City of Tonawanda
Local Waterfront Revitalization Program

Adopted:
City of Tonawanda Common Council, August 19, 1986

Approved:
NYS Secretary of State Gail S. Shaffer, February 4, 1987

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

City of Tonawanda
Local Waterfront Revitalization Program

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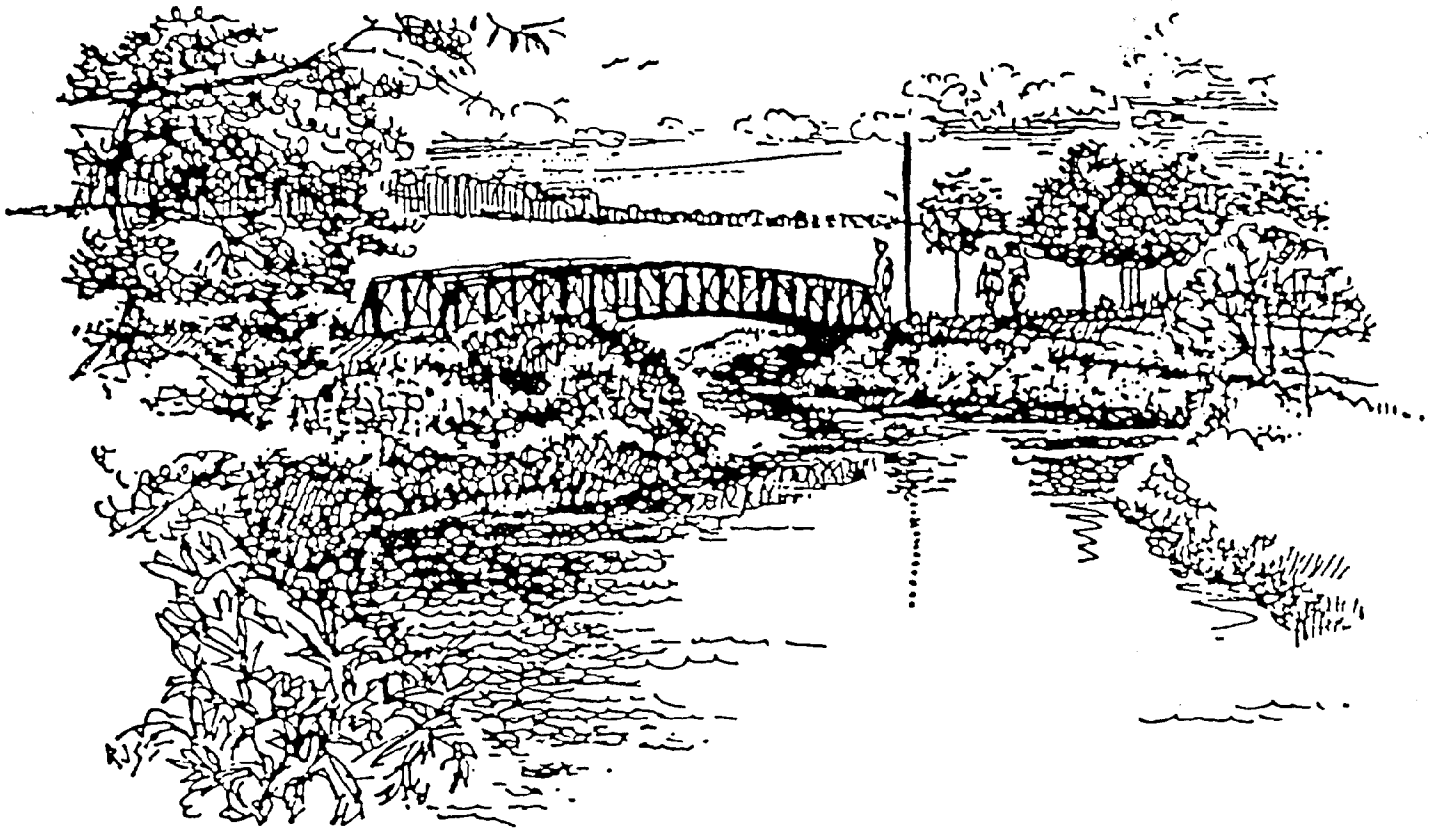
This Local Waterfront Revitalization Program has been adopted and approved in accordance with the provisions of the Waterfront Revitalization and Coastal Resources Act of 1981 (Executive Law, Article 42) and its implementing regulations (6 NYCRR 601). Federal concurrence on the incorporation of this 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.

CITY OF TONAWANDA
NEW YORK

LOCAL WATERFRONT REVITALIZATION PROGRAM



Prepared For the City of Tonawanda
By the Erie County Department of Environment and Planning

September 1986

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

MAR 26 1987

DEPARTMENT OF STATE
COASTAL PROGRAMS
MAR 30 1987
RECEIVED

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

Dear Mr. Stafford:

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

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

Sincerely,

Peter L. Tweedt
Director

STATE OF NEW YORK
DEPARTMENT OF STATE

GAIL S. SHAFFER
SECRETARY OF STATE

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

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

February 4, 1987

Honorable David L. Miller
Mayor
City of Tonawanda
City Hall
Tonawanda, New York 14150

Dear Mayor Miller:

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 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 Tonawanda LWRP.

Again, I would like to commend the City of 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

By Alderwomen Svposs Seconded by Alderman Bieniek

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

WHEREAS, the City of Tonawanda Common Council at their August 5, 1986 meeting approved all implementing actions necessary prior to LWRP adoption including 1) Zoning Ordinance amendment 2) creation of a Local Waterfront Advisory Committee 3) local environmental quality review ordinance, and 4) SEQR Findings Statement,

Now, Therefore be it

Resolved, that the Final City of Tonawanda Local Waterfront Revitalization Program is hereby adopted, and be it further

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

Ayes: Akins, Bieniek, Sheldon, Penberthy, Syposs, Murray
Nays: Lawrence
Resolution declared adopted

STATE OF NEW YORK
County of Erie, City of Tonawanda, N.Y. } ss.

I, James A. Coogan, Clerk of the City of Tonawanda, do hereby certify that I have compared the annexed copy of Resolution duly offered and adopted by the Common Council of said City at a Regular Meeting meeting thereof held on the 19 day of August 19 86 with the original record on file in my office and the annexed Resolution is a true correct copy thereof and the whole thereof.

In Testimony Thereof, I have hereunto set my hand and affixed the seal of said City this 4 day of September 19 86

James A. Coogan, Clerk

CITY OF TONAWANDA
LOCAL WATERFRONT REVITALIZATION
PROGRAM

Prepared By: Erie County Department of Environment and Planning with Assistance from Stuart Alexander and Associates

Prepared For: City of Tonawanda

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

September, 1986

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

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Final Environmental Impact Statement (as a separate document)

CITY OF TONAWANDA

INTRODUCTION

The City of Tonawanda occupies 3.6 square miles of land in Erie County at the junction of the Niagara River and the New York State Barge Canal. The City extends roughly one mile along the south bank of the Canal, and two miles along the east bank of the Niagara River. To the north, the City faces Niagara County and the City of North Tonawanda. The Town of Tonawanda borders the City on the east and south. On the opposite shore of the Niagara River lies the Town of Grand Island. The population of the City is roughly 18,000.

The Cities of Tonawanda and North Tonawanda form one integrated economic and social community of approximately 50,000 residents. These residents share the use of financial institutions, commercial establishments, health facilities, and recreation areas. Many residents of the two Cities are employed in local plants representing a considerable industrial diversity.

Tonawanda lies equidistant from downtown Buffalo and Niagara Falls (each about 10 miles away). Historically, the City's economic base was dependent upon the transportation advantage offered it by the Erie Canal System. More recently, it has become more of a residential community serving the Buffalo and Niagara Falls urban centers. The City retains a viable central business district near the Barge Canal, and has undertaken substantial urban renewal efforts in recent years to assure long-term commercial stability. In addition, virtually its entire three-mile-long shoreline is occupied by public parkland and is among the most attractive waterfronts in Western New York.

Due to the City's physical layout and publicly owned shoreline, the CBD and most of the City's population has immediate access to the waterfront. The City has been ahead of other shoreline communities in Erie County relative to achieving maximum public access to the Niagara River and Barge Canal. The recent surge in recreation and fishing, State investment in the Barge Canal system,. $3.2 million County Riverwalk project, and annual success of the Canal fest in July has caused a refocusing on the waterfront and the opportunities it presents to City residents. Therefore, the overriding goal of the LWRP is to successfully integrate all the disparate elements going on in the City of Tonawanda into a cohesive program for insuring the continued enjoyment of the waterfront by City residents.

SECTION I

WATERFRONT REVITALIZATION AREA BOUNDARY

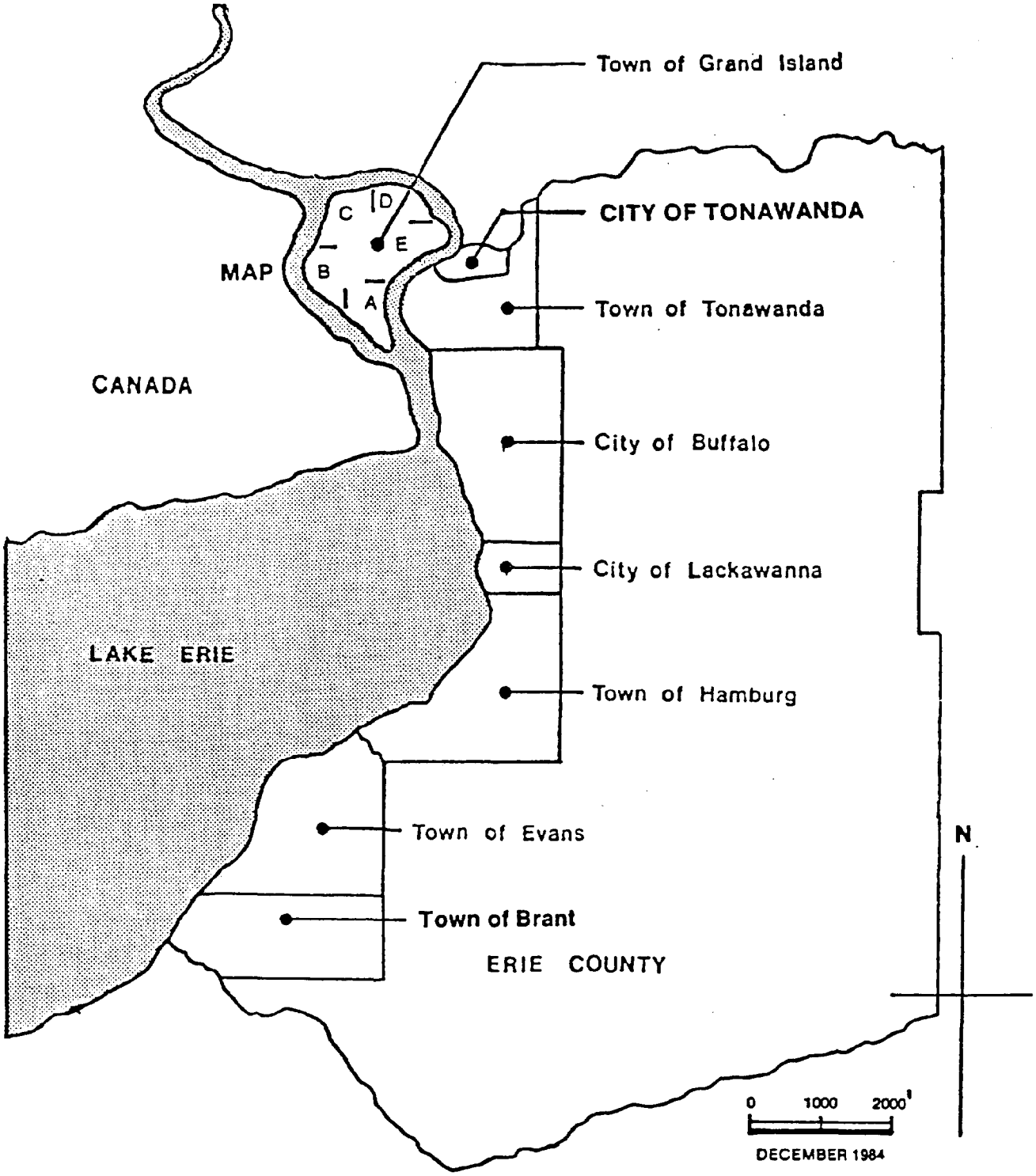
CITY OF TONAWANDA

WATERFRONT REVITALIZATION AREA BOUNDARY

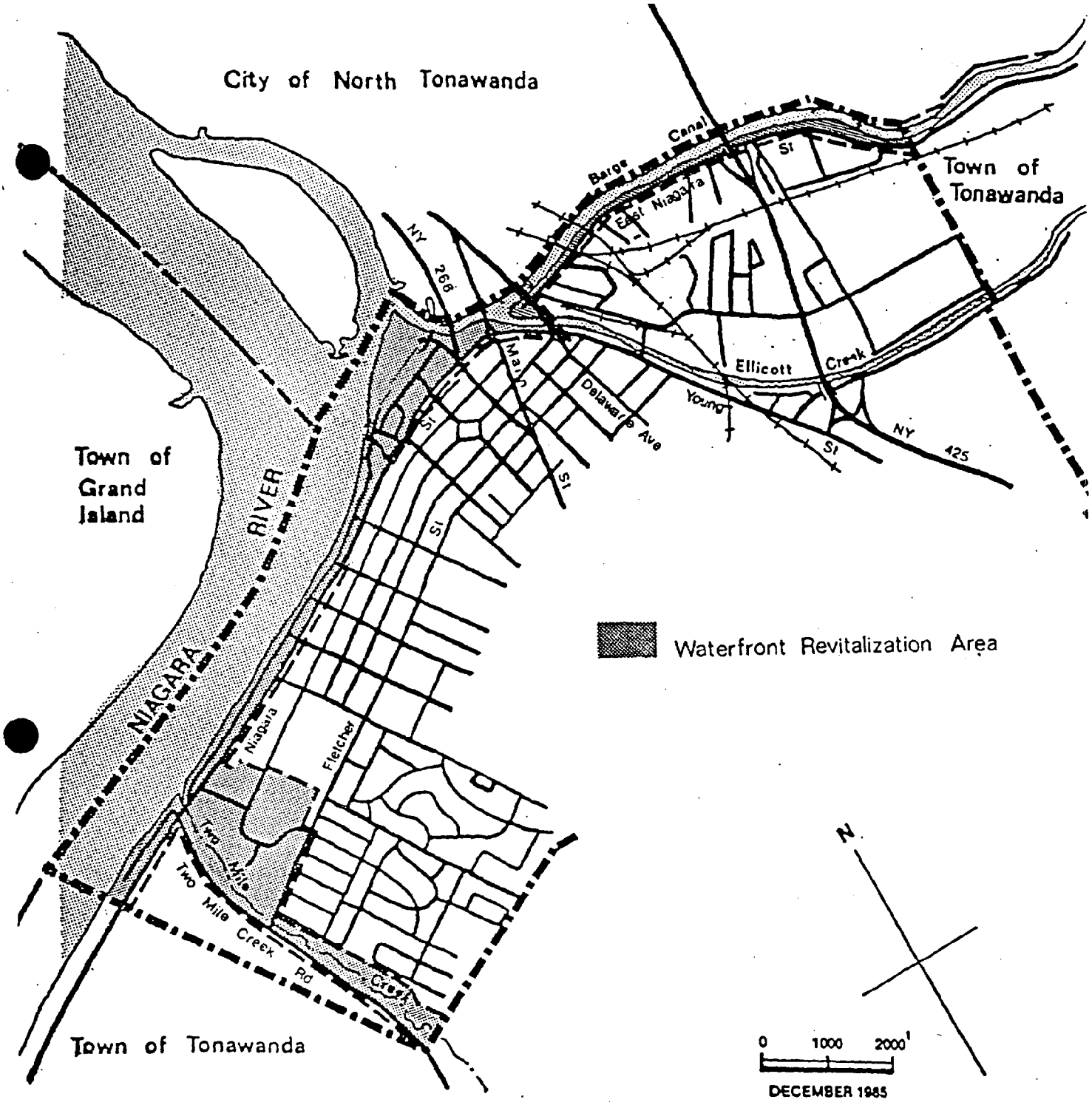
The City of Tonawanda Waterfront Revitalization Area includes all lands and water encompassed within the following boundary:

Beginning at the point of intersection of the north and east City Lines (at the convergence of the boundaries of the City of Tonawanda, and City of North Tonawanda), the Waterfront Revitalization Area proceeds south along the east City Line to its intersection with East Niagara Street; then easterly along the southern right-of-way of East Niagara Street to its intersection with Delaware and Fillmore Avenues; then south along the western right-of-way of Delaware Avenue to Young Street; then westerly along the southern right-of-way of Young Street and Niagara Street, following the Niagara Street R.O.W. to the eastern boundary of Veteran's Memorial Park; then following the Park boundary to a point 100' east of its southern junction with Two Mile Creek; then south along a line parallel to the Creek center-line to the south City line; then following the City line to its junction with the western right-of-way of Two Mile Creek Road; then northeasterly along the Two Mile Creek road R.O.W. to its intersection with Niagara Street; then southwesterly along the southern right-of-way of Niagara Street to it junction with the City line; then following the City line northwesterly in the Niagara River and Barge Canal to the point of beginning.

Map 1A shows a graphic description of the waterfront boundary.



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



LOCAL WATERFRONT REVITALIZATION PROGRAM ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING	MAP 1A **COASTAL BOUNDARY** CITY OF TONAWANDA

SECTION II
INVENTORY AND ANALYSIS

CITY OF TONAWANDA

INVENTORY AND ANALYSIS

I. INTRODUCTION:

The City of Tonawanda Waterfront Revitalization Area (as previously established by the City) encompasses roughly 3 miles of shoreline along the Niagara River and New York State Barge Canal extending roughly 300' inland to Niagara and East Niagara Streets, as well as a one-mile long, 200' wide corridor along Two Mile Creek and including all of Veteran's Memorial Park. The Tonawanda Island/Barge Canal Area, located partly in the City of North Tonawanda, is considered historically significant.

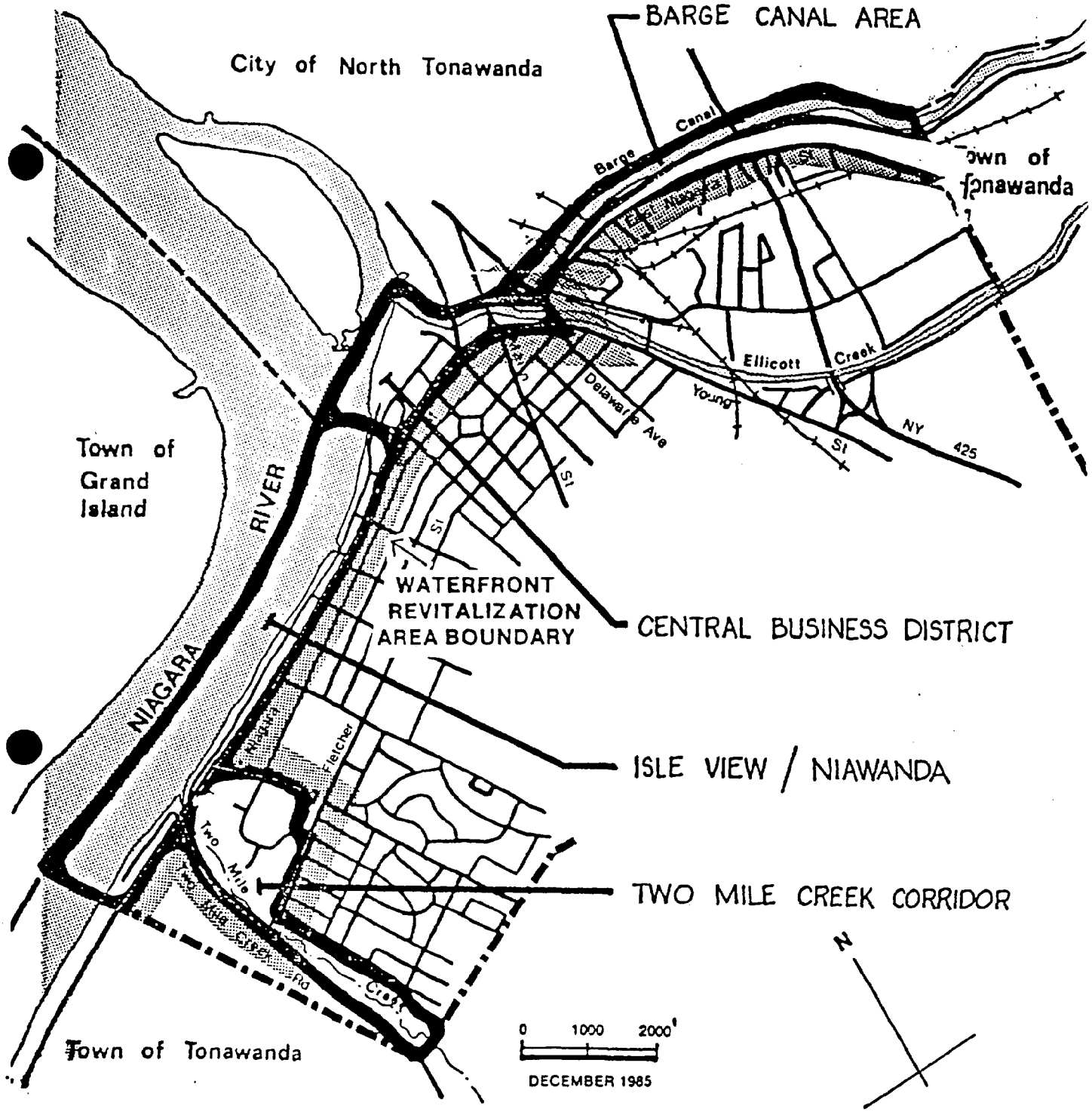
Large amounts of land within the Waterfront Revitalization Area are developed for public recreation (Veterans, Isle View, Niawanda, and Barge Canal Parks). A portion of the Tonawanda Central Business District also lies within this area.

II. PHYSICAL STATUS:

A. Land Use and Buildings: Existing neighborhoods and uses are illustrated on Maps 2 and 3.

Isle View/Niawanda Area

Beginning at the western limits of the City, the Niagara River shoreline is developed as continuous parkland for 1 1/2 miles. The Erie County-owned Isle View Park occupies roughly an 1800' length of this shoreline, from the Town of Tonawanda border to the mouth of Two Mile Creek. This park contains boat launch, scenic drive, parking, picnic areas,



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

and a temporary bandshell. Both Niawanda and Isle View Park are well-maintained, attractively landscaped, and heavily used.

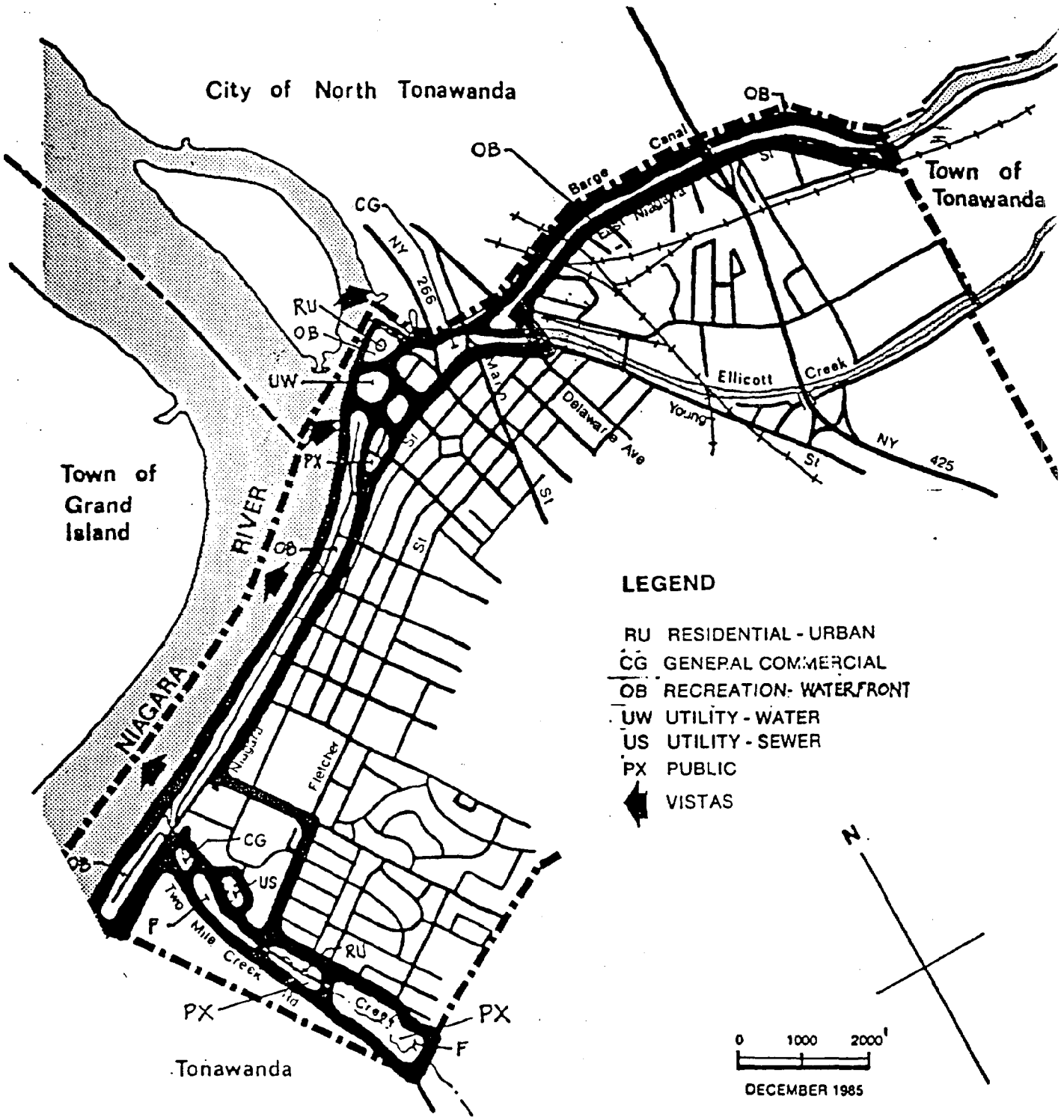
Central Business District

The Tonawanda City Hall, water plant, and incinerator lie to the north of Niawanda Park, separating the Park from the downtown business district. Inland from these buildings and the Park, Niagara Street is lined with one and two story homes occassionally interspersed with small scale commercial uses.

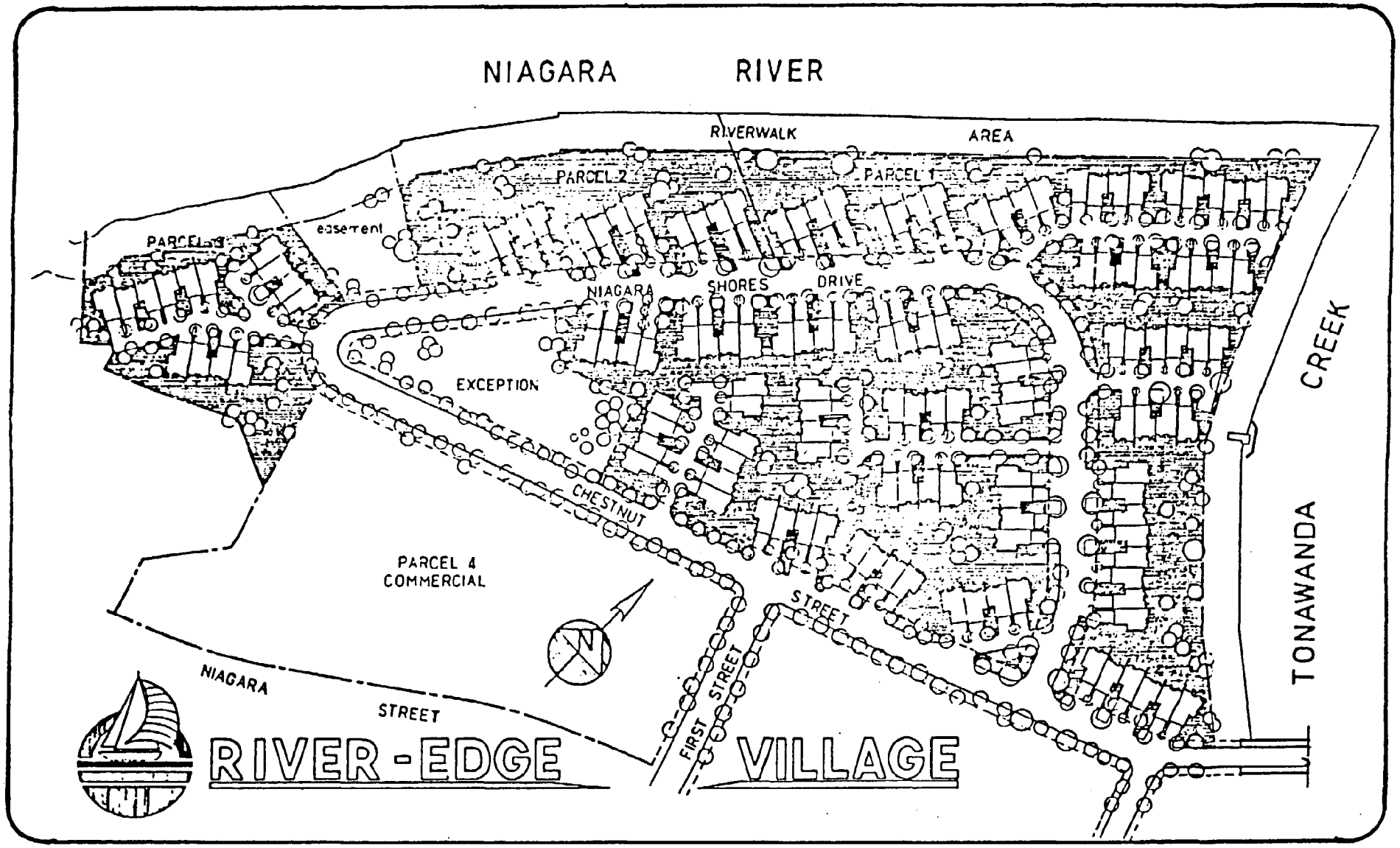
The portion of the downtown business district lying within the Waterfront Revitalization Area contains a mixture of retailing, services, parking, automotive uses, and vacant land. A strategically located 25 acre area at the junction of the Barge Canal and Niagara River (the "Continental Can Site") has been cleared for redevelopment through Community Renewal procedures. The River Edge development is presently under construction and will eventually encompass 138 residential units on the site. These will be townhouses and will provide a valuable water enhanced use for a long dormant area. Map 3A contains a graphic description of the site.

Barge Canal Area

Immediately west of downtown, Ellicott Creek flows into the Barge Canal. Creek banks are landscaped, and Ellicott Creek is crossed by a pedestrian bridge. At the eastern terminus of this bridge is the Long House, the oldest structure remaining in the City. A unique new land use along this area is a transient boating complex at the confluence of Ellicott Creek with the Barge Canal. It contains twelve



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



MAP 3A RIVER EDGE DEVELOPMENT
SOURCE: CITY OF TONAWANDA

temporary boat docks for use by pleasure boaters traveling the State Barge Canal system. It allows tourists to frequent the commercial establishments in the central business district prior to continuing on their travels.

The remaining 4000' length of Barge Canal shoreline from the Long House to the Twin Cities Memorial Highway Bridge is occupied mainly by Barge Canal Park, a passive facility including landscaped grounds, benches, and limited parking. To the south, immediately beyond the boundaries of the revitalization area, lies the Gastown neighborhood. This area contains a mixture of residential and industrial uses housed in older structures of varying physical condition. Gastown has been receiving considerable rehabilitation funding through the Community Development Block Grant Program.

Two Mile Creek Corridor

The portion of the Waterfront Revitalization Area extending southward along Two Mile Creek from the Niagara River to the City limits is largely occupied by Veteran's Memorial Park. This 47-acre (the City's largest) park includes athletic fields, picnic grounds, bike path, parking and restrooms. A reservoir is adjacent to the Park. The remnants of a demolished building are located at the corner of Two Mile Creek Road and Niagara Street. A light industrial use occupies a small site immediately south of Veteran's Park. The remaining segment of the revitalization area along Two Mile Creek is undeveloped woodland and scrub brushland.

B. Transportationa and Utilities:

Access through the waterfront area is via Niagara and East Niagara Streets and Two Mile Creek Road. With the exception of a short four-lane segment of Niagara Street in the down-

town area, all are two-lane roads. Bridges across the Barge Canal to North Tonawanda are located at Niagara Street, Main Street, Delaware Avenue, and the Twin Cities Memorial Highway. Two railroad bridges cross the Canal east of Ellicott Creek. A low-speed scenic drive parallels the shoreline through Niawanda Park. Generally roads within the revitalization area are in good condition.

A public bus route operated by the Niagara Frontier Transportation Authority serves the City's waterfront area. It provides service every one half hour along Delaware Avenue thereby servicing the Barge Canal corridor with easy walking access to the Niagara River. Approximately, 60% of all residents live within a one mile radius of the bus route.

C. Topography

The section of the waterfront along Isle View Park and the southern half of Niawanda Park is characterized by a steep 20' bank separating the parks from Niagara Street. The steepness and height of this bank lessen to the north, virtually disappearing at City Hall. With the exception of this embankment and the 10'-high banks adjacent to Ellicott Creek, the remainder of the waterfront area is relatively level.

D. Soils

The soils within the City of Tonawanda's waterfront area fall into three series as classified by the U.S.D.A. Soil Conservation Service. These include Cazenovia (gravelly silt loam), as well as Lima and Niagara (sandy silt loam).

These soils range from poor to moderately well drained and experience seasonal wetness. A slow permeability rate and high water level table (0.5' to 3') also contribute to their

relative instability, and limit the development potential to some degree. Soil nutrients will support plant growth; however seasonal wetness limits the plant material variety. Bedrock is generally located four to five feet below grade throughout the City of Tonawanda's waterfront area. Soil information is illustrated on Map 4.

E. Flooding and Erosion

Flood Hazard Areas, as identified by the Federal Emergency Management Agency (FEMA) within the City's waterfront area exist at the following locations:

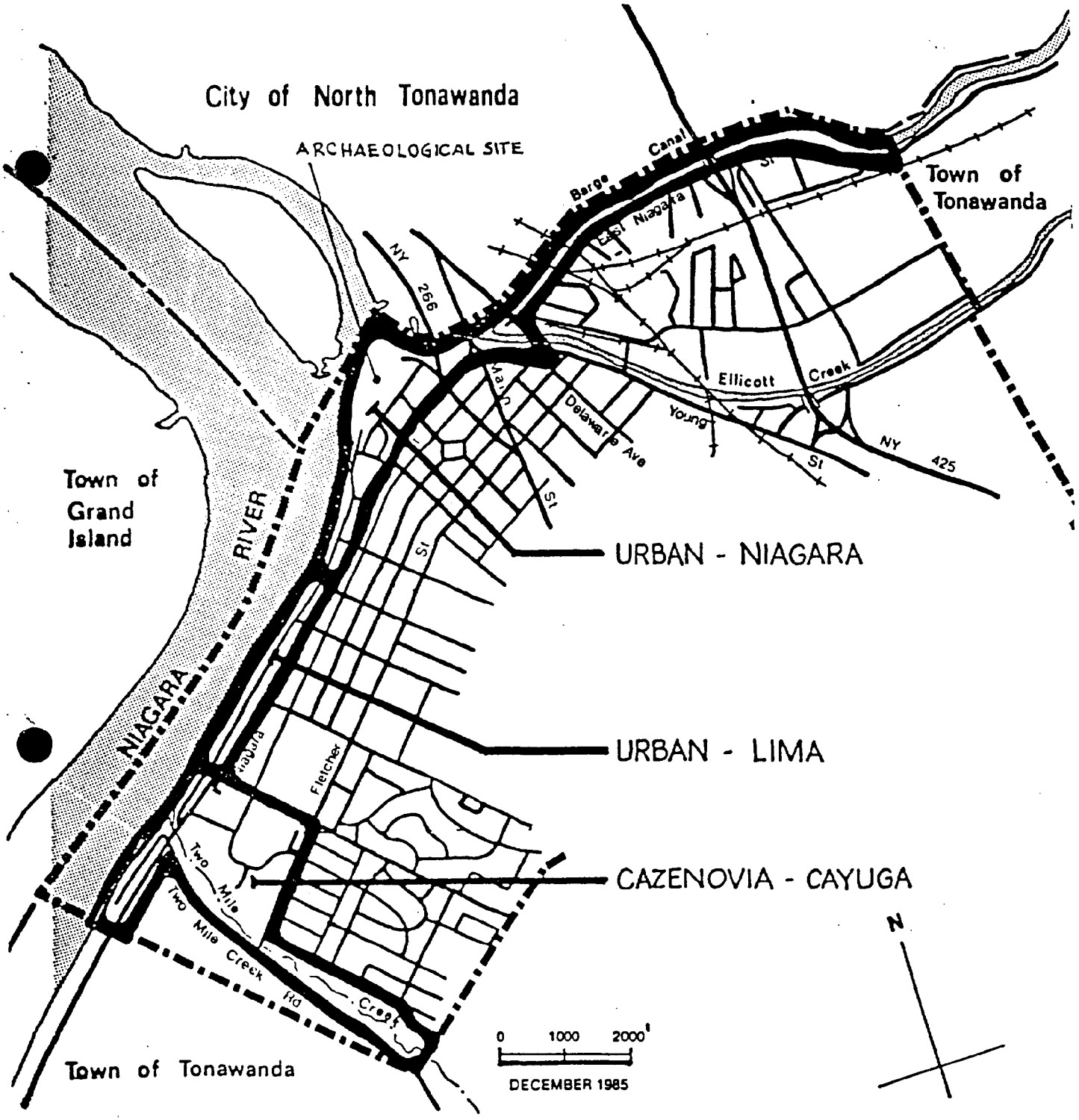
- 20-25' inland from the Niagara River along the entire city shoreline with the exception of an area 100-300' inland from the Niagara River immediately west of Tonawanda City Hall.

- An area 25-300'in width adjacent to Two Mile Creek extending from its mouth with the Niagara River to a point approximately 200' southeast of Adam St..

- An area approximately 100' in width and adjacent to the Barge Canal from the foot of Clay Street east to Main Street.

- An approximately 50 ft,. wide strip of land on either side of Ellicott Creek eastward from its confluence with the Niagara River.

In addition to the above described Flood Hazard Areas, FEMA has identified the entire length of Ellicott Creek within the City, as well as a narrow strip of adjacent land, as a floodway.



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

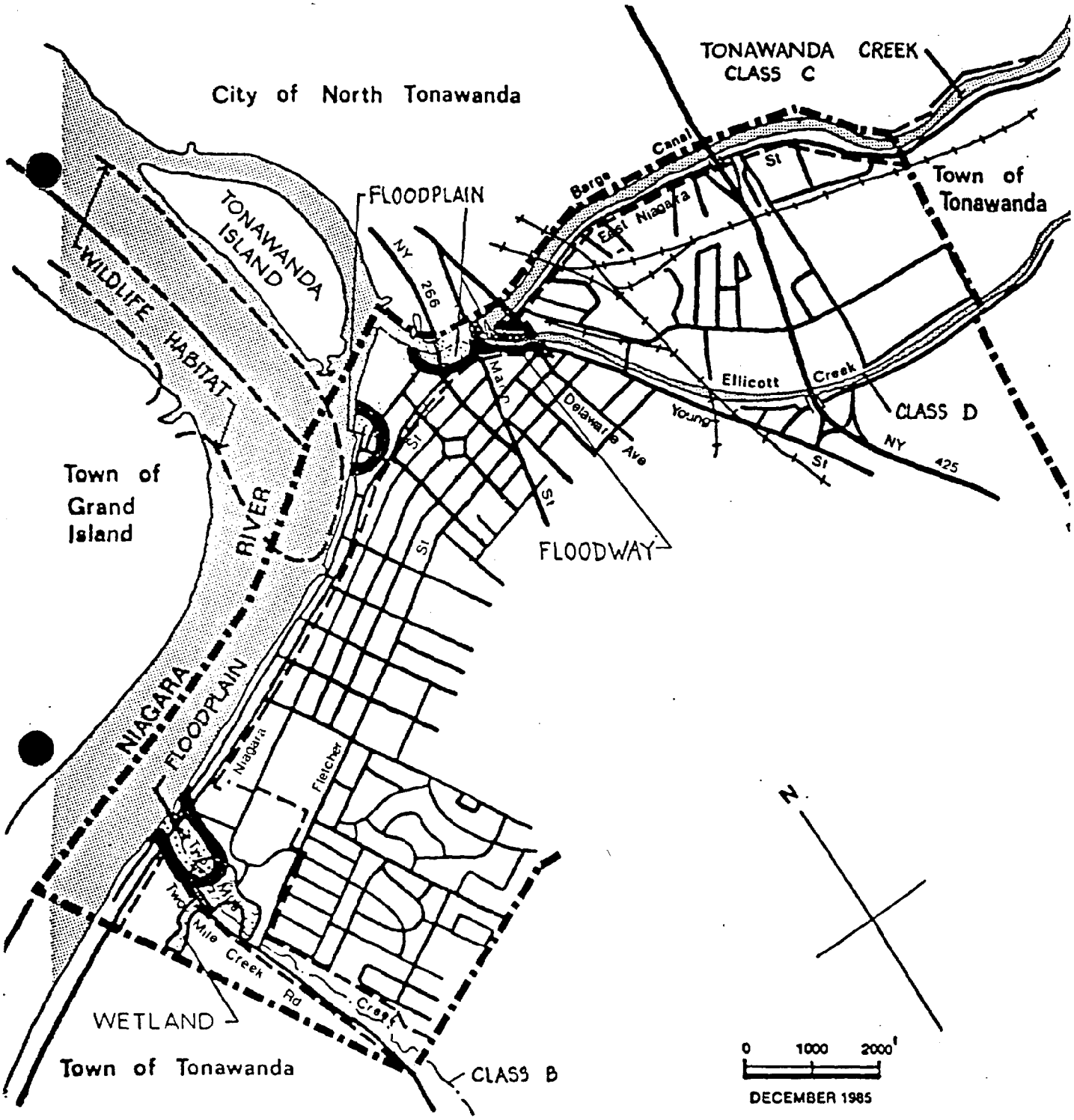
With the exception of the narrow band along the Niagara River all areas are depicted on Map 5. Although these areas are designated in the 100 year floodplain, severe flooding rarely occurs in the City. The land uses within the floodplain are almost all (i.e. 90%) in public parkland and thus does not represent any danger to structures of human life.

Erosion is also not a major problem along the shoreline. Minor erosion does occur in some areas of Niawanda Park which is of concern to local officials. The rate of erosion in this area has never been fully determined but field inspections and local interviews revealed that the rate is far below the one foot per year standard used to determine coastal hazard areas in recent State legislation.

The riverwall which provides shore stabilization for the waterfront in the former Continental Can site is over 30 years old. Signs of wear are apparent and a major overhaul will be necessary in the near future to continue the shoreline stabilization function and protect the Riverwalk located on the landside of the wall.

F. Hydrology

A number of streams flow through the City's waterfront area. Such streams, along with their water quality classification, include the following: Niagara River (Class A - Special, International Boundary); Two Mile Creek (Class B; Tonawanda Creek/Barge Canal (Class C); and Ellicott Creek (Class D). See Map 5 which displays the location of these streams, as well as Appendix A for a description of the water quality classifications. The separation of the City's sewage collection system from 1977 to 1982 has a positive effect on the water quality of the Niagara River through a reduction in combined sewer overflows.



LOCAL WATERFRONT REVITALIZATION PROGRAM ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING STUART ALEXANDER AND ASSOCIATES, PLANNERS/ LANDSCAPE ARCHITECTS	MAP 5 **HYDROLOGY/ EROSION/ WILDLIFE** CITY OF TONAWANDA

Finally, a small wetland exists within the waterfront area, located adjacent to Two Mile Creek approximately 1500 ft. from its mouth (see Map 5 for location). Due to its size, however, this wetland was removed from the list of regulated freshwater wetlands by the NYS Department of Environmental Conservation. The wetland is classified as "palustrine forest, broad-leveled deciduous, temporary water regime and palustrine shrub-scrub, broad leveled deciduous, seasonally saturated" by the U.S. Fish and Wildlife Service.

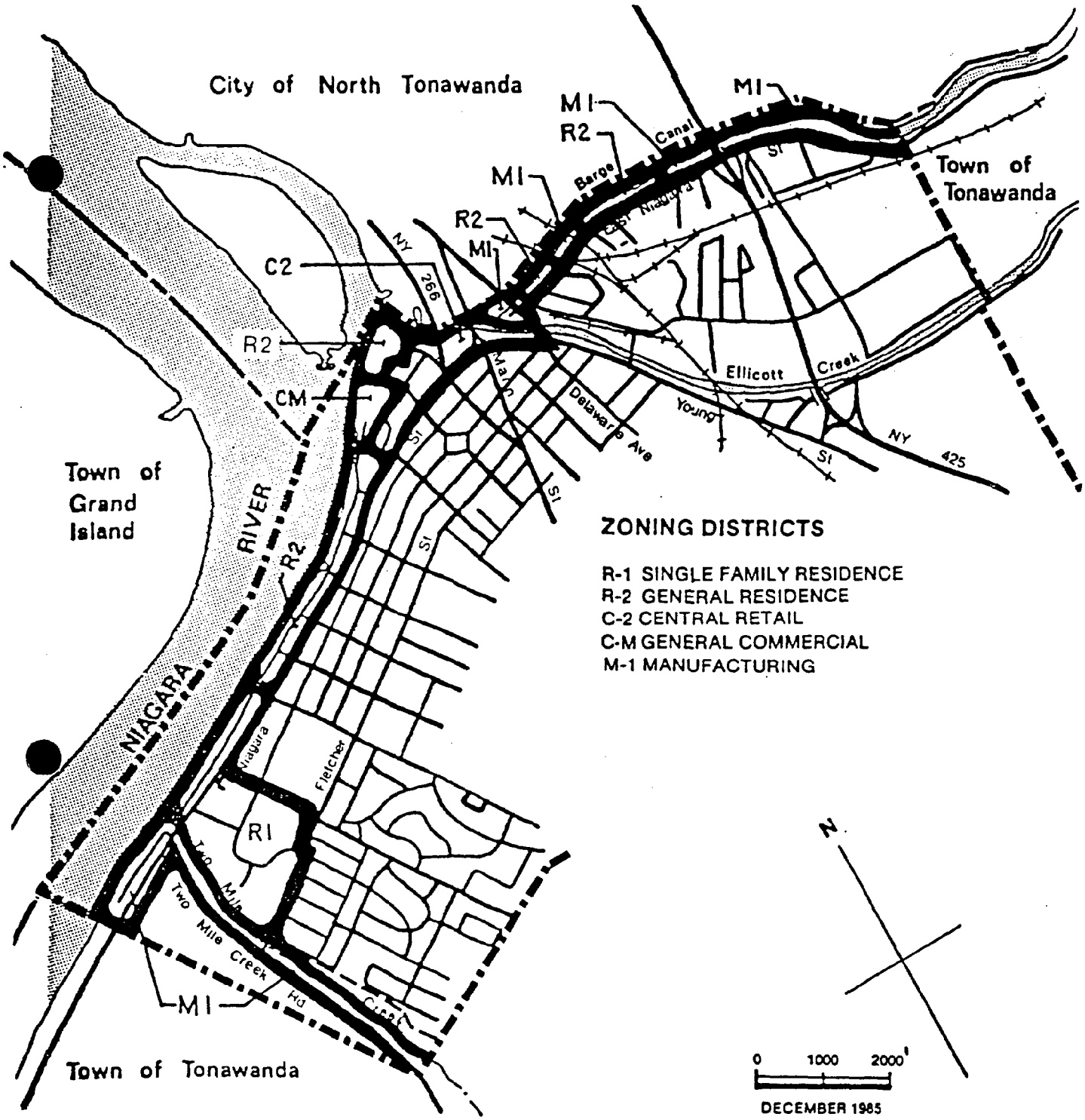
G. Off-Shore Conditions:

The Niagara River in the vicinity of the City of Tonawanda shoreline is used for commercial navigation, and a 21-foot deep channel is maintained well into North Tonawanda. Depths up to 23' are reached as close as 200' offshore, reflecting the relatively deep natural character of the River in this area.

The Barge Canal averages a 14' depth in the City of Tonawanda, reaching this depth in close proximity to shore. The channel is maintained by the State and is heavily used by pleasure craft.

H. Wildlife Habitats

No fish or wildlife habitats having statewide significance exist on land or water within the City's waterfront revitalization area. Offshore, yellow perch are frequently found in the Niagara River adjacent to Niawanda Park, and black bass in th middle of the River. There is also an abundance of waterfowl. This area is considered a locally significant fish habitat and is graphically located on Map 5.



LOCAL WATERFRONT REVITALIZATION PROGRAM ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING STUART ALEXANDER AND ASSOCIATES, PLANNERS/ LANDSCAPE ARCHITECTS	MAP 5A **ZONING EXISTING** CITY OF TONAWANDA

I. Zoning

Five types of zoning districts exist within the City of Tonawanda waterfront revitalization area. These are illustrated on Map 5A and include:

R-1: Single-Family Residence
R-2: General Residence
C-2: General Retail
C-M: General Commercial
M-1: Manufacturing

The M-1 areas are located south of the Two Mile Creek along portions of the Barge Canal east of Ellicott Creek.

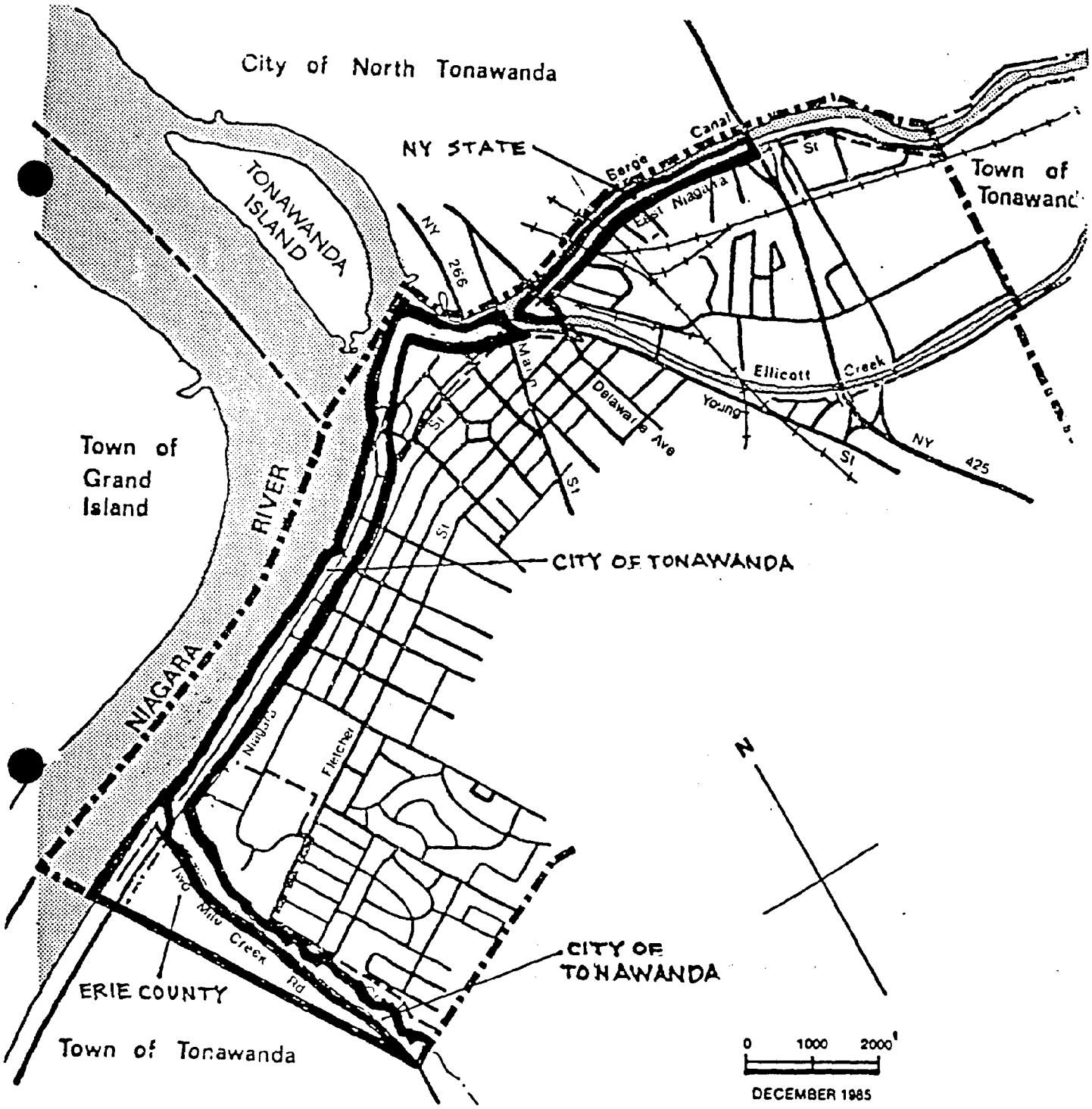
The C-M district includes City Hall and adjacent public buildings. The C-2 district comprises most of the downtown business area.

The R-1 area extends from Two Mile Creek northward to Hinds Avenue. The remainder of the Niagara River shoreline is zoned R-2. Other R-2 areas are found along portions of the Barge Canal east of Ellicott Creek.

J. Historic Resources

Although no structures are presently listed, or eligible for listing, on the National Register of Historic Places, the Long House is a historic structure of local significance. A restored and publicly-owned building located at the confluence of Ellicott Creek and Barge Canal, Long House is the oldest structure within the City.

Also, of note is the Barge Canal itself, which has played an important role in economic development since its completion in the early 1800's.



LOCAL WATERFRONT REVITALIZATION PROGRAM ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING STUART ALEXANDER AND ASSOCIATES, PLANNERS/ LANDSCAPE ARCHITECTS	MAP 6 **PUBLIC WATERFRONT LANDS** CITY OF TONAWANDA

An area of statewide archaeological significance is located on or in close proximity to the former Continental Site. This was identified by the NYS Department of Education. Two significant archaeologic sites are known to exist in the area.

K. Public Access and Recreation

Roughly 70% of the City's waterfront is publicly-owned and used for recreation. Isle View County Park and the City's Niawanda Park occupy 1 1/2 miles of Niagara River shoreline and contain a diversity of facilities. These are being supplemented with the Riverwalk project, an Erie County venture which will ultimately create a paved, landcaped bike path from the Tonawanda business district south along the Niagara River to the Erie Basin Marina in downtown Buffalo. Barge Canal Park extends over one-half mile along the shoreline to the east of downtown Tonawanda. In addition, twelve new transient docking facilities have been installed at the junction of Ellicott Creek with the Barge Canal. This provides needed docking space for pleasure boaters travelling through the State Barge Canal.

Both Isle View and Niawanda Park contain boat launches that are heavily-used by pleasure boaters and fishermen. Niawanda Park also contain a popular fishing pier.

Map 6 shows the extent of publicly owned waterfront land in the City.

L. Water-Dependent Uses

Other than previously described public recreation facilities, the only water dependent use within the waterfront area is the municipal water plant at the southwestern edge of the Continental Can site near City Hall.

M. Aesthetics

With approximately 70% of its waterfront developed as public parkland, the City of Tonawanda's shoreline is among the finest in Western New York. The parks are well-maintained, attractively landscaped, and offer excellent vistas. The City's residents are extremely fortunate in having visual access to virtually the entire waterfront. Views from the embankment along Niagara Street downward into Niawanda Park and to the Grand Island shore are particularly dramatic, although occassionally obstructed by overgrown brush and weeds. Views along the Barge Canal, although less spectacular, still create a scenic drive along East Niagara Street while overlooking private boat houses, small crafts, and the downtown business districts of the Tonawandas. Reference should be made to Map 3 for vista locations.

III. CRITICAL ISSUES

Current conditions along the City of Tonawanda waterfront reflect an existing untapped potential for creating a uniquely vibrant urban waterfront environment. An excellent system of public parkland has created a strong base for this environment. The upcoming implementation of the Riverwalk project will further enhance the waterfront's attractiveness.

As noted earlier, the latter is a fourteen mile hike and bike path along the Niagara River from downtown Buffalo to the Seymour Street Bridge in the City of Tonawanda. It is under the jurisdiction of the County of Erie and is 60% complete. Full implementation is scheduled for 1988. The sections in the City of Tonawanda will be built in 1987 and provide a unique open space corridor on the waterside of the River Edge residential development presently under construction on the former Continental Can site.

Section III

WATERFRONT REVITALIZATION PROGRAM POLICIES

INDEX TO POLICIES

State Coastal Policies Applicable to the Local Waterfront Area and Additional LWRP Policies

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DEVELOPMENT POLICIES

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

Policy 1A Redevelop the former Continental Can site for residential uses.

This policy applies to that area depicted on Map 3A. Its intent is to focus capital resources on the redevelopment of the former Continental Can site into a quality waterfront residential community. The area is within a former designated urban renewal area and the City has approved a developer and corresponding site plan for 168 residential units on the 26 acre site. Bids have been let for infrastructure improvements and project completion is targeted for 1987.

The following guidelines will be used to review actions for consistency with this policy as it pertains to any future development of the River Edge site.

1. When an action is proposed to take place on the former Continental Can site, the following guidelines will be used.

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

    b. The action should enhance existing and anticipated uses. For example, a new highway should be designed and constructed as to serve the potential access needs for desirable residential/commercial development.

    c. The action should serve as a catalyst to 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 and upland views of the water, and at a minimum, must not affect these views in an insensitive manner;

h. The action should have the potential to improve the possibilities for multiple uses on the site.

If an action is proposed to take place outside of the areas covered by this policy, and is either within the City of 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 Maintain water dependent recreational facilities at Niawanda Park, Riverwalk, and Barge Canal corridor.

More than half of the City of Tonawanda's waterfront is occupied by public parkland. Boat launching, fishing, strolling, and observation of aquatic competitions such as power-boat races are among the more popular public pursuits. Th City will continue to maintain and expand water-dependent and water-enhanced recreational uses, and construction of a small park at the Niagara River/Barge Canal junction will be undertaken as a component of the Riverwalk project.

1. The following uses and facilities are considered as water dependent at waterfront parkland.

    a. Recreational activities which depend on access to the Niagara River or Barge Canal (for example: swimming, fishing, boating, wildlife vieweing).

    b. Structures needed for flood and erosion protection purposes (for example: breakwater, bulkheads)

    c. Facilties needed to store and service boats (e.g. marinas)

    d. 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). Though these uses must be near the given water dependent use they should, as much as possible be sited inland from the water dependent uses rather than on the shore.

If there is no immediate demand for a water dependent use along the City's waterfront parkland and a future demand is reasonably foreseeable, temporary passive recreational use will be considered.

In the actual choice of sites along the City's waterfront public parkland where water dependent uses will be encouraged and facilitated, the following guidelines shall be used.

1. Competition for space -- competition for space or the potential for it, should be indicated before any given site is promoted for water dependent uses. The intent is to match water dependent uses with suitable locations and thereby reduce any conflicts between competing uses that might arise. Not just any site suitable for development should be chosen as a water dependent use area. The choice of a site should be made with some meaningful impact on the real estate market anticipated. The anticipated impact could either be one of increased protection to existing water dependent activities or else the encouragement of water dependent development.

2. In-place facilities and services -- most water dependent uses, if they are to function effectively, will require basic public facilities and services. In selecting appropriate areas for water dependent uses, consideration should be given to the following factors:

   a. The availability of public sewers, public water lines and adequate power supply;

   b. Access to public transportation, if a high number of person trips are to be generated.

3. Access to navigational channels -- if recreational boating is planned, consideration should be given to setting aside a site, within the Barge Canal, from which access to adequately sized navigation channels would be assured.

4. Compatibility with adjacent uses and the protection of other coastal resources -- water dependent uses should be located so that they enhance, or at least do not detract from, the surrounding community. Consideration should also be given to such factors as the protection of nearby residential areas from odors, noise and traffic. Affirmative approaches should also be employed so that water dependent uses and adjacent uses can serve to complement one another.

5. Providing for expansion -- a primary objective of the policy is to create a process by which water dependent uses can be accommodated well into the future. State agencies and localities should therefore give consideration to long-term space needs and, where practicable, accommodate future demand by identifying more land than is needed in the near future.

6. Preference to underutilized sites - the promotion of water-dependent uses should serve to foster development as a result of the capital programming, permit expediting, and other government actions that will be used to promote the site. Nowhere is such a stimulus needed more than in those portions of the State's waterfront areas which are currently underutilized.

<u>Policy 3</u> The State Coastal Policy regarding major ports is not applicable to the City of Tonawanda.

<u>Policy 4</u> The State Coastal Policy regarding smaller harbor areas is not applicable to the City of 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 necessitates its location in other coastal areas.

The City of Tonawanda is an area of concentrated development where infrastrucure and public services are generally adequate to support future land uses and development, as specified in the proposed uses and proposed projects for waterfront area (see Section IV).

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 Tonawanda will utilize existing laws to ensure compliance with the City waterfront program, and for those 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 one agency. Also, efforts will be made to ensure that each agencies' procedures and programs are synchronized with other

agencies' procedures at each level of government. Finally, regulatory programs and procedures will be coordinated and synchronized between levels 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 on a particular type of development, and will not jeopardize the integrity of the regulation's objectives.

FISH AND WILDLIFE POLICIES

Policy 7 Significant coastal fish and wildlife habitats shall be protected, preserved, and where practicable, restored so as to maintain their viability as habitats.

The State Coastal Policy regarding the protection of significant coastal fish and wildlife habitats is not applicable to 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 effects on these resources.

Hazardous wastes are unwanted by-products of manufacturing processes and are generally characterized as being flammable, corrosive, reactive or toxic. More specically, hazardous waste is defined in Environmental Conservation Law (Sec. 27-0901 (3)). Waste is defined as "waste or combination of wastes which because of its quantity, concentration, or physcial, chemical or infectious characteristics may: (1) cause, or significantly contribute to an increase in mortality or an increase in serious

irreversible illness; or (2) 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 have been adopted by DEC.

(6 NYCRR Part 371).

The handling (storage, transport, treatment and disposal) of the materials included on this list is being strictly regulated in New York State to prevent their entry or introduction into the environment, particularly into the 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 behavorial disorders.

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

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

The educational and recreational value of coastal areas having a signficant concentration of fish resources is of extreme importance to the general public. This is especially important in the Upper Niagara River. The latter represents a high quality fishing spot within close proximity to City residential neighborhoods. The combination of these factors presents a unique opportunity for public enjoyment.

This policy applies to the Upper Niagara River and Barge Canal offshore from the City.

Any efforts to increase recreational use of these resources will be made in a manner which ensures the protection of fish and wildlife resources and which 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 resource, 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 and wildlife resources.

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

3. The impacts of increasing access to recreational fish and wildlife resources should be determined on a case-by-case basis, and/or conferring 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.

Policy 10 The State Coastal Policy regarding commercial fishing is not applicable to the City of Tonawanda.

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.

This policy applies to those areas identified as Flood Hazard Areas and Floodways, as described in Chapter E. 'Flooding and Erosion' of the Inventory and Analysis Section. The erosion aspects of this policy are not applicable, since there are no identified Coastal Erosion Hazard Areas within the City of Tonawanda waterfront area.

Guidelines for determining an actions consistency with this policy are as follows.

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

2. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

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

4. All new and replacement water supply shall be designed to minimize or eliminate infiltration of flood waters into the system.

5. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood

waters into the systems and discharge from the systems into flood waters.

6. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

7. All subdivision proposals shall be consistent with the need to minmize flood damage.

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

9. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

10. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contains at least (50) lots of five (5) acres (whichever is less).

In all areas of special flood hazards where base flood elevation data have been provided as set forth in Section III or IV of the City Flood Damage Prevention Ordinance, the following standards are required:

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

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

a. be floodproofed so that below the base level the structure is watertight with walls substantially impermeable to the passage of water;

b. have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyuancy; and

Located within areas of special flood hazard established in Section III of the City's Flood Damage Prevention Ordinance are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

2. If Section IV of the City's Flood Damage Prevention Ordinance is satisfied, all new construction and substanial improvements shall comply will applicable flood hazard reduction provisions of Section VI of the same City Ordinance.

<u>Policy 12</u> The State Coastal Policy regarding protection of beaches, dunes, and bluffs is not applicable to the City of Tonawanda.

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

Policy 13A The reconstruction of the riverwall adjacent to the former Continental Can site will be developed in such a manner as to ensure a probability of erosion control for 30 years as demonstrated in engineering standards for the reconstruction work.

This policy applies only to the riverwall which borders the River Edge development. This is an area of local erosion concern but does not have statewide significance. The present wall extends approximately 3,000 ft. along the Niagara River and Barge Canal. The City will undertake necessary maintenance improvements to the wall as needed. It will be subjected to the 30 year maintenance test which will be outlined in future construction performance standards that will be unique to this job. The 30 year test will also require certification by a licensed NYS structural engineer.

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

Erosion and flooding are processes which occur naturally. However, by his actions, man can increase the severity and adverse effects of 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; the failure to observe proper drainage or land restoration practices, thereby causing run-off and the erosion and weakening of shorelands; and the placing of

structures in identified floodways so that the base flood level is increased causing damage in otherwise hazard-free areas.

See explanation for policy 11.

Policy 15 The State Coastal policy regarding dredging and its interference with the supply of beach materials is not applicable to Tonawanda.

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 areas to be able to function, or existing development, and only where the public benefits outweigh the long term monetary and other costs including the potential for increasing erosion and adverse effects on natural protective features.

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

and draining; (iii) the reshaping of bluffs; and (iv) the floodproofing of buildings or their elevation above the base flood level.

Policy 17A The City of Tonawanda shall maintain the local erosion hazard areas in Niawanda Park and adjacent to the River Edge development (50' inland) in public ownership to minimize damage to property from flooding and erosion.

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

This policy shall apply to the planning, siting and design of proposed activities and development, 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 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. Within Flood Hazard Areas, non-structural measures should include, but are not limited to, the following measures:

1. Avoidance or 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.

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

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

PUBLIC ACCESS 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 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 level and type of access to Niawanda Park, Veteran's Park, Riverwalk and City owned property adjacent to the Barge Canal, including the transient boat docking facilities at the mouth of Ellicott Creek with the Barge Canal.

The City of Tonawanda is fortunate to have 70% of their shoreline in public ownership. All lands are presently or soon will be developed as water related recreational resources.

The following guidelines shall be used by City, State and Federal agencies in determining the consistency of proposed actions which may affect access to Niawanda Park, Veteran's Park, Riverwalk, City-owned and State-owned property adjacent to the Barge Canal, and other public water-related recreation resources.

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 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 of the need to meet systematic objectives.

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

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

b. Public water-related recreation resources or facilities - Niawanda Park, Veteran's Park, Riverwalk, City and State owned property adjacent to the Barge Canal (See Map 6).

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 and the foreshore.

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.

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

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

4) There are substantial increases in the following already existing special fares (not including regular fares in any instance) of public transportation to a public water-related recreation resource or facility, except where the Niagara Frontier Transportation Authority having jurisdiction over such fares determines that such substantial fare increases are necessary, and/or that such increases will signficantly reduce usage by individuals or families and incomes below the State government established poverty level.

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

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

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

3) Construction of private facilities which physically prevent the 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 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; outside the defined Urban Area but not served by public transportation; outside the defined Urban Area boundary and served by public transportation.

<u>Policy 20</u> 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 should be provided in a manner compatible with adjoining uses. Such lands should be retained in public ownership.

Publicly owned lands immediately adjacent to the water's edge are identified in Section II.K., Public Access and Recreation, and are shown on Map 6. While such land shall be retained in

public ownership, traditional sale 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 use would be inappropriate for reasons of public safety, military security, or protection of fragile coastal resources.

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

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

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

   a. 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.

   b. Pedestrian access is diminished or blocked completely by public or private development.

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

   a. 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.

b. Sale, lease, or other conveyance of public lands that could provide public access to public coastal lands and or waters.

c. 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.

4. 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 accss includes but is not limited to the following:

1) Access is reduced or eliminated because of hazardous crossing 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.

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

6. The State or federal government 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.

7. 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.

8. While such publicly-owned lands referenced in the policy shall be retained in public ownership, traditional sales of easements on lands underwater to ajdacent on shore property owners are consistent with this policy, provided such easements do not substantially interfere with continued public use of the public lands on which the easement is granted. Also, public use of such publicly-owned underwater lands and lands immediately adjacent to the shore shall be discouraged where such use would be inappropriate for reasons of public safety, military security, or the protecion of fragile coastal resources.

   See Policy 19.

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 Water dependent and water enhanced recreation will be facilitated in Niawanda Park, Riverwalk and City owned property adjacent to the Barge Canal.

In Niawanda Park public walkways for scenic viewing and fishing platforms presently exist. These will be maintained as key activities within the Park. An additional fishing platform/erosion control structure is in the conceptual design stage. The City of Tonawanda has retained a 50' strip of land on the former Continental Can property for Riverwalk purposes. An easement has been granted to Erie County for development of a Riverwalk within the above Right of Way which is immediately adjacent to the River and Barge Canal. A scenic overlook and fishing area is part of the overall design. Maintenance and development of these facilities will be guaranteed through an execution of a maintenance agreement and easement transfer between the two government units. The City will continue development of the transient docking facilties at the mouth of

Ellcott Creek. This provides berthing space for recreational boaters traveling the Barge Canal system and wishing to eat or shop at City facilities.

All water recreational areas in the City are accessible by public transit. Daily bus service is available along Delaware Ave. in the City, thereby servicing the Barge Canal corridor with easy access to the Riverwalk. Approximately 60% of all City residents lie within a one mile radius of the line. The line runs approximately twice an hour.

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

<u>Policy 22A</u> Residential development of the former Continental Can Site (ie. River Edge) will provide for water related recreation.

Many devlopments present practical opportunities for providing recreation facilities as an additional use of the site or facility. Therefore, whenever developments are located adjacent to the shore they should, to the fullest extent permitted by existing law, provide for some form of water-related recreation use unless there are compelling reasons why any form of such recreation would not be compatible with the development, or a reasonable demand for public use cannot be foreseen.

The City of Tonawanda as part of their negotiations with developers of the residential complex on the former Continental Can site, have made land accommodations for development of the Riverwalk on the waterside edge of the project.

Other 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
- large residential subdivisions (50 units)
- shopping centers
- office buildings

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, 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% 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 could, through the provision of recreation and other multiple uses, significantly increase public access to the shore, then such development should be encouraged to locate adjacent to the shore.

HISTORIC AND SCENIC RESOURCES POLICIES

Policy 23 — Protect, enhance and restore structures, districts, areas or sites that are of signficance in the history, architecture, archaeology or culture of the State, City of Tonawanda, or the nation.

Policy 23A — Protect, enhance and restore the archaeologically significant site at the confluence of the Niagara River and Barge Canal in the City of Tonawanda.

Policy 23B — Protect and enhance the historic qualities of the Long Homestead.

The area, approximately located on the former Continental Can site, which is being developed for residential use has been identified on the State Department of Education's inventory of archaeologial sites. Two significant archaeological sites are known to exist in that area or in proximity to it.

The following activities on the site shall be subject to all federal and State regulations pertinent to the protection of archaeologically significant sites.

- Alteration of the topographical features or earthworks of the site.
- Demolition or removal in full or part of a building, structure, or earthworks.

Policy 23B pertains to the Long Homestead, located at the confluence of the Barge Canal with Ellicott Creek. It is the oldest building in the City. The structure is publicly owned and maintained and is open for public viewing. The City will retain ownership and therefore commit necessary public funds for its maintenance.

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 signficant archaeological resources.

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

<u>Policy 24</u> The State Coastal Policy regarding scenic resources of statewide significance is not applicable to the City of Tonawanda.

<u>Policy 25</u> Protect, restore, or enhance natural and manmade resources which are not identified as being of statewide significance, but which contribute to the overall scenic quality of the coastal area.

<u>Policy 25A</u> Protect and enhance the scenic qualities of the confluence of the Niagara River with the Barge Canal and those views prevelant along Niagara Street adjacent to Niawanda Park and East Niagara St. adjacent to the Barge Canal.

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 Town of Grand Island and City of North Tonawanda visible offshore from the area between the Niagara River and Barge Canal has local significance. The City of Tonawanda shall maintain public ownership of the Riverwalk right of way and ensure the development of a scenic overlook at the poiht of confluence. This assurance shall occur during easement negotiations with the County of Erie.

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 highways, power lines, and signs, back from 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 devlopment scheme;

-- removing deteriorated and/or degrading elements;

-- maintaining or adding vegetation to provide interest, encourage the presence of wildlife, blend structures into the site, and obscure unattractive elements, except when selective clearing creates views of coastal waters;

-- 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 agricultural lands is not applicable to the City of Tonawanda.

ENERGY AND ICE MANAGEMENT

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

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

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

additional forecasts and establish the basis for determining the compatibility of these facilities with the environment and the necessity for a shorefront location. The policies derived from the siting regulations under these Articles are entirely consistent with the general coastal zone 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 Coastal Management Program.

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

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

Prior to undertaking actions required for ice management, an assessment must be made of 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 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.

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

WATER AND AIR RESOURCES POLICY

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 standard.

Municipal, industrial and commercial discharge include not only "end-of-the pipe" discharges into surface and groundwater but also plant site runoff, leaching, spillages, sludge and other wasste 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, Ellicott Creek and Two Mile Creek and those which pass through municipal treatment systems before reaching the State's waterways.

The City and Town of Tonawanda will undertake regular maintenace at its sewage treatment plant to ensure the proper maintenance.

Policy 31 State coastal area policies and purposes of approved Local Waterfront Revitalization Programs will be considered while reviewing coastal water classification and while modifying water quality standards; however those waters already overburdened 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 Tonawanda Waterfront Revitalization Program and State coastal management policies shall be factored into the review process for coastal waters in the City. 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 Tonawanda shore area should be maintained.

Policy 32 The State Coastal Policy regarding alternative or innovative sanitary waste systems is not applicable to the City of Tonawanda.

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

Best management practices include both structural and non-structural methods of preventing or mitigating pollution caused by the discharge of stormwater runoff and combined sewer

overflows. At present, structural approaches to controlling stormwater runoff (e.g. construction of retention basins) and combined sewer overflows (e.g. replacement of combined system with separate sanitary and stormwater collection systems) are not economically feasible. Proposed amendments to the Clean Water Act, however, may authorize funding to address combined sewer overflows in areas where they create severe water quality impacts. Until funding for such projects becomes available, non-structural approaches (e.g., improved street cleaning , reduced use of road salt) will be used in the City. It should be noted that the recent improvements to the City sewage collection system had a positive effect on the reduction of combined sewer overflows.

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

The discharge of sewage, garbage, rubbish, and other solid and liquid materials from watercraft and marinas into the State's waters is regulated. Priority will be given to the enforcement of this Law in significant habitats and public water supply intakes, which need protection from contamination by vessel wastes. Also, specific effluent standards for marina toilets have been promulgated by the Department of Environmental Conservation (6NYCRR, Part 657).

The City of Tonawanda shall require pumpout facilities at new marinas.

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

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 regulatons developed pursuant to Environmental Conservation Law, (Articles 15, 24, 25 and 34).

Dredging often proves to be essential for waterfront revitalization and development, maintaining navigation channels at sufficient depths, pollutant removal and meeting other coastal management needs. Such dredging projects, however, may adversely affect water quality, fish and wildlife habitats, wetlands and other important coastal resources. Often these adverse affects can be minimized through careful design and timing of the dredging operation and proper siting of the dredge spoil disposal site.

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.

See Policy 39 for definition of hazardous materials. All activities within the City of Tonawanda waterfront which are subject to this policy shall comply with all State and federal regulations.

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

See Policy 33.

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

Surface water is the source of drinking water in the City of Tonawanda and therefore must be protected. The City waterfront area is serviced by a high technology water treatment and sanitary sewer system and 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 areas will be conducted in such a manner so as to protect surface water supplies, recreation areas, and scenic resources.

The definition of terms "solid wastes" and "solid waste management facilities" are taken from New York's Solid Waste Management Act (Environmental Conservation Law, Article 27). Solid wastes include sludges from air or water pollution control facilities, demolition and construction debris, and industrial and commercial wastes.

Hazardous wastes are unwanted by-products of manufacturing processes generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, waste is defined in Environmental Conservation Law (Section 27-0901 (3)) as "waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (1) cause, or significantly contribute to an increase in serious irreversible, or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment which is

improperly treated, stored, transported or otherwise managed." A list of hazardous wastes (NYCRR Part 366) will be adopted by DEC within 6 months after EPA formally adopts its list.

Examples of solid waste management facilities include resource recovery facilities, sanitary landfills and solid waste reduction facilities. Although a fundamental problem associated with the disposal and treatment of solid wastes is the contamination of water resources, other related problems may include: filling of wetlands and littoral areas, atmospheric loading, and degradation of scenic resources.

Storage of solid and hazardous wastes is not permitted in the City of Tonawanda waterfront. Also see policy 36.

<u>Policy 40</u> The State Coastal Policy regarding effluent discharges from major steam electric generating facilities and industrial facilities is not applicable to the City of Tonawanda.

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

The 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. The requirements of the Clean Air Act are the minimum quality control requirements applicable within the coastal area.

<u>Policy 42</u> Coastal Management policies will be considered if the State reclassifies land pursuant to the prevention of significant deterioration regulations of the Federal Clean Air Act.

The policies of the State and local coastal management programs concerning proposed land and water uses and the protection and preservation of special management areas will be taken into account prior to any action to change prevention of significant deterioration land classification designations based upon State and local coastal management programs.

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

The New York Coastal Management Program incorporates the State's policies on acid rain. As such, the Coastal Management Program will assist in the State's efforts to control acid rain. These efforts to control acid rain will enhance the continued viability of coastal fisheries, wildlife, agricultural, scenic and water resources.

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

Policy 44A — Preserve and protect the freshwater wetland located in the Two Mile Creek open space corridor.

A freshwater wetland of 12.4 acres or greater is located in the City of Tonawanda coastal zone. This is illustrated on Map 5.

The benefits derived from the preservation of this wetland include but are not limited to:

- -- erosion, flood and storm control
- -- natural pollution treatment
- -- groundwater protection

- -- recreational opportunities
- -- educational and scientific opportunities; and
- -- aesthetic open space in an otherwise densely developed area

The City of Tonawanda shall maintain the portion of Two Mile Creek wetland in Veteran's Park in public ownership. All development activities proposed for the wetland are subject to permitting regulations outlined in the regulations associated with the New York State Freshwater Wetlands Act, Environmental Conservation Law Article 24. The small portion of the wetland extending onto private property will also be subject to the State permitting requirements.

SECTION 1V

PROPOSED LAND AND WATER USES

SECTION IV

PROPOSED LAND AND WATER USES

A. LAND USES (See Map 7)

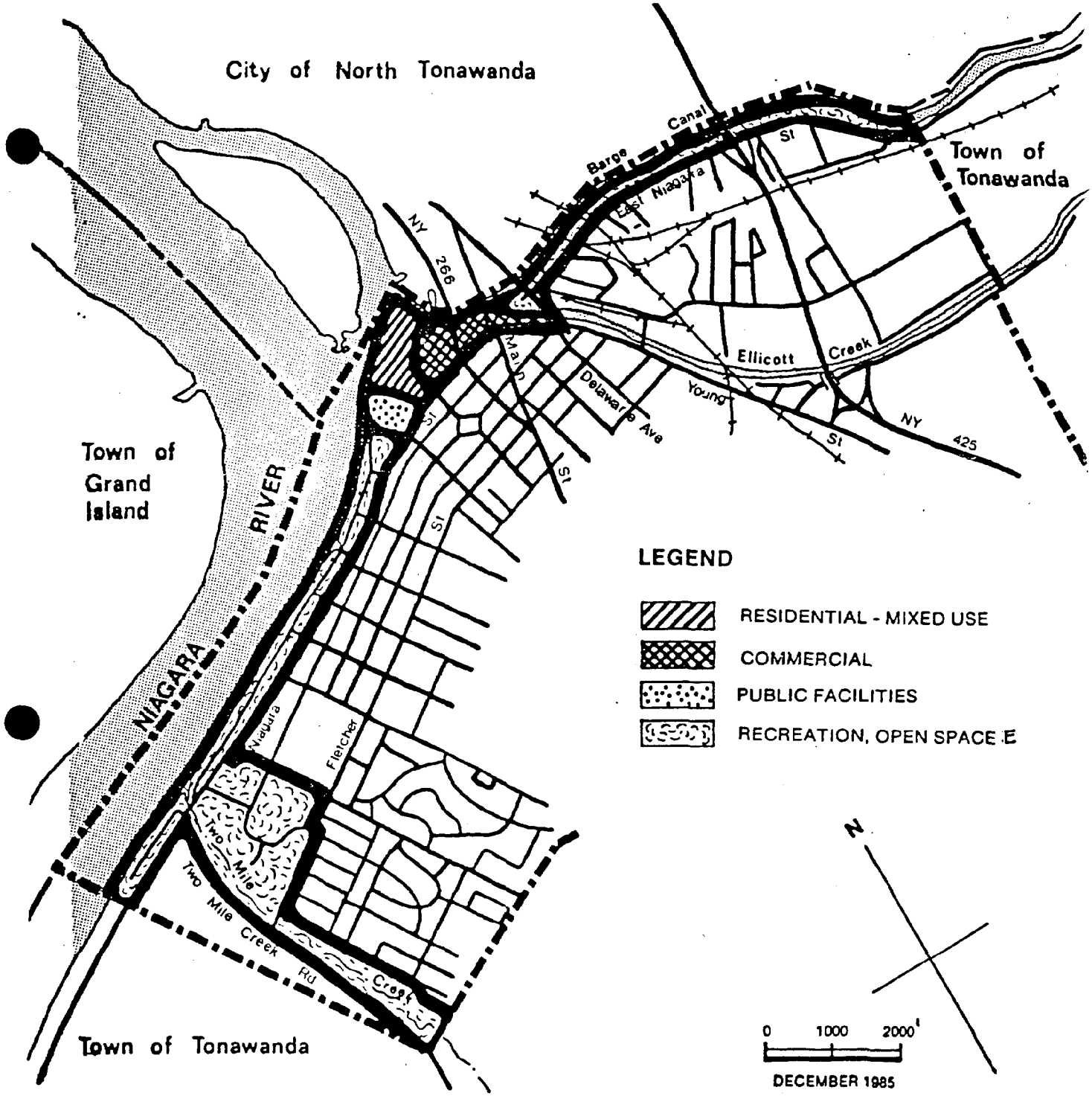
Much of the City of Tonawanda waterfront is occupied by publicly-owned parkland. It is the City's intention to maintain the existing status of such land and, where appropriate, increase opportunities for direct public utilization of the waterfront.

This section will describe in detail the proposed land and water uses of the City of Tonawanda Waterfront Revitalization Area, which has been divided into the following four sub-areas for discussion purposes:

1. Isle View/Niawanda Area
2. Central Business District
3. Barge Canal Area
4. Two Mile Creek Corridor

1. Isle View/Niawanda Area:

This area, extending from the western City Line north-easterly to the City Hall (an approximate distance of 7500') is entirely occupied by public parkland. The westernmost 1800' lies within Isle View County Park; the remainder comprises the City's Niawanda Park. Existing facilities include boat



LOCAL WATERFRONT REVITALIZATION PROGRAM ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING STUART ALEXANDER AND ASSOCIATES, PLANNERS/ LANDSCAPE ARCHITECTS	MAP 7 **LAND USE PLAN** CITY OF TONAWANDA

launches, picnic areas, restrooms, and parking. Isle View Park also contains a grandstand for observation of power boat races in the Niagara River. A fishing pier and bandshell are located in Niawanda Park.

The City of Tonawanda and Erie County are strongly committed to maintaining and enhancing this attractive waterfront area. Erie County, with the support of the City, is implmenting the Riverwalk project in this area - a pedestrian/cyclist shoreline facility to eventually link Tonawanda with Downtown Buffalo which will feature numerous seating areas and fishing overlooks. This and related landscaping and maintenance measures will ensure continued preservation of a major scenic and recreational resource.

In addition to the Riverwalk, the City shall pursue construction of multi-use fishing piers at Niawanda Park. The piers would be designed to provide erosion control, as well. Reference should be made to the description of proposed projects in this Section for further details.

2. Central Business District:

The CBD portion of the City extends along the Niagara River and Barge Canal from City Hall to Ellicott Creek (approximately 4000' of shoreline, with the midpoint coinciding with the junction of the River and the Canal). The waterfront revitalization area boundary extends up to 1000' inland in portions of the central business district.

Existing uses within the CBD waterfront include municipal offices and functions as well as small amounts of retailing and banking. Roughly half of the land is vacant.

Most vacant land is contained within a 26 acre municipally-owned parcel known as the "Continental Can Site", located at the Niagara River/Barge Canal junction.

The site (formerly industrial) is being redeveloped as a medium-density low-rise residential neighborhood of 138 units. A 50' wide land strip has been reserved along the Niagara River to accommodate the Riverwalk.

The City of Tonawanda, along with neighboring City of North Tonawanda, desires to capitalize upon the economic potential of transient boat traffic on the Barge Canal and Niagara River. To assist in achieving this goal, the eastern end of the Tonawanda CBD in the vicinity of Ellicott Creek now accommodates a transient boat pier for temporary mooring.

Enhancement of the visual and physical environment along the Canal is a principal component of ongoing CBD revitalization. The City will encourage property owners to undertake landscaping and facade improvements in the area and to provide pedestrian access to the Canal bank. Such efforts, combined with the introduction of temporary mooring facilities, and a significant new housing element, will measurably contribute to the ongoing economic vitality of the CBD.

3. Barge Canal Area:

This area, extending 4000' along the Barge Canal bank from Ellicott Creek to the eastern City limits, is predominantly open space. The western two-thirds is maintained as public parkland and contains the Long House. A pedestrian bridge over Ellicott Creek connects the Long House with the Central Business District.

The proposed land use plan for the Barge Canal Area is a continuaton of its existing status. The area merits consideration for the construction of a pedestrian/cyclist path that could utilize the existing pedestrian bridge across Ellicott Creek to eventually connect with the Riverwalk at the River Edge development.

The NYS Office of Parks, Recreation and Historical Preservation has long term plans to develop a Barge Canal Trail which would provide a 400 mile public trail system along the former Erie Canal. This should be implemented as it would form an integral complement to the City's LWRP.

4. Two Mile Creek Corridor:

This area, located near the western City limits, extends inland one mile from Niawanda Park to the southern City limits along a 300'-wide corridor centered on Two Mile Creek. It also includes the 47-acre Veteran's Memorial Park. The Park includes athletic fields and courts, picnic grounds, restrooms, and a reservoir. A bike path parallels the Creek for one-half mile from Niawanda Park to Fletcher Street. With the single exception of a small industrial firm, the remainder of the area is undeveloped.

The proposed land use plan recommends the development of the Two Mile Creek Corridor as landscaped open space, and envisions the eventual extension of the bike path along the Creek to the terminus in the Town of Tonawanda's Sheridan Park. This would carry out recommendations made by the Erie/Niagara Counties Regional Planning Board in their "Adopted Regional Recreation and Open Space Plan (1984)" for Two Mile Creek. Further study involving the City, Town of Tonawanda, and Erie County is needed to further implement this proposal.

B. WATER USES

Water uses adjacent to the City of Tonawanda shoreline emphasize active and passive recreation. Pleasure boating, fishing, boat races, and water skiing are among the active pursuits. The scenic expanses serve as the backdrop for

picnics, strolling, cycling, sunbathing, concerts, festivals, and photography. Proposed land uses reinforce this pattern of activities.

The Niagara River is the primary source of drinking water in the City. Lands use policies and other regulatory and permit mechanisms will ensure its continued viability as such a resource. As a component of this effort, stormwater discharges into the River, Barge Canal, Ellicott Creek, and Two Mile Creek will be monitored periodically to ensure compliance with relevant State and Federal water quality standards.

CITY OF TONAWANDA

PROPOSED PUBLIC AND PRIVATE PROJECTS

Two public projects are proposed for the City of Tonawanda Waterfront Revitalization Area: installation of fishing piers (also serving as erosion protection structures) along sections of the Niawanda Park shoreline, and repair of a steel-and-concrete riverwall along the Niagara River and Barge Canal at the Continental Can Urban Renewal Site.

PROPOSED PROJECT 1: NIAWANDA PARK FISHING PIER

A. The Site

Niawanda Park extends 6,000' along the Niagara River, occupying 60% of the City of Tonawanda's River shoreline. The park, bounded by Isle View County Park in the south and Tonawanda City Hall in the north, contains boat launch ramps, a bandshell, a fishing pier, and numerous picnic area. In addition, a section of the Erie County Riverwalk will be located within the park.

Due largely to ice and water scouring, the northernmost 1,300' of Niawanda Park shoreline is subject to erosion problems. The course of the Niagara River changes to a more northerly alignment in this area. During high River levels and springtime ice flows, water and ice frequently overtop existing shoreline rubble breakwaters and create unsightly scouring behind the breakwaters. Constant maintenance is required in order to prevent undermining of existing paved pathways which parallel the shore.

B. The Plan:

In order to alleviate ice action (the major cause of erosion), a combination of on-shore backfill and off-shore pier construction is proposed. The on-shore backfill consists of an 8'-to- 10' wide, 2' deep installation of compacted stone on mesh fabric to be placed directly inland of existing rubble mounds. The stone bed would be backfilled with topsoil on a mesh soil separator and seeded. Existing rubble would be repaired and reinforced with additional stone as necessary.

Offshore, a series of fishing piers (total length: 500 ') would be located between the existing boat launch ramps and the bandshell. Piers would resemble the existing wood-deck pier located at the northern end of Niawanda Park. A 5' wide wooden deck, extending roughly 15' off-shore, would be supported by steel sills attached to a series of 8' diameter, 20' long columns spaced at 20' intervals. Typically, the deck would not exceed a height of 4' above normal River levels. Guardrails would be installed on the decking.

The location and configuration of the pier systems will serve to deflect ice away from shore. The piers would be placed along those sections of shoreline exhibiting the most severe erosion damage. A minimum of 150'-length for any single fishing pier is anticipated.

C. Costs and Timetable:

Estimated costs for the proposed project are as follows:

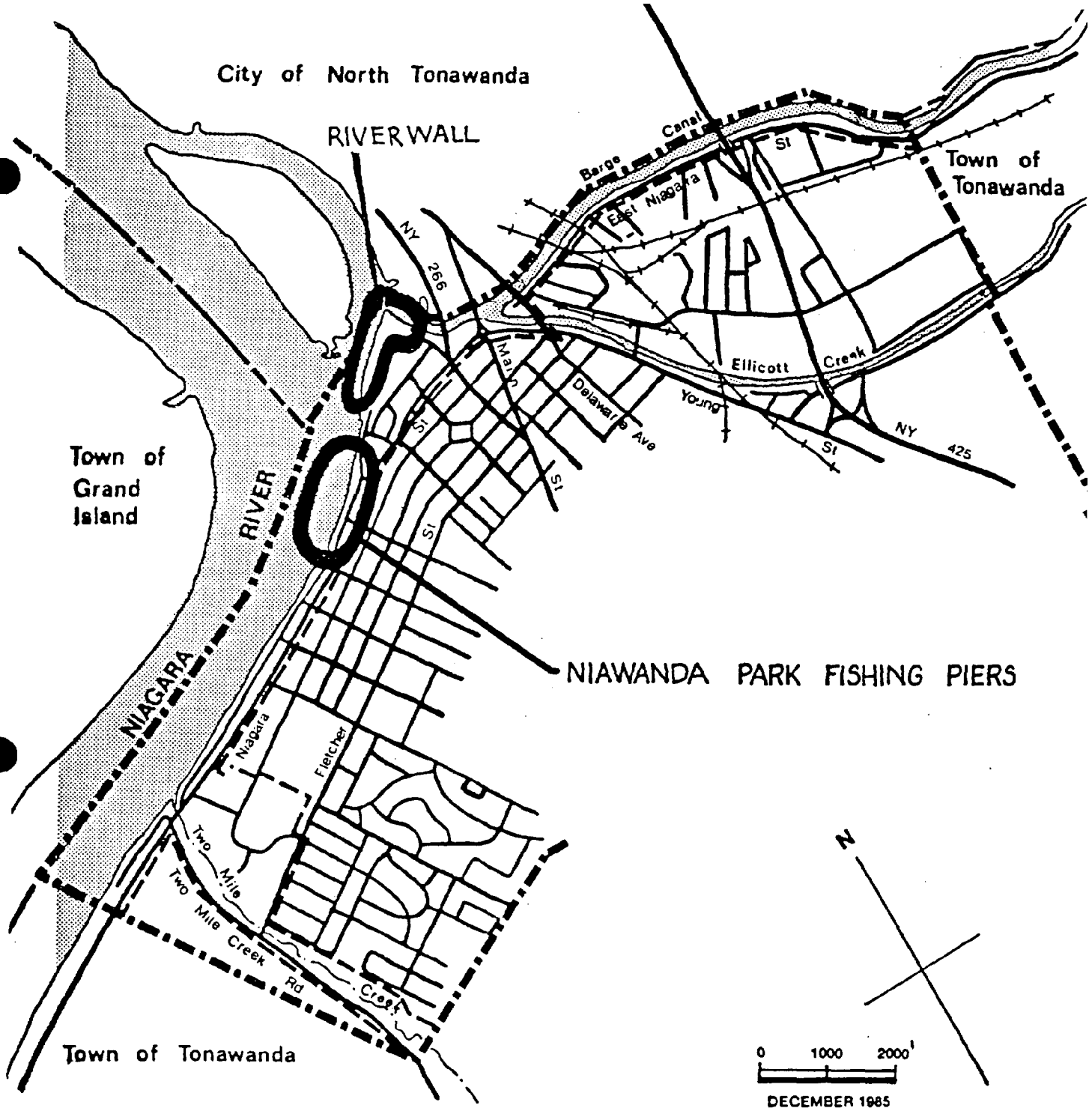
Item	Quantity	Cost
Wooden-Deck Fishing Pier, including columns and guardrails	500 L.F.	$42,500
Paths from Piers to Riverwalk	700 L.F.	1,000
Compacted Stone Backfill,	1300 L.F.	6,000
Grading and Seeding	13,000 S.F.	2,600
	Subtotal	$52,100
Fees		6,100
Contingencies (10%)		5,800
	Total	$64,000

Proposed project commencement: Spring 1988
Estimated completion date: Three months after award of contract.

PROPOSED PROJECT 2: RIVER EDGE RIVERWALL

Adjacent to the Niagara River and Barge Canal shoreline along an area corresponding to the River Edge development (see Map 8), a riverwall exists. It is in various stages of disrepair and consists mainly of sheet piling and concrete cribbing. The wall extends approximately 2621 linear feet along the water's edge. Due to the large scale public and private investment for the Riverwalk and River Edge development a commitment for long term improvements to the wall is important.

Structural engineering analyses have been conducted by the City of Tonawanda for the wall and concluded that the residential development is not threatened from wall failure, however the



LOCAL WATERFRONT REVITALIZATION PROGRAM ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING STUART ALEXANDER AND ASSOCIATES, PLANNERS/ LANDSCAPE ARCHITECTS	MAP 8 **PROJECT LOCATION** CITY OF TONAWANDA

original Riverwalk design needed alteration to ensure public safety as well as the protection of the public investment. As a result Erie County will make minor improvements to the wall as part of the Riverwalk contract and will relocate the trail away from the water's edge an additional 8-10' to ensure that the improvement is safe for a 5-8 year period. Stuart Alexander and Associates have placed an estimated cost of $1.25 million to replace the facility and have suggested the sale of 20 year bonds or some form of tax increment financing to fund the project.

SECTION V

TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM

CITY OF TONAWANDA
TECHNIQUES FOR LOCAL IMPLEMENTATION
OF THE PROGRAM

As noted throughout this program, the City of Tonawanda has an excellent chance to capitalize on the recreational and economic development opportunities present along their shoreline. The City is fortunate to have approximately 70% of their waterfront in public ownership. It has also had the foresight to preserve a 50 ft. right of way along the shore for recreational development within the pending residential complex at the Niagara River and Barge Canal confluence. The proximity of these water bodies to the central business district and dense urban neighborhoods can hasten the integration of waterfront amenities into the City's urban fabric. It is essential, therefore, that a clearly defined blueprint for carrying out the LWRP be identified and followed by the City. An implementation blueprint is provided on page V-13 of this program. It identifies the regulatory, planning, management, and capital actions necessary to successfully undertake the LWRP. The lead agencies and timetable for completion are also shown.

The following pages briefly describe existing implementation mechanisms, and list additional mechanisms appropriate for realization of local waterfront policy objectives. The latter are included within the blueprint.

A. LOCAL LAWS AND REGULATIONS NECESSARY TO IMPLEMENT THE LWRP

1. Existing Local Laws and Regulation

a. City of Tonawanda Zoning Ordinance: This local law divides the City into eight zoning districts which regulate uses, densities, bulk, yard, and parking requirements.

The zoning law is particularly relevant to that portion of the City's central business district lying within the waterfront revitalization area. The law ensures that future land uses and supplementary items (i.e. signs, parking) are consistent with adopted waterfront policy objectives.

b. Sewers Ordinance: This local law regulates wastewater disposal procedures in the City. Developments are required to connect to public sewers (Article II and Section 51-5, 51-10). Prior approval for industrial discharges is required (Sections 51-27,28). The discharge of storm water into sanitary sewers is prohibited (Sections 51-21, 25). Untreated discharges into natural outlets are prohibited (Setion 51-3).

c. Excavation: Removal and Storage of Materials Ordinance: This local law establishes standards for soil erosion mitigation procedures and for site grading to ensure proper drainage (Section 23-5).

d. Park Rules and Regulations: This local law establishes restrictions on littering, fires, animals, etc. within municipal parks. Given the large amount of waterfront devoted to parkland, this law directly affects waterfront use and promotes public enjoyment of a valuable recreation and scenic resource.

e. Flood Damage Preservation Ordinance: This law is intended to minimize and prevent public and private damage due to flood conditions in specific areas. Standards are established and a proceedure for securing a development permit in flood prone areas is described.

2. Additional Local Laws and Regulations (see Attachment (B)

a. Local Waterfront Advisory Committee Law: This law establishes a 5-7 member Local Waterfront Advisory Committee designated as the lead local agency responsible for reviewing all actions within the waterfront area for ensuring compliance with the Local Waterfront Revitalization Program.

b. Environmental Quality Review: The law designates the Local Waterfront Advisory Committere as the agency responsible for determining consistency of all proposed actions within the waterfront area. Applicants are required to submit a waterfront assessment form along with other standard documentation.

c. Zoning Ordinance - Revisions: Two minor amendments to the City Zoning Ordinance require 1) pump out facilities at all marinas within the City waterfront and 2) the prohibition of solid waste storage within the local waterfront area.

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

1. Local Government Actions Necessary to Implement the LWRP

a. Public Property Retention: Public parkland within the waterfront area will be retained by the City for public recreation purposes.

b. Municipal Budgeting: The City will continue to reserve funds for the construction and ongoing maintenance of public facilities within the waterfront revitalization area, including recreation facilities at Niawanda, Barge Canal, and Veteran's Parks(facilities include boat launch ramps, athletic fields, restrooms, etc.).

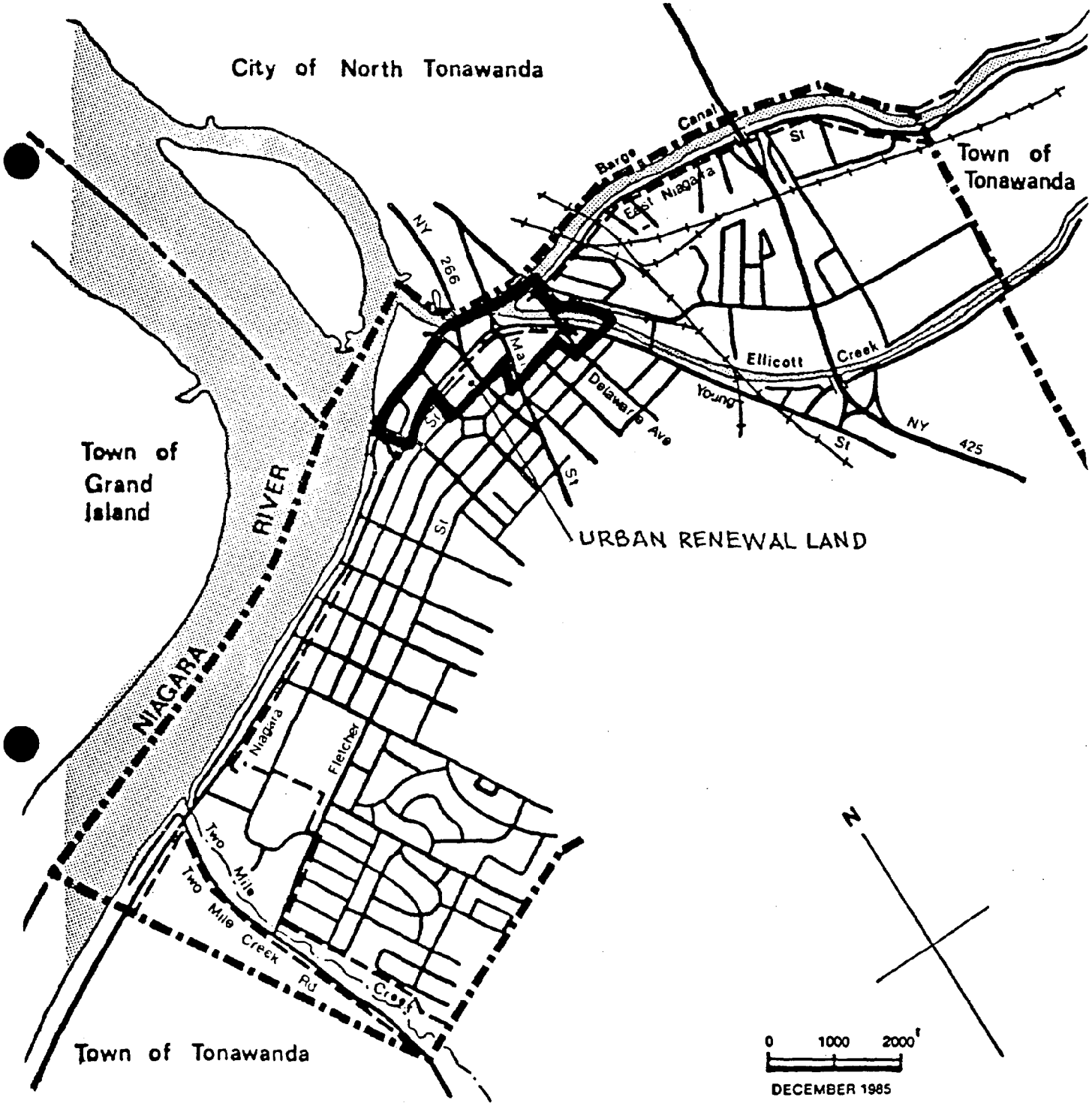
c. Common Council: The Council has the authority to enact ordinances for the preservation of good order, peace and health, and for the safety and welfare of its inhabitants. This would include ordinances affecting the waterfront. The Council will also approve zoning amendments as pertains to the City Zoning Ordinance. It also adopts the annual City Budget which can affect implementation of the LWRP.

d. Technical Staff: The staff and resources of the Parks, Building and Engineering Departments will provide necessary technical support to the Waterfront Committee as requested. Such support will include site plan reviews, environmental reviews, permit processing, and project initiation.

e. Non-Local Funding: The City will continue to identify State and fedeal programs and other funding sources which may become available to implement waterfront development projects and plans. City personnel will assist in the preparation of specific grant applications to secure such funding.

f. Community Development Agency: The City will maintain an operating Community Development Agency to promote redevelopment of the area shown on Map 9. The Agency has all those powers specified in Article 15 and 15A of the NYS General Municipal Law.

g. Inter-Municipal Cooperation: The City will continue to maintain close coordination with the City of North Tonawanda through an intermunicipal committee on issues of mutual concern. Specifically, the two Cities will coordinate efforts to plan and implement improvements along the Barge Canal, including the construction of temporary mooring facilities and annual Canal Fest.



LOCAL WATERFRONT REVITALIZATION PROGRAM ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING STUART ALEXANDER AND ASSOCIATES, PLANNERS/ LANDSCAPE ARCHITECTS	MAP 9 **URBAN RENEWAL LAND** CITY OF TONAWANDA

2. Private Actions Necessary to Implement the LWRP

A major policy objective of the City's waterfront program is revitalization of the central business district. The City is anxious to secure private development in the area, and has entered into a contract with Niawanda Edge Development for the construction of approximately 138 townhouse units on the 26 acre site. Such successful implementation of this project will result in direct privately-generated economic benefits to the downtown business district, and will stimulate additional privately-financed commercial development efforts.

C. MANAGEMENT STRUCTURE NECESSARY TO IMPLEMENT THE LWRP

1. Overall Program Coordination

Successful implementation of the Local Waterfront Program will require participation of the City Council, Waterfront Committee, Community Development Agency, Planning Board, and technical support staff in the Parks, Building, and Engineering Departments. Overall coordination responsibilities will rest with the Waterfront Committee, with the Mayor acting as lead local official.

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

2. Management Responsibilities

a. Waterfront Committee: The Committee will be responsible for overall program coordination and inter-agency cooperation. The Committee will review

all proposed public and private actions to ensure adherance to adopted waterfront policies. It will determine the necessity for various technical studies, and will initiate efforts to identify and implement various public and private projects that further enhance waterfront revitalization. The Committee will maintain ongoing communication with the City Council, Community Development Agency, and Planning Board. It will also maintain communication with the City of North Tonawanda officials. For all proposed development within the waterfront area, the Committee will forward its comments and recommendations to the City Council or, in matters pertaining to community renewal activities, to the Community Development Agency. The Committee will consist of seven-fifteen members, including the Mayor and a member of the Common Council (or their appointees).

b. Community Development Agency: The Agency will be responsible for acquisition, demolition, and disposition activities within the downtown community renewal area. The Agency will solicit private developer proposals for the area, and will have site plan review and approval authority over all proposed actions. The Agency when acting as lead agency for SEQR determinations, will solicit determinations from the Waterfront Committee regarding an actions consistency with the City LWRP.

c. Planning Board: Since the Planning Board only has review authority over subdivisions within the City, their involvement in LWRP implementation will be minimal.

d. City Council: The Council will exercise final approval authority over all development proposals, based in part upon recommendations of the Waterfront Committee. Such Council decisions will be consistent with the Local Waterfront Revitalization Program. The Council will also enact and amend local laws affecting the implementation of waterfront policy objectives, including adoption of the municipal budget.

e. Technical Staff: The staff and resources of the Parks, Building, and Engineering Departments will provide necessary technical support to the Waterfront Committee as requested. Such support will include site plan reviews, environmental reviews, permit processing, and project initiation.

3. Procedures For Local Consistency Reviews And Determination

All locally-initiated public and private actions within the waterfront area will be subject to scrutiny by the committee pursuant to the local Environmental Quality Review Law. Reference should be made to the Environmental Quality Review Law for the procedures to be used to ensure local compliance. They are contained in Appendix B.

4. Local Procedures For Review of Proposed Actions Involving State & Federal Consistency Determinations.

For all proposed State and Federal actions to be undertaken within the waterfront revitalization area, the Waterfront Committee will review all such proposals. Such reviews will be undertaken in

accordance with the procedures established by the New York State Department of State for coordinating State and Federal consistency determinations. (See Appendix C for a detailed description of such procedures).

D. FINANCIAL RESOURCES NECESSARY TO IMPLEMENT THE LWRP

Costs of Local Waterfront Revitalization Program implementation will include capital outlays for specific projects, ongoing maintenance costs, and administrative costs. Of these, initial cpaital outlays for proposed projects are expected to form the largest share.

Proposed reconstruction of the River Edge riverwall is estimated to cost $1.25 - $1.5 million. Funding for this project is anticipated to come from a joint State-Municipal-Federal venture; the municipal share would be provided from a 20-year bond to be repayed from tax revenue resulting from site development. State and/or Federal assistance would be sought for the remaining costs.

Proposed improvements to Niawanda Park (including the construction of fishing piers and installation of shoreline rip-rap) is estimated to cost $64,000.

The City will pursue funding assistance for these projects through relevant State-sponsored programs which are listed under "Federal and State Programs and Actions Likely to Affect Implementation." (In the case of the Barge Canal dock, the project is being undertaken jointly with the City of North Tonawanda).

Ongoing maintenance costs at Niawanda, Barge Canal, and Veteran's Parks currently total $150,000 annually. Funding is primarily obtained through the City's general fund.

Neighborhood and commercial revitalization efforts are expected to continue in the Gastown neighborhood (adjacent to Barge Canal Park), in the vicinity of Veteran's Park, and the central business district utilizing Community Development Block Grant funds. Current annual funding is $78,000. Funds will be used for housing rehabilitation, infrastructure repair, commercial revitalization, and recreation improvements. Previous expenditures of Block Grant funds resulted in improvements to Veteran's Park and Barge Canal Park, restoation of the historic Long House, and construction of a segment of the Two Mile Creek bike path (all located within the waterfront revitalization area).

Other funding sources that may become available to the City will be actively pursued to assist in various aspects of program implementation (i.e. capital construction, planning/design, acquisition, economic development, administration). Depending upon the purpose of the expenditure, such funding sources might include special district assessments, private foundation endowments, user fees, and relevant State and federal assistance programs.

Private investment is actively being pursued for urban renewal property in the downtown waterfront area. In conjunction with publicly-funded riverwall reconstruction($1.25 - $1.5 million) and site and infrastructure improvements ($2.2 million), the River Edge development is expected to generate substantial benefits for downtown merchants.

IMPLEMENTATION BLUEPRINT

ACTION	IMPLEMENTOR	TIME FRAME
1. Regulatory Changes		
o Environmental Quality Review Law-Revisions	C. Tonawanda	1986
o Zoning Amendment-Marina Pump Out Facilities	C. Tonawanda	1986
o Zoning Amendment-Storage Solid Waste Provision	C. Tonawanda	1986
o Wetland Protection-Two Mile Creek	NYSDEC	1986
2. Management Structure		
o Local Waterfront Advisory Committee - Local Law	C. Tonawanda	1986
3. Planning Actions		
o Two Mile Creek Corridor Recreational Design Plan	Erie County	1988
4. Capital Actions		
o River Edge Residential Development	Private	1985-86
o River Edge-Riverwall Repair	C. Tonawanda	1990
o Transient Boat Docking Facilities	C. Tonawanda	1985
o Two Mile Creek Recreational Corridor Development	Erie County	1989-90
o Riverwalk-Niawanda Park; Barge Canal Sections	Erie County	1986
o Niawanda Park-Fishing Pier	C. Tonawanda	1988

o State Barge Canal Trail	New York State	1990
o Swing Bridge-Tourist Center	New York State	1990

Section VI

FEDERAL AND STATE PROGRAMS LIKELY TO AFFECT IMPLEMENTATION

FEDERAL AND STATE PROGRAMS LIKELY TO AFFECT IMPELEMENTATION

State and federal actions will affect and be affected by implementation of the LWRP. Under State law and the Federal 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 makes the LWRP a unique intergovernmental mechanism for setting policy and making decisions. While consistency requirements primarily help prevent detrimental actions from occurring and help ensure that future options are not foreclosed needlessly, active participation on the part 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 an- programs, as identified by the NYS Department of State; therefore, some ofthe 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 LWRP's. Similarly, federal agency actions and programs subject to consistency requirementsare 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 listing of specific key actions and projects necessary to implement the LWRP. The third part of this section is a general list of state and federal agency actions which are necessary to further the 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 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 Sections IV and V, which also discuss state and federal assistance needed to implement the LWRP.

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

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

DEPARTMENT OF COMMERCE

National Marine Fisheries Services

1.00 Fisheries Management Plan

DEPARTMENT OF DEFENSE

Army Corps of Engineers

1.00 Proposed authorization 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, transportation or other facilities).

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

6.00 Establishment of impact, compatability or restricted use zones.

DEPARTMENT OF ENERGY

1.00 Prohibition orders.

GENERAL SERVICES ADMINISTRATION

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

2.00 Disposition of Federal surplus lands and structures.

DEPARTMENT OF INTERIOR

Fish and Wildlife Service

1.00 Management of National Wildlife refuges and proposed acquisitions.

National Park Service

3.00 National Park and Seashore management and proposed acquisitions.

DEPARTMENT OF TRANSPORTATION

Amtrak, Conrail

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

Coast Guard

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

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

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

Federal Aviation Administration

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

Federal Highway Administration

6.00 Highway construction.

FEDERAL LICENSES AND PERMITS

DEPARTMENT OF DEFENSE

Army Corps of Engineers

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

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

3.00 Occupation of seawall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the U.S. pursuant to Section 14 of the Rivers and Harbors Act of 1902 (33 U.S.C. 565).

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).

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 continguous 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 Grant/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 Parks 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
15.952 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 Preferance 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
50.031	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. STATE ACTIONS AND PROGRAMS WHICH SHOULD BE CARRIED OUT IN A MANNER CONSISTENT WITH THE LWRP.

The following is a generic list of State agency programs and actvities, as identified by the NYS Department of State, which should be undertaken in a manner consistent with approved LWRP's. It should be noted that some of these programs and activities may be relevant to the City of Tonawanda waterfront revitalization area.

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

DEPARTMENT OF COMMERCE

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

2.00 Allocation of the state tax-free bonding reserve.

DEPARTMENT OF CORRECTIONAL SERVICES

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

DORMITARY AUTHORITY OF THE STATE OF NEW YORK

1.00 Financing of higher education and health care facilities.

2.00 Plannning 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

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:

<u>Air Resources</u>

9.01 Certificate of Approval for Air Pollution Episode Action Plan

9.02 Certificate of Compliance for Tax Relief - Air Pollution Control Facility.

9.03 Certificate to Operate: Stationary Combustion Installation; Incinerator; Process, Exhaust or Ventilation System

9.04 Permit for Burial of Radioactive Material

9.05 Permit for Discharge of Radioactive Material to Sanitary Sewer

9.06 Permit for Restricted Burning

9.07 Permit to Construct: a Stationary Combustion Installation; Incinerator; Indirect Source of Air Contamination; Process, Exhaust or Ventilation System

Construction Management

9.08 Approval of Plans and Specifications for Wastewater Treatment Facilities.

Fish and Wildlife

9.09 Certificate to Possess and Sell Hatchery Trout in New York State

9.10 Commercial Inland Fisheries Licenses

9.11 Fishing Preserve License

9.12 Fur Breeder's License

9.13 Game Dealer's License

9.14 Licenses to Breed Domestic Game Animals

9.15 License to Possess and Sell Live Game

9.16 Permit to Import, Transport and/or Export under Section 184.1 (11-0511)

9.17 Permit to Raise and Sell Trout

9.18 Private Bass Hatchery Permit

9.19 Shooting Preserve Licenses

9.20 Taxidermy License

Lands and Forest

9.21 Certificate of Environmental Safety (Liquid Natural Gas and Liquid Petroleum Gas)
9.22 Floating Object Permit
9.23 Marine Regatta Permit
9.24 Mining Permit
9.25 Navigation Aid Permit
9.26 Permit to Plug and Abandon (a non-commercial oil, gas or solution mining well)
9.27 Permit to use chemicals for the control or elimination of aquatic insects.
9.28 Permit to use chemicals for the control or elimination of aquatic vegetation
9.29 Permit to use chemicals for the control or extermination of undesirable fish
9.30 Underground storage permit (gas)
9.31 Well drilling permit (oil, gas, and solution salt mining)

Marine Resources

9.32 Digger's Permit (shellfish)
9.33 License of Menhaden Fishing Vessel
9.34 License for Non-Resident food fishing vessel
9.35 Non-resident lobster permit
9.36 Marine Hatchery and/or off-bottom culture shellfish permits
9.37 Permits to take blue-claw crabs
9.38 Permits to use pond or trap net
9.39 Resident commercial lobster permit
9.40 Shellfish bed permit
9.41 Shellfish shipper's permit
9.42 Special permit to take surf clams from waters other than the Atlantic Ocean

Regulatory Affairs

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

Solid Wastes

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

Water Resources

9.58 Approval of plans for wastewater disposal systems
9.59 Certificate of Approval of Realty Subdivision Plans
9.60 Certificate of Compliance (Industrial Wastewater Treatment Facility)
9.61 Letters of Certification for major onshore petroleum facility oil spill prevention and control plan

9.62 Permit - Article 36, (Construction in Flood Hazard Areas)

9.63 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas

9.64 Permit Granted (for use of state maintained flood control land)

9.65 State pollutant discharge elimination system (SPDES) permit

9.66 401 Water Quality Certification

10.00 Preparation and revision of Air Pollution State Implementation Plan.

11.00 Preparation and revision of Continuous Executive Program Plan

12.00 Preparation and revision of Statewide Environmental Plan.

13.00 Protection of natural and man-made beauty program.

14.00 Urban Fisheries Program

15.00 Urban Forestry Program

16.00 Urban Wildlife Program

ENVIRONMENTAL FACILITIES CORPORATION

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

FACILITIES DEVELOPMENT CORPORATION

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

OFFICE OF GENERAL SERVICES

1.00 Administration of the Public Lands Law for acquisition and disposition of lands, grants of land and grants of easement of land under water, issuance of licenses for removal of materials from lands under water, and oil and gas leases for exploration and development.

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 and 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 Initiative 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 DEVELOPEMNT AUTHORITY

1.00 Financing asssitance programs for commercial and industrial facilities.

MEDICAL CARE FACILITIES FINANCING AGENCY

1.00 Financing of medical care facilities

OFFICE OF MENTAL HEALTH

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

2.00 Permit and approval programs:

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

OFFICE OF MENTAL RETARDATION AND DEVELOPMENT DISABILITIES

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

2.00 Permit and approval programs

NIAGARA FRONTIER TRANSPORTATION AUTHORITY (regional agency)

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

2.00 Facilities construction, rehabilitation, expansion, or demolition.

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

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

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

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

3.00 Funding program for recreational boating, safety and enforcement.

4.00 Funding programs for State and local historic preservation projects.

5.00 Land and Water Conservation Fund programs.

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

7.00 Permit and approval programs:

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

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

9.00 Recreation services programs

10.00 Urban Cultural Parks Program

NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION

1.00 Corporation for Innovation Development Program

2.00 Center for Advanced Technology Program

DEPARTMENT OF SOCIAL SERVICES

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

2.00 Homeless Housing and Assistance Program.

3.00 Permit and approval programs:

3.01 Certificate of Incorporation (Adult Residential Care Facilities)

3.02 Operating Certificate (Children's Services)
3.03 Operating Certificate (Enriched Housing Program)
3.04 Operating Certificate (Home for Adults)
3.05 Operating Certificate (Proprietary Home)
3.06 Operating Certificate (Public Home)
3.07 Operating Certificate (Special Care Home)
3.08 Permit to operate a Day Care Center

DEPARTMENT OF STATE

2.00 Coastal Management Program

3.00 Community Services Block Grant Program

4.00 Permits 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)

NEW YORK STATE THRUWAY AUTHORITY

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 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 Acquisition, 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 application 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 application 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.

SECTION VII

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

CITY OF TONAWANDA

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

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

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

In addition, the completed draft LWRP (with DEIS) was reviewed and approved by the City Council and forwarded to the Secretary of State for review. At the same time, the local program was made available for review and comment by all affected government agencies and other interested parties. Since the NYS Department of State coordinated federal and State reviews, only those affected regional and local government agencies and other local organizations were consulted directly by the City.

Review comments on the draft LWRP and DEIS received at public hearings and/or in writing were analyzed by the New York State Department of State, Erie County, and the City. The comments received and resulting changes made in the draft LWRP document are detailed in the Final EIS for the LWRP, which is kept on file for public inspection at City Hall and the Erie County Office Building.

SECTION VIII

LOCAL COMMITMENT

CITY OF TONAWANDA

LOCAL COMMITMENT

I. DESCRIPTION OF LOCAL COMMITMENT ACTIVITIES

A. METHOD

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

Two types of advisory committees comprise this two tier approach in the City of Tonawanda: (1) an intermunicipal Erie County Waterfront Task Force and (2) a City of Tonawanda LWRP municipal advisory committee.

1. Erie County Waterfront Task Force:

The Task Force was formed to assist in coordinating LWRP efforts among all waterfront Erie County municipalities. The Task Force has monitored waterfront program development in these waterfront municipalities. It has provided a forum to discuss waterfront projects and activities in Erie County with government officials from waterfront municipalities and with representatives from government agencies with programs impacting the waterfront.

2. City of Tonawanda LWRP Advisory Committee:

The City of Tonawanda has established a City Waterfront Committee to monitor and discuss waterfront issues impacting the City. The Waterfront Committee serves as the City of Tonawanda's LWRP Advisory Committee. The Committee has been of great assistance in focusing on the City's waterfront needs, opportunities and problems.

The six members who served on the City of Tonawanda's Waterfront Committee were officially chosen by the Mayor for membership. The members came from varied professions representing different geographical areas of the City waterfront.

The City of Tonawanda's Advisory Committee provided a forum for the continuous review of program development tasks and also provided information as the waterfront program development progressed. Program tasks were presented to the Committee for review and comment on a regular basis.

II. LOCAL ADOPTION OF LWRP/EIS AND ARTICLE 42 REVIEW PROCESS

Upon approval of the City Council, the draft document, including the draft EIS, was submitted to the NYS Department of State for distribution to federal and State agencies for a 60-day review period, required by Executive Law, Article 42. At the same time, the draft documents were filed and distributed as required by the SEQRA. As a result, there were a number of comments received from which further revisions and refinements needed in the LWRP were identified. These revisions and refinements were described in the final EIS and incorporated into the final LWRP document. The final program document, then, was adopted by the City Council and submitted to the NYS Secretary of State for approval.

APPENDIX A

STREAM CLASSIFICATIONS

APPENDIX A

STREAM CLASSIFICATION DESCRIPTIONS

In summary, stream classifications as prepared by the New York State Department of Environmental Conservation reflect the following objectives for water use:

Class A and Class A Special (International Boundary Waters)

- Source of water supply for drinking, culinary or food processing purposes, primary contact recreation, and other usage.

Class B

- Bathing and any other usage except as a source of water supply for drinking, culinary, or food processing purposes.

Class C

- Fishing and any other usage except for bathing or source of water supply for drinking, culinary, or food processing purposes.

Class D

- Agricultural or source of industrial cooling or process water supply and any other use except for fishing, bathing, or as a source of water supply for drinking, culinary or food processing purposes.

APPENDIX B

ADDITIONAL LOCAL LAWS ADOPTED TO IMPLEMENT THE LWRP

1. City of Tonawanda Environmental Quality Review Law

2. Waterfront Revitalization Advisory Committee

3. Zoning Law Revisions

Chapter 6B

ENVIRONMENTAL QUALITY REVIEW

Local Law
No. 6B
1985

A LOCAL LAW PROVIDING FOR ENVIRONMENTAL REVIEW OF ACTIONS IN THE CITY OF TONAWANDA

§ 6B-1. Purpose.

§ 6B-2. Definitions

§ 6B-3. Compliance required.

§ 6B-4. Preliminary determination of environmental significance.

§ 6B-5. Procedure and time limit for processing EIS.

§ 6B-6. Determination and designation of lead agency.

§ 6B-7. Clearinghouse for lead agency designation.

§ 6B-8. Actions involving a federal agency.

§ 6B-9. Consistency with LWRP.

§ 6B-10.Fees for review or preparation of EIS.

§ 6B-11.Designation of Type I actions.

§ 6B-12.Designation of Type II actions.

§ 6B-13.When effective.

Be it enacted by the Common Council of the City of Tonawanda as follows:

§ 6B-1. Purpose.

The purpose of this local law is to implement for the City of Tonawanda the State Environmental Quality Review Act, hereinafter known as "SEQR," and Part 617 of the New York State Code of Rules and

Regulations, hereinafter referred to as "Part 617."

§ 6B-2. Definitions.

A. The terms and words used in this local law shall have the same meanings as such terms and words as defined in Article 8 of the Environmental Conservation Law and Part 617, unless the context requires a different meaning.

B. The following terms shall have the following meanings:

LWA - Local Waterfront Area.

LWRP - Local Waterfront Revitalization Program

PART 617 - Th^ Rules and Regulations set forth in 6 NYCRR 617.

SEQR - The State Environmental Quality Review Act as set forth in Article 8 of the Environmental Conservation Law.

City - The City of Tonawanda.

WAF - Waterfront Assesment Form.

§ 6B-3. Compliance required.

No action other than an exempt, excluded or Type II action shall be carried out, approved or funded by any agency, board, body or officer of the City of Tonawanda unless it has complied with SEQR and Part 617 to the extent applicable and with this local law.

§ 6B-4. Preliminary determination of environmental significance.

A. An EAF shall be prepared by or on behalf of any agency, board, body or officer of the City of Tonawanda in connection with any Type I action that such agency, board, body or officer contemplates or proposes to carry out directly. For an unlisted action, an EAF in a short or long form may be prepared to facilitate a preliminary determination of environmental significance. For any action within the LWA a WAF must be prepared.

B. An application for a permit or funding of a Type I action shall be accompanied by an EAF and for an unlisted action may be accompanied by a short or long form EAF as may be needed to assist the lead agency in making a preliminary determination of environmental significance. In addition to the EAF, an application for a permit or funding of a Type I or unlisted action in the LWA must be accompanied by a WAF. An applicant may prepare a draft EIS to accompany the application in place of the EAF, however a WAF is still required. In lieu of an EAF, the City Council or a lead agency having authority to adopt its own regulations may adopt a different procedure for reviewing environmental

significance of unlisted actions, however provisions must be made within these procedures for a consistency determination of all actions within the LWA with the LWRP. For actions outside the LWA the lead agency shall make a preliminary determination of environmental significance of the action on the basis of the EAF, draft EIS or with respect to unlisted actions in accordance with its own procedures, as the case may be, and such information it requires. Such determination shall be made within fifteen (15) days of its designation as lead agency or within fifteen (15) days of its receipt of all information it requires, whichever is later. For Type I actions, a determination of nonsignificance shall be noticed and filed as provided in Section 617.10(b). For unlisted actions, a determination of nonsignificance shall be sent to the applicant and maintained in accordance with Sections 617.7(e) and 617.10(f). After a determination of non-significance, the action, including one involving a permit or funding, shall be processed without further regard to SEQR, Part 617 or this local law.

C. For actions within the LWA, the lead agency shall refer the full EAF, WAF, and/or the draft EIS to the Waterfront Advisory Committee for review and recommendation regarding the consistency of such action with policies and purposes of the LWRP. The lead agency after advice from the Waterfront Advisory Committee, shall render a written determination of such application within 15 days of its designation as lead agency or within 15 days of its receipt of all information it requires, whichever is later. For Type 1 actions, a determination of nonsignificance and consistency with the City's LWRP shall be noticed and filed as provided in Section 617.10(b). For unlisted actions, a determination of nonsignificance and consistency with the City's LWRP shall be sent to the applicant and maintained in accordance with Section 617.7(e) of Part 617 and Section 6B-9 of this local law. After a determination of nonsignificance and consistency with the City's LWRP the action, including one involving a permit or funding shall be processed without further regard to SEQR, Part 617 or this local law.

D. The time of filing an application for approval or funding of an action shall commence to run from the date the preliminary determination of environmental non significance and/or consistency with the City's LWRP, is rendered or, if in lieu of an EAF the applicant presents a draft EIS, from the date the applicant files a draft EIS acceptable to the lead agency.

§ 6B-5. Procedure and time limit for processing EIS.

If the lead agency determines that an EIS is required, it shall proceed as provided in Sections 617.8, 617.9 and 617.10. Commencing with the acceptance of the draft EIS, the time limitation for processing the EIS shall run concurrently with the time limitation applicable to processing the application for approval or funding of the action, and a public hearing on the draft EIS, if any, shall be

held concurrently with any hearing to be held on such application. The draft EIS shall be prepared by the applicant. Failure by the applicant to prepare an EIS acceptable to the lead agency shall, at the option of the lead agency, be deemed an abandonment and discontinuency of the application. When the EIS is prepared for a proposed action located within the LWA, it must also contain an idenification of the applicable policies and purposes of the City of Tonawanda LWRP and a discussion of the effects of the proposed action on such policies and purposes. A copy of the DEIS shall be submitted to the Waterfront Advisory Committee for any action located in the LWA. This shall be for their review for consistency with the LWRP. Such a determination must be submitted to the lead agency within the designated review time periods of this local law.

§ 6B-6. Determination and designation of lead agency.

The lead agency shall be determined and designated as provided in Sections 617.6 and 617.7, except that in the following Type I and unlisted actions, the lead agency shall be as provided herein:

A. Adoption, amendment or change in zoning regulations not requiring a federal or state agency permit or approval; the City Council.

B. Construction or expansion of city buildings, structures and facilities within the City not requiring a federal or state agency permit or approval: City Council or Community Renewal Agency depending on location.

C. Variances from the Zoning Law of the City of Tonawanda not requiring a federal or state agency permit or approval: the Zoning Board of Appeals.

D. Purchase, sale and lease of real property by the city not requiring a federal or state agency permit or approval: the City Council.

E. Planned unit development (subdivision) or cluster zoning not requiring a federal or state agency permit or approval: the City or Community Renewal Agency depending on location.

F. Site plan review and special use permit not requiring a federal or state agency permit for approval: City Council

§ 6B-7. Clearinghouse for lead agency designation.

The City Building Inspector shall act as the city clearinghouse for lead agency designation. Such clearinghouse shall assist agencies and applicants to identify other agencies, including federal and state, that may be involved in approving, funding or carrying out Type I and unlisted actions. The clearinghouse shall also make recommendations on the designation of a lead agency.

§ 6B-8. Actions involving a federal agency.

Environmental review of actions involving a federal agency shall

be processed in accordance with Section 617.16.

§ 6B-9. Consistency with LWRP

A. Action to be undertaken within the LWA by boards, departments, offices, other bodies or officers of the City shall be consistent to the maximum extent practicable with the policies and purposes of the LWRP. For the purposes of complying with this requirement such boards, departments, offices, other bodies or officers shall meet the requirements of paragraphs (1) or (2) of this section, whichever applies:

(1) Where a determination is made pursuant to paragraphs B and C of section 6B-4 of this local law that an action may have a significant effect on the environment, the consistency of such action shall be determined as part of th EIS procedures sited in Section 6B-5.

(2) Where a determination is made pursuant to Paragraph B of Section 6B-4 of this local law that an action will not have a significant effect on the environment, the consistency of such action shall be determined prior to the determination of non-significance.

B. When it is determined pursuant to Paragrpah A (1) or A (2) of this section of this local law that the action would cause a substantial hindrance to the achievement of any policy or purpose of the LWRP, such action shall not be undertaken unless the board, department, office, other body or officer can document findings that:

(1) no reasonable alternatives exist which would permit the action to be undertaken without substantial hindrance to such policy or purpose:

(2) the action would be undertaken in a manner which will minimize all adverse effects on such policy or purpose to the maximum extent practicable; and

(3) the action will result in an overwhelming communitywide, regional or statewide public benefit.

C. Each board, department, office, other body or officer of the City shall maintain a file for each action made the subject of a consistency determination, including any recommendations received from the Waterfront Advisory Committee and any finding pursuant to paragraph B of this section of this local law. Such files shall be made available for public inspection upon request.

§ 6B-10. Designation of Type 1 actions.

For the purposes of this local law, Type I actions shall be those set forth in Section 617.12.

§ 6B-11. Designation of Type II actions.

For the purposes of this local law, Type II actions shall be those set forth in Section 617.13.

§ 6B-12. When effective.

This local law shall take effect immediately upon filing in the Office of the Secretary of State in accordance with § 27 of the Municipal Home Rule Law.

12/1/85

WATERFRONT ASSESSMENT FORM

(a) Applicants shall complete this assessment form for actions which are subject to the Town of Evans Environmental Quality Review Law and are located in the local waterfront area. This assessment is intended to supplement other information used by the Town of Evans in making determinations of significance pursuant to the Local Environmental Quality Review Law. If it is determined that an action will not have a significant effect on the environment, this assessment is intended to assist the Town in arriving at their decision as to consistency as required by Section 6B-9 of Local Law No.__ (Environmental Quality Review)

(b) If any question in subsection (a) on this form is answered "yes," then the proposed action may effect the achievement of the coastal policies contained in the Town of Evans and Local Waterfront Revitalization Program. Thus, the action should be analyzed in more detail and, if necessary, modified prior to either (1) making a certification of consistency pursuant to Section 6B-9 of local law ____. (2) if the action is one for which an environmental impact statement is being prepared, making the findings required within local Law _____. If an action cannot be certified as consistent with the coastal policies, it shall not be undertaken.

(c) Before answering the questions in subsection (a), the preparer should review the coastal policies as explained in the Town of Evans Local Waterfront Revitalization Program. Actions should be evaluated as to their beneficial and adverse effects upon the coastal area.

(d) Description of Action

1. Type of Action

_____ (a) Directly undertaken, pursuant to: _____

_____ (b) Funding, pursuant to:_____

_____ (c) Permit(s), pursuant to:_____

_____ (d) Planning activity(ies), pursuant to:_____

_____ (e) Rule, regulation, procedure, policy-making, pursuant to:_____

_____ (f) Construction, alteration of structure(s) _____

2. Location of Action; fill in blank(s) as applicable

_____

Address

3. Anticipated Start Date of Action: _____

Month/day/year

4. Will the action require, funding, and/or approval by a federal agency(ies)? If yes, which federal agency(ies)_____

_____

(e) Coastal Assessment

	Yes	No
1. Will the action result in a large physical change to coastal site or physically alter more than two acres of land, land under water, or coastal waters, if located adjacent to the shore, or five acres if elsewhere within the coastal area?	___	___
2. Will the action be located in or significantly affect the viability of a significant fish or wild-life habitat?	___	___
3. Will the action have a significant effect on the commercial or recreational use of fish and wild-life resources?	___	___

4. Will the action be located in or have a significant effect upon an area identified on the coastal area map as a scenic resource of statewide significance? ___ ___

5. Will the action have any significant visual effect upon a natural or manmade resource which contributes to the scenic quality of the coastal area? ___ ___

6. Will the action significantly affect existing uses or the development of future water dependent uses? ___ ___

7. Will the action require new or expanded public services or infrastructure into undeveloped or low density areas of the coast? ___ ___

8. Does the action involve an energy facility not subject to Article VII or VIII of the New York State Public Service Law? ___ ___

9. Will the action be located in or significantly affect development in a designated flood hazard area, or on a beach, island, or other feature that functions as a natural protection feature against erosion or flooding? ___ ___

10. Does the action involve mining, excavation or dredging within coastal waters? ___ ___

11. Will the action result in a reduction of existing or potential public access to or along the shore? ___ ___

12. Does the action involve the sale or change in use of publicly-owned underwater lands or lands adjacent to the coastline?

13. Will the action affect existing or potential recreation opportunities? ___ ___

14. Will the action affect any structures, districts, areas, or sites of historic, archeological or cultural significance to the State or nation? ___ ___

(f) If you answered yes to one or more questions in subsection (e) on this form, briefly and precisely describe the nature and extent of the proposed action, in the space below, and submit a copy to: Town Building Inspector
Evans Town Hall
42 N. Main Street
Angola, New York 14006

Preparer's Name:_____Telephone Number _____

Organization:_____Date:_____

TJD:es
TJD166

Local Law
Waterfront Revitalization Advisory Committee

A. Creation

(1) A Waterfront Revitalization Advisory Committee shall consist of not less than seven (7) nor more than fifteen (15) members representing a mix of waterfront property owners, waterfront businesses, community organizations and the general citizenry of the City. Members shall be appointed at the pleasure of the City Council as follows:

(a) Three (3) members for three-year terms.
(b) Three (3) members for two-year terms.
(c) One (1) to nine (9) members for one-year terms.

(2) The City Council shall annually designate a Chairperson from among the membership,

B. Powers and duties. The Waterfront Revitalization Advisory Committee, within thirty (30) days of receiving matters referred to it pursuant to this chapter, shall:

(1) Review all Environmental Assessment Forms (EAF), Waterfront Assessment Forms (WAF) and Environmental Impact Statements (EIS), prepared for proposed actions in the Local Waterfront Area (LWA).

(2) Prepare specific recommendations concerning such actions, addressing:

(a) Potentially significant adverse impacts affecting the LWA and the consistency of the actions with the policies and purposes of the City of Tonawanda Local Waterfront Revitalization Program (LWRP).

(b) Alternative actions which would avoid the potential impacts and ensure consistency with the LWRP.

(c) Measures, if any, to mitigate potential impacts and resolve inconsistencies.

(3) Approve such recommendations by majority vote of a quorum of the membership.

(4) Record such recommendations and the vote thereon in the minutes of its proceedings.

(5) Submit its recommendations in writing to the board, department, office, other body or officer responsible as lead agency for the purposes of SEQR review. A copy of the recommendation shall be provided to the applicant in cases involving an application for approval, funding or permits from the City.

(6) Advise the City Council and Mayor on all matters relating to development, preservation and enhancement of the City's Local Waterfront Area.

TJD167

ZONING ORDINANCE REVISIONS

I. ARTICLE X - DEFINITIONS

The following shall be added to the definition section of the ordinance.

Local Waterfront Area: The area on the waterside of the Local Waterfront Area boundary on the City's adopted Local Waterfront Revitalization Program - Boundary Map on file in the City Engineer's Office.

Marina: A water basin providing secure moorings for recreational motorboats, sailboats, yachts and other similar craft having mooring space for twenty or more boats.

Solid Waste: Sludge from air or water pollution control facilities, demolition and construction debris, and residential/industrial/commercial wastes.

Hazardous Waste: Unwanted by-products of manufacturing processes generally characterized as being flammable, corrosive, reactive, or toxic.

II. ARTICLE I - GENERAL PROVISIONS

The following shall be added

1. Section 1-80 Limitations on the Storage of Hazardous and Solid Waste Facilities

   A. The storage of hazardous and solid waste material shall be prohibited within the City's Local Waterfront Revitalization Area.

2. Section 1-90 Limitations on Public and Private Marinas

   A. All public and private marinas within the City's Local Waterfront Revitalization Area shall include pump out facilities for sanitary and other associated wastes.

TJD168

APPENDIX C

PROCEDURES FOR COORDINATING STATE AND FEDERAL CONSISTENCY DETERMINATIONS

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.

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