the Niagara River sub-area is an archeaologic site (i.e., The Buffalo "P" site) of potential statewide significance. It is situated in the vicinity of Wardell's Boatyard, which was once the site of Cornelius Creek. Information regarding the site is sparse. The area was reported in the late 1800's and early 1900's by archeaologists named Benedict, Squier, and Parker. Artifacts recovered included pottery shards, projectile points, decorated and undecorated pipe bowls and stems, and various tools. It is believed that the site is a multi-component site ranging in age from the Archaic to the Late Woodland periods (i.e., 6,000 BC-AD 1600). The site has not been systematically surveyed by modern methods.[13]

The topography of the sub-area is generally flat. The only deviation from this pattern is again located in the Wardell Boatyard area. A steep embankment created during construction of the approach to the Seymour Street Bridge has resulted in a 15 to 25 foot man-made elevation change at this point. This has served to completely buffer the boathouse and marina uses from those motorists using the River Road.

The soil classification for the area from the Town of Wheatfield border to approximately Frederika Street is Tonawanda Silty Clay Loam which was derived from stream deposits. These are generally deep, poorly drained soils. It has a range of building capacities from good to poor, and is considered generally stable for building.[15] The remaining Niagara River sub-area is classified as made land. These are areas which have been built up by dumping materials of heterogeneous composition.[16] There is no interpretive information provided concerning this soil category due to the wide variability in soil characteristics. Prior to any major development soil borings would have to occur to determine the capability of the soil to support the particular land use being considered.

The water quality classification for both the Niagara River and Little River is A (Special), denoting its function as an international waterway. These waters can be used as a source of water supply for drinking, food processing, and primary contact recreation. Quality standards for Class A - Special Waters are those listed in Part 700, Section 702.1 of the Rules and Regulations of Title 6 of the N.Y.S. Environmental Conservation Law.

It should be noted that point discharges to the Little River and/or Niagara River occur at two primary locations authorized by the following SPDES permits.

Permit Holder	Discharge Location	Status
Occidental - Durez	Little River/via Pettit Flume	Original permit expired; new one under negotiation
City of North Tonawanda	Niagara River/and Other Overflow pts.	Permit expires 8/86
Battenfield Grease and Oil Corp.	Little River/via Pettit Flume	Original permit expired; new one under negotiation

In regard to the City of North Tonawanda, there are a series of overflow points within the City's sanitary system controlled by sluice gates. These are open during periods of heavy flow when the treatment plant reaches capacity. Since the plant is operating at 50 percent of design capacity, discharges via the overflow points rarely, if ever, are opened. Two discharge points are located in the Niagara River sub-area at the foot of Schenck Street and East Avenue.

The City of North Tonawanda was the recipient of an Order On Consent from the NYS DEC on January 2, 1986, relative to alleged violations of Article 17 of the NYS Environmental Conservation Law. It was issued due to excessive discharges of wastewaters at the sewage treatment plant and failure to implement an industrial pre-treatment program. These violations were inconsistent with the SPDES Permit. The City submitted a Composite Corrective Plan to the DEC on schedule.

Locally, significant fishing areas are located offshore between Gratwick Park and Fisherman's Park for trout and salmon, while the River area between Gratwick Park and the Niagara River Yacht Club is considered a productive site for muskellunge.

2. TONAWANDA ISLAND: (See Figure 15.) The most prominent environmental condition on the Island is the existence of two archaeological sites with the potential of having Statewide significance. The sites have not been surveyed and were reported in the late 18th and early 19th centuries by the archaeologists who reported Buffalo "P" site. The first area on the Island is referred to as the Tonawanda Island Mound site; it is situated on the Island's northern tip. The mound was originally 15-ft. high, encircled by stones which had traces of fire. The diameter was approximately 10-ft. and contained bones comprising three or four skeletons. Worked flint, broken points and worked antler were also found on the site.[13]

The second mound and village site (i.e., Stephen White site) is at the very southern tip of the Island. The culture is neutral and the present condition of the site is unknown.

Other prominent environmental conditions on the Island include the existence of flood hazard areas located sporadically along the Little River. This has the greatest impact on the large vacant parcel located on the northern tip of the Island, as well as the publicly owned fire-training tower, and Taylor Devices.[12] It should be noted that, although these areas are within the floodplain, severe flooding has not occurred in the recent past nor has it hindered development.

As mentioned previously, the water quality classification within the Little River and Niagara River is Class - A (Special). Soils on the Island are considered 'made-land'[14] fill with a dominant make-up of lacustrine clay.[24] The latter was deposited in the depths of ancient Lake Tonawanda which formerly covered the site. Due to the general designation of the Island as made-land by the U.S. Soil Conservation Service, soil borings should be prepared prior to any major development.

A locally significant muskellunge fishing area is located within the Little River, although access for shore fishing is non-existent.[18]

3. DOWNTOWN: (See Figure 16.) The major environmental feature within the downtown sub-area is the Riviera Theatre at 27 Webster Street. The structure is listed on the National Register of Historic Places. The Theatre was built in 1926 and reflects structural design input from notable period architects, including Willard M. Lusk. During the 1920's and 30's the building accommodated silent movies, vaudeville shows, and, most importantly, organ concerts. Today, the building continues to serve the public with an emphasis on organ recitals sponsored by the Niagara Frontier Threatre Organ Society. A key piece within the Theatre is an ornate Wurlitzer console organ. It consists of three manuals, seventeen ranks, 1169 pipes, and 178 tabs.[25] In summary, the Theatre is one of the last 1920's movie palaces in New York State and serves as a significant landmark in the City's downtown area.

A locally significant historic structure located in this area is the former Packet Inn now the Packet Center. It was the site for the home of Colonel John Sweeney. The present building was built on the site of the Niagara Silk Mill, which later was VAn Raalte Silk Mill.[4] A small portion of the original foundation is the only remaining part of the Silk Mill.

Other environmental features in this sub-area include a small finger-like flood hazard area extending approximately 400-ft. inland from the Barge Canal and immediately west of Manhattan Street. It is generally 50-ft. wide and is bounded on the west by the approach embankment to the Seymour St. Bridge.[12] Severe flooding does not occur in this area, however.

Soil conditions are in the 'made land' category[16] with a predominance of delta gravel deposits.[24] The latter has fair to good drainage and a good boring capacity.[15] Once again, however, soil borings should be conducted prior to any major development.

The Barge Canal has been designated by the DEC as a class "C" waterway, indicating that the water is suitable for fishing, but not for water supply, cooking, or primary contact recreation.

The downtown area also includes a point discharge source for wastewater covered by the City's SPDES Permit located on Manhattan Street. As noted earlier, the sluice gates are rarely, if ever, opened. This sub-area is also the only section of the waterfront area where the sanitary and storm systems are combined. It has not been a serious water-quality problem, however.

4. BARGE CANAL - WEST: (See Figure 16.) There are no significant environmental constraints in this sub-area. A flood hazard area is located approximately 25-ft. to 75-ft. offshore of the Barge Canal, beginning approximately 300-ft. east of Vandervoort Street and extending to the Twin Cities Memorial Highway. State land, Hi-Skipper Marine Sales, and some boathouses are located in the flood hazard area, however, flooding has not been a serious problem.

   The soils in the sub-area are 'made-land' and Tonawanda silt loam.[14] Drainage is considered fair to poor and the bearing capacity is fair.[15] Barge Canal water-quality is in a "C" classification.

   A locally significant historic structure in the area is the Sperry Rand Corporation building, which includes part of the old Allan Herschell Plant.

5. BARGE CANAL - EAST: (See Figure 17.) A major environmental feature of the Canal within this sub-area is the presence of a locally significant fishing area. Presence of northern pike, bass, walleye, and panfish throughout the sub-area makes fishing a viable recreational activity.[18,26,27] In addition, a study to investigate the potential for enhancing the walleye fishery in the Tonawanda Creek/Barge Canal system may be undertaken by the NYS Department of Environmental Conservation in the future. A stocking program would benefit the local fishery by increaing the supply.

   Other environmental features of the sub-area include a continuous flood hazard area approximately 25-ft. wide offshore from the Canal. This extends the entire length of the sub-area; however, it does not cause any serious flooding problems to land uses. Soils in the area include cut and fill, Canandaigua, and Rockland, which cause minor development constraints due to poor drainage from the high water table in the area.

During periods of heavy rainfall and thaws, sewers in this sub-area tend to backup, requiring bypass pumping to storm sewers to eventual discharge into the Barge Canal or Pettit Flume. As this only occurs during heavy flow periods, the water is well diluted prior to entering the Canal or Little River. Although this situation should be addressed eventually, it is not a major problem which detracts from the area's water quality.

K. UTILITY SERVICE

The City operates its own sewage and water treatment plants, located along River Road and on Tonawanda Island, respectively. The sewage treatment plant has a design capacity of 14 MGD and is operating at approximately 50 percent capacity. The City is presently undertaking an Industrial Pre-Treatment Program pursuant to a consent order agreed to by the City with the DEC regarding the correction of several problems related to plant operation.[28] The purpose of the program is to protect the waste water treatment system and the environment from damages that might occur when industrial wastes are discharged into municipal sewers.[29]

The water treatment plant has a design capacity of 14 MGD and is operating at 36 percent capacity.

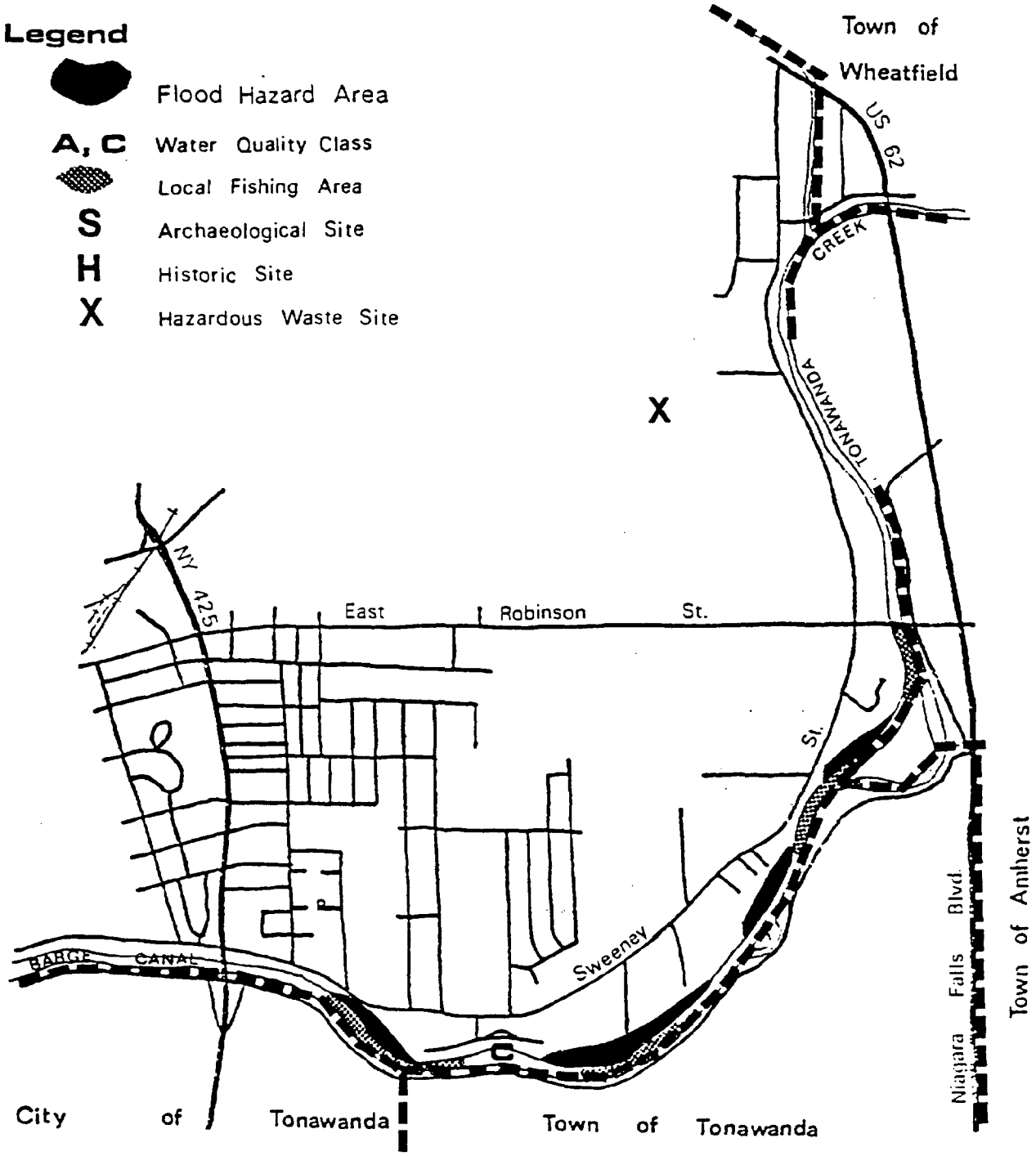
It should be noted that most of the waterfront area is serviced by or has immediate access to, both the sewer and water systems. The only area where access is financially prohibitive is in the Niagara River sub-area, extending north from the area where Smith Boys Marina is located. Both systems have large trunk lines located on the east side of River Road. In order to provide service to those parcels within the waterfront area, cuts would have to be made across River Road, as well as through the Tonawanda Island Railroad located on right-of-way along the west side of River Road. Such a project would be very expensive and seriously disrupt vehicular and rail traffic.

Finally, the City of North Tonawanda operates a municipal solid waste collection system. The waste is transported to the Hooker Energy Waste facility, in the City of Niagara Falls, where it undergoes an incineration process. The plant is presently operating at approximately 80 percent of design capacity.

L. CIRCULATION AND ACCESS

The following provides information regarding circulation characteristics within each sub-area and also notes the access problems or opportunities created due to the circulation system.

1. NIAGARA RIVER: River Road serves as the only north-south highway in this sub-area. It is a State road and is classified as a principal arterial from the Town of Wheatfield line to its intersection with Main Street where it becomes a minor



City of North Tonawanda

Local Waterfront Revitalization Program

Figure 17: ENVIRONMENTAL CONDITIONS

N

0 2000'

Stuart I. Brown Associates

arterial. The four-lane road carries an average daily traffic volume of 9,400 vehicles per day. Access is provided from this road to both Gratwick and Fisherman's Parks, as well as to the marina facility in the southern part of the sub-area. The road carries approximately 800 trucks per day and has been included in the region's preferred truck route system as a major collector.[31]

The major east-west thoroughfares which channel traffic to the waterfront area are Wheatfield and Robinson Streets, which are City-owned roads and are classified as minor arterials.[30] Access to the shoreline is supplemented by nine local streets which intersect with River Road. Therefore, vehicle access to the shoreline is good.

This sub-area is further characterized by three railroad lines. The Niagara Branch of Conrail parallels River Road from Main Street to the City Line with the Town of Wheatfield. The tracks are in excellent condition, and frequent passenger and freight services utilize the line (approximately six trains per day). The old Erie-Lackawanna line is in service between Robinson Street and Roblin Steel on East Avenue. The Line services strictly local industrial concerns and is in adequate condition to meet existing needs. The Tonawanda Island Railroad is a private facility and is located on the west side of River Road from Island Street to the former Koppers Plant.

It does not presently provide any service to River Road facilities.

Bridges in the area include the State-owned Seymour Street Bridge over the Barge Canal to the City of Tonawanda, the City-owned Durkee Bridge over the Little River, and the Tonawanda Island Railroad Bridge which is privately owned. The facilities are in very sound condition with the exception of the Railroad Bridge. A visual inspection indicates some deterioration.

As noted, vehicle access is good to the shoreline. Pedestrian access, however, for those residents living in the residential neighborhoods east of River Road, is dangerous due to the numerous rail crossings, as well as poor pedestrian crossing opportunities at the intersection of River Road with local streets. Public transportation does not serve this sub-area. Such service, however, was not identified as a need during the LWRP planning process.

2. TONAWANDA ISLAND: The Island is serviced by a series of local streets which are City-owned. Circulation is difficult because of the industrial activity adjacent to the roads and numerous railroad crossings. As funds became available, all local roads are improved in accordance with an ongoing resurfacing program.

The Tonawanda Island Railroad also operates on the Island and services R. T. Jones Lumber, as well as International Filler.

In summary, vehicle access to the water's edge is adequate on the Island. Since there are no public recreational opportunities in this sub-area, access has not been a major concern. Public transportation does not serve this sub-area, nor is there currently a demand for such service.

3. DOWNTOWN: The major east-west thoroughfare providing linear access to the Canal is the City-owned Sweeney Street considered a minor arterial which contains a single travel lane in each direction. Access to the Canal from the central business district is provided via Main and Webster Streets. These are local roads and are considered principal arterials. A parking problem exists in front of the Packet Center where the City has recently constructed transient boat-docking facilities. Parking is perpendicular to the road but is inadequate given the attractions and demand in the area.

   Two highway bridges crosses the Canal in this sub-area. The Renaissance Bridge carries Webster Street traffic into Erie County, while the Main Street Bridge serves a similar function at the eastern edge of the sub-area.

   The latter bridge is considered structurally deficient by the New York State Department of Transportation (DOT).

   The Niagara Frontier Transportation Authority (NFTA) provides bus service to Sweeney Street via Webster Street for residents living north of the Canal along Oliver Street and Payne Avenue. Service is provided on an hourly basis and provides good public transportation access to this sub-area.

4. BARGE CANAL - WEST: Sweeney Street continues to provide linear vehicle access along the Canal in this area. It serves as a minor arterial to Oliver Street and then changes to a collector status. Minor traffic congestion occurs periodically between Main Street and Payne Avenue, especially during major waterfront events. This area is curbed so parking opportunities on the road shoulder for those wishing to utilize the linear park facilities are limited. Recreational users generally use the private canal-side parking provided for the employees of a local corporation or park on adjacent side streets. This is not a major problem and does not prohibit access to the Canal.

   Vehicle access to the waterfront from the residential areas north of the Canal is easily accommodated by the intersection of Sweeney with seven local streets. Pedestrian and bicycle access can also easily be accommodated through the existing street system.

There is one active railroad bridge at the foot of Oliver Street. It carries the Niagara Branch of Conrail and has been rated as structurally deficient by the DOT. The former Erie-Lackawanna Bridge is located immediately east of the Niagara Branch crossing. The bridge stands alone within the Canal with no connections to either shore and has been abandoned by Conrail. The DOT has planned to remove the abutments but has no immediate plans to remove the bridge. This creates an unattractive view and seriously detracts from the overall visual environment. Visual access is, therefore, negatively impacted by the bridge.

The NFTA provides bus service to this area with a stop at Sweeney and Webster Street. Service is provided on an hourly basis, thus providing good public transportation access to this sub-area.

5. BARGE CANAL - EAST: Sweeney Street continues as a collector, carrying average traffic volumes with no congestion problems. Access to the waterfront from adjacent neighborhoods is via thirteen local roads and the Twin Cities Memorial Highway which serve as a principal arterial and East Robinson Street which functions as a minor arterial.[30] There are no major vehicle or pedestrian access problems in this area. Parking is available on the roadside or along adjacent streets for those wishing to utilize recreational areas along the Canal.

   The East Robinson Street Bridge crossing the Canal in the far eastern sector of the sub-area has been rated as structurally sound by the DOT. A rating was not available for the Twin Cities Memorial Highway Bridge.

   The NFTA provides service along Sweeney Street to the Botanical Gardens via Spruce Street and Old Falls Boulevard. Service is provided three times daily which is sufficient given the lack of demand for increased service.

M. MAJOR RECENT AND PROPOSED WATERFRONT IMPROVEMENTS

The following information describes recent and future waterfront improvements for the shoreline. They are listed by sub-area and coincide with the numbering system illustrated on Figure 18. This provides good background material on the level of public and private investment and suggests possible opportunities for additional improvements.

A. NIAGARA RIVER:

1. Former Koppers Co., Inc. Sale. The City has learned that a privately financed sale (amount unknown) of the former 25,000 sq. ft. Koppers Co. building will occur shortly.

2. Armstrong Pumps, Inc. The Company purchased 151,000 square feet of vacant space in the Roblin Steel Corporation Plant with $1.5 million in Industrial Revenue Bond (IRB) proceeds. The inducement resolution was provided by the Niagara County Industrial Development Agency (NCIDA). Armstrong Pumps manufactures centrifugal pumps and accessories for commercial and industrial clients.

3. Riverview Shopping Center. Private developers have submitted an application to the NCIDA for $9.5 million in IRB proceeds to construct a $150,000 square foot shopping plaza on the former Tonawanda Iron Works site. The proposed project has not progressed beyond the initial planning stages, and an anchor store for the center has not been found.

4. Tonawanda Island Railroad. Approximately $300,000 in State resources has been used to improve the railroad in the last five years.

5. Seymour Street Bridge. This bridge was improved in 1984-1985 by the DOT at a cost of $696,000.

B. TONAWANDA ISLAND

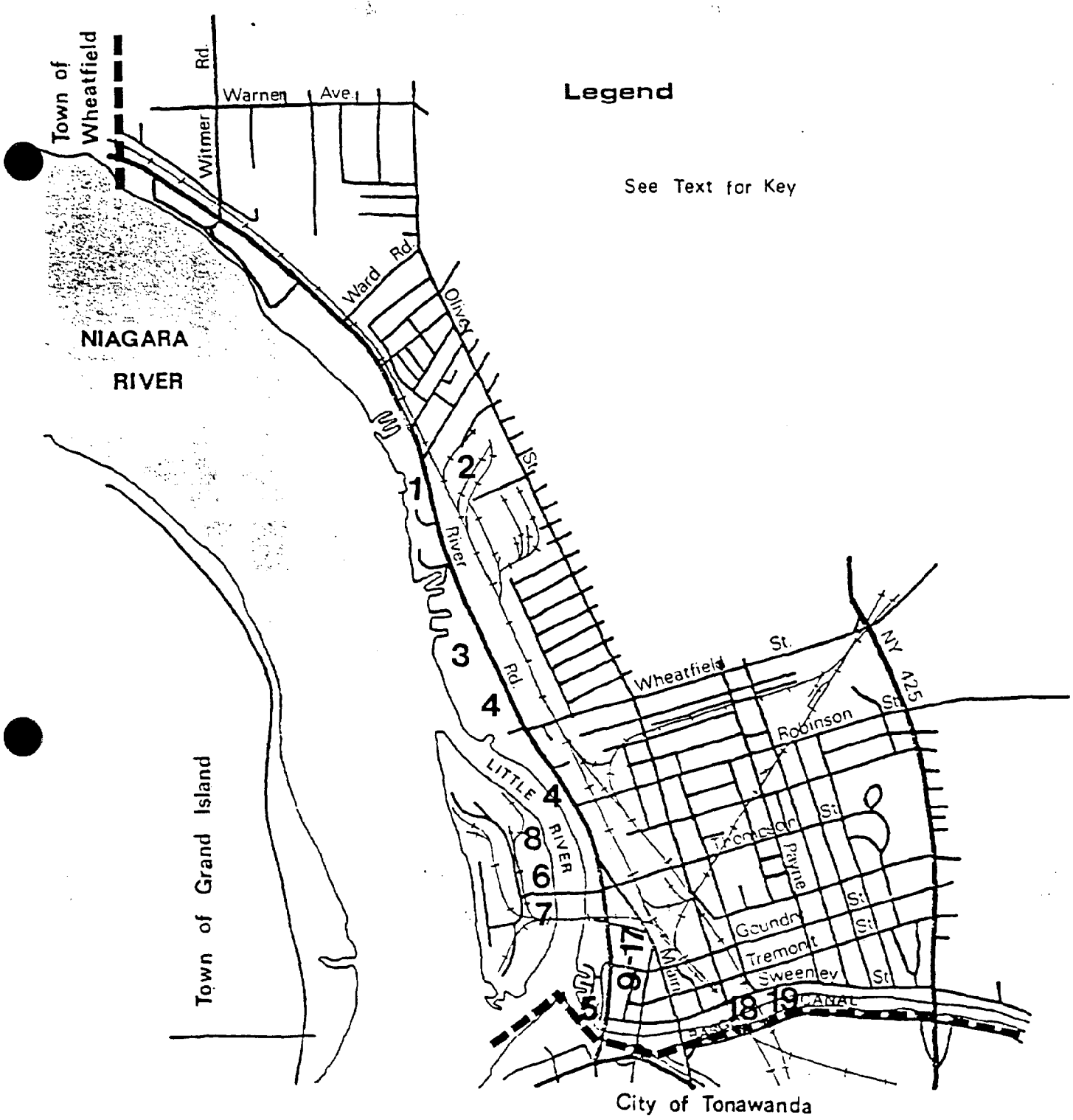
6. Tayco Technology, Inc. The City received approval of an Urban Development Action Grant (UDAG) in the amount of $171,906 to assist in the establishment of a small plastics manufacturing facility. Owned by Taylor Devices, Inc. (also located on Tonawanda Island) and Tayco Developments, Inc., Tayco Technology makes plastic shock absorbers and other energy management devices.

7. Tonawanda Island Railroad: (See Item 4.)

8. Smith Boys Marina. Smith Boys expects to expand its operations in the near future. The marina has secured the necessary federal permits to construct 300 slips from their present location on the island to the north end of the Island along the Little River.

C. DOWNTOWN: (Note: Items with an asterisk are part of the City's 1985 Small Cities Downtown Comprehensive Program. Funding sources include federal Community Development Block Grant (CDBG) resources, municipal funds and private investment or a blend of the various sources, as noted).

9. Snyder Gear Corporation. The Company has received an inducement resolution from the NCIDA for $275,000 in IRB proceeds to acquire equipment and expand its facilities on Manhattan Street. Snyder Gear makes gears for the coal mining industry.



City of North Tonawanda

Local Waterfront Revitalization Program

Figure 18A: MAJOR RECENT and PLANNED IMPROVEMENTS

N

0 2000

Stuart I. Brown Associates

*10. Robert's Furniture Show Place. Robert's, located on Main Street between Tremont and Goundry Streets, expects to expand its showroom and retail display areas with $335,000 in private resources and $175,000 in Small Cities CDBG loan funds.

11. Packett Center. The renovation of the 55,000 square foot building was completed in 1985 with $1.5 million in private funds. The Packett Center includes 78 efficiency apartments, restaurant facilities and office space.

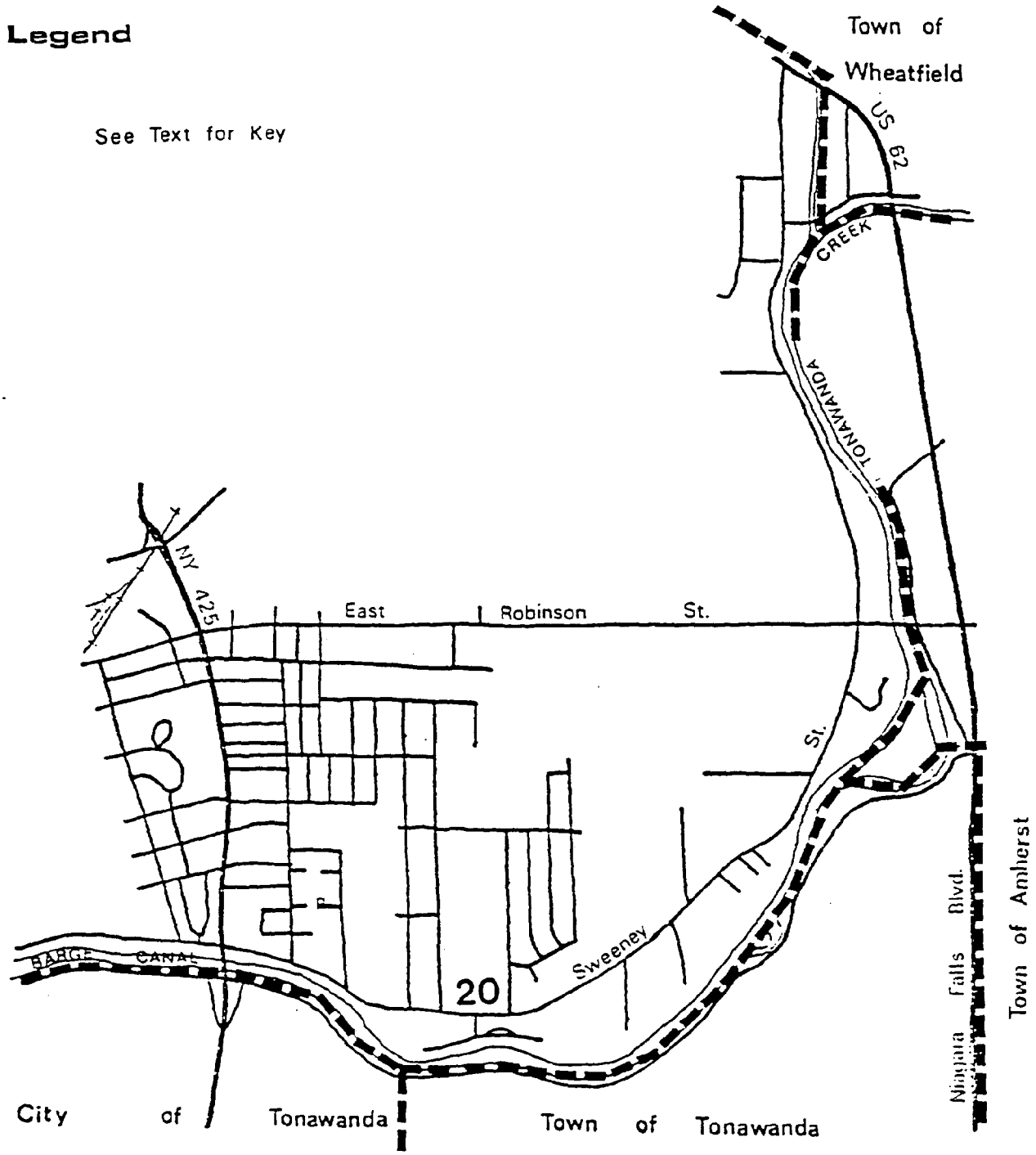
*12. Webster Street Mini Mall. The planned 3,800 square foot shopping center, which will span the distance between Webster Street and Manhattan Street will be constructed with $80,000 in private funds and $80,000 in Small Cities loan resources. The City DPW will improve the public walkway adjacent to the mini-mall, thereby creating a pleasant area between the Manhattan Street parking lot and the retail establishments on Webster Street.

*13. Manhattan Street Public Facilities Improvements. A series of improvements on Manhattan Street will complement the downtown revitalization activities being carried out with a combination of public and private resources. The repaving and lighting of the Manhattan Street parking lot, the installation of new curbs and sidewalks, and the replacement of a sanitary sewer at a cost of $121,200 ($85,000 in CDBG funds and $36,200 in municipal resources) will be completed in 1986 and 1987.

*14. Goundry Street Repaving. The intersection of Goundry and Webster STreets has been repaved at a cost of $6,200 in municipal resources.

15. Sweeney Street City Docking Facilities. Approximately 300 linear feet of docking facilities were constructed in 1984-1985 with $130,000 in State funds. (These funds also provided for construction of 200 linear feet in the City of Tonawanda). This provides temporary dockage space for approximately 12 boats immediately adjacent to the Packett Center. Additional utility and landscaping improvements will be completed in 1986 with $30,000 in State funds and $11,200 in municipal funds.

16. Sweeney Street Parking Improvements. The City's Department of Public Works (DPW) will repave the parking areas on both sides of Sweeney Street in front of the Packett Center in 1986 with $5,000 in municipal funds. This activity will improve the street condition and enhance the attractiveness of the downtown area.



City of North Tonawanda

Local Waterfront Revitalization Program

Figure 18B: MAJOR RECENT and PLANNED IMPROVEMENTS

N

0 2000

Stuart I. Brown Associates

17. Downtown Signage System. The City's DPW installed signage in 1986 with $500.00 in municipal resources.

D. BARGE CANAL - WEST:

18. Removal of the Bridge Approach. The DOT recently removed the Conrail - Erie/Lackawanna Railroad Bridge crossing the Barge Canal.

19. Removal of the Bridge Abutments. The DOT plans to remove the abutments for the Conrail - Erie/Lackawanna Railroad Bridge in the near future.

E. BARGE CANAL - EAST:

20. Ryan Subdivision. A 20-home residential development located north of Sweeney Street is presently under construction with private financing.

F. MISCELLANEOUS: The City has been promoting an annual Canal Fest in conjuction with the City of Tonawanda over the last few years. This is a one-week event with numerous family attractions and activities centered around the Barge Canal. It has been an annual success and serves to draw thousands of area residents to the North Tonawanda downtown area.

In addition to the Canal Fest, numerous North Tonawanda marina operators promote an annual boat show each year along the Canal. Although not as prominent, it also serves to bring people to the waterfront and subsequently to the neighboring commercial areas.

Finally, the Niagara County Economic Development and Planning Department designated the Sweeney Street - Webster Street - Goundry Street - River Road route as the City's sector of the Niagara Historic Trail[24] in 1976. A series of signs have been placed along these roads to orient the user to the area's historic past as described in a promotional brochure.

In addition, the DOT designated River Road as the City's component of the New York State Seaway Trail. This is an auto-tourist route, intended to promote area commercial and recreational attractions for tourists visiting the area. Signs have also been placed along River Road signifying this designation.

N. OVERVIEW OF PREVIOUS LAND USE DOCUMENTS

The following narrative briefly describes plans and studies which have previously been developed by other organizations and which adress, in part, development of the City's waterfront. These proposals were examined in analyzing the City's shoreline. Reference should be made to Section IV for a description of why certain suggestions were ruled out for inclusion in the LWRP.

1. COMPREHENSIVE PLAN, CITY OF NORTH TONAWANDA April, 1971 - prepared for the North Tonawanda City Planning Commission by Candeub, Fleissig and Associates: The Plan suggested continuous public open space from the Town of Wheatfield boundary to the City of Lockport pumping station along the Niagara River. The entire Tonawanda Island and Downtown sub-areas were proposed for industrial uses, while the majority of the Barge Canal - East sub-area was proposed for parkland including the underutilized State-owned land east of Mayor's Park.

2. BARGE CANAL RECREATION AND OPEN SPACE PRESERVATION PLAN, July 1973 - Erie and Niagara Counties Regional Planning Board. The following proposals affecting the City's waterfront were made:

   - Develop a Riverfront Park and Marina in the area of the Wardell's Boatyard.

   - Develop a Barge Dock Area between Main Street and railroad crossings. This plan suggested the continued use of this area for parking.

   - Develop the Creekside Marina immediately east of Mayor's Park at public expense.

   - Implement a Landscaping and Trail System along the entire length of the Barge Canal presently in public ownership.

   - Establish a Uniform Sign System along the Canal.

3. UPPER NIAGARA RIVER RECREATION STUDY, December, 1976 - Erie and Niagara Counties Regional Planning Board: The following proposals affecting the City's waterfront were made:

   - Develop a Marine-Oriented Commercial District along the Little River from the Barge Canal to the Lockport water pumping station.

   - Maintain Tonawanda Island for Industrial Use, but convert vacant land to less intensive, water enhanced uses as existing uses terminate.

   - Preserve Tonawanda Iron Works Site as Open Space, until a unified development proposal is brought forward. Emphasis should be on marine oriented uses.

   - Remove Ashland Tank Farm and Pursue City Acquisition for use as Parkland. In addition, public acquisition of private land between Fisherman's and Gratwick Parks should be pursued for additional parkland development.

   - Implement a Continuous Class I Bikepath along the Niagara River edge.

4. NIAGARA FRONTIER BICYCLE MASTER PLAN, March, 1981 - Niagara Frontier Transportation Committee: The Plan proposed a Class I Bikepath along River Road in the City. It designated the trail a second priority route. The plan also designated the area along Sweeney Street as a Class II or III bike route. This proposal was placed in the second priority group.

5. NEW YORK STATEWIDE COMPREHENSIVE RECREATION PLAN, 1978 - New York State Office of Parks, Recreation, and Historic Preservation. The Plan designated the area along Sweeney Street as part of the Barge Canal Park and Trailway System. This system extends from the Niagara River to the Hudson River and includes existing and proposed trails, parks, and other recreation activities.

6. NIAGARA COUNTY ECONOMIC DEVELOPMENT STRATEGY, Phase I and II (July 9, 1985 and February 3, 1986) - A.D. Little, Inc: The report identified the Barge Canal area as part of a larger tourist circuit in the County. The circuit would link scenic areas along Lake Ontario. Specific land/water uses for the City were not identified.

   Other tourism activities suggested for the North Tonawanda area included development of the Erie Canal as the focal point for restoration and development, as well as improved development of the Seaway Trail auto route.

   It should be noted that the suggestions were not selected for more detailed analysis by the Study Advisory Committee. This resulted from the relatively low score these suggestions received when analyzed against various economic development criteria.

7. NORTHERN CORRIDORS REFINEMENT STUDY - TRANSITIONAL ANALYSIS, (April 1986) - Niagara Frontier Transportation Authority (NFTA): This analysis identified the Tonawanda Extention to the existing 6.4 mile transit line as a potentially viable alternative to the Amherst Extention. The Tonawanda alternative would service the City of North Tonawanda via an abandoned Conrail rail right-of-way crossing the Barge Canal at Vandervoort Street and have an "end of the line" station at Goundry Street. An alternative aerial structure would serve North Tonawanda above an existing utilized Conrail track and provide a terminus station at Oliver and Thompson Streets. Both the Amherst and Tonawanda Extension are still under consideration by the NFTA.

O. OVERVIEW OF MARKETING FACTORS

A key determinant of any future land or water use for the North Tonawanda waterfront is market conditions. The potential for a particular use must be considered in relation to community desires and physical constraints to land development. This will ensure that the LWRP is not prepared in a vacuum. The scope of the waterfront program, however, does not permit a detailed market

analysis for all uses. Rather, it is appropriate to include a general overview of market conditions for selected land uses most often mentioned in past studies of the City's waterfront. The information used in the evaluation was gleaned either from other planning documents prepared for the North Tonawanda area or developed through basic land use demand/need methodologies. The results of the marketing analysis were used in developing proposed land and water uses for the City's shoreline.

1. LIGHT INDUSTRY: As noted, Arthur D. Little, Inc. is preparing an Economic Development Strategy for Niagara County. The analysis is being funded jointly by the Western New York Economic Development Corporation and the Niagara County Industrial Development Agency. Initial phases of the strategy have suggested that existing industrial parks in Niagara County have ample space (i.e., over 1700 acres) to accommodate projected long-term demand. The strategy indicates that rather than developing new parks, more emphasis should be given to improving the existing ones.[32] This includes North Tonawanda's Wurlitzer Industrial Park (WIP), which has 24 of its 35 acres available for additional development. Adjacent to the WIP is the former Wurlitzer Plant which has approximately 15,000 sq. ft. of vacant space available at this time. It should be noted, however, that the Little report does leave the door open by suggesting that perhaps one new park might be appropriate, if it were suitably located and of sufficient size. The study recommended that such a park be geared toward attracting Canadian firms.[33]

   The County's economic development strategy further suggested that opportunities are present for plants to spin-off from existing large manufacturing firms in the area. The proximity of North Tonawanda to Occidental-Durez and other firms makes the area a potential candidate for this type of market. The report, however, emphasizes channeling such activities into the Wurlitzer Park which is appropriately zoned and where space is available.[34]

2. HEAVY INDUSTRY: The market for large industrial facilities with high employment requirements and capital intensive plants is weak. A large inventory of vacant industrial land exists along the Erie and Niagara Counties shoreline resulting in an oversupply of space for water-dependent industry.[35]

   Nevertheless, the City's abundant inventory of vacant land along the Niagara River with immediate access to water, rail, and highway transportation systems suggest that water dependent heavy industry should not be precluded as a potential occupant of the waterfront area. Such uses would only be feasible if appropriate design standards are developed and enforced through the City regulatory system.

3. PARK AREA: For the purpose of the LWRP, it has been assumed that any parkland located in the City's waterfront area serves the entire City rather than those residents of a particular district or neighborhood. The unique features and activities available at Gratwick-Riverside Park and the Botanical Gardens, for example, attract residents from all areas of the City. Therefore, it is necessary to determine if there is an existing or long-term need for additional community parkland in North Tonawanda which could be accommodated along the shoreline.

A standard of 5 acres per thousand is recommended in the New York State Outdoor Recreation Plan (1978) as a sound guide to determine the adequacy of community park space within a municipality.[36] The following existing community parks have been developed in North Tonawanda:

1.	Gratwick-Riverside	25 acres
2.	Fisherman's Park	4
3.	Payne	11
4.	Pinewoods	34
5.	Barge Canal Parkland	4
6.	Mayor's Park	10
7.	Botanical Gardens	12
	Total	100 acres

It should be noted that there are 200 acres of undeveloped City parkland (Holiday Park) located immediately adjacent to the Barge Canal-East Sub-area off E. Robinson Street. The eventual development of Holiday Park is limited, however, because of its recent designation by New York State as a significant wetland.

The application of the above standard indicates that the City ideally should have 175 acres of community parkland. As a result, there is an existing shortfall of 75 developed acres. Since a stable population for North Tonawanda is projected through the Year 2000, an increase in the need for park space is not expected to occur within this study period.

Although there is a need for more community parkland, the feasibility of locating new facilities along the waterfront as opposed to developing Holiday Park, must consider a variety of factors.

At present, 55 percent of all of the developed community park acreage is within the waterfront area, which represents only 8 percent of the total land area of the City. Present economic conditions warrant a concerted effort to return vacant land to active and productive uses which would not only provide jobs for City residents, but generate additional municipal tax revenue, as well.

Alternatively, much of the land along the Barge Canal is in public ownership and vacant. This would make the conversion to active parkland easier and would not impact the existing supply of vacant, marketable private parcels along the Niagara River. As mentioned earlier, the attraction of a waterfront site to all area residents for recreational activities lends justification for a shoreline location. Furthermore, additional parkland along the Canal would reduce the high demand for facilities at Mayor's Park. It would also extend the continuous open space corridor along the Canal.

A further consideration is the constraint that would be placed on developing Holiday Park as active community parkland. It is likely that any recreational development requiring fill or extensive clearing would be prohibited under the State Wetlands Law. Therefore, the potential of Holiday Park fulfilling the current need for 75 additional acres of community park space is limited.

A final note regarding the need for additional community parkland and the status of Gratwick-Riverside Park. As stated earlier, the area has been designated by NYSDEC as a Class 2 inactive hazardous waste site. It is presently undergoing environmental sampling to determine the health hazard of any wastes buried on the site. Results of the sampling may require a temporary closing of the park until cleanup is completed. In this event, the City should actively promote immediate site remediation by responsible parties, and eventual reopening of the park for public use. Such prompt action is necessary given the above mentioned shortfall in community park space and the area's location adjacent to the Niagara River which makes it a high demand facility of City residents.

4. HOUSING: Figure 19 provides a projection of housing demand for Niagara County for 1990 and 2000. It suggests that approximately 600 new residential units will be needed annually through the Year 2000. Figures for the period from 1980 through 1984 show an actual annual increase of approximately 377 new units.[37] The low figure reflects the declining area economy and high interest rates offered by area banks during this period. Since North Tonawanda has captured about 18 percent of the total new residential construction market in the County between 1975 and 1984, it is reasonable to assign a similar percentage to the anticipated share by North Tonawanda of the projected housing market.[38] This would result in the City absorbing approximately 108 new units each year through the Year 2000. This figure would return the City to the construction pace experienced in the mid to late 1970's.

The ability of the waterfront to absorb a portion of the projected units is a function of housing costs, and the perception of developers and prospective buyers that improvements will be made or are being made to the physical

environment along the shoreline. The type and price range of waterfront housing units that could be sold would have to be determined by carrying out a market analysis.

5. RETAIL: As noted in previous paragraphs, a detailed market analysis for land uses is not within the scope of the LWRP. Various observations can be made, however, regarding the anticipated demand for commercial centers within the Niagara River sub-area. The sub-area has several large, vacant parcels which could conceivably accommodate retail uses. The observations are as follows:

- A REGIONAL MALL with 300,000 to 1,000,000 sq. ft. of retail space would require a 50 acre site. The construction of such a facility would require the consolidation of existing parcels along the River. The demand for a regional mall appears limited because of the proximity (10-15 minutes driving time) of Summit Park Mall in the Town of Wheatfield. The Summit Park Mall has 861,616 of retail space. In addition, there is no large population increase or rise in household income projected during the next 15 years which would establish a need for a regional commercial center.

- A Community Center shopping mall containing 100,000 to 300,000 sq. ft. and occupying a 10 to 30 acre site is physically possible on existing vacant parcels along the River. Such a center would typically feature a discount store and satellite stores. It would generally serve a market area within a 10 minute travel time of the site. Similar community centers are located in the City's Central Business District (CBD) and the City of Tonawanda CBD. Thus, the market for a new center within 3 to 4 minutes driving time from those areas is limited. Such a conclusion is even more appropriate when examined in relation to the stable population and income base anticipated for the City through the study period. Finally, the projected private and public investment in downtown, which will approach $2.8 million requires the concentration of retail activity in that area, rather than promoting new community centers that would compete with the CBD.

- A NEIGHBORHOOD RETAIL CENTER containing 50,000 sq. ft. of leasable space and occupying a 3 to 5 acre site could be constructed on existing vacant parcels along the River.

	1980	1990	1980-1990 (Projected)	2000	1990-2000 (Projected)
1. Population	227,354	217,257		221,589	
2. Average household size	2.83	2.56		2.49	
3. Number of households	80,337	84,866		88,991	
4. Housing vacancy rate (%)	4.9	4.9		4.9	
5. Housing demand (year-round units)	84,273	89,024		93,351	
6. New demand from household growth			4311		4125
7. Lost units (2%)			1780		1867
8. New units added			6091		5992
9. Average annual demand for units			609		599

FIGURE 19

Housing Demand Projection - Niagara County

Source: (1) Erie and Niagara Counties Household Projections (7/16/85);

(2) NYS Division of Water Quality Mgt. - Population Projections (9/30/83)

Such a center would be anchored by a supermarket and contain a limited number of other satellite stores. It would serve a market area within a 5 minute travel time of the site. An overview of the service area indicates that two other neighborhood centers exist on Goundry Street near River Road and Division Street between Erie Avenue and East Robinson Street. These centers would greatly overlap the service area of any new neighborhood retail center along the River. In addition, the population and income characteristics noted in earlier paragraphs limit the prospects for any new neighborhood retail centers in the furture (i.e., 15 years.)

- Finally, the recent experience by the owners of the former Tonawanda Iron and Steel site in marketing their 26 acre parcel for a 165,000 sq. ft. community retail center reinforces the conclusions. The inability to attract an anchor retail store to the area and the fact that the parcel has been vacant for the past eight years reflect current commercial market conditions.[39]

- Although market conditions do not appear to support construction of a large shopping mall, it must be noted that the proceding comments are not based on a detailed market analysis but rather preliminary observations. It may well be that a comprehensive marketing study which thoroughly examines the distribution of the resident population and its buying power, the location and composition of competing centers and access to the site would document the feasibility of a large scale commercial project.

F. MARINA: It has been estimated by Marshall, Macklin Monaghan, Limited, in the report entitled, Market Forecasts and Sensitivity Analysis (7/4/84) prepared for the City of Buffalo, Division of Planning that the City of Buffalo will have a demand for 2,483 additional boat slips by the year 2000. As the Cities of North Tonawanda and Buffalo are within a short distance, some of the demand could be accommodated along the North Tonawanda waterfront.

P. SUMMARY

The following provides a brief summary of opportunities and constraints to development present in each sub-area along the shoreline.

1. NIAGARA RIVER:

a. The location of an inactive hazardous waste site on the Niagara Mohawk parcel limits short-term redevelopment opportunities and major improvements to Gratwick-Riverside Park.

b. The numerous rail crossings and high-speed nature of River Road create waterfront access problems for residents living east of the waterfront area. However, the lack of any elevated barriers is a positive factor.

c. On-shore fishing access at Gratwick-Riverside and Fisherman's Parks to the locally significant fishing area is good. Some improvements to the physical facilities at these sites are appropriate, however.

d. The high percentage of vacant land presents opportunities for redevelopment and a possible new direction in land-use priorities. However, immediate access to the water and rail transportation systems as well as the region's preferred truck route contribute to the sub-areas' potential for attracting manufacturing uses. This conflict between promoting the historical industrial use pattern and encouraging less intensive uses is a major issue in the sub-area.

e. A constraint to any development north of Smith Boys Marina is the difficulty in providing sewer and water service.

f. The River Road corridor provides virtually uninterrupted waterfront views.

g. Land uses between Wardell's Boatyard and the Tonawanda Iron Works site are 80 percent water-dependent. This creates good opportunities for building upon the water oriented nature of the area and promoting spin-off complementary uses (e.g. restaurants).

h. Water quality problems within the Little River which may be caused by pollutants originating at the Occidental Chemical Corps. - Durez Plant[29] pose a conflict with the local fishing area. Such problems may be increased if the recently designated hazardous waste site on Robinson Street is found to have toxic chemicals migrating to the River.

i. The area north of Wardell Marina has insufficient infrastructure.

j. Eventual development of the former Tonawanda Iron Works site can serve as an anchor to the area and possibly dictate a new land use direction for the sub-area.

k. The entire sub-area is zoned for manufacturing which permits virtually any land use. This tends to create an unattractive corridor with numerous incompatible uses, and unsightly structures.

1. The protected nature of the Little River from severe wave action and River currents creates opportunities for continued expansion of the recreational boating industry.

2. TONAWANDA ISLAND:

a. The 29-acre vacant parcel on the northern tip of the Island presents opportunities for re-development to uses which are dependent or enhanced by a waterfront location. The availability of independent sewer and water systems on site can also increase the site's attractiveness for large-scale development.

b. Any development would have to be sensitive to the two archaeological sites in the area.

c. The anticipated expansion of slip space by Smith Boys Marina, Inc. presents opportunities for spin-off commercial development on the Island. It may also increase the marketability of the vacant parcel to the north. Also see comment A.[12]

d. On-shore fishing access to the Little River is non-existent.

e. The circulation pattern, building conditions, and land use variations of the Island tend to create a negative visual impact. The existence of R. T. Jones Lumber at the mid-point of the Island reduces the market potential for any residential development. Although the facility is isolated from most of the vacant parcels on the Island, all vehicle access to these sites directly pass the lumber mill. Also see comment A.[11]

3. DOWNTOWN:

a. Public, and private investment in the downtown area totalled $2,744,900 at the end of 1986. An opportunity exists to utilize the sub-areas' waterfront location as a further catalyst to downtown investment and retail activity. The active promotion of the Barge Canal as a resource for boaters, fishermen, and passive recreational enthusiasts will not only draw people to the shoreline, but increase the business/retail activity in downtown.

4. BARGE CANAL - WEST:

a. The vacant, free-standing former Erie-Lackawanna Railroad Bridge and the Conrail-Niagara Branch Bridge detract from the visual environment.

b. The sub-area provides good access to the Canal through linear parks and local streets located perpendicular to the Canal.

c. The existence of boathouses along the Canal has the potential, if not maintained, for decreasing the scenic quality of the sub-area.

5. BARGE CANAL - EAST:

a. The potential for problems with the boathouses, as noted in D (3) also exists in this sub-area.

b. Various sections of the sub-area between Sweeney Street and the Canal have been sold by the State to private owners. These parcels have been converted into large linear residential lots and have interrupted the continuous public ownership pattern along the Canal.

c. The 100-year floodplain along the Canal presents some constraints to development.

d. The continued development of the local fishing area in the Canal will increase recreational opportunities for City residents.

e. Although 28 percent of the sub-area is devoted to park land, approximately 50 percent of that total is the Girl Scout Camp and Boy's Club Camp. These occupy 31 acres of Canal waterfront and go unused for much of the year. Opportunities for shared use of the lands may be present.

f. Physical facilities within Maor's Park and the boat launch at the Botanical Gardens require some renovation.

g. The sub-area is immediately adjacent to a middle-class, low density residential section of the City, representing 48 percent of the total land area. Large, vacant parcels are available for further residential development immediately north of Sweeney Street. Opportunities for access to the Canal should be preserved in anticipation of future demand likely to be generated by the long-term population growth.

6. GENERAL:

a. The high unemployment rate in the City is a major problem facing the community. It is important to utilize the City's waterfront location as a key contributor to the area's recovery. This can be accomplished in varying ways, including the continued promotion of the recreational boating and sport-fishing industry, encouraging waterfront activity which complements the downtown revitalization efforts, and by using public dollars in ways that best promote private development opportunities.

b. The history of the City as a nationally prominent lumber milling center in the late 1980's is not known to many

residents in the two-county region. Opportunities to increase this awareness and possibly capitalize on it in a manner similar to the Carousel and Railroad Museum projects should be given further consideration.

c. With the exception of marina development, and possibly housing, the market for new land development is soft within the City's waterfront area. The shoreline location and design opportunities it can foster, however, can increase the market value of waterfront land and the subsequent demand for it.

NOTES

1. New York State Division of Water, Bureau of Water Quality Management -- Population Projections, New York State Water Quality Management Plan, September 30, 1983

2. New York State, Department of State, Legislative Manual, N.Y. 1980-81, prepared pursuant to the provisions of Executive Law Article VI, Section 95

3. City of North Tonawanda, Application to U.S. Department of Housing and Urban Development for Urban Development Action Grant - Comprehensive Downtown Revitalization Program, April 29, 1985

4. Centennial Magazine, 1865-1965, Charles R. Fleischman

5. Ibid

6. Buffalo News, "Town of Tonawanda Has Big Plans for 150th", January 4, 1986

7. Aiken, John; Wilhelm, John; Brunger, Eric; Aikern, Richard -- Outpost of Empires, A short History of Niagara County, 1961

8. Ibid

9. Felton Grammar School, Tonawandas, Then and Now, 1959

10. NYSDEC, Inactive Hazardous Waste Disposal Sites in New York State, Appendix Volume 9, December 1984

11. Buffalo News, "117 Dump Sites Put County At Top of State List", January 16, 1986

12. Flood Insurance Rate Map -- City of North Tonawanda, New York, Niagara County, January 6, 1982

13. January 29, 1986 correspondence to Mr. Thomas J. Dearing form Ms. Gloria J. McKenna and Mr. Ben A. Nelson, Assistant Professor SUNYAB -- Department of Anthropology

14. United States Department of Agriculture -- Soil Conservation Service, Soil Survey and Map -- Niagara County, N.Y., September 1, 1947

15. Lynch, Kevin, Site Planning, Third Edition, 1984

16. Ibid; #14

17. Sander, John M. -- Sander's Fishing Guide and Service Directory, 1985, pp. 121, 126

18. Interview with Ken Sprenger, 1/20/86

NOTES (CONT"D)

19. USEPA Preliminary Evaluation of Chemical Migration To Groundwater and the Niagara River from Selected Waste Disposal Sites, March 1985

20. Niagara River Toxics Committee, Report of the Niagara River Toxics Committee, October 1984

21. Ibid

22. Ibid; #19

23. Ibid; #20

24. Niagara County Legislature, Niagara Trail Brochure, 1976, Special insert

25. United States, Department of Interior, National Park Service, National Register of Historic Places, Inventory-Nomination Form, June 21, 1979

26. Ibid; #17

27. Niagara County Economic Development and Planning Department, " I Love New York, Niagara County Fishing Map", date unknown

28. Tonawanda News, "Industries Inventoried for Chemical Outflow", January 17, 1986

29. NYSDEC, Water Bulletin, November 1985

30. Niagara Frontier Transportation Committee, "Federal-Aid Highway System -- 1990 Functional Classification", July 1985

31. Niagara Frontier Transportation Committee, Trucking Needs Study, April 1983

32. Arthur D. Little, Inc., "Working Memorandum of Phase I - of an Economic Development Strategy for Niagara County", July 9, 1985

33. Ibid.

34. Arthur D. Little, Inc., "Working Memorandum On Phase II of an Economic Development Strategy for Niagara County", February 3, 1986

35. Marshall, Macklin, Monaghan, Limited; Tippetts-Abbett-McCarthy-Stratton; Booz Allen and Hamilton, Inc.; "Buffalo Waterfront Project; Market Forecasts and Sensitivity Analysis" July 4, 1984

36. Erie County Department of Environmental and Planning, "Erie County Parks in the 1980's: Achievements, Problems, and Prospects for the Future" (1982)

37. Niagara County Economic Development and Planning Department, "Construction Permits Issued in Niagara County - 1980 through 1984"

38. New York State Urban Development Corporation "Audobon New Community - UDC Policy Options (Draft)" - October, 1985

SECTION III

WATERFRONT REVITALIZATION PROGRAM

POLICIES

DEVELOPMENT POLICIES

POLICY 1 RESTORE, REVITALIZE, AND REDEVELOP DETERIORATED AND UNDER-UTILIZED WATERFRONT AREAS FOR COMMERCIAL, INDUSTRIAL, CULTURAL, RECREATIONAL AND OTHER COMPATIBLE USES.

POLICY 1A REVITALIZE THE NORTHERN END OF TONAWANDA ISLAND (THE FORMER INTERNATIONAL PAPER SITE), THE FORMER TONAWANDA IRON WORKS SITE ON THE MAINLAND, THE VACANT NIAGARA MOHAWK POWER CORPORATION (NMPC) SITE, AND OTHER MAJOR VACANT PARCELS ON TONAWANDA ISLAND AND ALONG THE NIAGARA RIVER.

POLICY 1B REVITALIZE THE CITY'S DOWNTOWN AREA.

The revitalization of once dynamic waterfront areas is one of the most effective means of encouraging economic growth in the City without consuming valuable open space in other protions of the waterfront. Redevelopment of these areas will also serve as a magnet for other development activities along the Niagara River corridor and on Tonawanda Island, as well as in areas adjacent to downtown.

The following guidelines will be used to review actions for consistency with this policy as it pertains to any future development of the areas covered under Policies 1A and 1B.

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

b. The action should enhance existing and anticipated uses. For example, State hazardous waste cleanup funds for the NMPC site should be given priority over sites with similar characteristics but located outside this policy area.

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

d. The action should improve the deteriorated condition of a site and, at a minimum, must not cause further deterioration. For example, a building could not be abandoned without protecting it against 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. For example, waterfront development meant to serve consumer needs would be inappropriate in an area where no increased consumer demands were expected and existing development was already meeting demand.

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

guideline applies to the Tonawanda Iron Works site, the NMPC site and those areas downtown south of Sweeney Street.

h. The action should have the potential to improve the possibilities for multiple uses on the site. This guideline does not apply to the downtown area.

If an action is proposed to take place outside of the areas covered by this policy, and is either within the City of North Tonawanda or adjacent coastal communities, the agency proposing the action must first determine if it is feasible to take the action within the area covered by this policy. If such an action is feasible, the agency should give strong consideration to taking the action in that area. If not feasible, the agency must take the appropriate steps to ensure that the action does not cause deterioration of that area covered by this policy.

POLICY 2 FACILITATE THE SITING OF WATER DEPENDENT USES AND FACILITIES ON OR ADJACENT TO COASTAL WATERS.

POLICY 2A PROVIDE FOR A MIX OF WATER-RELATED COMMERCIAL AND RECREATION USES ALONG THE NIAGARA RIVER.

There is a finite amount of waterfront space available in the City for recreational marinas, boat storage and spin-off uses which are enhanced by such activities. The Niagara River area offers unique opportunities for water-related uses.

The traditional method of land allocation (i.e. the real estate market), with or without local land-use controls, offers little assurance that uses which require waterfront sites will, in fact, have access to the State's coastal waters. To ensure that such "water-dependent" uses can continue to be accommodated within the City, State and City 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, State and City agencies will utilize appropriate existing programs to encourage water-dependent activities.

The following uses and facilities are considered as water-dependent:

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. Uses involved in the sea/land transfer of goods (for example: docks, loading areas, pipelines, short-term storage facilities).

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

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

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

7. Uses requiring large quantities of water for processing and cooling purposes (for example: sewer and water treatment plants, fish processing plants).

8. Scientific/educational activities which, by their nature, require access to coastal waters.

9. Support facilities which are necessary for the successful functioning of permitted water-dependent uses (e.g. parking lots, snack bars, first aid stations, short-term storage facilities). Although 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.

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

If there is no immediate demand for a water-dependent use along the Niagara River, but a future demand is reasonably foreseeable, temporary non-water-dependent uses should be considered 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 would likely be considered as "temporary" non-water dependent uses.

Specific water-dependent and water-enhanced uses to be accommodated within the City's waterfront area are described in Section IV, Proposed Uses. New water-dependent and water-enhanced uses to be developed within the City's waterfront area are to be sited and designed, so that they enhance, or at least do not detract from the surrounding area. Consideration should be given to such factors as the protection of nearby residential areas from odors, noise and traffic. Affirmative approaches should be employed, so that water-dependent uses and adjacent uses will complement one another. Water-dependent uses must also be sited so as to avoid adverse impacts on the significant coastal resources. In addition, to help ensure the future availability of waterfront land for water-dependent uses, consideration should be given in the siting and design of any developments 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 of temporary non-water-dependent uses.

POLICY 3 THE STATE COASTAL POLICY REGARDING MAJOR PORTS IS NOT APPLICABLE TO THE CITY OF NORTH TONAWANDA.

POLICY 4 THE STATE COASTAL POLICY REGARDING SMALL HARBORS IS NOT APPLICABLE TO THE CITY OF NORTH TONAWANDA.

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 NECESSITATE ITS LOCATION IN OTHER COASTAL AREAS.

The purpose of this policy is to direct new development, particularly large scale development, in the coastal area to locations in close proximity or within areas of concentrated development, where infrastructure and public services are adequate, and where environmental conditions are suitable for development.

The City of North Tonawanda is an area of concentrated development where infrastructure and public services are generally adequate to support future land uses and development, as specified in the proposed uses and projects for the waterfront area (see Section IV). However, certain capital improvements may be needed for the public sewer facilities servicing the Tonawanda Iron Works site, and areas along Sweeney Street.

Those City, State, and Federal agencies charged with allocating funds for such facilities should give high priority to these needs, so that full advantage may be taken of opportunities for promoting waterfront development.

POLICY 6 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 City of North Tonawanda will utilize existing laws to ensure compliance with the City waterfront program, and, for any new regulations, 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, local, State and Federal agencies will make every effort to coordinate and synchronize existing permit procedures and regulatory programs, as long as the integrity of the regulations' objectives are not jeopardized. These procedures and programs will be coordinated within each agency. Also, efforts will be made to ensure that each agency's procedures and programs are synchronized with the procedures of other agencies at each level of government, and if necessary, legislative and/or programmatic changes will be recommended.

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

FISHING AND WILDLIFE POLICIES

POLICY 7 THE STATE COASTAL POLICY REGARDING THE PROTECTION OF SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS IS NOT APPLICABLE TO THE CITY OF NORTH TONAWANDA.

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 SS 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 environments, particularly into the City's air, land and waters. Such controls should effectively minimize possible contamination of and bio-accumulation in the City'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 points and non-point sources, and not identified as hazardous wastes, but controlled through other State laws.

POLICY 9 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.

POLICY 9A EXPAND RECREATIONAL USE OF FISH RESOURCES IN THE LITTLE RIVER, NIAGARA RIVER BETWEEN GRATWICK-RIVERSIDE PARK AND FISHERMAN'S PARK, AND ALONG THE BARGE CANAL-EAST SUB-AREA.

The educational and recreational value of coastal areas having a significant concentration of fish resources is of extreme importance to the general public. This is especially true in the eastern section of the Barge Canal, Little River, and that portion of the Niagara River between Gratwick-Riverside Park and Fisherman's Park. The latter areas represent high-quality fishing spots within close proximity to City residential neighborhoods and downtown. The combination of these factors represents a unique opportunity for public enjoyment.

Any efforts to increase recreational use of these resources will be made in a manner which ensures the protection of fish resources and takes into consideration other activities dependent on these resources. Also, such efforts must be done in accordance with existing State law and in keeping with sound resource management considerations. Such considerations include biology of the species, carrying capacity of the resources, public demand, costs and available technology.

The following additional guidelines should be considered by State, Federal, and City agencies as they determine the consistency of their proposed action with the above policy.

1. Consideration should be made by Federal, State and City agencies as to whether an action will impede existing or future utilization of the City's recreational fish resources.

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

3. The impacts of increasing access to recreational fish resources should be determined on a case-by-case basis, by conferring, as needed, with a trained fish and wildlife biologist.

4. Any public or private sector initiatives to supplement existing stocks (e.g. stocking the River or Barge Canal with fish reared in a hatchery), or develop new resources (e.g. creating private fee-fishing facilities), must be done in accord with existing State law.

References should also be made to the review guidelines for Policies 2A and 21B.

POLICY 10 THE STATE COASTAL POLICY REGARDING COMMERCIAL FISHING IS NOT APPLICABLE TO THE CITY OF NORTH TONAWANDA.

FLOODING AND EROSION HAZARDS 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.

The State Coastal Policy, which applies only to State-designated Structural Hazard Areas and Federally designated floodways within Flood Hazard Areas, is not applicable in the City of North Tonawanda, since no Structural Hazard Areas or floodways are found in the North Tonawanda waterfront area.

POLICY 11A BUILDINGS AND OTHER STRUCTURES WILL BE SITED IN THOSE AREAS DESIGNATED AS SPECIAL FLOOD HAZARD AREAS SO AS TO MINIMIZE DAMAGE TO PROPERTY AND THE ENDANGERING OF HUMAN LIVES CAUSED BY FLOODING.

The following public purposes are advanced by the successful implementation of this policy:

1. Protect human life and health.

2. Minimize expenditures of public money for costly flood control projects.

3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.

4. Minimize prolonged business interruptions.

5. Minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines, streets and bridges, located in areas of special flood hazard.

6. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas.

7. Ensure that potential buyers are notified that property is in an area of special flood hazard.

8. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

This policy applies to those areas designated as special flood hazard areas by the Federal Emergency Management Administration (FEMA) and displayed on the City's Flood Insurance Rate Map, dated January 6, 1982. The following provides a list of those major areas subject to this policy. It is not a complete list, however.

1. Wardell Boatyard area on the mainland.
2. Ashland property on the Niagara River on the mainland.

3. Portions of Smith Boys Marina on the east side of the Little River on the mainland.

4. Portions of the former Tonawanda Iron Works site on the mainland.

5. Fire training tower area on Tonawanda Island.

6. Portions of Taylor Devices on Tonawanda Island.

7. Portions of the former International Paper site on Tonawanda Island.

8. Area east of Seymour Street Bridge abutment in the downtown area.

9. Portions of the area between Sweeney Street and the Canal from Main Street to the Botanical Gardens.

Guidelines for reviewing proposed actions for consistency with this policy include the following:

1. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities.

2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

3. Ensure that any alteration of natural floodplains, stream channels and natural protective barriers which would help accommodate or channel flood waters is propertly controlled.

4. Ensure that any filling, grading, dredging and other development which may increase flood damage is properly controlled.

5. Prevent the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

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

POLICY 12 THE STATE COASTAL POLICY REGARDING THE PROTECTION OF EROSION NATURAL PROTECTIVE FEATURES IS NOT APPLICABLE WITHIN THE CITY OF NORTH TONAWANDA.

POLICY 13 THE STATE COASTAL POLICY REGARDING CONSTRUCTION OF EROSION PROTECTION STRUCTURES IS NOT APPLICABLE WITHIN THE CITY OF NORTH TONAWANDA.

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 their actions, people can increase the severity and adverse effects of those 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; and the failure to observe proper drainage or land restoration practices, thereby causing run-off and erosion and weakening of shorelands. See review guidelines for Policy 11.

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 can be used for a variety of purposes on the City's shoreline. This policy recognizes the public need for the protection of human life and existing 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 requires that careful analysis be made of such benefits 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 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 in the waterfront 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 located in special flood-hazard areas, including measures 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-structural 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 and sketches of the activity or development, of the site and of the alternative protection measures should be prepared to allow an assessment to be made.

Non-structural measures shall include, but are not limited to, the following:

1. Avoidance of damage from flooding by the siting of buildings outside the hazard area.

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

See 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 waterfront area if they will not significantly impair valuable coastal waters and resources, thus frustrating the purposes of 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 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 BY ALL THE PUBLIC IN ACCORDANCE WITH REASONABLY ANTICIPATED PUBLIC RECREATION NEEDS 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 PROTECT AND MAINTAIN THE TYPES OF ACCESS TO GRATWICK-RIVERSIDE PARK, MAYOR'S PARK, BOTANICAL GARDENS, AND STATE-OWNED RECREATION AREAS (I.E. NON-VACANT LAND) ALONG THE BARGE CANAL.

POLICY 19B IMPROVE ACCESS TO THE SERVICE DRIVE LAUNCH RAMPS AND CITY BOAT DOCKS.

Existing public water-related recreation resources and facilities within the City of North Tonawanda includes: Gratwick-Riverside Park, Fisherman's Park, Mayor's Park, Service Drive Launch Ramp, City docks, Botanical Gardens, and State-owned recreation areas. 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 provides a policy direction for the City relative to improving access at the Service Drive Launch Ramps, City Docks, and Fisherman's Park. Reference should be made to Section II-L 'Ciralation and Access' for a further description of the access needs.

The following guidelines will be used in determining the consistency of a proposed action with Policy 19.

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 access 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. In particular, existing access to and from Gratwick-Riverside Park, which is on private lands leased by the City, may be reduced or eliminated upon a determination by the City that such action is in the general public interest, or upon termination of the lease by the private owner.

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 see Policies 19A and 19B.

c. Public lands or facilities - lands or facilities held by State or City in fee-simple or less-than-fee-simple ownership and to which the public has access or could have access, including underwater lands. This includes the vacant, undeveloped State land along the Barge Canal.

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-related recreation resource or facility is significantly reduced (e.g. Mayor's Park).

(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 system-wide 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. An example is difficult pedestrian crossings to waterfront parks across River Road.

(4) There are substantial increases in the following: already existing special fares (not including regular fares in any instances of public transportation to a public water-related recreation resource or facility), except where the Niagara Frontier Transportation Authority having jurisdiction over such fares determines 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 incomes below the State government established poverty levels.

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 (e.g. major improvements to River Road), 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 (e.g. State land along Barge Canal), that could provide public access to a public water-related recreation resource or facility.

(3) Construction of private facilities which physically prevent the provision 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 or 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 and served by public transportation; within the boundaries of the Federal-Aid Metropolitan Urban Area boundary but not 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.

POLICY 20 ACCESS TO THE PUBLICLY-OWNED FORESHORE AND TO LANDS IMMEDIATELY ADJACENT TO THE FORESHORE OR THE WATER'S EDGE THAT ARE PUBLICLY-OWNED SHALL BE PROVIDED AND IT SHALL BE PROVIDED IN A MANNER COMPATIBLE WITH ADJOINING USES. SUCH LANDS SHALL BE RETAINED IN PUBLIC OWNERSHIP.

Publicly owned lands within the City of North Tonawanda that are adjacent to the water's edge are shown on Figures 10 and 11 in Section II. Most of these lands, as described in Section II, are currently devoted to public recreation uses and provide existing access to public lands and waters. Lands lying under the waters of the Niagara River, Little River, and Barge Canal are generally owned by New York State.

While publicly owned lands shall be retained in public ownership, traditional sales of easements on underwater lands to adjacent onshore property owners is 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 uses would be inappropriate for reasons of public safety, military security, or the protection of fragile coastal resources.

Guidelines for reviewing any action for consistency with this policy are as follows:

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

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

      (2) Access is reduced or blocked completely by any 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; or (b) adequate access exists within one-half mile. 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 and served by public transportation; within the boundaries of the Federal-Aid Metropolitan Urban Area boundary but not served by public transportation; outside the defined Urban Area boundary and 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.

6. Proposals for increased public access to the 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 deemed inconsistent with the policy.

RECREATION POLICIES

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 EXISTING WATER-DEPENDENT AND WATER-ENHANCED RECREATIONAL FACILITIES AT FISHERMAN'S PARK AND THE BOTANICAL GARDENS SHALL BE EXPANDED, CONSISTENT WITH THE PRESERVATION AND ENHANCEMENT OF OTHER COASTAL RESOURCES.

POLICY 21B NEW WATER-RELATED RECREATIONAL OPPORTUNITIES SHALL BE DEVELOPED ALONG THE BARGE CANAL RIGHT-OF-WAY, ON TONAWANDA ISLAND, AND ALONG THE NIAGARA RIVER SHORELINE, CONSISTENT WITH THE PRESERVATION AND ENHANCEMENT OF COASTAL RESOURCES AND THE DEMAND FOR SUCH FACILITIES.

The City's waterfront is it's most important outdoor recreation resource. It's appeal and significance creates several concerns. Principal among these is determining how the demand for waterfront recreation can be met while ensuring that other land and water use needs will be accommodated and that the natural resource base will be protected. Most specific concerns include: conflicts with other uses; overview of existing waterfront recreation area; deficiency of water-based recreation in urban areas; conservation of historic and cultural resources; the particular needs of recreational boating and fishing; and the desire to promote the private sector's role in recreation.

Water-related recreation includes such obviously water-dependent activities as boating, swimming, and fishing, as well as certain activities which are enhanced by a coastal location and increase the general public's access to the coast, such as pedestrian and bicycle trails, picnic areas, scenic overlooks and passive recreation areas that take advantage of coastal scenery.

Existing water-related recreational facilities at Gratwicke Park, the City Docks adjacent to the Packett Center, the Service Drive Boat Launch, and Mayor's Park shall be retained. With respect to Gratwicke Park, continued public use of this facility is proposed following the toxic waste clean-up for the site.

Existing water-related recreational facilities at Fisherman's Park and the Botanical Gardens shall be expanded. Fisherman's Park, located along the Niagara River shoreline to the south of the City's wastewater treatment plant, is to be expanded through the installation of 50-75 linear feet of docks and various site improvements. Such docking would serve as small boat moorings, as well as fishing overlooks. Improvements to the Botanical Gardens, located along the Barge Canal, will consist of the reconstruction and expansion of deteriorated boat launching ramps, as well as installation of small boat docking facilities.

New water-related recreation opportunities will be developed along the Barge Canal Right-Of-Way, on Tonawanda Island, and along the Niagara River waterfront. Additional passive parkland, such as pedestrian trails and picnic areas, shall be developed along the Barge Canal Right-Of-Way, consistent with demand and in cooperation with New York State. Also, a public fishing dock shall be developed on Tonawanda Island adjacent to the Little River on the site of the Niagara County Fire Training facility.

With respect to recreational boating, existing private marinas and supporting uses along the waterfront shall be preserved and expansion permitted, based on site conditions and anticipated impacts. As previously noted in the Inventory and Analysis Section, a demand exists throughout the region for additional boating facilities. The presence of numerous vacant

land tracts along the Niagara River shoreline provides for the siting of additional water-dependent recreational facilities. The siting of these uses, however, will be done in a manner which avoids negative impacts on local fishing resources, water quality, visual quality, and archaeologically sensitive areas. In addition, boating facilities shall include adequate parking, park-like surroundings rest rooms, and pump-out facilities. The provision of new public boating facilities is essential in meeting the demand, but such public actions should avoid competition with private boating development.

Consistent with demand and the protection of other important natural, historic, and cultural resources, water-related (i.e. water-dependent and water-enhanced) recreation uses shall have a higher priority than any non-water-related uses, including non-water-related recreation uses. In addition, water-dependent recreation uses shall have a higher priority than water-enhanced uses, including water-enhanced recreation uses. Determining a priority among water-dependent recreation uses and other water-dependent uses will require a case by case analysis.

POLICY 22 DEVELOPMENT WHEN LOCATED ADJACENT TO THE SHORE WILL PROVIDE FOR WATER-RELATED RECREATION WHENEVER SUCH USE IS COMPATIBLE WITH REASONABLY ANTICIPATED DEMAND FOR SUCH ACTIVITIES, AND IS COMPATIBLE WITH THE PRIMARY PURPOSE OF THE DEVELOPMENT.

POLICY 22A DEVELOPMENT OF THE LARGE (5 ACRES OR MORE) VACANT PARCELS ALONG THE NIAGARA RIVER MAINLAND AND TONAWANDA ISLAND WILL PROVIDE FOR WATER-RELATED RECREATION AS A MULTIPLE USE, WHENEVER SUCH USE IS APPROPRIATE IN LIGHT OF THE PRIMARY PURPOSE OF THE DEVELOPMENT.

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 greatest 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. As stated in Policy 22A, the large vacant parcels adjacent to the Niagara River on the mainland and Tonawanda Island, are especially suitable for the provision of water-related recreation as a multiple use. The types of development which can generally provide water-related recreation as a multiple use include, but are not limited to: parks, highways, utility transmission rights-of-way, sewage treatment facilities, schools*, large residential subdivisions or complexes (50 or more units), shopping centers, and office buildings.

* The types of recreation uses likely to be compatible with these facilities are limited to the more passive forms. 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 in the City, State agencies should consult with the State Office of Parks, Recreation, and

Historic Preservation (OPRHP) and with the City to determine appropriate recreation uses. The agency should provide OPRHP and the City 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 of the project sponsor provided the cost does not exceed 2 percent 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 LWRP policies and the development, through the provision of recreation and other multiple uses, could significantly increase public use of the shore, then such development should be encouraged to locate adjacent to the shore.

Reference should also be made to Policy 21B.

HISTORIC AND SCENIC QUALITY POLICIES

POLICY 23 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.

POLICY 23A PROTECT THE RIVIERA THEATRE.

POLICY 23B PROTECT THE ARCHAEOLOGICAL SITES IDENTIFIED AS THE BUFFALO "P" SITE, STEPHEN WHITE SITE, AND THE TONAWANDA ISLAND MOUND SITE.

POLICY23C ENHANCE THE CITY'S HERITAGE AS A WORLD-RENOWNED LUMBER MILLING CENTER.

Among the most valuable of the State's and City's man-made resources are those of historic significance. The protection of these resources must involve a recognition of their importance by all agencies. As described within the 'Environmental Condition' chapter of the Inventory and Analysis, identified historic resources within the City's waterfront area include the following: the Riviera Theatre, which is listed on the National Register of Historic Places; two structures of local significance, the Packett Inn and the Sperry Rand Corporation building (former Allan Herschell Plant); and three (3) zones of archaeological sensitivity (see Figure 16 for locations).

The City will promote the rehabilitation and adoptive re-use of historic structures, when appropriate. In addition, prior to undertaking major construction activities in the identified areas of potential archaeological significance, anyone proposing such activity shall consult with the State Historic Preservation Office to determine whether significant

archaeological resources are present at the site and what measures are necessary to preserve these resources. All practicable means shall be used to preserve significant archaeological resources.

All practicable means to protect the areas noted in Policy 23A and Policy 23B shall be undertaken to protect the above-cited historic resources and prevent an adverse change to them or impacts on them.

A significant adverse change includes, but is not limited to:

1. Alteration of, or addition to, one or more of the architectural, structural, ornamental or functional features of the areas covered by this policy. Such features are defined as encompassing the style and general arrangement of the exterior of a structure and any original or historically significant interior features including type, color and texture of building materials; entry ways and doors; fenestration; lighting fixtures; roofing, sculpture and carving; steps; rails; fencing; windows; vents and other openings; grillwork; signs; canopies; and other appurtenant fixtures and, in addition, all buildings, structures, outbuildings, walks, fences, steps, topographical features, earthworks, paving and signs located on the designated resource property. (To the extent they are relevant, the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" shall be adhered to.)

2. Demolition or removal in full or part of the Theatre and 3 sites, to include all those features described in (a) above plus any other appurtenant fixture associated with a building structure or earthwork.

3. All proposed actions within 500 feet of the perimeter of the property boundary of the areas that would be incompatible with the objective or preserving the quality and integrity of the resource. Primary considerations to be used in making judgment about compatibility should focus on the visual and locational relationship between the proposed action and the special character of the areas. Compatibility between the proposed action and the resource means that the general appearance of the resource should be reflected in the architectural style, design material, scale, proportion, composition, mass, line, color, texture, detail, setback, landscaping and related items of the proposed action.

This policy shall not be construed to prevent the construction, reconstruction, alteration, or demolition of any of the historic resources identified above if they are officially certified as being imminently dangerous to life or public health.

Implementation of Policy 23C requires actions other than review guidelines. Reference should be made to Section V for a description of the implementation techniques.

POLICY 24 THE STATE COASTAL POLICY REGARDING SCENIC RESOURCES OF STATEWIDE SIGNIFICANCE IS NOT APPLICABLE WITHIN THE CITY OF NORTH TONAWANDA.

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 THE SCENIC VISTAS ALONG SWEENEY STREET AND RIVER ROAD.

The location of the City adjacent to the Upper Niagara River and Barge Canal requires a commitment to ensure the visibility of the River and Canal to area residents. The River and Canal are public resources whose scenic quality must be preserved and utilized.

The recreational boating traffic, sunsets, and scenic vistas of the City of Tonawanda and Town of Grand Island visible offshore from North Tonawanda have local significance.

The following siting and facility-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. Guidelines include:

- Siting structures and other development, such as power lines and signs, back from the shoreline or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore.

- Clustering or orienting structures to retain views, save open space and provide visual organization to a development.

- Incorporating sound, existing structures (especially historic buildings) into the overall development scheme.

- Removing deteriorated and/or degrading elements (especially unused railroad bridges).

- Maintaining boathouses along the Canal in an attractive and sound condition.

- Continuing existing State Policy regarding new permits for boathouses along the Canal.

- Maintaining or adding vegetation to provide interest, blend structures into the site, and obscure unattractive elements, except when selective clearing removes unsightly, diseased or hazardous vegetation and when selective clearing creates views of coastal waters.

- Using appropriate materials, in addition to vegetation, to screen unattractive elements.

- Using appropriate scales, forms and materials to ensure that buildings and other structures are compatible with and add interest to the landscape.

AGRICULTURAL LANDS POLICY

POLICY 26 THE STATE COASTAL POLICY REGARDING THE PROTECTION OF AGRICULTURAL LANDS IS NOT APPLICABLE WITHIN THE CITY OF NORTH TONAWANDA.

ENERGY AND ICE MANAGEMENT POLICIES

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 are set forth in the New York State Energy Law. 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 general 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 Local Waterfront Revitalization Program.

In consultation with the City of North Tonawanda, the Department of State will comment on State Energy Office policies and planning reports as may exist; 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 coastal area are made consistent with the policies and purposes of the Local Waterfront Revitalization Program.

POLICY 28 ICE MANAGEMENT PRACTICES SHALL NOT INTERFERE WITH THE PRODUCTION OF HYDROELECTRIC POWER, DAMAGE SIGNIFICANT FISH AND WILDLIFE AND THEIR HABITATS, OR INCREASE SHORELINE EROSION OR FLOODING.

Prior to undertaking actions required for ice management, an assessment must be made on the potential effects of such actions upon the production of hydroelectric power, fish and wildlife and their habitats in the Upper Niagara River, offshore of the City of North Tonawanda, flood levels and damage, and rates of shoreline erosion damage.

Following such an examination, adequate methods of avoidance or mitigation of such potential effects must be 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.

State Policy 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 has been encouraging 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 protect public water supplies.

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.

POLICY 30A POINT SOURCE DISCHARGE OF POLLUTANTS AT THE MUNICIPAL WASTEWATER TREATMENT PLANT AND CORRESPONDING THREE OVERFLOW POINTS INTO THE NIAGARA RIVER WILL CONFORM TO STATE AND NATIONAL WATER QUALITY STANDARDS.

POLICY 30B POINT SOURCE DISCHARGE OF POLLUTANTS INTO THE LITTLE RIVER FROM OCCIDENTAL-DUREZ, AND BATTENFELD GREASE AND OIL CORPORATION SHALL 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 the Niagara River, Barge Canal, and Little River, and those which pass through the City's sewage treatment system before reaching the Niagara River.

POLICY 31 STATE COASTAL AREA POLICIES AND MANAGEMENT OBJECTIVES OF APPROVED LOCAL WATERFRONT REVITALIZATION PROGRAMS WILL BE CONSIDERED WHILE REVIEWING COASTAL WATER CLASSIFICATIONS AND WHILE MODIFYING WATER QUALITY STANDARDS; HOWEVER, THOSE WATERS ALREADY OVER-BURDENED WITH CONTAMINANTS WILL BE RECOGNIZED AS BEING A DEVELOPMENT CONSTRAINT.

Pursuant to the Federal Clean Water Act of 1977 (PL 95-217) the State has classified its coastal and other waters in accordance with considerations of best usage in the interest of the public and has adopted water quality standards for each class of waters. These classifications and standards

are reviewable at least every three years for possible revision or amendment. The City of North Tonawanda's Local Waterfront Revitalization Program and State coastal management policies shall be factored into the review process for the Barge Canal, Niagara River, and Little River. However, such consideration shall not affect any water pollution control requirement established by the State pursuant to the Federal Clean Water Act.

The existing water quality classifications in the City of North Tonawanda, as identified on Figures 16 and 17 of the Inventory and Analysis Section, are appropriate to the existing and proposed land and water uses of the waterfront area and should be maintained. There are no waters overburdened with contaminants within the City's waterfront area.

POLICY 32 THE STATE COASTAL POLICY REGARDING THE USE OF ALTERNATIVE SANITARY WASTE SYSTEMS IS NOT APPLICABLE TO THE CITY OF NORTH TONAWANDA.

POLICY 33 BEST MANAGEMENT PRACTICES WILL BE USED TO ENSURE THE CONTROL OF STORMWATER RUNOFF AND COMBINED SEWER OVERFLOWS DRAINING INTO COASTAL WATERS.

POLICY 33A BEST MANAGEMENT PRACTICES WILL BE USED TO ENSURE THE CONTROL OF SEWER OVERFLOWS INTO THE BARGE CANAL VIA THE STORM SEWER SYSTEM.

Best management practices include structural methods of preventing or mitigating pollution caused by the undersizing of sewer pipes in sections adjacent to the Barge Canal sub-areas. At present, this is not a serious problem in the City; however, the municipality will closely monitor development in the overflow areas to ensure that the problem is not increased. This policy applies only to the Barge Canal sub-areas.

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 solids and liquid materials from watercraft and marinas into the State's waters is regulated. Within the City's waterfront area priority will be given to the enforcement of this law in the area of public water supply intakes which need particular protection from contamination by vessel wastes. Also, specific effluent standards for marina toilets have been promulgated by the Department of Environmental Conservation (6 NYCRR, Part 657).

POLICY 35 DREDGING AND DREDGE SPOILS DISPOSAL IN COASTAL WATERS WILL BE UNDERTAKEN IN A MANNER THAT MEETS EXISTING STATE DREDGING PERMIT REQUIREMENTS, AND PROTECTS SIGNIFICANT FISH AND WILDLIFE HABITATS, SCENIC RESOURCES, NATURAL PROTECTIVE FEATURES, IMPORTANT AGRICULTURAL LANDS, AND WETLANDS.

Dredging often proves to be essential for waterfront revitalization, maintaining navigation channels at sufficient depth, and pollutant removal.

Such dredging projects, however, may adversely affect water quality and scenic resources. Often these adverse effects can be minimized through careful design and timing of the dredging operation and proper siting of the 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 State dredging permit standards set forth in regulation developed pursuant to Environmental Conservation Law (Articles 15, 24, 25 and 34).

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.

POLICY 36A ACTIVITIES RELATED TO THE STORAGE OF PETROLEUM AND OTHER HAZARDOUS MATERIALS SHALL BE PROHIBITED IN THE BARGE CANAL-EAST, BARGE CANAL-WEST, AND DOWNTOWN SUB-AREAS (I.E. LAND ONLY), AS WELL AS ON TONAWANDA ISLAND AND THE NIAGARA RIVER SUB-AREAS (I.E. LAND ONLY), WHICH BORDER THE LITTLE RIVER.

The storage of petroleum products and hazardous materials is prohibited within the waterfront. All activities within the City's 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 SPOILS INTO COASTAL WATERS.

Best management practices used to reduce these sources of pollution include soil erosion control practices and surface drainage control techniques.

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.

Surface water is the source of drinking water in the City of North Tonawanda and therefore must be protected. Most of the City's waterfront area is served by a municipal sanitary sewer system. North Tonawanda has sophisticated water treatment and wastewater treatment plants. All commercial and industrial discharges are regulated by State and Federal Law.

POLICY 39 THE TRANSPORT, STORAGE, TREATMENT AND DISPOSAL OF SOLID WASTES, PARTICULARLY HAZARDOUS WASTES, WITHIN COASTAL AREA 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.

Policy 39A THE STORAGE, TREATMENT AND DISPOSAL OF SOLID WASTES, PARTICULARLY HAZARDOUS WASTES, SHALL BE PROHIBITED WITHIN THE COASTAL ZONE.

The definition of terms "solid wastes" and "solid waste management facilities" are taken from New York's Solid Waste Management Act (Enfironmental 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 manufaturing processes generally characterized as being flammable, corrosive, reactive, or toxic.

No storage, treatment or disposal of solid wastes is permitted in the City of North Tonawanda waterfront area. Any transportation of solid wastes in the waterfront must comply with State and Federal regulations and ensure the protection of the City's coastal resources.

POLICY 40 EFFLUENT DISCHARGED FROM MAJOR STEAM ELECTRIC GENERATING AND INDUSTRIAL FACILITIES INTO COASTAL WATERS WILL NOT BE UNDULY INJURIOUS TO FISH AND WILDLIFE AND SHALL CONFORM TO STATE WATER QUALITY STANDARDS.

There are no major steam generating facilities located within or planned for the City's waterfront area. The siting of such facilities is subject to the jurisdiction of the State Board on Electric Generation Siting and the Environment. The State Board on Electric Generation Siting and the Environment must consider a number of factors when reviewing a proposed site for facility construction. One of these factors is that the facility "not discharge any effluent that will be unduly injurious to the propagation and protection of fish and wildlife, the industrial development of the State, the public health, and public enjoymnet of the receiving waters." The effects of thermal discharges on water quality and aquatic organisms are considered by the Siting Board, when evaluating an applicant's request to construct a new stream electric generating facility.

Existing industrial facilities are located within and near the City's waterfront area and new facilities may be developed in the future. Effluent discharges from industrial facilities are subject to State regulations, which ensure the protection of fish and wildlife and the maintenance of State water quality standards.

POLICY 41 LAND USE OR DEVELOPMENT IN THE COASTAL AREA WILL NOT CAUSE NATIONAL OR STATE AIR QUALITY STANDARDS TO BE VIOLATED.

The City'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 control requirements applicable within the coastal area.

To the extent possible, the State Implementation Plan will be consistent with the lands and water use policies of this LWRP. Conversely, program

decisions with regard to land and water use and any recommendations with regard to specific sites for major new or expanded industrial, 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 the State and City's Local Waterfront Revitalization Program concerning poposed land and water uses will be taken into account prior to any action to change prevention of significant deterioration land classifications in the coastal area or adjacent area.

POLICY 43 LAND USE OR DEVELOPMENT IN THE COASTAL AREA MUST NOT CAUSE THE GENERATIONS OF SIGNIFICANT AMOUTNS OF THE ACID RAIN PRECURSORS: NITRATES AND SULFATES.

The City's Local Waterfront Revitalization Program incorporates the State's policies on acid rain. As such, the 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 THE STATE COASTAL POLICY REGARDING THE PRESERVATION AND PROTECTION OF TIDAL AND FRESHWATER WETLANDS IS NOT APPLICABLE TO THE CITY OF NORTH TONAWANDA.

SECTION IV

PROPOSED LAND AND WATER USES

A. INTRODUCTION

The proposed land and water uses for the City's waterfront are intended to translate the policies contained in Section III into a cohesive physical plan for the shoreline. The time period for the implementation of the plan is 15 years; however, some proposals can be carried out within the short-term (i.e. 5 years). These specific areas are highlighted in the text.

It should be stressed that the recommendations have been developed as a means of implementing the waterfront policies. The formulation of the proposed uses is the result of a process which blends the policy statements with an evaluation of the development potential and constraints of particular areas. Potentials and constraints are determined by numerous factors including environmental considerations, physical barriers to development, adjacent land use patterns and market demand.

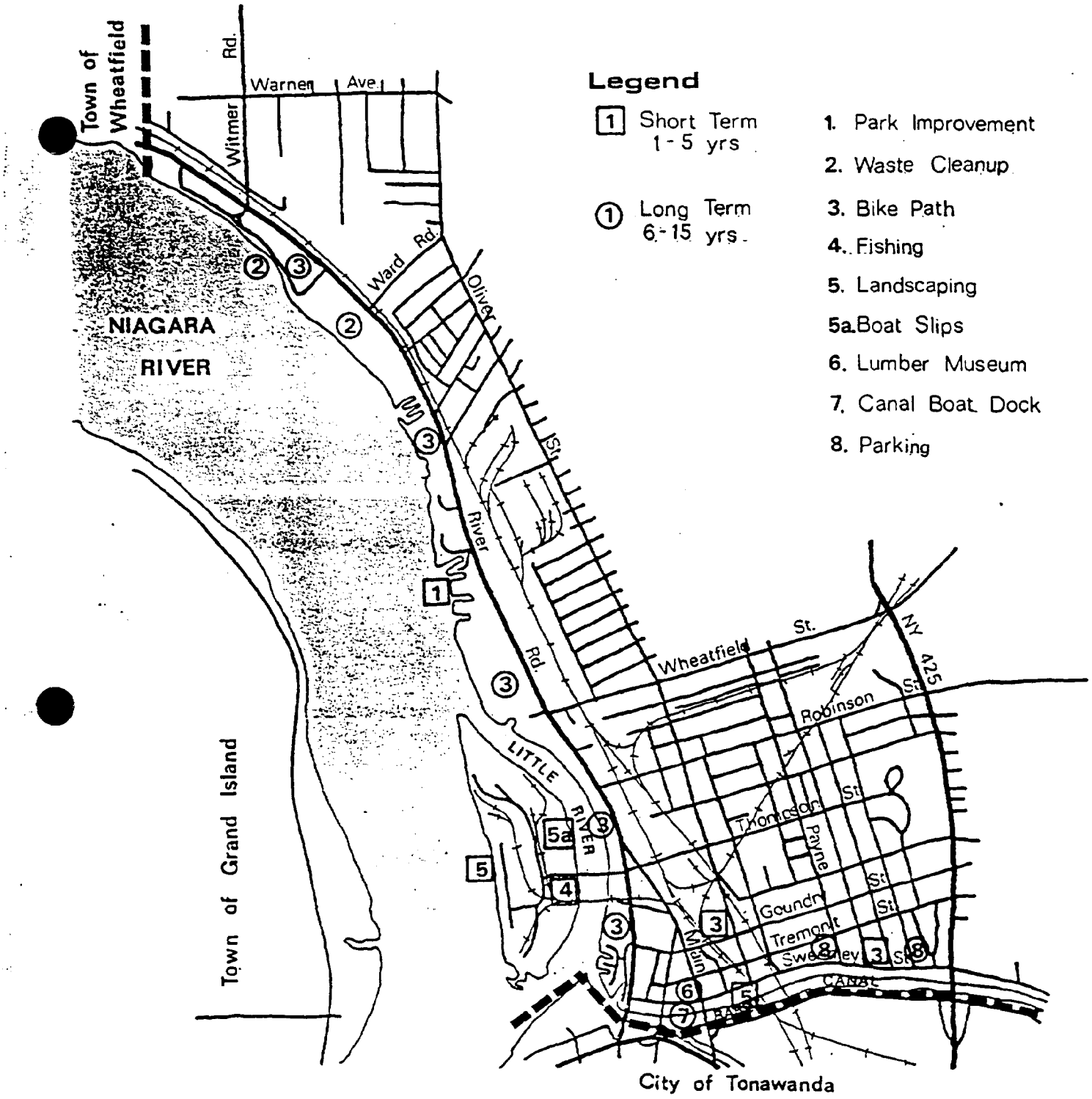
B. PROPOSED LAND USES

The following narrative provides a general description of proposed land uses for each sub-area. Given market conditions and environmental constraints, full achievement of the recommendations is likely to occur within a 15 year time period. Reference should be made to Figures 20A and 20B for a graphic description of the short and long term proposals, and to Figures 21A and 21B for a generalized comprehensive waterfront land use plan for the City through the Year 2000.

It should be noted that "nuisance" uses such as auto wrecking, junkyards, scrap metal yards, dumps, and slag piles will not be allowed in any of the waterfront sub-areas.

Finally, the large vacant parcels on Tonawanda Island and the Niagara River sub-areas are recommended for redevelopment that would accommodate water-dependent or enhanced uses. Enhanced uses include restaurants, office parks, large residential developments, light industry, etcetera. Such a recommendation assumes that a waterfront location will assist in the overall marketing of these sites and provide an attractive setting for water oriented designs. In addition, water-dependent boating and industrial uses would also be appropriate for those areas. As previously noted, an industrial use would have to satisfy strict site design standards to insure its consistency with the LWRP. This would be a major condition any local zoning approval required.

1. NIAGARA RIVER: This sub-area has the greatest potential for change. This conclusion is based on two factors; namely, it has the highest percentage of vacant parcels (i.e. 38 percent) and many large parcels under single ownership.



City of North Tonawanda

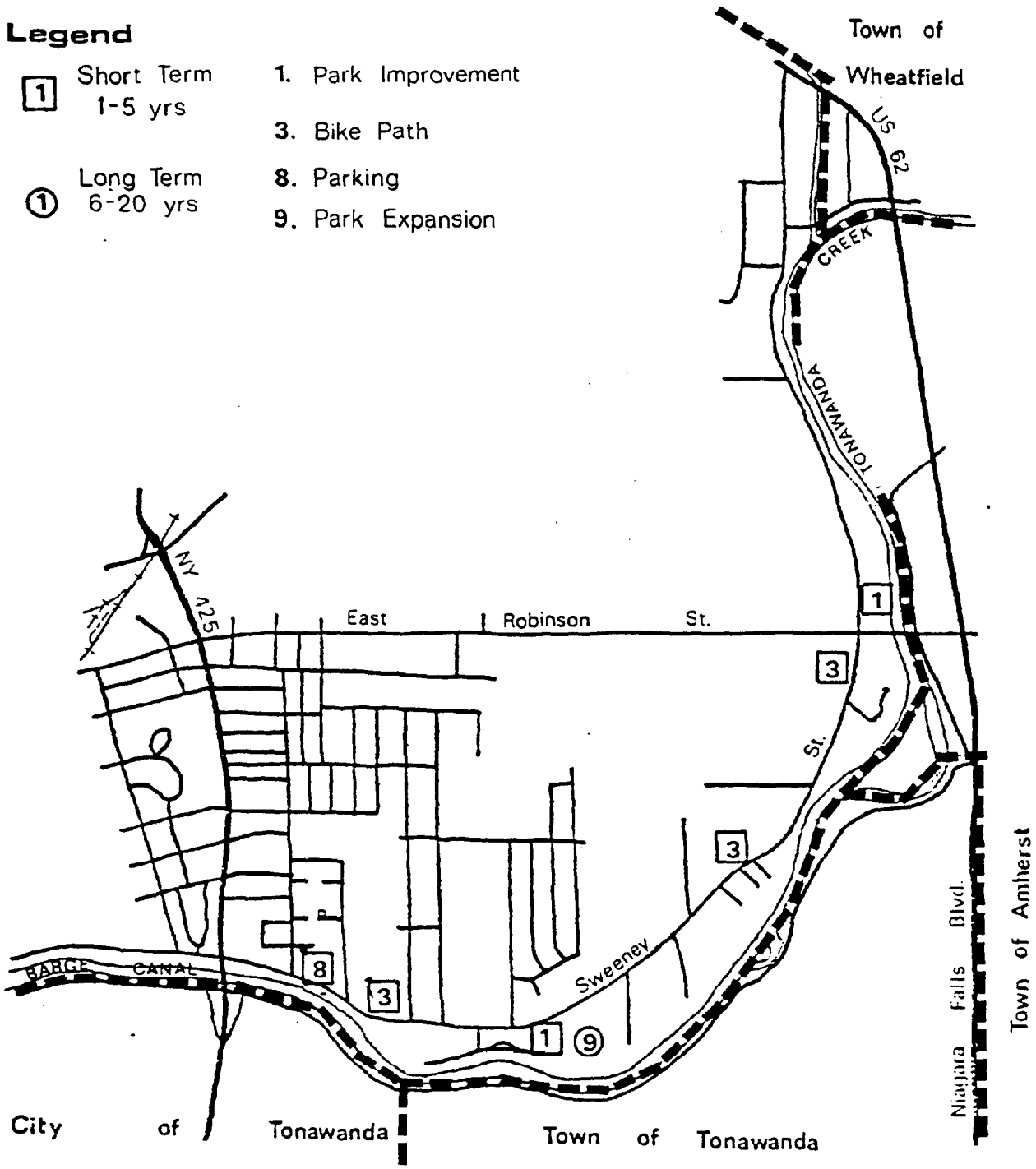
Local Waterfront Revitalization Program

Figure 20A: PROPOSED LAND USE - PROJECTS

N

0 2000

Stuart I. Brown Associates



City of North Tonawanda

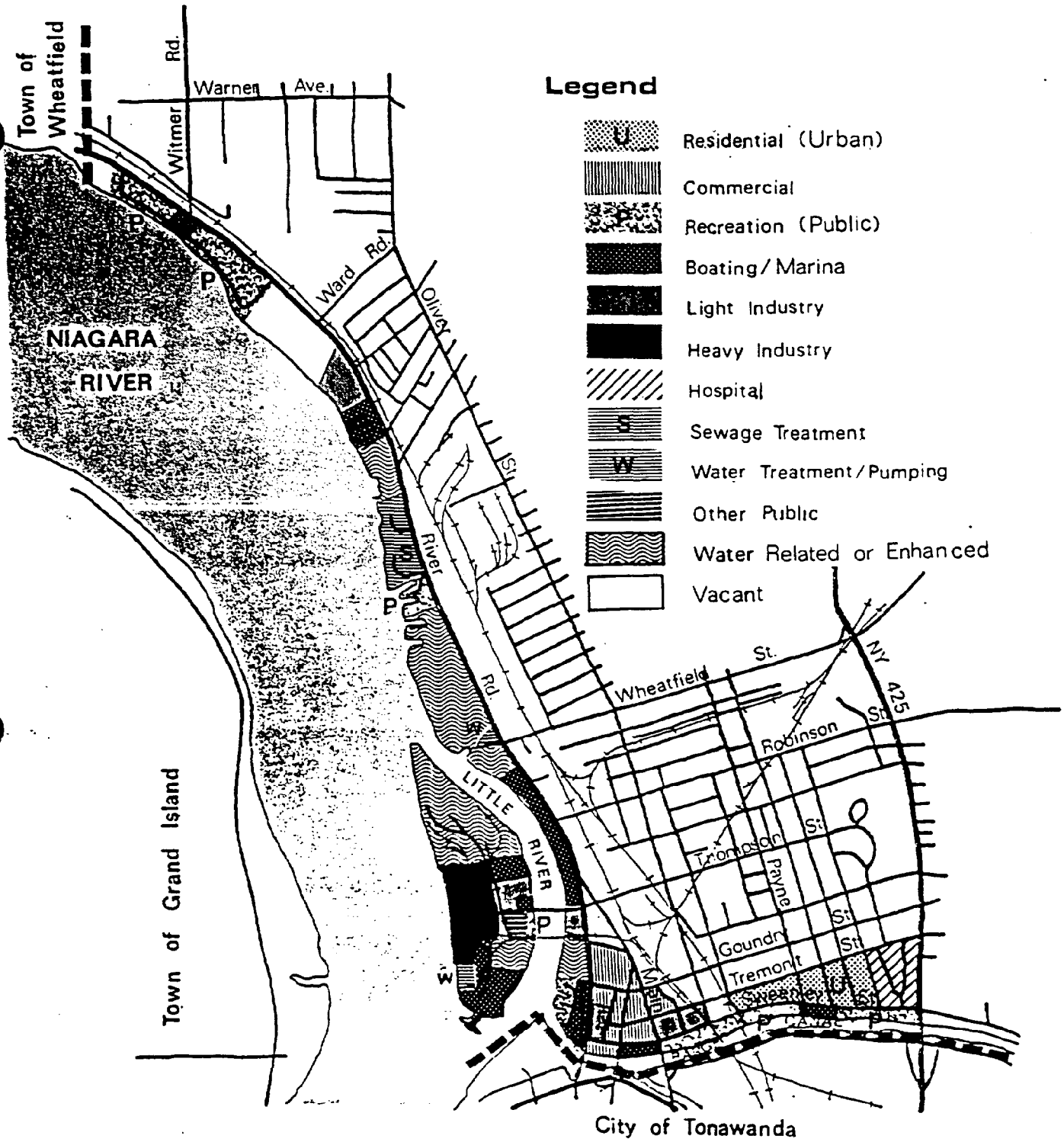
Local Waterfront Revitalization Program

Figure 20B: PROPOSED LAND USE - PROJECTS

N

0 2000

Stuart I. Brown Associates



City of North Tonawanda

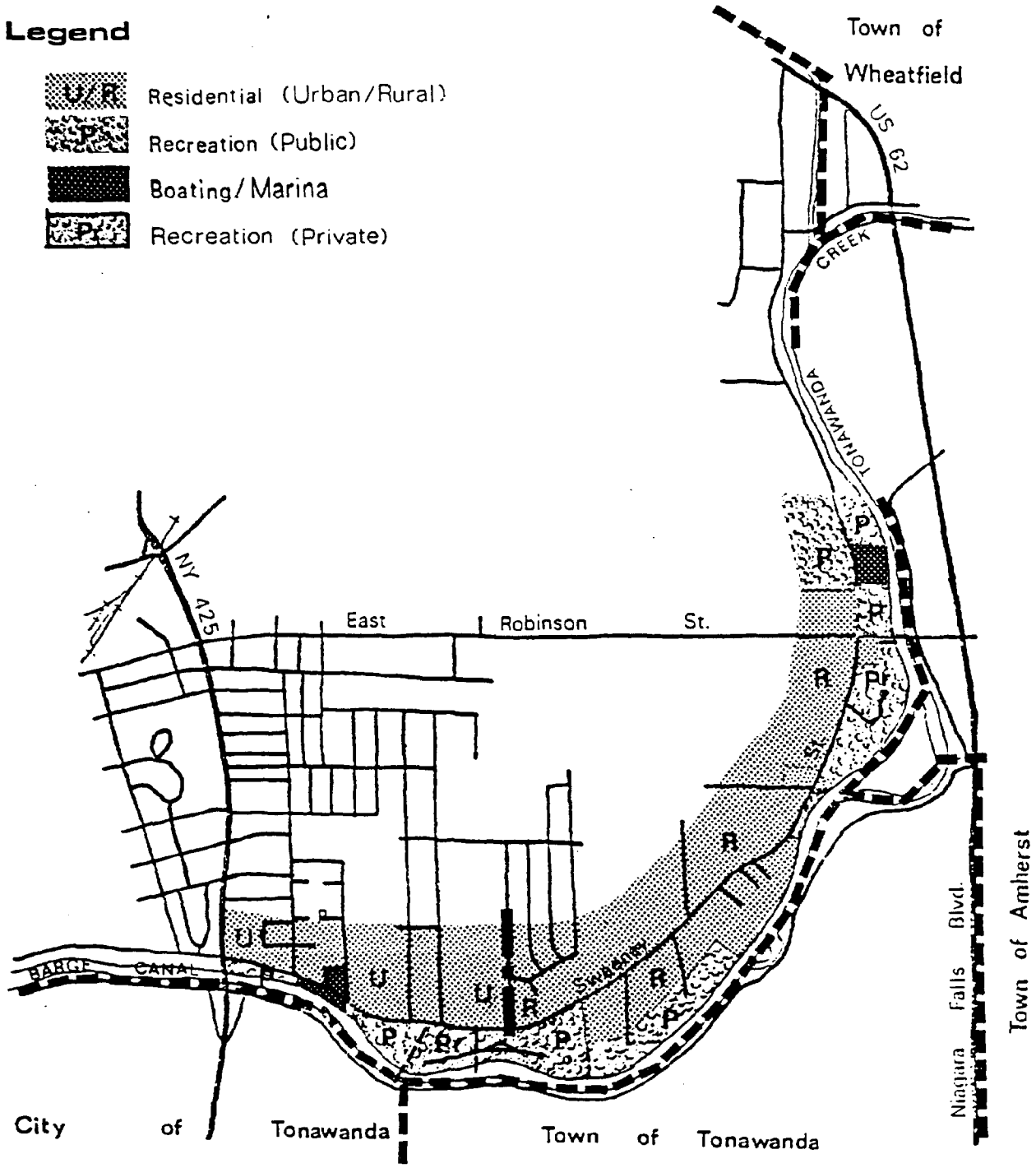
Local Waterfront Revitalization Program

Figure 21A: PROPOSED LAND USE CONCEPT

N

0 2000

Stuart I. Brown Associates



City of North Tonawanda

Local Waterfront Revitalization Program

Figure 21B: PROPOSED LAND USE CONCEPT

N

0 2000

Stuart I. Brown Associates

The land area extending from the Tonawanda Iron Works site north to the Town of Wheatfield municipal boundary is proposed for a variety of water-dependent and enhanced uses, including parkland, marinas, commercial, industrial, and residential development. This recommendatin will allow a flexibility in attracting new uses to the area which may presently be constrained by the poor market (e.g. owners of the Tonawanda Iron Works site have been marketing their land for eight years). In addition, the uses proposed will be required to satisfy specific zoning and site plan review criteria pertaining to site design, waterfront access and consistency with the LWRP. This will serve to improve the aesthetic character of the River Road corridor. The Waterfront Zoning District, for example, will require shoreline uses to be water-dependent, or to provide for public access for those non-water-dependent uses which locate there.

Existing water-dependent uses to be maintained include Fisherman's Park, Niagara River Yacht Club, and the City Sewage Treatment Plant. Proposed improvements to Fishermans Park total $55,000 and include slip dredging, restroom facilities, sanitary sewer system, lighting, parking improvements, and handicapped access. The cost figure was supplied by the City Parks Department.

Gratwick-Riverside Park will continue as a municipal park unless results of current State and County soil and water testing determines that public use of the area is detrimental to public health. In this event, the City will urge prompt cleanup of the area by responsible parties so that the land can be eventually reopened for public waterfront recreation.

Although owners of the Tonawanda Iron Works Site have been marketing the area with no success, the site does have potential for development of a light industrial park or as the location for a spin-off plant from a large area manufacturing concern. Although the A.D. Little analysis has not urged the creation of new industrial areas in Niagara County, the memoranda have indicated the possible justification of one additional park site. The combination of water, rail and truck access offered by the Tonawanda Iron Works site, the availability of on site utilities and its proximity to Canada may make the property attractive to potential industrial park users. The cost per acre of the Tonawanda Iron Works site, compared to other industrial property in the market area, would establish the feasibility of this parcel as a potential industrial park.

South of the Tonawanda Iron Works site to Wardell's Boatyard, a waterfront commercial/marina district is proposed. This reflects the character of the area located adjacent to the Little River and the anticipated demand for the new boat slips.

Existing water-dependent uses to be maintained include the Bow and Stern Marina, Smith Boys Marina, Wardell Boatyard and Spier's Marina.

The only new recreation opportunity suggested for this sub-area is a Class I bikepath (i.e. bikepath separated from road) along River Road. This would be a long term proposal (i.e. 7 to 15 years) and feasible only if the Tonawanda Island Railroad were to be abandoned.

The bikepath would utilize existing sidewalks along the Seymour Street Bridge, while providing a direct connection to the Erie County Riverwalk in the City of Tonawanda. In the City of North Tonawanda the trail would run parallel to River Road until it reaches the area near to the Smith Boy's Marina (River Road and Thompson Street). The path would then utilize the existing Tonawanda Island Railroad right-of-way to its termination at the former Kopper's facility where a new right-of-way would be required along River Road.

It should be stressed that the pursuit of this proposal should not be undertaken in the short term. All efforts to utilize the Tonawanda Island Railroad as an attraction to potential users of vacant parcels along the River should be pursued. However, if after a period of years the railroad becomes economically unfeasible, the alternative recreational use of right-of-way should be considered.

Access to the bike route from adjacent residential neighborhoods would be provided from local streets located perpendicular to River Road. It is also proposed that finger extensions to the Niagara Riverfront be provided as redevelopment occurs. For example, if the Niagara Mohawk Power Corporation site is redeveloped for a water-dependent or enhanced use, then an extension of the bikepath from River Road to the water's edge should be incorporated into the site design. The trail would also have the potential for linking up with the proposed bike system along the City of Niagara Falls waterfront.[6]

In determining alternative land uses, previous planning reports were examined in light of current conditions. It was determined that the promotion of additional public open space along the River, as recommended by the Regional Planning Board and the City's 1971 Master Plan, was no longer appropriate. As noted in the overview of market conditions, the City can accommodate additional community park needs elsewhere in the City.

Furthermore, the trail concept has been maintained but with a recognition that site design and land use will ultimately determine the potential for extending the route from River Road to the water's edge. The concept of mixed use, as opposed to continuous public open space, is also more appropriate in the City as the mixed use concept will generate business that will improve economic conditions. All opportunities to redevelop vacant and underutilized waterfront parcels into revenue and job producing enterprises must be given priority.

2. TONAWANDA ISLAND: The former International Paper site on the northern tip of the Island is recommended for water-dependent or enhanced uses. Similar to the large vacant parcels along the Niagara River, this 29 acre site should not be targeted for a specific type of use given current market conditions. Maximum flexibility must be the rule. The only restriction which should be enacted are those that would ensure that eventual development be part of a well designed, cohesive site plan, and be dependent or enhanced by a waterfront location. The provision of public access to the shoreline is a key factor.

The location of the property along the Little River and its relative isolation from other more intensive uses may provide opportunities for residential development. However, the existing transportation system, aesthetic appearance, and various rail crossings on the Island would more than likely require major improvements prior to obtaining any developer interest. As mentioned earlier, the availability of on-site utilities, as well as opportunities for linking boat slip space with residential units, can serve as key inducements to future development.

An alternative to residential use of the site would be the development of an industrial park. The area has transportation access, utilities, and offers the potential for a creative waterfront site design. The fact that vehicular access to the site must utilize the two lane Thompson Street Bridge may, however, limit attractiveness of the site for business development. At this time, the very limited demand for new industrial park space in Niagara County makes it unlikely that both this area and the Tonawanda Iron Works site could be developed for industrial use. Private developers and public economic development officials, in conjunction with the City, should determine the most appropriate location for new industrial use and pursue the recommendation accordingly.

A final point regarding the northeastern area of Tonawanda Island pertains to the potential for pedestrian linkage with the former Tonawanda Iron Works site. In the event that two complementary uses are developed for the parcels, a unique design feature could include a pedestrian bridge over the Little River which would connect the related uses and create an attraction by itself.

The remaining sections of the Island are recommended for marinas, restaurants, and light industry. It should be stressed that existing light industrial uses such as Tayco, Taylor Devices and Tayco Technology would not be inconsistent with the recommended use pattern. In addition, existing water-dependent uses on the Island to be maintained include Smith Boys Marina, City's Water Treatment Plant, Placid Harbor II Marina, and Inn On The River restaurant.

Finally, a public fishing area along the Little River is proposed on property currently owned by Niagara County and used for fire training. The public recreational use could occur during times

when fire training activities are not underway. The area would provide the only onshore fishing spot along the Little River.

The proposals for Tonawanda Island are consistent with those proposed by the Regional Planning Board. Because of changing market conditions, a variation from the City's 1971 Master Plan proposal for the area was necessary. The latter designated the entire site as suitable for heavy industry.

3. DOWNTOWN: Generally, the existing commercial activity is proposed to continue throughtout the planning period. Existing water-dependent or enhanced uses such as the City Boat Docks and Packett Inn will be maintained. It is recommended that a site within downtown be identified for use as a lumber museum. This would complement current activities by the Carousel Society of the Niagara Frontier and the Western New York Railroad Historical Society to develop the Carousel Factory Museum and a Rail Theme Walking Park both within a short distance of the CBD and waterfront. Both initiatives are being actively promoted by the City and area interest groups.

   As noted in the Inventory and Analysis Section, the City has a valuable heritage in the lumber industry, yet little attention is focused on this part of the community's heritage. A cooperative effort among the City, museum interest groups, Chamber of Commerce, New York State, and Niagara County is necessary to organize management, financial, site location, and program strategies. The potential for drawing tourists from outside the City, including those visiting Niagara Falls, to the downtown area will certainly increase through such a development. A museum "circuit" centered on the three themes which represent the City's heritage would strongly complement the $2.8 million public and private investment projected for the downtown area.

   A minor proposal for this sub-area includes designation of Sweeney and Manhattan Streets as Class III bike routes (i.e. bike signs only). Existing traffic volumes and road conditions are adequate to accommodate shared roadway usage. Such a route would be consistent with the New York State Barge Canal and Trailway System. It would eventually link with the Class I bike route along River Road. As the State trailway system becomes fully developed, consideration should be given to renovating a vacant downtown structure in the 1978 New York State Recreation Plan. This would further the overall City policy of channeling tourist, recreational and boating traffic into the downtown area as a means of benefitting commercial retail establishments.

4. BARGE CANAL - WEST: Existing use patterns are recommended to continue during the program period. The key emphasis should be placed on the following areas:

a. Ensure that all State land adjacent to the Canal is properly maintained and landscaped, thereby creating an attractive visual environment, as well as providing public access to the Canal edge.

b. Continue the present State policy relative to boathouse permits. This should be supplemented by conditions placed on each permit relative to maintenance which would then be enforced by periodic State inspection.

c. Designate a site between Main Street and the Penn Central Railroad bridge as a dockage area for an old packet boat and/or canal barge. This would further supplement the "museum circuit theme" noted in sub-section 3 (i.e. Proposed Uses-Downtown Sub-area).

d. Continue the Class III bike route along Sweeney Street as mentioned in sub-section 3 for the downtown area.

e. As the area between the Twin Cities Memorial Highway and the Penn Central Railroad bridge increases in usage, new parking facilities should be provided. The use of shared parking lots with DeGraff Memorial Hospital and the Veteran's Legion Post should be pursued.

f. A linkage between the Barge Canal corridor and the linear park leading to the Herschell Building should be provided. This could occur through signage from Sweeney Street onto Vandervoort Street or by utilizing the abandoned Conrail right-of-way which would provide a direct link between the Canal and the linear park.

   Use of the abandoned rail right-of-way would only be feasible if the NFTA decides not to extend the existing rail transit line in the northtowns area. However, even if a northtowns extension is planned, its construction would not occur in the short term. As an interim use, the NFTA should be urged to provide a low cost Class I trail on the track bed until the line is under construction. In the event that the Goundry Street Post Office is expanded eastward onto the abandoned track bed, the proposed Class I trail would require a slight realignment in this area.

g. If NFTA does not pursue a northtowns extention, the City should pressure Conrail or NYSDOT to remove the old Erie-Lackawanna Bridge and abutments. This creates visual blight in the area and serves no useful purpose.

h. Maintain existing water related uses including State-owned lands maintained by the City as parkland between the Canal and Sweeney Street, as well as Hi-Skipper Marina and Sales.

The recommendations for this sub-area are generally consistent with the plans prepared by the Erie and Niagara Counties Regional Planning Board and reinforce the New York State Barge Canal Trailway system promoted by the New York State Office of Parks, Recreation and Historic Preservation. Finally, the tourist circuit concept outlined in the A. D. Little strategy would certainly complement the proposals outline above.

5. BARGE CANAL - EAST: During the next 15 years it is expected that existing use patterns will continue in this sub-area. The vacant parcels on the landside of Sweeney Street will gradually convert to low density residential development as demand for new housing increases. With a limited market for such uses, the conversion will not be rapid.

   Other uses proposed for the sub-area are noted below:

   a. Expand Mayor's Park to the east by adding the vacant 18 acre State-owned parcel. This will offset the high demand at Mayor's Park, respond to the need for additional community parkland, and offset the possible temporary loss of Gratwick-Riverside Park.

   b. As noted for the Barge Canal-West sub-area, ensure that all State land adjacent to the Canal is properly landscaped and maintained.

   c. Continue the boathouse controls described for the Barge Canal-West sub-area.

   d. Provide improved parking facilities for the Service Drive Launch Ramp and the adjacent park areas by designing an attractive and well landscaped facility on property owned by the North Tonawanda Housing Authority. This is immediately east of the Service Drive Ramp.

   e. Extend the Class III bike trail along Sweeney Street. A connection can be made with the bicycle trail being constructed in Erie County as part of the Ellicott Creek flood control project at the East Robinson Bridge.

   f. Maintain all existing water-dependent and enhanced uses including Mayor's Park, Boys Club, Girl Scout Camp, Service Drive Launch Ramp, Botanical Gardens, and State-owned but City-maintained parkland between the Canal and Sweeney Street.

   g. Improve the existing Mayor's Park by relocating the restrooms and the pavilion, controlling Canal bank erosion, and installing a sanitary sewer system. Such improvements have been estimated at $64,300 by the City Parks Department.

h. Improve the Botanical Gardens by renovating the boat ramp, reconstructing the boat dock area, and improving the parking facilities. The total cost has been estimated at $67,000 by the City Parks Department.

It was determined that a public marina east of Mayor's Park, as proposed by the Regional Planning Board, was no longer appropriate. New marinas should be centralized along the Little River. The compatibility of the area for such uses, as well as the potential for economic spin-offs to adjacent commercial districts make the Little River an ideal location for the recreational boating activities. Other recommendations are generally consistent with previous plans.

C. PROPOSED WATER USES

Existing water uses will be maintained, which include recreational boating and fishing, and public water supply. Commercial shipping within existing navigational channels will be permitted should any new water-dependent industry locate along the waterfront which requires water transportation. In addition, periodic dredging for recreational boating and/or commercial shipping purposes will be permitted subject to existing Federal and State Regulatory requirements. Commercial barge traffic along the Barge Canal is also a permitted water use.

SECTION V

TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM

I. LOCAL LAWS AND REGULATIONS NECESSARY TO IMPLEMENT THE LWRP

The City of North Tonawanda has several mechanisms to implement the LWRP. The following paragraphs describe techniques which will be used to further implementation of the waterfront policies.

A. Existing Local Laws and Regulations

1. Flood Hazard Area Ordinance (Adopted 12/15/81):

The purpose of the law is to minimize public and private losses from flooding in areas designated as special flood hazard areas. The ordinance establishes general and specific standards for construction techniques to be used within such areas.

The law implements the following policies:

(a) Policy 11A Re: Siting of Buildings to Minimize Property and Personal Damage.

Section 42-14 sub-section D(1) prohibits encroachments, including new construction, in the floodway. Although this does not prohibit development within the entire flood hazard area, it does prohibit new construction in floodways unless certain conditions are met.

(b) Policy 14 Re: Construction of Erosion Protection Structures In a Manner Which Ensures No Measurable Increase in Flooding. Section 42-B requires a Development Permit before construction can occur in special flood hazard areas. A Development Permit requires certification by a registered professional engineer or architect that proposed floodproofing methods for non-residential structures would meet the floodproofing criteria specified in the law.

Approval of permits by the City Engineer shall be based on general and specific standards noted in Sections 42-13 and 42-14 respectively.

It should be noted that the minor erosion problems present in the City are occurring in flood hazard areas.

(c) Policy 17 Re: Use of Non-Structural Flood Control Techniques.

Section 42-13 (General Standards) and 42-14 (Specific Standards) contain detailed requirements applicable to all construction proposed within special flood hazard areas.

(d) Policy 33 Re: Non-Point Source of Water Pollution. Section 42-13 sub-section C 92 includes a requirement that new or replacement sanitary sewage systems be designed to

minimize the infiltration of flood waters into such systems. Further, sewage systems should be designed to eliminate the discharge of wastewaters into floodwaters.

2. Environmental Quality Review Law (1977): The purpose of the law is to provide for an environmental review of City actions which may have an effect on the environment.

   The law implements the following policies:

   (a) Policy 8 Re: Protection of Fish and Wildlife Resources from Hazardous Wastes.

   (b) Policy 11A Re: Siting of Buildings in Floodplains to Minimize Property and Personal Damage.

   (c) Policy 15 Re: Mining, Excavation and Dredging in Coastal Waters.

   (d) Policy 21 Re: Waterfront Recreation.

   (e) Policies 23, 23A, 23B Re: Historic and Archaeological Resource Protection.

   (f) Policy 25 Re: Scenic Vistas of Local Significance.

   (g) Policy 28 Re: Ice Management Practices.

   (h) Policy 30, 30A, and 30B Re: Point Source Pollutant Discharges.

   (i) Policy 33, 33A and 37 Re: Non-Point Source Pollutant Discharges.

   (j) Policy 35 Re: Dredging and Dredge Spoil Disposal.

   (k) Policy 38 Re: Water Quality

   (l) Policies 39 and 39A: Solid and Hazardous Waste Disposal.

   (m) Policy 42 Re: Air Quality.

   The local environmental quality review law through Section 37-4 (i.e.Statement regarding effect of proposed action), Section 37-9 (i.e. Preparation of draft environmental impact statement) and Section 37-15 (i.e. Written determination of findings), provides necessary procedures and guidelines for reviewing the potential environmental impact of specific actions.

   For example, an action proposed within a flood hazard area would be identified and its impact on, or potential damage to, personal property noted.

3. Subdivision Regulations: The purpose of these regulations is to insure the orderly, efficient, and economic development of the City. This is carried out through preliminary and final review

of proposed plats by the City Planning Commission. This review is designed to insure proper layout and construction of streets, utility systems, drainageways, and related matters.

Subdivision regulations are important in order to implement the following policy:

(a) Policy 33A Re: Best Management Practices to Control Sewer Overflows into the Barge Canal via the Storm Sewer System.

Section 4.109 includes certain design standards for drainage improvements. These include determining the proper sizing of drainage pipes, and requiring an evaluation of the impact of new developments on existing downstream drainage facilities.

Section 4.205 requires that storm sewers be installed in all sub-divisions.

4. Executive Law - Article 2B - City of North Tonawanda Emergency Management Plan (adopted: 11/25/81): The purpose of the Plan is to outline organizational responsibility, resource availability, and emergency operational procedures within all departments in the City in order to protect life, health, and property during a natural or man-made disaster.

The law assists in implementing the following policies:

(a) Policy 11A Re: Flooding.

Evacuation procedures are detailed in the plan which would apply to waterfront areas in cases of severe coastal storms.

5. Zoning Ordinance (adopted 12/21/59): The purpose of the Ordinance is to promote the public health, safety, and general welfare of City residents. This is accomplished through the establishment of various land use zones within the City and accompanying regulations pertaining to land use type, bulk, and location.

The ordinance assists in implementing the following policies:

(a) Policy 1B Re: Revitalize the downtown area. The downtown sub-area is zoned 'General Commercial' and 'Light Manufacturing.' Sections 11 and 12 of the Ordinance permits a variety of uses in these districts consistent with the City's goals of revitalizing downtown as a retail and employment center.

(b) Policy 2 Re: Facilitate the siting of water-dependent uses on or adjacent to coastal waters; and Policy 2A Re: Water-dependent uses along the Niagara River.

The Ordinance permits boat sales, rental, service and storage at those locations along the Barge Canal where existing marinas are located and along the entire length of the Little River and Niagara River.

B. Additional Local Laws Adopted to Further Implementation of the LWRP.

1. Zoning Law revisions - Waterfront District: The Niagara River and Tonawanda Island sub-area, as shown in Figure 6A, is characterized by a wide variety of land uses. The former industrial zoning permitted virtually all uses with little control on design, landscaping, minimum site development requirements. In addition, the location of the area adjacent to the Niagara River and Little River was not recognized by any special regulatory requirements within the Ordinance.

   In order to remedy this problem and also to insure that any actions related to zoning within the Niagara River and Tonawanda Island sub-areas are consistent with LWRP policies, a new Waterfront District was enacted within the area noted as WD on Figure 22A. The actual revision to the Ordinance is included in Appendix B to this document.

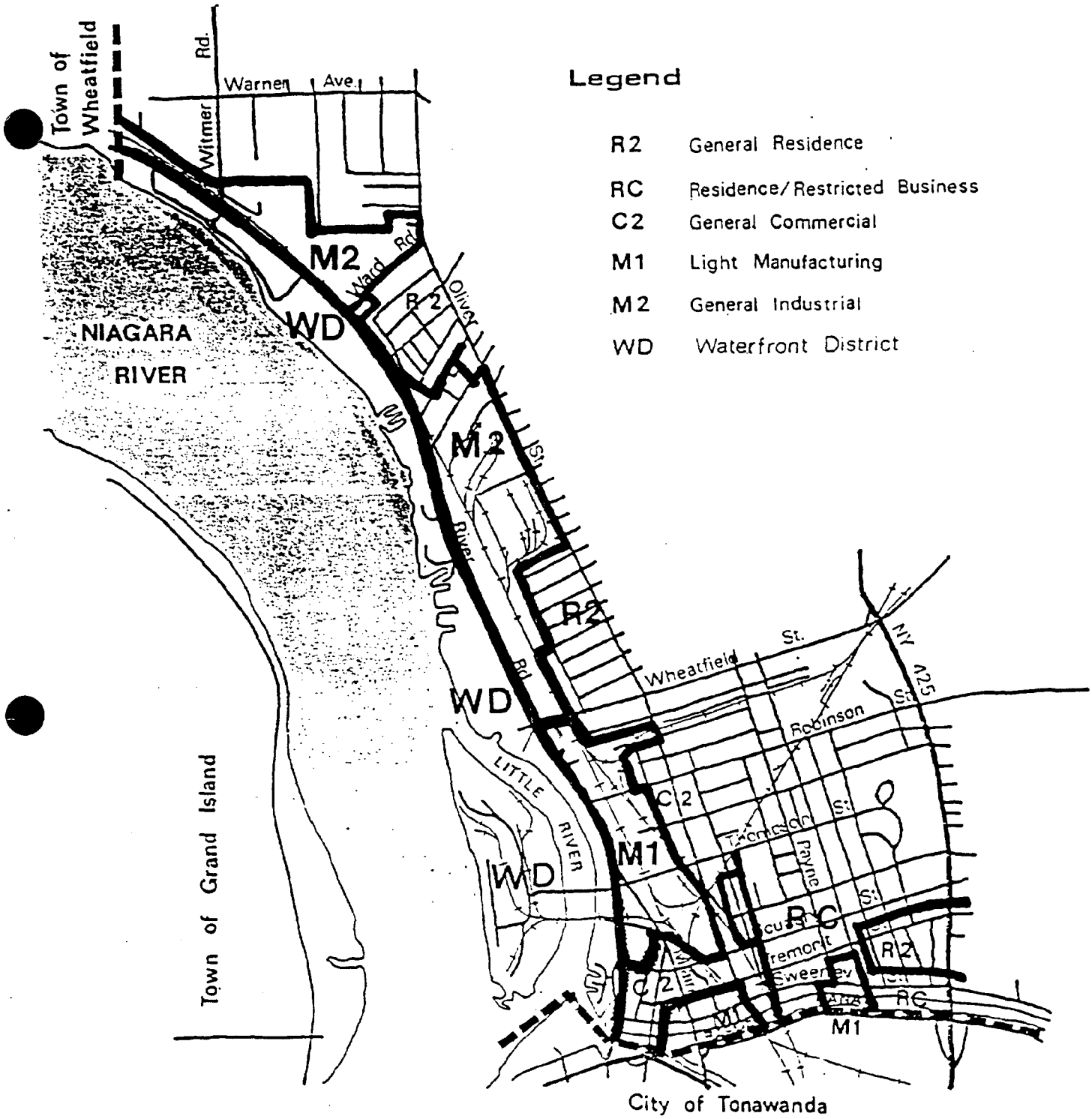
   This new district provides flexibility in allowing various types of land uses which are either dependent on or enhanced by a waterfront location, while excluding certain activities such as junkyards, truck terminals, and dumps/slag piles. Principal uses allowed for those properties having frontage on the Niagara River are those which are water-dependent, such as marinas, water-dependent industry, docks, boat launches, etc. In addition, a variety of non-water-dependent uses are allowed through special permit, provided that a public walkway along the shoreline is provided, or that a water-dependent use is established is conjunction with the primary use. A site plan is also required for any new use or major expansion to an existing use within this district. As part of the process, applicants will be required to provide detailed site information (e.g. landscaping plan, drainage contours, information on access, parking and loading areas) for review by the City Planning Commission. All site plans must also be consistent with the LWRP. The law implements the following policies:

   (a) Policies 1 and 1A Re: Revitalizing Vacant Parcels on Tonawanda Island and along the Niagara River.

   The district maintains a flexibility in permitted uses, while providing a preference for water-dependent uses and requires extensive documentation by the applicant regarding proper site layout, compatibility of uses, maintenance of water views, etc. This will begin to lay the framework for improving the physical appearance of the area, thereby increasing the marketability of many vacant parcels adjacent to the water's edge.

   (b) Policies 2 and 2A Re: Encourage Water Dependent Uses Adjacent to the Niagara River. Policies 2 and 2A Re: Encourage Water Dependent Uses Adjacent to the Niagara River.

   Primary uses will be only those which are dependent on a waterfront location.



City of North Tonawanda

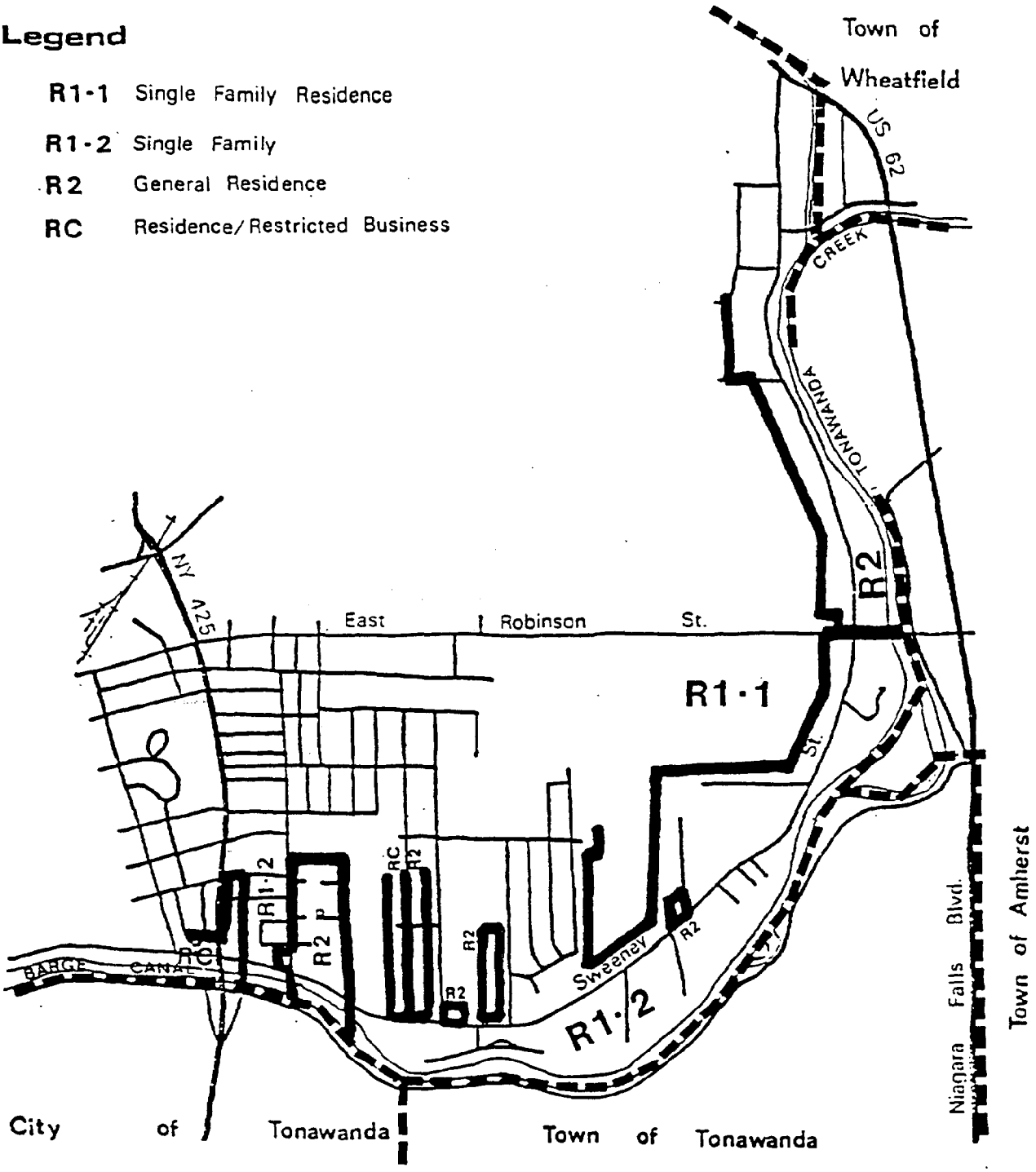
Local Waterfront Revitalization Program

Figure 22A: PROPOSED ZONING

N

0 2000'

Stuart I. Brown Associates



City of North Tonawanda

Local Waterfront Revitalization Program

Figure 22B: PROPOSED ZONING

N

0 2000'

Stuart I. Brown Associates

(c) Policy 14 Re: Ensuring that Erosion Protection Structures do not Cause any Increase in Flooding or Erosion.

The Planning Commission shall examine the proposed design and function of all waterfront improvements, including erosion protection structures, relative to their ability to carry out their stated purposes.

(d) Policy 21C Re: Facilitate Recreation Boating on the Little River.

See paragraph a (2) above.

(e) Policies 22 and 22A Re: Multiples Uses.
The Waterfront Zoning District will require non-water-dependent shoreline uses to provide public access along the Niagara River.

(f) Policy 25A Re: Protecting Scenic Vistas along River Road.

A review criterion for approving site plans will be consistency with LWRP policies and more specifically, the quality and maintenance of views to the Niagara River.

(g) Policy 36A Re: Prohibiting the Storage of Petroleum and Other Hazardous Materials adjacent to the Little River.

As all zoning actions in the Waterfront District will be reviewed for consistency with LWRP policies, any proposed storage activity adjacent to the Little River will be viewed in a negative light by the City Planning Commission.

(h) Policy 39A Re: Solid and Hazardous Waste Prohibition in Coastal Zone.

Such uses are not permitted within the Waterfront District.

2. Local Waterfront Revitalization Program Consistency Law.

The LWRP Consistency Law requires all Type 1 and Unlisted actions (as defined by the SEQRA implementation regulations) that would be directly undertaken, approved, or funded, by the City to be reviewed by the City Planning Commission for consistency with the City of North Tonawanda LWRP. The Law further prohibits such actions from being carried out, unless the lead agency finds and certifies that the action is consistent with the policies and purposes of LWRP. This applies equally to actions involving the City Council and City agencies. By adoption of the local law, the City Council is legally committing itself and its agents to comply with the provisions of the LWRP.

The LWRP Consistency Law will assist in the implementation of all of the local waterfront policies. All major actions proposed within the waterfront area by City agencies will require

certification of their consistency with waterfront policies by the lead agency prior to approval. See Appendix C for the text of this local law.

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

Reference should be made to Figure 23 which provides a blueprint for implementing the City's LWRP over the next 15 years. The following narrative provides more specific information about how each action furthers the implementation of LWRP policies. This is further summarized in Figure 24.

A. Local Government Actions Necessary to Implement the LWRP

1. Waterfront park improvements will be made at Fisherman's Park, Mayor's Park, City Boat Docks, Botanical Gardens, and Service Drive Launch Ramps. These were noted in Section IV. Such improvements will aid in implementing Policy 9A (re: expand use of recreational fish resources) by increasing fishing access opportunities (e.g. reconstruction of boat docking and launch area at Botanical Gardens).

2. Parking improvements at the City Boat Docks and Service Drive Launch Ramps will assist in implementing Policy 19B (re: access improvement to the two areas). In addition, the park renovation activities at each park will certainly serve to implement Policy 19A (re: protect and maintain access to existing waterfront parks).

   As the proposed improvements all serve to enhance water dependent recreation, their completion will aid in implementing the uses at waterfront parks.

3. Bicycle routes are proposed in areas noted on Figures 20A and 20B and described in Section IV. The Class I facility off River Road is proposed as a shared project with Niagara County while the other facilities are recommended as City facilities.

   The proposal will serve to implement Policy 1A (re: revitalization of vacant parcels) by incorporating new recreational uses into private redevelopment efforts. Policy 2A (re: providing for a mix of water related recreational uses along the Little River) will also be implemented by the Class I trail due to the bicycling and hiking activities which will occur on the facility and which will be enhanced by the location of the shoreline.

   The bicycle/trail system will further increase public access to waterfront parks, thereby implementing Policy 19A (re: protect and maintain the types of access to existing waterfront parks).

   As many of the large vacant parcels along the Niagara River could be incorporated into the trail system through finger extension, the proposal would also aid in implementing Policy 22A (re: multiple use of large, vacant parcels along Niagara River).

PROPOSAL	LEAD AGENCY	TIMETABLE	ESTIMATED COST (ORDER OF MAGNITUDE)	FUNDING SOURCES
A. NIAGARA RIVER				
1. Hazardous Waste Clean-up - Gratwick-Riverside Area	1. Niagara Mohawk Power Corp.	1. 1988 - 1992	1. Unknown	1. -Federal Superfund -NYS Environmental Bond Act -State Superfund -Private
2. Redevelopment of Former Kopper's Plant, Ashland Oil Property, and Other Large, Vacant Parcels	2. Private	2. 1987 - 1990	2. Unknown	2. -Private
3. Redevelopment of Former Tonawanda Iron Works Site	3. Private	3. 1987 - 1990	3. $13,000,000*	3. -Private -Federal Economic Assistance Programs -U.S. Environmental Protection Agency - Infrastructure Program -NYS Department of Environmental Conservation Infrastructure Programs
4. Hazardous Waste Clean-up - Occidental - Durez	4. Occidental Corp.	4. 1988 - 1992	4. Unknown	4. -See #1

Figure 23 IMPLEMENTATION BLUEPRINT

*Estimated cost of commercial development. Other development options (e.g. residential) would alter cost.

PROPOSAL	LEAD AGENCY	TIMETABLE	ESTIMATED COST (ORDER OF MAGNITUDE)	FUNDING SOURCES
5. Fisherman's Park Improvements	5. City of No. Tonawanda	5. 1987 - 1990	5. $55,000	5. -Federal Dingell - Johnson Fund -NYS Coastal Management -NYS Aid to Local Governments -City of No. Tonawanda
6. Class I Bicycle Path	6. City of No. Tonawanda/ Niagara County	6. 1995 - 2000	6. $100,000 - $500,000*	6. -Federal Aid to Urban Systems Program -Federal Land and Water Conservation Fund -Niagara County -City of No. Tonawanda
7. Waterfront District- Zoning Change	7. City of No. Tonawanda	7. 1987	7. NA	7. NA
7a. Implementation of an Industrial Pretreatment Program at City SIP	7a. City of No. Tonawanda	7a. Underway	7a. $75,000	7a. City of No. Tonawanda
7b. Implementation of Final Composite Corrective Plan for City SIP	7b. City of No. Tonawanda	7b. 1987	7b. $1,000	7b. City of No. Tonawanda
B. TONAWANDA ISLAND				
8. Waterfront District - Zoning Change	8. See #7	8. 1987	8. NA	8. NA
9. Fishing Access Facility	9. City of No. Tonawanda/ Niagara County	9. 1987 - 1990	9. $100,000	9. -Federal Dingell - Johnson Fund -NYS Environmental Bond Act -NYS aid to Local Governments -Niagara County -City of No. Tonawanda

Figure 23 IMPLEMENTATION BLUEPRINT

*Assumes no land acquisition

PROPOSAL	LEAD AGENCY	TIMETABLE	ESTIMATED COST (ORDER OF MAGNITUDE)	FUNDING SOURCES
10. Tonawanda Island - Site Redevelopment Plan	10. City of No. Tonawanda	10. 1987 - 1990	10. $35,000	10. - NYS Coastal Management - WNY Economic Development Corporation - NYS Aid to Local Governments - City of No. Tonawanda
11. Marina Expansion	11. Smith Boys Marina, Inc.	11. 1987 - 1990	11. Unknown	11. -Private
C. DOWNTOWN				
12. Downtown Redevelopment	12. City of No. Tonawanda	12. 1987 - 1990	12. $2,744,900	12. -Federal Small Cities Prog. -Private -City of No. Tonawanda
13. Class III - Bike Path (Goundry-Manhattan-Sweeney)	13. City of No. Tonawanda	13. 1995 - 2000	13. $2,000	13. -City of No. Tonawanda
14. Sweeney St. Docks - Completion	14. City of No. Tonawanda	14. 1987	14. $30,000	14. -NYS Aid to Local Governments
D. BARGE CANAL - WEST				
15. Lumber Mill Museum	15. Private, Not-for-Profit Organization	15. 1990 - 2000	15. Unknown	15. -Private -WNY Economic Development Corp. -Niagara County -City of No. Tonawanda

Figure 23 IMPLEMENTATION BLUEPRINT

PROPOSAL	LEAD AGENCY	TIMETABLE	ESTIMATED COST (ORDER OF MAGNITUDE)	FUNDING SOURCES
16. Erie Canal Boat Dockage	16. Private, Not-for-Profit Organization	16. 1990 - 2000	16. Unknown	16. -WNY Economic Development Corporation -Niagara County -City of No. Tonawanda -Private
17. Class I and III Bicycle Path System with Connector to Herschell Carousel Museum	17. City of No. Tonawanda NFTA	17. 1990 - 2000	17. $50,000 - $85,000*	17. -Federal Land and Water Conservation Fund -NYS Aid to Local Governments -NFTA -City of No. Tonawanda
18. Landscaping Improvements - Along Canal Bank	18. New York State	18. 1987 - 1990	18. $5,000	18. NYS Department of Transportation - Canal Maintenance Program
19. Canal Sign System	19. City of No. Tonawanda	19. 1987 - 1990	19. $500 - $1,000	19. -City of No. Tonawanda -Niagara County -NYS Aid to Local Governments
20. Increased Parking Access - DeGraff and Other Private Lots	20. City of No. Tonawanda	20. 1990 - 2000	20. Unknown	20. City of No. Tonawanda

Figure 23 IMPLEMENTATION BLUEPRINT

*Does not include land acquisition

PROPOSAL	LEAD AGENCY	TIMETABLE	ESTIMATED COST (ORDER OF MAGNITUDE)	FUNDING SOURCES
21. Mayor's Park Improvements	21. City of No. Tonawanda	21. 1987 - 1990	21. $64,300	21. -NYS Aid to Local Governments -NYS Coastal Management -City of No. Tonawanda
22. Service Drive Launch - Parking Improvements	22. City of No. Tonawanda	22. 1987 - 1990	22. $22,000	22. See #5
23. Mayor's Park Expansion	23. City of No. Tonawanda	23. 1990 - 2000	23. $300,000 - $500,000	23. -Federal Land and Water Conservation Fund -NYS Coastal Management Program -City of No. Tonawanda
24. Class III Bicycle Trail	24. City of No. Tonawanda	24. #17	24. $15,000	24. -NYS Aid to Local Governments
25. Canal Sign System	25. See #19	25. #19	25. #19	25. #19
26. Botanical Gardens Improvements	26. City of No. Tonawanda	26. 1987 - 1990	26. $67,000	26. See #21
F. ALL AREAS				
27. Environmental Quality Review	27. City of No. Tonawanda	27. 1987	27. NA	27. NA
28. Program for Canal Events	28. Chamber of Commerce	28. 1988	28. $30,000 (annual)	28. -WNYEDC -City of No. Tonawanda -City of Tonawanda -Erie County -Niagara County -Private

FIGURE 23 IMPLEMENTATION BLUEPRINT

POLICY		LOCAL ACTIONS
1. Policy 1	Waterfront Redevelopment	1. See #2, #3
2. Policy 1A	Redevelop Large, Vacant Parcels in Niagara River and Tonawanda Island Sub-areas	2. Waterfront Zoning District, Environmental Quality Review Law; Tonawanda Island - Site Redevelopment; Hazardous Waste Clean-up; Private Redevelopment Efforts; Expansion of Smith Boys Marina
3. Policy 1B	Revitalize Downtown	3. Environmental Quality Review Law; Federal Small Cities Program; City Docks Project; Development of Lumber Museum; Canal Boat Replica; Program for Canal Events; Zoning Ordinance
4. Policy 2	Water Dependent Uses	4. See #5; Zoning Ordinance
5. Policy 2A	Water Related Uses - Adjacent to Niagara River	5. Waterfront Zoning District; Environmental Quality Review Law; Bicycle Route Proposals; New Fishing Access Facility
6. Policy 3	Develop State's Major Ports	6. State Implementation
7. Policy 4	Strengthen Smaller Harbor Areas	7. Not Applicable
8. Policy 5	Locate Development in Areas with Public Services	8. Environmental Quality Review Law; Private Redevelopment Efforts

Figure 24

POLICY IMPLEMENTATION - LOCAL ACTIONS

POLICY			LOCAL ACTIONS
9.	Policy 6	Expedite Permit Procedures	9. Environmental Quality Review Law and Waterfront Zoning District
10.	Policy 7	Protect Significant Fish and Wildlife	10. Not Applicable
11.	Policy 8	Protect Fish and Wildlife from Pollutants	11. Environmental Quality Review Law; Hazardous Waste Clean-up
12.	Policy 9	Expand Recreational Use of Fish Resources	12. See #13
13.	Policy 9A	Expand Recreational Use of Fish Resources in Niagara River, Barge Canal-East Sub-area, and Little River	13. Environmental Quality Review Law; Waterfront Park Improvements; New Fishing Access Facility; Hazardous Waste Clean-up
14.	Policy 10	Commercial Fishing	14. Not Applicable
15.	Policy 11	Flood Protection	15. Not Applicable
16.	Policy 11A	Flood Protection in Special Flood Hazard Areas	16. Flood Hazard Law; Environmental Quality Review Law; City Emergency Management Plan
17.	Policy 12	Natural Protective Features	17. Not Applicable
18.	Policy 13	Erosion Protection Structures - Design	18. Not Applicable
19.	Policy 14	Prevent Increase in Flooding and Erosion from Erosion Protection Structures	19. Flood Hazard Law; Waterfront Zoning District; Environmental Quality Review Law
20.	Policy 15	Mining, Excavation, Dredging	20. Environmental Quality Review Law

Figure 21

POLICY IMPLEMENTATION - LOCAL ACTIONS

	POLICY		LOCAL ACTIONS
21.	Policy 16	Public Funds for Erosion Protection Structures	21. City Budgetary Policy; Environmental Quality Review Law
22.	Policy 17	Non-Structural Flood and Erosion Protection Measures	22. Flood Hazard Law; Environmental Quality Review Law
23.	Policy 18	Safeguard Vital Interests of State	23. State Implementation
24.	Policy 19	Public Access	24. See #25, #26
25.	Policy 19A	Maintain Access to City Waterfront Parks	25. Environmental Quality Review Law; Waterfront Park Improvements; Bicycle Route Proposals; Canal Signage System
26.	Policy 19B	Improve Access to Service Drive Ramps and City Docks	26. Environmental Quality Review Law; Waterfront Park Improvements; City Docks Project
27.	Policy 20	Access to the Publicly Owned Foreshore	27. Environmental Quality Review Law
28.	Policy 21	Water Dependent Recreation	28. #29, #30, #31, #32
29.	Policy 21A	Priority to Water Dependent Recreation at City Waterfront Parks	29. Environmental Quality Review Law; Waterfront Park Improvements
30.	Policy 21B	Encourage Water Dependent Uses at Fire Training Tower	30. Environmental Quality Review Law; New Fishing Access Facility
31.	Policy 21C	Recreation Boating - Little River	31. Environmental Quality Review Law; Waterfront Zoning District
32.	Policy 21D	Provide Water Enhanced Recreation on Vacant State Land within Barge Canal East Sub-area	32. Environmental Quality Review Law; Expansion of Mayor's Park

Figure 21

POLICY IMPLEMENTATION - LOCAL ACTIONS

	POLICY		LOCAL ACTIONS
33.	Policy 22	Multiple Use	33. See #34
34.	Policy 22A	Multiple Use of Large, Vacant Parcels	34. Waterfront Zoning District; Environmental Quality Review Law; Bicycle Route Proposal; Private Redevelopment Efforts
35.	Policy 23	Historic and Scenic Resources	35. See #36, #37, #38
36.	Policy 23A	Protect Riviera Theatre	36. Environmental Quality Review Law
37.	Policy 23B	Archaeological Sites	37. Environmental Quality Review Law
38.	Policy 23C	Enhance Lumber Milling Heritage	38. Environmental Quality Review Law; Development of Lumber Museum
39.	Policy 24	Scenic Resources - State Significance	39. Not Applicable
40.	Policy 25	Natural and Man-made Resources - Local Significance	40. See #41
41.	Policy 25A	Protect Scenic Vistas Along Sweeney Street and River Road	41. Environmental Quality Review Law; Waterfront Zoning District; Canal Signage System
42.	Policy 26	Agricultural Protection	42. Not Applicable
43.	Policy 27	Energy Facilities	43. State Implementation
44.	Policy 28	Ice Management	44. Environmental Quality Review Law
45.	Policy 29	Development of Energy Resources	45. State Implementation
46.	Policy 30	Water Pollution - Point Source	46. See #47 #48
47.	Policy 30A	Point Source Pollution - Sewage Treatment Plant	47. Environmental Quality Review Law; Industrial Pre-Treatment Program; Final Composite Corrective Plan for STP

Figure 24

POLICY IMPLEMENTATION - LOCAL ACTIONS

		POLICY		LOCAL ACTIONS
48.	Policy 30B	Point Source Pollution - Occidental-Durez, Battenfeld Grease and Oil	48.	Environmental Quality Review Law
49.	Policy 31	Coastal Water Classifications and Water Quality Standards	49.	State Implementation
50.	Policy 32	Alternative Sanitary Waste Systems	50.	Not Applicable
51.	Policy 33	Storm Water Runoff and Combined Sewer Overflows	51.	See #52
52.	Policy 33A	Sewer Overflows - Barge Canal Area	52.	Environmental Quality Review Law; Subdivision Regulations; Flood Hazard Ordinance
53.	Policy 34	Discharge of Waste from Vessels	53.	State Implementation
54.	Policy 35	Dredging	54.	Environmental Quality Review Law
55.	Policy 36	Shipment and Storage of Petroleum and Hazardous Materials	55.	See #56
56.	Policy 36A	Prohibit Storage of Petroleum and Hazardous Materials in all Areas Except Sections of Niagara River Sub-area Bordering Niagara River	56.	Waterfront Zoning District
57.	Policy 37	Non-Point Source of Water Pollution	57..	Environmental Quality Review Law
58.	Policy 38	Water Quality	58.	Environmental Quality Review Law; Industrial Pre-Treatment Program; Final Composite Corrective Plan for STP; Hazardous Waste Clean-up
59.	Policy 39	Solid and Hazardous Waste Disposal	59.	See #60

Figure 24

POLICY IMPLEMENTATION - LOCAL ACTIONS

POLICY			LOCAL ACTIONS
60.	Policy 39A	Prohibit Solid and Hazardous Waste Disposal in Coastal Zone	60. Environmental Quality Review Law; Waterfront Zoning District
61.	Policy 40	Industrial Effluent	61. State Implementation
62.	Policy 41	Air Quality	62. Environmental Quality Review Law
63.	Policy 42	Land Area Reclassification Due to Air Quality Change	63. Not Applicable
64.	Policy 43	Acid Rain	64. State Implementation
65.	Policy 44	Wetland Protection	65. Not Applicable

Figure 24

POLICY IMPLEMENTATION - LOCAL ACTIONS

4. A new fishing access facility on Tonawanda Island in the vicinity of the Niagara County Fire Training Center (see Figure 20A) would include fishing overlooks, 270 linear feet of pier space vertical to the Little River and parking for 20 automobiles. A cooperative agreement would need to be worked out with Niagara County.

   With new fishing access opportunities for the public on the Little River, the action would aid in implementing Policy 9A (re: expand use of recreational fish resources), Policy 21B (re: encourage water dependent recreation at the Niagara County Fire Training Center), and Policy 2A (re: provide for a mix of water related uses along the Little River).

5. An additional local proposal for the LWRP is the development of a Tonawanda Island-Site Redevelopment Plan. The City-sponsored undertaking would produce a solid action plan for improving circulation, utility placement and the aesthetic character of the Island. Such a plan would serve to implement Policy 1A (re: revitalization of Tonawanda Island) by setting the framework for physical improvements to the Island. The latter, if carried out, would improve the marketability of the area for new development, increase land values and expand the local tax base.

6. The City should continue the downtown redevelopment efforts initiated in recent years utilizing a variety of potential sources of revenue. This will continue the implementation of Policy 1B (re: revitalize the City's downtown area).

7. Completion of the City Docking Facilities in 1987 will also aid in the implementation of Policy 1B (re: revitalize the City's downtown area) by providing good lighting service to the area.

8. A Canal Sign System coordinated with a similar system for the downtown area is proposed for Sweeney Street. This would create a unified corridor to inform motorists and bicyclists, about parks, boat launch areas, restaurants, scenic views and direct people using Sweeney Street to City attractions located away from the Canal (e.g. Carousel Museum). A good example of such a sign system is located along the Niagara River parkway in Canada between Fort Erie and Niagara On-the-Lake.

   Such a system would aid in implementing policy 25A (re: protecting scenic vistas along Sweeney Street) by drawing attention to the visual quality of the area and construction attractive informational signs that blend into the physical character of the Sweeney Street area.

9. Parking improvements along Sweeney Street as noted in Section IV, would also aid in implementing Policy 25A by centralizing parking in specific areas north of Sweeney Street. This would eliminate the random parking which presently occurs on State-owned land south of the road which not only blocks views, but also creates an unsightly environment.

The proposal would also aid in carrying out Policy 19A (re: protect and maintain access to State owned recreation areas along Barge Canal). Increasing the availability of parking spaces at convenient locations would make the Barge Canal waterfront more accessible to area residents.

10. The expansion of Mayor's Park to the east on 18 acres of land as described in Section IV, would directly implement Policy 21D (re: water enhanced recreation will be provided on vacant State land in the Barge Canal East sub-area). The additional acreage would provide for an increase in picnic facilities and other passive recreation pursuits.

11. Implementation of an Industrial Pre-treatment Program, as required by the "Order On Consent" issued by the New York State Department of Environmental Conservation (DEC) at the sewage treatment plant will further the implementation of Policy 30A (re: discharge of pollutants at the sewage treatment plant shall conform to all State and Federal standards) and Policy 38 (re: protect surface water quality). The local program will establish methods to discharge into the municipal system. This is intended to protect the system, as well as limit damage to the environment that may occur from such discharges.

12. Implementation of the Final Composite Corrective Plan for the Sewage Treatment Plant as required in the Consent Order from the DEC will also aid in implementing Policy 30A and Policy 38 as noted in paragraph (k) above. The Plan was submitted to the DEC in April 1986 and outlined remedial measures to occur at the plant which would bring the facility into compliance with existing State and Federal water quality laws.

13. A comprehensive, aggressive Program for Canal Events should be pursued. The Cities of North Tonawanda and Tonawanda should serve as the initial organizing forces. The major purpose of this recommendation is to attract more people to the downtown area through a series of annual Canal events. Current examples presently include Canalfest and the Boat Show. These can certainly be expanded to include art shows and farmer's markets along the Canal banks, antique boat parades, tall ship visits, and other attractions. A brochure is being developed for the 1986 Canal Fest to inform people of the many assets and attractions in the Tonawandas.

    The Chamber of Commerce of the Tonawandas could expand this part of its annual work program. If funds were available, a part time staff person could be assigned solely to work on an intensive promotional program. The Chamber's jurisdiction on both Cities, as well as its extensive contacts with downtown merchants would make this expanded promotional program a viable initiative.

    A possible extension of the Chamber's role in the promotion of the Canal would direct technical assistance to the City or

other non-profit corporations in developing a Lumber Mill Museum and permanent dockage of a canal packet boat along the waterway.

Financial assistance from both Cities more than likely would be necessary during the initial organizational years to offset salary, and promotional costs. However, as the events become successful, certain fees could be charged to vendors participating in the program (e.g. arts and crafts show display fees) to help pay the administrative costs.

B. Private Actions Necessary to Implement the LWRP

1. Hazardous Waste Clean-Up in the Gratwick-Riverside Area, as well as the Occidental Durez Waste Site Areas by Niagara Mohawk Power Corporation and Occidental Chemical Corporation, respectively, will aid in implementing Policy 1A (re: revitalize vacant Niagara Mohawk Power Corporation site). It is hoped that the eventual site clean-up will permit private redevelopment of the parcel.

   Private action will also aid in carrying out Policy 8 (re: protect fish resources from hazardous wastes) by eliminating contaminant migration into the fishery food chain. Policy 9A (re: expand recreational use of fish resources in the Little River and Niagara River) will also be served by the above action. The site clean up should improve water quality, thereby increasing the viability of the local fishery.

   Finally, Policy 38 (re: quality of surface and groundwater will be conserved and protected) will be furthered by site clean up. Off-site migration to the Niagara River of contaminants would be eliminated and contained by the action.

2. Private redevelopment of the former Kopper's Plant, former Tonawanda Iron and Steel Parcel, Ashland Oil Property, former International Paper Plant Site, and other large vacant parcels in the Niagara River and Tonawanda Island sub-areas will further implementation of Policy 1A (re: waterfront redevelopment), Policy 5A (re: locate new development in areas having existing public services), and Policy 22A (re: incorporate multiple use design into private redevelopment proposals).

3. Expansion of Smith Boys Marina on Tonawanda Island will assist in carrying out the same policies noted in paragraph (b) above. In addition, such an expansion would further the implementation of Policy 1A (re: revitalize vacant parcels on Tonawanda Island) by possibly coordinating slip space rental with new waterfront housing on the northern tip of the Island. The latter parcel is also owned by Smith Boys, Inc.

4. Development of a Lumber Museum, as noted in Section IV, by a private, not-for-profit organization would further Policy 1B (re: revitalize the downtown area) by attracting area residents and

tourists to the proposed downtown museum. An infusion of additional spending dollars to the CBD would further complement other downtown redevelopment projects underway.

The proposal would also implement Policy 23C (re: enhance the City's heritage as a lumber milling center). A regional museum containing historical documents, period facsimiles and other items reflecting the lumber mill activity in the area during the late 1800's would educate people about the significance of the industry to area development.

5. Permanent location of a Replica of an Old Erie Canal Packet Boat or other type of Canal Barge in the Barge Canal, at a general location shown in Figure 20A would also assist in implementing Policy 1B (re: downtown redevelopment) for the same reasons noted in paragraph d. This proposal could possibly be pursued by the same organizations that would undertake the Lumber Mill Museum.

   It should be noted that although the Lumber Mill Museum and Canal Boat proposals are suggested for implementation by the private sector, it is important for the City to assume the role of coordinator. The City should initiate the concept by bringing together area historical societies, the Chamber of Commerce and the downtown merchant's organization as well as County and State Officials to determine proper organizational strategies. The City should remain in the forefront of initial organizational efforts until a management plan is prepared and agreed to by participating organizations. Some local funds may be necessary to underwrite land/building acquisition or development costs, etc.

III. MANAGEMENT STRUCTURE NECESSARY TO IMPLEMENT THE LWRP

A. Lead Agency and Local Official: The City Council shall be considered the lead agency for managing the LWRP, while the Mayor will be the local official responsible for overall program coordination within the City government.

B. Implementation Responsibilities: The following provides a brief overview of how various City agencies, boards and commissions will be involved in LWRP implementation.

   1. Mayor's Office: As lead local official, the Mayor will be responsible for directing City agencies to utilize the LWRP in their actions, including zoning and environmental reviews, as well as initiating those other local actions necessary for LWRP implementation.

   2. City Council: In its role as lead agency for environmental reviews, the Council shall be responsible for certifying the consistency of Type I or unlisted actions with the LWRP. City Council will also provide the capital funding as required to carry out those actions which are the responsibility of the City to implement.

3. City Engineer: The Engineer shall be responsible for administering the Flood Hazard Ordinance and the Environmental Quality Review Law. Both ordinances require implementation in a manner that is consistent with the LWRP.

4. City Building Inspector: Responsibilities shall include enforcing the provisions of the Zoning Ordinance. The Building Inspector shall also assist the Zoning Board of Appeals in reviewing proposed zoning actions for consistency with the LWRP.

5. Planning Commission: Responsibilities include review of Type I and unlisted actions for consistency with the LWRP pursuant to provisions of the LWRP Consistency Law. Review recommendations will be submitted to the appropriate lead agency for their consideration in certifying the actions consistency with the LWRP. The Planning Commission will also review and, where appropriate, approve site plans submitted for uses in the Waterfront District. A major review criterion will be consistency with the LWRP.

C. Local Consistency Procedures: Reference should be made to Appendix B (i.e. Zoning Ordinance Amendments) and Appendix C, (i.e. Proposed Environmental Quality Review Law) Page b-vii.

D. Local Procedures for Review of Proposed Actions Involving State and Federal Consistency Determinations.

Notification of State and Federal action to be undertaken within the City's Waterfront area will be referred to the City Planning Commission for review. Such reviews will be undertaken in accordance with procedures established by the New York State Department of State. See Appendix D for a detailed description of such procedures.

IV FINANCIAL RESOURCES NECESSARY TO IMPLEMENT THE LWRP

Reference should be made to Figure 23 for a summary of the cost, funding source, and timetable for LWRP implementation.

SECTION VI

STATE AND FEDERAL ACTIONS AND PROGRAMS LIKELY TO AFFECT IMPLEMENTATION

State and Federal actions will affect and be affected by implementation of the LWRP. Under State law and the U.S Coastal Zone Management Act, certain State and Federal actions within or affecting the local waterfront area must be "consistent" or "consistent to the maximum extent practicable" with the enforceable policies and purposes of the LWRP. This consistency requirement makes the LWRP a unique, intergovernmental mechanism for setting policy and making decisions and helps to prevent detrimental actions from occurring and future options from being needlessly foreclosed. At the same time, the active participation of State and Federal agencies is also likely to be necessary to implement specific provisions of the LWRP.

The first part of this section identifies the actions and programs of State and Federal agencies which should be undertaken in a manner consistent with the LWRP. This is a generic list of actions and programs, as identified by the NYS Department of State; therefore, some of the actions and programs listed may not be relevant to this LWRP. Pursuant to the State Waterfront Revitalization and Coastal Resources Act (Executive Law, Article 42), the Secretary of State individually and separately notifies affected State agencies of those agency actions and programs which are to be undertaken in a manner consistent with approved LWRPs. Similarly, Federal agency actions and programs subject to consistency requirements are identified in the manner prescribed by the U.S. Coastal Zone Management Act and its implementing regulations. The lists of State and Federal actions and programs included herein are informational only and do not represent or substitute for the required identification and notification procedures. The current official lists of actions subject to State and Federal consistency requirements may be obtained from the NYS Department of State.

The second part of this section is a more focused and descriptive list of State and Federal agency actions which are necessary to further implementation of the LWRP. It is recognized that a State or Federal agency's ability to undertake such actions is subject to a variety of factors and considerations; that the consistency provisions referred to above, may not apply; and that the consistency requirements can not be used to require a State or Federal agency to undertake an action it could not undertake pursuant to other provisions of law. Reference should be made to Section IV and Section V, which also discuss State and Federal assistance needed to implement the LWRP.

A. State and Federal Actions and Programs Which Should Be Undertaken in a Manner Consistent with the LWRP

1. State Agencies

OFFICE FOR THE AGING

1.00 Funding and/or approval programs for the establishment of new or expanded facilities providing various services for the elderly.

DEPARTMENT OF AGRICULTURE AND MARKETS

1.00 Agricultural Districts Program.

2.00 Rural development programs.

3.00 Farm worker services programs.

4.00 Permit and approval programs:

4.01 Custom Slaughters/Processor Permit
4.02 Processing Plant License
4.03 Refrigerated Warehouse and/or Locker Plant License

DIVISION OF ALCOHOLIC BEVERAGE CONTROL/STATE LIQUOR AUTHORITY

1.00 Permit and approval programs:

1.01 Ball Park - Stadium License
1.02 Bottle Club License
1.03 Bottling Permits
1.04 Brewer's Licenses and Permits
1.05 Brewer's Retail Beer License
1.06 Catering Establishment Liquor License
1.07 Cider Producer's and Wholesaler's Licenses
1.08 Club Beer, Liquor, and Wine Licenses
1.09 Distiller's Licenses
1.10 Drug Store, Eating Place, and Grocery Store Beer Licenses
1.11 Farm Winery and Winery Licenses
1.12 Hotel Beer, Wine, and Liquor Licenses
1.13 Industrial Alcohol Manufacturer's Permits

1.14 Liquor Store License
1.15 On-Premises Liquor License
1.16 Plenary Permit (Miscellaneous-Annual)
1.17 Summer Beer and Liquor Licenses
1.18 Tavern/Restaurant and Restaurant Wine Licenses
1.19 Vessel Beer and Liquor Licenses
1.20 Warehouse Permit
1.21 Wine Store License
1.22 Winter Beer and Liquor Licenses
1.23 Wholesale Beer, Wine, and Liquor Licenses

DIVISION OF ALCOHOLISM AND ALCOHOL ABUSE

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

2.00 Permit and approval programs:

2.01 Letter Approval for Certificate of Need
2.02 Operating Certificate (Alcoholism Facility)
2.03 Operating Certificate - Community Residence
2.04 Operating Certificate (Outpatient Facility)
2.05 Operating Certificate (Sobering-Up Station)

COUNCIL ON THE ARTS

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

2.00 Architecture and environmental arts program.

DEPARTMENT OF BANKING

1.00 Permit and approval programs:

1.01 Authorization Certificate (Bank Branch)
1.02 Authorization Certificate (Bank Change of Location)
1.03 Authorization Certificate (Bank Charter)
1.04 Authorization Certificate (Credit Union Change of Location)
1.05 Authorization Certificate (Credit Union Charter)
1.06 Authorization Certificate (Credit Union Station)
1.07 Authorization Certificate (Foreign Banking Corporation Change of Location)
1.08 Authorization Certificate (Foreign Banking Corporation Public Accommodations Office
1.09 Authorization Certificate (Investment Company Branch)
1.10 Authorization Certificate (Investment Company Change of Location)
1.11 Authorization Certificate (Investment Company Charter)
1.12 Authorization Certificate (Licensed Lender Change of Location)
1.13 Authorization Certificate (Mutual Trust Company Charter)

1.14 Authorization Certificate (Private Banker Charter)
1.15 Authorization Certificate (Public Accommodation Office - Banks)
1.16 Authorization Certificate (Safe Deposit Company Branch)
1.17 Authorization Certificate (Safe Deposit Company Change of Location)
1.18 Authorization Certificate (Safe Deposit Company Charter)
1.19 Authorization Certificate (Savings Bank Charter)
1.20 Authorization Certificate (Savings Bank De Novo Branch Office)
1.21 Authorization Certificate (Savings Bank Public Accommodations Office)
1.22 Authorization Certificate (Savings and Loan Association Branch)
1.23 Authorization Certificate (Savings and Loan Association Change of Location)
1.24 Authorization Certificate (Savings and Loan Association Charter)
1.25 Authorization Certificate (Subsidiary Trust Company Charter)
1.26 Authorization Certificate (Trust Company Branch)
1.27 Authorization Certificate (Trust Company-Change of Location)
1.28 Authorization Certificate (Trust Company Charter)
1.29 Authorization Certificate (Trust Company Public Accommodations Office)
1.30 Authorization to Establish a Life Insurance Agency
1.31 License as a Licensed Lender
1.32 License for a Foreign Banking Corporation Branch

DEPARTMENT OF COMMERCE

1.00 Preparation or revision of statewide or specific plans to address State 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 the 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.

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

5.00 Funding assistance for issuance of permits and other regulatory activities (New York City only).

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:

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
9.08 Approval of Plans and Specifications for Wastewater Treatment Facilities.
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
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)
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
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
9.56 Permit to Construct and/or Operate a Solid Waste Management Facility
9.57 Septic Tank Cleaner and Industrial Waste Collector Permit
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:

2.01 Establishment and Construction Prior Approval
2.02 Operating Certificate Community Residence
2.03 Outpatient Facility Operating Certificate

DIVISION OF MILITARY AND NAVAL AFFAIRS

1.00 Preparation and implementation of the State Disaster Preparedness Plan.

NATURAL HERITAGE TRUST

1.00 Funding program for natural heritage institutions.

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.

POWER AUTHORITY OF THE STATE OF NEW YORK

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.

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

DEPARTMENT OF STATE

1.00 Appalachian Regional Development Program.

2.00 Coastal Management Program.

3.00 Community Services Block Grant Program.

4.00 Permit and approval programs:

- 4.01 Billiard Room License
- 4.02 Cemetery Operator
- 4.03 Uniform Fire Prevention and Building Code

STATE UNIVERSITY CONSTRUCTION FUND

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

STATE UNIVERSITY OF NEW YORK

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

2.00 Facilities construction, rehabilitation, expansion, or demolition.

DIVISION OF SUBSTANCE ABUSE SERVICES

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

2.00 Permit and approval programs:

2.01 Certificate of Approval(Substances Abuse Services Program)

3.00 Permit and approval programs:

3.01 Advertising Device Permit
3.02 Approval to Transport Radioactive Waste
3.03 Occupancy Permit

DEPARTMENT OF TRANSPORTATION

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

2.00 Construction, rehabilitation, expansion, or demolition of facilities, including but not limited to:

(a) Highways and parkways
(b) Bridges on the State highways system
(c) Highway and parkway maintenance facilities
(d) Barge Canal
(e) Rail facilities

3.00 Financial assistance/grant programs:

3.01 Funding programs for construction/reconstruction and reconditioning/preservation of municipal streets and highways (excluding routine maintenance and minor rehabilitation)
3.02 Funding programs for development of the ports of Albany, Buffalo, Oswego, Ogdensburg and New York
3.03 Funding programs for rehabilitation and replacement of municipal bridges
3.04 Subsidies program for marginal branchlines abandoned by Conrail
3.05 Subsidies program for passenger rail service

4.00 Permits and approval programs:

4.01 Approval of applications for airport improvements (construction projects)
4.02 Approval of municipal applications for Section 18 Rural and Small Urban Transit Assistance Grants(construction projects)

4.03 Approval of municipal or regional transportation authority applications for funds for design, construction and rehabilitation of omnibus maintenance and storage facilities

4.04 Approval of municipal or regional transportation authority applications for funds for design and construction of rapid transit facilities

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.

2. **Federal Agencies**

DIRECT FEDERAL ACTIVITIES AND DEVELOPMENT PROJECTS

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 impact 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.

Mineral Management Service

2.00 OCS lease sale activities including tract selection, lease sale stipulations, etc.

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.

St. Lawrence Seaway Development Corporation

7.00 Acquisition, location, design, improvement and construction of new and existing facilities for the operation of the Seaway, incuding traffic safety, traffic control and length of navigation season.

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)).

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 Development
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 ADMINISTRATION

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 Management 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. FEDERAL AND STATE PROGRAMS NECESSARY TO FURTHER THE LWRP

In addition to these local and private actions necessary to implement the City's waterfront policies, various Federal and State actions, if carried out properly, can also assist in overall program implementation. Such actions are outlined in the following paragraphs.

1. Federal Actions and Programs Necessary to Further the LWRP

a. Environmental Protection Agency

(i) Superfund allocation for clean up or Gratwick-Riverside and Occidental-Durez hazardous waste sites.

(ii) Immediate implementation of the "action plan" to carry out the recommendations of the Niagara River Toxic Plan as prepared in 1984 by the US Environmental Protection Agency, Environmental Canada, NYSDEC, and Ontario Ministry of the Environment.

b. Housing and Urban Development

(i) Approval of City of North Tonawanda 1988 Small Cities Community Development Block Grant Program.

2. State Actions and Programs Necessary to Further the LWRP

a. Department of Environmental Conservation

(i) State Superfund allocation for clean up of hazardous waste sites noted in paragraph 1(a)1 above.

(ii) Pass through of Federal Dingell-Johnson Funds to City for Botanical Gardens ramps improvement, and new parking facility for Service Drive launch area.

(iii) Implementation of a fish stocking program for salmonids and walley in the upstream reaches of Tonawanda Creek. This would increase the local fishery and accompanying recreational opportunities.

b. Legislative - State Aid to Local Governments (Note: Actual projects can be assigned to any State department as part of their individual budgets).

(i) The following projects should receive funding assistance:

- Barge Canal Sign System
- Waterfront Park Improvements
- Tonawanda Island-Fishing Access Facility
- Waterfront Bike Path Connector to Herschell Museum

c. Department of State

(i) Coastal Management Program - Implementation Grants for the following:

- Waterfront Park Improvements
- Tonawanda Island - Fishing Access Facility
- Tonawanda Island Redevelopment Plan

d. Department of Transportation

(i) Removal of railroad tracks on Tonawanda Island and along River Road in the long term (i.e. more than five years) should their function become obsolete.

(ii) Pass through of Federal Aid to Urban Systems monies to the City of North Tonawanda or Niagara County for Class I trail along the Niagara River.

(iii) Removal of old Conrail bridge and concrete rail abutments between Canal and Oliver Streets, thereby permitting possible trail linkage of the waterfront with Herschell Museum.

(iv) Improved Canal maintenance and new landscaping at appropriate locations along Barge Canal.

e. Office of Parks, Recreation and Historic Preservation

(i) Pass through of Federal Land and Water Conservation Fund monies to City for development of Class I bike path along River Road, Herschell Museum bicycle path connector and the Mayor's Park Expansion.

f. Western New York Economic Development Corporation - (subsidiary of the New York State Urban Development Corporation)

(i) Funding assistance for the Tonawanda Island Redevelopment Plan and subsequent implementation, development of a Lumber Mill Museum and Packet Boat Replica, and Program for Canal Events which will require a variety of funding sources to underwrite operating expenses.

g. Niagara Frontier Transportation Authority

(ii) Selection of Option "b" to the Tonawanda Full Extension as outlined in the NFTA's Norther Corridors Refinement Study - Transitional Analysis (April 1986). This would utilize the more western Conrail track going into the City

and terminate in a central location within the CBD. It would also insure preservation of the abandoned eastern Conrail line for possible use as a trail connector between the Herscell Museum and the waterfront. This would not preclude use of a portion of the eastern track right-of-way for expansion of the Goundry Street Post Office, if this proves feasible.

h. Office of General Services

Prior to any development occurring in the water or on the immediate waterfront, OGS shall be consulted for a determination of the State's interest in underwater, or formerly underwater lands, and for authorization to use and occupy these lands.

SECTION VII

CONSULTATION WITH OTHER AGENCIES

A. DESCRIPTION OF CONSULTATION ACTIVITIES

The City has undertaken a variety of methods to insure that all affected government units and agencies have been involved or made aware of the LWRP process. Such methods are described in the following paragraphs:

1. EARLY NOTIFICATION

In January 1986 the City initiated the State Environmental Quality Review Process for LWRP. Through various mailings associated with SEQRA, the following agencies obtained a very early notification of the City's waterfront planning efforts.

a. New York State Department of Environmental Conservation (NYSDEC) - Buffalo Office

b. NYSDEC - Albany Office

c. New York State Department of Transportation (NYSDOT) - Planning Office

d. NYSDOT - Canal Maintenance Division

e. NYSDOT - Rail Division

f. New York State Department of State

g. Niagara Frontier Transportation Authority

h. Erie and Niagara Counties Regional Planning Board

i. Niagara County Industrial Development Agency

j. Niagara County Environmental Management Council

k. US Army Corps of Engineers

l. Town of Wheatfield

m. City of Tonawanda

n. Town of Amherst

o. Town of Tonawanda

2. INFORMATION EXCHANGE

An important element of the planning process was the exchange of material/data from other government units having some role in actions along the City of North Tonawanda shoreline. The instances where such information was exchanged are listed below.

a. Telephone conversation with Mr. Jeff Dietz, NYSDEC, regarding wetlands. 12/13/85

b. Telephone conversation with Mr. Paul Forbes, NYSDOT - Canal Section, regarding Barge Canal commercial traffic. 12/16/85

c. Telephone conversation with Mr. Ted Belling, NCIDA, regarding North Tonawanda fishery. 12/16/85

d. Correspondence from Ms. Constance V. Beitter, NYSDOT Canal Traffic Agent, re: Canal commercial traffic and tonnage. 12/17/85

e. Correspondence from US Soil Conservation Service re: North Tonawanda soil classification. 12/20/85

f. Telephone conversation with Mr. Ted Meyers, NYSDEC, re: North Tonawanda water quality classifications. 1/86

g. Correspondence from Ms. Claire Ross, NYSOPR, re: historic structures. 1/86

h. Correspondence from Mr. Ben Nelson, SUNYAB, re: archaeological sites. 1/19/86

i. Telephone conversation with Mr. James Weld, NYSDOT Rail Division, re: North Tonawanda rail service. 1/22/86

j. Telephone conversation with Mr. John W. Hyden, NYSDEC, re: hazardous waste sites in North Tonawanda. 1/21/86

k. Telephone conversation with Ms. Judith Vossy, WNYEDC, re: programs applicable to North Tonawanda. 2/25/86

l. Telephone conversation with Mr. Donald Hoffman, NYSDOT - Bridge Division, re: bridge condition ratings. 2/86

m. Telephone conversation with Mr. Leo Nowak, NCIDA, re: programs applicable to North Tonawanda. 2/ /86

n. Meeting with Mr. Martin Doster, NYSDEC, re: SPDES permits in City of North Tonawanda. 2/5/86

o. Telephone conversation with Mr. Larry Stillman, NYSDEC, re: air quality.

p. Telephone conversation with representative from Niagara County Disaster Office 3/18/86

q. Telephone conversation and correspondence from Mr. Ed Orlott, NYSDOT - Rail, re: removal of rail crossings in North Tonawanda. 4/29/86

r. Telephone conversation with Mr. David Franko, NFTA, re: purchase of Contrail tracks for northern extension to LRRT. 5/1/86

s. Telephone conversation with Mr. Patrick Higgins, NYSDOT - Landscape Bureau, re: National Seaway Trail Designation. 5/4/86

t. Telephone conversation with Mr. William Shepard, NYSDEC - Fisheries Division, re: fishery resources in North Tonawanda coastal waters. 5/16/86

2. REVIEW OF PRE-DRAFT MATERIALS

Numerous agencies were given the opportunity to review draft materials concerning the City's LWRP (e.g. policy statements). Major agencies such as the US Army Corps of Engineers, NYSDEC, and Erie and Niagara Counties Regional Planning Board received copies of those products prepared for Tasks 1 through 5.

The above agencies and fourteen others were invited to a public meeting on March 19, 1986, to review Tasks 1 through 3. Although the meeting was attended by over thirty individuals, few agency representatives were in attendance. However, since a comprehensive handout describing the draft policies was mailed out along with the meeting notice, the agency invitees all had ample opportunity to review the draft materials.

The agencies invited to the public meeting including all those on the SEQRA mailing list, as well as the following:

a. Western New York Economic Development Corporation

b. Niagara County Health Department

c. Tonawanda Industrial Expansion Corporation

d. Chamber of Commerce - Tonawanda

3. REVIEW OF DRAFT LWRP BY STATE, FEDERAL, AND LOCAL AGENCIES

The Draft LWRP (with Draft EIS) was reviewed and approved by the Common Council and forwarded to the NYS Department of State (DOS). The DOS then initiated a 60-day review of the Draft LWRP/DEIS pursuant to the Waterfront Revitalization and Coastal Resources Act and State Environmental Quality Review Act. Copies of the Draft LWRP and DEIS were distributed by DOS to all potentially affected State and Federal agencies, Niagara County, adjacent waterfront municipalities, and the Erie and Niagara Counties Regional Planning Board. Comments received on the Draft LWRP/DEIS were reviewed by DOS and the City and resultant changes were made to the LWRP, which are detailed in the Final Environmental Impact Statement.

B. CONFLICT RESOLUTION METHODS

There were no conflicts between the City and other government units during preparation of the LWRP. Both the early notification and information exchange methods undertaken by the City insured preparation of proposals that were consistent with the existing plans and regulatory programs of other organizations.

During the actual implementation phase of the LWRP, conflicts will be resolved through existing mechanisms including interagency meetings, program amendments where necessary, and use of the New York State Department of State as a mediator in extreme cases. The City of North Tonawanda will utilize the conflict resolution procedures established by the New York State Department of State (NYSDOS) and as described in a NYSDOS document entitled "Guidelines for Notification and Review of State Agency Actions Where Local Waterfront Revitalization Programs are in Effect," dated January 1, 1985.

SECTION VIII

LOCAL COMMITMENT

A. INTRODUCTION

1. WATERFRONT PLANNING

The City of North Tonawanda has been actively involved in waterfront planning and revitalization activities since March 1983 when the City's Waterfront Commission was created. Membership on the Commission includes representatives from the local business community, individuals with a knowledge of recreational boating, residents interested in public access to the waterfront and people who are committed to waterfront revitalization objectives. The Mayor appoints the members of the Commission, and the Council approves the appointments. The Mayor plays a key leadership role on the Commission in her capacity as chief executive officer of the City. The Commission discusses ideas and concerns with the three Council representatives whose districts include waterfront areas. Further, the Commission meets with the entire five-person Council as appropriate to present and review ideas and concepts.

2. INTER- MUNICIPAL COOPERATION

The North Tonawanda Waterfront Commission has worked cooperatively with the City of North Tonawanda Commission, as well as elected officials from both communities to develop and implement a canal improvement project. The project, which includes the construction of 500 linear feet of transient docking facilities (300 in North Tonawanda and 200 in Tonawanda) along the Barge Canal was completed in July 1985. State resources in the amount of $130,000, supplemented by local resources, provided the funds for this activity. Additional state resources have been secured by both North Tonawanda ($30,000) and Tonawanda ($33,000) to install electrical and lighting improvements.

B. PROCEDURES

1. OVERVIEW

The City's Waterfront Commission has been and continues to be an effective vehicle for information exchange and the coordination of waterfront activities. Since the Commission is both an active and visible municipal advisory committee, its role in the LWRP has been two fold: (1) to provide time on a volunteer basis to formulate the LWRP and (2) to receive and review recommendations from the community - to serve as a forum - which is central to the process of obtaining local commitment. Working cooperatively with residents, the Mayor, the Council and the City Attorney, the Commission provides the framework for community discussion approval.

The responsibilities, functions and procedures followed by the Commission are discussed below. Information on other methods that will assist in the dissemination of information and community review process are also discussed.

2. WATERFRONT COMMISSION

Responsibilities/Functions: All waterfront matters are referred directly to the Commission by the Mayor and Common Council. The Commission is responsible for evaluating waterfront issues and initiatives that will affect the City and for making recommendations on these considerations to the Council. The Commission is also directly involved in the development of the LWRP. Program tasks will be reviewed by both the Council and the Commission. The knowledge and interest of members provide valuable assistance in identifying needs, opportunities and problems.

Process: The Commission's meetings are held in City Hall and are open to the public. Meetings are publicized in the Tonawanda News, the City's official newspaper. In addition to regularly scheduled meetings, additional meeting specifically to receive public review and comment of LWRP elements were held. The agenda for these meetings and a supplementary narrative will be provided to the Tonawanda News so that residents in the community are made aware of the purpose of the public meetings. Summary information will be provided at the meetings to ensure that people understand the objectives of the LWRP including the importance of obtaining local commitment.

APPENDIX A

RESULTS OF LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP) SURVEY

APPENDIX A

RESULTS OF LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP) SURVEY

****

LOCAL WATERFRONT REVITALIZATION PROGRAM

A. INTRODUCTION

The following information summarizes the key findings gathered from the waterfront survey. Attachment "A" to this memo includes a summary tabulation of the total responses to each question. Twenty-three (23) people participated in the survey.

B. ISSUES RECEIVING AN OVERALL HIGH PRIORITY RATING

The majority of responses to the following issues were clustered in the "medium" and "maximum" priority columns.

1. Niagara River

   a. Improve physical appearance of the River Road corridor.

   b. Promote continuous public open space wherever possible between the Town of Wheatfield boundary line and Robinson Street. (The responses by the Mayor and the Common Council gave this a low priority.)

   c. Expand boating and fishing opportunities.

   d. Address problems of inactive hazardous waste sites at Gratwick/Riverside Park.

2. Tonawanda Island

   a. Improve physical appearance of the Island through landscaping and design controls.

3. Downtown

   a. Promote the integration of downtown revitalization efforts with waterfront.

   b. Emphasize the historic character of buildings and sites along the Canal.

4. Barge Canal-West and Barge Canal- East

   a. Encourage more stringent controls by NYS Department of Transportation (DOT) regarding Barge Canal permits.

b. Improve the availability of parking facilities for recreational users along the Canal.

c. Protect scenic vistas along the Canal.

d. Improve landscaping along the Canal.

e. Increase and improve the supply of parking at the Service Drive launch ramp.

f. Expand and improve facilities at Mayor's Park.

C. ISSUES RECEIVING AN OVERALL LOW PRIORITY RATING

The majority of responses to the following issues were clustered in the "low" and "no" priority columns.

1. Niagara River

a. Promote residential and commercial redevelopment between Robinson Street and Gratwick Park with no provision for public access to the water's edge.

2. Barge Canal-West

a. Widen the roadway surface of Sweeney Street.

D. MISCELLANEOUS

Comments written in at end of survey.

1. Niagara River

a. Remove unsightly railroad tracks on west side of River Road.

b. Remove all boathouses in the River Road/Goundry Street area; land should be converted to open space.

c. Clean up area under the Seymour Street Bridge.

d. Dredge slips at Fisherman's Park.

e. Provide dredging, toilets, and lights at Fisherman's Park.

f. Improve launch ramp at Gratwick/Riverside Park.

g. Maintain waterfront for water-related uses; industrial expansion should occur on the east side of River Road.

2. Tonawanda Island

a. Provide public access to a "free" pier extending into Niagara River on the west side of Island for fishermen.

b. Transfer fire-training to another area - present site better suited for other uses.

c. Reorient north end of Island for residential use.

d. Fix bumps on bridge.

e. Remove railroad tracks that cross Michigan Street by Taylor Devices.

f. Widen Michigan Street

g. Enforce "no parking" on Michigan Street.

h. Because the Island is privately owned, government should avoid involvement and concentrate on public areas.

3. DOWNTOWN

a. Complete transient docks project.

b. Promote a uniform modernization program for downtown structures.

c. No new construction downtown; work with existing historic buildings.

d. Relocate the Farmer's Market to Manhattan Street behind Murphy's so senior citizens can walk to it.

e. Remove all parking areas on the south side of Sweeney Street and restore it to former park area.

f. Remove "one way" traffic on Sweeney between Webster and Manhattan Streets.

g. Return the Bascule Bridge.

4. Barge Canal-West and Barge Canal-East

a. Discourage junkyard (automotive) accumulation between Main Street and Vandervoort Street.

b. Regulate marina operations along the Canal.

c. Do not issue new NYS DOT permits for boathouses once existing ones expire.

d. Begin removal and trimming of the willow trees.

e. Pave shoulders of Sweeney Street.

f. Going east on Sweeney Street, widen road at intersections where left-handed turns are made onto local streets.

g. Require frequent checks to make sure boathouses are maintained.

h. Along Mayor's Park, develop some type of wall for boats to use as docking facilities.

i. Botanical Gardens parking is sufficient.

j. Improve turning conditions off Robinson Street Bridge.

5. Other

a. Encourage cooperation between public and private sectors in waterfront initiatives.

b. Return waterfront to open space rather than industry.

c. Improve the rear facades on Webster Street because that is the first impression people get of the City when traveling on River Road.

d. Maximize recreational efforts along Canal River; construct a bike path along both waterways and connect to other city attractions.

e. Downtown area should be redesigned to attract boaters to stop and shop; adequate parking, landscaping, and maintenance are essential.

f. Promote the Tonawanda Iron Works site as the prime waterfront industrial site.

g. End dual tax system.

h. Provide tax incentives for private waterfront development.

i. Assess waterfront improvements fairly.

j. Promote recreational use of Canal and River by adding docks and launches at public parks.

k. In regard to Weatherbest Slip, City should sell property to private owner, thereby encouraging improvements.

l. Would like to see area from Fisherman's Park to Wardell's filled with residential uses and small shops.

m. No heavy industry along the waterfront.

n. Sweeney Street, from the Delaware Street Bridge to Niagara Falls Boulevard should be resurfaced.

o. The City and State should take an active role in enhancing the Tonawanda Iron Works site.

(1) The City should provide the proper sewer/water services to the property by installing an adequate sewer-water main along west side of River Road.

(2) The City should seek removal of the railroad on the east side of River Road. No commercial concerns will locate on the site because of the tracks.

ATTACHMENT "A"

WATERFRONT SURVEY
CITY OF NORTH TONAWANDA, NEW YORK

PRIORITY MOST DESIRED FOR PARTICULAR WATERFRONT SUB AREA
(SEE MAP)

Please place an X in the column which best reflects your position regarding the level of priority that the City's waterfront program should devote to each of the points described below.

SUB-AREA	No Priority	Low	Medium	Maximum
1. NIAGARA RIVER				
This area extends from the Town of Wheatfield border to the Seymour Street Bridge along River Road (excluding Tonawanda Island).				
a. Improve physical appearance of boatyard and houseboat area between Seymour Street Bridge and Goundry Street	2	7	6	7
b. Improve physical appearance of River Road corridor with landscaping, sign controls, etc.	0	6	13	4
c. Promote continuous public open space wherever possible between the Town of Wheatfield boundary and E. Robinson Street.	4	5	7	7
d. Promote residential and commercial redevelopment between E. Robinson Street and Gratwick Park with no provision for public access to the water's edge.	8	6	3	6
e. Same as (d) above, but provide for public access along the water's edge in all redevelopment plans.	8	4	5	5
f. Continue to promote industrial use between e. Robinson Street and Gratwick Park.	3	3	5	1

SUB-AREA	No Priority	Low	Medium	Maximum
g. Expand boating and fishing opportunities.	3	2	8	7
h. Address problem of inactive hazardous waste site at Gratwick Park.	2	5	4	11
i. Other (please specify below)				
2. TONAWANDA ISLAND				
a. Continue the promotion of industrial and commercial/ marine uses.	3	6	7	7
b. Re-orient future Island development to recreational /residential uses.	4	7	5	7
c. Improve physical appearance of the Island through landscaping signage and design controls.	1	5	9	6
d. Provide public access to the southern tip of the Island thereby providing access to prominent scenic views.	4	6	9	4
e. Improve transportation/circulation patterns of the Island.	1	11	7	4
f. Other (please specify below)				
3. DOWNTOWN AREA				
This area follows Goundry Street off River Road to Main Street south to Sweeney Street.				
a. Promote the intergration of waterfront and downtown revitalization efforts.	1	1	6	15
b. Expand transient dockage facilities at the Packett Inn.	2	8	9	3
c. Increase and improve the supply of parking at the Packett Inn	4	7	8	4
d. Improve traffic circulation patterns in the downtown area.	0	9	8	5

SUB-AREA	No Priority	Low	Medium	Maximum
e. Emphasize the historic character of buildings and sites along the Canal.	1	4	6	12
f. Other (please specify below)				
4. BARGE CANAL-WEST				
This area extends along Sweeney Street between the Main Street Bridge and the Twin Cities Arterial Bridge.				
a. Promote the removal of the unused railroad bridge.	3	8	2	9
b. Encourage more stringent restrictions by NYSDOT re: Barge Canal permits (e.g. disallow permits for boat-houses).	6	3	6	8
c. Encourage less stringent restrictions by NYSDOT re: Barge Canal permits (e.g. continue to allow permits for boathouses).	15	0	3	4
d. Improve the availability of parking facilities for recreational users along the Canal.	2	4	13	3
e. Protect scenic vistas along the Canal.	1	1	5	16
f. Develop a paved walkway along the Canal and acquire private property if necessary to provide a continuous trail system along the Canal.	10	2	6	5
g. Limit the development of paved walkways to publicly owned areas	7	6	7	2
h. Improve landscaping along Canal.	1	5	9	8
i. Widen the roadway surface of Sweeney Street.	6	8	4	4

SUB-AREA	No Priority	Low	Medium	Maximum
j. Improve Sweeney Street without widening the roadway surface.	3	4	12	2
k. Other (please specify below).				
5. BARGE CANAL-EAST				
This area extends from the Twin Cities Arterial Bridge to the Botanical Gardens.				
a. Encourage more stringent restrictions by NYSDOT re: Barge Canal permits (e.g. disallow permits for boat-houses).	6	3	3	5
b. Encourage less stringent restrictions by NYSDOT re: Barge Canal permits (e.g. continue to allow permits for boathouses.	13	2	3	4
c. Protect scenic vistas along the Canal.	1	2	6	14
d. Improve landscaping along the Canal.	1	3	8	10
e. Improve the availability of parking facilities for recreational users along the Canal.	3	4	13	4
f. Widen the roadway surface of Sweeney Street.	7	6	4	5
g. Improve Sweeney Street without widening the roadway surface.	2	5	8	6
h. Increase and improve the supply of parking at the Service Drive Launch Ramp.	1	4	8	11
i. Develop a paved walkway along the Canal and acquire private property if necessary to provide a continuous trail system along the Canal.	8	5	4	6

SUB-AREA	No Priority	Low	Medium	Maximum
j. Limit the development of paved walkways along the Canal to publicly owned areas.	6	7	7	2
k. Expand/improve facilities at Mayor's Park.	1	3	9	10
l. Improve parking and circulation pattern within Mayor's Park.	2	4	10	7
m. Other (please specify below).				

APPENDIX B

WATERFRONT ZONING DISTRICT

SECTION 103-13.1 WD WATERFRONT DISTRICT

A. Purpose

The Niagara River shoreline has always played an important role in shaping the image of the City and its economic base. This goes back to the late nineteenth century when lumber milling was a dominant activity along the waterfront, establishing the City as the Lumber Capital of the World at the turn of the Century. More recently, recreational pursuits such as boating and fishing have become increasingly important elements in the City's initiatives to stimulate economic growth.

The combination of older and often underutilized, industrial sites intermixed with newer uses catering largely to water based recreation has created the need to guide future developments along the riverfront. In order to balance the demands placed on the waterfront by competing uses and to improve both the physical and visual environment along the Niagara River, a Waterfront District governed by special controls and development regulations has been established.

The Waterfront District permits a variety of uses which are either enhanced by or dependent upon a shoreline location. In addition, site plan review procedures have been designed to ensure that the specific details of waterfront development are thoroughly considered; that the environmental quality of the area is preserved; and, that development is consistent with the City's Local Waterfront Revitalization Program (LWRP).

B. Permitted uses for properties that have frontage on a waterbody:

1. Marina, yacht club, boat launch facilities, and boat docking facilities.

2. Parkland, trail facilities, fishing docks, and piers.

3. Boat yards, including boat sales, rentals and storage, marine supplies and equipment; boat service and repair facilities.

4. Commercial excursion and fishing charter facilities.

5. Commercial docks and pipelines for the transfer of goods from the Niagara River to land and/or from land to the Niagara River.

6. Water dependent industry.

C. Permitted uses for properties that do not have frontage on a waterbody:

1. The uses listed in Section 103-13.1(B).

2. Restaurant.

3. Business and professional offices.

4. Hotels and motels, including conference and resort facilities.

5. Light industry.

6. Retail and personal service commercial uses as specified in Section 103-10.C-1, Neighborhood Business District, Paragraph A2.

7. Dwelling groups consisting of four or more dwellings on the same lot and having a minimum lot size per group of 1.5 acres.

8. Townhouse developments.

D. Special permitted uses for properties that have frontage on a waterbody:

1. Those uses listed in Section 103-13.1(C) provided that the general criteria for a special use permit (Section 103-18B.3) are met and further, that compliance with the requirements specified below in either paragraph 2 or 3 is provided.

2. Uses listed in Section 103-13.1(C) shall be established in conjunction with one or more of the permitted uses listed in Section 103-13.1(B). When the use listed in Section 103-13.1(B) does not occupy the entire shoreline, the site plan review and approval provisions set forth in Paragraph H below shall be used to ensure that buildings and structures are placed on the site in a manner that would maximize the amount of open space along the shoreline.

3. Uses listed in Section 103-13.1(C) shall include a public pedestrian walkway with public access along the entire frontage on the Niagara River. Plans for the walkway shall be approved by the Planning Commission as part of the site plan review and approval provisions (Paragraph H below) and shall be available for public use under a mutually acceptable arrangement between the City and the property owner.

E. Special permitted uses for properties that do not have frontage a waterbody:

1. Refreshment stands not included as an accessory use (refer to Section 103-13.1F).

2. Adult uses, as specified and defined in the Adult Use Ordinance, as indicated in Chapter 9A of the City Code of the City of North Tonawanda, New York.

   The general criteria for special permits (§18B.3) shall also be applicable.

F. Accessory uses:

Within the Waterfront District the following uses, buildings and structures shall be allowed as accessories to permitted uses when located on the same lot or land with such use:

1. Private garage or parking space.

2. Private boat houses, docks and related uses and structures.

3. Other support facilities necessary for the successful operation of permitted uses including, but not limited to, storage facilities for equipment or supplies, bait and tackle shops, and snack bars.

4. Exterior signs, subject to the following standards:

   a. Sign information shall pertain only to the existing permitted use on the premises.

   b. One sign advertising the sale or rental of property not to exceed twenty four (24) square feet in face area. Said advertising sign shall be located on the property advertised for sale or rent and shall be removed within ten (10) days following the sale or occupancy of the rental property. The advertising sign may be affixed to a building or free standing.

   c. No sign shall be equipped or displayed with any moving parts nor shall any sign contain any moving, flashing, or intermittent illumination.

   d. No sign shall project above the roof line.

   e. The total square footage of all signs on any premises shall not exceed 1.5 square feet per linear foot of building facade on the street which provides the principal access for the use.

   f. All signs shall be legible and graphically simple. No more than three (3) colors shall be used.

G. Area and Bulk Requirements:

1. Maximum height: Thirty five (35) feet.

2. Minimum Lot Size: One (1) acre for non-residential uses and 1.5 acres for permitted residential dwelling groups. Residential dwelling groups shall contain not less than 3,000 square feet of lot area per dwelling unit.

3. Required Yards: To be determined as part of site plan review.

4. Minimum Area of Dwellings: Same as R-2.

5. Setbacks.

   a. Building line setback from the west right-of-way line of River Road shall not be less than twenty five (25) feet. The entire setback area shall be suitably landscaped.

   b. Building line setback from other public rights-of-way: To be determined as part of site plan review. All setback areas shall be suitably landscaped.

   c. Building line setback from the Niagara River and Little River shall not be less than twenty five (25) feet.

6. Maximum lot coverage by buildings and accessory uses: 40 percent.

7. Minimum landscaped area. Fifteen (15) percent of total lot.

H. <u>Site Plan Review and Approval Provisions</u>

1. Applicability

   A site plan approved by the Planning Commission shall be required prior to the issuance of a building permit and/or certificate of zoning compliance for proposed actions which meet one or more of the thresholds defined in the following paragraph. The Building Inspector shall notify an applicant for a building permit or certificate of zoning compliance where site plan approval is required.

   The thresholds which determine the need for site plan approval are as follows:

   a. An addition to a legally existing use which requires ten (10) or more new parking spaces or loading docks, or any combination thereof which totals ten (10) spaces or docks.

   b. Alterations or additions to a legally existing structure which would increase the gross floor area by 15 percent or more; and having a construction cost of more than $5,000.

   c. An addition to legally existing land uses (i.e. non-structural such as parkland) which would increase the developed land area by 15 percent or more.

   d. Any new permitted or special permitted use.

2. Sketch Plan

   A sketch plan conference may be held between the Planning Commission and the applicant prior to the preparation and submission of a formal site plan. The objectives of such a conference are: to enable the applicant to inform the Planning Commission of the proposal prior to the preparation of a detailed site plan; to enable for the Planning Commission to review the basic site design concept

and to advise the applicant as to potential problems and concerns; and, to generally determine the information to be required on the site plan. In order to accomplish these objectives, the applicant should provide the following:

a. A statement and rough sketch showing the locations and dimensions of principal and accessory structures, parking areas, access signs (with descriptions), existing and proposed vegetation; and other planned features; anticipated changes in the existing topography and natural features; and, where applicable, measures and features to comply with flood hazard and flood insurance regulations;

b. A sketch or map of the area which clearly shows the location of the site with respect to nearby street rights-of-way, properties, easements, the Niagara River and/or other watercourses and other pertinent features; and

c. A topographic or contour map of adequate scale and detail to show site topography.

3. Application for Site Approval

An application for site plan approval shall be made in writing to the Chairman of the Planning Commission and shall be accompanied by supporting information and documentation. If a sketch plan conference was held, the supporting information shall include the elements identified by the Planning Commission at said sketch plan conference. If a sketch plan conference was not held, the applicant shall provide the following information:

a. Title of drawing, including name and address of the applicant and the person responsible for preparation of such drawings.

b. North arrow, scale and date.

c. Boundaries of the property plotted to scale.

d. Existing watercourses.

e. Grading and drainage plan, showing existing and proposed contours.

f. Location, design, type of construction, proposed use and exterior dimensions of all buildings.

g. Location, design, and type of construction of all parking and truck loading areas, showing ingress and egress.

h. Provision for pedestrian access.

i. Location of outdoor storage, if any.

j. Location, design and construction materials of all existing or proposed site improvements including drains, culverts, retaining walls and fences.

k. Description of the method of public water supply and sewage disposal and location, design and construction materials of such facilities.

l. Location of fire and other emergency zones, including the location of fire hydrants.

m. Location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy.

n. Location, size and design and type of construction of all proposed signs.

o. Location and proposed development of all buffer areas, including existing vegetative cover.

p. Location and design of outdoor lighting facilities.

q. Identification of the location and amount of building area proposed for retail sales or similar commercial activity.

r. General landscaping plan and planting schedule.

s. An estimated project construction schedule.

t. Identification of any State or County permits required for the execution of the project.

u. Record of application for and approval status of all necessary permits from State and County agencies.

v. Other elements integral to the proposed development as considered necessary by the Planning Commission.

w. A written statement which describes how the project is consistent with the City of North Tonawanda's adopted LWRP.

4. Review of Site Plan

The Planning Commission's review of the site plan shall include, but not be limited to, the following general considerations:

a. Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.

b. Adequacy and arrangement of vehicular traffic, access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.

c. Location, arrangement, appearance and sufficiency of off-street parking and loading.

d. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.

e. Adequacy of stormwater and drainage facilities.

f. Adequacy of water supply and sewage disposal facilities.

g. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the development parcel and adjoining lands, including the maximum retention of existing vegetation.

h. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.

i. Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

j. Use of proper and adequate screening devices between parking and service areas as such are viewed from River Road.

k. Consistency between the site plan and the City's adopted LWRP.

l. Quality and adequacy of views from River Road through the development to the shoreline.

m. The extent that proposed uses are water dependent or enhanced.

n. Attractiveness of the proposed use or structure(s) as viewed from the Niagara River, Little River, or Barge Canal.

o. Adequacy of design and function of waterfront improvements such as bulkheads, docking facilities, launch ramps and sea walls.

p. Ability of the use to provide public access to the water's edge.

5. Planning Commission Action on Site Plan

Within forty-five (45) days of the receipt of a completed application for site plan approval, the Planning Commission shall render a decision, file said decision with the City Clerk and mail such decision to the applicant with a copy to the Building Inspector. Said decision shall also be filed with the Board of Appeals if the application requires a special permit. The time within which a decision shall be rendered may be extended by mutual consent of the applicant and Planning Commission.

a. Upon approval of the site plan, the Planning Commission shall endorse its approval on a copy of the final site plan and shall forward a copy to the applicant, Building Inspector and file same with the City Clerk.

b. Upon disapproval of a site plan, the Planning Commission shall so inform the Building Inspector. The Building Inspector shall deny a Building Permit or Certificate of Zoning Compliance to the applicant. The Planning Commission shall also notify the applicant in writing of its decision and its reasons for disapproval. Such disapproval shall be filed with the City Clerk.

6. Performance Guarantee

No Certificate of Zoning Compliance shall be issued until all improvements shown on the site plan are installed or a sufficient performance guarantee has been posted for improvements not yet completed. The sufficiency of such performance guarantee shall be determined by the Common Council after consultation with the Planning Commission, Building Inspector, City Attorney and other appropriate parties.

7. Inspection of Improvements

The Building Inspector shall be responsible for the overall inspection of site improvements including coordination with the Planning Commission and other officials and agencies, as appropriate.

8. Integration of Procedures

Whenever the particular circumstances of the proposed development require compliance with either the special permit procedure in this Ordinance or other requirements of the City, the Planning Commission shall attempt to integrate, as appropriate, site plan review as required by this section with the procedural and submission requirements for such other compliance.

I. Supplemental Regulations and Exceptions

See Section 15.

II. SECTION 20 - DEFINITIONS

A. The following definitions shall be added to subsection

B - definitions:

39. Local Waterfront Revitalization Program (LWRP) means the local program to implement the New York State Coastal Management Program within the City of North Tonawanda as approved by the Common Council and the Secretary of State pursuant to the Waterfront Revitalization and Coastal Resources Act of 1981 (Article 42 of the Executive Law of New York State).

40. Boatyard - A facility for servicing all types of watercraft, as well as providing supplies, storage and fueling facilities, and with facilities for the retail sale, rental, or charter of boats, motors an marine equipment.

41. Light Industry - The following manufacturing uses:

(1) Laboratories engaged in research, testing and experimental work, including any process normal to laboratory practice an technique.

(2) The manufacture, compounding, assembling and/or treatment of articles or merchandise from previously prepared materials provided that no chemical process is involved in the manufacturing process.

(3) The manufacture and/or assembly of electronic devices and electrical appliances, provided that all necessary and approved safeguards are employed to prevent hazard and annoyance to the community.

(4) The manufacture and/or assembly of musical instruments, novelties, toys or related products, business machines, custom built boats, and grinding wheels.

(5) The manufacture, compounding, processing and storage of candy and confections, frozen foods, cosmetics, pharmaceutical products, toiletries and food products.

(6) Wholesale business and storage for the following types of commodities: clothing, drugs, dry goods, packaged foods, furniture, hardware and beverages.

(7) Wood and lumber, bulk processing and woodworking including planing mills, excelsior, sawdust and wood preserving treatment.

(8) The manufacturing of paper and paper products not involving the reduction and processing of wood pulp and fiber.

(9) The manufacture of precision tools.

(10) The treatment and processing of metal products.

(11) Other light industrial uses which in the opinion of the Board of Appeals, are similar in nature and scale to those identified herein.

42. Marina - A facility for the berthing and fueling of five (5) or more recreational watercrafts.

43. Business or Professional Offices - The office or studio of a physician, surgeon, dentist or other person licensed by the State of New York to practice a healing art, lawyer, architect, artist, engineer, real estate broker or salesman, insurance broker or agent, teacher, and persons employed in similar executive or administrative occupations.

44. Water Dependent Industry - Any manufacturing use having one (1) or more of the following characteristics:

    (a) Uses requiring large quantities of water for processing and cooling purposes (e.g. fish processing plants, pumped storage processing plants).

    (b) Uses that rely heavily on the waterbound transportation of raw materials or products which are difficult to transport on land, thereby making it critical that a site near shipping facilities be obtained.

    (c) Uses that operate under such server time constraints that proximity to shipping facilities becomes critical (e.g. firms processing perishable foods).

45. Townhouse Development - A development at independent single family dwelling units with a common party wall between adjacent units and each having a private outside entrance.

APPENDIX C

LWRP CONSISTENCY LAW

CITY OF NORTH TONAWANDA
LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP)
LOCAL CONSISTENCY LAW

A local law adding Article 2 to Chapter 37 of the code of the City of North Tonawanda.

ARTICLE 2 - GENERAL PROVISIONS

SECTION 37-20 - TITLE

This local law shall be known and may be cited as the City of North Tonawanda LWRP Consistency Law.

SECTION 37-2 - PURPOSE

The purpose of this local law is to provide for the protection and beneficial use of the natural and man-made resources within the waterfront area of the City of North Tonawanda by ensuring that certain actions to be undertaken, approved, or funded by city agencies will be undertaken in a manner consistent with the policies and purposes of the City of North Tonawanda Local Waterfront Revitalization Program.

SECTION 37-22 - AUTHORITY

This law is adopted under the authority of the Municipal Home Rule Law and Article 42 of the Executive Law.

SECTION 37-23 - APPLICABILITY

All agencies of the City of North Tonawanda must comply with this local law, prior to directly undertaking, approving, or funding any action within the waterfront area when such action is classified as Type I or Unlisted under Part 617 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

SECTION 37-24 - SEVERABILITY

The provisions of this local law are severable. If any part of this local law is found invalid, such finding will apply only to the particular provision and circumstances in question. The remainder of this local law, and the application of the disputed provision to other circumstances, will remain valid.

SECTION 37-25 - DEFINITIONS

(a) "Action means either a "Type I" or "Unlisted" action as defined in SEQR regulations at 6NYCRR 617.2.

(b) "EAF" means Environmental Assessment Form as defined in 6NYCRR 617.2 (1).

(c) "EIS" means Environmental Impact Statement as defined in 6 NYCRR 617.2 (m).

(d) "Local Waterfront Revitalization Program (LWRP)" means the local program to implement the NYS Coastal Management Program within the City of North Tonawanda as approved by the Common Council and the Secretary of State pursuant to the Waterfront Revitalization and Coastal Resources Act of 1981 (Article 42 of the Executive Law of New York State).

(e) "Part 617" means the State Environmental Quality Review Regulations. (Part 617 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State on New York).

(f) "SEQR" means the State Environmental Quality Review Regulations (Article 8 of the Environmental Conservation Law, which is Chapter 43-b of the Consolidated Laws of the State of New York).

(g) "City" means The City of North Tonawanda.

(h) "City Agency" means any board, department, office, other bodies or officers of the City of North Tonawanda.

(i) "Common Council" means the Common Council of the City of North Tonawanda.

(j) "CAF" means Coastal Assessment Form as adopted by the Common Council.

(k) "Waterfront Area" means that portion of the NYS Coastal Area within the City of North Tonawanda as delineated in the City of North Tonawanda Local Waterfront Revitalization Program.

(l) All other terms of which definitions are given in SEQR and/or Part 617 shall have the same meanings in this local law.

(m) "City Clerk's Office" means the City of North Tonawanda agency responsible for overall management and coordination of the LWRP.

(n) "Waterfront Commission" means the City of North Tonawanda agency responsible for review of LWRP actions affecting the City's waterfront area and resources.

(o) "Planning Commission" means the City of North Tonawanda Planning Commission.

ARTICLE 3 - CONSISTENCY REVIEW PROCEDURES

SECTION 37-26 - INITIAL REVIEW

Any City agency, including the Common Council, which has the authority to undertake, approve or fund either a Type I or Unlisted Action shall, prior to undertaking, approving or funding such an action within the waterfront area, prepare or cause to be prepared a CAF for the proposed action. The CAF and other documentation pertinent to describe the proposed action shall be referred to the Common Council for review and determination of consistency of the proposed action with the City's Local Waterfront Revitalization Program (LWRP).

SECTION 37-27 - CERTIFICATION OF CONSISTENCY

37-27.1 Prior to undertaking, approving or funding a proposed Type I or Unlisted Action within the City's waterfront area by any City agency, the Common Council shall either:

(a) Find and certify in writing that the action will not substantially hinder the achievement of any of the policies or purposes of the LWRP; or

(b) If the action will substantially hinder the achievement of any policy of the LWRP, find and certify in writing that the following three requirements are satisfied: (i) no reasonable alternatives exist which would permit the action to be undertaken in a manner which would not substantially hinder the achievement of such policy; (ii) the action will minimize all adverse effects on such policy to the maximum extent practicable; and (iii) the action will result in an overriding regional or state-wide public benefit. Such certification shall constitute a determination that the action is consistent to the maximum extent practicable with the LWRP; or

(c) Find and certify in writing that the action is not consistent with the policies and purposes of the LWRP. Such a finding would conclude that the action would substantially hinder the achievement of one or more policies and would not satisfy all three of the specific requirements identified in (b) above.

37-27.2 The Common Council shall complete its consistency review of all proposed actions within thirty (30) days of the date that the Common Council receives the referral. Prior to making a consistency determination, the Common Council may refer such matters to any municipal agency for review and an advisory opinion. Referral agencies may include, but shall not be limited to the City Clerk's Office, the Planning Commission and the Waterfront Commission.

37-27.3 No action shall be undertaken, approved, or funded by any City agency unless the Common Council certifies that the action is consistent with the policies and purposes of the LWRP by a finding pursuant to either 37-27.1 (a) or 37-27.1 (b) above.

37-24.4 If the Common Council determines that the proposed action is consistent with the policies and purposes of the LWRP, the agency referring the proposed action shall complete the remaining steps necessary to comply with SEQR before the action is undertaken, approved or funded.

37.27.5 All findings of the Common Council made relative to this local law shall be made in writing and filed with the City Clerk and the referring City agency before the action is undertaken, approved or funded.

SECTION 3.1 - EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State.

APPENDIX D

PROCEDURES FOR COORDINATING STATE AND FEDERAL CONSISTENCY DETERMINATION

Procedural Guidelines for Coordinating NYS DOS & LWRP Consistency Review of Federal Agency Actions

DIRECT ACTIONS

1. After acknowledging the receipt of a consistency determination and supporting documentation from a federal agency, DOS will forward copies of the determination and other descriptive information on the proposed direct action to the program coordinator (of an approved LWRP) and other interested parties.

2. This notification will indicate the date by which all comments and recommendations must be submitted to DOS and will identify the Department's principal reviewer for the proposed action.

3. The review period will be about twenty-five (25) days. If comments and recommendations are not received by the date indicated in the notification, DOS will presume that the municipality has "no opinion" on the consistency of the proposed direct federal agency action with local coastal policies.

4. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality, DOS will contact the municipality to discuss any differences of opinion or questions prior to agreeing or disagreeing with the federal agency's consistency determination on the proposed direct action.

5. A copy of DOS' "agreement" or "disagreement" letter to the federal agency will be forwarded to the local program coordinator.

PERMIT AND LICENSE ACTIONS

1. DOS will acknowledge the receipt of an applicant's consistency certification and application materials. At that time, DOS will forward a copy of the submitted documentation to the program coordinator and will identify the Department's principal reviewer for the proposed action.

2. Within thirty (30) days of receiving such information, the program coordinator will contact the principal reviewer for DOS to discuss: (a) the need to request additional information for review purposes; and (b) any possible problems pertaining to the consistency of a proposed action with local coastal policies.

3. When DOS and the program coordinator agree that additional information is necessary, DOS will request the applicant to provide the information. A copy of this information will be provided to the program coordinator upon receipt.

4. Within thirty (30) days of receiving the requested additional information or discussing possible problems of a proposed action with the principal reviewer for DOS, whichever is later, the program coordinator will notify DOS of the reasons why a proposed action may be inconsistent or consistent with local coastal policies.

5. After that notification, the program coordinator will submit the municipality's written comments and recommendations on a proposed permit action to DOS before or at the conclusion of the official public comment period. If such comments and recommendations are not forwarded to DOS by the end of the public comment period, DOS will presume that the municipality has "no opinion" on the consistency of the proposed action with local coastal policies.

6. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality on a proposed permit action, DOS will contact the program coordinator to discuss any differences of opinion prior to issuing a letter of "concurrence" or "objection" letter to the applicant will be forwarded to the program coordinator.

7. A copy of DOS' "concurrence" or "objective" letter to the applicant will be forwarded to the program coordinator.

FINANCIAL ASSISTANCE ACTIONS

1. Upon receiving notification of a proposed federal financial assistance action, DOS will request information on the action from the applicant for consistency review purposes. As appropriate, DOS will also request the applicant to provide a copy of the application documentation to the program coordinator. A copy of this letter will be forwarded to the coordinator and will serve as notification that the proposed action may be subject to review.

2. DOS will acknowledge the receipt of the requested information and provide a copy of this acknowledgement to the program coordinator. DOS may, at this time, request the applicant to submit additional information for review purposes.

3. the review period will conclude thirty (30) days after the date on DOS' letter of acknowledgement or the receipt of requested additional information, whichever is later. The review period may be extended for major financial assistance actions.

4. The program coordinator must submit the municipality's comments and recommendations on the proposed action to DOS within twenty days (or other time agreed to by DOS and the program coordinator) form the start of the review period received within this period, DOS will presume that the municipality has "no opinion" on the consistency of the proposed financial assistance action with local coastal policies.

5. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality, DOS will contact the program coordinator to discuss any differences of opinion or questions prior to notifying the applicant of DOS' consistency decision.

6. A copy of DOS' consistency decision letter to the applicant will be forwarded to the program coordinator.

NEW YORK STATE DEPARTMENT OF STATE
COASTAL MANAGEMENT PROGRAM

Guidelines for Notification and Review of State Agency Actions Where Local Waterfront Revitalization Programs Are in Effect

I. PURPOSES OF GUIDELINES

A. The Waterfront Revitalization and Coastal Resources Act (Article 42 of the Executive Law) and the Department of State's regulations (19 NYCRR Part 600) require certain state agency actions identified by the Secretary of State to be consistent to the maximum extent practicable with the policies and purposes of approved Local Waterfront Revitalization Programs (LWRPs). These guidelines are intended to assist state agencies in meeting that statutory consistency obligation.

B. The Act also requires that state agencies provide timely notice to the situs local government whenever an identified action will occur within an area covered by an approved LWRP. These guidelines describe a process for complying with this notification requirement. They also provide procedures to assist local governments in carrying out their review responsibilities in a timely manner.

C. The Secretary of State is required by the Act to confer with state agencies and local governments when notified by a local government that a proposed state agency action may conflict with the policies and purposes of its approved LWRP. These guidelines establish a procedure for resolving such conflicts.

II. DEFINITIONS

A. Action means:

1. A "Type 1" or "Unlisted" action as defined by the State Environmental Quality Review Act (SEQR);

2. Occurring within the boundaries of an approved LWRP; and

3. Being taken pursuant to a state agency program or activity which has been identified by the Secretary of State as likely to affect the policies and purposes of the LWRP.

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

1. For which no reasonable alternatives exist that would avoid or overcome any substantial hindrance;

2. That will minimize all adverse effects on the policies or purposes of the LWRP to the maximum extent practicable; and

3. That will result in an overriding regional or statewide public benefit.

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

III. NOTIFICATION PROCEDURE

A. When a state agency is considering an action as described in II above, the state agency shall notify the affected local government.

B. Notification of a proposed action by a state agency:

1. Shall fully describe the nature and location of the action;

2. Shall be accomplished by use of either the State Clearinghouse, other existing state agency notification procedures, or through any alternative procedure agreed upon by the state agency and local government;

3. Should be provided to the local official identified in the LWRP of the situs local government as early in the planning stages of the action as possible, but in any event at least 30 days prior to the agency's decision on the action. (The timely filing of a copy of a completed Coastal Assessment Form with the local LWRP official should be considered adequate notification of a proposed action.)

C. If the proposed action will require the preparation of a draft environmental impact statement, the filing of this draft document with the chief executive officer can serve as the state agency's notification to the situs local government.

IV. LOCAL GOVERNMENT REVIEW PROCEDURE

A. Upon receipt of notification from a state agency, the situs local government will be responsible for evaluating a proposed action against the policies and purposes of its approved LWRP. Upon request of the local official identified in the LWRP, the state agency should

promptly provide the situs local government with whatever additional information is available which will assist the situs local government to evaluate the proposed action.

B. If the situs local government cannot identify any conflicts between the proposed action and the applicable policies and purposes of its approved LWRP, it should inform the state agency in writing of its finding. Upon receipt of the local government's finding, the state agency may proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.

C. If the situs local government does not notify the state agency in writing of its finding within the established review period, the state agency may then presume that the proposed action does not conflict with the policies and purposes of the municipality's approved LWRP.

D. If the situs local government notifies the state agency in writing that the proposed action does conflict with the policies and/or purposes of its approved LWRP, the state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the Resolution of Conflicts procedure established in V below shall apply. The local government shall forward a copy of the identified conflicts to the Secretary of State at the time when the state agency is notified. In notifying the state agency, the local government shall identify the specific policies and purposes of the LWRP with which the proposed action conflicts.

V. RESOLUTION OF CONFLICTS

A. The following procedure applies whenever a local government has notified the Secretary of State and state agency that a proposed action conflicts with the policies and purposes of its approved LWRP.

1. Upon receipt of notification from a local government that a proposed action conflicts with its approved LWRP, the state agency should contact the local LWRP official to discuss the content of the identified conflicts and the means for resolving them. A meeting of state agency and local government representatives may be necessary to discuss and resolve the identified conflicts. This discussion should take place within 30 days of the receipt of a conflict notification from the local government.

2. If the discussion between the situs local government and the state agency results in the resolution of the identified conflicts, then, within seven days of the discussion, the situs local government shall notify the state agency in writing, with a copy forwarded to the Secretary of State, that all of the identified conflicts have been resolved. The state agency can then proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.

3. If the consultation between the situs local government and the state agency does not lead to the resolution of the identified conflicts, either party may request, in writing, the assistance of the Secretary of State to resolve any or all of the identified conflicts. This request must be received by the Secretary within 15 days following the discussion between the situs local government and the state agency. The party requesting the assistance of the Secretary of State shall forward a copy of their request to the other party.

4. Within 30 days following the receipt of a request for assistance, the Secretary or a Department of State official or employee designated by the Secretary, will discuss the identified conflicts and circumstances preventing their resolution with appropriate representatives from the state agency and situs local government.

5. If agreement among all parties cannot be reached during this discussion, the Secretary shall, within 15 days, notify both parties of his/her findings and recommendations.

6. The state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the foregoing Resolution of Conflicts procedures shall apply.

2/1/85

DATE DUE

GAYLORD No. 2333 PRINTED IN U.S.A.

NOAA COASTAL SERVICES CENTER LIBRARY

3 6668 14108 5326