

# Queen City in the 21<sup>st</sup> Century



## **“Local Waterfront Revitalization Program” Draft LWRP January 26, 2007**



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LOCAL WATERFRONT REVITALIZATION PROGRAM**

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## EXECUTIVE SUMMARY



## **EXECUTIVE SUMMARY**

The Local Waterfront Revitalization Program (LWRP) is designed to give waterfront communities an opportunity to assess conditions along the waterfront, establish policies to guide development, and implement appropriate waterfront land uses and projects. It is an extension of the New York State Coastal Management Program that allows communities to design the program to better reflect and address local issues and opportunities in the designated local waterfront revitalization area. The LWRP establishes a planning framework for future public and private investment and development actions that occur within that area. The City of Buffalo considers the waterfront to be among its most important recreational, aesthetic, and economic resources. Therefore, the City's LWRP is aimed at restoring and revitalizing the deteriorated and underutilized areas of the waterfront by promoting development and redevelopment that will meet the City's goals and objectives for the waterfront. The City has invested much time and effort into the development of the LWRP, and their efforts are finally coming to fruition as the City and other public and private entities are collaborating on the vision for the future of the waterfront.

Waterfront resources in the City of Buffalo are vast and include the coastal reaches of Lake Erie, the Niagara River and Black Rock Canal, the Buffalo River and portions of Cazenovia Creek and Scajaquada Creek. The Buffalo waterfront extends along approximately 57.7 linear miles of shoreline. Including both upland area and surface waters, the waterfront encompasses approximately 17.7 square miles, or 11,303 acres in area -- approximately one-third of the total area of the City. The surface water bodies cover approximately 7.5 square miles or 4,825 acres in area. The upland portion of the Local Waterfront Revitalization Area (LWRA) accounts for 10.1 square miles.

The vitality of the City of Buffalo waterfront is a critical component of the character of the City, the region, and the State. The Buffalo waterfront provides an array of services and a range of opportunities, depending on the location. The waterfront is a gateway and an important transportation corridor; it provides valuable opportunities for public access and recreation (including portions of the historic Olmsted parks system); it contains a vast amount of underutilized and abandoned land with the potential for viable and prosperous redevelopment; it provides habitat and refuge for a wide variety of fish and wildlife; it is a part of the fabric of established residential communities (even in areas where this fabric has been diminished) and a link to our historic and maritime heritage. The City of Buffalo waterfront offers a wealth of opportunities for renewal. For all these reasons, it is the City's goal to see development and

redevelopment along the waterfront undertaken in a manner that provides for revitalization and economic renewal that is balanced with the need to protect community character and the important natural and man-made resources that contribute to this character.

**\*Benefits of the LWRP**

The City of Buffalo LWRP will provide the City greater control and coordination over local, State and Federal actions that are proposed along the City's waterfront. It will increase the City's ability to attract development along the waterfront

Focusing investment to sustain and support development, and improving certain areas as centers of activity, will aid in enhancing the vitality and quality of life along the waterfront. Development and redevelopment should include measures for restoring and providing more greenspace and pleasurable vistas to the waterfront, and for protecting existing open landscapes that provide important ecological and scenic value throughout the area. Development and redevelopment efforts should be geared toward revitalizing the waterfront in a manner that improves economic activity, bringing businesses and jobs to the area, but also in a way that invites the public as well. While aiming to preserve important resources, new development or redevelopment should add to the character of the area and improve the human experience. Future use of waterfront lands should move the City beyond its industrial heritage of the past, with development comprising a mix of integrated land uses that provide more opportunities for tourism, commerce and public access to the waterways. Consideration should also be given to the size and scale of development - - the physical form and function - - and how it reasonably relates to its surrounding land uses and the downtown core.

Renewal efforts should incorporate means to reconnect or improve the existing connection between the waterfront and upland neighborhoods. The City needs better ways to gain access to the waterfront, improving or restoring some of the connections that were impacted by previous development actions. Over the years, the waterfront has been cut off from the downtown and local neighborhoods, isolating communities and resources. The waterfront has been blocked by the I-190 Thruway and the Skyway, and developed with industrial activity, both active and abandoned, that diminishes the public's ability to enjoy the benefits of this area. Although attempts have been made to remedy the development actions of the past, such as the construction of the Riverwalk multi-use pathway, the development of the Erie Basin Marina, and the preservation of lands like Tifft Nature Preserve, the need to reconnect the waterfront with

downtown and the neighborhoods and to provide more water-dependent and water-enhanced facilities and amenities for public use is strong.

There is a need and public desire to make the waterfront more accessible to residents and visitors to the area, including pedestrian access to and along the water, and visual access from upland roadways and buildings. **Access to the water's edge belongs to the public.** It is the long-term policy of the City to establish a greenway system that will include a generous amount of public access that is generally wide enough to accommodate a pathway for pedestrians, bicycles and others. There are locations where access for the general public is limited to what can be seen from a moving vehicle or where it is not available at all. Physical access to the waterfront is primarily restricted and limited to waterfront parks and public viewing areas located north of downtown Buffalo. In addition, limitations on reaching or viewing the waterfront are heightened by a general lack of opportunities for diverse forms of recreation at those sites that do provide access. There is also a need for vehicular access and parking, boating access to local waterways and better access to public transit opportunities. Safe access should be provided along the waterfront for all, and existing public spaces should be made more accessible and desirable. Efforts should be made to provide convenient access on a year-round basis. In addition, other public spaces on or near the waterfront, that currently deter public use should be improved for public use and incorporated into the waterfront access system. This has been successfully accomplished in other parts of the country.

The Inner and Outer Harbor areas both offer great opportunities for economic development, tourism and public access. The plans for the revitalization of these areas will afford the City the ability to capitalize on waterfront assets, link the waterfront with core downtown amenities and facilities, and celebrate the heritage of the area. These lands have remained underutilized for too long and should be redeveloped with a mix of uses to encourage economic activity and tourism, increase opportunities for public access and recreation, and in general, bring life back to the waterfront. In addition, there are other "brownfield" areas that provide suitable opportunities for reuse and redevelopment. Greater efforts are required to ensure that more of these lands are effectively returned to viable use along the waterfront.

Water quality is another area of importance for maintaining a high quality waterfront area. Quality considerations include the management of both point and non-point source pollution. Water quality protection and improvement must be accomplished through a combination of managing new, and mitigating and/or remediating existing, sources of pollution. In certain

areas with existing water quality impairments, aggressive remediation measures are needed. In the Buffalo waterfront area, protecting water quality in Lake Erie, the Buffalo River and its tributaries (Cazenovia Creek and Buffalo Creek), the Niagara River and Scajaquada Creek is essential to the ecological health of these waterways.

Although it seems that it has taken many years to recognize the needs and commit to a vision for improved use and development of the waterfront, the City and other entities, both public and private, are taking steps in the right direction. There are a number of projects that are planned or underway for improving the use and development of the waterfront area and providing greater public benefit. In addition to the Erie Canal Harbor project (Inner Harbor) and the proposed redevelopment of the Outer Harbor area, these include the creation of a greenway trails system along the Outer Harbor, the establishment of the Times Beach Nature Preserve, the construction of Gallagher Beach and plans for a New York State Park on the Outer Harbor, wetlands restoration and public access sites along the Buffalo River, plans for the Great Lakes Research Center and Frank Lloyd Wright Boathouse at Cotter Point, and proposed parkland on Squaw Island and the Union Ship Canal, among others. Through the implementation of the Buffalo Comprehensive Plan, the companion Waterfront Corridor Initiative and LWRP, these and many other projects will be realized.

***Revitalizing the underutilized and deteriorated areas along the waterfront will benefit the surrounding neighborhoods and communities, the City and region, and help the City of Buffalo to achieve its vision of making the waterfront an important part of our economy and a safe, healthy and enjoyable place to live, work and visit.*** The policies contained in Section III of this LWRP set forth guidance to better direct development and redevelopment in the waterfront area to achieve this goal. The policies are focused on waterfront revitalization, making beneficial use of waterfront lands, maintaining open space, protecting community character and addressing transportation needs. They are aimed at balancing revitalization with resource protection along the waterfront for the benefit of all. The policies are supported by land and water use and implementation proposals outlined in Sections IV and V. Together, they comprise a program that sets the direction for revitalizing Buffalo's waterfront.



## **Section I**

### **Local Waterfront Revitalization Area Boundary**

## SECTION I – WATERFRONT REVITALIZATION AREA BOUNDARY

### A. New York State Coastal Management Program Boundary

#### ***Upland Boundary***

The coastal area boundary, as established under the New York State Coastal Management Program (CMP), begins at a point where the mean high water line of the Niagara River meets the northern corporate boundary between the City of Buffalo and the Town of Tonawanda, at the foot of Vulcan Street;

- the boundary then proceeds east to a point where it intersects with the centerline of Niagara Street;
- then south along the centerline of Niagara Street (State Route 266) to the intersection with Tonawanda Street;
- then east across Tonawanda Street to the northern right-of-way of State Route 198 (Scajaquada Expressway) and continues east, following a line measuring 100 feet from the top of the bank, on the northern shoreline of Scajaquada Creek, to the centerline of Howell Street at its terminus;
- then southeast, across the creek, to a point measuring 100 feet from the top of the bank on the southern shoreline of Scajaquada Creek;
- then proceeding in a southwesterly direction, following this line along the creek, to a point where it meets the southern right-of-way of the Scajaquada Expressway;
- then south along this right-of-way to a point where it intersects with the centerline of Niagara Street;
- then south and then southeast along the centerline of Niagara Street to a point where it intersects with Busti Avenue;
- then southwesterly along Busti Avenue to a point where it intersects with the northern right-of-way of the Niagara section of the New York State Thruway (Interstate 190).
- then southeasterly along Interstate 190 (I-190) to a point where it intersects with the Skyway (NYS Route 5);
- then southeasterly along the centerline of the Skyway to a point where it intersects with South Park Avenue;
- then east along the centerline of South Park Avenue to a point where it intersects with Michigan Avenue;

- then south along the centerline of Michigan Avenue to a point where it intersects with Ohio Street;
- then southeasterly along Ohio Street to the point where it intersection with the centerline of South Street;
- then east along the centerline of South Street to a point where it meets Hamburg Street;
- then in a northerly direction along the centerline of Hamburg Street to a point where it meets the curved CSX/Conrail right-of-way (ROW) for the former Erie Railroad;
- then northeast along the railway ROW to a point where it intersects with the ROW for the CSX/Conrail ROW for the former DL&W Railroad;
- then southeast along this railway ROW to a point where it intersects with ROW for the Norfolk Western Railroad ROW;
- then northeast along this railway ROW to a point where it intersects with Elk Street;
- then east along Elk Street to a point where it intersects with the second CSX/Conrail ROW for the former DL&W Railroad;
- then southwesterly along this railway ROW to a point where it intersects with a third railway right-of-way owned by CSX/Conrail;
- then south along this railway right-of-way line to Tifft Street;
- then west along the centerline of Tifft Street to a point where it intersects with the western right-of-way of the previously mentioned third CSX/Conrail railroad ROW;
- then south along this railroad corridor to the City of Buffalo corporate boundary; and
- then west along this boundary between the City of Buffalo and the City of Lackawanna to the mean high water line of Lake Erie.

### ***Waterside Boundary***

The waterside boundary of the coastal management area proceeds west, approximately 19,000 feet from the mean high water line of Lake Erie to the international boundary between the United States and Canada. The boundary then proceeds north along the international borderline to a point approximately 1,300 feet south of the southernmost point of Strawberry Island. The boundary then proceeds northeast to a point along the shoreline where the City of Buffalo corporate boundary abuts with the municipal boundary of the Town of Tonawanda, also the point of beginning for the upland boundary.

## **B. Local Waterfront Revitalization Area Boundary**

The following description and subsequent revisions to the New York State Coastal Management Program (CMP) boundary are included as a part of the City of Buffalo Local Waterfront Revitalization Program. The Local Waterfront Revitalization Area (LWRA) boundary, as shown on Map 1-1, includes the coastal upland area and all surface waters that lie within the jurisdiction of the City of Buffalo.

### ***Upland Boundary***

The upland boundary of the LWRA begins at a point where the mean high water line of the Niagara River meets the corporate boundary between the City of Buffalo and the Town of Tonawanda and extends east to intersect with the centerline of Tonawanda Street;

- the boundary then extends south along the centerline of Tonawanda Street to a point where it intersects with Riverside Avenue;
- then west along the centerline of Crowley Avenue to Niagara Street;
- then southeast along the centerline of Niagara Street to a point where it intersects with Amherst Street;
- then northeast along the centerline of Amherst Street to a point approximately 900 feet west of the centerline of Elmwood Avenue;
- then south to a point where it intersects with, and then follows, the centerline of Beaumaris Place south to a point where it intersects with the centerline of Elmview Place;
- then east along the centerline of Elmview Place to a point where it intersects with Elmwood Avenue;
- then south along the centerline of Elmwood Avenue to a point where it intersects with Nottingham Drive;
- then east along the centerline of Nottingham Drive to Delaware Avenue;
- then south along the centerline of Delaware Avenue to point where it intersects with Rumsey Road;
- then northwesterly along Rumsey Road to a point where it intersects with Lincoln Parkway;
- then north along the western right-of-way of Lincoln Parkway to the southern right-of-way of State Route 198 (Scajaquada Expressway);
- then west along the southern right-of-way of Route 198 to a point where it intersects with Grant Street;



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- then south along the centerline of Grant Street to a point where it intersects with Letchworth Street;
- then west along the centerline of Letchworth Street to a point where it intersects with Dart Street;
- then south along Dart Street to a point where it intersects with Bradley Street;
- then west along the centerline of Bradley Street to Danforth Street;
- then south along the centerline of Danforth Street to a point where it intersects with Forest Avenue;
- then west along the centerline of Forest Avenue to a point where it intersects with Niagara Street;
- then south along centerline of Niagara Street to a point where it intersects with Porter Avenue.
- then west along the centerline of Porter Avenue to a point where it intersects with the eastern right-of-way of Interstate 190;
- then southeasterly along the I-190 right-of-way to a point where it intersects with the eastern right-of-way of NYS route 5 (Skyway Bridge access ramps);
- then running parallel to this right-of-way to a point where it intersects with Scott Street;
- then east along the centerline Scott Street to a point where it intersects with Washington Street;
- then south along centerline of Washington Street to a point where it turns east becoming South Park Avenue;
- then east along centerline of South Park Avenue to a point where it intersects with Michigan Avenue;
- then south along the centerline of Michigan Avenue to a point where it intersects Ohio Street;
- then south along the centerline of Ohio Street to a point where it intersects with the southern boundary of Conway Park;
- then east along this boundary to the centerline of Republic Street to a point where it intersects with the northern right-of-way line of a railroad spur operated by Conrail (at Hamburg Street) and continues to the east;
- then east and northeast along this railway spur to a point where it intersects with the southern right-of-way line of a railroad corridor currently owned by the Niagara Frontier Transportation Authority, located 1,000 feet south of South Park Avenue;

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- then southeast along this railroad line to a point where it intersects the eastern railway right-of-way of a second railroad line operated by Conrail, known as the Buffalo-Pittsburgh line;
- then northeast along this railroad to a point where it intersects with Elk Street;
- then following the centerline of Elk Street east to a point where it intersects with Bailey Avenue;
- then northeast along the centerline of Bailey Avenue to a point where it intersects with Clinton Street (State Route 354);
- then east along the centerline of Clinton Street to a point where it intersects with Spann Street;
- then south along the centerline of Spann Street to a point where it intersects with Casimir Street;
- then east along the centerline of Casimir Street to a point where it intersects with Fenton Street;
- then south along the centerline of Fenton Street to Seward Street;
- then east along the centerline of Seward Street, across South Ogden Street, to a point where it intersects with the City of Buffalo corporate line;
- then south along the Buffalo municipal boundary to a point where it intersects with Mineral Springs Road;
- then southwesterly along the centerline of Mineral Springs Road to a point where it intersects with Seneca Street (State Route 16);
- then following the centerline of Seneca Street northwesterly to a point where it intersects with Southside Parkway;
- then south along the center of Southside Parkway to a point where it intersects with North Legion Drive;
- then south along the centerline of North Legion Drive to a point where it intersects with Cazenovia Street;
- then north along the centerline of Cazenovia Street to a point where it again intersects with Seneca Street (State Route 16);
- then southeasterly along the centerline of Seneca Street to the City of Buffalo corporate line;
- then following the corporate line south to a point where it intersects with Potters Road;
- then northwesterly along Potters Road to a point where it meets Cazenovia Street;

- then north along the centerline of Cazenovia Street to a point where it intersects with South Legion Street;
- then following the centerline of South Legion Street north to a point where it intersects with Southside Parkway;
- then following the centerline of Southside Parkway south to a point where it intersects with Albion Place;
- then west along the centerline of Albion Place to a point where it intersects with Midland Street;
- then southwest along the centerline of Midland Street to a point where it intersects with McKinley Parkway;
- then northwest along the centerline of McKinley Parkway to a point where it intersects with Bailey Avenue (State Route 62);
- then southwest along the centerline of Bailey Avenue to a point where it intersects with South Park Avenue;
- then west along South Park Avenue to a point where it intersects with the southern right-of-way line of a Conrail railroad corridor, approximately 50 feet northwest of Abby Street;
- then southeast along the southern right-of-way line of the railroad to a point where it intersects with Tifft Street;
- then west along the centerline of Tifft Street to the eastern right-of-way line of a second railroad owned by Conrail, known as the Buffalo-Pittsburgh line;
- then southeast along the Buffalo Pittsburgh railway line to a point where it intersects with the City of Buffalo corporate line; and
- then west along the City of Buffalo corporate line to the mean high water line of Lake Erie.

### ***Waterside Boundary***

The waterside boundary of the coastal management area proceeds west, approximately 19,000 feet from the mean high water line of Lake Erie to the international boundary between the United States and Canada. The boundary then proceeds north along the international borderline to a point approximately 1,300 feet south of the southernmost point of Strawberry Island. The boundary then proceeds northeast to a point along the shoreline where the City of Buffalo corporate boundary abuts with the municipal boundary of the Town of Tonawanda, also the point of beginning for the upland boundary.

### **C. Modifications to the State Coastal Management Area Boundary**

The New York State Coastal Management Area boundary has been revised to more effectively manage and protect cultural and environmental resources that were not included in the original State boundary. These lands and resources are strong components of certain City neighborhoods and provide the potential for light industrial redevelopment, particularly in the Tonawanda Street area and in certain portions of the Buffalo River and Outer Harbor areas.

The City of Buffalo is planning, and is undertaking, a number of projects in vast areas of the waterfront that are aimed at revitalizing the shoreline to support an improved mix of uses and functions, promote economic development and tourism, and protect and better appreciate waterfront resources. These different uses and functions include acting: as an activity center bringing people back to the waterfront; as a harbor area to better accommodate recreational boating; as waterfront park and entertainment space to serve tourism interests; as a hub center for overland and waterborne commercial shipping, rail transportation, and truck shipping; as a natural buffer area to protect aquatic resources from environmental contamination; and as community park and open space that support recreational, improve residential property values, and support environmentally-sensitive industrial park development.

To more effectively manage and plan for the diverse needs of the City of Buffalo's large waterfront area, the boundary for the LWRA has been broken down into four Sub-Areas. It has also been expanded in certain areas. The four Sub Areas in the LWRA are identified on Map 1-1 and described as follows.

#### **Sub-Area 1 – North Buffalo Area**

Sub Area 1 is the northern-most portion of waterfront, including of a portion of the Niagara River and Black Rock Channel and Scajaquada Creek, extending up to Delaware Park. This area is fully developed and contains a viable mix of residential, commercial and recreational uses, many of which are water-dependent and enhanced. Half of Squaw Island is contained within Sub-Area 1. Serving neighborhood needs is the focus of this area.

The State CMP boundary in Sub-Area 1 has been expanded to encompass all of Scajaquada Creek, as well as the lower portion of Delaware Park, including Mirror Lake and Hoyt Lake. These areas have been included because they provide recreational benefits to the surrounding area and a direct connection to the waterfront. With the addition of the Scajaquada Pathway



multi-use trail, this area is now linked with the Riverwalk trail along the waterfront, enabling residents and visitors to the area a direct means of access to the shoreline. This area also contains a number of important cultural resources, including the Albright-Knox Art Museum and the Buffalo and Erie County Historical Museum.

Sub-Area 1 also includes the Tonawanda Street corridor, which is an area that the City desires to revitalize for light industrial use. This area was formerly used for industrial activity and the City has a plan for its potential reuse. Its proximity to the waterfront and Niagara Street, as well as the International Railroad Bridge, provides opportunities for future redevelopment. The revitalization of this area would provide direct economic benefits to the surrounding area, as well as the City as a whole.

### **Sub-Area 2 – Central/Downtown Area**

Sub Area 2 includes the northern portion of the Niagara River and the Black Rock Channel, a portion of the Lake Erie shoreline and the mouth of the Buffalo River. The Peace Bridge, Buffalo's Inner, the northern portion of the Outer Harbor, and the Erie Basin Marina are included in this Sub Area. Sub Area 2 contains a number of waterfront parks that serve neighborhood and community needs, and is the most accessible to downtown Buffalo. This Sub Area is intended to be a major regional attraction and a center for tourist activities.

The CMP boundary for Sub-Area 2 was expanded to include the residential area adjacent to Front Park, at the Peace Bridge. Hence, the boundary was moved to follow Niagara Street rather than Busti Avenue. This area of stable residential use should be maintained and protected and it was felt that this could be accomplished, to the greatest extent possible, by including it within the LWRP boundary. This area will be directly impacted by changes made to the Peace Bridge Plaza and will also benefit from improvements to the terminus of Porter Avenue and LaSalle and Front Parks.

The boundary for Sub-Area 2 was also modified in the vicinity of the Skyway Bridge (NYS Route 5) to include all of the area designated for redevelopment as part of the Erie Canal Harbor project. The area will be redeveloped with a mix of uses and will focus on improved public access and tourism. This project is an important element in the revitalization of the waterfront and should be fully included within the LWRA boundary.

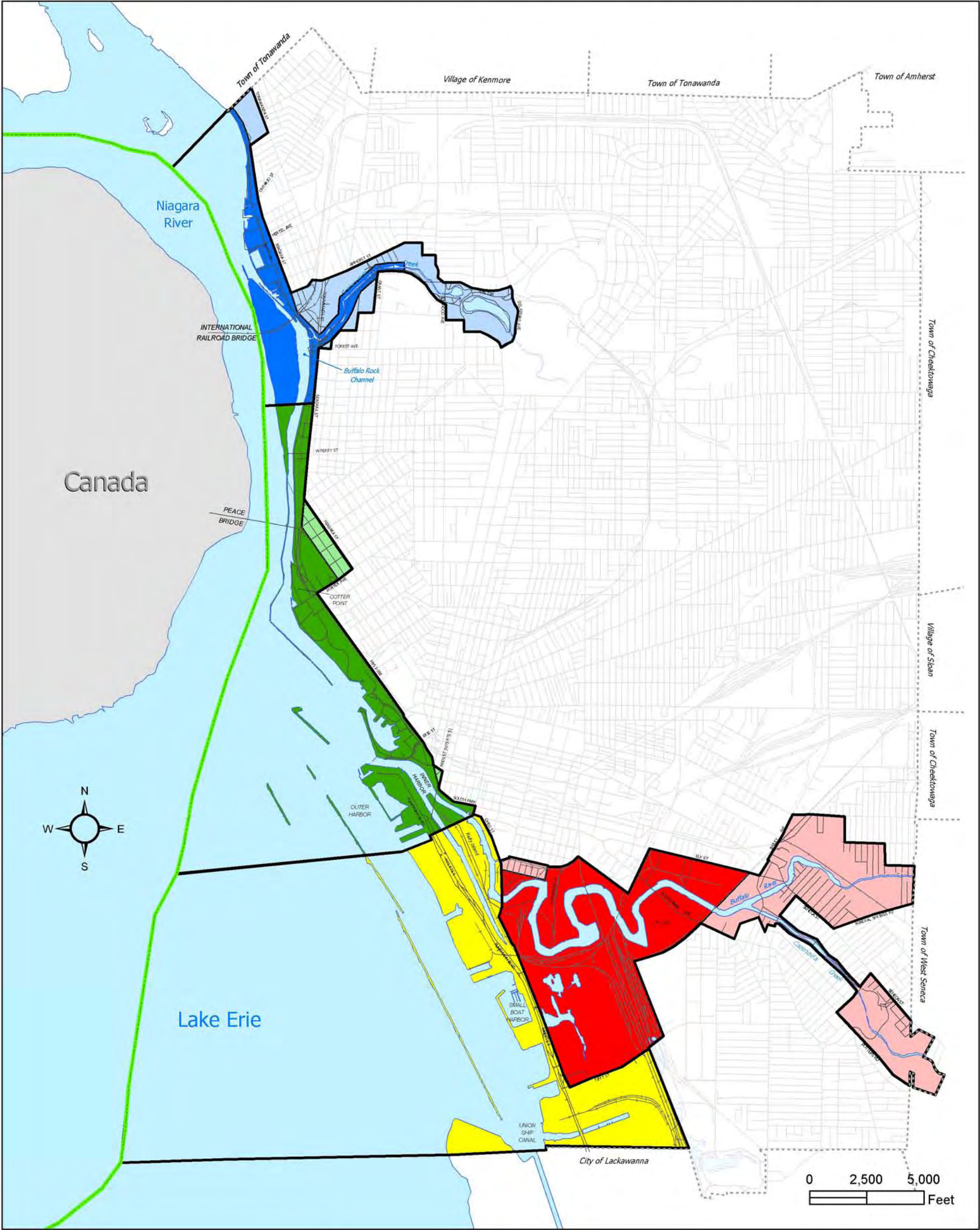
**Sub-Area 3 – Outer Harbor Area**

Sub Area 3 includes the southern portion of the Lake Erie shoreline and a small section of the Buffalo River and the Buffalo Ship Canal near downtown Buffalo. The Niagara Frontier Transportation Authority (NFTA) Small Boat Harbor and a portion of the Outer Harbor area are also a part of this Sub Area. The boundary for this Sub-Area, much of which is planned for redevelopment, will follow the boundary as established under the State's Coastal Management Program; no modifications are proposed.

**Sub-Area 4 – Buffalo River Area**

Sub Area 4 includes the Buffalo River and the industrial and former industrial lands that surround that water body. Much of the waterfront within Sub Area 4 possesses unique scenic and environmental qualities. Large portions of the Buffalo River waterfront are target areas for environmental remediation, protection, and future habitat restoration. To provide a protective buffer for the river edge, the City adopted the Buffalo River Open Space Corridor to provide a minimum 100-foot natural buffer between the top of the river bank and development. For these reasons, the coastal boundary for Sub-Area 4 has been modified to include the entire river corridor (located within the City limits), as well as part of Cazenovia Creek tributary. The area at the confluence of the Buffalo River and Cazenovia Creek is one of three areas along the river where the City is working with the US Environmental Protection Agency to undertake fish and wildlife habitat restoration demonstration projects to restore natural habitat and provide public access to this urban waterway. Just north and east of the confluence, at the bend in the river, there is a large area of wetlands, known as Seneca Bluffs, that also warrants restoration and protection. Cazenovia Creek and Cazenovia Park, near the City limits, are both areas prone to seasonal flooding. Establishing appropriate mechanisms for addressing this problem is a concern. There are also a large number of combined sewer outfalls (CSOs) along the upper reaches of the river and the creek. Water quality along these waterways is an issue and remediation of the CSOs is an issue raised in the LWRP. Finally, the Mobil Oil Corporation inactive hazardous waste site extends along the northern shoreline of the river, beyond the limits of the existing coastal boundary.

# CITY OF BUFFALO LOCAL WATERFRONT REVITALIZATION BOUNDARY



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DATA SOURCES: CITY OF BUFFALO

### Key to Features

International Boundary	Proposed LWRP Boundary
Existing State C.M.P. Boundary	Sub Area 1
Sub Area 1	Sub Area 2
Sub Area 2	Sub Area 4
Sub Area 3	Railroad
Sub Area 4	Road

WENDEL DUCHSCHERER  
ARCHITECTS & ENGINEERS

WD Project #274710-LWRP  
June 25, 2003

## **Section II**

### Inventory and Analysis

## **SECTION II – INVENTORY AND ANALYSIS**

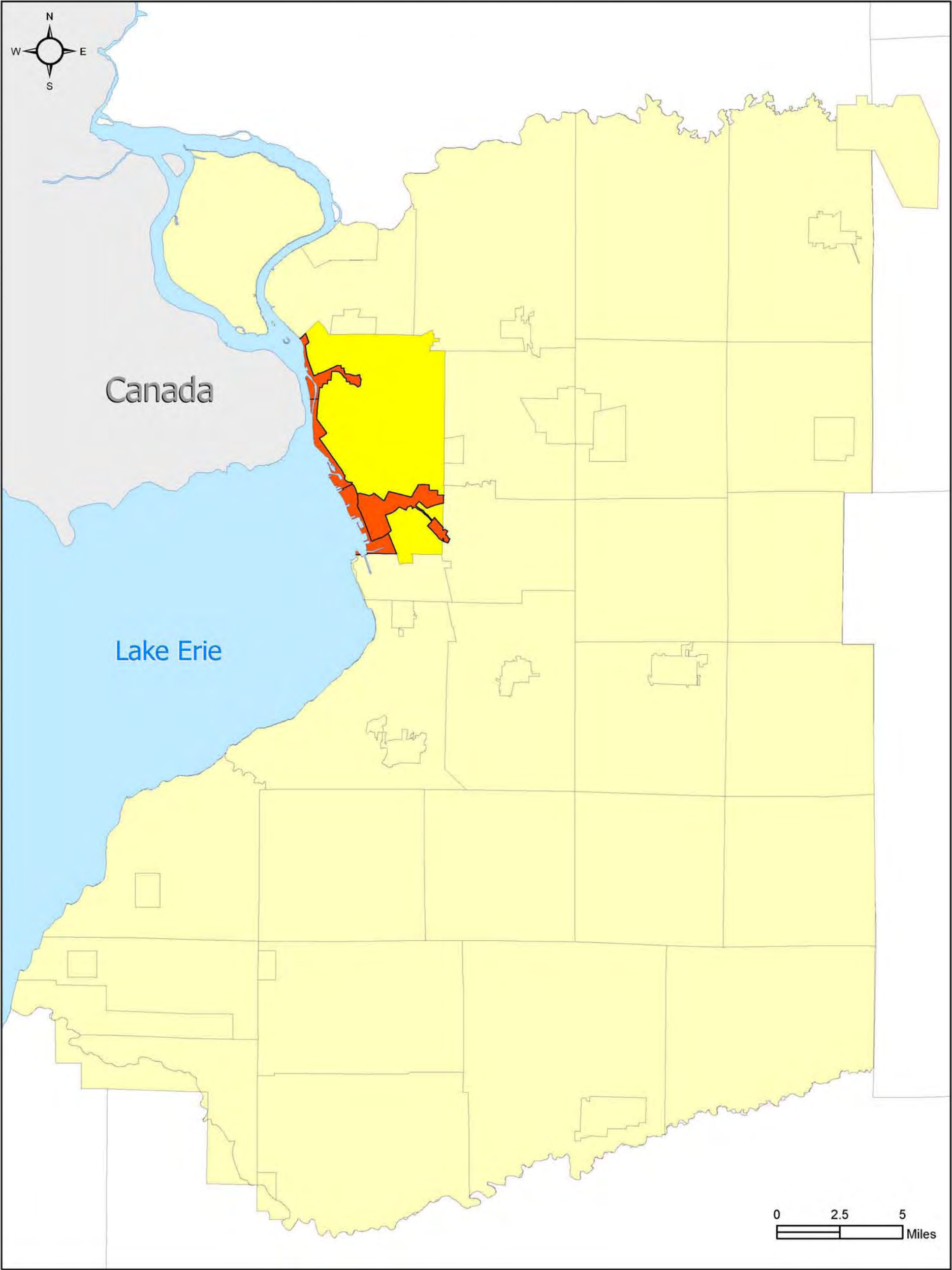
### **A. REGIONAL SETTING AND COMMUNITY CHARACTERISTICS**

The City of Buffalo is located on the eastern shoreline of Lake Erie in Erie County, New York and has extensive waterfront area (Map 2-1). Buffalo is the second largest city in New York State and is the central city of the greater Erie-Niagara County region. The waterfront, including both upland area and surface waters, encompasses approximately 17.7 square miles, or 11,303 acres in area -- approximately one-third of the total area of the City. The Buffalo waterfront contains approximately 57.7 linear miles of shoreline. Included in this area are the eastern portion of Lake Erie, the southern section of the Niagara River, Squaw Island and the Black Rock Canal, the Buffalo River, and portions of Cazenovia Creek and Scajaquada Creek. The surface water bodies cover approximately 7.5 square miles or 4,825 acres in area. The upland portion of the Local Waterfront Revitalization Area (LWRA) accounts for 10.1 square miles.

At the end of the nineteenth century, Buffalo was the largest inland port and one of the ten largest industrial cities in the nation. Its location on Lake Erie, between the east and mid-western United States, played a key role in the development of manufacturing and food processing industries in the City. Cargo was offloaded, stored, processed and shipped along the Erie Barge Canal to New York City. At the turn of the 20<sup>th</sup> Century, Buffalo was a prominent center for the grain milling industry, the remnants of which still line portions of the waterfront. Eventually canal shipping gave way to railroad transport along the waterfront. In the twentieth century, the opening of Ontario's Welland Canal, as well as the general decline in Great Lakes shipping traffic, eliminated Buffalo's role as a major port. Highway transport eventually took away most of the functions of the railroads, with abandoned tracks still crisscrossing the waterfront. The latter half of the 20<sup>th</sup> Century has seen a transition in the local economy from heavy industry (steel, chemical and food processing) to more information-based industries and precision enterprises such as bio-medical technologies, telecommunications and transportation industries. Today, the focus of the Buffalo waterfront is shifting from transshipment activities and industry to recreation and commerce. The waterfront is considered a valuable resource and the centerpiece of the City's downtown redevelopment strategy to improve the region's tourism industry, as well as the local economy. Proper planning is required to ensure that the benefits of increased public access and economic prosperity are achieved for this area.



# CITY OF BUFFALO LWRP REGIONAL SETTING ERIE COUNTY, NY



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DATA SOURCES: CITY OF BUFFALO, STATE OF NEW YORK

LWRP Boundary

Erie County Municipalities

City of Buffalo

## **B. UPLAND USES**

### **1. Existing Land Use**

The City of Buffalo LWRA contains a full range of urban land uses. These include a variety of residential development, public park space, commercial and retail uses, major transportation corridors, and industrial land along the waterfront, a large amount of which is vacant. The northern portion of the LWRA shoreline is developed with industrial uses, commercial and neighborhood retail uses, marinas, recreational uses, and residential dwellings. The southern portion of the LWRA contains similar uses as well as large concentrated areas of heavy industry and vacant brownfields. The Interstate 190-Niagara Expressway (I-190 Expressway) to the north, and New York State (NYS) Route 5 to the south, are prominent features along the waterfront. These limited access highways separate upland uses from, and restrict access to, the shoreline. Land use in the four Sub-areas of the waterfront area is described as follows (Maps 2-2A through 2-2D).

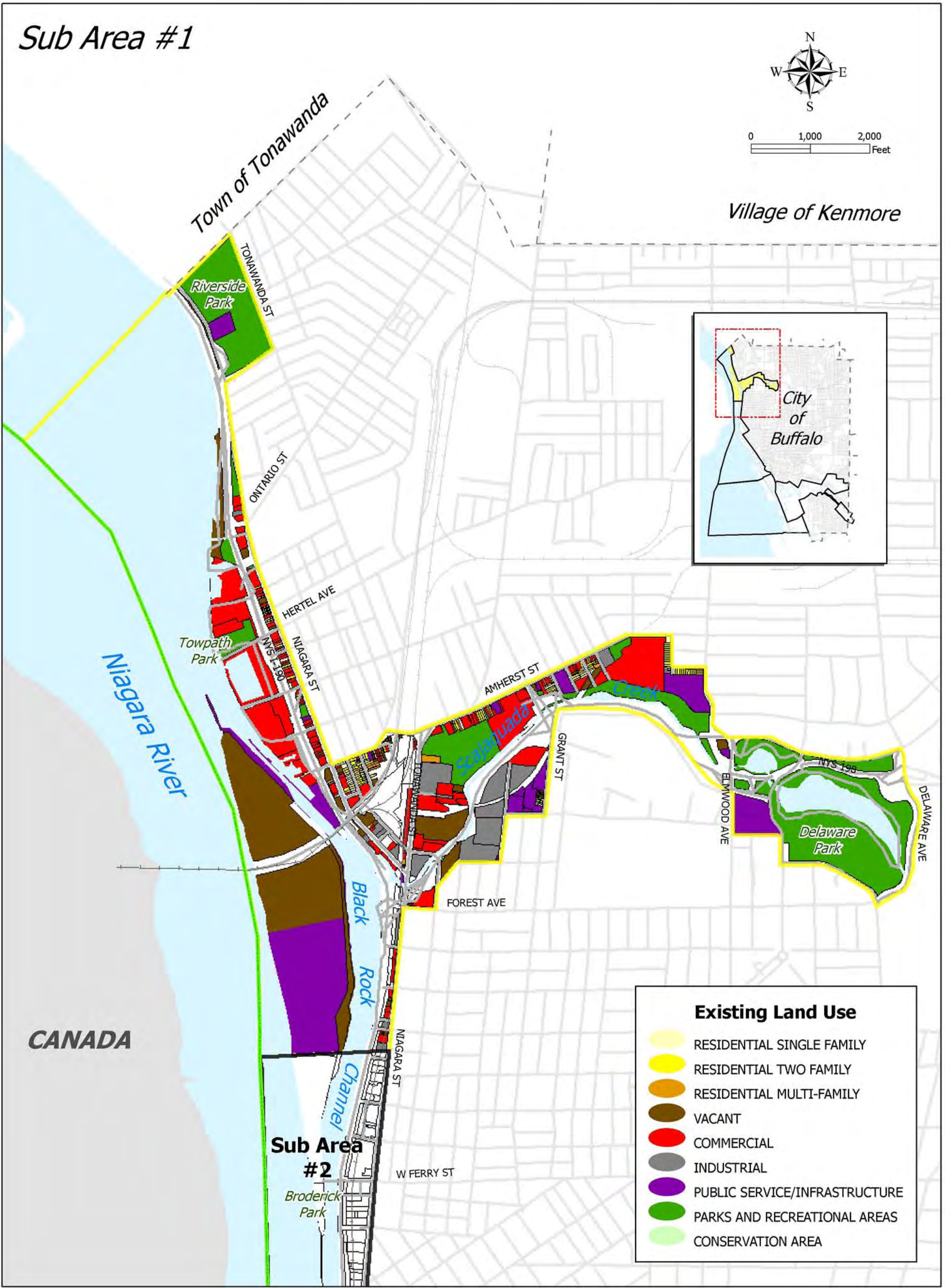
#### **Sub-area 1**

The shoreline of Sub-area 1 primarily serves transportation and recreational needs (Map 2-2 A). Land use along the Niagara River shoreline in Sub-area 1 is a mix of light industry and commercial activity, dense residential development and recreational facilities. Sub-area 1 includes portions of the Riverside, Black Rock and Forest residential neighborhoods. The I-190 Expressway and the Riverwalk multi-use pathway run immediately parallel to the shoreline and are situated directly adjacent to the Niagara River at the northern city line. As the I-190 Expressway travels south it moves inland yielding developed land adjacent to the shoreline.

The land uses along the shoreline (from north to south on the west side of the I-190) include the Ontario Street Boat Launch, Harry's Harbour Restaurant and Marina, Watergate II apartments, Towpath Park, the Jubilee Community Center, Rich's Marina and shipyard, and the regional office of the U.S. Army Corps of Engineers. The Black Rock lock, which is the northern entrance to the Black Rock Canal, is located immediately offshore of the Army Corps of Engineers offices. Land uses along Niagara Street, on the eastern side of the I-190 Expressway, include several single and multi-family homes and small apartment buildings, the Riverside Park, several industrial manufacturers, neighborhood commercial and retail businesses, automotive service shops, used car dealerships, converted industrial buildings, a newsstand, a sign shop, a boat sales and repair facility, a macaroni factory and massage parlors.



# CITY OF BUFFALO LWRP EXISTING LAND USE



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Sub-area 1 also includes the majority of Squaw Island (also known as Bird Island) and the Black Rock Canal, which separates this Island from the mainland (the southern portion of the island is referred to as Bird Island). Squaw Island was previously utilized as a municipal solid waste disposal site. Today, it contains an 80-acre vacant parcel (which has been designated for City parkland), a former landfill that has been capped and closed, and the Buffalo Sewer Authority Bird Island wastewater treatment facility (and Broderick Park, which is located at the southern end of the island in Sub-Area 2). A railway line crosses over the island, utilizing the International Railroad Bridge, which links the U.S. with Canada).

Land uses along the Scajaquada Creek shoreline, at its confluence with the Black Rock Canal, include heavy industrial uses that transition to neighborhood commercial and residential uses in the area between Forest Avenue and Grant Street. The southern side of Scajaquada Creek is developed with heavy industrial uses, office and research facilities and warehousing. The Scajaquada Expressway (State Route 198) occupies the immediate southern shoreline of this creek. The Scajaquada Pathway (a multi-use recreational amenity) parallels the northern shoreline. Adjacent to the pathway, from Niagara Street to Amherst Street, is a large industrial complex with multiple tenants. Further north, the intensity of land use diminishes to neighborhood commercial and residential. The Erie County Historical Museum and the Japanese Gardens are located on the north side of Scajaquada Creek, just east of Elmwood Avenue. The eastern section of Sub-area 1 contains residential uses and portions of Delaware Park, an historic facility designed by Frederick Law Olmsted, which is part of the Buffalo City Park system.

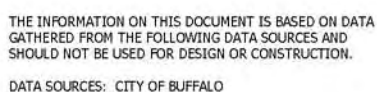
### **Sub-area 2**

The shoreline of Sub-area 2 includes portions of the Black Rock Canal and Niagara River to the north, and the Buffalo Inner Harbor area, the northern portion of the Outer Harbor, and the mouth of the Buffalo River to the south (Map 2-2 B). Sub-area 2 also includes the southern tip of Squaw Island (which contains Broderick Park - a City park), the Bird Island pier, and the Peace Bridge (an international border crossing between the U.S. and Canada). This Sub-area contains a mix of land uses including parks and recreational boating facilities, a railway and expressway corridor (which includes the Peace Bridge toll plaza), light manufacturing uses and dense residential and commercial development. This sub-area includes small portions of the Grant-Ferry, Front Park, Lakeview and Columbus residential neighborhoods. A small section of land in the southern portion of this Sub-area, which includes the northern extent of Kelly Island and the Outer Harbor, contains some manufacturing uses and vacant industrial properties.

The transportation corridor in Sub-area 1, which contains an Amtrak railway line and the I-190 Expressway, continues southward into Sub-area 2. This corridor veers inland as it passes beneath the Peace Bridge, yielding developable land along the shoreline of the Black Rock Canal and Lake Erie. From north to south this land area, known as Cotter Point, is occupied by the West Side Rowing Club and boathouse (used by various high school and adult rowing clubs), the Great Lakes marine research center that is associated with the Buffalo State University College, a U.S. Naval and Marine Reserve Center, and the Buffalo Yacht Club marina and restaurant. Front Park, another City of Buffalo facility, is located just south of the Peace Bridge toll plaza, on the north side of Porter Avenue. Continuing south, land uses include the Colonel Francis G. Ward main pumping station and water filtration plant, LaSalle Park (a City park), the Waterfront Village condominiums with marina facilities and Waterfront Village commercial office complex, and the Erie Basin Marina and park.

Sub-area 2 also includes the upper reaches of Buffalo Harbor, which encompasses the Inner Harbor, and the northern portion of the Outer Harbor. The U.S. Coast Guard station is located on the northernmost point of the Outer Harbor area. This property encompasses approximately 32.1 acres and acts as the regional docking area for rescue and law enforcement vessels. The property contains several historic landmarks, including an historic lighthouse, and limited passive park area that is open to the public. It is located adjacent to a former dredge spoil disposal site (Times Beach), which is being improved as a nature preserve. Land uses situated south of the Coast Guard Station and Times Beach include a large tract of undeveloped land where the ice-boom is stored, the Seaway Pier and a private marina. Sub-area 2 also includes the northern end of Kelly Island, which contains a grain processing facility owned by General Mills.

The Inner Harbor shelters the mouth of the Buffalo River and the entrance to the Buffalo Ship Canal, and is overshadowed by the highway interchange between the I-190 Expressway and NYS Route 5 (the Skyway Bridge), which carries Route 5 over the Inner Harbor, south of the City. The Inner Harbor area contains a variety of recreational, residential, commercial and heavy industrial uses, and is more intensely developed than the Outer Harbor. There are four 12-story apartment buildings, the Erie County Naval and Serviceman's Park and a passive war memorial park in this area, docking facilities for restaurants and display vessels from the Naval Museum, and the DL&W terminal. The Buffalo Fire Department also docks its fire rescue boat at the Michigan Avenue lift bridge, near the mouth of the Buffalo River and the southernmost boundary of this Sub-area.





A 12-acre area along the Inner Harbor is proposed for redevelopment in the future to include new retail, commercial and office uses, passive recreational uses and new facilities for the Naval Park. These land uses will complement the heritage restoration efforts of the Erie Canal Harbor and historic Commercial Slip and improve the connection between the waterfront and downtown Buffalo. The former War Memorial Auditorium, which is located directly inland from the Erie Canal Harbor site, is also slated for redevelopment as a commercial/retail center and a multi-modal transportation facility.

### **Sub-area 3**

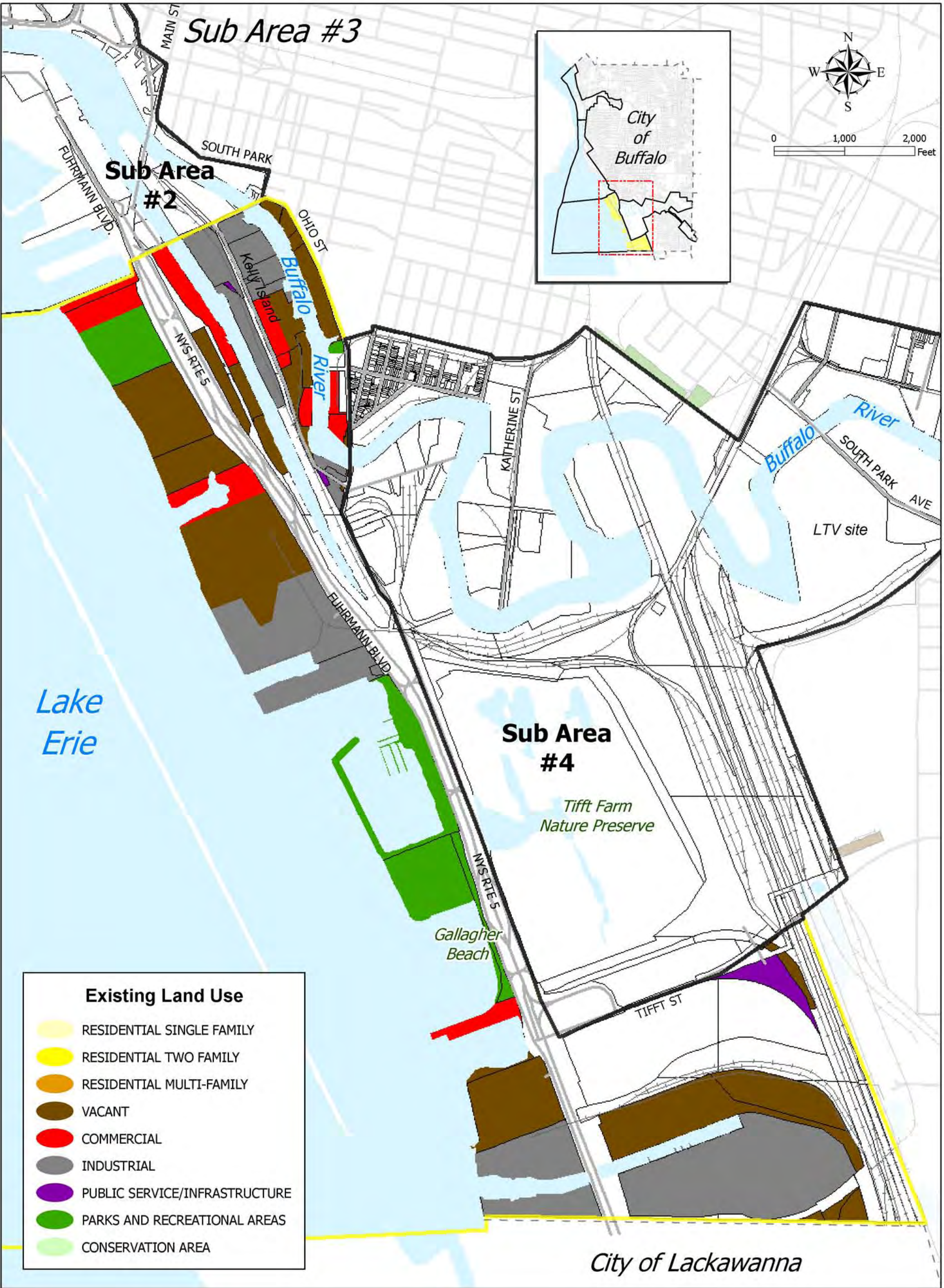
Sub-area 3 includes the southern portions of Kelly Island and the Outer Harbor and the land around the former Union Ship Canal (Map 2-2 C). The Outer Harbor and Kelly Island are separated from each other by the Buffalo Ship Canal, while the Buffalo River separates Kelly Island from the mainland. Land use in Sub-area 3 reflects the former industrial heritage of this area, with some heavy industrial operations (some of which contain grain elevator facilities), vacant brownfields, marinas and marine commercial uses, a few recreations uses, a small area of residential use and some former railroad lines. Much of the land area in the vicinity of the lower reaches of the Buffalo River, as well as the bottom sediments in the river, have been contaminated by past industrial and municipal discharges and waste disposal practices (this is discussed further in Section I).

The northeastern shore of the Buffalo River in Sub-area 3, along Ohio Street, includes a mix of commercial and industrial uses, vacant industrial properties and a portion of the Old First Ward residential neighborhood. For decades, the residential neighborhoods in this area provided housing for local workers who manned grain elevators or toiled at other industrial labors. The State of New York also owns a natural habitat restoration area along the Buffalo River in this area, which is part of the NYSDEC Ohio Street Canoe Launch.

The Outer Harbor has shoreline directly fronting on Lake Erie. The Buffalo Skyway (NYS Route 5) runs parallel to the shoreline, along the eastern side of the Outer Harbor area. The Skyway actually carries NYS Route 5 above the Buffalo River and Outer Harbor area as it heads south to the City of Lackawanna and beyond. Land uses located on the Outer Harbor, between the Skyway and the Lake Erie shoreline (from north to south), include a 120-acre parcel owned by the Niagara Frontier Transportation Authority (NFTA), which contains the Pier Restaurant and marina (which is currently leased and operated as a festival events site and banquet facility), the Terminal A Building (a two-story 665,000 square-foot structure, with the first floor space leased to a fuel cell research firm), the Terminal B Building (a 95,000 square-foot, single-story structure that is used as a distribution facility), and a large area of undeveloped brownfields. Other uses in the Outer Harbor area include a gun club, the Allen Boat Company, the



# CITY OF BUFFALO LWRP EXISTING LAND USE



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Lakeside Industrial Park and Freezer Queen Foods, Olson Brothers Marine Sales and Service, the Slip Aweigh Restaurant, and the Small Boat Harbor and Gallagher Beach (which have been designated at State parklands), the South End Marina, Bouquard's Boat Rental and the St. Lawrence Cement facility. East of the Skyway, along the Buffalo Ship Canal shoreline and Kelly Island, there are several grain elevators that utilize the canal for transshipment, an automobile wrecking yard, a sand bulk storage and offloading site, a marine diving and service facility, and a few other heavy manufacturing facilities. A myriad of small rail spurs also thread through this Sub-area in support of the existing industrial activity.

Much of the Outer Harbor area, including the NFTA properties, is land created by reclamation and filling, which began in 1874 and continued for over 100 years. The NFTA site was formerly operated at the Port of Buffalo and was a major transshipment center where goods and materials were offloaded from boats and barges and placed onto other modes of transport. Portions of the Outer Harbor area were also used as a dump and a dredge spoil site. Other areas were filled with large quantities of construction and demolition debris. The area was also used as a storage and distribution site for dry bulk materials including rock salt, zircon and sand, foundry sand, iron ore pellets, ball and china clay, gypsum rock, potash and scrap metal.

As a result of the former industrial uses of the 120-acre NFTA site, these lands were affected by varying degrees of contamination and have been thoroughly reviewed by the NYSDEC. In accordance with a remediation program established by the State, these lands are being made available for reuse. As a result, the NFTA issued a Request for Qualifications and is presently evaluating proposals from developers for the redevelopment of this area. In addition, the NFTA will be undertaking a project, known as the Outer Harbor Greenbelt project, to construct a greenspace corridor and shoreline stabilization along the shore of the 120-acre site for public access and passive recreation, including a multi-use pathway. This greenbelt will be linked to the Greenway Trail system, enabling a public connection to the Small Boat Harbor area, the Inner Harbor, Tifft Nature Preserve, and points further south. It is recommended that the Outer Harbor be redeveloped with a mix of uses that bring increased activity to this area and spur economic development. Public access, however, must be amply provided and maintained.

The 200-acre Union Ship Canal area is a former steel manufacturing facility. This area is being revitalized as the Buffalo Lakeside Commerce Park and will accommodate office and light manufacturing uses. Public access is proposed along the canal as a part of this redevelopment effort, and will be linked to the Greenway Trail system.

#### **Sub-area 4**

Sub-area 4 contains the bulk of the Buffalo River corridor and Cazenovia Creek (2-2 D). Land use within Sub-area 4 consists of various neighborhood commercial and residential uses, several parks, and several industrial facilities. This sub-area contains portions of the First Ward, Valley, Seneca and Cazenovia Park residential neighborhoods. A significant amount of the industrial land in this Sub-area is vacant. There are numerous railroad corridors and sidings and a large switching yard, which are utilized by CSX, Buffalo Southern Railroad and Norfolk Southern Railroad. These rail lines extend into Sub-areas 2 and 3, as well as other parts of the City. There are also a large number of paper streets in this area, most of which extend to the shoreline of the Buffalo River.

A concentration of industrial facilities and vacant industrial lands are situated along both sides of the Buffalo River in the westernmost portion of this sub-area (2-2 D). Land use on the northern Buffalo River shoreline in Sub-area 4, in the area known locally as Katherine Island or the Katherine Street peninsula, contains commercial and heavy industrial uses with a significant amount of vacant, former industrial land along much of the southern portion of the island. These companies include the National Tractor Trailer School, Airco Industrial Gases, Buffalo Sandblasting Sands, Irish Carbonic Co., Great Lakes Towing Company and Safety Kleen. A railway spur extends south along Katherine Street. Further east of Katherine Island, at the foot of Smith Street, is a large vacant industrial area that contains the 3.1-acre recreation site. This County-owned riverfront park, known as the Smith Street recreation site, is a part of the Buffalo River Fish and Wildlife Habitat Restoration project (see Section K.1.E).

The central portion of the Buffalo River is fairly well developed with industrial and commercial uses, primarily along the north shore. Starting from the railway bridge, east of the Katherine Island, the northern shoreline of the river is occupied by CTS Crushing and Recycling, Mobil Oil, PVS Chemicals, Buffalo Color Corporation, and more than a half dozen other smaller industrial uses, including an auto wrecking yard. There is a large amount of vacant land in this area as well. The Buffalo Police Department also has a community service center located adjacent to the Mobil Oil site, on the north shore of the river.

Large unused grain elevators and grassy vacant lots occupy the southern shoreline of the Buffalo River in Sub-area 4. This area, which is adjacent to several major rail corridors, contains a large amount of contaminated land (see Section M for more information on contamination in the area). South of the railroad uses there is a large amount of vacant industrial land, the railroad switching yards (which route rail traffic along the main corridors extending to the north, east and south), and the Tift Nature Preserve, which separates the railroad complex from the Outer Harbor and NYS Route 5.

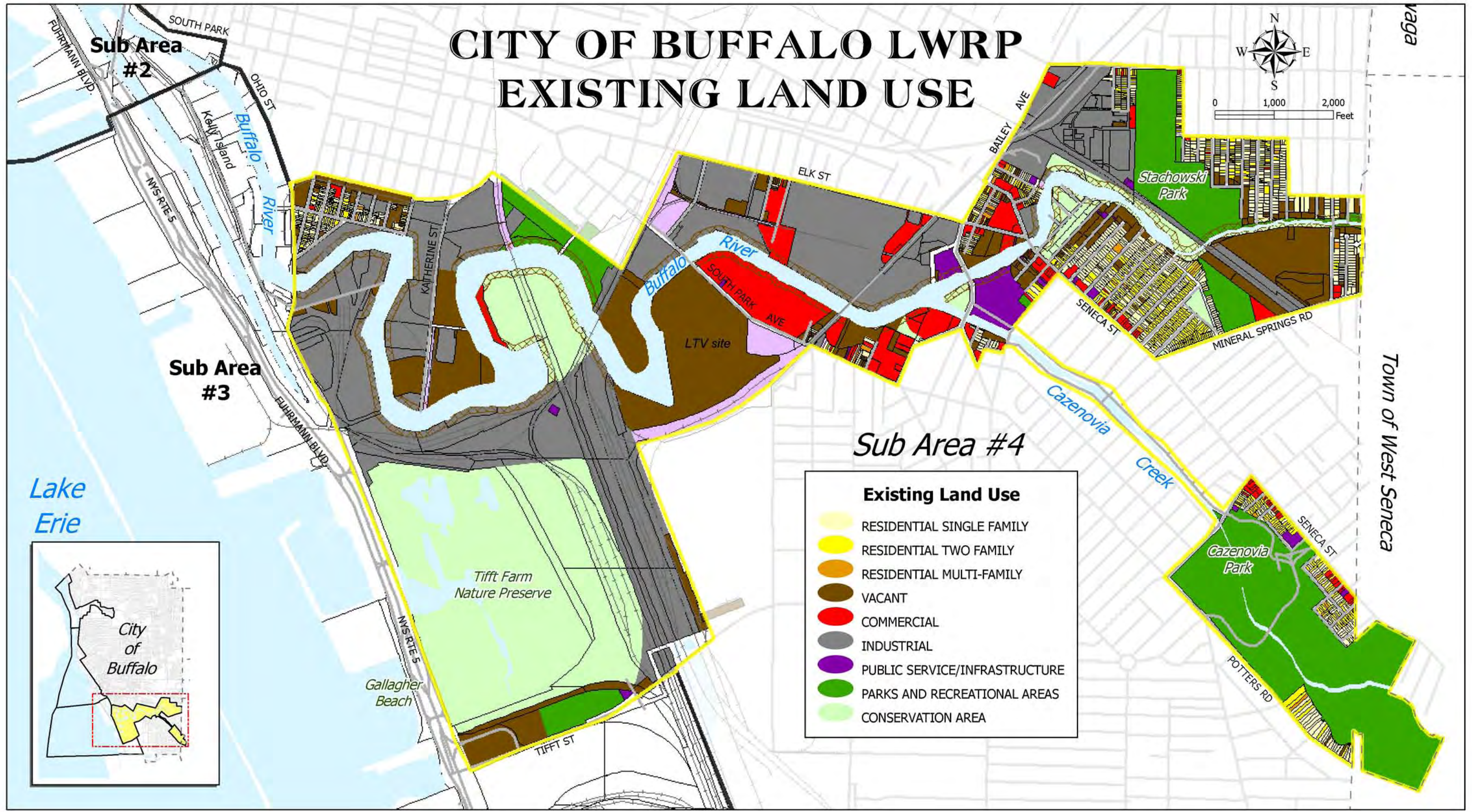
The southern shoreline of the Buffalo River, east of the railroad facilities, contains a large brownfield site (formerly Republic/LTV Steel); August Feine and Sons, a steel processor and distributor; and the former Village Farms of Buffalo facility, a hydroponic vegetable distributor (see Section M.4). In the area just west of the confluence of the Buffalo River and Cazenovia Creek, land use begins to change from a concentration of commercial, industrial and vacant industrial sites to more of a mix of industrial uses with high and medium density residential and neighborhood commercial uses. A large portion of land directly adjacent to the river in this area is wooded open space and serves as a passive recreational area, though it is not formally designated as such. This area, known as Old Bailey Woods, was designated as a passive park by the City. This park is proposed to be connected to Cazenovia Park and Houghton Park (also in Sub-area 4) via a trail system.

East of the confluence of the Buffalo River and Cazenovia Creek land use is a mix of high and medium-density residential, commercial and industrial uses. Southside School and Mongovan Park (which is in need of restoration) are located in this area as well. The Bailey Avenue peninsula site (a County-owned site also known as Confluence Point), which is designated site for the County's Buffalo River Fish and Wildlife Habitat Demonstration Restoration project is located in this area. Further up the river, along the bend just east of Seneca Street, is the Seneca Bluffs wetland and habitat area. South Park Avenue, Bailey Avenue and McKinley Parkway serve as major collector and arterial roadways in this area.

In the area where the Buffalo River continues to the northeast, land uses are buffered by a green corridor of wooded and grassy open space that exists along both sides of the Buffalo River. A large portion of this open space is a part of the river basin that is submerged during the spring snowmelt. Land use along the northern bank of the river consists of a mixed-use area of industrial manufacturers, small residential neighborhoods, and a heavily used railroad line. A Niagara Mohawk Power substation is located along this shoreline, along with an overhead high tension power line that runs parallel to a railroad line. In addition, the Worthington business center, which consists of light and heavy manufacturers, warehousing companies and other industries, is located on the shore immediately west of Houghton Park. East of Houghton Park land use is primarily single and two-family residential housing.

The southern bank of the Buffalo River, east of the confluence with the creek, consists of residential and commercial uses. A large portion of land directly adjacent to the shore, east of the Seneca Street Bridge, is vacant open space. There are several vacant residential lots near the river. Public School 27 and Hillery Park are located adjacent to the shoreline further east of the residential uses. The railroad





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and utility corridor extend east through this area, and there is a telecommunications tower located adjacent to the railroad line, just west of South Ogden Street.

The Cazenovia Creek corridor in Sub-area 4 extends east to Cazenovia Park. On the northern bank of Cazenovia Creek is Southside Elementary School. Further east, on both sides of the Creek, land use consists of single and two-family residential neighborhoods. A portion of the Seneca Street neighborhood commercial corridor is also located within this segment of the Sub-area, north of Cazenovia Park.

## 2. Zoning and Other Land Use Regulations

The Zoning Ordinance for the City of Buffalo was adopted in 1953. This Ordinance, known as Chapter 511 of the City of Buffalo Charter and Ordinance, has been revised several times since. The Local Waterfront Revitalization Area (LWRA) contains the following sixteen zoning districts (Maps 2-3A - 2-3D).

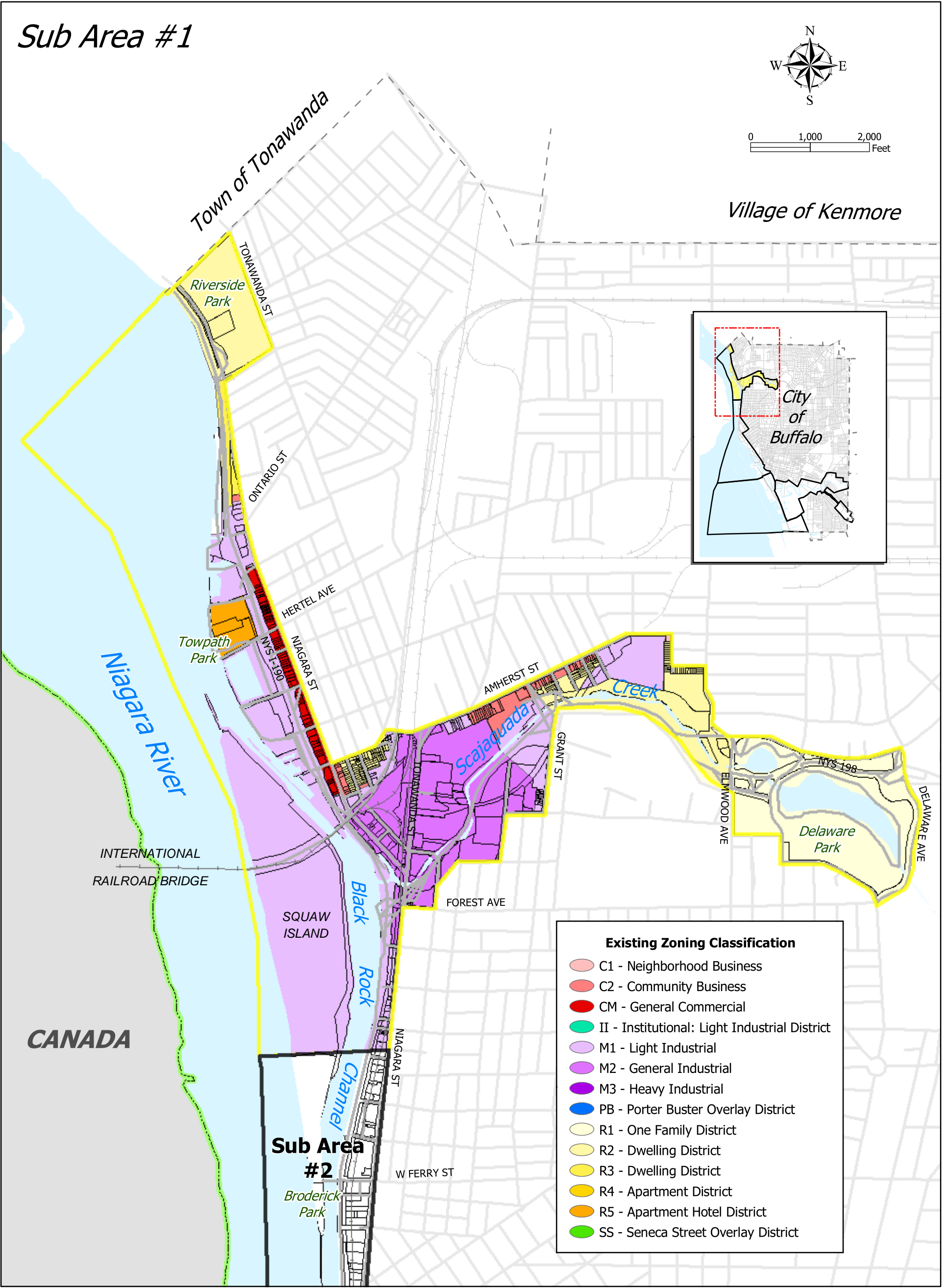
R1	One-Family District	C3	Central Business District
R2	Dwelling District	CM	General Commercial District
R3	Dwelling District	M1	Light Industrial District
R4	Apartment District	M2	General Industrial District
R5	Apartment Hotel District	M3	Heavy Industrial District
C1	Neighborhood Business District	PB	Porter/Busti Special District
C2	Community Business District	SS	Seneca Street Special District

### Special Districts

In addition to the aforementioned zoning districts, the following Special Districts fall within the LWRA boundary:

- *Buffalo Coastal Special Review District (Section 511-67 (A))*  
Any uses that are presently permitted under the existing zoning regulations, which fall within this area, are subject to the issuance of a restricted use permit. Uses exempt from review include:
  - residential uses in residential districts;
  - development plans duly adopted;
  - C1, C2 and CM uses on land ten thousand (10,000) square feet or less;
  - public parks, playgrounds and nature preserves;
  - educational facilities;
  - improvements to properties not exceeding \$10,000 in permit value;
  - installation of air and water quality improvement equipment;
  - demolition of substandard structures; and
  - any action needed to comply with requirements of law.

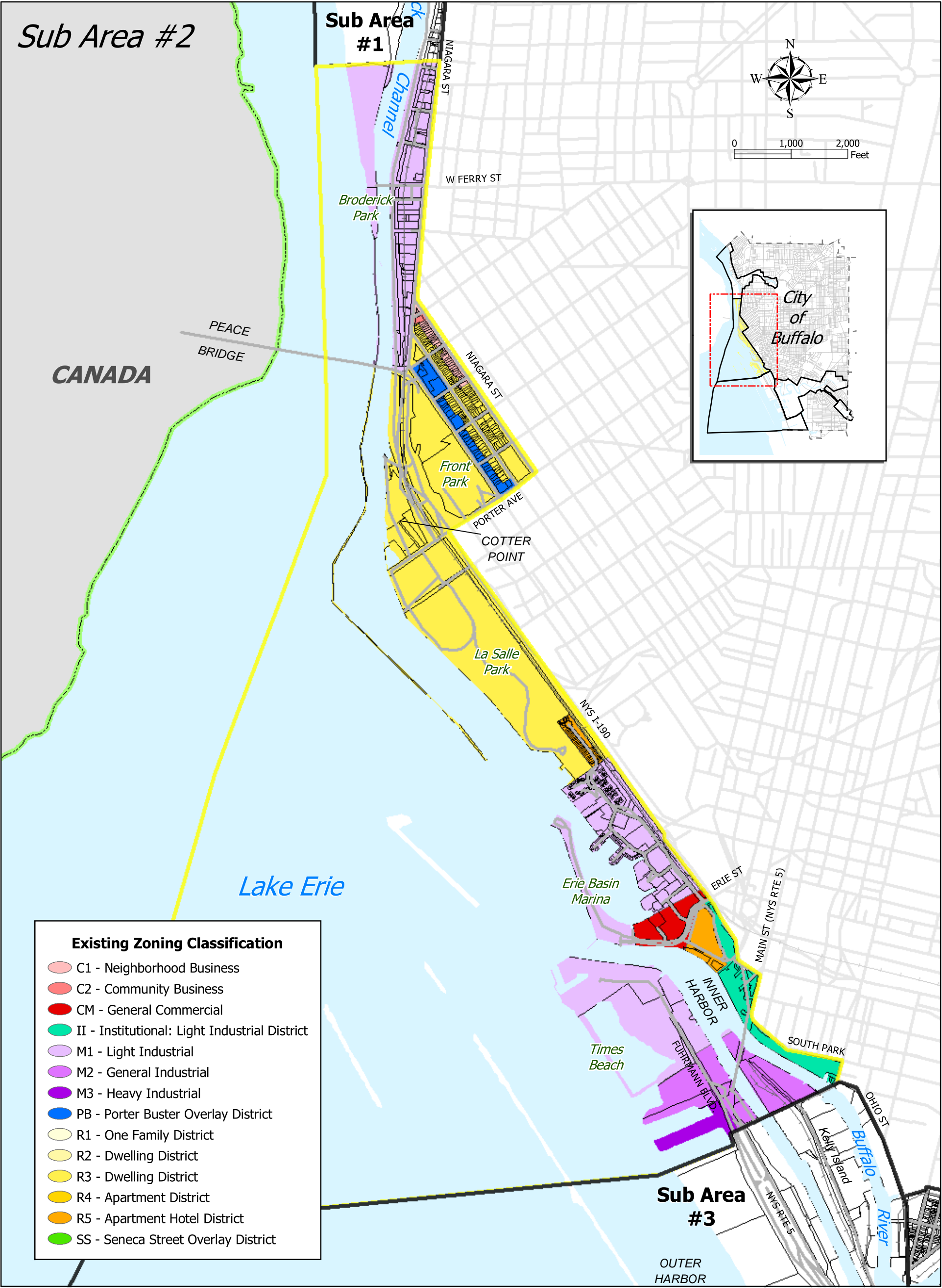
# City of Buffalo LWRP Existing Zoning



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# City of Buffalo LWRP Existing Zoning



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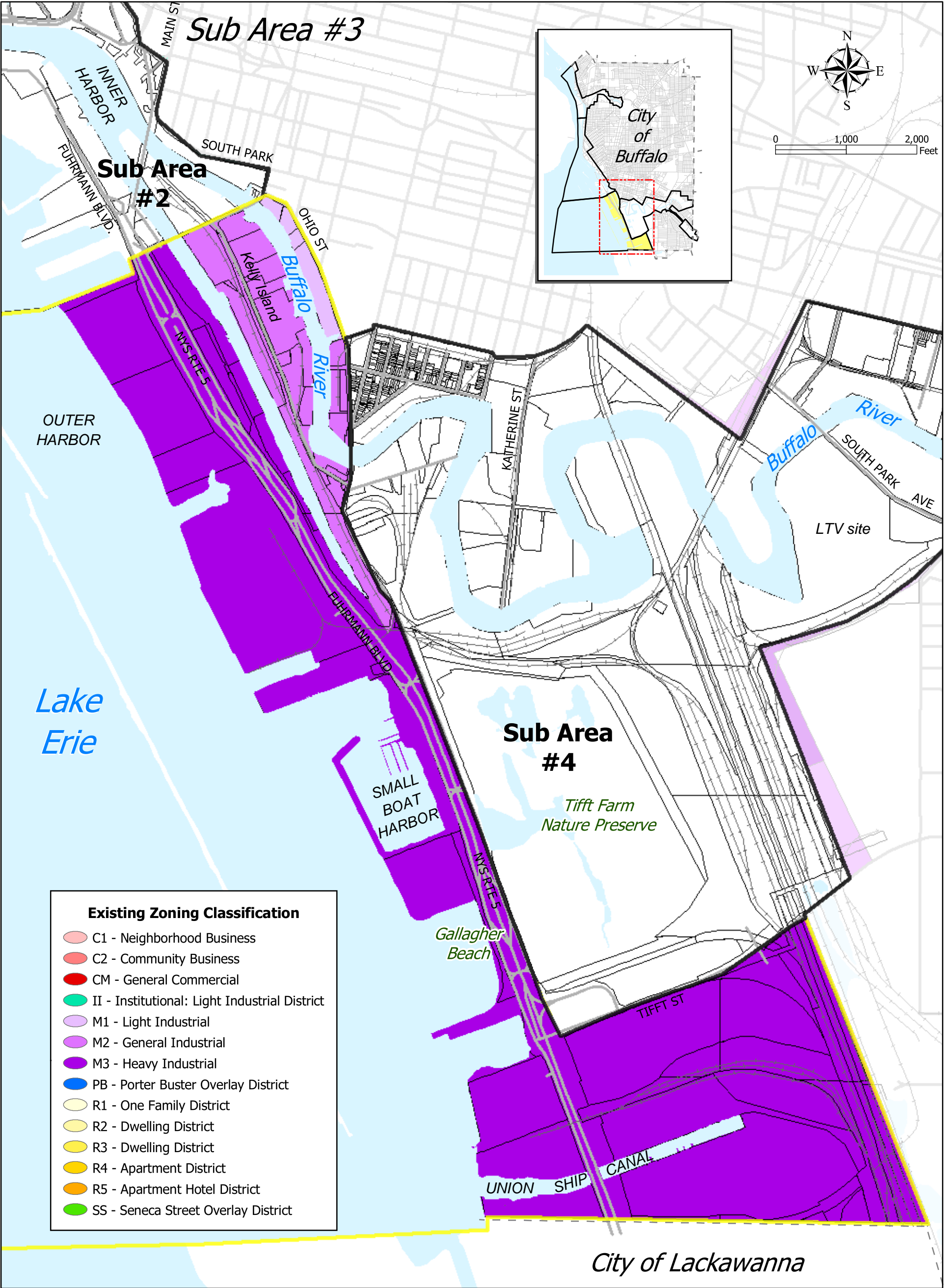
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ARCHITECTS & ENGINEERS

WD Project #274710-LWRP  
January 29, 2004



# City of Buffalo LWRP

## Existing Zoning



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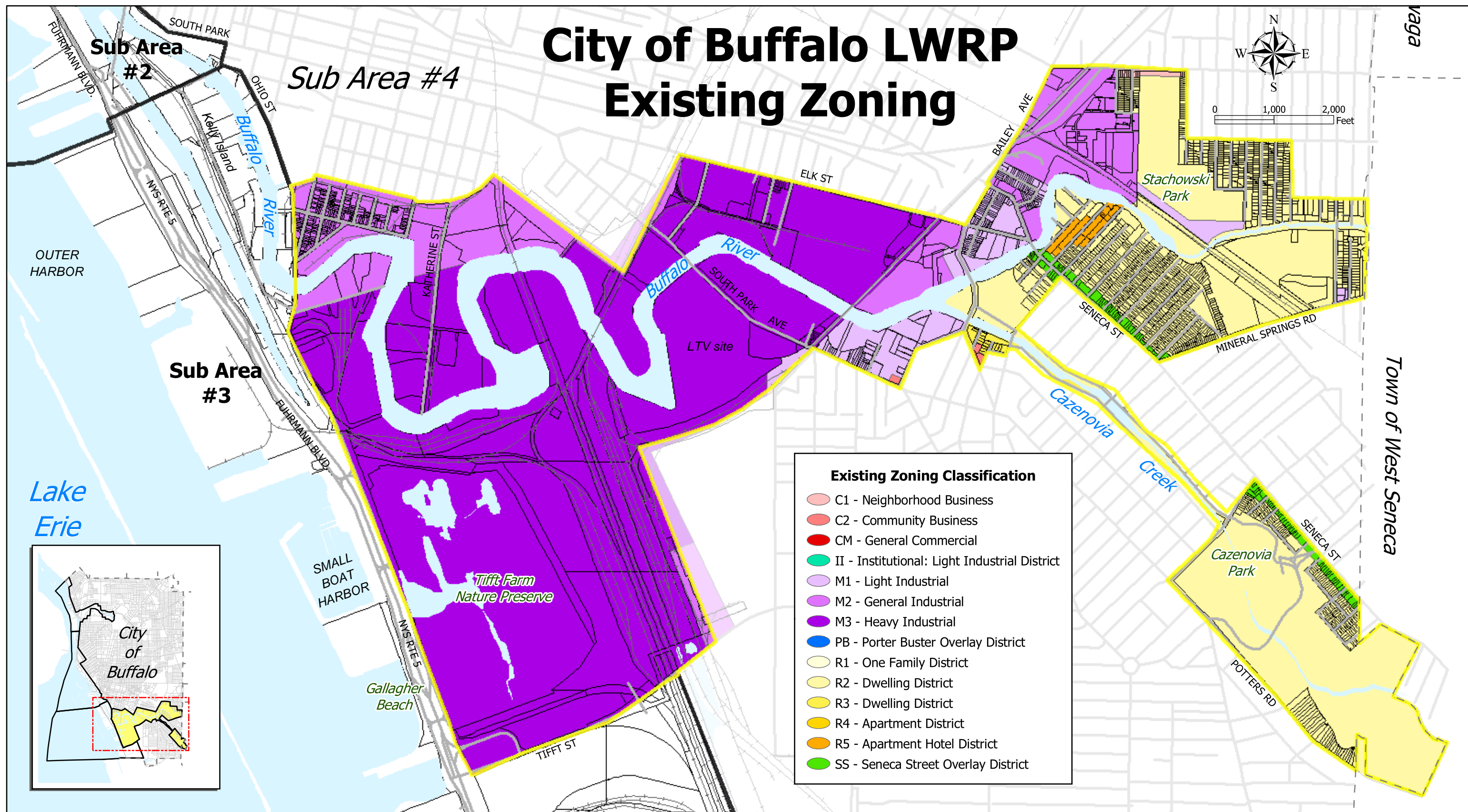
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WENDEL DUCHSCHERER ARCHITECTS & ENGINEERS

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October 24, 2003



# City of Buffalo LWRP Existing Zoning



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ARCHITECTS & ENGINEERS

WD Project #274710-LWRP  
January 29, 2004

The maximum height of any use seeking to be established or extended within the Buffalo Coastal Special Review District is subject to the restrictions of the underlying zoning and approval of the Buffalo Common Council. Once the LWRP is adopted, this special district will be repealed.

- *Buffalo River Open Space Corridor (Section 511-67(B))*

Development in this area requires a waterfront yard of not less than one hundred (100) feet in depth, as measured from the established dockline (the point distinguishing land from water) or the top of developed bank for all property in the City that falls within twenty-five feet of the Buffalo River within the Buffalo Coastal Special Review District. No structure or use shall be extended into the yard along the river frontage unless the property owner can demonstrate a physical need to locate said structure or use in this area. The waterfront yard is to be maintained with natural plant materials, wherever possible.

- *Buffalo Coastal Special Review District (Section 511-67 (C))*

Development in this district requires that a waterfront yard be maintained of not less than twenty-five feet in depth, as measured from the property line adjacent to the waterfront or from the shoreline where the shoreline exceeds the property line. No structures or uses shall extend into the required yard along the Buffalo River frontage. The required yard shall be maintained, where possible, with natural plant material.

- *Niagara River Coastal Special Review District (Section 511-68)*

Any uses that are presently permitted under the existing zoning regulations, which fall within this area, are subject to the issuance of a restricted use permit. Uses exempt from review include:

- residential uses in residential districts;
- development plans duly adopted;
- C1, C2 and CM uses on land ten thousand (10,000) square feet or less;
- public parks, playgrounds and nature preserves;
- educational facilities;
- improvements to properties not exceeding \$10,000 in permit value;
- installation of air and water quality improvement equipment;
- demolition of substandard structures; and
- any action needed to comply with requirements of law.

The maximum height of any use seeking to be established or extended in the Niagara River Coastal Special Review District is subject to the restrictions of the underlying zoning and approval of the Common Council.

### Urban Renewal Areas

Two active urban renewal areas are located wholly or partially within the city's LWRA. The following is a brief description of each area.

- *Waterfront Redevelopment Project NYR-35*

The Waterfront Redevelopment Project urban renewal area was adopted on October 22, 1963 for a term of 50 years (to expire in 2013), and as amended in 1993, is wholly contained within Sub-area 2. The plan was enacted to acquire and clear land for the development of new high and medium density housing (Waterfront Village and other housing), new commercial facilities, a small boat harbor and marina (Erie Basin Marina), and waterfront recreational facilities, parks, playgrounds and schools (Waterfront School) to service the area, as well as all necessary streets and infrastructure. The land use component of the plan prescribes permitted uses, height limitations, use buffers, off-street parking requirements and off-street loading provisions. The plan specifically mandates land use percentages for Area A (residential 40 percent, public parks 20 percent, small boat harbor and marina 7 percent, street rights-of-way 10 percent, and commercial mixed use 23 percent).

In 1993, the Waterfront Redevelopment Project plan was significantly amended to acquire and clear land to accommodate the construction of a new sports and entertainment complex (HSBC Arena) and to construct the necessary public infrastructure to support this complex. The plan specified land uses for the property to be limited to stadium/arena, entertainment, service and retail uses. Building requirements for the property acquired includes density requirements, building coverage, building height, minimum building setback and surface parking lot design. Land uses on properties not targeted for acquisition in this area continue to be regulated by the existing zoning, which is II-Institutional:Light Industrial District.

- *Connecticut Street Urban Renewal Plan*

The LWRA contains four blocks of a designated 25-block urban renewal area. The urban renewal plan for this area, adopted in 1983, and amended in 1995, was aimed at enticing new private investment for mixed-use, neighborhood-scale development through the implementation of a series of public investments. The land use component of the plan, as amended, defers to the underlying zoning for a prescription of allowable uses. The amendment also repeals design standards contained in the original plan and replaces them with site plan review requirements for all new construction within the urban renewal area.



Landmarks and Historic Districts listed on the National Register of Historic Places and Locally Designated Landmarks and Historic Districts

The City regulates properties and districts within the waterfront area that have been designated as national, state or local landmarks or historic districts due to their architectural, historical or cultural significance. A portion of the Cobblestone Historic District that contains the Edward M. Cotter Fireboat and slip on Ohio Street, which was designated as a Local Preservation District in July 1994, is located in Sub-area 2 (Map 2-9). This area was listed on the National Register of Historic Places in 1996. Modifications or alterations to these properties must conform to the "Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings", as well as Chapter 337 of the Charter and Ordinance of the City of Buffalo (as administered by the Buffalo Preservation Board). The following general design principles, as set forth in the City of Buffalo's Preservation Standards, apply to projects involving historic properties:

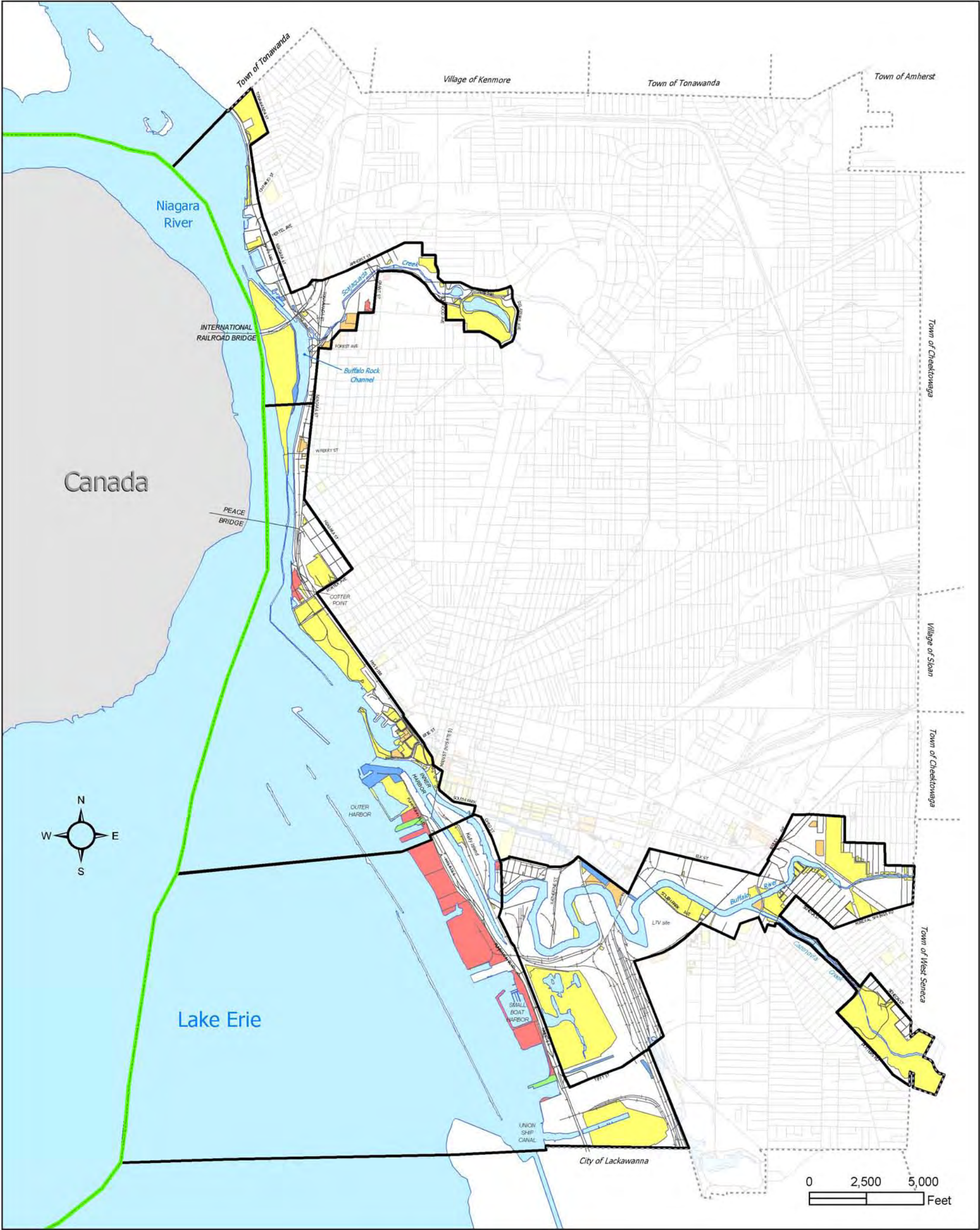
- the project should result in the least possible impact on the site or structure;
- the project should retain the distinguishing qualities and characteristics of the site or structure;
- deteriorated features should be repaired where feasible, but in the event replacement is necessary, the replacement should match the original materials, design, color, texture and other visual qualities;
- the project should respect historic changes that may have acquired significance over time;
- work proposed to restore or reconstruct missing or altered features should be based on historical documentation or evidence;
- new additions and/or alterations should be compatible with the existing site or structure; and
- in the case of new construction, the new structure should be compatible in size, scale, color, material and character with the historic district.

### **3. Land Ownership Patterns**

Certain lands in the LWRA are under public ownership, including public parks, property obtained for economic development programming or environmental remediation, and lands used for water and sewer infrastructure or other public services (see Map 2-4).

The City owns a number of small and large properties that are currently developed as parks. The location, size and description of these properties are described in the Public Access and Recreation section of this report (Section E). In addition to these parkland properties, the City of Buffalo owns the full extent of Squaw Island, in Sub-area 1.

# CITY OF BUFFALO LWRP PUBLIC LANDS



THE INFORMATION ON THIS DOCUMENT IS BASED ON DATA GATHERED FROM THE FOLLOWING DATA SOURCES AND SHOULD NOT BE USED FOR DESIGN OR CONSTRUCTION.  
DATA SOURCES: CITY OF BUFFALO

**Key to Features**

- Municipal Boundary
- LWRP Boundary
- International Boundary
- Water
- Railroad
- Road

**Public Lands**

- City
- County
- State
- Federal
- Private



The City of Buffalo owns Riverside Park, Tow Path Park, Black Rock Park and the Ontario Street boat ramp property, as well as the former Jubilee Library, which is located on a 10,000 square-foot parcel, along the western side of Niagara Street, just north of Hamilton Street in Sub-area 1. The building is currently used as a community center. The City of Buffalo also owns several small properties along Niagara Street, near Parish Street, immediately north of the International Railroad Bridge. These consist of a 42,400 square-foot lot on the east side of the street, and two smaller lots of 14,488 square feet and 3,692 square feet, respectively, on the west, between Niagara Street and the I-190 Expressway.

The northern end of Squaw Island, north of the International Railroad Bridge, consists of 40.2 acres of wooded land. This property is planned as a future recreational facility known as Squaw Island Park. The site is used frequently for the illegal dumping of household and automotive wastes, furniture and abandoned automobiles.

The 89.8-acre central portion of Squaw Island, south of the International Railroad Bridge, is the location of the City's Bird Island Wastewater Treatment Plant and a former landfill, which was used for the disposal of municipal (household) solid waste and construction debris. The landfill is now a clay-capped grassy hill. The 29.8-acre portion of the property that contains the landfill and a former transfer station is programmed for future recreational use along with the 40.2 acres to the north (part of Squaw Island Park).

The City of Buffalo Board of Education owns a 7.67-acre parcel along the north shore of Scajaquada Creek, adjacent to Elmwood Avenue in Sub-area 1. This site contains the McKinley vocational High School, which is separated from the shoreline by a two-acre grassy field.

In Sub-area 2, the Buffalo Urban Renewal Agency (BURA) owns several parcels along Lakefront Boulevard, near the Inner Harbor, that encompasses over 21 acres. The entire area of land between the I-190 Expressway and the Lake Erie shoreline was once owned by the City and designated for urban renewal as part of the Waterfront Redevelopment Project, but since has been partially sold off and developed as luxury condominiums and commercial offices. The land that remains, which is still a part of the Waterfront urban renewal area, consists of irregularly shaped lots of varying size and composition, including a:

- 26,720 square-foot landscaped lot;
- 27,437-square-foot landscaped lot;
- 1.21-acre marina-side parcel;

- 1.22-acre grassy lot;
- 6,055 square-foot outparcel;
- 21,134 square-foot parking lot serving 20 Lakefront Boulevard;
- 3.47-acre parking lot serving 20 Lakefront Boulevard; and
- 4.18-acre parking lot serving 20 Lakefront Boulevard, which includes some vacant lawn area

There are three undeveloped City-owned lots situated between two, multi-story condominium complexes along the shoreline. These lots measure 3.05 acres, 1.98 acres and 15,000 square feet in area. South of these lots is a 2.7-acre parking lot owned by BURA. Another undeveloped lot of 1.16 acres and a narrow outparcel measuring 3,383 square feet in area, which are also owned by the City, are situated between this parking lot and an adjacent five-story condominium complex.

The Waterfront Redevelopment Project urban renewal area continues south in Sub-area 2, past Erie Street and the Erie Basin Marina. South of Erie Street, the Buffalo Municipal Housing Authority (BMHA) owns two lots that measure 6.38 acres and 3.25 acres, respectively. These parcels are each developed with 12-story subsidized-apartment complexes that were built in the 1950's. The City also owns a large irregular 6-acre parcel, situated beneath the Skyway (NYS Route 5) overpass, which is developed with a parking lot and the Naval and Serviceman's Park. City holdings in Sub-Area 2 also include Broderick Park, Front Park, LaSalle Park and the Erie Basin Marina.

At the boundary between Sub-areas 2 and 3, immediately adjacent to the Michigan Avenue lift bridge, the City of Buffalo owns two adjoining properties that comprise a total of 15,000 square feet. This is the location of a service building and mooring area for the City's Edward M. Cotter fireboat. There is an additional 16,000 square-foot parcel on Ganson Street that is occupied by a City firehouse. The City also owns a 7.93-acre parcel, adjacent to the Buffalo Ship Canal at Ganson Street and South Michigan Avenue, which is occupied by a manufacturing facility and a parking lot for General Mills.

The City owns several parcels in the vicinity of the Buffalo River in Sub-area 3. The first is the 233-acre Tift Nature Preserve, which is located east of Fuhrmann Boulevard. Another property is located in the area known as Katherine Island, which consists of a 4.7-acre, undeveloped lot, that is separated from the road by a large, privately-owned wooded property. Opposite this property is a parcel of 3.1 acres that is occupied by an historic grain elevator. This property also has no formal roadway frontage. A third property owned by the City is a 20,500-square-foot lot located further east between two very wide railroad corridors on the southern shoreline, approximately 1,000 feet inland. This site is the former LTV/Republic Steel site, which is contaminated.



Continuing east along the Buffalo River in Sub-area 4, the City owns four adjoining parcels that comprise 24.4 acres, which are situated between the north side of South Park Avenue and the southern shoreline of the river, that is managed by the Buffalo Economic Development Corporation. The property was being leased to Village Farms and is occupied by their former greenhouse.

In Sub-Area 4, near the Bailey Avenue road bridge that crosses Cazenovia Creek, just east of its confluence with the Buffalo River, the City of Buffalo owns two parcels. These include a 4.1-acre parcel that is occupied by a Buffalo Sewer Authority pumping station, and a 17.7-acre lot, east of the bridge, which is occupied by Southside Elementary School.

The City of Buffalo, in an effort to protect homeowners and businesses from flood damage, has obtained title to several vacant properties adjacent to the Buffalo River, east of the confluence with Cazenovia Creek. These properties form a buffer on either side of the river where seasonal flooding is prevalent. In total, the City owns 17.7 acres of linear, undeveloped shoreline property. In addition the City owns a one-acre lot at the foot of Polish Place, which is occupied by a pumping station, a 13.4-acre lot that is occupied by an elementary school (P.S. 27), and the Buffalo Municipal Housing Authority owns a third 1.8-acre lot occupied by subsidized apartments. The City also owns Houghton Park, Hillery Park, Conway Park and Cazenovia Park in Sub-Area 4. In addition, the City owns a number of paper streets that terminate at the Buffalo River shoreline. This is discussed further in Section E.

The Erie County Industrial Development Agency (ECIDA) own several properties within the LWRA. These properties include a number of parks and recreation areas described in the Public Access and Recreation section of this report and the parcels, which are managed by the ECIDA. The following properties are administered as such:

**Sub-area 1**

- 2.8-acre parcel at 184 Amherst Street
- 4,686 parcel at 434 Amherst Street
- a linear cluster of four parcels totaling 19.7 acres along the southern shoreline of Scajaquada Creek along Forest Avenue comprising a multi-building manufacturing complex

**Sub-area 2**

- 4.06-acre parcel at 1200 Niagara Street adjacent to the Interstate used for manufacturing
- 19,000 sq. ft. parcel at 1114 Niagara Street adjacent to the I-190 Expressway
- 17,600 sq. ft. parcel at 1160 Niagara Street adjacent to the I-190 Expressway
- 2.5-acre parcel occupied by a waterfront commercial complex on the Inner Harbor
- 3.1-acre parcel occupied by a closed waterfront restaurant on the Inner Harbor

**Sub-area 4**

- Two parcels within the Worthington Business Center, measuring 1.7-acres and 5.2-acres, both of which are occupied by manufacturing facilities

The County owns two recreation properties in Sub-Area 4. These include the Smith Street recreation site and the Bailey Avenue peninsula site (Confluence Point).

The State of New York owns several properties within the LWRA. In Sub-area 1, the State University College at Buffalo owns two adjoining parcels along the south side of Scajaquada Creek, which total 2.36 acres and are currently used as parking area. Along the Black Rock Channel, at Cotter Point in Sub-area 2, the State University of New York owns a 7.2-acre parcel, which is operated as the Great Lakes marine research center. Directly adjacent to this property is a National Guard Base, which is located on a 3.6-acre State-owned parcel. The State also owns the Canoe Launch located on Ohio Street, along the Buffalo River shoreline in Sub-area 3.

The NFTA, a component of New York State government, owns the land that contains the Niagara Frontier Port Authority terminals on the Outer Harbor in Sub-Area 3. The NFTA is the region's public transportation provider. The 52-acre Times Beach dredge spoil disposal site, also on the Outer Harbor. This property is contaminated by dredge spoil deposits that contain high concentrations of pollutants and, therefore, cannot be built upon without remediation. This site is being improved for passive reuse as a nature preserve and education center (see Section K.1.A). The NFTA also owns three inoperative railroad right-of-ways. One is located northwest of the terminus of Smith Street, on the northern shoreline of the Buffalo River in Sub-area 4. The other two are located on the east side of Fuhrmann Boulevard, south of the Tifft Nature Preserve, in Sub-area 4.

The federal government owns two small properties near the International Railroad Bridge in Sub-Area 1. The U.S. Army Corps. of Engineers has its operations facility at this location. The federal government also owns a narrow stretch of shoreline along the eastern shore of Squaw Island. There is one property on the Outer Harbor shoreline in Sub-Area 2 under federal ownership that house the United States Coast Guard station and the Buffalo Main Lighthouse.

#### **4. Water Dependent and Water Enhanced Uses**

Water-dependent uses are land uses that require a shoreline location in order to operate. Examples include a marina, a boat launch ramp, transshipment facilities, or uses that require water for processing. Water-enhanced uses are land uses that derive benefit from a waterfront location, but do not require such a location to function, such as a restaurant, residential properties or parkland. The water-dependent and water-enhanced uses found in the City of Buffalo LWRA include the following.

##### **Sub-area 1**

The shoreline of Sub-area 1 supports a number of water-dependent and water-enhanced uses. Private businesses located between the I-190 Expressway and the Niagara River shoreline include private marinas, The U.S. Army Corps. Of Engineers facility, the Black Rock Canal lock, boat sales and service establishments and restaurants that provide physical or visual shoreline access. The Ontario Street Boat Launch is also located along this stretch of shoreline. The remaining lands in Sub-area 1 are occupied by the Riverwalk (a waterfront pedestrian/bicycle path), the Waterfront II apartments, portions of Delaware Park and Towpath Park, which are water-enhanced uses. Squaw Island, in Sub-area 1, includes the City's Wastewater Treatment Plant (a water-dependent use) and the International Rail Bridge and the Riverwalk. Vacant lands on Squaw Island will be redeveloped with parkland, which is water-enhanced.

##### **Sub-area 2**

Sub-area 2 also contains a number of water-dependent and water-enhanced uses. The City's main water pumping station and the Massachusetts Avenue auxiliary pumping station utilize their shoreline locations to draw water from Lake Erie, providing potable water service to the region. The West Side Rowing Club and boat house, the Buffalo Yacht Club marina, the Great Lakes marine research center also require a shoreline location to operate. LaSalle Park and the Riverwalk are enhanced by the views of Lake Erie and various waterside features. To the south of LaSalle Park, the Erie Basin Marina, the Naval and Servicemen's Park, U.S. Coast Guard station, the Seaway Pier, a private marina and General Mills are water-dependent uses, while the condominiums and office towers situated in this area derive added

benefit from their shoreline location. The Buffalo Fire Department also docks its fire rescue boat at the Michigan Avenue lift bridge, near the mouth of the Buffalo River in Sub-area 2.

In Sub-area 2 a proposal has been set forth to develop the Frank Lloyd Wright boathouse, which was designed in 1905 for a site in Madison, Wisconsin but never built. This facility would be constructed next to the West Side Rowing Club, just south of the Peace Bridge. It would function as a working boathouse for the rowing club, as well as a tourist attraction, and qualify as a water-dependent use.

### **Sub-area 3**

The Outer Harbor and Kelly Island areas are occupied by commercial distribution terminals, including Freezer Queen, a few private marinas with dry dock facilities, Buffalo Industrial Diving Company, a small boat rental business, the Small Boat Harbor and Gallagher Beach. The former Pier restaurant, with docking facilities, is a water-enhanced use. The NYSDEC also operates a canoe launch on the Buffalo River.

### **Sub-area 4**

There are a limited number of businesses located along the Buffalo River shoreline in Sub-area 4 that regularly use the river for shipping or recreational boating. The Pillsbury facility utilizes the river for the transshipment of grain on a regular basis, while shipments to the Mobil Oil terminal occur less frequently. Five industries use the Buffalo River as a discharge point for treated wastewater or as a source of cooling water. These include BOC Gases on Katherine Island, PVS Chemicals on South Park Avenue, Buffalo Color Corporation, Mobil Oil, and the Worthington Business Center. The Great Lakes tugboat towing company is located on Katherine Island.

Sub-area 4 contains several water-enhanced public parks, including Conway Park, the Smith Street recreation site, the Bailey Avenue peninsula site, Hillery Park, portions of Houghton Park, Hillary Park, and Cazenovia Park. These parks provide places on the Buffalo River for passive recreation including wildlife viewing and fishing. There are a large number of private residences in Sub-Area 4 whose location near the parks and river enhances their value.



## **5. Tourism**

The City of Buffalo is located along the waterfront at the eastern end of Lake Erie, in close proximity to Canada. Over the years, the City has taken efforts to redevelop areas of the shoreline to enhance tourism, and is currently engaged in numerous planning and public improvement projects that use the waterfront as a catalyst for private investment and growth. The waterfront can also serve as a major component of the City's heritage and architectural tourism strategy. The centerpiece project for this endeavor is the Erie Canal Harbor redevelopment project, on the Inner Harbor near downtown Buffalo. This project involves increasing public access to the downtown waterfront area by reconfiguring the seawall, moving the historic naval vessels that were obstructing views of Lake Erie to a less obtrusive location, and constructing new docking slips and wharfs for use by tourism boats and law enforcement. The project also entails restoring the historic Commercial Slip for heritage tourism activities and constructing new sidewalks and pathways throughout the site. When completed, this area will provide improved public access to the waterfront and additional opportunities for economic development, and will help to boost tourism throughout the area.

Two other proposed projects that will help to stimulate tourism and increase activity along the waterfront include the improvements along Porter Avenue and the realignment of Erie Street. Porter Avenue is a symbolic, aesthetic and functional gateway to downtown Buffalo and the waterfront. Plans for this area include alterations to the roadway configuration, improvements to the terminus of Porter Avenue and streetscaping (including lighting, signage and street amenities). The Erie Street project involves restoring the Erie Street corridor to connect with Main Street, providing unobstructed access to the waterfront.

There are also a number of projects aimed at developing multi-use pathways to connect to the existing Riverwalk to the proposed pathways within the Inner and Outer Harbor areas. Providing continuous access between the various portions of the waterfront and downtown is essential to enabling visitors and residents alike the ability to enjoy waterfront resources. The Buffalo Greenways Implementation Plan proposes a number of pathways throughout Sub-Areas 3 and 4 (along the Outer Harbor and Buffalo River shorelines), including improvements to the Industrial Heritage Trail, which is a 7-mile off-road trail informally located along the Buffalo River. This trail will ultimately showcase the historic grain elevators and other historic industrial buildings through interpretive kiosks and trail markings. The Industrial Heritage Trail creates a cohesive tourism theme for the City of Buffalo that will enhance future tourism efforts in the area.

In addition, Niagara Street in Sub-areas 1 and 2, and NYS Route 5 in Sub-area 3, are segments of the New York State Seaway Trail system, which is a designated National Scenic By-way. The Seaway Trail is a 454-mile by-way that follows the shoreline of Great Lakes, the Niagara River and the St. Lawrence Seaway, connecting villages, historic sites, picturesque waters and rolling farmland throughout the State. The creation and connection of a waterfront trail system will allow for increased appreciation of the Seaway Trail as a resource.

Buffalo is a city of internationally-acclaimed architecture. Buffalo has buildings designed by Frank Lloyd Wright, Louis Sullivan, and H.H. Richardson, among others. In addition, Buffalo features a parks system and parkways designed by Frederick Law Olmsted, the father of American landscape architecture. The Buffalo Parks system is the first of its kind in the United States. These features alone attract visitors to Buffalo. In addition, there is a proposal to construct the Frank Lloyd Wright Boathouse adjacent to the West Side Rowing Club, as part of the redevelopment of Cotter Point. This would also generate tourist activity along the waterfront.

The waterfront currently offers LaSalle Park (one of Buffalo's only waterfront parks), the Erie Basin Marina, the Erie County Naval and Military Park, the Buffalo River and its towering grain elevators, and the new Gallagher Beach facility. As the City and other local agencies continue to make improvements, via the extension of trails, development improvements along the shore, private investments for redeveloping waterfront properties and the other future improvements that are planned throughout the area, opportunities for public access and tourism along the Buffalo waterfront will increase.

### **C. SURFACE WATERS AND SURFACE WATER USES**

Surface waters within the LWRA include Lake Erie, the Niagara River, the Black Rock Canal, the Union Ship Canal, the Buffalo River, Scajaquada Creek, Cazenovia Creek, Hoyt Lake and several small lakes within the Tift Nature Preserve. Lake Erie, the Niagara River, the Black Rock Canal, and the length of the Buffalo River, west of Bailey Avenue, are the only navigable waterways capable of serving motorized vessels or freighters. These waters are used primarily for recreational boating, with some commercial shipping activity. They are navigable from early April through late November.

Scajaquada Creek, Cazenovia Creek and the Buffalo River (east of Bailey Avenue) are navigable only by canoes and kayaks due to low vertical clearances, low water levels, and dams. Hoyt Lake in Delaware Park, and the lakes within the Tift Nature Preserve, are inaccessible from the greater Lake Erie

waterfront and are only appropriate for canoeing, paddle boats or other non-motorized watercraft. Recreational fishing, both on and off shore, occurs on all surface waters in the LWRA. No commercial fishing and mining activities occur within these waters.

### **1. Marinas, Docks and Bulkheads**

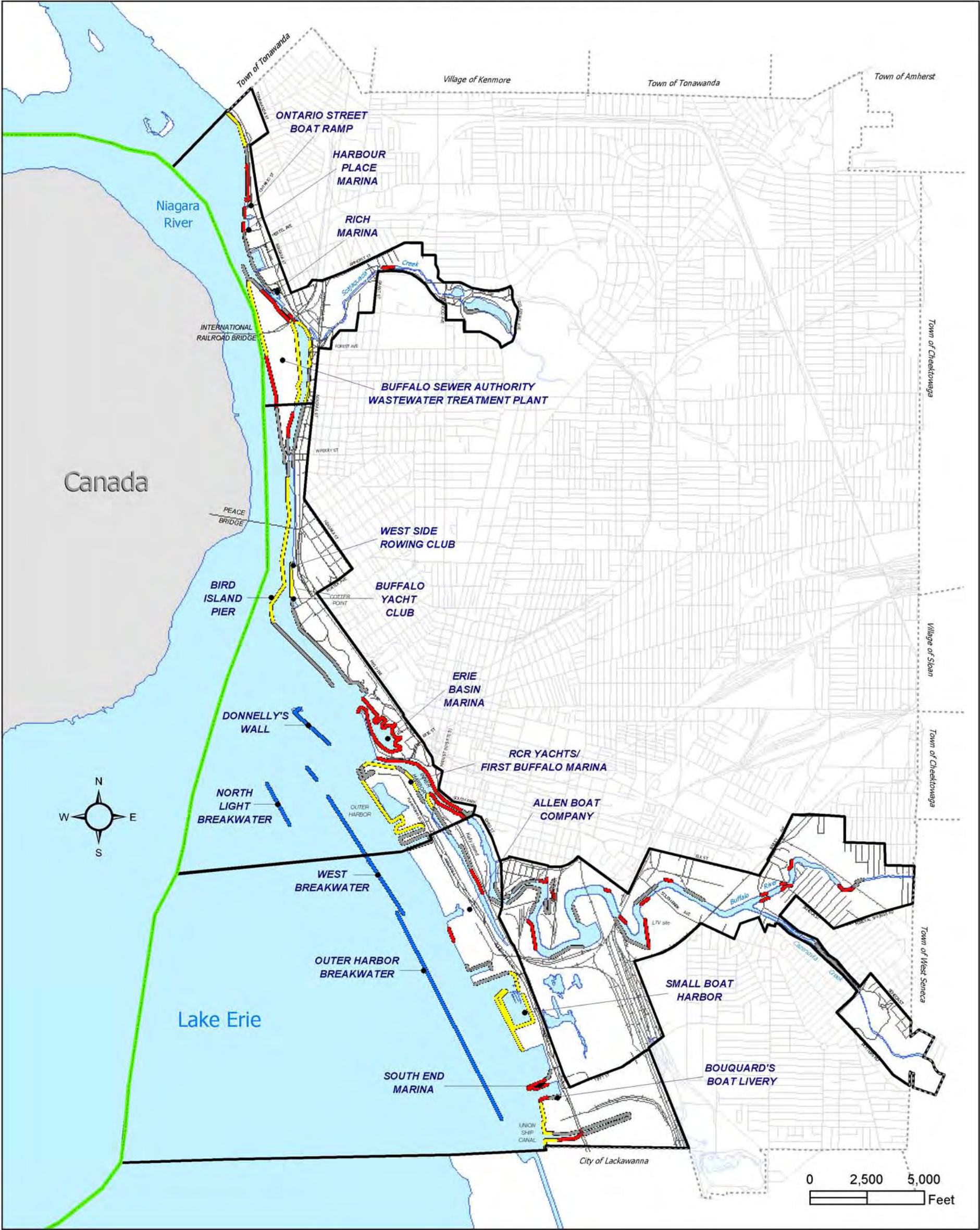
The U.S. Army Corps of Engineers maintains several breakwaters in the LWRA that provide protection for the Buffalo Harbor and Black Rock Canal. These include Bird Island Pier, which is a one and a half-mile long stone dike that parallels the shoreline and protects the Black Rock Canal; Donnelly's Wall, a half-mile long concrete wall and lighthouse facility located northwest of the mouth of the Buffalo River; the North End Light breakwater, a 500-foot long concrete wall located due west of the Buffalo River; the West breakwater, a concrete barrier that is situated further south and west of the North End Light structure; and the Outer Harbor breakwaters, which consist of two long concrete walls that provide protection for the Outer Harbor navigation channel (see Maps 2-5 and 2-6). Certain portions of the LWRA, including stretches of Scajaquada Creek, the Buffalo River and Cazenovia Creek remain natural with potential high water flows managed by streambank vegetation. In areas where stream bank vegetation has been removed or filled over, erosion protection structures have been installed to manage floodwaters and higher velocity flows.

#### **Sub-area 1**

There are two private commercial marinas located on the Niagara River shoreline that supply 620 boat slips. These marinas are usually at 100 percent capacity during the summer boating season. The Harbour Place Marina, which is located just south of the terminus of Ontario Street, offers transient dockage, engine, sail, and fuselage repair, haul out service, marine hardware, electric and water hook ups, a pump out station and a restaurant. Rich Marina, located at the foot of Hertel Avenue, offers the same services as well as a launch ramp and marine supplies, but does not have a restaurant. A public boat launch and snack bar is located at the terminus of Ontario Street, which is a popular spot for shoreline fishing. In the Black Rock Canal, between the Black Rock Canal lock and the shoreline, there is a single-vessel mooring area where the U.S. Army Corps of Engineers stores its tugboat during the winter. In addition, a small private dock with a boatlift is located on the Black Rock Canal shoreline, near the Scajaquada Expressway / I-190 Expressway interchange. The outer shoreline of Squaw Island, facing the Niagara River, has iron bollards along the bulkhead. This bulkhead is no longer used for mooring due to the swift current. The bollards are only used for emergency situations.



# CITY OF BUFFALO LWRP SHORELINE PROTECTION STRUCTURES



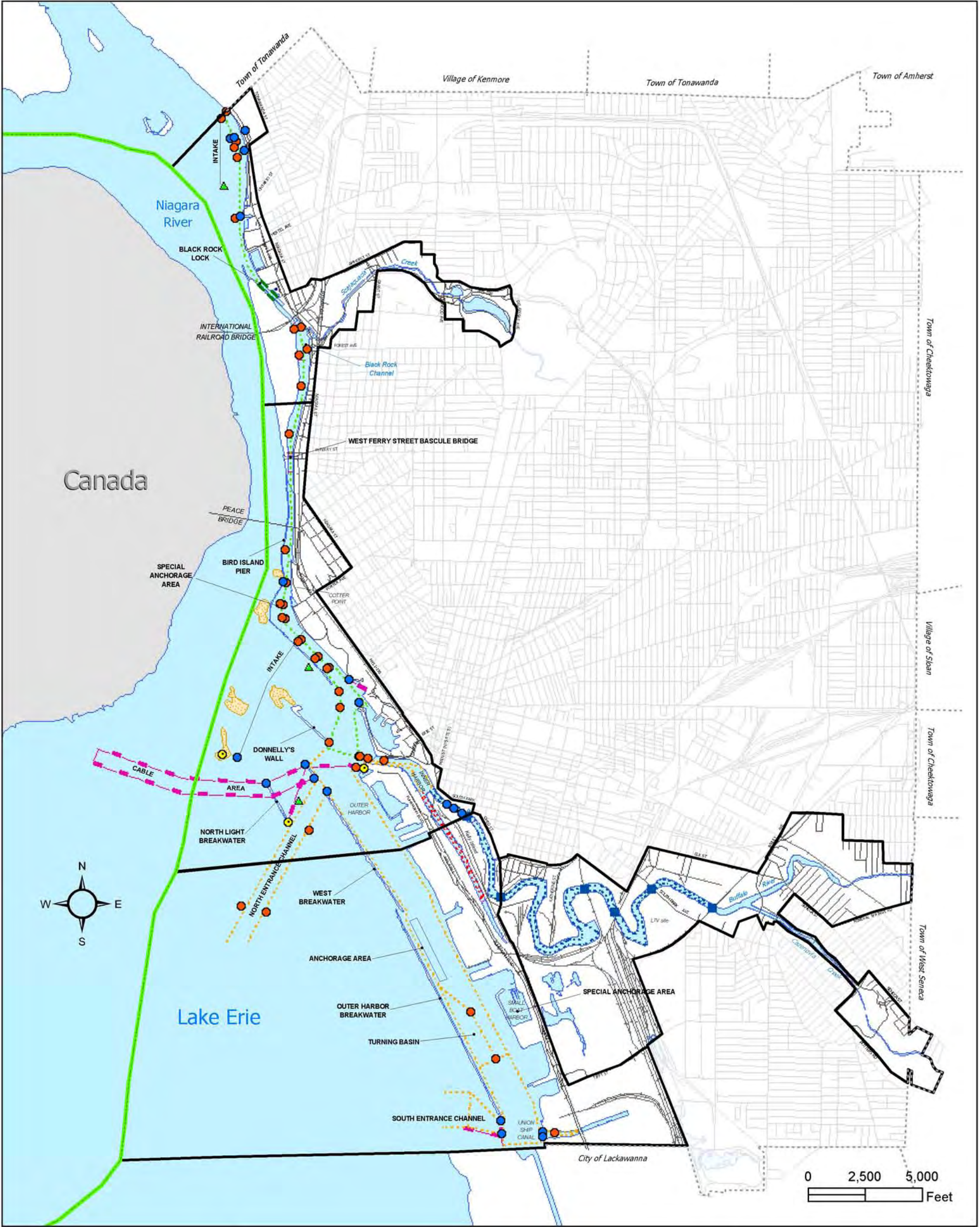
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DATA SOURCES: CITY OF BUFFALO

Key to Features	
----- Municipal Boundary	<b>Protection Structure</b>
○ LWRP Boundary	— Rip Rap / Stone Revetment
○ Water	— Steel Bulkhead
— Railroad	— Concrete Bulkhead
— Road	— Concrete Breakwater
● Buildings	

WENDEL  DUCHSCHERER  
ARCHITECTS & ENGINEERS



# CITY OF BUFFALO LWRP WATER USES



THE INFORMATION ON THIS DOCUMENT IS BASED ON DATA GATHERED FROM THE FOLLOWING DATA SOURCES AND SHOULD NOT BE USED FOR DESIGN OR CONSTRUCTION.

DATA SOURCES: CITY OF BUFFALO,  
RICHARDSON'S CHARTBOOK  
&  
CRUISING GUIDE (1994 LAKE ERIE EDITION)

Key to Features		
Municipal Boundary	Draw Bridge	<b>Navigation Channels</b>
LWRP Boundary	Lighthouse	Black Rock Channel
International Boundary	Lights	Buffalo Ship Channel
Water	Navigation Marker	Buffalo Harbor
Reef	Shipwreck	Buffalo River
Road	Submerged Power Cable	
Railroad		



The shoreline of the Niagara River, north of the Black Rock Canal lock, is armored with a stone revetment to protect the I-190 Expressway, which is located along the river (Map 2-5). The Ontario Street boat launch is protected by a steel and concrete seawall and bulkhead. The concrete bulkhead continues southward from the boat launch and is replaced by a concrete viaduct with an inland drain. Further south, protecting the West Marine facility, is a steel sheet bulkhead, followed by a concrete seawall with iron bollards at Towpath Park. Rich Marina has a concrete seawall to protect the docking area, which has iron bollards as well. There is a large jetty that diverts sediment from building up at the northern entrance of the Black Rock Canal lock (which is located at the northern end of Squaw Island). The interior of the lock is protected by steel sheet bulkheading, with concrete reinforcement behind it.

The outfall for the wastewater treatment plant on Squaw Island is located along the western shoreline of the island and is protected by a steel and concrete bulkhead that extends southward to Bird Island Pier (also known as the Nowak Pier). The east side of Squaw Island, along the Black Rock Canal, has a steel seawall followed by natural shoreline. The eastern shoreline of the canal has the same steel seawall near the lock, but upon passing beneath the International Railroad Bridge it is replaced by a stone revetment, which is followed by a badly deteriorated seawall made of mortared masonry rock. On top of this is the concrete support wall for the I-190 Expressway. A concrete pier protrudes from within Broderick Park, on the eastern shoreline of Squaw Island, north of the West Ferry Street lift bridge.

There are several locations along Scajaquada Creek where steel bulkheading has been installed to control shoreline erosion. At the foot of Peter Street, along the shoreline of Black Rock Park, is a 150-foot segment of bulkhead that supports the Scajaquada multi-use recreational pathway. Further east, the southern bank of Mirror Lake, which is located behind the Buffalo and Erie County Historical Society, is physically divided from the waters flowing through Scajaquada Creek by a concrete barrier. The creek flows through a concrete viaduct from a point east of Hoyt Lake, where it emerges from Forest Lawn Cemetery. A portion of the Hoyt Lake shoreline, near the Casino building within Delaware Park, is supported by a concrete bulkhead.

### **Sub-area 2**

There are four private marinas, one public marina, a marine research laboratory and a rowing boathouse in Sub-area 2. The West Side Rowing Club boathouse is located on the Black Rock Canal shoreline, at Cotter Point, south of the Peace Bridge (Map 2-5). This facility provides a launch and storage for rowing shells. Further south is the Great Lakes marine research laboratory, which is administered by the State University of New York College at Buffalo. This facility has a wet side dock and a dry dock for research vessels. The laboratory also utilizes an iron barge, which is secured along the Black Rock Canal



shoreline, south of Squaw Island, for vessel docking. The Great Lakes Center is seeking to reconstruct a boathouse that was originally designed by architect Frank Lloyd Wright at its location. The Buffalo Yacht Club, located east of the Great Lakes Center, is a private facility that has 43 boat slips and a boatlift. This private club offers transient dockage, electric and water hook ups, a pump-out station, showers and a restaurant.

The Bird Island Pier, which protects and separates the Black Rock Canal from the Niagara River, is constructed of mortared riprap and stone revetment. The Bird Island Pier is replaced by a concrete breakwater, which extends further south beyond the Peace Bridge. This breakwater protects the entrance and southern portion of the Canal. A stone seawall protects the Buffalo Yacht Club building and a concrete pier protects the marina area at the club. The entire shoreline of LaSalle Park, situated on the mainland at the head of the Canal, is protected by a concrete bulkhead that provides iron bollards for docking. Adjacent to the southern terminus of the Bird Island Pier and Black Rock Canal is the Erie Basin Marina, a publicly owned facility that provides two boat launches and 286 boat slips. This facility has electric and water hook-ups, a pump-out station, fishing supplies and marine hardware, showers, a restaurant and concessions.

Continuing south, the Inner Harbor shoreline is protected by a concrete-reinforced iron bulkhead. This bulkhead extends southward into the Buffalo River to a point just north of the Michigan Avenue lift bridge, where the City of Buffalo docks the Edward M. Cotter fireboat. The U.S. Coast Guard Station harbor is armored with concrete and steel bulkheading. The Seaway Piers (part of the former Pier Restaurant property), which is located south of the U.S. Coast Guard Station, has a concrete bulkhead with iron bollards, which is slightly deteriorated.

Within the Inner Harbor area are the docks used by the Miss Buffalo and the Niagara Clipper cruises boats, and the Buffalo Naval Park and Museum, where four vintage war vessels are docked. Two private marinas, RCR Yachts and the First Buffalo Marina, are located along the Buffalo Ship Canal, in the Inner Harbor. RCR Yachts provides dockage for 137 boats; First Buffalo Marina has approximately 100 slips. RCR Yachts also offers transient dockage, electric and water hook-ups, marine hardware, a 20-ton haul out, and rigging, sail and engine repair. The U.S. Coast Guard Station on the Outer Harbor has docks and cleats for use by official vessels only. The former Pier Restaurant, contains docking space for 16 vessels. Boaters can also tie up to approximately 50 metal cleats that are installed on the pier bulkhead.



### **Sub-area 3**

Sub-Area 3 encompasses the Outer Harbor, including the lake shore and shoreline area extending along the west side of the Buffalo Ship Canal. It also includes the western portion of the Buffalo River. Along the entrance channel and mouth of the Buffalo River in Sub-area 3 there are three locations where boats are launched or stored. Further south along the shoreline is the Ohio Street canoe launch, which is maintained by the New York State DEC. Continuing south there is a dock situated adjacent to the Standard grain elevator where freighters delivering grain are provided transient docking space.

Portions of the Buffalo Ship Canal shoreline are bulkheaded at existing grain elevators or at the sites of former facilities that have since been demolished. The western shoreline of the General Mills facility, at the mouth of the Buffalo Ship Canal, is fortified by concrete bulkheading and stone riprap. South of the Michigan Street lift bridge, shoreline protection along the canal consists of damaged wooden pilings. The Great Northern Grain elevator (Pillsbury) has concrete bulkheading along the shoreline. Further south along the Buffalo Ship Canal the shoreline is protected by a dilapidated wooden wharf on the east and concrete bulkheading on the west, which is also in bad condition.

On the Outer Harbor there are two private marina facilities, the Allen Boat Company (which conducts vessel repair activities along the Buffalo Ship Canal) and the South End Marina, located south of Gallagher Beach. These establishments have inlets with boatlifts and dry dock facilities, but they do not maintain boat slips. The NFTA Small Boat Harbor is located on the lakeshore of the Outer Harbor. It contains 1,042 boat slips with a pump-out facility, 12 boat launches and berths for transient docking (which varies between 50 and 100 slips, depending on seasonal slip rentals). There are also two inlets that serve industrial freighters on the lakeshore of the Outer Harbor that are maintained by Freezer Queen Foods and Terminals A and B, which lease land from the NFTA. These facilities have concrete bulkheads that act as wharves and are used by large freighters for docking. In addition there is a concrete bulkhead adjacent to a dilapidated grain elevator facility, south of the Small Boat Harbor, and a combination steel/concrete bulkhead along the Union Ship Canal (further to the south), that extends from the entrance channel of the canal, beneath the Father Baker Bridge, to a point 2,000 feet east of the overpass.

### **Sub-area 4**

Along the Buffalo River there are several locations where concrete wharves and bulkheads are installed at the foot of various manufacturing facilities and grain elevators. Steel bulkheads have been installed to control shoreline erosion in locations where the river changes direction and where turning basins are located for large shipping vessels. There is an active inlet on the northwest shoreline of Katherine Island

that is used by the Great Lakes Tug Company to dock two tugboats. There is concrete bulkheading on the northern shoreline of the river, along the western shore of Katherine Island, and at a small overlook at the Smith Street recreation site. The Mobil Oil Company also maintains a barge dock, which is located approximately 1,500 feet northeast of the South Park Avenue lift bridge. This concrete dock and bulkhead is used to unload refined oil that is shipped to Buffalo from refineries in Canada.

Along the southern shoreline of the Buffalo River, from the Louisiana/Ohio Street bridge, east to the railway draw bridge (which is located east of Katherine Island), there are five facilities that have concrete bulkheads to protect the shoreline and provide docking areas for vessels. West of the Cargill Superior grain elevator, there is a deteriorated steel bulkhead that protects a high-tension electric tower from erosion. The steel bulkhead that protects the shoreline beneath the railway draw bridge is also badly deteriorated.

A steel and concrete bulkhead protects the southern Buffalo River shoreline, from the draw bridge to a point approximately 1,500 feet south of the South Park Avenue lift bridge. Much of the north shore in this vicinity is unprotected except for an area west of the South Park Avenue lift bridge, where small areas of concrete bulkheading that serve the Buffalo Color Corporation are located. Further along the shoreline to the northeast there is some additional steel bulkheading that protects a number of aboveground storage tanks.

Much of remaining area of shoreline along the Buffalo River and Cazenovia Creek in Sub-area 4 remains natural and requires no erosion protection due to the existence of streambank vegetation, which stabilizes the shoreline and reduces the velocity of storm water flows in the river. The City has adopted a 100-foot riparian setback requirement along the Buffalo River that will aid in the use and protection of these natural areas. There are a few instances where a steel bulkhead has been installed, primarily beneath the Seneca Street road bridge and along the southern shoreline of the Buffalo River, between Juniata Place and the Conrail railway bridge, east of Seneca Street. There is also an area of concrete reinforcement along Cazenovia Creek, west of Cazenovia Park.

## **2. Vessel Use, Navigation and Canal Maintenance**

Navigable surface waters in Sub-area 1 include the Niagara River and the northern extent of the Black Rock Canal and lock (Map 2-6). Recreational boating accounts for the largest portion of activity on these waters. The Black Rock Canal is heavily used by recreational boaters and, to a lesser extent, by commercial shipping vessels that deliver fuel oil, coal and gasoline to refineries and a power plant located north of the City of Buffalo. The canal is also utilized by the West Side Rowing Club, which

offers a diversity of activities including training and competition programs from March through October. The low level of freighter traffic along the canal allows it to be used for rowing by area high schools and colleges between early May and late September.

The Black Rock Canal extends from the Outer Harbor junction, just north of the Erie Basin Marina in Sub-area 2, to the channel junction with the Niagara River, situated just north of Ontario Street in Sub-area 1. The canal lock is located near the northern terminus of the canal. The canal provides a safe bypass around the significant drop in elevation that occurs at the head of the Niagara River. The rapid current created by this change in elevation prevents boats from mooring in the river. Thus, commercial freighters and restaurant boats use the Canal to avoid the rapid current and reefs on the river.

There are three bridge crossings over the Black Rock Canal. The Peace Bridge is constructed high enough to provide unobstructed clearance. The West Ferry Street bridge is a bascule bridge that lifts to allow safe passage, and the International Railroad Bridge swings open to provide clearance.

Surface waters in Sub-area 2 include the headwaters of the Niagara River, the southern half of the Black Rock Canal, the Buffalo Inner Harbor, the north extent of the Buffalo Outer Harbor, the entrance channel to the Buffalo River and Buffalo Ship Canal, and a small area of Lake Erie (Map 2-5). The southern portion of Sub-area 2 forms the intersection between the four main navigation channels in the Buffalo Harbor area. Vessel use on these waters consists of a combination of commercial freighter traffic and recreational vessels. The average number of freighters using the Buffalo River ranges from between 115 and 140 vessels per year. These ships navigate within the Buffalo River at speeds around two miles per hour to minimize lateral movements.

There is a special anchorage area in the southern portion of the Black Rock Canal, off shore of the Colonel Ward Pumping Station. This anchorage area is afforded protection by the Bird Island breakwater that extends around the entrance to the canal. In the event that two boats wish to use the canal, commercial freighters or other commercial vessels have the right-of way. Smaller recreational vessels can use the anchorage area to maneuver out of the canal and moor temporarily. The water in this special anchorage area is generally two to four feet deep, with a large volume of silt collecting along the seawall.

Surface waters in Sub-area 3 consist primarily of the Buffalo Outer Harbor, much of the Buffalo Ship Canal, a small section of the Buffalo River, and a large area of Lake Erie. Vessel use along these waterways is a combination of commercial freighter traffic and recreational boating. The majority of vessel traffic entering the Outer Harbor navigation channel does so through the south entrance, which is located near the boundary between the City of Buffalo and the City of Lackawanna. Recreational boaters use this entrance to access Lake Erie and the Seneca Shoal, a very popular fishing spot located southwest of the LWRA further out in Lake Erie. Another popular and widely used fishing spot is Fish Haven, located due west of the Outer Harbor within the LWRA. The game fish stock in this area consists of a wide range of species native to the Great Lakes.

Sub-area 4 contains the Buffalo River and Cazenovia Creek corridors. The Buffalo River is used moderately by freighter traffic and sees very limited use by motorized recreational vessels. The roadway and railroad bridges that cross the river are lift and bascule type bridges that elevate to provide vessel access. There are two grain elevators located near the Ohio Street lift bridge that receives regular shipments and Mobil Oil Company estimates that they receive 40 to 50 shipments per year between May and October, depending upon when Lake Erie freezes and becomes unnavigable. In 1998, the facility received 48 shipments. The limited water depth of Cazenovia Creek, east of the confluence with the Buffalo River, inhibits any boating beyond this point, and the fluctuating depth of the Buffalo River west of this confluence precludes boating activity as well. The only boating that could be performed along these channels would be canoeing, but only during the late spring and summer when water levels run high.

#### Channels and Canals

The City of Buffalo LWRA contains four navigation channels, two canals and a river system that essentially comprise the Buffalo Harbor complex (Map 2-6). These waterways are described below, from north to south.

- *Black Rock Canal* - The Black Rock Canal flows parallel to the Niagara River, along the eastern side of Squaw Island, from the northern city line to the entrance to the Outer Harbor. The width of the canal varies, ranging from about 500 feet to less than 40 feet; the average width is 300 feet. The average depth of the canal is 22 feet. The Black Rock Canal entrance channel, which is located just north of the Erie Basin Marina, converges with the entrance channel to the Buffalo River and the northern channel for the Outer Harbor in Sub-area 2. The canal entrance channel also provides access to the Erie Basin Marina. This entrance channel is about 1,000 feet wide and approximately 23 feet deep at its junction with the other navigation channels.

As previously noted, the Black Rock Canal is crossed by two drawbridges and one fixed bridge. The International Railroad Bridge is located at the northern end of the canal and extends across the canal and the Niagara River. The section that extends over the canal is a swing bridge that carries two railroad tracks, a single travel lane for motor vehicles, and a pedestrian/bicycle pathway. This bridge has a horizontal width of 162 feet and vertical clearance of 17 feet. The portion of the bridge that crosses the Niagara River is fixed, with a vertical clearance of 22 feet and a horizontal width of 154 feet. There is a bascule drawbridge located near the southern end of Squaw Island, at the foot of West Ferry Street. The clearance beneath this bridge, when not raised, is 17 feet and the horizontal width is 149 feet. This bridge supports two travel lanes for motor vehicles and a pedestrian/bicycle pathway. The Peace Bridge crosses the canal at the head of the Niagara River. The vertical clearance is 100 feet and the horizontal width is 200 feet on the eastern side of the bridge, over the canal; the western extent along the Canada shoreline has a vertical clearance of 83 feet and a horizontal width of 385 feet.

- *Buffalo Harbor Complex* - The north entrance channel provides navigable access from the open waters of Lake Erie to the Buffalo Harbor complex and canals. The north entrance channel is located west of the Outer Harbor. It is approximately 750 feet wide and 25 feet in depth. This is the primary means of ingress and egress from Lake Erie to the Buffalo River, the canals and the Outer Harbor channel.

The *Inner Harbor* is situated between the south end of the Erie Basin Marina and the northern extent of the Outer Harbor and provides access to the Buffalo Ship Canal and the Buffalo River. The Inner Harbor channel varies in width from a minimum of approximately 40 feet to 750 feet; the average channel depth is approximately 22 feet. The NYS Route 5 fixed bridge traverses the mouths of the Buffalo Ship Canal and Buffalo River, just south of the Inner Harbor channel. The vertical clearance beneath this structure is 100 feet and the horizontal width is 215 feet.

The *Outer Harbor* is broken into three individual navigation channels: the north, the middle, and the south channels. The north channel is approximately 40 feet from the shoreline and 1000 feet wide. Continuing south is the Outer Harbor middle channel that narrows to a width of 500 feet in two locations to accommodate an anchorage area and the Outer Harbor turning basin. The Outer Harbor channel widens again to 1000 feet along its southern segment, to a point at the end of the Outer Harbor seawall, where it converges with the south entrance opening. This entryway is only 500 feet wide. Directly east of the south entrance is the Union Ship Canal. This 0.7-mile canal is 20.5 feet deep, with a 250 feet wide navigation channel. The canal is crossed by NYS Route 5 via a



fixed bridge with a vertical clearance of approximately 105 feet, which varies depending upon the water level.

- *Buffalo Ship Canal* - The Buffalo Ship Canal extends 1.3 miles southward from the Inner Harbor channel. It is approximately 250 feet wide and 22 feet deep. This channel provides docking access to the industries and marinas that are located along the shorelines of Kelly Island and the Outer Harbor.
- *Buffalo River* - The Buffalo River extends inland, from the southern terminus of the Niagara River to its confluence with Cayuga Creek and Buffalo Creek, in the Towns of West Seneca and Cheektowaga, which are both tributary to the river. The water level of Lake Erie has an upstream influence on the Buffalo River to a point in the vicinity of its confluence with Cazenovia Creek, just east of South Park Avenue. Much of the river is designated as a navigable channel that is maintained by the U. S. Army Corps of Engineers to an average depth of 23 feet at the mouth of the river and 19 feet further upstream. Barges and commercial lake freighters utilize the river corridor.

The Buffalo River is crossed by three fixed bridges, including the NYS Route 5 overpass, Bailey Avenue and Seneca Street. Fixed bridges also carry Bailey Avenue, Southside Parkway, Stevenson Street, Cazenovia Street and Cazenovia Pkwy. over Cazenovia Creek. There are also seven drawbridges that cross the river. Lift bridges carry traffic over South Michigan Avenue, Ohio Street and South Park Avenue, and four bascule bridges provide railway access over the river.

#### Aids to Navigation

The various entrance channels and canals within the LWRA are well marked by navigational buoys, shoreline lights, a lighthouse and breakwater lights maintained by the U.S. Coast Guard (Map 2-6). Red and green colored buoys mark the length of the Black Rock Canal, from the lock to the Erie Basin Marina. These buoys are placed at close intervals along the mainland side of the Canal. In addition, there are two lights that flash at synchronized intervals to alert vessels of the nearby shore. There is also a navigation light located on top of the Massachusetts Avenue Pump intake on the Niagara River and a light on top of the Colonel Ward pumping station water intake to alert boaters of their presence. The north and south entrance channels to the Outer Harbor are marked by lights. In addition, the Buffalo Main Harbor Lighthouse is located on the breakwater, which is situated west of the north entrance to the Outer Harbor channel.

Navigation Hazards

Navigation hazards within the LWRA include areas of shallow water and reefs, water intakes and submerged cables, shipwrecks and submerged steel seawall plates and rocks (see Map 2-6). The Massachusetts Avenue Pumping Station intake and the Colonel Ward intake (both in Sub-area 2) are marked by lights but are still considered hazards since these waters are heavily used by recreational boaters. There is an additional intake located south of Strawberry Island for the Town of Tonawanda Pumping Station (north of Sub-area 1), and another in the inlet between the Freezer Queen facility and the Small Boat Harbor on the Outer Harbor (Sub-area 4). A shipwreck is located east of the Strawberry Island intake crib, which is situated only eight feet below the surface. A large rock immediately north of the easternmost pier of International Railroad Bridge, in Sub-area 1, also presents a potential hazard.

There are a number of shallow reefs located in the vicinity of the intake pipe for the Colonel Ward pumping station. The average depth to these reefs is between one and three feet. An area north of the North Breakwater, known as Horseshoe Reef, presents minimum depths of less than one foot. There is also a shipwreck that extends above the water surface, just south of the Black Rock Canal seawall, near LaSalle Park, and another near the west breakwater.

Dredging and Other Waterside Maintenance

The U.S. Army Corps of Engineers performs all dredging and drift removal work within the LWRA, with the exception of the Union Ship Canal. The Black Rock Canal requires dredging approximately every 12 to 18 months. The Canal was last dredged in October of 1999. This work was performed from the Black Rock Canal lock to the south canal entrance near the Buffalo Harbor. An estimated 15,000 cubic yards of dredging material was removed, the majority of which came from an area of the Canal between the Black Rock lock and the Peace Bridge. The dredged material was disposed of at an upland disposal site located at the foot of Tifft Street on the Outer Harbor. This 107-acre disposal area is part of the former Bethlehem Steel property. All materials dredged from waterways within the LWRA are disposed of at this location due to the potential for toxic contamination.

The Buffalo River and the Buffalo Ship Canal are dredged generally every other year. The most recent work conducted on the Ship Canal occurred in 1998; the Buffalo River was dredged during August and September of 1999. These waterways are dredged to a depth ranging from 19 feet near the Mobil Oil dock to 23 feet at the confluence with the Harbor Channel. Approximately 220,000 cubic yards of material is removed from these waterways every other year. This material is disposed of at the Bethlehem Steel disposal site. It is estimated that 40 to 50 percent of the material removed during these operations is from the Buffalo River entrance channel, and 25 percent is removed from the area

between the Mobil Oil Dock and the South Park Avenue lift bridge. This entrance channel also requires annual maintenance in the spring to remove drift consisting of tree branches, tires, building materials and other assorted floatable debris. The Corps will be dredging the Buffalo River in 2004.

The U.S. Army Corps of Engineers reports that the Outer Harbor requires no regular dredging or other maintenance but that increased traffic through the North entrance channel in the future may necessitate such activity to provide the necessary draft. The South entrance channel is deep enough to handle current recreational boating traffic. The last time the Outer Harbor was dredged was before 1991, and there are no plans to dredge for the near future.

#### Ice Management

The Power Authority of the State of New York deploys an ice boom across the narrow of Lake Erie, south of the Niagara River, to prevent winter ice flow from traveling northward to the water intakes of the Niagara Power Project in Niagara Falls. It also minimizes ice damage to locks and other shoreline structures along the Niagara River. The boom measures 8,400 linear feet in length and is composed of logs, chains, floatation barrels and concrete anchors, and when deployed it stretches from the northernmost extent of the North entrance channel to a point just east of the Canadian shoreline. This boom is stored on 15-acre site on the Outer Harbor, south of the U.S. Coast Guard Station, in the off season. The boom is typically deployed in late November or early December, depending on when Lake Erie threatens to begin freezing over.

The ice boom was approved by the International Joint Commission. The New York State Power Authority has primary control over its use, while the U.S. Army Corps of Engineers monitors its deployment and impacts. The City of Buffalo has no control over the use of the boom, or its maintenance and storage. It is expected that the boom will continue to be utilized until such time that a more advanced technology is available.

The Buffalo Fire Department utilizes the Edward M. Cotter fireboat to conduct regular ice breaking activities in the lower reaches of the Buffalo River. Ice breaking is performed to avoid a complete freeze of the river and avoid ice jams that could potentially block the flow of water from Lake Erie, flooding residential areas in South Buffalo and causing erosion and habitat damage along the shoreline. The Engineering Division in the City of Buffalo Department of Public Works undertakes ice breaking in the upper reaches of the Buffalo River and Cazenovia Creek to prevent ice jamming and flooding in this area as well.

### **3. Enforcement of Surface Water Uses**

The U.S. Coast Guard and the Erie County Sheriff's Marine Division are responsible for enforcing vessel regulations within the LWRA. In the event of an underwater rescue, the Buffalo Police Department Underwater Recovery Team assists the Erie County Sheriff's Office.

The U.S. Coast Guard maintains a fleet of three boats at its base on the Outer Harbor. These consist of a 47-foot motor lifeboat, a 24-foot RHI inflatable, and a 14-foot ice skiff used for ice rescues. There are 19 full-time personnel stationed at this location. The Coast Guard enforces a six-mile per hour speed limit through the Black Rock Canal and the Buffalo River, and a 10-mile per hour speed limit in the Buffalo Harbor area. This harbor speed limit is currently not posted. The Coast Guard is on duty year round to conduct emergency rescue and law enforcement activities.

The Erie County Sheriff's office maintains a fleet of three patrol boats. A 40-foot Twin-Screw Munsen and a Twin 424 patrol boat, which are docked at the Harbour Place Marina near the Black Rock Canal, and a Grady White with an outboard motor that is docked at the Erie Basin Marina. The Sheriff's Marine Division has five to six deputies assigned to these vessels annually. In addition, there are 15 reserve officers who use their own boats to assist the regular patrol boats during special details. Usually only two reserve boats are active at any one time. The Erie County Sheriff's Marine Division enforces State maritime laws within 100 feet of the shoreline. Vessels within 100 feet of the shore, any dock or pier, or any other anchored vessel may not exceed five miles per hour or exceed a reasonable and prudent operating speed, depending upon weather and traffic conditions. The Division maintains regular patrols beginning in mid-April and running through mid-November, or whenever vessel traffic becomes minimal.

The Buffalo Police Department Underwater Recovery Team consists of 13 professional divers trained in swift water and ice rescues. The Team maintains a 21-foot Boston Whaler patrol boat that is docked at the Erie Basin Marina and a Hovercraft that is stored at the Police Headquarters in Hamburg, New York. The primary responsibility of this team is to assist the Erie County Sheriff's Marine Division with rescue operations.

## **D. PUBLIC TRUST DOCTRINE AND UNDERWATER LANDS**

### **1. Public Trust Doctrine**

New York, upon attaining Statehood, succeeded the King of England in ownership of all lands within the State not already granted away, including all rights and title to the navigable waters and the soil under them (Public Lands Law, Section 4; People v. Trinity Church, 22 N.Y. 44, 1860; Langdon v. Mayor, 93 N.Y. 129, 1883). Broadly speaking, the State holds title to all underwater lands not otherwise conveyed away by patents or grants. The State holds title to these tidelands and submerged lands in its sovereign capacity in trust for the use and enjoyment of the public, under the *Public Trust Doctrine* (People v. Steeplechase Park Co., 218 N.Y. 459, 1916; Appleby v. City of New York, 271 US364, 1926; Coxe v. State, 144 N.Y. 396, 1895). This legal doctrine emerged from the ancient concept that the sovereign had the right of way, an "incorporeal hereditament", to all navigable streams and waterways; the underlying theory being the protection of the public interest in fisheries and navigation.

State title to the public foreshore and submerged lands, and the power of disposition, is incident and part of its sovereignty, which cannot be surrendered, alienated or delegated, except for some public purpose or some reasonable use for the public benefit, and without impairing public rights in the remaining lands and water. Inherent in the nature of public trust lands is that they support diversified and important ecosystems without which many public rights, including fishing, swimming and the like, would be impossible to enjoy. The public interest demands the preservation and conservation of this vital natural resource against pollution, overuse, destruction and infringement by others, whether public or private.

It is in the public interest that State and other governmental ownership of public trust lands be maintained and when possible recovered from private ownership. Where full public ownership no longer exists, the application of the Public Trust Doctrine requires that any remaining rights of the public to use such lands should be preserved and protected for present and future enjoyment.

Occupation of public trust lands by riparian owners for purposes of gaining access to navigable waters should be undertaken in a reasonable manner that does not unnecessarily interfere with the public's right of passage upon, and use of the waters overlying such lands, and other public trust purposes. Considerations of public safety, resource protection and the need for access at a given location may be utilized as factors in determining the level and types of access to be provided. Public use of publicly-owned underwater lands and lands immediately adjacent to the shore shall be discouraged only where such use would be inappropriate for reasons of public safety, military security, or the protection of coastal resources.



## **2. Underwater Land Ownership**

Ownership of Lake Erie, within the territorial limits of New York State, and all submerged lands, including the subsurface lying under the lake, is held by the State of New York, unless ownership has been granted to any other person or entity. The beds of the Great Lakes are susceptible of private ownership only for special purposes. The boundary line between State ownership of the lakebed and ownership of the adjacent upland is the low water mark. The State does not own the bottom lands of the Buffalo River, Scajaquada Creek, City Ship Canal or Union Ship Canal.

State-owned underwater lands are managed by the New York State Office of General Services (OGS). The OGS issues grants, leases, easements and other interests for these underwater lands. They also investigate encroachments on littoral rights (the right of an upland owner to access the navigable waters of the lake) and make sure there is no interference with navigable channels. The OGS reviews NYSDEC and Army Corps of Engineers comments for proposed projects that affect State-owned bottom lands to ensure that the benefits of the public will not be deprived and that the environment will not be adversely impacted. The OGS strives to achieve satisfaction on the part of all parties involved prior to the issuance of an interest.

The State Office of General Services is the agency responsible for issuing grants, leases and easements for underwater lands and other interests for docks and associated marine-related structures that are placed on State-owned underwater lands. In the case of the City of Buffalo, the OGS is the authorizing agency for docks proposed in Lake Erie, the Niagara River, and Black Rock channel. The construction of any commercial dock or any private, non-commercial dock that exceeds 4,000 square feet in area (including the perimeter area) would require an interest from the OGS. Non-commercial structures less than 4,000 square feet in size do not need an interest.

## **3. Underwater Land Grants and Leases**

Over the years, a number of underwater land grants have been issued by the State along the shoreline of the Niagara River, Squaw Island, the Black Rock Canal, and the Inner and Outer Harbor areas. These grants were issued for the express purpose of either *commerce* or *beneficial enjoyment*. Grants issued for commerce were given to shorefront businesses for more restricted activities and were usually written with conditions. If the conditions were not followed, the State could bring an action to declare the grant void and thereby recover ownership, per Section 78 of the Public Lands Law. Beneficial enjoyment grants were given to shorefront property owners without restriction and provided more complete title to the underwater lands. In either case, the grantee was given full ownership rights to the bottom lands.

Grants for commerce were issued in the early part of the 1800's and then the issuance of grants for beneficial enjoyment became more commonplace. Around 1890, the State began to restrict the grants issued for beneficial enjoyment as well.

A review of the water grant index maps for the Buffalo waterfront area indicates that numerous underwater land grants were issued in the area, primarily during the mid to late 1800's and early 1900's. In most cases, the grant lands consisted of offshore underwater area that was filled to expand upland properties. Some were issued for the installation of docks or other offshore structures. In addition to the grants, the consent to use certain underwater lands was authorized through the adoption of legislation. In general, the form of the current day waterfront is the result of the fill, bulkheading and other activity that occurred through the issuance of the underwater land grants.

The interest in the underwater lands is attached to either the new upland property that is created through fill activity or to the coterminous upland property. As ownership of the land changes hands, the interest in the underwater land moves with the title to that land. For private property, because the interest in the underwater lands is attached to the title, there is no need for the State to reconvey the lands to the new landowner.

In 1916, the Outer Harbor area was essentially a narrow peninsula situated between the City Ship Canal and Lake Erie, which extended northward from the Lackawanna City line to the mouth of the Buffalo River. In 1901 and 1904, the United States acquired certain lands at the north end of the Outer Harbor peninsula. This is the area that is now occupied by the U.S. Coast Guard facility. The index maps show that Chapter 616 of the Laws of 1913 established a shoreline boundary in Lake Erie, seaward of the Outer Harbor area. A number of underwater land grants were issued in 1921, to the City of Buffalo, West Shore Railroad Co., Buffalo Creek Railroad Co., Erie Railroad Co., Western New York and Pennsylvania Railroad Co., and the Lehigh Railroad Co., that extended out from the natural shoreline to this reestablished shoreline boundary. All of these grants were issued for beneficial enjoyment. Harbor lines for Buffalo Harbor were also established in this area of the LWRA by the U.S. Government in 1894 and 1899 that set the seaward boundary for other grants that were issued prior to or after Chapter 616 was authorized. All in all, these various historic underwater land grants created what is now the filled Outer Harbor peninsula area. Some of these underwater lands were conveyed to the Niagara Frontier Port Authority in 1962 and 1967. It was also noted, that Chapter 265 of the Laws of 1900 provided the U.S. Government with the underwater land area for the breakwater that protects the Outer Harbor area.

The harbor line established in 1899 provided the outer limit for lands conveyed along the shoreline in the vicinity of the Erie Basin Marina and the Black Rock channel. The index maps indicate interests that were authorized to the City of Buffalo in 1909 and 1923 for the filled area that now contains LaSalle Park. The State University of New York received a conveyance in 1967 for the land that now supports the marine research facility. Chapter 373 of the Laws of 1904 authorized the underwater lands to the United States Government for the construction of the Black Rock Canal. Today the Black Rock Canal is under the jurisdiction of the State Canal Corporation (which is a sub-section of the New York Thruway Authority). Previously, this area had been passed on to the Division of Canals and Waterways at the New York State Department of Transportation.

The outer shoreline of Squaw Island was extended seaward into the Niagara River through a series of underwater land grants (both commerce and beneficial enjoyment issuances) that were conveyed between 1894 and 1926 to the Squaw Island Freight Terminal Company and the Niagara River Hydraulic Company. The City of Buffalo acquired the land that now comprises Broderick Park pursuant to Chapter 350 of the Laws of 1911. These land grants established the pier and bulkhead line that exists today and, together with the construction of the Black Rock Canal, are responsible for the geographic configuration of Squaw Island as we now know it.

The shoreline of the Niagara River, north of Squaw Island contains a number of old underwater land grants that were issued to private landowners, between 1863 and 1906, primarily for beneficial enjoyment. A few small conveyances were made to the New York State Department of Transportation in 1968 for the construction of the interstate highway (I-190 Expressway). The lands currently occupied by the Ontario Street boat launch, Harbour Place Marina and Rich Marina are former land issuances that have been passed on with the title to these lands.

#### **E. PUBLIC ACCESS AND RECREATION**

The City of Buffalo LWRA is developed with numerous recreational uses (see Maps 2-7 and 2-8). In Sub-areas 1 and 2, the Scajaquada Creek and Riverwalk multi-use pathways interconnect various parks and marinas along the Niagara River, Scajaquada Creek and Black Rock Canal shorelines. This system of pathways makes portions of the shoreline accessible to the public, but at present this access is not ideal. Access to the Riverwalk is encumbered by the I-190 Expressway and the portion of the pathway that is situated behind the Harbor condominiums, in Sub-area 1, is unmarked and difficult to follow. Access to the Scajaquada Pathway is affected by the NYS Route 198 Expressway and its interchange with the I-190

Expressway. This pathway is also suffering from lack of maintenance, limiting accessibility and reducing the comfort level of the user. Direct access to the Outer Harbor, in Sub-areas 2 and 3, is also difficult and multi-use access for pedestrians and others throughout much of this area, including the U.S. Coast Guard Station, is limited or non-existent.

The waterfront must be more accessible to residents and visitors to the area, including pedestrian access along side the water and visual access from upland roadways and buildings, as well as vehicular access and parking, boating access to local waterways and access to public transit opportunities. Safe access should be provided along the waterfront for all and existing public spaces should be made more accessible and desirable. Efforts should also be made to provide convenient access on a year round basis. In addition, other public spaces on or near the waterfront, that currently deter public use should be improved for public use and incorporated into the waterfront access system. This has been successfully accomplished in other parts of the country.

In 1998, the Greenway System Implementation Plan was completed for the City. This plan details recommendations for a continuous network of pathways connecting parks, parkways and waterfront areas throughout the City. This system was designed to provide for a safe, identifiable and maintainable means of alternative transportation, as well as improving access to the waterfront through connections to and between the various parks. The Greenway System Implementation Plan is founded on the belief that open space and waterfront areas belong to the public and that generous, green, easily accessible space at the water's edge is (and should be) a necessary part of waterfront development. The Greenway System will also function in many places as a buffer, protecting Buffalo's waterways from runoff and from structures that might be placed right at the water's edge. Although portions of this Plan have been implemented, there are other areas that still warrant require attention.

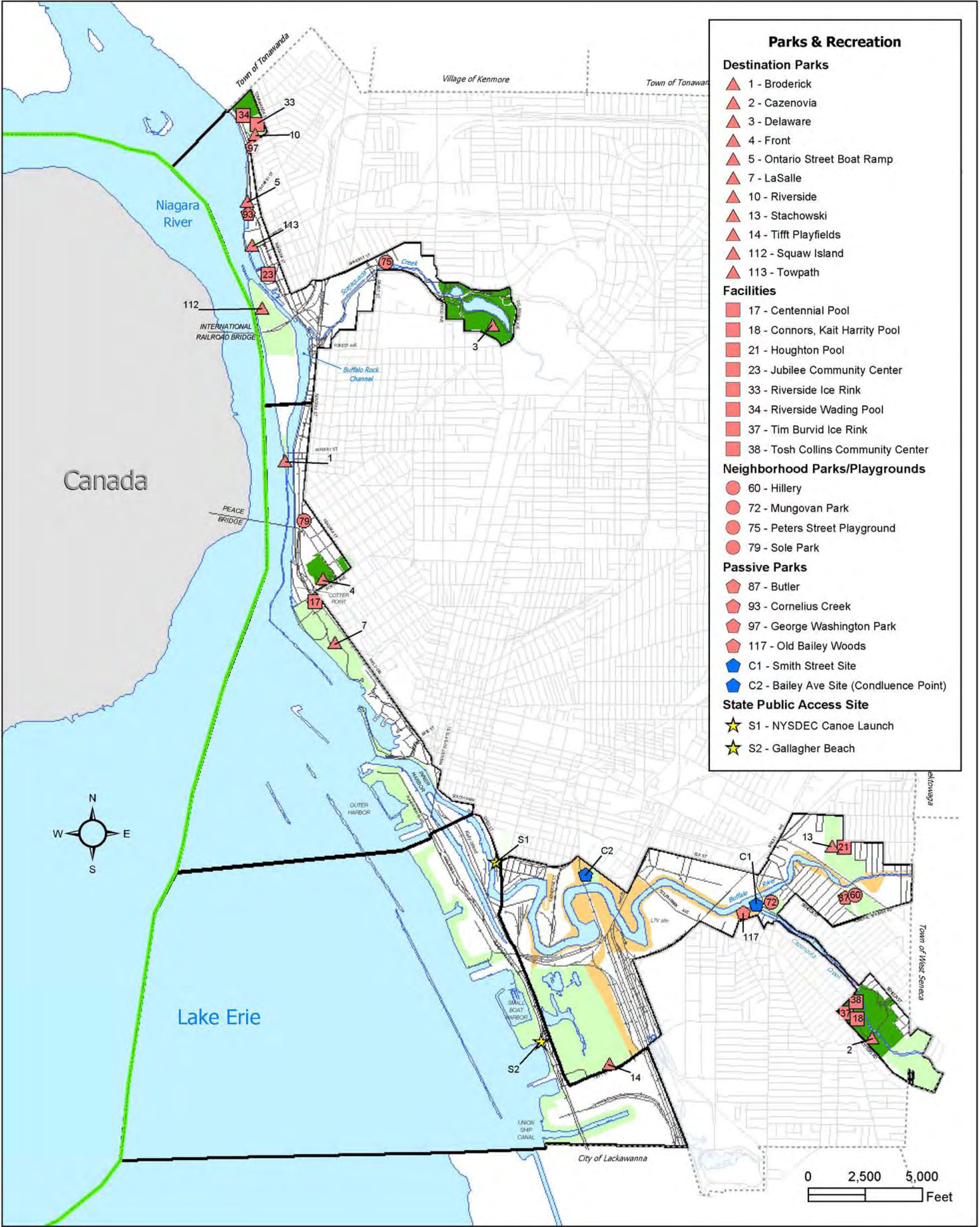
The recreational resources in the City of Buffalo LWRA, which include parks, pathways and preserves, as well as a number of parks that are part of Buffalo's historic Olmsted Park System (see Section F), include the following.

### **Sub-area 1**

There are two major regional parks closely situated to the shoreline in Sub-Area 1, Riverside Park and Delaware Park. There are also four smaller neighborhood parks in this area, along with a private marina. The Riverwalk, the Scajaquada Pathway, and a small portion of the City's sidewalks connect these facilities and provide formal public access to the shoreline.



# CITY OF BUFFALO LWRP PARKS AND RECREATION



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DATA SOURCES: CITY OF BUFFALO

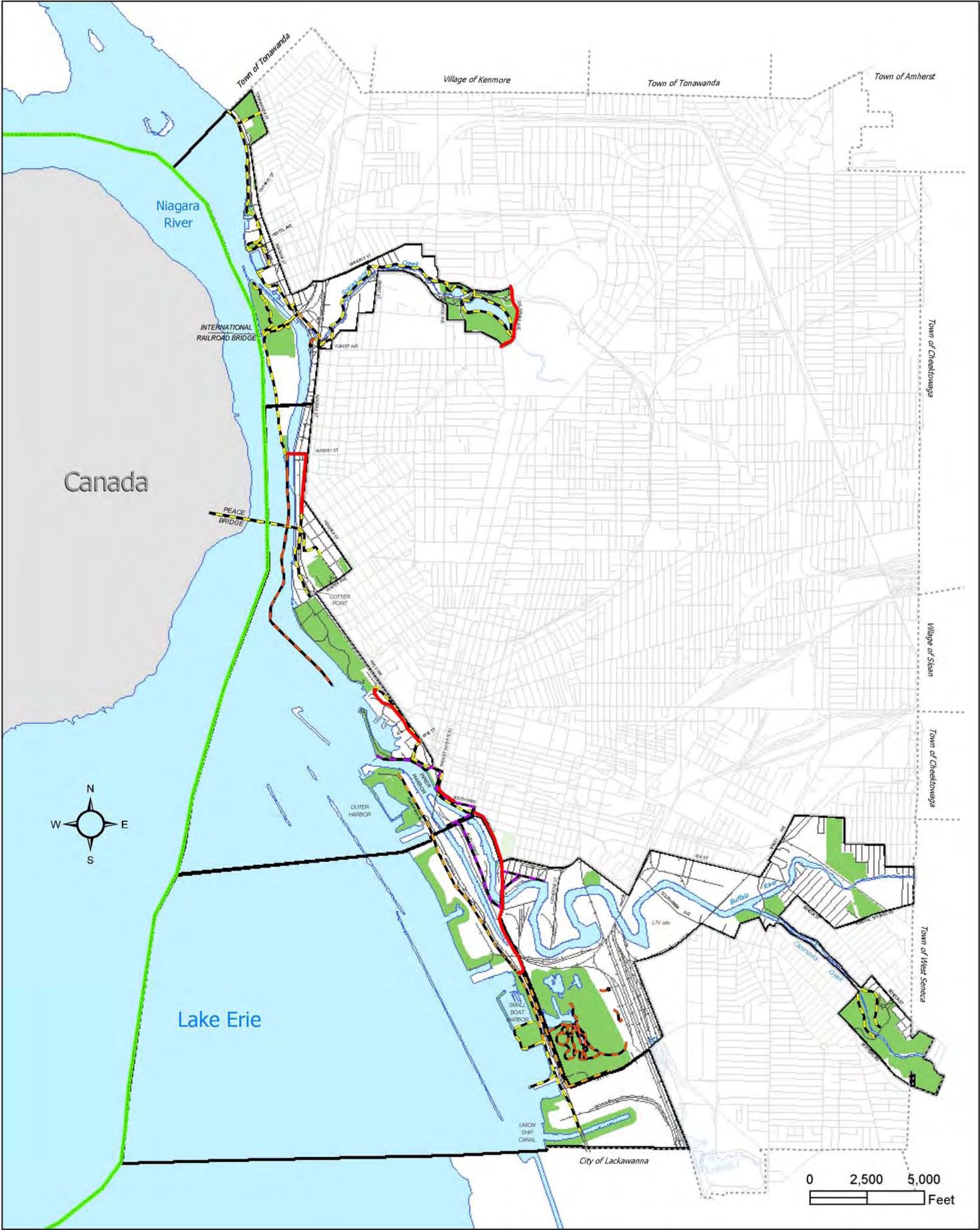
Key to Features		
Municipal Boundary	<b>Greenways</b>	<b>Park Organization</b>
LWRP Boundary	Historic	City of Buffalo
International Boundary	Proposed	Erie County
Water	All Others	New York State

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ARCHITECTS & ENGINEERS

WD Project #274710-LWRP  
June 25, 2003



# CITY OF BUFFALO LWRP EXISTING GREENWAYS



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DATA SOURCES: CITY OF BUFFALO

### Key to Features

Municipal Boundary	<b>Off Road Trails</b>
LWRP Boundary	Existing Bikeway
International Boundary	Existing Soft Path
Water	Industrial Heritage Trail
Railroad	Proposed / Under construction
Road	<b>On Road Trails</b>
Existing Greenways	Existing Bike Lane

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June 25, 2003

- Delaware Park- This is a major regional destination of 110 acres that is owned by the City and located between Elmwood and Delaware Avenues. Delaware Park, which is the focus of the Olmsted parks system, is used extensively throughout the year. The park encompasses Hoyt Lake, which is a focal point of this facility. Site amenities include large areas of open space, lakeside pathways, picnic facilities, playgrounds, a multi-purpose field, tennis courts and conference/meeting facilities. This park hosts numerous regional events and sports leagues, and has internal roads that are used for bicycling, jogging, and lakeside fishing. The park is also located immediately adjacent to the Buffalo Zoological Gardens.

Delaware Park is bisected by the NYS Route 198 (Scajaquada Expressway), which is a major arterial that restricts access between the two sides of the park. The City is presently examining options for downgrading this roadway to make it a more compatible feature with the neighboring park. Project proposals will improve park connections, improve aesthetics and calm roadway traffic.

- Riverside Park- Riverside Park is a 37-acre City-owned and maintained park, located at Niagara Street and Vulcan Street. This Olmsted park includes playgrounds, baseball fields, a football field, picnic facilities, walking paths, an outdoor public pool, an indoor hockey rink, basketball courts, and a pedestrian bridge that extends over the I-190 Expressway to the Riverwalk. This park is used on a City-wide basis by sports leagues and locally for summertime youth programming and community events.
- Ontario Street Boat Launch- This 1.4-acre City-owned and maintained facility is located at the foot of Ontario Street on the Niagara River shoreline. Site amenities include a boat launch ramp and several viewing areas overlooking the Niagara River. This park is used heavily by local residents for launching small watercraft, shoreline fishing, bicycling, and scenic viewing.
- Towpath Park- Towpath Park is a 5.3-acre City-owned and maintained neighborhood park, located at the foot of Hertel Avenue on the Niagara River shoreline. Site amenities include a boardwalk-style viewing area, benches and walking paths. This park is another popular location for shoreline fishing by local residents.

- **Black Rock Park-** This 2.4-acre City-owned and maintained park is located at the foot of Peter Street on the Scajaquada Creek shoreline. Site amenities include a playground and a basketball court. The Scajaquada Pathway travels through the park connecting it with Delaware Park and a local commercial business district. The park is used heavily by local residents for passive recreation and for fishing during the spring when water levels in Scajaquada Creek are high.
- **The Riverwalk-** This facility is owned and maintained by Erie County. It extends from the northern City line to downtown Buffalo. Approximately 85 percent of the pathway is situated directly adjacent to the Niagara River shoreline. The path crosses over the Niagara Expressway (I-190) several times and interconnects all of the parks located along the shore. In addition to biking and walking, local residents fish from all locations along the Riverwalk.
- **Scajaquada Pathway-** This City-owned and maintained pathway currently extends from the confluence of Scajaquada Creek and the Black Rock Canal at Niagara Street, eastward to Delaware Park, connecting with the internal pathway network inside the park. A final section of the pathway (Phase III) will connect the Scajaquada Pathway with the Riverwalk by constructing a bridge over the mouth of Scajaquada Creek and an extension adjacent to the Niagara Expressway (I-190). This extension will connect with the Riverwalk at the International Railroad Bridge.

In addition to the formal City parks, the northern portion of Squaw Island contains approximately 80 acres of vacant land that is used informally by local residents for fishing, mountain biking, and swimming in the Black Rock Canal (though this is not legally permissible). The City of Buffalo owns this property and intends on officially developing it as a park in the future. Residents fish from the Niagara River shoreline of Squaw Island and from the Black Rock jetty that extends northward from the tip of Squaw Island.

As previously noted, access to the Riverwalk and the Niagara River shoreline is not adequate. The I-190 Expressway separates the shore from the rest of the City, and certain portions of the Riverwalk are not well lit or easy to navigate. The I-190 Expressway is mostly elevated and there are various local roadway underpasses that allow vehicles and pedestrians access beneath the highway. Other locations, however, where on and off ramps are located, and where the expressway is at grade, restrict or prohibit access to the shore, particularly from the northern City line to Ontario Street and along the Black Rock Canal. Signage along the local roadways on the opposite side of the expressway directs users towards the path and the local parks. A pedestrian bridge at Riverside Park allows bicyclists and pedestrians safe passage



over the I-190 to the Riverwalk. Another pedestrian walk is located on the northern side of the International Railroad Bridge that crosses the I-190 Expressway and the Black Rock Canal. The southern side of the Bridge has a single lane for automobile use. This allows access to Squaw Island and its Niagara River shoreline. Only a portion of the Black Rock Canal shore in Sub-area 1 is accessible. The eastern shore is occupied by the Amtrak Rail Line and the Niagara Expressway (I-190) and a portion of the western shore is occupied by the Buffalo Sewer Authority Wastewater Treatment Plant.

The northern shore of Scajaquada Creek is very accessible and used recreationally via the Scajaquada Pathway, which is located directly adjacent to the creek shore, between Niagara Street and Delaware Park. Several local roads terminate at, or are located very close to, the Pathway. The southern shoreline is occupied by the Scajaquada Expressway (Route 198), rendering it inaccessible and unusable for recreational purposes.

Public boating access in Sub-area 1 is offered at the Ontario Street Boat Launch. This launch is open year round, although waters around the launch typically freeze between December and April. There are also several private marinas located on the Niagara River that will launch boats for a fee. There are no launches on Squaw Island, and Scajaquada Creek is not navigable due to shallow depths and low clearances beneath local road bridges and the on/off ramps of the Scajaquada Expressway.

### **Sub-area 2**

Sub-area 2 hosts several public and private recreational opportunities. The Riverwalk continues formal access for pedestrians and bicyclists along, or close to, the waterfront throughout Sub-area 2 and interconnects the waterfront parks. The local road network also provides good access to the parks. There are several private marinas along the shore that are connected to the Riverwalk as well. The following parks are located within Sub-area 2.

- Broderick Park- A 3.8-acre city-owned, county-maintained park located at the southern tip of Squaw (Bird) Island. Site amenities include several historical markers, a concession stand, picnic shelters, and a pathway atop the Bird Island Pier break wall that extends south, separating the Black Rock Canal and the Niagara River. This park is heavily used for fishing and passive recreation. The Riverwalk passes through the park and continues across the West Ferry Street Bridge over the canal to Niagara Street.

- **Front Park-** This Olmsted park encompasses 23.1 acres, which is owned and maintained by the City of Buffalo. It is located adjacent to the U.S. Toll Plaza to the Peace Bridge, between Busti Avenue and the I-190 Expressway, and has been cut off from the waterfront. This park contains a memorial statue, several baseball diamonds, picnic shelters and walking paths, and is used for various recreational sports leagues and numerous community events.
- **LaSalle Park-** A city owned and maintained park of 89 acres. The park is located between the Black Rock Canal and the I-190 Expressway overlooking Lake Erie. A pedestrian walkway provides access across the expressway to the park from adjacent residential areas. Site amenities include a major concert bandstand, picnic facilities, several lighted ball diamonds and playing fields. The park hosts several regional events such as concerts and annual international festivals. It is also heavily used for fishing. The Riverwalk is situated adjacent to the shoreline as it travels through the Park.
- **Riverwalk-** The pathway extends southward from Sub-area 1 to downtown Buffalo and the Inner Harbor. The path follows Niagara Street to the Peace Bridge, where it veers westward to the shoreline across the I-190 Expressway via a pedestrian bridge. The pathway then travels southward along the I-190 Expressway to LaSalle Park. At the southern end of LaSalle Park, the pathway turns inland, crossing Lakefront Blvd., and travels behind the Waterfront Village residential condominiums. This area of the pathway is unmarked and difficult to follow. The pathway reemerges along the shoreline at the Erie Basin Marina. Access to the path is encumbered by the I-190, but can be accessed at Busti Avenue, Porter Avenue, the pedestrian bridge at LaSalle Park, and at the Inner Harbor near downtown.
- **Erie Basin Marina-** The Erie Basin Marina is owned by the City of Buffalo but leased to an operating company who is responsible for maintenance. It is located close to downtown Buffalo, between the I-190 Expressway and the mouth of the Buffalo River. The Marina operates 286 boat slips and a boat launch from May through October, but pedestrian access to the shoreline and the harbor lighthouse is provided year round. There are concessions and public restrooms available during the Marina operating season. The park portion of the marina is used for passive recreation, offering excellent views of Lake Erie and the shoreline of Canada.
- **Times Beach Nature Preserve –** The Times Beach Nature Preserve is located directly south of the U.S. Coast Guard Station on the Outer Harbor. A former dredge spoil disposal site, this area attracts over 200 species of birds and waterfowl. The lakeshore, shallows, mud flats, marshy areas,



woodland and shrub thickets attract a variety of gulls, terns, shorebirds, marsh birds, and a large variety of migrant land birds, including some rare species. This 50 acre site is a noted area for waterfowl in spring and fall. As previously mentioned, the Time Beach preserve is being improved for limited passive recreational purposes.

The Inner Harbor portion of the shoreline, near downtown Buffalo, hosts several recreational waterfront uses, including a harbor pathway and a few marinas on the opposite shore at the entrance to the Buffalo Ship Canal and the Buffalo River. This area is easily accessible to pedestrians. The Inner Harbor is also home to the 6.5-acre Navy and Servicemen's Park. This facility includes a museum devoted to Western New York's contributions to America's seapower, and a 1,300 stretch of waterfront that provides dockage for the U.S.S. Sullivan, which is a national historic landmark, the U.S.S. Little Rock, and the U.S.S. Croaker submarine. The upland portion of the Naval Park also displays two naval jet fighters, a minesweeper and a submarine.

There is a Metro light rail rapid transit stop located approximately 200 feet from the Inner Harbor. The Inner Harbor is undergoing redevelopment that will incorporate the Riverwalk into its redesign to allow passage through the Harbor. Although this area is presently busy and interesting, it must be made much more accessible to the public and safer for maritime and recreational boating activity. As mentioned previously, the Inner Harbor is proposed for redevelopment to improve public access, shoreline amenities and economic activity in this area of the waterfront.

The shoreline of the Outer Harbor is not used for formal recreational purposes. With few roads providing direct access, it offers limited pedestrian and vehicular access. The U.S. Coast Guard Station, located at the north end of the Outer Harbor, allows some public access to the shoreline during business hours. The Station has a picnic shelter, a walking path and benches that overlook Lake Erie and the Inner Harbor. There are several scenic and historic monuments, including the Buffalo Main Lighthouse, on the station grounds.

The remaining portion of the Lake Erie Shore, along the Outer Harbor in this area, is fenced at Fuhrmann Boulevard prohibiting public access. The portion of the Inner Harbor along the Buffalo Ship Canal is privately owned and occupied by marinas and businesses that obstruct access to the canal shoreline. The peninsula that extends between the Buffalo River and the Buffalo Ship Canal, known as Kelly Island, is occupied by General Mills and other commercial and industrial uses and offers no waterfront access for public use.

### **Sub-area 3**

Because of the predominance of industrial land use in Sub-Area 3, there are very few formal recreational facilities along the shoreline. As previously noted, a large portion of the Lake Erie shoreline along the Outer Harbor is privately owned and protected by six-foot fencing, and the entire southern shoreline of the Buffalo River in this sub-area is inaccessible because the land is privately held, with no public roads to provide access. Despite these impediments, there are three formal access points to the waterfront: Gallagher Beach and the NFTA Small Boat Harbor on Fuhrmann Boulevard (on the Outer Harbor) and the New York State Department of Environmental Conservation (NYSDEC) Canoe Launch on Ohio Street along the northeastern shoreline of the Buffalo River. This site also includes a wetland habitat restoration area.

The Small Boat Harbor allows public access to the water but currently provides little park space and there are no continuous walking paths along the shoreline. It functions more as a marine boat basin than as a public recreation facility. The NYSDEC Ohio Street canoe launch on the Buffalo River includes a fishing pier that can be used year round by local residents.

Gallagher Beach is located directly south of the Small Boat Harbor, along Fuhrmann Blvd. This property was recently redeveloped as a public beach facility, offering 1,500 linear feet of shoreline access, a non-motorized watercraft access ramp to the shore, a separate launch ramp for motorized personal watercraft, a 1,400-foot pedestrian boardwalk, a 144-foot fishing pier, a floating dock and over 1,700 linear feet of multi-use pathway that will link this site to connecting pathways that are proposed to the north and south. The State of New York is acquiring the Small Boat Harbor from the NFTA and, combined with the Gallagher Beach facility, will be designated as a State park.

There is an informal site for public access along the Union Ship Canal, which can also be accessed via Fuhrmann Boulevard, at the southern end of Sub-area 3. This area of the canal is used by local residents for shoreline fishing. The Union Ship Canal is proposed for future redevelopment as the Buffalo Lakeside Commerce Park, as discussed in Section M.4.

### **Sub-area 4**

There are several formal public parks and informal access points to the Buffalo River and Cazenovia Creek shoreline in Sub-area 4, though a large proportion of the Buffalo River shoreline is privately owned and provides no formal access or recreational opportunities. The following parks and recreation areas are located in Sub-area 4 (from west to east):

- Tifft Nature Preserve - The 264-acre Tifft Nature Preserve and nature center is open throughout the year for wildlife viewing and contains several walking paths that extend through the habitat areas. It is located along a migratory route for waterfowl, warblers and passerines. Much of this site contains cattail marsh, ponds, woodlands, thickets and grassy fields, hosting over 250 recorded and 66 breeding bird species. The preserve is owned by the Buffalo Museum of Science. The preserve is accessible year round.
- *Smith Street Recreation Site* - Further east, on the northern shoreline of the Buffalo River, is the Smith Street Recreation Site. This 3.1-acre site is owned and maintained by Erie County. Site amenities include fishing piers and walking paths that access other informal fishing spots. Very poor roadway conditions and a limited amount of available parking encumbers access to the site.
- Bailey Avenue Peninsula Site (Confluence Point) - This 3.8-acre County-owned and maintained site provides walking trails, scenic overlooks of the Buffalo River and interpretive signage. The site is used heavily for fishing by local residents and also offers several scenic vistas with benches. A lack of parking facilities and roadside parking restrictions inhibits access to the site.
- Houghton (formerly Stachowski) Park- This 45-acre City-owned and maintained park is located between the Buffalo River and Clinton Street. Site amenities include two lighted baseball diamonds, several playgrounds, a street hockey rink, a community center, a pool and a large wooded area adjacent to the River. The shoreline portion of the park is heavily used for dog walking and wildlife viewing, although the river shoreline is physically removed from the park by a railroad corridor.
- Cazenovia Park- This 180-acre park contains several creekside walking paths, a nine-hole golf course, and several athletic fields. A part of the Olmsted Park System, the park is on the National Register of Historic Places along with Front Park, Delaware Park, and Riverside Park in Sub-areas 2 and 3. The Park is heavily used for City-wide events, youth and adult sports leagues, and passive recreation.

In addition to these formal public access points, there are several locations in this Sub-area where residents access the shoreline informally. The Old Bailey Woods site, near the confluence of the Buffalo River and Cazenovia Creek, is a large wooded lot that is heavily used by local residents for fishing and passive recreation. This 3.1-acre lot, which is the only floodplain forest in the City, has been designated as a passive park. There is an internal dirt path that allows access to this property from either Payson Street or Bailey Avenue.

A second informal access point is located at the terminus of Juniata Place. This large, heavily wooded lot is adjacent to the Buffalo River and provides access to the larger area known as the Seneca Bluffs, which is roughly located between Seneca Street and Juniata Place. This area has been designated by the County as a wetlands restoration area (the County is currently seeking funding for this project) and is located within the springtime floodway. This floodway submerges the area when melting snow increases the flow and subsequent water level in the Buffalo River.

Efforts are underway to develop the Confluence Greenway, a two-mile urban trail system to connect the Old Bailey Woods site with Seneca Bluffs. This trail will also link up the Confluence Point property (also known as the County's Bailey Avenue recreation site), Southside High School, Mongovan Park, Houghton Park and Cazenovia Park.

A third informal access point is located at the foot of Fenton Street, where a vacant grassy lot is traversed by local residents to access the Buffalo River. This location is used for fishing. There is an additional vacant lot at the foot of South Pierce Street that is used by local residents for dog walking.

An examination of City of Buffalo maps revealed a number of potential points of public access to the Buffalo River in Sub-area 4. At the request of the City, the Friends of the Buffalo and Niagara Rivers organization prepared an inventory of 25 paper streets along the Buffalo River and set forth recommendations for their potential use (Table 2-1). The City owns all but three of these street properties without restriction. The City's interests in the remaining three paper streets are limited to their use for public street purposes.

Paper streets are streets that were officially mapped but never constructed, are no longer used for travel, or were never fully constructed (lacking curbs, sidewalks, storm drainage, etc.) All but one of the streets investigated leads directly to the river. In 22 cases, the streets are located directly adjacent to public land owned by the City of Buffalo or the State. It was recommended that these streets be incorporated into the Buffalo Greenway development plans and permanently protected through deed restrictions or park designation. Katherine and Ensign Streets do not abut public property, but lead to the shoreline of the Katherine Island, near the Heron rookery. It was recommended that these streets be used to provide access to the southern end of this area, however, care must be taken to prevent disturbance to the rookery.

Another opportunity for public access and recreation in Sub-area 4 is the Buffalo River Urban Canoe Trail. This trail provides a pleasant outdoor experience, and an opportunity to view environmental, historical and industrial sites, which cannot be seen from any other location, from the water. This trail was developed by NYSDEC, commencing at the Ohio Street Canoe Launch and terminating at the NYSDEC public access site at Harlem Road in the Town of West Seneca (there is a mid-point access site located at the South Buffalo Pump Station, near the Bailey Avenue bridge). Parking lots are provided at all three access site for convenience. The trail is meant to be a self-guided tour, utilizing the trail guide provided by NYSDEC. The trail is six miles in length and includes 48 points of interest along the way; it takes about four hours to complete.

A large portion of shoreline in Sub-areas 3 and 4 along the Buffalo River and the Outer Harbor is inaccessible. This inaccessible shoreline property is privately owned and protected by fencing. There is a high frequency of environmental contamination on these sites as well. Many of these properties are also difficult to access because of numerous railroad corridors and a lack of local roads. The barren, vacant appearance of these areas, and the presence of numerous locations where the illegal dumping of household and construction wastes is occurring, further deters visitation.

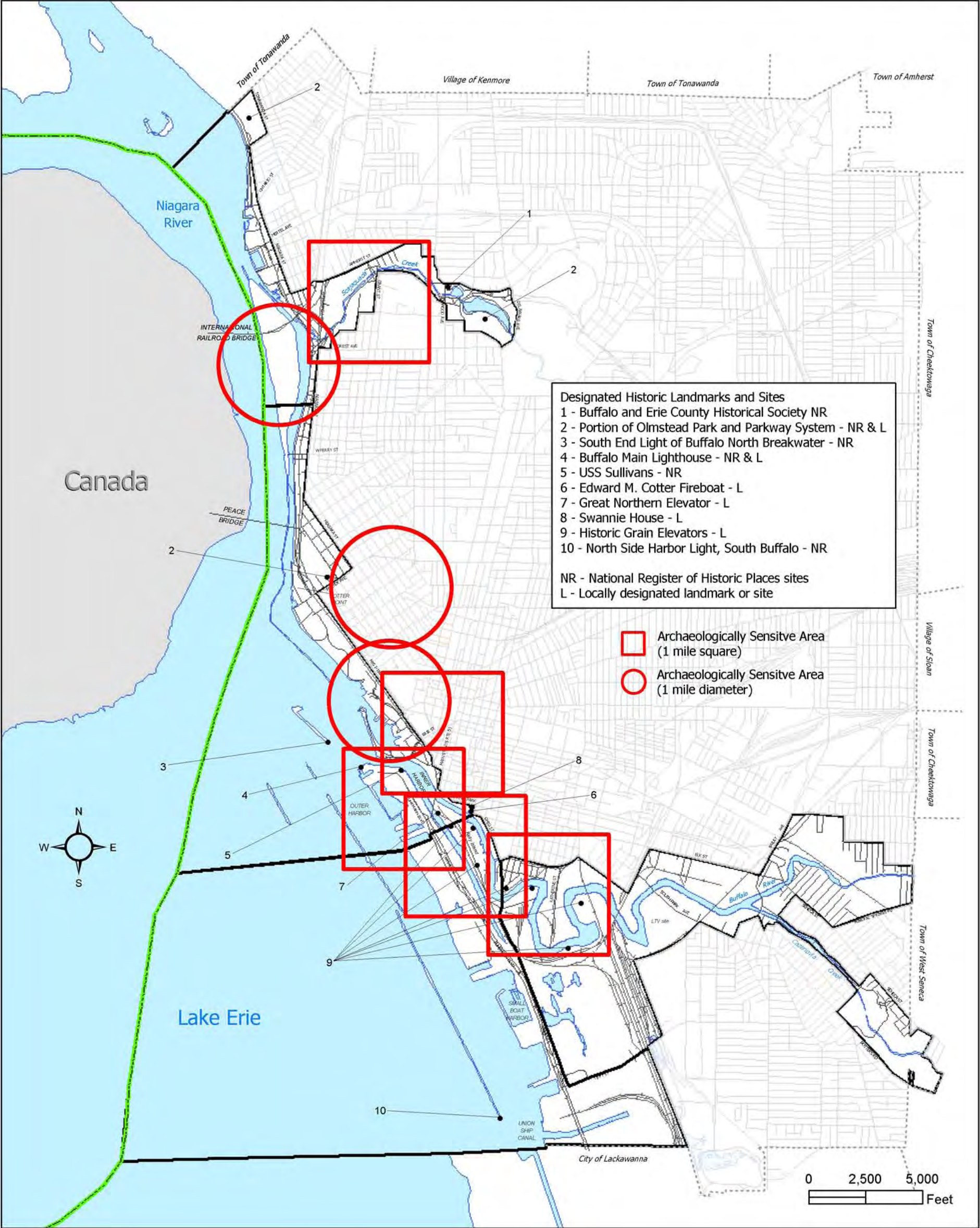
Accessing the Outer Harbor in Sub-Area 4 is further encumbered by NYS Route 5. Even though this land is very proximate to downtown Buffalo, in order to reach the area by car or on foot requires one to travel south approximately 2 miles to the Tifft Street underpass and then north again along Fuhrmann Boulevard. To improve public access to this area of the waterfront, transportation and roadway improvements will be required. This is being examined as part of the Southtowns Connector project.

## **F. HISTORIC AND CULTURAL RESOURCES**

Buffalo was founded as a frontier community in 1801. From its early settlements, the waterfront was the center of activity in Buffalo and Western New York. At one time, Buffalo was the greatest inland immigration port of the world and the inner harbor and lower reaches of the Buffalo River supported a diversity of watercraft, including sailing ships, steam powered craft and oar boats. At the turn of the 20<sup>th</sup> century Buffalo was the nation's eighth largest city, second largest rail center, and largest inland port. Buffalo's waterfront has a rich and important heritage that details the early economic successes of the area, the region, the State and the nation.



# CITY OF BUFFALO LWRP HISTORIC RESOURCES AND ARCHAEOLOGICALLY SENSITIVE AREAS



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DATA SOURCES: CITY OF BUFFALO, NEW YORK STATE OFFICE OF PARKS, RECREATION, & HISTORIC PRESERVATION (1992)

Around 1817, the first shipments of flour began arriving in Buffalo from the west. In 1820, Samuel Wilkeson built a municipal pier at the mouth of Buffalo Creek (now known as the Buffalo River) to create the Buffalo Harbor. He also channelized the mouth of the creek. Together these improvements led the New York legislature to pick Buffalo as the terminus of the Erie Canal.

With the opening of the western terminus of the Erie Canal in 1825, Buffalo and the upper midwest were connected with the eastern seaboard and New York City. The presence of a large supply of immigrant labor and easy access to raw materials and distribution networks led to the development of manufacturing in Buffalo. Between the 1820's and the early 1900's, the Lake Erie and Buffalo River waterfront served as a staging area for the shipping of manufactured goods to the western United States, and for the shipping of grains and other raw materials to the eastern United States. Much of this activity was focused around the Central Wharf, which was a 1,000-foot stretch of docking area that supported wholesale houses, business offices, galleries and verandas. The Central Wharf is where the terminus of the Erie Canal interfaced with Great Lake shipping activity. The Commercial Slip, which was located immediately adjacent to the Central Wharf, provided access between the harbor and the Erie Canal. The Long Wharf was also built along the Buffalo River, directly east of the foot of Main Street and the Central Wharf.

To provide a safe harbor for the many ships frequenting the area, a breakwall was constructed along the outer harbor; the mouth of the Buffalo River was dredged, and the first lighthouse was built in 1833. Over time, dozens of slips, basins and manmade channels were dug to create additional wharfage along the shoreline, primarily in the area of the Buffalo River, including the Ohio Street Slip, the Clark and Skinner Canal, the Prime Slip and the Evans Ship Canal. Shipping activity spurred industrial enterprise in Buffalo, which eventually led to the City's great international status as a center for industry and commerce.

All of the achievements of the era inspired the Pan American Exposition, which was held in Buffalo in 1901, and was the pinnacle of Buffalo's economic success. One remnant of the Exposition, the Buffalo and Erie County Historical Society, is within Sub-area 1 and is a designated Local Landmark and listed on the National Register of Historic Places.

Today, the City's industrial and waterfront heritage is represented by more than a dozen brick and concrete grain elevators. These structures comprise the most outstanding collection of extant grain elevators in the United States. They collectively represent a variety of construction materials, building forms and technological innovations that revolutionized the handling of grain in this country. The first grain elevator was built by Joseph Dart, in 1842, in the port of Buffalo. There are also several other



## CITY OF BUFFALO LOCAL WATERFRONT REVITALIZATION PROGRAM

important buildings located in South Buffalo, along the Buffalo River. The Great Northern Grain Elevator, a restaurant (the Swannie House), a train repair building (the DL & W terminal is undergoing renovation), and the Edward M. Cotter fireboat dating from the 1800's, are all designated Local Historic Landmarks. The Edward M. Cotter fireboat was listed on the National Register of Historic Places in 1996. According to the Buffalo Historic Preservation Board, the following grain elevators along the Buffalo River industrial corridor are eligible for listing on the National Register of Historic Places:

Cargill Superior Elevator	Kellogg Elevator
Connecting and Terminal Elevator	Agway Elevator
Pillsbury (Great Northern) Elevator	American Elevator
Perot Elevator	Lake and Rail Elevator
Standard Elevator	Marine "A" Elevator
Concrete Central Elevator	

Buffalo was also a significant link in the Underground Railroad for slaves that escaped from the South and sought refuge in Canada. During this emancipation era, several buildings and locations along the waterfront were links in the Underground Railroad. Broderick Park, located in Sub-area 2 on Squaw Island, has been recognized as a vessel launching point for slaves travelling across the Niagara River to Canada to gain freedom. A state historic marker is located in the Park.

As previously noted, Buffalo is home to a public park system designed by Frederick Law Olmsted. Olmsted is regarded as the greatest American Landscape Architect, who designed Central Park in New York, the grounds of the U.S. Capitol in Washington, the Niagara Falls Scenic Reservation, and the 1893 World's Colombian Exposition in Chicago. In 1868, Olmsted was brought to Buffalo, where he implemented a parks plan involving three parks connected to one another by a series of broad, tree-lined residential avenues and parkways. The development of the Buffalo Olmsted parks plan, which was substantially completed by 1876, marked a transitional period during Buffalo's waterfront history. Olmsted's plan for Buffalo was presented at the 1876 Centennial Exposition in Philadelphia, where Olmsted proudly described it as "the most complete system of recreational grounds. The first of its kind in the United States, several component parks of the system occupy significant amounts of waterfront land.

Olmsted scheme of landscaped circles, parkways and avenues includes Riverside and Delaware parks in Sub-area 1, Front Park in Sub-area 2, and Cazenovia Park in Sub-area 4. The entire Olmsted Parks system is a designated Local Historic District and was listed on the National Register of Historic Places and as a National Historic District in 1982. Four of the five parks that anchor the Olmsted System are located in the LWRA, namely: Riverside Park, Delaware Park, Front Park and Cazenovia Park.

There are a number of other historic resources in the Buffalo LWRA. As shown on Map 2-9, sites that are listed on the National Register of Historic Places include:

- Portions of the Olmsted Park and Parkway system that are located within the coastal zone (including Front Park and part of Porter Avenue);
- Buffalo and Erie County Historical Society building;
- Edward M. Cotter Fireboat;
- Buffalo Main Lighthouse at the Buffalo River;
- Buffalo North Breakwater South End Light at the Buffalo Harbor;
- South Buffalo North End Light on the Outer Harbor; and
- U.S.S. Sullivans (which is also a National Historic Landmark).

The Buffalo Main Lighthouse was built in 1833 and is the oldest building on Buffalo's waterfront, as well as one of the oldest on the Great Lakes. The lighthouse has been recognized by the United States Coast Guard in an effort to preserve the maritime heritage of the US.

In addition to these significant historic structures and locations, the Buffalo Naval Museum located in the Inner Harbor in Sub-area 2 has a collection of vintage World War II vessels. One of these vessels, the U.S.S. Sullivans destroyer, is listed on the National Register (1986). Also, Saint John the Evangelist Roman Catholic Church, located at 2315 Seneca Street in Sub-area 4, is a designated Local Landmark.

### Archaeological Resources

The LWRA includes a number of areas that may contain archaeological resources of significance (Map 2-9). The protection of these resources requires the recognition of their importance by all appropriate agencies. These areas of potential archaeological sensitivity have been identified through the site files of the State Office of Parks, Recreation and Historic Preservation. Any development occurring in or around potential archaeological sites is regulated by the State. In general, the potential archaeological

sites identified in the LWRA are situated adjacent to the Niagara River and associated with activities of the War of 1812. Upstream sites along Buffalo River and Scajaquada Creek are aboriginal in nature.

An archaeological study was conducted during the summer of 1999 as a part of the environmental investigation for the Inner Harbor Project by the Empire State Development Corporation (ESDC). The results of the initial excavation work uncovered the original Commercial Slip of the Buffalo Harbor. To preserve this structure, the ESDC proposed in the Draft Environmental Impact Statement of the Inner Harbor Project to rebury the original slip and construct a replica in its place. The New York State Historic Preservation Office approved of this plan. Further excavation work conducted after this approval in the fall of 1999 uncovered additional historic and culturally significant artifacts. The original cobblestone and brick streets were uncovered, the main docking wharf was revealed behind the eastern seawall, and the building foundation of the first African American- owned business, founded by a freed slave years before the Emancipation Proclamation, was discovered. According to the Buffalo Historic Preservation Board, the remnants of the Erie Canal, the Commercial Slip, the Prime Slip and the Grand Canal are eligible for listing on the National Register of Historic Places, although no local landmark designation has been made.

Another possible archeological site of significance is located in Sub-area 4 beneath a Power Substation on the northern shoreline of the Buffalo River. The site, known as the Seneca House site, is the location of a former Iroquois Tribe long house.

## **G. SCENIC RESOURCES**

The urban development of the City of Buffalo's waterfront lends itself to having a host of man made scenic features that compliment the natural features. The City of Buffalo experiences severe climatic changes annually which limit the available times when scenic resources can be viewed, and alter the appearance of these resources at various times during the year. Generally, the resources identified are best viewed between late April and late October. The Seaway Trail, which is a designated National Scenic Byway, stretches along Niagara Street and Route 5 in Sub-areas 1, 2 and 3 providing views of the Niagara River, Lake Erie and portions of the Buffalo River. Scenic resources in the LWRA are described as follows.



### **Sub-area 1**

Sub-Area 1 offers views of the Niagara River and Scajaquada Creek, as well as inland water features and nationally registered historic sites. From Riverside Park, Towpath Park, the Ontario Street Boat Launch and all points along the Riverwalk, 180-degree views of the Niagara River, Strawberry Island, and the Canadian shoreline are available. The downtown Buffalo skyline, the Canadian shoreline, and the Peace Bridge and International Railroad Bridge can be viewed from the northern portion of Squaw Island. Views of Black Rock Canal Lock and channel from the Island are very unique, but partially obstructed during the spring and summer by foliage.

The Scajaquada Pathway offers views of Scajaquada Creek as it wanders through a maze of highway bridges and piers, industrial sites and old rail spurs. The path continues along the Creek past the Buffalo and Erie County Historical Society Museum and Japanese Gardens and the Albright-Knox Art Gallery, both of which were built for the 1901 Pan American Exposition and are listed on the State and National Registers of Historic Places. The pathway continues to a highpoint above Hoyt Lake in Delaware Park offering a view of the historic park, the lake and the casino building on its southern shore.

### **Sub-area 2**

The southern portion of Squaw Island contains Broderick Park, the Bird Island Pier and the portion of the Riverwalk that extends atop a sea wall for an entire mile. These features offer views of the Peace Bridge, the Niagara River and Lake Erie. During the spring, summer and fall the Black Rock Canal is used by several organizations for rowing, which can be viewed from Broderick Park as well. The Riverwalk splits into two sections; one section travels along the sea wall and the second section travels along Niagara Street parallel to the shoreline, connecting to LaSalle Park. Views of Lake Erie and the Colonel Ward Pumping Station in LaSalle Park are attained along segments of the path.

From LaSalle Park several different views of Lake Erie and the City of Buffalo are available. There are a number of waterside features that can be scene, such as the City of Buffalo main water intake, the abandoned Horseshoe Reef navigation light, the U.S. Coast Guard Station and Buffalo Main Lighthouse, the Erie Basin Marina lighthouse and the shoreline of Canada. The skyline of downtown Buffalo is visible from this shoreline, featuring the art deco style architecture of Buffalo City Hall. The Erie Basin Marina, south of LaSalle Park, is a popular spot for watching boats in the summer months. Views of waterside and inland features can be gained from vantage points in the Marina. In addition, visitors can climb to the top of the Basin Lighthouse for views of the Lake and the Buffalo skyline. Views of the downtown area, Canadian shoreline, Peace Bridge, and offshore structure and surface waters are also available as one drives along the I-190 Expressway, which has elevated sections near downtown.

The Inner Harbor section of shoreline has several waterside and landside scenic features. The historic U.S.S. Sullivans and several other vintage military vessels are moored in the harbor as a part of the collection at the Buffalo Naval Park and Museum. Several military memorials are also located near the Naval Park. Portions of the original Erie Canal wall and foundations from adjacent old buildings are on public display and will be preserved as a part of the Inner Harbor Development. Other scenic features viewed from this shoreline are the General Mills grain elevator and the HSBC Arena and Atrium Building. The northern end of the Outer Harbor area offers views of Lake Erie, Buffalo Harbor, Black Rock channel, the U.S. Coast Guard Station and visitor's park, and the Buffalo Main Lighthouse.

### **Sub-area 3**

There are three major scenic features along this section of shoreline consisting of the South Buffalo industrial corridor, Lake Erie, and the Tifft Nature Preserve and Nature Center. The South Buffalo industrial corridor along the Buffalo River is home to more than a dozen grain elevators and other types of industrial apparatus that have been recognized as being significant to Buffalo's history. The Buffalo River shoreline offers a variety of views of these features. The Buffalo River is not a major natural habitat but is buffered from surrounding heavy industrial uses by native foliage, referred to as the area's "green infrastructure". There are more than two dozen buildings and structures of local historical significance relating to Buffalo's industrial heritage within this section of shoreline. The Edward M. Cotter Fireboat, listed on the National Register, is moored on this shoreline and can be viewed from the Michigan Street Bridge. Travel across the NYS Route 5 Skyway Bridge also provides ample views of the industrial facilities, grain elevators and offshore features.

Views of Lake Erie from vantage points on the Outer Harbor are few since a large portion of shoreline is held in private ownership. From the Small Boat Harbor, views of vessel traffic on Lake Erie and the small vessel traffic travelling in and out of the harbor during the boating season are prevalent. The various historic monuments located along the waterside can be viewed as well.

The County's canoe launch, located on the northern shoreline of the river at the foot of Smith Street, has several benches for visitors to sit and view the river, and the area of vacant industrial land on the opposite side of the Buffalo River, which includes a number of historic grain elevators. This former industrial area is slowly being reestablished with native wildlife and plant species.

#### **Sub-area 4**

The scenic landscape of Sub-Area 4 consists of the various features of Cazenovia Park and the greenways that follow along the Buffalo River and the Cazenovia Creek corridors. The Buffalo River greenway branches into two segments: one branch is Cazenovia Creek and the other is the continuation of the Buffalo River. Cazenovia Creek is channeled through a concrete viaduct for flood control, but eventually enters the scenic landscape of Cazenovia Park. Views from local roadways of the viaduct are few, with the exception of the roads enclosing Cazenovia Park. Several vantage points are gained along the roadside of the 106 acres of the northern section of the Park.

Views of the Buffalo River greenway are attained from Stachowski Park, the Bailey Avenue site (Confluence Point) and Old Bailey Woods, as well as from the various informal access points at Fenton Street, Juniata Street and South Pierce Street. Located directly between the confluence of the Buffalo River and Cazenovia Creek, the Bailey Avenue site has three elevated vistas with benches where visitors can rest and observe wildlife or other visitors fishing. Stachowski Park is physically separated from the Buffalo River greenway by a railroad corridor that obstructs views.

The Tifft Nature Preserve and Nature Center is a wilderness habitat of native plants, fish, and wildlife. Views from within the preserve are attained along several pathways that interconnect throughout its 264 acres. There are four ponds and a lake within the preserve that offer views of various waterfowl and aquatic life. The preserve is located directly opposite the shoreline but views of Lake Erie are disrupted by NYS Route 5, which is elevated atop an embankment along this segment of shoreline.

### **H. PUBLIC INFRASTRUCTURE**

#### **1. Water Supply**

The City of Buffalo operates a public water supply system. The water supply intake extends into Lake Erie, at the head of the Niagara River in Sub-area 2, from the Colonel Ward Pumping Station and water filtration plant property, which is located on Niagara Street, adjacent to LaSalle Park (Map 2-10). The water is gravity fed through a 12-foot by 12-foot conduit to an onshore screen house. There, traveling screens remove large objects such as sticks and other debris that can damage pumps. Gravity delivers the water through a conduit where chlorine, fluoride, and polyaluminum chloride (PACl) are added. Chlorine is used to disinfect the water and control zebra mussels and other organisms. Fluoride is added to guard against tooth decay. PACl is a chemical coagulant designed to cause fine particles in the water to bind together forming floc. Pumps direct the rushing water to an underground basin for

flocculation and sedimentation. Here, the water is flocculated by mechanical mixers (large paddles) and directed to settling basins where debris in the water is allowed to settle out by gravity. The water still containing some floc is discharged over rapid sand filter beds where filtration occurs, removing fine floc. A filter aid (an anionic polymer) is added to enhance filtration (Buffalo Water Authority and American Anglian, 1999).

As the water leaves the plant, a corrosion control additive (a sodium orthopolyphosphate blend) is used. This serves as a shield against lead leaching into the water from aged residential water pipes and service lines. The City of Buffalo treats 33.7 billion gallons per year with an average of 90 million gallons each day to serve the population of 292,648 people, as reported in the 2000 census (Buffalo Water Authority and American Anglian, 1999).

The Colonel Ward Water Treatment Plant has a design capacity of 160 million gallons per day. The Buffalo Water Authority owns two storage tanks, three storage towers and one clear well with a total storage capacity of 40 million gallons. As a result, the City of Buffalo Water Authority is able to handle peak demands (P. Gareis, City of Buffalo Division of Water, February 8, 2000). Currently, the City of Buffalo Water Authority has no water quality concerns.

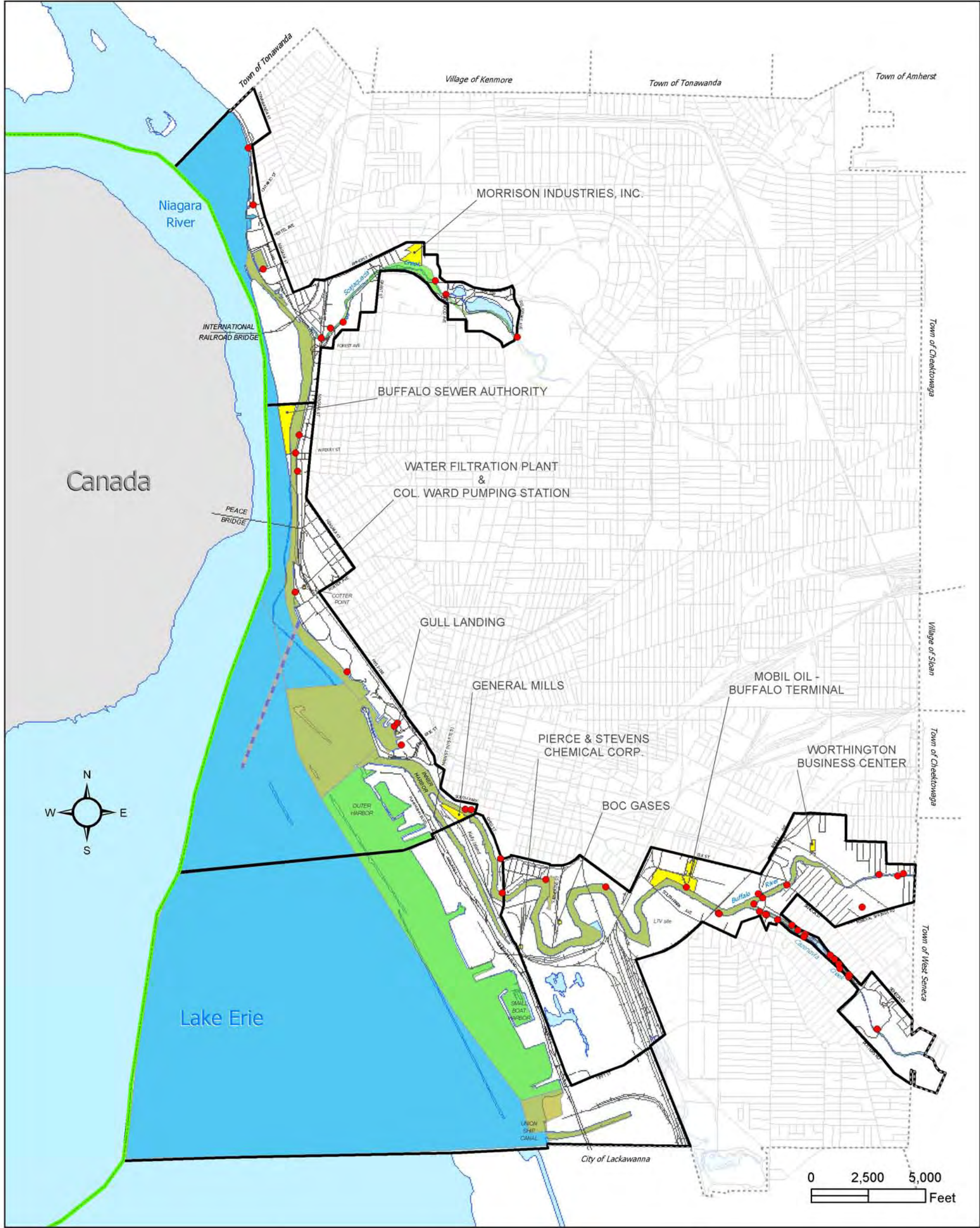
The City of Buffalo water quality is good and complies with all State regulations. Marginal to fair water pressure currently exists in the northwest section of the City, and good water pressure is available within the remainder of the City. The condition of the water system infrastructure is generally adequate; however, continued water line maintenance is needed (City of Buffalo, 1999). The majority of the distribution lines in the LWRA were installed after World War II. Only Ohio Street, Childs Street, Hamburg Street, Katherine Street, Bailey Avenue and the area north of Seneca and Mineral Springs, in Sub-Area 4, were installed in the early 1900's. The water system is primarily comprised of cast iron water mains with smaller areas of concrete and steel water mains that measure between 4 to 60 inches in diameter. With the exception of a large parcel bordered by South Park, Abby Street, Fuhrmann Blvd and Tift Street in Sub-Area 4, the water distribution system within the waterfront area supplies water to all residents and businesses (Paul Gareis, City of Buffalo Division of Water, February 8, 2000).

Since 1992, the City of Buffalo Division of Water has implemented an accelerated capital improvement program. This program is replacing deteriorated watermains and other system improvements. Numerous upgrades are being proposed and implemented at the Colonel Water Pump Station, Treatment Plant and the Massachusetts Avenue Pump Station. As part of the Inner Harbor redevelopment plan, new water mains will be installed in this area (P. Gareis, City of Buffalo Division of Water, February 8, 2000).



# CITY OF BUFFALO LWRP

## WATER QUALITY



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RICHARDSON'S CHARTBOOK & CRUISING GUIDE  
(1994 LAKE ERIE EDITION)  
OFFICIAL COMPILATION CODES, RULES, AND REGULATIONS  
OF THE STATE OF NEW YORK, VOLUME 6C

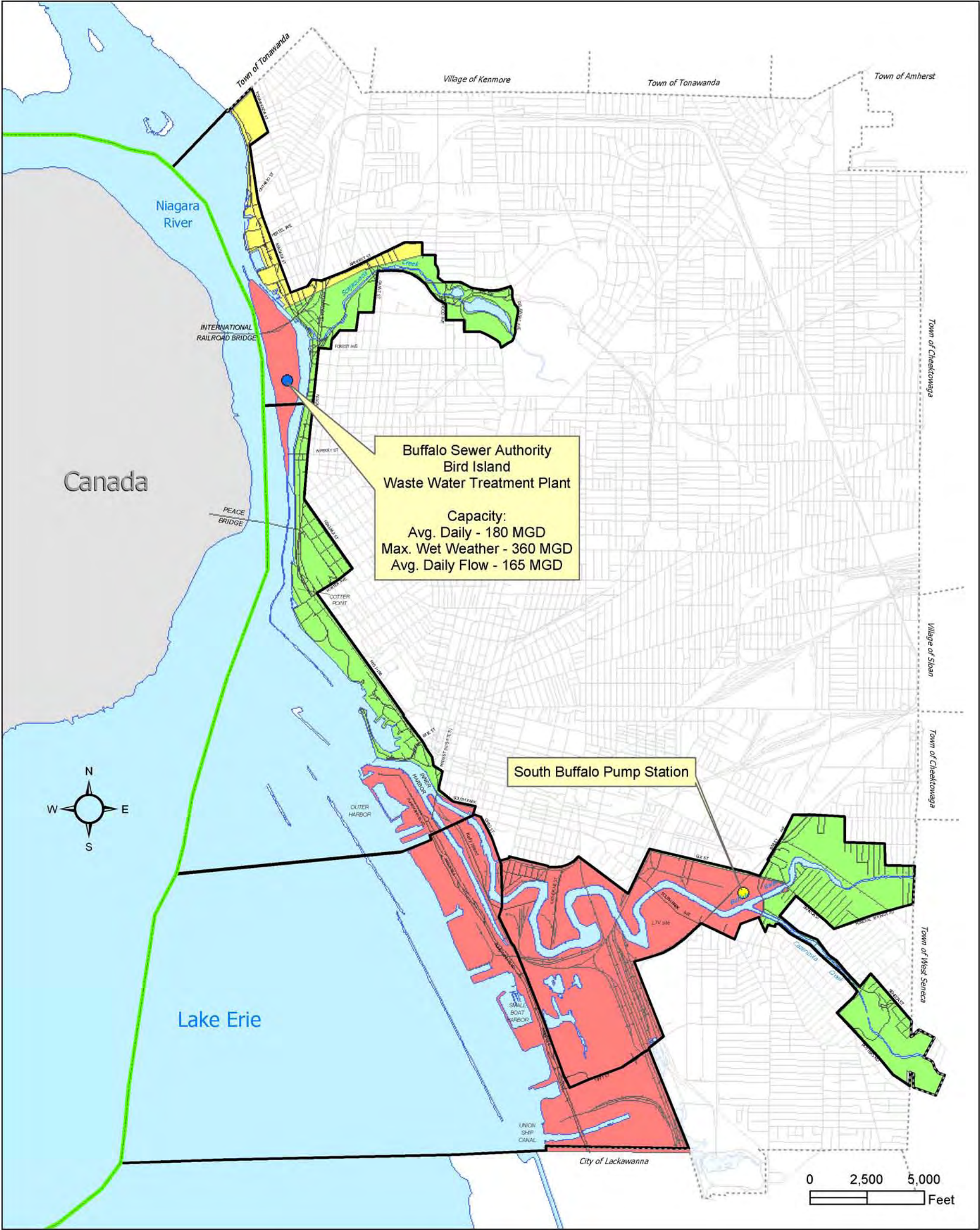
### Key to Features

-----	Municipal Boundary	●	Combined Sewer Overflow Points
○	LWRP Boundary	■	Point Source Discharge Facilities
○	International Boundary	<b>Water Quality &amp; Purity Classification</b>	
■	Water	■	A
—	Railroad	■	B
—	Road	■	C
—	Water Intakes		





# CITY OF BUFFALO LWRP WASTEWATER DISPOSAL



## **2. Wastewater Disposal**

The City's waterfront area is entirely serviced by the Buffalo Sewer Authority (BSA), who operates a wastewater treatment plant on Squaw (Bird) Island in Sub-Area 1 (Map 2-10). The BSA operates within the guidelines established by the U.S. EPA and the NYSDEC by way of authorized Stormwater Pollution Discharge Elimination System (SPDES) and Title V permits. The most recent NYSDEC compliance inspection confirmed that the WWTP is in compliance with the SPDES permit (J. Baudo, Jr., BSA, December 2002). The BSA also has a Phase II Storm Water permit and they have a Stormwater pollution prevention plan in place. The BSA must meet the standards for use and disposal of sewage sludge pursuant to the Part 503 Rule and submit an annual report to the U.S. EPA. They also have a spill prevention control and countermeasure plan (SPCC), as required by the EPA.

The first wastewater treatment plant, which provided primary treatment, was constructed at this site between 1935 and 1939. This was followed by the construction of an upgraded wastewater plant between 1972 and 1979, which provides secondary treatment. The Buffalo Sewer Authority is currently undertaking a \$16 million rehabilitation project to increase the efficiency of the wastewater treatment plant (J. Baudo, Jr., BSA, December 2002).

The overall age, condition, and adequacy of the City of Buffalo storm and sanitary sewer lines is an issue. The system is in need of continued repair and upgrading. Limited sewer capacity currently exists in Sub-areas 1 and 2, in the northern section of the City (Map 2-10); excess sewer capacity currently exists in the industrial area in the southwest section of the City (Sub-area 3 and 4). Although the sewer system itself is generally adequate, continued sewer line replacement and maintenance is needed (City of Buffalo, 1999).

Approximately 93 percent of all sanitary and storm sewer lines were installed prior to 1941 and are becoming old and deficient, as a deferred approach to infrastructure maintenance and upkeep occurs. The City has a tendency to delay needed repairs and renovations to existing infrastructure systems, resulting in physical deterioration, costly repairs, significant cost increases, and potential system breakdowns. Furthermore, the sewer system within the City of Buffalo is a combined system. There are a total of 63 combined sewer outfalls (CSOs) located along Buffalo waterways (Map 2-11). CSOs are sources of pollution as they convey both stormwater runoff and sanitary wastes into the waterways following periods of heavy precipitation (City of Buffalo, 1999).

The present average daily flow at the wastewater treatment plant is 160 million gallons per day (mgd). The treatment plant was designed around an average daily flow rate of 180 mgd and a peak secondary flow rate of 360 mgd. The peak collection system flow is reportedly 563 mgd. The treatment plant has been designed for a peak secondary flow of 360 mgd, which receives secondary treatment and disinfection. The remaining 203 mgd receives primary treatment and disinfection. With the combined sewers, during wet weather situations, as sewer lines fill and capacity is reached at the plant (563 mgd), the excess flow that cannot be handled by the plant (which carries raw sewage) is discharged directly to surface waters. Thus, water quality in the vicinity of these outfalls is degraded as a result of extreme storm events. As shown on Map 2-10, the majority of the combined sewer outfalls are located along the Niagara River, Black Rock Canal and the Buffalo River (Franklin J. DiMascio, P.E., Buffalo Sewer Authority, January 24, 2000). It should be noted, however, that upstream water bodies and waters received through creek flow from upstream communities carries more contamination than is discharged from CSOs within the Buffalo City system. This is another important issue that requires attention through watershed management on a regional basis.

With the exception of Kelly Island, which has twenty-year-old stormwater and sanitary sewers, the combined sewer distribution system utilizes a series of fifty to hundred year old sewer mains that measure between eight inches and twenty-four inches in diameter. New sanitary and stormwater sewers are proposed for the Inner Harbor as part of the redevelopment plan for that area. There is only one area without sanitary sewers, which is located within the wetland area adjacent to Tiffet Farms and the Union Ship Canal in Sub-area 4 (Franklin J. DiMascio, P.E., Buffalo Sewer Authority, January 24, 2000).

As per the BSA's SPDES permit, the BSA is developing a Combined Sewer Outfall Long Term Abatement Plan, which was to be completed in 2003. This plan would identify the options for eliminating the 63 combined sewer outfalls in the City. In the past year, there have been no known SPDES excursions (Franklin J. DiMascio, P.E., Buffalo Sewer Authority, January 24, 2000). As previously mentioned, the BSA is in compliance with their SPDES permit.

### **3. Solid Waste Disposal**

With the exception of a portion of the City's commercial businesses, the City of Buffalo collects all residential and commercial municipal solid waste (MSW) and recyclables. Due to individualized commercial needs, a number of the commercial businesses utilize private waste collection companies. Unless there is a special collection, the City collects yard waste with its garbage. Separate yard waste collections occur for Christmas trees and leaves. After yard waste is collected, trees are mulched and



distributed to several locations and leaves are taken to two Thomasello Corporation sites located in Lackawanna and Buffalo (Edwin Marr, City of Buffalo Streets Department, February 3, 2000).

In accordance with the City regulations, an individual property can dispose of up to ten bags of garbage or one 95-gallon container per week. The City of Buffalo has recently initiated the distribution of 95-gallon containers (called "totes") to each property within City limits. All recyclable items are taken to the BFI facility in Kenmore for distribution to markets. Modern Disposal Landfill in Lewiston disposes of all the City's garbage (Edwin Marr, City of Buffalo Streets Department, February 3, 2000).

#### **4. Transportation**

The commercial and residential portions of the LWRA are serviced by a roadway, railway and multi-use path network that allows sufficient pedestrian and vehicular access and freight movement to most shoreline areas. Some cargo is moved over the water as well. Regional access to the LWRA can be attained through the Buffalo Niagara International Airport, the Niagara Frontier Transportation Authority (NFTA) local public transit system, Greyhound and numerous other buslines, and Amtrak.

##### Roadways

The various roads, expressways, and toll roads in the LWRA are owned and maintained by the New York State Thruway Authority (the I-190 Expressway), the New York State Department of Transportation (NYS Routes 5 and 198), Erie County and the City of Buffalo. Much of the LWRA includes the I-190 Expressway, which extends along a large portion of the waterfront. This limited access highway has a number of exit ramps servicing the Riverside area in Sub-Area 1 and the downtown in Sub-Area 2, and a connection to the NYS Route 5 Skyway Bridge in Sub-Area 2, which carries traffic south of the City.

The New York State Department of Transportation, Region 5, maintains the Transportation Improvement Program (TIP) that outlines the various road enhancement, construction, and reconstruction projects that occur in the LWRA and Greater Buffalo. The latest TIP provides a list of projects that will occur between 2000 and 2004. In addition, the Greater Buffalo Niagara Regional Transportation Council (GBNRTC) is the Metropolitan Transportation Organization (MPO) that serves The City of Buffalo and produces the Transportation System Plan for Erie and Niagara Counties. The current plan for 2010 provides a list of proposed projects under the categories of fiscally constrained (within the allotted budgets for the region) and desirable (future projects) within the Federal Aid Eligible System. At present, the Transportation System Plan does not eliminate any roadways or other transportation services within the LWRA, but recommends a limited access express route through Sub-area 3 from I-190 Expressway to an undetermined destination south of the City of Buffalo.

The Peace Bridge, a major international crossing to Canada, is located within Sub-area 2. Currently the operator of this facility, the Peace Bridge Authority, is developing plans for expanding the current bridge toll plaza. Designs include a new toll plaza on the U.S. side of the bridge and options for either twinning or fully replacing the existing bridge, which spans the Black Rock Canal and Niagara River.

### Railroads

There are several major passenger and freight corridors within the LWRA. These are owned and operated by Norfolk Southern, Canadian National Railroad, CSX, Buffalo Southern and the NFTA. This infrastructure serves tourists by providing transport between Buffalo, Niagara Falls and Toronto, Canada, and by providing local service along the Downtown Main Street light rail line. Freight service is provided to several local manufacturers along the industrial corridor north and south of the Buffalo River. There are a number of privately owned railroad spurs that provide access to the major lines. The greatest presence of railroads is in Sub-area 4, where several major lines meet large switching yards and where several local businesses still utilize the railroad for moving freight.

Amtrak and the Niagara Frontier Transportation Authority (NFTA) provide passenger rail service through the LWRA. Amtrak operates passenger service along a rail line that runs parallel to the I-190 Expressway in Sub-areas 1 and 2. A rail station is located two blocks east of Main Street, near the Inner Harbor. The NFTA also operates a light rail rapid transit line along Main Street in the downtown, near the LWRA. A rail station is located one block north of the LWRA, near the Inner Harbor along Main Street.

Freight rail service is provided along several major corridors in the LWRA. In Sub-areas 1 and 2, freight traffic uses the same rail line used by Amtrak, and in addition, crosses the Black Rock Canal and the Niagara River using the International Railroad Bridge to move freight to Canada. There are no companies within these two sub-areas that currently use rail service for transporting goods.

The largest freight corridor in the City of Buffalo is located in Sub-area 4, south of the Buffalo River. The major western railroad line from Buffalo to Erie Pennsylvania and destinations in the Western United States is located directly east of the Tifft Nature Preserve. This line is operated by CSX. There are major rail spurs that run off of this line throughout the sub-area to serve grain and feed mills, steel fabricators, sand and cement companies and chemical companies. There are two major crossings over the Buffalo River located near the South Park Avenue Lift Bridge. The first bridge moves freight from the Amtrak line in Sub-areas 1 and 2 to the CSX corridor; the second line moves freight from the CSX lines that travel from Boston, Albany and Syracuse to the western railroad line also operated by CSX.



The former Buffalo Memorial Auditorium is proposed for redevelopment as a mixed use facility that would house retail uses in combination with an intermodal transportation center, creating a regional tourist destination. This project would function as a intermodal station for the Amtrak system, the Buffalo Light Rail Rapid Transit system and public bus service.

#### Public Transit and Regional Bus Service

Public bus transit service, which is provided by the NFTA, operates along most of the local roadways within the LWRA. This service allows access to all points along the shoreline with the exception of various locations within Sub-areas 3 and 4 where there is no business or residential activity. Services are provided seven days a week, with reduced services on non-business days. This bus system uses downtown Buffalo as the major hub where riders can transfer from one bus line to another to move throughout the LWRA. Riders may also transfer from local bus service to access the light rail line, which runs along Main Street outside the LWRA. The NFTA Bus Terminal serves Greyhound and other regional bus carriers and acts as a transfer station for the local bus system.

#### Pedestrian and Bicycle

The pedestrian and bicycle infrastructure within Sub-areas 1 and 2 is extensive, but pathways such as the Riverwalk and the Scajaquada pathway do not currently exist along the Buffalo River, Cazenovia Creek or the Outer Harbor in Sub-areas 3 and 4. The Bicycle Master Plan of the GBNRTC and the New York State Bicycle and Pedestrian Plan (1997) of the New York State Department of Transportation provide objectives and actions that seek to provide adequate multi-use pathways or lanes along State highways or other local roads within the LWRA. In addition, the City of Buffalo Parks Department commissioned a study called the Greenways Implementation Plan that provides a conceptual map of potential multi-use pathways and greenway corridors throughout the entire LWRA.

### **5. Other Utilities**

The City of Buffalo residents and businesses are provided electric service on an individual contract basis through Niagara Mohawk. Natural gas service is provided in the same manner from the National Fuel Company. Utilities such as gas, electric and telephone services have not been examined in depth as part of this assessment. Generally, however, the demand for these services is being met by private corporations (City of Buffalo, 1999).

## **I. WATER AND AIR QUALITY**

### **1. Water Quality**

The Niagara River watershed encompasses the whole of the City of Buffalo. Due to past development patterns and continuing contamination, the river has been the subject of numerous investigations and public investment over the past 30 years. While contamination from hazardous waste sites and direct discharges is now well monitored, contamination from storm water runoff and historic sediments continues to be a problem. In addition, the loss of riparian habitat continues to undermine the restoration of fish and wildlife populations.

The Western New York community has actively organized around the restoration of the Niagara River and its tributaries. Through the Niagara and Buffalo River Remedial Action Plans, Cazenovia Creek Watershed Management Project and Scajaquada Creek Watershed Management Plan, the City of Buffalo, Erie County, controlling agencies and community organizations are partnering to make Buffalo's waterways accessible, fishable and swimmable. However, despite these efforts, much work remains to be done.

#### *The Niagara River System*

The entire drainage of the upstream Great Lakes system, an area of 263,700 square miles, drains into the Niagara River at Buffalo. The River is actually a strait, which carries an average flow of about 200,000 cubic feet per second (cfs) from Lake Erie to Lake Ontario. This major interconnecting waterway provides 83 percent of the tributary flow to Lake Ontario.

The local Niagara River watershed in the United States has a drainage area of approximately 1, 225 square miles. Due to the gentle slope and small drainage areas of the River's local tributaries, their flows are not large except during times of heavy runoff.

Scajaquada Creek and the Buffalo River are the two tributaries to the Niagara River that flow through the City of Buffalo. Scajaquada Creek flows into the Black Rock Canal approximately one-half mile south of the northern end of the canal. The Scajaquada Creek watershed drains an area of 29, fully urbanized, square miles. The creek is 15 miles long and has an average daily flow volume of 32 cfs and a 10-year peak flow of 2,900 cfs.

The Buffalo River flows into Lake Erie at the head of the Niagara River. The Buffalo River and its three major tributaries drain approximately 446 square miles in Erie, Genesee and Wyoming Counties. Two of the tributaries, Buffalo Creek and Cazenovia Creek, flow through the City of Buffalo. Within Buffalo, the river is characterized by historic heavy industrial development, suburban residential development and parkland. The river has an average daily flow volume of 365 cfs and a 10-year peak flow of 29,500 cfs.

#### Water Quality/Stream Classifications

New York State law requires water bodies to be classified according to a determination of their best uses. This classification is based upon the characteristics of bordering lands, stream flow, water quality, present and past uses and potential future uses. The New York State Department of Environmental Conservation (NYSDEC) assigns one of the following classifications to each surface water body, as noted in the Table 2-1.

The Niagara River has been classified by the State as A-Special due to its status as an international boundary water. A portion of the Outer Harbor, Hoyt Lake in Delaware Park and Scajaquada Creek are classified as Class B surface water bodies, which are suitable for direct contact recreation and other uses except drinking, culinary or food processing. As shown on map 2-10, the Black Rock Canal, Buffalo River, Union Ship Canal, and Buffalo Inner Harbor, and a portion of the Outer Harbor are classified as Class C surface water bodies.

**Table 2-1**

<u>Class</u>	<u>Best Use of the Water</u>	<u>Affected LWRA Resource</u>
A, AA, A-Special	Drinking water	Niagara River
B	Primary contact recreation	Buffalo Outer Harbor, Delaware Park Lake, Scajaquada Creek
C	Fishing and fish propagation	Black Rock Canal, Buffalo River, Union Ship Canal, Buffalo Inner Harbor
D	Fishing	

According to Buffalo River Remedial Action Plan (RAP) documentation, it is noted that because local citizens use the river for primary contact recreation, the river should be classified as a NYSDEC Class B waterbody. This sentiment was echoed at spring 2002 community meetings to discuss revision of the NYSDEC Stream Classifications for Erie County. The group recommended that all Erie County waterbodies be managed for both swimming and fishing, as per the 1972 Clean Water Act.

Priority Waterbodies List

The NYSDEC Division of Water periodically publishes a list of surface waters that cannot be fully used as a resource or have problems that can damage their environmental integrity. The "Priority Waterbodies List" is used as a base resource for Division of Water program management (Table 2-1). The Niagara River and its tributaries within Buffalo have been included on the 1996 Priority Waterbodies List. The following table outlines the use impairments, types of pollutants, and sources for each listed waterbody located within the City of Buffalo LWRA.

Buffalo and Niagara River Remedial Action Plans (1986, 1994)

The Buffalo and Niagara Rivers have been identified as two of 42 toxic hot spots on the Great Lakes that have been designated by U.S. Environmental Protection Agency (EPA) and the International Joint Commission (IJC) as "areas of concern" (AOC). The rivers, their sediments and nearshore areas have been impaired by over a century of industrial activities and municipal waste discharges. Contamination of the river channels continues today from up stream non-point sources, combined sewer overflow (CSO) outfall discharges, and historic contaminants contained in river sediments and riverfront brownfields.

To address these problems, NYSDEC, in conjunction with citizen advisory committees, prepared Remedial Action Plans (RAPs) for the Buffalo River in 1986 and the Niagara River in 1994. The RAPs identifies use impairments based on the fourteen possible impairments, as determined by the IJC.

For both rivers, the major impairment is restrictions on fish and wildlife consumption, primarily due to PCB, chlordane, dioxin and/or mirex contamination. Similarly, contaminated sediments in both river channels have been identified as the cause of degradation of benthic activity and have resulted in restrictions on dredging activities. The RAPs also identify loss of fish and wildlife habitat due to physical disturbances from human activities, such as annual river maintenance dredging, shoreline bulkheading and urban land uses. The RAPs recommend further study of the degradation of fish and wildlife populations, the tainting of fish and wildlife flavor and the presence of bird or animal deformities or reproductive problems on both rivers.

The Buffalo and Niagara River Remedial Action Plans share a common set of remedial objectives:

- Remediate contaminated sediments;
- Continue and improve stream water quality monitoring;
- Remediate inactive hazardous waste sites;
- Maintain controls on municipal and industrial wastewater facilities;
- Remediate other non-point sources, as necessary;
- Improve combined sewer overflow systems;
- Remediate other point sources, as necessary; and
- Restore fish and wildlife habitat.

NYSDEC and the Remedial Action Committees guide the implementation of the rivers' Remedial Action Plans. In addition, several citizen participants in the Buffalo River RAP process formed the Friends of the Buffalo Niagara Rivers to allow for community advocacy for RAP implementation.

#### Cazenovia Creek Watershed Management Project

Cazenovia Creek is one of the three major tributaries to the Buffalo River Area of Concern (AOC). Previous studies indicated that inputs of many contaminants to the AOC from upstream sources in the watershed were of the same order of magnitude (or greater) as inputs from combined sewer overflows, direct industrial discharges, and leaching from inactive hazardous waste sites within the AOC. The Cazenovia Creek Pilot Watershed Management Project was undertaken in the mid-1990's. This four-phased program was aimed at improving the quality of water entering the Buffalo River through pollution prevention and abatement in the upper watershed. The project focused on identifying and reducing point and non-point pollution loading to the river through the following efforts:

- Identification and mapping of land use activities and potential pollutant sources within a representative section of the upper Buffalo River watershed;
- Qualifying, quantifying and prioritizing pollutants through modeling and monitoring ; and
- Development and implementation of remedial and pollution prevention strategies to reduce and/or eliminate pollutant loadings.



Scajaquada Creek Watershed Management Plan (ongoing)

The Erie County Legislature recently dedicated resources to the development of a Watershed Management Plan for Scajaquada Creek. The plan advocates watershed management strategies and goals based on stream inspections, public survey results and recommendations from technical advisors. These include the following:

- Improve stormwater management within the Scajaquada Creek watershed to promote responsible development uses and patterns along the Creek and reduce storm water runoff to the creek;
- Improve water quality in Scajaquada Creek and its tributaries to restore impaired uses (bathing, fishing, fish propagation and survival, aesthetics) and abate combined sewer overflow discharges to the Creek;
- Improve wildlife habitat in Scajaquada Creek and along its tributaries to restore riparian plant and animal diversity and populations; and
- Increase public awareness and participation in watershed management.

Contaminated Sediments

Since the 1994 Niagara RAP report, contaminated sediments have been removed from the Niagara River and the lower reaches of its tributaries. Within the LWRA, sediments associated with the Iroquois Gas/Westwood Pharmaceuticals on the Scajaquada Creek, in Sub-area 1, and the Buffalo Color Corporation facility on the Buffalo River, in Sub-area 4, were removed.

Recently, the Buffalo office of the U.S. Army Corps of Engineers (ACOE) has requested non-federal cost share funding from NYSDEC to do a feasibility report on additional Buffalo River sediment remediation. New York State's present budget crisis, shifts in budgetary priorities and a freeze on filling a major vacancy in the Buffalo District Water Division make State funding for the needed feasibility analysis unlikely. Fortunately, recent changes in the Federal Water Development Act allow for a non-profit entity to provide cash or in-kind service, non-federal match for environmental dredging "with the consent of the affected local government". To access these funds, the Friends of the Buffalo and Niagara Rivers organization undertook an initiative with Great Lakes United to organize the Buffalo River Partnership, an unincorporated association of non-profits, technical advisors, scientists, businesses, academics, government and agency representatives. The primary goal of the Buffalo River Partnership is to organize \$70,000 of non-federal cash and in-kind services to serve as the required cost-share match for \$200,000 in Federal Water Resources Development Act funding for the planning, engineering, and design of plans

to remove contaminated sediments, improve water quality, and restore habitats to the Buffalo River. The non-federal cost share match will be utilized for several local river restoration efforts:

Local scientific research on the relationship between contaminants in the River and its ecology;  
Greenway development efforts to protect and link existing habitat resources;  
Public education/outreach regarding contaminants and the river's ecology; and  
Volunteer efforts to improve water quality and restore habitat resources.

#### Point Source Pollution Control

A NYSDEC State Pollution Discharge Elimination System (SPDES) Permit allows point source facilities to discharge effluent into surface waters. According to the NYSDEC Buffalo Office, eleven facilities in the City of Buffalo held SPDES permits as of May 2002 (Table 2-3).

#### Non-point Source Pollution Prevention

The primary impact to water quality in the LWRA is non-point source pollution. Non-point source pollution is pollution that reaches a surface water body through unconfined or indiscrete means. Examples include stormwater runoff that carries surface contaminants or toxins, such as road oil, other automotive by-products, pesticides and fertilizer from paved surfaces, buildings and construction sites. Depending on the type of development present, stormwater runoff can be a source of heavy metals, organic compounds, nutrients or other contaminants, in addition to pathogens.

In addition to roadway runoff and pesticides, important sources of non-point source pollution in the LWRA include snowmelt, roadway runoff, junkyards and chemical bulk storage facilities:

- In many places along the waterfront, including the Erie Basin Marina, plowed snow is stored in the winter. This snow collects road salts and other petroleum contaminants from area roadways. As it melts, these pollutants are released to nearby surface waters.
- Several junkyards, automobile impound and automobile-wrecking facilities are located immediately adjacent to the City's waterways in the LWRA and pose an important non-point source pollution hazard. Motor-vehicle fluids including antifreeze, gasoline, motor oil and other lubricants leak from the cars and are carried into nearby waterways. In addition, debris and materials from poorly designed facilities often enter waterways during periods of ice flow and flooding events.

## CITY OF BUFFALO LOCAL WATERFRONT REVITALIZATION PROGRAM

- Several chemical bulk storage facilities are located in the LWRA (as discussed in section M). According to the New York State Department of State, several classes of materials normally stored in tanks are known to cause groundwater contamination including metals, solvents and

**Table 2-2**

NYSDEC 1996 Priority Waterbodies List

Water Body	Impaired Use	Severity	Data	Type of Pollutant	Source	Resolvability
Black Rock Canal	Fishing	Stressed	Some	Metals Priority Organics Silt/Sediment	Contaminated Sediments	Resources do not allow resolution
Buffalo River	Fish Consumption	Impaired	Good	Priority Organics Oxygen Demand Metals	Contam. Sediments Urban Runoff Land Disposal	Resources do not allow resolution
	Fishing	Impaired	Good	Pathogens	Industrial	
	Fish Propagation	Stressed	Good	Silt/Sediment	Municipal Storm Sewers CSOs Hydromodification	
Cazenovia Creek	Fishing	Stressed	Some	Silt (sediment)	Streambank Erosion	Strategy Exists, Funds Needed
	Fish Propagation	Stressed	Some	Oxygen Demand	Construction	
	Fish Survival	Stressed	Some	Pathogens Hydromodification	Urban Runoff On-site Systems Roadbank Erosion	
Niagara River	Fish Consumption	Impaired	Good	Priority Organics Pesticides	Land Disposal Contam. Sediments	Resources do not allow resolution
	Fishing	Impaired	Some	Nonpriority Organics	Urban Runoff	
	Fish Propagation	Stressed	Some		CSOs Hydrologic/Habitat Modification	
Scajaquada Creek	Bathing	Stressed	Some	Aesthetics Unknown Toxicity	CSOs Contaminated Sediments	Resources do not allow resolution
	Fishing	Stressed	Some	Priority Organics	Construction	
	Fish Propagation	Stressed	Some	Nutrients	Storm Sewers	
	Fish Survival	Stressed	Some	Silt/Sediment	Land Disposal	
	Aesthetics	Stressed	Some	Oxygen Demand Salts Thermal Changes Water Level/Flow Pathogens	Chemical Leak/Spills Hydromodification Streambank Erosion	
Delaware Park (Hoyt) Lake	Bathing	Stressed	Good	Nutrients	Urban Runoff	Requires Central Office Management
	Fish Consumption	Impaired	Good	Priority Organics		
	Fishing	Impaired	Good	Aesthetics		

**Table 2-3**

Facilities with State Pollution Discharge Elimination System (SPDES) Permits

<u>Waterbody</u>	<u>Facility</u>	<u>Type of Discharges Permitted</u>
Niagara River (upper section)	Buffalo Sewer Authority Bird Island Wastewater Treatment Plant	Sanitary
Black Rock Canal	Buffalo Water Treatment Plant and Colonel Ward Pumping Station	Process
Buffalo River	Worthington Business Center Buffalo Creek Yard	Stormwater
Buffalo River	BOC Group, Inc.	Cooling
Buffalo River	Buffalo Color Corporation	Cooling
Buffalo River	PVS Chemicals, Inc.	Cooling
Buffalo River	Mobil Oil Corporation	Stormwater
Buffalo River	General Mills, Inc.	Cooling
Buffalo River	Pierce and Stevens Corporation	Cooling
Lake Erie (Erie Basin)	Gull Landing Condominiums	Cooling

degreasers, gasoline and petroleum products and pesticides. These facilities must be carefully monitored to prevent spills and tank leaks.

Numerous low-cost management and structural practices have been identified to control the rate of non-point contaminant generation and transport. Examples include minimization of curbed areas, the protection or creation of vegetative buffers along waterways, construction of covered structures to store bulk salt resources and public education initiatives (e.g. – limiting the use of road salt to critical travel areas and improving spread methods, reducing fertilizer and pesticide applications, properly disposing of pet wastes, proper disposal of automobile waste oils, etc.)

In 2002, the City of Buffalo adopted a 100-foot setback along the Buffalo River, from Ohio Street to the West Seneca Town line, to mitigate the impacts of stormwater runoff from paved surfaces along the river and provide a vegetative storm water filter area. The City Council allocated additional funding in 2002 to study the creation of a buffer/setback area along the remainder of the City's waterfront. Recommendations are expected in the fall of 2002.

### Vessel Waste Discharges

Vessel waste discharges are another potential source of water pollution, particularly in areas where vessels are docked in higher concentrations. Vessel waste discharges can adversely impact water quality, fish and wildlife habitats and human health. The discharge of vessel waste is only permitted from vessels equipped with a U.S. Coast Guard certified Type 1 marine sanitary device. However, these devices are illegal in vessels that exceed 65 feet in length. As indicated in Section C, there are several vessel waste pumpout stations within the LWRA. Local and transient boaters in the area are known to actively utilize these facilities.

### Combined Sewer Overflows

The Niagara River, Black Rock Canal and Buffalo River are discharge points for the City's combined sewer overflow (CSO) system (see Map 2-10). There are currently 57 active CSOs. During heavy rainfall events, the City of Buffalo's CSO system carries raw sewerage and associated pathogens directly to the City's waterways, posing a serious risk to the health of residents and organisms that come into contact with the water. As a condition of the Buffalo Sewer Authority's SPDES permit, the City must:

- Identify, characterize and assess combined sewer overflows in its system;
- Determine CSO impacts on water quality; and
- Reduce, abate or eliminate CSOs or their objectionable effects.

The Buffalo Sewer Authority is actively engaged in researching methods for addressing the City's CSO problem. The Authority recently developed a computer modeling system of its CSOs to determine flows and evaluate potential mitigation methods. According to preliminary research released in the fall of 2001, an estimated 520 million cubic feet of combined sewer overflow enters the LWRA waterways each year.<sup>1</sup> Of that flow, over 53 million cubic feet enters the lower Buffalo River from the Hamburg Drain, located at the head of the old Erie Canal Commercial Slip, in the center of the City's Inner Harbor area. The proposed redevelopment plans for this area include an examination of mitigation measures for this outfall.

The BSA was to release a final report on long-term CSO abatement strategy in 2003. Most process participants expect the abatement to cost tens, if not hundreds, of millions of dollars. In the interim,

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<sup>1</sup> Estimated flow figures were based upon SPDES permit figures and conservative assumptions regarding rainfall events and system dynamics. They figures are currently under technical review and are expected to fall based upon improved data and modeling design.



specific funding has been allocated as part of the redevelopment of the Inner Harbor to address the flow of the Hamburg Drain through the commercial slip.

## **2. Air Quality**

Air pollution is a problem for all of us. The average adult breathes over 3,000 gallons of air every day. Children breathe even more air per pound of body weight and are more susceptible to air pollution. Air pollution threatens the health of human beings and other living things on our planet. While often invisible, pollutants in the air create smog and acid rain, cause cancer or other serious health effects, diminish the protective ozone layer in the upper atmosphere, and contribute to the potential for world climate change (U.S. EPA).

According to local NYSDEC officials, the City of Buffalo waterfront area is in compliance with air quality standards for all criteria pollutants. However, the relationship between Peace Bridge/I-190 facilities and elevated asthma rates in the surrounding West Side neighborhoods (Sub-area 2) is currently being investigated by scientists at the University at Buffalo as part of the Peace Bridge Authority environmental scoping process. In addition, air quality in the Seneca Babcock neighborhood along the Buffalo River (Sub-area 4) has also been recently investigated. While scientific opinions did not indicate a problem, there was some question as to the full ability of study methods to accurately measure air quality impacts of industrial activity in the area.

### Permitted Facilities

Twelve facilities in the City of Buffalo require a NYSDEC Title V Permit. Title V permits are issued to all major sources emitting 100 tons per year of any of the following contaminants: particulates, carbon monoxide, sulfur dioxide, nitrogen oxide; or 50 tons per year of a volatile organic compound; or 10 tons per year of hazardous air pollutant or 25 tons per year of any combination of hazardous air pollutants. Several of the permitted facilities are located within the LWRA including: Buffalo State College and the Bird Island Sewer Treatment Plant in Sub-area 1, General Mills, Inc. in Sub-area 2, Pierce & Stevens Corporation, PVS Chemicals, Buffalo Color Corporation and Mobil Oil Corporation in Sub-area 4.

In addition, 33 facilities in the City of Buffalo require a State Facility Permit for air emissions. A State Facility Permit is one in which an emissions cap is established in the permit to avoid the requirements associated with a Title V Permit. An analysis of which facilities were located within the LWRA was unavailable at this time.

### Highways

Automobile and truck traffic, particularly on highways and heavily traveled local roadways, serve as environmental problem areas due to their impact on both air and water quality. Vehicles traveling on these roadways contribute to the introduction of Ground-Level Ozone, Particulate Matter, Carbon Monoxide and Nitrogen Dioxides to local air bodies. Ozone is the principal component of smog. It causes breathing problems, reduced lung function, asthma, eye and nose irritation, and reduced resistance to colds and other infections. Carbon monoxide reduces the ability of blood to bring oxygen to body cells and tissues. It may be particularly hazardous to people who have heart or circulatory problems and people who have damaged lungs or breathing passages. Particulate matter, a pollutant that causes nose and throat irritation, lung damage and bronchitis, is caused in large part by diesel vehicles and by road dust suspended in the air by moving vehicles.

In addition to reducing pollutants generated by the vehicles, transportation facilities may be designed to minimize air quality impacts on surrounding communities. One common tool is the use of vegetative buffers.

## **J. TOPOGRAPHY, GEOLOGY AND SOILS**

According to the Erie County Soil Survey (USDA Soil Conservation Service, 1986), the City of Buffalo is located in the Erie - Ontario Lake Plain Province with little significant relief except in the immediate vicinity of major drainageways. The City of Buffalo is primarily underlain by 100 feet of Onondaga Limestone bedrock, which is usually underlain with Akron Dolostone and Bertie Foundation. The majority of the soil in the region is comprised of urban land with nearly level topography, with areas of well drained to poorly drained soils and disturbed soils on lowland plains. The current elevation of the area ranges from approximately 580 feet above mean sea level in the area near waterways to 620 feet above mean sea level in Delaware Park.

## **K. NATURAL RESOURCES**

### **1. Wetlands and Habitats**

According to the Buffalo and Niagara River Remedial Action Plans and the Scajaquada Creek Management Plan, loss or degradation of habitat along these important waterways has limited the ability of fish and wildlife populations to survive and recover from past depletion. Fortunately, industrial decline, limited development pressure and the preservation of the City's Olmsted Park System have allowed for the creation of significant open spaces in the LWRA. Their effective management is critical to the health of the fish and wildlife populations in the Niagara River watershed.

Only relatively recently have we begun to understand the many ecological functions associated with wetlands and their significance to society. Wetlands were once considered useless, disease-ridden places (e.g., malaria and yellow fever) that were to be avoided. We now realize that wetlands provide many benefits to society -- such as fish and wildlife habitats, natural water quality improvement, flood storage, shoreline erosion protection, opportunities for recreation and aesthetic appreciation, and natural products for our use at little or no cost. Protecting wetlands can, in turn, protect our health and safety by reducing flood damage and preserving water quality. They also are a source of substantial biodiversity in supporting numerous species from all of the major groups of organisms, from microbes to mammals.

Both the federal government and the state regulate wetland areas. Federal wetlands can be areas of any size that are characterized by wetness; state designated wetlands are those areas measuring 12.4 acres or more in size or smaller wetlands of unusual local importance. Within the City, there are both Federal and State designated wetlands. .

#### Federal Wetlands

The federal government, through the U.S. Army Corps of Engineers (ACOE), regulates wetlands regardless of size, in accordance with the Clean Waters Act. These areas, which are mapped by the U.S. Fish and Wildlife Service, are designated as wetlands based upon the presence of three features: hydric soils, wetland vegetation and specific hydrologic conditions.

While there is no setback required from federal wetlands, a permit must be issued by the Army Corps of Engineers if development is proposed within or near the wetland areas. This could include a Water Quality Certification from the NYS Department of Environmental Conservation based upon the amount of federal wetland to be filled.

The U.S. Fish and Wildlife Service National Wetland Inventory classifies Scajaquada Creek, Buffalo River, Cazenovia Creek and areas in and around Tifft Nature Preserve and the Black Rock Canal, as potential wetland habitats (Map 2-12).

### State Wetlands

Pursuant to the New York Freshwater Wetlands Act, NYSDEC regulates activity within State-designated wetland areas and the areas immediately adjacent (within 100 feet) to wetlands.

The New York Freshwater Wetlands Act<sup>2</sup> assigns classifications to state wetlands ranging from Class 1 (Highest) to Class IV (lowest). According to the act:<sup>3</sup>

- Class 1 wetlands provide the most critical of the state's wetland benefits, reduction of which is acceptable only in the most unusual circumstances. A permit shall be issued only if it is determined that the proposed activity satisfies a compelling economic or social need that clearly and substantially outweighs the loss of or detriment to the benefit(s) of the Class I wetland.
- Class II wetlands provide important wetland benefits, the loss of which are acceptable only in very limited circumstances. A permit shall be issued only if it is determined that the proposed activity satisfies a pressing economic or social need that clearly outweighs the loss of or detriment to the benefit(s) of the Class II wetland.

Class I and II wetlands have been designated within the City of Buffalo. NYSDEC controls a small number of freshwater wetlands south of the Buffalo River. They include:

- the Times Beach Class I wetland located in Sub-area 2 which is also underlain by an unconfined aquifer;
- Several Class I wetlands in the South Buffalo Redevelopment Area located in Tifft Nature Preserve and along the rail corridors (Sub-area 4); and
- A Class II wetland area located in the South Buffalo Redevelopment Area south of Tifft Street but north of the Union Ship Canal project area (Sub-area 4).

While municipalities may take regulatory control over non-Class I-state wetlands, the City of Buffalo has not yet elected to do so. Fortunately, the ACOE is working to permanently protect the Times Beach

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<sup>2</sup> 6 NYCRR Chapter X Part 664

<sup>3</sup> 6 NYCRR Chapter X Part 663.5 (e)

site as a conservation area and passive public access site. However, three major projects will affect the health and long-term viability of the wetlands located in the Southtowns Redevelopment Area: the redevelopment of the Union Ship Canal and LTV/Republic Steel sites and the construction of the Southtowns Connector projects.

#### Erie County Wetland Initiatives

The County of Erie is seeking funding to facilitate a regional wetland initiative with the following project objectives:

- Track wetland gains and losses over the past ten years in up to four watersheds within Erie County.
- Evaluate the effectiveness of past and present compensatory mitigation for unavoidable impacts within these four watersheds by assessing the health and function of the restored/created wetland ecosystems.
- Identify threatened, unique, or isolated wetlands that may serve as potential restoration sites or areas that may be in need of protection.
- Facilitate and establish an Informational Exchange Network (IEN) for wetland scientists and professionals at all levels of government and those within the private and non-profit sectors.
- Host seminars and workshops for local governments that will train individuals how to identify and assess their local community wetland resources, as well as educate them on the function and values of wetlands.
- Establish a volunteer wetland-monitoring program through local high schools and colleges.

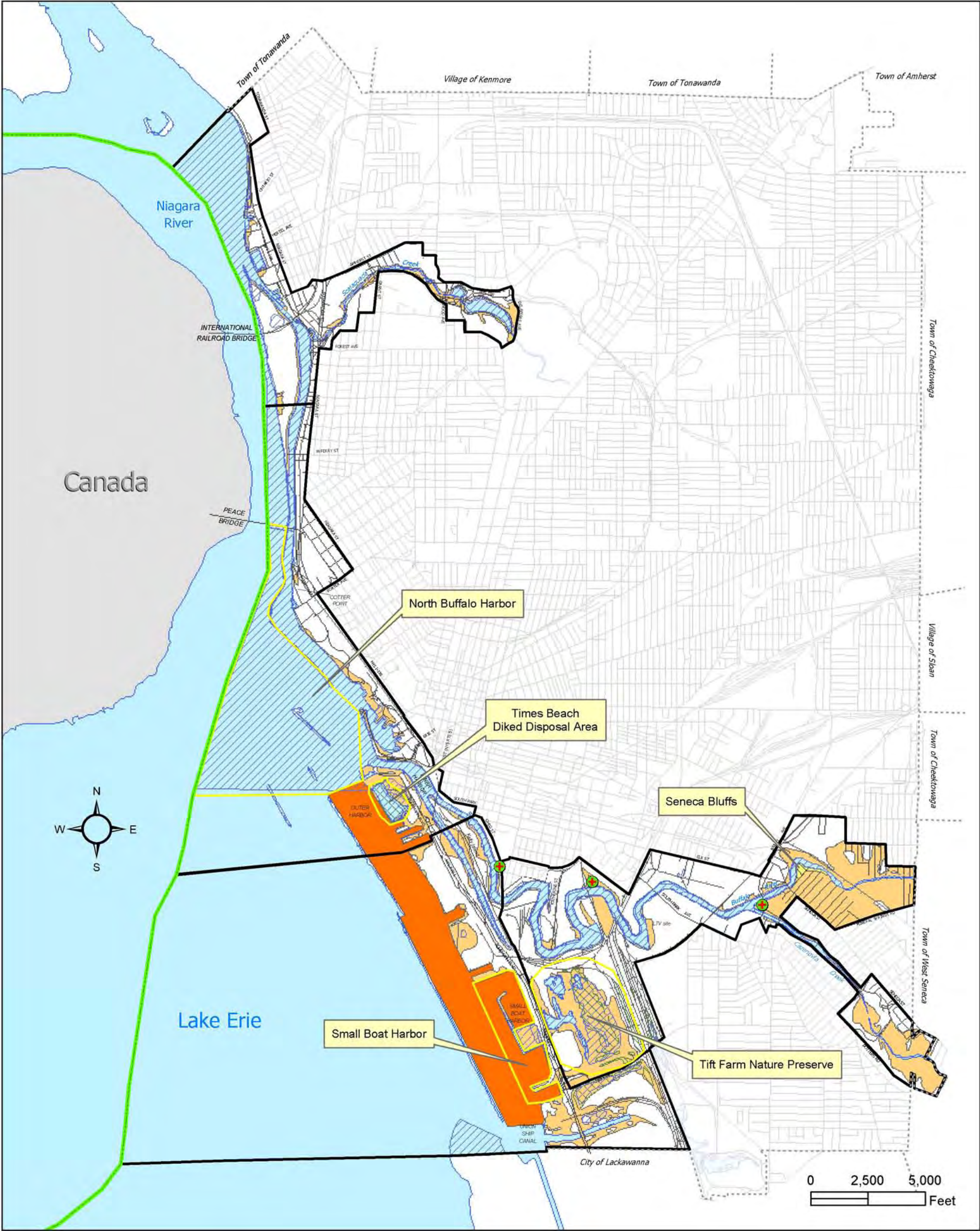
#### New York State Designated Significant Coastal Fish and Wildlife Habitats

As shown on Map 2-12, State-designated Significant Coastal Fish and Wildlife Habitats were identified within the LWRA. These habitat areas include the Times Beach diked disposal site, North Buffalo Harbor, the Small Boat Harbor, and Tifft Nature Preserve. This habitat designation by NYSDEC was based on the area's wildlife population levels, species vulnerability, ecosystem rarity, human use and replaceability. For additional information on the types of species within these habitats, please refer to the habitat rating forms in the Appendix.



# CITY OF BUFFALO LWRP

## ENVIRONMENTAL CONSTRAINTS



THE INFORMATION ON THIS DOCUMENT IS BASED ON DATA GATHERED FROM THE FOLLOWING DATA SOURCES AND SHOULD NOT BE USED FOR DESIGN OR CONSTRUCTION.

DATA SOURCES: CITY OF BUFFALO, NYSDEC, NATIONAL WETLANDS INVENTORY, NYS DIVISION OF COASTAL RESOURCES & WATERFRONT REVITALIZATION

Key to Features	
Municipal Boundary	FWS Wetlands
LWRP Boundary	NYSDEC Wetlands
International Boundary	Wetlands Restoration Area
Railroad	Areas of Concern to FWS
Road	Significant Coastal Fish & Wildlife Habitats
100 Year Floodplain	Habitat Restoration Sites





Times Beach

The Times Beach diked disposal site has been given a high significance rating. This approximate 52-acre area is owned by the City of Buffalo and is leased to the U.S. Army Corps of Engineers (ACOE). The ACOE constructed the Times Beach dredged material disposal site in 1971 to contain dredged sediment from the Buffalo River and Harbor that was determined to be unsuitable for open-lake disposal. Dredged sediments were deposited in the Times Beach site over a 4-year period from 1972-1976. Deposited sediments contain varying concentrations of organic and inorganic pollutants originating from industries along the Buffalo River and Harbor.

The area was originally planned to be filled to 8 feet above mean low water. However, disposal operations ceased in the late 1970s. Since that time Times Beach has transformed into a unique natural resource appreciated by the local and regional community for its ecological, scientific and recreational value in an otherwise urban industrial setting. Times Beach contains several distinct physical zones, including: a deep water zone up to about 6 feet in depth, with submergent aquatic plants; a low-lying mud or silt flat zone of variable width (inundated by high lake levels); a gradually sloping shallow water zone with emergent marsh vegetation; and an upland zone, containing tall herbs, grasses, and stands of variously sized trees and shrubs. The upland portion of the habitat is bordered by the U.S. Coast Guard Base, a marina, abandoned industrial developments, the ice boom storage area, and port facilities (NYS Dept. of State, 1987).

According to the EPA, the variety of ecological communities at Times Beach attracts a diversity of species that is unusual in this coastal region, especially within the Buffalo metropolitan area. The site lies on an important flyway for migratory birds, a key factor enhancing its potential for wildlife. Its location at the eastern end of Lake Erie, and the dike protected water area, make it a focal point for water-oriented birds moving eastward along the north and south shores of the lake.

In 2001, the US Army Corps of Engineers began the Times Beach feasibility study to investigate an array of measures and alternative plans for 1) ecosystem restoration; 2) repair/improvement of the perimeter dike and 3) public access and use of the site. The alternative plans were evaluated for their cost-effectiveness, engineering feasibility, environmental acceptability and overall support.

The Times Beach feasibility study had the following objectives:

- Elimination of the biological pathways for heavy metals and organochlorine compounds.
- Restoration and enhancement of the wetland and aquatic zones.
- Perimeter dike repair and/or improvement.
- Establish and enhance public access.
- Develop Times Beach as a nature sanctuary.
- Provide public access during construction by the use of boardwalks.
- Develop a public access plan as soon as possible.

At present, the Times Beach facility is being improved with public walkways and bird viewing blinds to promote public access and limited passive recreation, as well as educational and interpretive opportunities at this site.

#### North Buffalo Harbor

The North Buffalo Harbor has a high significance rating. This harbor consists of 800 acres of open water in the northeast corner of Lake Erie and at the head of the Niagara River. Fish and wildlife habitats in the harbor area (Sub-areas 3 and 4) have been lost or degraded as a result of land development, dredging, storm protection projects, discharges of domestic and industrial wastes, and inflow of polluted upland runoff. Nonetheless, North Buffalo Harbor supports some valuable fish and wildlife resources.

#### Small Boat Harbor

The Small Boat Harbor is located on the Outer Harbor and is approximately 165 acres in size. Despite human disturbances, it is one of the most important fish and wildlife habit areas in Buffalo metropolitan region, and provides substantial protection from wave action for fish, wildlife and aquatic vegetation. Consequently, the harbor supports a highly productive and diverse littoral community, with concentrations of many fish and wildlife species occurring in the area.

#### Gallagher Beach

Gallagher Beach was recently developed by the NFTA as a public beach with a windsurfing and boat launch area. The site has long been identified as an important fish spawning area in waterfront planning literature. It is unclear if facility construction retained these site features or if recreational use of the facility may be managed to minimize impact on fish spawning activities.

Tifft Preserve and Nature Center

The Tifft Nature Preserve is a 264-acre nature preserve and environmental education center, operated by the Buffalo Museum of Science. This area contains a diversity of fish and wildlife habitats, including an approximate 75-acre cattail marsh, small freshwater ponds and old canal remnants, old fields (partly covering a former solid waste transfer site), forested wetland, and shrub-sapling stages of succession. The land area surrounding Tifft Farm is dominated by active and vacant industrial facilities and railroad properties (NYS Dept. of State, 1987).

Rare or Endangered Species Habitat

The New York State Natural Heritage Program had identified rare or endangered species throughout New York State. According to their records, Sub-areas 1 and 2 contain occurrences of ninebark, a rare vascular plant. Within Sub-area 2, a gull nesting area and common tern have been identified. Within Sub-areas 2 and 3, NYSDEC has identified areas of concern, which contain important aquatic vegetation. These areas are regulated under Article 15 - Protection of Waters Act.

Niagara River Important Bird Area

According to the Audubon Society of New York, the Niagara River Important Bird Area annually supports one of the world's most spectacular concentrations of gulls, with 19 species recorded and one-day counts of over 100,000 individuals. The site is particularly noteworthy as a migratory stopover and overwintering site for Bonaparte's Gulls, with one-day counts of 10,000 to 50,000 individuals (2 to 10 percent of the world population). Herring Gull one-day counts vary from 10,000 to 50,000 and Ring-billed Gull one-day counts vary from 10,000 to 20,000 individuals. The river also hosts a remarkable diversity and abundance of waterfowl. Winter surveys taken by NYSDEC have shown a 22-year average of 2,808 Canvasbacks (31.5 percent of state overwintering population), 7,527 Common Mergansers (31 percent of state overwintering population), 2,015 Common Goldeneyes (29 percent of state overwintering population), and 2,369 scaup (6 percent of state overwintering population). Annual peak numbers for Canvasbacks range from 2000 to 15,000, for Common Goldeneyes from 2300 to 3000, for Common Mergansers from 2500 to 12,000, and for Greater Scaup from 2500 to 15,000 individuals. The river also supports breeding colonies of Common Terns, Herring Gulls, Ring-billed Gulls, Black-crowned Night Herons (50 to 60 pairs), Great Blue Herons, Great Egrets, and Double-crested Cormorants. The habitats along the river edge support an exceptional diversity of migratory songbirds during spring and fall migrations.

As previously noted, much of the land along the river has been developed for industrial purposes (especially on the U.S. side near Buffalo and Niagara), power generation, and commercial and residential uses. Continued loss of forest and shrub habitats along the river will certainly impact use by passerine migrants. Protection of remaining wetland, forest, and shrub habitats along shoreline should be a priority. Boating activities are a potential and known threat to nesting terns and herons in the upper portions of the river and there is considerable interest in developing marinas and boat launch facilities along the remaining available shoreline of the upper river. The National Audubon Society and the Canadian Nature Federation have spearheaded a recent effort to develop a comprehensive bird conservation plan for the Niagara River Corridor.

#### Buffalo Fish & Wildlife Habitat Restoration Demonstration Project

The Buffalo Fish and Wildlife Habitat Restoration Demonstration Project is a collaborative effort between the City of Buffalo and the United States Environmental Protection Agency to restore Buffalo River natural habitat and provide public access to this urban waterway. The heart of the effort is to improve fish and wildlife habitat on three parcels along the waterway while providing public access for community enjoyment, such as fishing and nature walks.

Three natural habitat parks (Map 2-12), located at the confluence of Cazenovia Creek and the Buffalo River, the Smith Street peninsula and on Ohio Street create wetlands at the river's edge, have been developed to establish fish-spawning sites and make the connection between the land and the water better for fisheries. The native habitats provide corridors for wildlife and encourage re-entry of waterfowl and other indigenous species to this area.

Conceptual designs were developed for these three parcels along the Buffalo River, each possessing unique habitat features while being strategically located near strong community centers. Construction was completed in October of 1997.

#### Seneca Bluffs Habitat Restoration Project

Seneca Bluffs is located within the bend of the Buffalo River just east of Seneca Street. Environmental conditions at the Seneca Bluffs site mirror some of the problems of the Buffalo River. Invasive species (Japanese knotweed, Phragmites, Mugwort, Garlic mustard, and Purple Loosestrife) dominate much of the upland area and some wetland areas. An eroding bluff is likely contributing some sediment to the river, and it is suspected that sediments in the river parallel to the site may contain heavy metals. In addition, illegally dumped materials, vehicles, and construction debris on-site are contributing to non-point source pollution.



The mission of the Seneca Bluffs Habitat Restoration Project is "to re-establish historically significant aquatic habitat along the Buffalo River, while at the same time controlling priority non-point source pollution, enhancing fish and wildlife habitat, and providing passive recreational value to the public."

Funding has been obtained to implement all project goals at the Seneca Bluffs site. Through the removal of up to six acres of invasive species and the creation of additional aquatic habitat, the project seeks to return the Seneca Bluffs site to its early 20<sup>th</sup> Century south Buffalo wetland functions and habitat value. Surface water runoff and some river flow will be slowed and bio-remedial processes will help contribute to improved water quality.

Unauthorized and abusive use of the site will be eliminated and erosion and disturbance at the site will be kept to a minimum. Enhanced upland habitat will benefit migratory and overwintering birds, as well as aesthetics for the community. The level of awareness for wetland and environmental issues will be raised in the surrounding community, of which increased stewardship of the site will be the result.

#### City of Buffalo Green Infrastructure Project

Under the City of Buffalo Charter, the Environmental Management Commission (EMC) must prepare and keep current an inventory and map of all areas within the city, including, but not limited to, those open land areas, scenic and historic sites, natural areas, shorelines, marshlands, drainageways and other wetlands in the City, for the purpose of obtaining information pertinent to the preservation, enhancement, and use of such areas. The commission, from time to time, may recommend programs for the protection, preservation and ecologically-suitable utilization of such areas to the Mayor and Common Council. In addition, the commission, in cooperation with appropriate City departments, may recommend the expansion and development of the amount of open space within the City.

In 2002, the EMC prepared an analysis of existing, but unprotected, or potential open spaces in the City. One portion of the analyses examined those parcels that might be managed to protect their ecological importance. This Significant Ecological Areas Index gave a point to green infrastructure, potential or unprotected, which met the following criteria:

- Located with 100' of surface water body or DEC/federal wetlands
- Parcels which contain DEC significant coastal fish & wildlife habitat
- Parcels which contain Audubon Society important bird areas
- Parcels which contain inactive railroads

- Parcels which contain geologic faults
- Parcels which contain located adjacent to existing parkland
- Parcels which contain floodplains

The Significant Ecological Areas Index had a maximum possible value of seven. The highest rated feature received a value of five, and 20 features received a value of three or higher. Those parcels with an index value of 3 or more are listed below. Where a parcel received an index value of 4 or higher, the value has been indicated in parenthesis.

#### Sub-Area 1

- The group of parcels owned by the City of Buffalo and Harry's Harbor Place Marina at the foot of Ontario Street
- The US Army Corps of Engineers property on Niagara Street north of the International Railroad Bridge
- The Buffalo Sewer Authority Bird Island Facility (4)

#### Sub-Area 2

- The City of Buffalo (4) , NYS (3)and West Side Rowing Club (4) sites on Cotter's Point
- Harborpoint Village (4)
- Times Beach and the adjacent NY Power Authority site

#### Sub-Area 3

- The outer harbor from the Small Boat Harbor south to the St. Lawrence Cement Property
- NFTA (4) and Niagara Mohawk properties north of the Union Ship Canal site but south of Tifft Nature Preserve

#### Sub-Area 4

- City of Buffalo (5) and Niagara Mohawk (4) properties directly to the North of Tifft Nature Preserve
- The Republic Steel parcel located immediately north of South Park
- The NFTA site located at the foot of Smith Street, east of the Smith Street access site
- The Republic Steel parcel located immediately adjacent to the River
- A portion of the PVS Chemical site on the north shore of the Buffalo River
- The City of Buffalo Mongovan Park site located near the confluence of Cazenovia Creek and the Buffalo River

- The South Ogden Estates property located south of the Buffalo River west of Ogden Street
- The 3 City owned parcels adjacent to Stachowski Park including 63 and 65 Weimar Street and 6 Cable Street

The EMC had not identified management priorities or strategies for the parcels at the time of this report.

#### Other Significant Open Spaces

In addition to formally designated habitat areas, a series of important open spaces and habitat areas exist throughout the LWRA. In some cases, the sites have been protected through designation as City parks, including the Olmsted parks: Riverside, Delaware, South and Cazenovia Parks and Washington, North Squaw Island, Broderick, LaSalle and Old Bailey Woods Park. At other sites, such as the Katherine and Concrete Central peninsulas (in Sub-area 4) mature vegetation and transitional field areas provide habitat, but are not formally protected from development.

## **2. Fish and Wildlife**

There is an abundance of fishery resources in the LWRA, including both native and stocked species. At present, no significant commercial fishing businesses currently exist in the area. Among the species found in Lake Erie are coho and chinook salmon, largemouth and smallmouth bass, yellow perch, walleye, rainbow and steelhead trout, brown trout, northern pike and muskellunge. The Niagara River also supports Northern Pike, Largemouth and Smallmouth Bass, Walleye and Lake, Steelhead and Rainbow Trout. These fisheries are situated primarily near the head of the river and in the vicinity of the Peace Bridge, and around the northern end of Squaw Island. NYSDEC maintains a fish-stocking program in these areas. These surface waters support a significant recreational fishing industry and additional access for recreational fishing is desirable. The potential for overfishing is not considered to be a problem. However, the NYS Health Department has posted a number of health advisories for chemicals in sport and game fish, primarily PCBs, for the Buffalo River and Buffalo Harbor, Hoyt Lake in Delaware Park and the Niagara River. The appearance of botulism in Lake Erie is another issue that is on the rise. Since early 2001, outbreaks have been experienced, resulting in significant impacts to waterfowl such as gulls, common loons and red breasted mergansers.

The Buffalo River does not support an abundant fishery due to pollution and degraded water quality conditions. Scavenger fish, such as carp and white suckers, have managed to survive in the river. It is anticipated that through appropriate discharge restrictions and the remediation of pollution in the Buffalo River will be reduced and the river will become an adequate fishery in the future.

Wildlife resources in much of the LWRA include species that have adapted to an urban environment, such as squirrels, raccoons, opossum, mice, moles and voles. The area also supports a variety of songbirds and other migratory bird species common to urban area. As outlined in the preceding habitat discussion, a variety of gulls, terns, passerines, shorebirds and waterfowl can also be found in this area. A heron rookery was identified along the Buffalo River within Sub-area 4. The Buffalo Harbor area (Sub-areas 3 and 4) contains wildlife, including the cottontail rabbit, red fox, raccoon, skunk, opossum, woodchuck, and a variety of birds. Wildlife frequents wooded and open space areas around wetlands and vacant areas in Sub-Area 4, particularly in the Tifft Nature Preserve. The Times Beach area, which is a former dredge spoil disposal area, has attracted wildlife and a great variety of birds.

#### **L. FLOODING AND EROSION**

The City of Buffalo Local Waterfront Revitalization Area contains flood zones that have been designated by the Federal Emergency Management Agency (FEMA) as areas subject to potential flood hazards. These areas or flood zones are depicted on the FEMA Flood Insurance Rate Maps (FIRMs) developed for the City. The flood zones are established based upon the degree to which an area is susceptible to flood damage. The two general flood zones that exist within the LWRA include:

- "AE" Zone – (also called the area of special flood hazard), which is the area of land that would primarily experience still water flooding, without significant wave activity, during a 100-year storm; and
- "C" Zone – which are areas of minimal flooding.

These natural flood zones or plains are flat areas that surround streams and are periodically inundated with water due to overbank flow. As shown on Map 2-12, most of the surface water bodies found within the LWRA are surrounded by 100-year floodplains. The majority of these areas are located within Sub-areas 3 and 4.

In 1981, to reduce damage and human suffering caused by floods, the City of Buffalo adopted a Flood Damage Prevention Ordinance - Chapter 189 of the City Code. The enactment of flood plain controls was encouraged by the Federal Flood Insurance Act. Municipalities that enacted controls were rewarded with federally subsidized flood insurance made available to property owners who reside within flood zones.

Chapter 189 regulates land use and development that occurs within in the 100-year flood plain and floodway, which is a hydrologically determined area with a one percent chance of flooding in any given year. Development in a floodway is severely restricted by the code. The filling of land in the floodway along the Buffalo River is prohibited. Increasing land elevations along the Niagara River may be permitted due to the river's rapid flow of water. However, the U.S. Army Corps of Engineers must approve such actions to eliminate any risk of interference with designated navigation channels.

There are no designated coastal erosion hazard areas (CEHAs) along the City of Buffalo waterfront (R. Anderson, NYSDEC, June 7, 2000). Although southwestern winds can cause Lake Erie to rise (seiche) several feet at its eastern end, the brunt of such storms is borne by the shoreline areas situated south of the City. The offshore harbor breakwaters (Map 2-5) have protected Buffalo Harbor since the nineteenth century. In addition, the tremendous water carrying capacity of the Niagara River quickly conveys water from Lake Erie toward Niagara Falls.

The Bird Island Pier in Sub-Area 2 separates the Niagara River from the Black Rock Canal and serves to protect the shoreline along this stretch of the river. Much of the Buffalo River in Sub-areas 3 and 4 flows through a manmade channel capable of conveying the volume of water expected during a 100-year flood. Parts of the river are lined with concrete bulkheading that serves to increase water velocity in times of high water levels.

There is a need for reconstruction and maintenance of many of the erosion protection structures in the Buffalo LWRA. The U.S. Army Corps of Engineers has reconstructed the Bird Island Pier. The Outer Harbor breakwaters originally were built to protect commercial navigation and protect the shoreline from rough Lake Erie waters. The U.S. Army Corps of Engineers must continue maintenance of the breakwaters to protect the Inner and Outer Harbor shorelines from erosion. There are other locations along the shore that are protected by bulkheading or seawalls (Map 2-6). In some locations, these structures are in need of repair.

According to representatives from the City Department of Public Works, the City has no major flooding problems. The only area with significant flooding problems within the waterfront area is Cazenovia Creek (Don Poleto, July 19, 2000). Every spring Cazenovia Creek overflows into the designed overflow area at Cazenovia Park and into a few residents' lots along Potters Road within the flood zone. The City, working jointly with the Army Corps of Engineers, minimizes these impacts by breaking up the ice jams along the creek. Since the 1950's, banks of Cazenovia Creek have been sloped and cleared and the bottom has been dredged to increase capacity and flow.



Hoyt Lake, within Delaware Park in Sub-Area 1, has minor flooding problems. All flooding dissipates within a couple of hours after the storm event.

## **M. ENVIRONMENTAL HAZARDS AND CONSTRAINTS**

In 2002, the City of Buffalo Environmental Management Commission prepared an inventory of the environmental factors affecting the community. In addition to positive attributes, such as open spaces and habitat areas, the inventory documented areas that pose a risk to the public health, safety and welfare. The inventory documented:

SPDES permit discharge sites

Junkyards

Highways

Title V source and other air emissions facilities

Major Oil Storage Facilities

Chemical Bulk Storage Facilities

Hazardous Waste Sites

Brownfields

SPDES permit discharge sites, junkyards, highways, air emission permit facilities and Title V source facilities are discussed in the Water and Air Quality section of this inventory. This chapter discusses the remaining environmental hazard areas, which are listed on the Map 2-12, as Environmental Hazards.

### **1. Major Oil Storage Facilities**

Petroleum products stored underground include motor, jet and diesel fuel, heating oils (distillate and residential fuel oil), and automotive and industrial lubricants. According to the U.S. EPA<sup>4</sup>, oil storage tank releases can contaminate soil and drinking water supplies. Petroleum products are composed of volatile organic compounds (VOCs). Any oil spill can pose a serious threat to human health and the environment and requires remediation that extends beyond a facility's boundary, and results in substantial cleanup costs. Even a small spill can have a serious impact. A single pint of oil released into

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<sup>4</sup> United States Environmental Protection Agency, Office of Water (4606), Source Water Protection Practices Bulletin Managing Above Ground Storage Tanks to Prevent Contamination of Drinking Water, EPA 916-F-01-022 July 2001

the water can cover one acre of water surface area and can seriously damage an aquatic habitat. A spill of only one-gallon of oil can contaminate a million gallons of water. It may take years for an ecosystem to recover from the damage caused by an oil spill.

Groundwater contamination from petroleum transport and tank storage and operation is the most widespread form of water quality problems associated with leaks, spills and accidents. Spills on surface water can cause fire hazards and harm aquatic life. Some of the causes for storage tank releases are holes from corrosion, failure of piping systems, and spills and overfills, as well as equipment failure and human operational error. Federal regulations require owners or operators of certain above ground oil storage facilities to prepare and comply with written, site-specific, spill prevention plans.

Two major oil storage facilities are located in the Sub-Area 4:

- Safety Kleen on the Buffalo River Katherine Street peninsula
- Mobil Oil on the north shore of the Buffalo River near Bailey Avenue

Currently, the Mobil Oil Facility maintains a structure along the Buffalo River shoreline to contain spills from its facility.

## **2. Chemical Bulk Storage Facilities**

Within the LWRA, chemical bulk storage facilities are located along the Scajaquada Creek in Sub-area 1, in the South Outer Harbor Area north of the Small Boat Harbor in Sub-area 3, along the Buffalo River and in the South Buffalo Redevelopment Area in Sub-area 4 (See Map 2-12).

Chemical Bulk storage facilities store hazardous substances in above and/or underground tanks. According to the New York State Department of State, the Chemical Bulk Storage regulations, found in Article 40 of Environmental Conservation Law (ECL), require that facilities register with NYSDEC and comply with the regulations designed to prevent releases of hazardous material and reduce the growing costs of environmental cleanups. The regulations include standards for storing and handling more than one thousand hazardous chemicals. NYSDEC monitors and regulates chemical bulk storage facilities.

In addition to petroleum products, the Department of State has identified metals, solvents and degreasers and pesticides as classes of materials normally stored in tanks that are known to cause groundwater contamination:

### Metals

Toxic metals that can cause significant stress to aquatic organisms include arsenic, beryllium, cadmium, chromium, copper, lead, zinc, manganese, mercury, nickel, selenium and tin. The hazards associated with these metals have been well documented and are described in EPA Ambient Water Quality Criteria, as follows:

The various metals produce differing toxic effects. For fish, these include neurotoxicity, reduced growth, damage to gills, impaired respiration, impaired reproduction, and mortality. In aquatic ecosystems the effects include reduced primary and secondary productivity, modification of nutrient cycling, loss of carnivores at the top of the food chain because of biomagnification, and other changes in community composition.

It is estimated that decades or centuries could be required for surface waterbodies to recover from metal contamination. After the initial input, contaminated sediments may continue to be a source of metals, which contaminate the biota, particularly benthic invertebrates (aquatic bottom dwelling organisms, i.e., clams, oysters) and bottom feeding fish. Further, storms or other events may resuspend contaminated sediments into the water column and cause continuing episodic exposures.

### Solvents and Degreasers

Liquids capable of dissolving other substances are used in various commercial and industrial applications, including furniture stripping, metal processing, machine shops, food and beverage processing, commercial laundries, and the cleaning of vehicles of all types and their parts. They may enter waterways through spills, storage facility leaks and improper commercial/industrial disposal practices. These organic solvents are also common in household products (fabric and rug cleaners, workshop and auto cleaners, etc.) and which may enter groundwater through individual onsite disposal systems.

Solvents and degreasers may cause a variety of chronic and acute effects on species and ecosystems. In addition to causing adverse effects on aquatic species reproduction, growth and survivorship, they also induce organ dysfunction. Organic compounds that bioaccumulate in the fatty tissues of individuals can have serious adverse effects on species despite low environmental concentrations. Therefore, the reversibility of ecosystem damage from discharges of toxic chemicals is less for bioaccumulating chemicals

### Pesticides

Pesticides are chemical compounds specifically formulated to kill or debilitate certain target organisms. Like metals, the potential for a pesticide to cause adverse effects on the aquatic environment is related to toxicity and bioaccumulation. Persistent or bioaccumulative pesticides can have adverse effects on species at the top of the food chain despite low environmental concentrations. The effects of pesticides that bind to sediments (e.g. DDT and Kepone) can be difficult to reverse since the sediments can continue to be a source of contamination for decades. The effects of nonpersistent pesticides are reduced once the source of contamination is eliminated. Herbicides and fungicides generally are not highly toxic to fish. Insecticides can be toxic to the aquatic stages of nontarget insects and crustaceans.

Toxic effects include herbicide-induced loss of submerged vegetation, birth defects in fish, impaired reproduction of fish, pesticide-induced death among the aquatic juvenile life stages of many insect species, and fish kills. Larger ecosystem effects include reduced biomass and diversity of vertebrate and invertebrates, reduced aquatic vegetation, and the loss of invertebrate communities and fish that need aquatic vegetation for spawning or protection.

### **3. Hazardous Waste Sites**

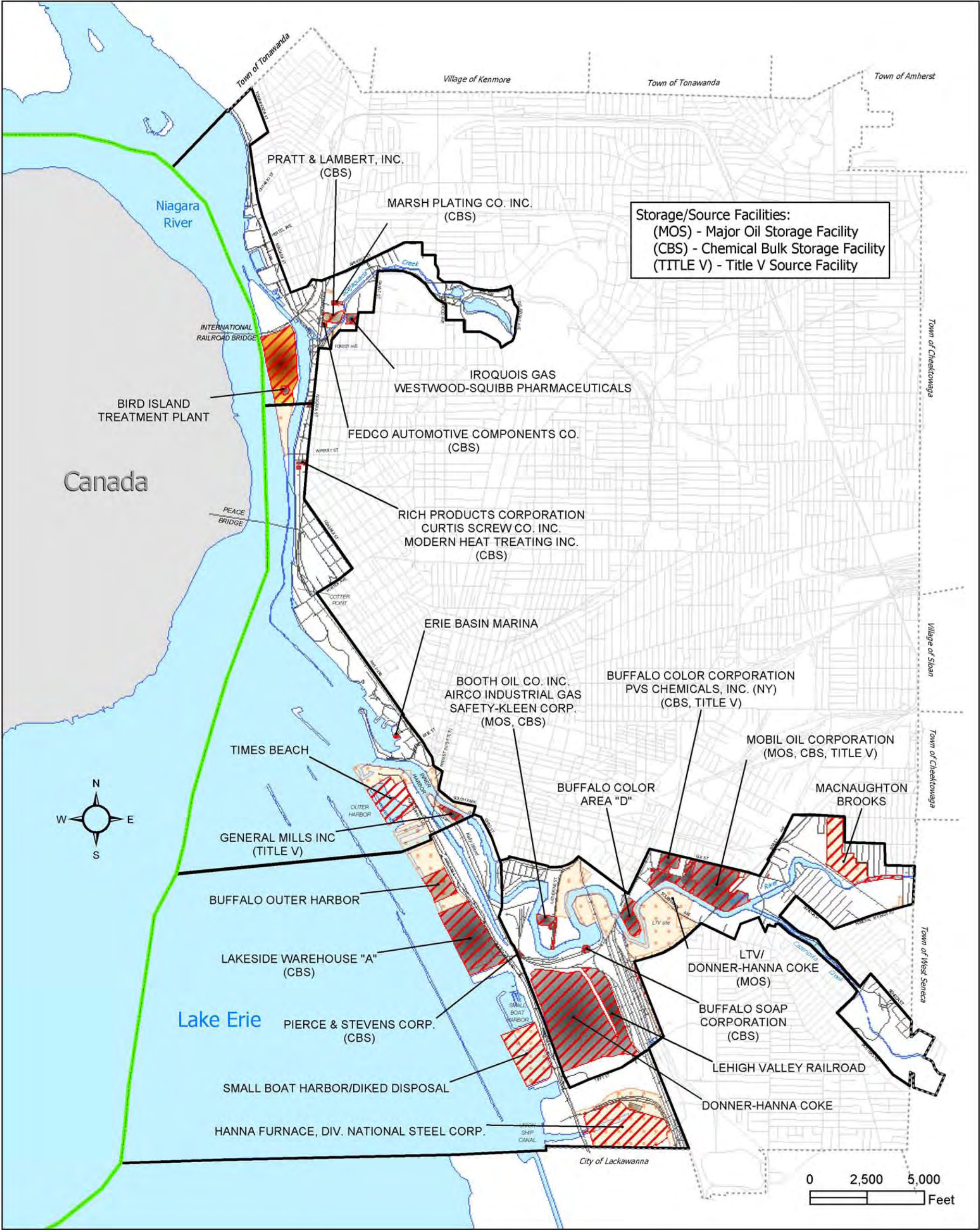
Industrial waste sites, by federal law, must be called inactive hazardous waste sites. These sites may be disposal areas for toxic solid or liquid wastes that could threaten the health, safety or welfare of the public and the environment in general.

In 1979, an Interagency Task Force on Hazardous Waste, composed of representatives of NYSDEC, U.S. EPA and the New York State Department of Health identified 215 hazardous waste disposal sites in Erie and Niagara Counties. Of these sites, 164 are within the three miles of the Niagara River and include sites used by major industries along the river for the disposal of large quantities and a wide variety of hazardous wastes.

Throughout the 1980's and 1990's, NYSDEC has worked to investigate and remediate known contaminated sites in the LWRA. Table 2-3 describes the status of listed, and some delisted, inactive hazardous waste sites located in the LWRA. It is based upon information contained on the April 2000 Registry of Inactive Hazardous Waste Disposal Sites in New York State<sup>5\*</sup> and the Buffalo and Niagara River Remedial Action Plans. The active sites are also shown on Map 2-13. All the noted sites are registered and regulated by NYSDEC.



# CITY OF BUFFALO LWRP ENVIRONMENTAL HAZARDS



THE INFORMATION ON THIS DOCUMENT IS BASED ON DATA GATHERED FROM THE FOLLOWING DATA SOURCES AND SHOULD NOT BE USED FOR DESIGN OR CONSTRUCTION.  
DATA SOURCES: CITY OF BUFFALO, NYSDEC

**Key to Features**

- Municipal Boundary
- LWRP Boundary
- International Boundary
- Water
- Railroad
- Road

- Brownfields
- Storage/Source Facilities
- Hazardous Waste Sites**
- Solid Waste
- Inactive Hazardous Waste





#### 4. Brownfields

The City of Buffalo has received national recognition for its brownfields redevelopment work, most of which is located within the LWRA. The City is also currently working with the State on the nomination for the South Buffalo Brownfield Opportunity Area designation. Brownfields are abandoned, idled or underused industrial and commercial properties where expansion or redevelopment is complicated by real or perceived contamination. Over 3,000 brownfields have been identified in the Niagara Region.

##### Niagara Brownfields Showcase Community Project

In May 1997, former Vice President Gore announced a Brownfields National Partnership to bring together the resources of more than 15 federal agencies to address local cleanup and reuse issues in a more coordinated manner. The goals of the Brownfields Showcase Communities project are to:

- Promote environmental protection and restoration, economic redevelopment, job creation, community revitalization, and public health protection through the assessment, cleanup, and sustainable reuse of brownfields;
- Link federal, state, local, and non-governmental action supporting community efforts to restore and reuse brownfields; and
- Develop national models demonstrating the positive results of public and private collaboration in addressing brownfields challenges.

In October 2000, the partnership selected 12 Brownfields Showcase Communities to continue the success of the initiative. The Niagara Region Showcase Community is a unique regional collaboration whose members include Niagara and Erie Counties, the Cities of Niagara Falls and Buffalo, a public university, and a statewide development agency. The Niagara Region's objective as a Showcase Community is to serve as a model to link brownfields restoration to the economic, social, and ecological restoration of the Niagara River, Buffalo River, and Eighteen Mile Creek watersheds. It seeks to reverse declining economic conditions through brownfields cleanup and redevelopment with a focus on the Niagara Region's role as an international portal.

The Coalition is targeting cleanup and redevelopment efforts in several large areas, including the 1,200-acre South Buffalo Redevelopment Area, which includes a portion of Sub-area 4. The South Buffalo Redevelopment Area includes more than 3 million square feet of proposed development space and

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<sup>5</sup> New York State Department of Environmental Conservation, April 1999

promotes the creation of approximately 4,500 to 10,500 new jobs. Public investment in the project is approximately \$45 to \$65 million.

The Coalition has identified and utilized tax incentives, low-interest loans, and other financing tools for businesses and developers. For example, the local governments have initiated 13 projects that have brownfields cleanup funding available through the New York State Clean Air/Clean Water Bond Act. The Coalition has formed partnerships with federal, state, and local entities to address brownfields issues.

#### Village Farms Hydroponics Facility

Located on the former LTV/Republic Steel site, Village Farms - Buffalo Division is a national model for brownfield development of vacant, blighted, and underutilized industrial urban properties in the United States. This site has received wide attention both nationally and internationally as an example of successful brownfield reconstruction. It consists of an eighteen-acre greenhouse and 42,000 square foot packing building.

The project included an \$800,000 site cleanup. This was accomplished through a cooperative effort on the part of LTV, the former owners of the steel plant, and state and federal agencies including the U.S. EPA and NYSDEC. A specific voluntary cleanup plan for the site was worked out. Since the site is within a New York State Economic Development Zone and a Federal Enterprise Zone, tax incentives were able to be applied to help the economic viability of the project.

The facility is leased by the Buffalo Economic Development Corporation to Village Farms of Buffalo, a subsidiary of Agro Power Development. While the company continues to make lease payments, it stopped growing hydroponic tomatoes there. In 2002, the company had only four employees and is using the site strictly for distribution.

#### Union Ship Canal

Development of the Union Ship Canal brownfields area in sub-area 3 is moving through a collaborative process that includes the Cities of Buffalo and Lackawanna, the Erie County Industrial Development Agency, and private development interests. Several interested and involved federal and state agencies are also providing consultative support throughout this process.

Development of the Union Ship Canal area will involve the following activities:

- Transfer of up to 114 acres and disposition of land parcels for public and private development;
- Construction of new public infrastructure (e.g. roads, water, sewer, bulkheads, open space, etc.) to support site development;
- Adoption of new land use controls (i.e., zoning) and design guidelines regulating future site development; and
- Protection of natural resources.

The area to be potentially developed includes approximately 180 acres (not including public access areas and wetlands), of currently underutilized and/or abandoned industrial lands. The proposed development envisions a mix of lower profile, flex-type product (e.g., office space) near the canal and high-bay distribution / light manufacturing buildings on the outer perimeter of the site. The design of all buildings would be architecturally integrated to create a unified theme. Areas of sensitive environmental features are proposed to be preserved and enhanced as appropriate. Assuming new construction on approximately 25 percent of the proposed development site, an estimated 1,900,000 square feet of leasible building footprint would yield an overall private investment of nearly \$44 million.

Niagara Frontier Transportation Association - North Outer Harbor Project

NYSDEC, in cooperation with the New York State Department of Health, is currently preparing a Remedial Action Plan for the Buffalo Outer Harbor Brownfield Site, which is located between the Seaway Piers and Bell Slip on the Outer Harbor in Sub-area 3.

In June 2001, the Niagara Frontier Transportation Association (NFTA) submitted a Remedial Alternatives Report in support of a brownfields remediation application for Phase 1 Redevelopment of the site. A Site Investigation revealed the presence of semi-volatile organic components, metals and PCBs, indicative of the use of fill to create the site. The report examined potential remedial alternatives for the area north of Bell Slip. The proposed first phase of development will be the creation of a public access green belt along the entire length of the Outer Harbor brownfield waterfront.

Although the NFTA has a master development plan for the property, NYSDEC has developed general response actions for the site and a series of institutional controls to achieve the remedial goals to varying levels of site use.

For the area west of the asphalt road, deed restrictions requiring pavement/building cover or a one-foot deep soil cover over green space, in conjunction with activity, and use limitations is proposed. For the area east of the asphalt road, the same treatment is recommended except that if residential uses are developed, the soil cover on green space would need to be two feet in depth. Because PCB's were found in elevated levels in the eastern gravel parking area, hot spot surface soil removal is recommended. In addition, the plan requires building/pavement cover or 1 foot of soil cover for recreation and commercial uses and building/pavement cover or 2 feet of soil cover for residential open spaces in this area.

**Table 2-4****Inactive Hazardous Waste Sites located in LWRA**

Affected Water Body	Site Code	Site Name	Description
Niagara River	915052	Squaw Island	This site contains industrial wastes and incinerator ash. The site has been delisted as no hazardous wastes were located on the site.
Scajaquada Creek	915141A	Iroquois Gas/Westwood Pharm. Terrestrial	Monitoring indicates that the wastes are effectively contained as a result of the remedial construction and the pump/treatment operation. Long term pump and treat system and maintenance of the cap insures that the environmental problems are addressed.
Scajaquada Creek	915141B	Iroquois Gas/Westwood Pharm. Riparian	This section of Scajaquada Creek is contaminated with elevated levels of contaminants, as found in the creek sediments. Remedial Construction, which is currently underway, will address these environmental problems.
Scajaquada Creek	915024	Fedco Auto Components	Volatile organics were detected in the site soil, groundwater and in the sediments of Scajaquada Creek.
Lake Erie	915026	Buffalo Outer Harbor	The radio tower area continues to present a significant threat due to the high levels of nitrobenzene found. The remainder of the property has been removed from the site description because of inconsequential amounts of hazardous waste. Environmental sampling is advised before any redevelopment of the deleted portion of the site is initiated.
Lake Erie	915080	Times Beach	This site contains dredged materials from the Buffalo River. The site was delisted, as no hazardous wastes were located on the site. Additional testing for contamination was conducted in 2001 as part of the Army Corps of Engineers Times Beach Feasibility Study.
Buffalo River	915040	Mobil Oil Corporation	Tetraethyl lead & lube sludges, spent catalysts. Air flotation unit and gravity oil/water separator sludges Soil is contaminated with lead, which may in part be due to tetraethyl-lead. Results are being evaluated for further actions.
Buffalo River	915004	Allied Chemical	According to the Niagara River Remedial Action Plan, the 1982-83 USGS investigation identified the following materials on the Allied Chemical Site : spent vanadium pentoxide catalyst, sulphur sludges, sulfuric acid tower sludges. The RAP indicated that the site was delisted due to the absence of hazardous materials on site but also indicated the potential for contaminant migration to the Buffalo River required confirmation.
Buffalo River	915034	MacNaughton-Brooks	According to the Niagara River Remedial Action Plan, a 1982-83 USGS investigation identified the following materials on the site: paint sludges, solvents, xylol, and toluol. The site was delisted due to the absence of hazardous materials on the site.
Buffalo River	915012	Buffalo Color Area "D"	Contamination of groundwater and Buffalo River sediments by organic chemicals and metals has occurred. Surface and subsurface soils are also contaminated. Remedial efforts have isolated the contaminated materials from the river ecosystem.



<b>Table 2-4</b> <b>Inactive Hazardous Waste Sites located in LWRA - Con't.</b>			
Buffalo River	915072	Tifft Nature Preserve	According to the Niagara River Remedial Action Plan, a 1982-83 USGS investigation identified the following materials on the site: various inorganic and organic chemicals, chrome sludge, copper sulfate, nitro-benzene, monochlorobenzene, naphthalene. Low levels of contamination still remain in the area of Tifft Farm. A clay cover was placed over the mounds area. A clay barrier wall has been installed in conjunction with the leachate collection system.
Buffalo River	915071	Lehigh Valley Railroad	Residual hazardous waste on-site. The waste material was found during 1996, which threatens the regulated wetlands and nature of preserve to the west will require remediation
Union Ship Canal/ Buffalo River	915172	Shenango Steel Mill Mold	Aroclor-1260 greater than 500 ppm remains in on site soils. Exceedances of Class GA Groundwater Quality standards and Class C surface water quality standards have been confirmed. Because high concentrations of contamination remain on site and the unrestricted access to the site a significant threat to the public health and environment exists.

Source: NYSDEC, April 1999.

#### Contaminated River and Tributary Sediments

The Niagara and Buffalo River Remedial Action Plans identify contaminated sediments located in the Niagara River, Scajaquada Creek and Buffalo River channels as a key cause of waterbody use impairment. For a full discussion of the RAPs and contaminated sediments in these river corridors, see the Water Quality discussion in Section I.

## **N. SUMMARY OF ISSUES AND OPPORTUNITIES**

Large areas of vacant industrial land on the waterfront; vacant brownfields – vast potential for redevelopment of underutilized and deteriorated waterfront areas (union ship canal, areas in sub-area 3 and 4, outer harbor).

- Interstate 190 runs parallel to the waterfront; lack of public access; separates upland from waterfront
- Limited number of shoreline park facilities and beaches; limited public access – need to better capitalize on the waterfront
- Squaw Island contains an 80-acre vacant parcel and an abandoned transfer station; used frequently for illegal dumping and waste disposal. – potential for redevelopment/ public parkland

## CITY OF BUFFALO LOCAL WATERFRONT REVITALIZATION PROGRAM

- Outer Harbor has large tracts of vacant land (NFTA holdings) with potential for redevelopment
- Erosion protection structures need repair in certain areas and softening in other areas
- Myriad of small rail spurs and larger rail corridors in Sub-area 3
- A U.S. Coast Guard facility that is situated at a prominent point on the waterfront, which could be relocated (over the long-term) to a more secure location, freeing up its current site for public use.
- Former Pier Restaurant – unused on waterfront with potential for reuse or redevelopment
- Large unused grain elevators, many of which possess historic significance
- BURA owns several parcels along Lakefront Blvd (total of 21 acres), near Inner Harbor
- Times Beach site – plans for development as passive recreation site; need to ensure proper protection of this area from undue disturbance
- Unrealized opportunities for tourism throughout the LWRA
- Need to connect existing trails and develop new ones (particularly Sub-areas 3 & 4)
- General lack of wayfinding and public knowledge of waterfront attractions
- Marinas are at 100 percent capacity during summer boating season; need for dockage for larger recreational vessels
- No significant or formal commercial fishing industry
- Dredging of Buffalo River to maintain access to the Mobil facility
- Olmsted parks – heritage aspects and need for promotion, preservation and investment
- Leasing of lands in vicinity of Erie Basin Marina
- Reconnection of Erie Street to the waterfront
- Limited pedestrian and vehicular access to the Outer Harbor, encumbered by Route 5
- Very limited public access/recreation facilities – problems with Riverwalk and Scajaquada pathway; I-190 Expressway cuts off inland from river shore
- Limited access to and parking at Smith Street recreation site
- Lack of parking and roadside parking restrictions at Bailey Avenue recreation site
- Numerous informal access sites along Buffalo River; paper streets
- Important historic resources and waterfront history that should be protected and promoted
- Aging sewer system – need for repairs and upgrades and remediation of combined sewer outfalls
- As per the conditions of the Buffalo Sewer Authority's (BSA) State Pollution Discharge Elimination System (SPDES) permit, the BSA is developing a Combined Sewer Outfall (CSO) Long Term Abatement Plan to effectively manage and mitigate the 57 active CSO's along the waterfront. The CSO's, however, are only a small contributor to water quality degradation; a large volume of the pollution to the lake and rivers is generated in the upper reaches of the Buffalo River and Scajaquada Creek watersheds. The Hamburg Drain, which outlets to the inner harbor at the former location of the Commercial Slip, conveys the greatest volume of combined sewer overflow to local

surface waters. The inner harbor area is proposed for redevelopment as the Erie Canal Harbor and an effort will be made to improve water quality as a part of this project. Through these efforts, the flow problem associated with the Hamburg Drain may be addressed in conjunction with the redevelopment of this area.

- Water quality issues in the Buffalo River and Union Ship Canal
- Surface water quality degradation, particularly in the Buffalo River – non-point source pollution issues
- Fishing advisories; poor fishery in Buffalo River due to pollution
- Wetlands protection and habitat restoration needed in many areas of the LWRA
- Need for additional access for recreational fishing
- Some erosion protection structures in Buffalo River need reconstruction and maintenance
- Brownfields - need to clean up and redevelop these lands, where feasible

## **Section III**

### **Waterfront Revitalization Program Policies**

### **SECTION III – LOCAL WATERFRONT REVITALIZATION PROGRAM POLICIES**

Section III presents the waterfront revitalization policies and their associated standards that are to be used in guiding appropriate development actions for a community. These policies consider the physical, economic, environmental and cultural characteristics of the community. They are comprehensive and reflect existing laws and authority regarding development and environmental protection. Together, these policies and their standards are to be used to determine an appropriate balance between preservation and economic growth and development that will permit the beneficial use of waterfront resources in the City of Buffalo without undue impacts. The following is a list of the LWRP policies.

#### **Developed Waterfront Policies**

Policy 1

Foster a pattern of development in the waterfront area that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a waterfront location, and minimizes adverse effects of development

Policy 2

Preserve historic resources in the waterfront area

Policy 3

Enhance visual quality and protect outstanding scenic resources

#### **Natural Waterfront Policies**

Policy 4

Minimize loss of life, structures and natural resources from flooding and erosion

Policy 5

Protect and improve water resources

Policy 6

Protect and restore ecological resources, including significant fish and wildlife habitats, wetlands and rare ecological communities

Policy 7

Protect and improve air quality in the waterfront area

Policy 8

Minimize environmental degradation from solid waste and hazardous substances and wastes

**Public Waterfront Policies**

Policy 9

Provide for public access to, and recreational use of, coastal waters, public lands and public resources in the waterfront area

**Working Waterfront Policies**

Policy 10

Protect existing water-dependent uses, promote the siting of new water-dependent uses in suitable locations, and support efficient harbor operations

Policy 11

Promote the sustainable use of living marine resources

Policy 12

Protect existing agricultural lands

Policy 13

Promote appropriate use and development of energy and mineral resources



## A. DEVELOPED WATERFRONT POLICIES

### POLICY 1

**Foster a pattern of development in the waterfront area that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a waterfront location, and minimizes the adverse effects of development.**

The vitality of the City of Buffalo waterfront is a critical component of the character of the region and the State's waterfront area. The Buffalo waterfront provides an array of services and a range of opportunities, depending on the location. The waterfront is a gateway and an important transportation corridor, it provides valuable opportunities for public access and recreation, it contains a vast amount of underutilized and abandoned land with the potential for viable and prosperous redevelopment, it provides habitat and refuge for a wide variety of fish and wildlife, and it is a part of the fabric of established residential communities (even in areas where this fabric has been diminished). The City of Buffalo waterfront offers a wealth of opportunities for renewal. For all these reasons, development and redevelopment in the waterfront should be undertaken in a manner that provides for revitalization that is balanced with the need to protect community character and the important natural and man-made resources that contribute to this character.

Focusing investment to sustain and support development, and improving certain areas as centers of activity will aid in enhancing the vitality of the waterfront. Development and redevelopment should include measures for providing more greenspace and pleasurable vistas to the waterfront, and for protecting existing open landscapes that provide important ecological and scenic value throughout the area. Development and redevelopment efforts should be geared toward revitalizing the waterfront, while preserving important resources, to add to the character of the area and enhance the human experience. Development and redevelopment efforts should also incorporate means to reconnect, or improve the existing connection between the waterfront and upland neighborhoods.

Revitalizing the underutilized and deteriorated areas along the waterfront will benefit the surrounding communities, the City and region, and help the City of Buffalo to achieve its vision of making the waterfront an important part of our economy and a safe, healthy and enjoyable place to live, work and visit. The following policies set forth guidance to better direct development and redevelopment in the LWRA to achieve this goal. They are focused on waterfront revitalization, making beneficial use of waterfront lands, maintaining open space, protecting community character and addressing transportation needs. They are aimed at balancing revitalization with resource protection along the waterfront for the benefit of all.

## **Policy Standards**

- 1.1 Concentrate development and redevelopment in order to revitalize deteriorated and underutilized areas of the waterfront and strengthen and prioritize the traditional waterfront focus of these areas. Areas of importance include Squaw Island, the Niagara Street/Tonawanda Street corridor, the Inner and Outer Harbor areas, the Buffalo and Union Ship Canals, certain areas along the Buffalo River, and the inland portions of LWRP Sub-Areas 3 and 4 that contain vacant and underutilized industrial lands.

The Inner and Outer Harbor areas both offer great opportunities for economic development and tourism. Plans for the revitalization of these areas will afford the City the ability to capitalize on waterfront assets, link the waterfront with downtown amenities and facilities, and celebrate the heritage of the area. These lands have remained underutilized for too long, and should be redeveloped with a mix of uses to encourage economic activity, increase opportunities for public access and recreation, and in general, bring life back to the waterfront.

The City has made substantial progress in its planning for the use and redevelopment of the Inner Harbor area. These efforts will result in the redevelopment of this area as the Erie Canal Harbor, with a mix of uses to spawn economic activity and improved public access (see Appendix D). These efforts should be closely linked with the City's plans to revise the Urban Renewal Plan for the waterfront, which adjoins this area. Updating that plan will enable the City to ensure that this area of the waterfront is redeveloped in a manner that is consistent with the LWRP, the Queen City Hub Plan and the City's Comprehensive Plan, and development that is compatible with surrounding uses and land use planning efforts. For example, some areas in this district are governed by zoning regulations and would allow industrial uses; some areas are governed by the current urban renewal plan and the development guidelines of the plan may or may not be consistent with the LWRP, Queen City Hub Plan or Comprehensive Plan. The Urban Renewal Plan amendment will also expand the boundaries of the current urban renewal area to include additional areas on the opposite side (or Outer Harbor side) of the Inner Harbor and land areas upriver along the Buffalo River. The Master Plan portion of the Urban Renewal Plan update will also suggest options to improve access from the core of downtown to the Inner Harbor/Erie Canal Harbor District. The goal, as noted above, is to bring activity back to the waterfront, particularly to significant waterfront locations that presently offer no benefit to the community, the City or the region.

The City of Buffalo should support the Inner Harbor Plan recommendations of the Erie Canal Harbor Development Corporation (ECHDC). The ECHDC's Plan recommends the construction of a downtown harbor at the foot of Main Street as part of a retail and commercial redevelopment effort for this area of the downtown waterfront. Main Street would be extended over the Buffalo River via a local service bridge that would connect to a proposed waterfront parkway to be constructed by NYSDOT along the Outer Harbor. Under agreement with the New York Power Authority, the ECHDC will obtain title to the parcel where the ice boom is stored, adjacent to the Seaway Pier. This area, including the pier property, is designated for a mix of marine commercial, commercial and residential use. The Buffalo Ship Canal would be connected with the Seaway Pier site by way of a short new canal that will be constructed to provide increased access for recreational sailing and motor craft and to bring in a source of fresh water to help flush the canal. Over the long term, the Skyway Bridge that carries NYS Route 5 over the Buffalo River would be removed after the proposed river crossings at Main Street and Erie Street are established.

The Outer Harbor requires proper planning for reuse and redevelopment that achieves the City's vision for the waterfront. As previously noted, this area has remained abandoned and underutilized for far too long and possesses great potential for revitalization. This area should be properly rezoned to allow for development and redevelopment with a mix of land uses, with high priority given to the development of water-dependent and water-enhanced uses that require a waterfront location to function or that gain a direct benefit from such a location. The placement or location of non-water dependent uses should not take precedence over water-dependent or enhanced uses when designing the layout of the site. Water-dependent and water-enhanced uses should be located on or closest to the shoreline. Focus and consideration shall also be placed on the composition, form, layout, mass and density of proposed uses, with emphasis on improving the public realm. Redevelopment efforts must include substantial provisions for public access and greenspace along the shoreline. Development should be designed at a scale appropriate to the area and provide unobstructed views of the water. Consideration should be given to how uses are arranged or "stacked" - - the massing and width of buildings - - to preserve sight lines and ensure continued visual access to Lake Erie. Consideration must be given to the size and scale of building so as to accomplish development that enhances and improves the vista, without consuming it. Lakefront viewsheds and scenic vistas must be maintained and protected. Building should also be stepped back from the shoreline. Larger structures or entertainment venues must be designed at a scale that does not overpower the setting and fits in effectively with scale and massing of surrounding land uses in the area.

The redevelopment of the Outer Harbor should also take advantage of, and incorporate existing resources in the area. Care should be taken to allow for improved, yet controlled, access to the Times Beach Nature Preserve area, which offers excellent opportunities for viewing birds and other wildlife in their natural habitat. Public access should be a primary focus throughout the Outer Harbor area, linking proposed uses and activities with the Greenway Trail system (and Buffalo River), the Erie Canal Harbor area, and surrounding downtown core area. This access should accommodate multiple uses and enable the public the ability to travel from the downtown area (and more northerly areas of the waterfront), through this area to reach the southern City line, and beyond, without impediment. Future uses on the Outer Harbor should be connected and cohesive with the planned State park improvements at the Small Boat Harbor and Gallagher Beach.

The shoreline property situated immediately north of the U.S. Coast Guard Station should be revitalized to allow for improved and increased public access to the lighthouse and Lake Erie shoreline. This could enable beneficial improvements and public amenities in the vicinity of the historic lighthouse. The Times Beach area, which is located immediately south of the Coast Guard Station, is being enhanced for wildlife preservation and restricted passive recreational use. The reuse of the shoreline to the north of the Coast Guard station as public open space would also enable an improved connection with the Times Beach area.

The lands proximate to portions of the Buffalo River and the inland areas around the Union Ship Canal also offer opportunities for redevelopment to revitalize lands that were formerly used for heavy industry. Also, Kelly Island and the southwestern shoreline of the Buffalo River are areas where the continuance of the working waterfront should be maintained and encouraged, but in a manner that is compatible with redevelopment of the surrounding area. Areas, such as the rail yards, located east of the Tifft Nature Preserve, in Sub-Area 4, and the Tonawanda Street Corridor in Sub-Area 1 should be considered for use as commercial centers for transshipment activity, where bulk goods could be offloaded to and from trucks to trains or ships. This would enable the area to take advantage of the large volume of truck traffic coming over the Peace Bridge, as well as trains traveling over the International Railroad Bridge. The potential also exists for the reuse of former grain elevators along the Buffalo River, such as the current proposal for the development of an ethanol facility. Marine-related uses of this type, which are water-dependent and less likely to result in adverse environmental impacts to the river and surrounding community, are encouraged for this area.

## *CITY OF BUFFALO LOCAL WATERFRONT REVITALIZATION PROGRAM*

- A. New development should be located where infrastructure is adequate or can be upgraded to accommodate new development.
- B. The following planning principles should be used to guide investment and the preparation of development strategies and plans for the waterfront:
  - 1. Scale development to be appropriate to the setting.
  - 2. Design development to highlight existing resources, such as local history and important natural and man-made features to reinforce community identity.
  - 3. Design the waterfront as a focus for activity that draws people to the area.
  - 4. Provide and improve integrated linkages between the waterfront and upland portions of the community, including the use of appropriate directional signage, particularly for the residential neighborhoods that have been isolated from this area.
  - 5. Meet community and regional needs and market demands when making development choices so that the end product provides a useful service and benefits and connects with the surrounding area.
  - 6. Recognize environmental constraints as a limiting factor for development and devise ways to blend environmental preservation into site design, wherever possible, to achieve development without adversely impacting important environmental resources.
  - 7. Restore environmental quality to degraded areas for both resource preservation and urban revitalization.
  - 8. Recognize the physical constraints of certain man-made features that possess important cultural and historic value, and devise ways to blend and preserve these features into site design, wherever possible, to achieve development that eliminates or minimizes adverse impacts.
- C. All development or uses should recognize the unique qualities of a waterfront location by:
  - 1. Using building and site design to make beneficial use of a waterfront location and associated waterfront resources.
  - 2. Minimizing the inefficient consumption of waterfront lands and avoiding, to the greatest extent possible, potential adverse impacts on natural resources.
  - 3. Limiting shoreline alteration and the reduction of surface water coverage.

4. Incorporating recreational activities, public access that is tied to the greenway system network, open space and/or site amenities, as appropriate to the use, thereby enhancing the site and surrounding community, and increasing visual and physical access to the waterfront as a part of site development or redevelopment.
5. Including design features, such as consistent and effective signage, which attract people to the waterfront, as appropriate to the use.
6. Ensuring that site design and the siting of uses and structures complements the surrounding community and landscape.
7. Using indigenous plants as components of landscape design, to provide and improve habitat, protect and improve water quality, and to lessen the use and demand for water, pesticides and fertilizer (particularly synthetic fertilizers).
8. Reinforcing community identity by highlighting local history and important natural and man-made features as a part of site design or redesign.

1.2 Ensure that development or land uses make beneficial use of their waterfront location.

Squaw Island presently contains a mix of municipal and recreational uses, as well as a large area of vacant land. This vacant land has been designated as parkland and should be redeveloped with additional waterfront recreational uses. Redevelopment plans for the northern end of the island should include adequate and properly planned access around the existing wastewater treatment plant. That facility is a water-dependent use that should be continued at its present location.

A. Water-dependent Uses

Water-dependent uses are activities that require a location in, on, over, or adjacent to the water because such activities require direct access to water and the use of water is an integral part of the activity.

1. The amount of waterfront and its associated resources are limited. All uses should relate to the unique qualities associated with a waterfront location. Consideration should be given to whether a use is appropriate for a waterfront location. When planning waterfront development or redevelopment, the waterfront location should be reflected in the siting, design, and orientation of the development.



2. Water-dependent uses should be promoted where appropriate and given precedence over other types of development at suitable waterfront sites. Existing water dependent uses, such as marinas, the wastewater and water treatment facilities, and viable and reasonable water-dependent industrial uses, should be protected and preserved.
3. Development that is not dependent on a waterfront location or that cannot make beneficial use of a waterfront location should be more closely scrutinized as appropriate for the waterfront, particularly if a site is a more suitable location for potential water dependent uses.

B. Water-enhanced uses

Water enhanced uses are activities that do not require a location on or adjacent to the water to function, but whose location on the waterfront typically adds to public enjoyment and use of the water's edge. Water-enhanced uses are generally of a recreational, cultural, commercial, or retail nature.

1. Water-enhanced uses may be encouraged where they are compatible with existing and proposed public access and surrounding development, and are designed to make beneficial use of their waterfront location.
2. To ensure that water-enhanced uses make beneficial use of their waterfront location, they should be sited and designed to:
  - a. Attract people to the waterfront and provide opportunities for visual and physical access that is oriented to the waterfront and consistent with the greenway system network.
  - b. Provide public views to or from the water.
  - c. Minimize the inefficient consumption of waterfront land.
  - d. Not interfere with the operation of water-dependent uses or public access.
  - e. Not cause significant adverse impacts to community character and surrounding land and water resources, or other important environmental or man-made resources.
3. Uses should be avoided that would:
  - a. Result in the unnecessary and avoidable loss of waterfront resources, both natural and man-made.
  - b. Ignore their waterfront setting as indicated by design or orientation.
  - c. By their nature, not derive economic or recreational benefit from a waterfront location.

1.3. Maintain and enhance natural areas, recreational areas, and open space.

Natural areas, open space and recreational lands provide public benefits that may not be immediately tangible. In addition to their intrinsic scenic and recreational benefits, these lands may also support habitat for commercially or ecologically important fish and wildlife, and provide watershed management or flood control benefits. Public open space along the waterfront should be continued and increased, protecting what currently exists and allowing for increased opportunities, particularly on Squaw Island, along certain portions of the Buffalo River and on the Outer Harbor. Greenways and greenway connections should be developed throughout the waterfront area to link recreational features, improve public access and provide corridors for wildlife. Furthermore, the City should carry out the Greenways Implementation Plan. Improvements proposed for the terminus of Porter Avenue and LaSalle Park should also be undertaken to enhance the public's use of this area and better identify the area as a key node and "gateway" to the waterfront.

To enhance community character and maintain the quality of the natural and man-made environment, potential adverse impacts that may result from site development, including impact to existing development, the physical environment, and economic factors should be identified and avoided or properly mitigated. Development and redevelopment should be designed to take advantage of significant site characteristics, limit the disturbance of important natural resources, foster visual compatibility with the surrounding area, and maintain the continuity of public access along the water's edge.

It is the long term policy of the City to establish a continuous greenway system that will include a generous area of public access, that has sufficient minimum width to accommodate a pathway for pedestrian and bicycles along the water's edge. This policy should apply to all waterfront properties except for grandfathered uses established prior to the adoption of this LWRP and exceptional water-dependent uses that should not be open for public access for reasons of public welfare and safety.

A. Adverse impacts on natural resources should be avoided, including, but not limited to:

1. Deterioration of water quality.
2. Loss, fragmentation and impairment of habitats and wetlands.
3. Changes to the natural processes that would increase shoreline flooding and erosion.

- B. Special consideration should be given to protecting mature trees, unique forest cover types and significant wildlife habitats.
  - C. Establish a continuous greenway system that will include a generous area of public access, that is sufficiently wide enough to include a pathway for pedestrian and bicycles along the water's edge. This is particularly important in Sub-Areas 3 and 4.
  - D. The expansion of infrastructure into undeveloped areas should be avoided where such expansion would promote growth and development that would be detrimental to important natural resources, or in any way impact or reduce opportunities for public recreation.
- 1.4. Minimize the potential adverse environmental, land use or economic impacts of development and redevelopment, through zoning revisions, enforcement and other appropriate measures.

To enhance community character and maintain the quality of the natural and man-made environment along the waterfront, the potential adverse impacts of development or redevelopment on existing land uses, natural resources, and economic conditions should be properly assessed and mitigated. Development and site design requirements should necessitate the recognition of existing site characteristics, limit the disturbance of important natural resources, and foster visual and physical compatibility with surrounding areas and uses.

Cumulative and secondary adverse impacts from development and redevelopment should be properly assessed and minimized. Cumulative impacts are the result of the incremental or increased impact of repetitive actions or activities when added to other past, present, or future actions or activities. Secondary impacts are those that are foreseeable, but occur at a later time or at a greater distance from the action, and are caused by an action or activity, whether directly or indirectly.

The Niagara Street/Tonawanda Street corridor has traditionally been an area mixed with industrial and commercial land uses. Light industrial and commercial uses should be continued along this corridor, with emphasis on the need to revitalize the area and protect the stable residential uses situated further inland. This area should be designed to better accommodate traffic flow, particularly truck traffic, from the Peace Bridge Plaza area to the north, drawing it away from the adjacent residential neighborhoods. The proper alignment of the redeveloped Peace Bridge Plaza can help to achieve this objective. The redevelopment of the Peace Bridge Plaza, which is a key node in the waterfront transportation system, should be aimed at improving overall traffic flow between the U.S. and Canada, as well as enhancing shared-border management, establishing the

area as a gateway for the City and region, and improving the connections between the surrounding parkland and nearby residential neighborhoods. This area also hosts the Riverwalk, which is a valuable bicycle/pedestrian pathway. The Riverwalk should be effectively incorporated into the redesign of the Peace Bridge Plaza so as to continue and enhance this important recreational asset, and ensure improved connections with surrounding recreation and public access uses.

Redevelopment of the Outer Harbor area should be undertaken in a manner that respects the natural resources in the area, ties in with surrounding recreational land uses, and does not result in adverse environmental or economic impacts to other areas of the waterfront. This area should be redeveloped with a mix of uses that accent and support the downtown core area, and do not create a competitive atmosphere that would strain or damage the growing and successful revitalization efforts occurring in that area. These areas should be designed and developed to function collectively, providing more widespread economic benefits to the City and region.

A. Potential adverse impacts on existing development should be minimized, as follows:

1. Avoid the introduction of discordant features that would detract from the City's waterfront communities when comparing the proposed development with the existing mass, scale and distribution of structures, the intensity of use, architectural style, land use patterns, or other indicators of community character. Prohibit uses or designs that would negatively impact adjacent land uses and the character of the surrounding area.
2. Mitigate the potential adverse impacts of development or redevelopment on existing uses by avoiding the introduction or expansion of conflicting uses, promoting mixed-use development approaches that reduce the potential for conflict, and segregating incompatible uses by providing buffers or using other design measures to reduce conflicts.
3. Avoid the introduction of uses that would result in substantial increases in odors, noise or traffic.
4. Link the waterfront area with upland neighborhoods and communities by providing integrated physical connections between these areas, matching land uses to community needs (particularly as related to demographic characteristics), and limiting further exclusion of the surrounding community from the waterfront.
5. Prevent displacement or impairment of the operation of existing water-dependent uses that area viable and reasonable waterfront uses.

B. Potential adverse economic impacts should be minimized, as follows:

1. Encourage the development of uses that will provide necessary services and enhance the vitality of the surrounding area, thereby enhancing the economic base of the community.
2. Prevent the deterioration of a site and surrounding area, and the proliferation of derelict or dilapidated conditions.
3. Avoid uses that would detract from community character.
4. Prevent the isolation of community resources and people from the waterfront.
5. Promote an appropriate mix of uses to diversify the economic base.
6. Where the expansion of infrastructure or services is necessary, increase existing facility and service capacity and efficiency to foster the concentration of development.
7. Limit the expansion of improvements and services into previously undeveloped areas unless properly planned, community character issues are identified and addressed, and some aspect of public access to the waterfront is included in the site design.

- 1.5 Protect and strengthen the quality of life in waterfront residential areas including Riverside and Black Rock, sections of Front Park and the Seneca Babcock neighborhood.

The stable residential areas in the Buffalo LWRA are an important part of the City's thriving collection of viable waterfront communities. Many of these areas have historic characteristics that relate to the development and redevelopment of the waterfront. New development located in or adjacent to existing residential areas should be compatible with the neighborhood character of these areas. New development can often result in a reduction of informal public access points, which may be of significance to a residential area, thus, emphasizing the need to foster opportunities to provide new, formal public access points for the community. New development should complement the residential area and enhance the vitality of existing activity centers within these waterfront areas. New development should contribute to the prosperity of waterfront neighborhoods or communities, but in a manner that does not impair the character of that particular area. New uses in stable residential areas should be avoided when the use and/or its size and scale will significantly impair neighborhood character or the economic prosperity of the area. Development and redevelopment should be designed and styled so as to blend with and enhance the character and vitality of an area.

Many of the residential neighborhoods situated within the LWRA have been disconnected from the waterfront by the I-190 expressway and other infrastructure that fractures the relationship of these neighborhoods from the Niagara River and Lake Erie. Accessory screening for new construction and redevelopment actions, such as fences and landscaping, should not reduce or eliminate existing means of access or scenic vistas that connect people to the water. Improved or increased access to the waterfront should be developed as a part of new development, in particular commercial, industrial and large-scale residential uses, wherever possible.

- 1.6 Develop and adopt a waterfront transportation plan that addresses local access, as well as access to Canada.

The City of Buffalo waterfront is an important transportation corridor. This area currently supports the I-190 Expressway, the Scajaquada Expressway, the Skyway (NYS Route 5), as well as active railway corridors. As development and redevelopment are proposed along the waterfront, focus should be guided to the transportation needs of new and existing uses, and ways to improve the efficiency of traffic flow and the ease of access to the waterfront.

There is a need to improve access between the Outer Harbor area and downtown Buffalo and other areas of the waterfront. As new development is planned for the Outer Harbor, it should not be cut off from downtown. Nor should development and roadway access be allowed to exist or be developed in a manner that would adversely impact uses in the downtown, thereby stymieing efforts to revitalize the downtown and Erie Canal Harbor areas. Consideration must be given to improvements to Fuhrmann Blvd., Ohio Street, Erie Street and Michigan Avenue, both individually and together, to allow for the efficient flow of traffic, bicyclists and pedestrians between the Outer Harbor, Erie Canal Harbor and the downtown core.

Focus should also be placed on the long-term removal of the Skyway Bridge. This structure was built to its existing level of 100 feet to provide clearance for large shipping vessels that ventured up the Buffalo River. Today, the majority of this industry is gone, along with need for a structure this high. Although it is still important for commercial and recreational vessels to have access to facilities on Kelly Island, the upper reaches of the Buffalo River, and the Buffalo Ship Canal, the bridge crossings could be designed at a scale to accommodate vessel traffic and be compatible with the character of the surrounding development.



A. Areas that should be considered for improvement include the following:

1. Access to the Outer Harbor needs to be improved to provide easier ingress and egress between this area and downtown core area. At present, access is constrained by the one-way directional design of Fuhrmann Blvd. and the limited access of the Skyway, which impacts the use and redevelopment potential of the Outer Harbor area.
2. In considering improvements to Fuhrmann Blvd., focus should be placed on linking this roadway with Erie Street, in the vicinity of Erie Basin Marina, with a bridge connection. Such a connection must lend consideration to the location of the nearby U.S. Coast Guard facility (from a homeland security standpoint) and the Times Beach wildlife preserve (which should not be adversely impacted by potential increases in vehicular traffic).
3. Construction of a downtown harbor at the foot of Main Street as part of a retail and commercial redevelopment effort for the Inner Harbor area of the downtown waterfront. Main Street would be extended over the Buffalo River via a local service bridge that would connect to a proposed waterfront parkway to be constructed by NYSDOT along the Outer Harbor.
4. As an additional means of providing access to the waterfront, develop a roadway connection between the I-190 to Tifft Street. This would help to enable redevelopment of the Outer Harbor, as well as inland areas of LWRP Sub-Areas 3 and 4.
5. Improvements are needed along Ohio Street to improve overall access to the Outer Harbor, and enable a pathway connection for bicycles and pedestrians between the inner harbor, downtown Buffalo and the Outer Harbor.
6. The development of multi-modal facilities should be supported, in close proximity to the waterfront, to improve access to this area from other areas in the region and between various forms of transportation.
7. As development is undertaken along the waterfront, and as roadway improvements are made to improve access to the area, public transportation should be extended and provided to the developed areas, in particular the Inner Harbor, Outer Harbor, Union Ship Canal and the Tifft Nature Preserve.
8. Service levels on the Scajaquada Expressway should be modified to respect the character of the surrounding area, the surrounding land uses, and the fact that this corridor extends directly through the Olmsted-designed Delaware Park.
9. There is a need to improve and increase bike and pedestrian access to the waterfront. Trails/pathways should be included as a part of site design as a means of developing a continuous network of bike and pedestrian pathways along the waterfront. This includes

continuing the Riverwalk through the Inner Harbor area, and connecting it with pathways proposed and existing pathways along the DL&W facility, Ohio Street, the Industrial Heritage Trail and the Buffalo River, Tifft Street, the Small Boat Harbor and Gallagher Beach, the Union Ship Canal, and the Outer Harbor.

10. As a long-term goal, remove the Skyway bridge overpass and bring Route 5 down to a level that is in concert with surrounding development.
11. An additional long-term goal, relocate the I-190 Expressway away from the waterfront.

1.7 Lend focus to the waterfront as an International Gateway.

The City of Buffalo waterfront is directly linked to Canada via the Peace Bridge crossing. Thus, the waterfront area functions as an international gateway between the U.S. and Canada. Development and redevelopment decisions should build upon this asset and opportunity. Efforts to improve cross border commerce and other such activities should be encouraged, and the following factors should be considered:

- A. The Niagara Street/Tonawanda Street corridor, the Outer Harbor area, and inland areas of LWRP Sub-areas 3 and 4 provide opportunities for the development of commercial and light industrial uses to foster transshipment uses and strengthen the international linkage with Canada. The Tonawanda Street corridor in Sub-Area 1 and the rail yards in the vicinity of Tifft Nature Preserve in Sub-Area 4 are excellent locations for commercial centers for the off-loading and exchange of freight and bulk goods. Better linkages and coordination with other forms of transportation, including rail service and surface water transshipment, is needed to capitalize on the large volume of trucks and goods being brought into the U.S. from Canada over the Peace Bridge and International Railroad Bridge. At present, many of these vehicles, particularly trucks, move over the bridge and out of the area to other destinations.
- B. The economic vitality of existing border-dependent uses should be supported and protected.
  1. The development of border-dependent uses should be undertaken with respect to the character of the surrounding community and in compliance with the above stated sub-policies.
  2. Redevelopment of the Peace Bridge Plaza, which is a strategic transportation node, should be designed and undertaken to improve access to Canada and support the development of use, such as transshipment areas, that will capitalize on this area as a gateway.

3. Establishing a connection between the City of Buffalo greenway system and the Niagara River Parkway system in Ontario, Canada.
4. Cross-border multi-modal transportation should be protected and supported.

1.8 Promote the reclamation and reuse of brownfields.

One of the land use challenges along the waterfront, particularly in Sub-Areas 3 and 4, is brownfields - the remnants of former industrial uses that sit abandoned and underutilized. There are considerable a number of brownfield properties along the waterfront that hold potential for revitalization and effective reuse. Many of these properties could be reused for waterfront commercial, light manufacturing, maritime or certain water-related recreational uses. There are other brownfield sites that have potential for reuse, but would not be suitable for residential or active recreational use due to the extent of contamination and the extraordinary costs required for remediation. Efforts to reuse and revitalize brownfields should focus on:

- A. Identifying brownfield sites and determining their potential for reuse.
- B. Assessing the level of remediation required to enable the effective reuse of these sites.
- C. Developing plans for remediation and the realistic reuse of these properties.
- D. Providing support and assistance, as feasible, to enable brownfield redevelopment.

## **POLICY 2**

### **Preserve historic resources**

Historic structures and archaeological sites are tangible links to the past development of a community, affecting both its cultural and economic life, and provide a connection to past generations and events. The grain elevators, lighthouses, the Buffalo and Erie County Historical Museum, the commercial slip in the Inner Harbor, the Naval Museum, the DL&W depot and Olmsted Parks, among other sites, are important components in defining the Buffalo waterfront's distinctive identity and heritage (see Section F. and Map 2-9 in the Inventory and Analysis). In a broader sense, these resources, taken together, continue to shape the waterfront culture of our region.

The intent of this policy is to preserve the historic and archaeological resources of the Buffalo waterfront. Concern extends not only to the specific site or resource but also with the area around specific sites or resources. The quality of adjacent areas is often critical to maintaining the quality and value of the resource. Effective preservation of historic resources must include active efforts, when appropriate, to restore or revitalize these resources. While this Local Waterfront Revitalization Program addresses all such resources within the waterfront area, it actively promotes preservation of historic, archaeological and cultural resources that have a distinct waterfront relationship or are tied to the City's long maritime heritage.

This policy is divided into three sub-policies. The first sub-policy addresses the protection of historic resources and presents standards to prevent or minimize loss of these resources. Sub-policy 2 provides standards to protect archaeological resources. The final sub-policy deals with resources that are of importance to the maritime heritage of the lighthouses, shipwrecks and traditional centers of maritime activity along the Niagara and Buffalo Rivers and Lake Erie.

### **Policy Standards**

#### **2.1 Maximize preservation and retention of historic resources**

These standards are derived from and explain the U.S. Secretary of the Interior's Standards for Identification, Restoration, and Rehabilitation of historic resources. Consult the Secretary of the Interior's standards or the New York State Office of Parks, Recreation or Historic Preservation (NYSOPRHP) for additional detail on specific aspects of historic preservation. Also consult the

archaeological/historical Geographic Information System (GIS) mapping prepared by the NYSOPRHP pursuant to the NYS Historic Preservation Act.

A. Historic resources are those structures, landscapes, districts, areas or sites, or underwater structures or artifacts that are listed or designated as follows:

1. Any historic resource in a federal or state park established, solely or in part, in order to protect and preserve the resource.
2. Any resource on, nominated to be on, or determined eligible to be on the National or State Register of Historic Places.
3. Any cultural resource managed by the New York State Nature and Historic Preserve Trust or the New York State Natural Heritage Trust.
4. Any archaeological resource that is listed on the inventories of archaeological sites maintained by the New York State Department of Education or the Office of Parks, Recreation, and Historic Preservation.
5. Any resource which is a significant component of an Urban Cultural Park.
6. Any locally designated historic or archaeological resources protected by a local law or ordinance.

B. Identify those elements important in defining the character and value of a historic resource, including Buffalo River grain elevators, sites associated with the Underground Railroad and the Erie Canal, and other locally significant resources.

1. This section presents standards to assist in defining the specific elements that make up the historic character of the resource, once a resource has been identified as being historic.
2. Use designation information, available documentation, and original research to identify important character-defining elements of the historic resource in terms of its:
  - a. time, place, and use;
  - b. materials, features, spaces and spatial relationships;
  - c. setting within its physical surroundings and the community; and
  - d. association with historic events, people, or groups.
3. Determine the value of the historic resource as indicated by:
  - a. its membership within a group of related resources which would be adversely impacted by the loss of any one of the group of resources,

- b. the rarity of the resource in terms of the quality of its historic elements or in the significance of it as an example, or
  - c. the significance of events, people, or groups associated with the resource.
- C. Preserve and retain the historic character-defining elements of the resource. Use the following standards to achieve the least degree of change.

These standards should be applied as much as possible to achieve complete preservation and retention of the resource. Passive approaches are often insufficient to achieve needed preservation; an active commitment to preservation is necessary.

1. Protect and maintain historic materials and features according to the following approach:
  - a. evaluate the physical condition of important materials and features,
  - b. stabilize materials and features to prevent further deterioration,
  - c. protect important materials and features from inadvertent or deliberate removal or damage, and
  - d. ensure the protection of historic elements through a program of non-intrusive maintenance of important materials and features.
2. Repair historic materials and features according to recognized preservation methods when their physical condition warrants.
3. When a historic feature is missing or the level of deterioration or damage precludes maintenance or repair:
  - a. Limit the replacement of extensively deteriorated features or missing parts to the minimum degree necessary to maintain the historic character of the resource.
  - b. Maintain historic character where a deteriorated or damaged feature is replaced in its entirety. In replacing features, the historic character of the resource can be best maintained by replacing parts with the same kind of material. Substitute materials may be suitable if replacement in kind is not technically or economically feasible and the form, design and material convey the visual appearance of the remaining parts of the feature.
  - c. When re-establishing a missing feature, ensure that the new feature is consistent with the historic elements of the resource. If adequate historical, pictorial and physical documentation exists so that the feature may be accurately reproduced, use available documentation to design and construct a new feature. If adequate documentation does not exist, design and construct a new feature that is compatible with the remaining



features of the resource. The new design should be based on research, pictorial and other evidence so that a true historical appearance is created.

D. Provide for efficient, compatible use of the historic resource.

A valid approach to preserving historic resources is to provide for on-going, compatible use of that resource.

1. Foster uses that maximize retention of the historic character of the resource:
  - a. Maximum retention of historic character is best achieved by using the resource as it was historically used.
  - b. If the resource cannot be used as it was historically used, adapt a use to the historic resource that maximizes retention of character-defining materials and features.
2. Minimize alterations to the resource to preserve and retain its historic character.
  - a. Minimize potential negative impacts on the resource's historic character due to necessary updates in systems to meet health and safety code requirements or to conserve energy.
  - b. Make alterations to the resource only as needed to ensure its continued use and provided that adverse impact on the resource is minimized. Alterations should not obscure, destroy, or radically change character-defining spaces, materials, features, or finishes in order to minimize adverse impact on the resource. Alterations may include selective removal of features that are not historic elements of the resource and its setting and that detract from the overall historic character of the resource.
  - c. Construct new additions only after it is determined that an exterior addition is the only viable means of assuring continued use of the resource.
  - d. In constructing new additions, use appropriate design and construction to minimize adverse impact on the resource's historic character. Adverse impact can be minimized in new additions by: clearly differentiating from historic materials and features; using design compatible with the historic materials, forms and details, size, scale and proportion, and massing of the resource to protect the integrity of the resource and its setting. In addition, new additions should be designed such that, if removed in the future, the essential form and integrity of the historic resource and its setting would not be impaired.

E. Minimize loss of historic resources or the historic character of the resources of the waterfront area when it is not possible to completely preserve and retain the resource.

1. Relocate an historic resource when it cannot be preserved in place and:
  - a. the resource is imperiled:
    - [1] directly by a proposed activity which has no viable alternative which would not result in adverse effects on the resource, or
    - [2] indirectly by surrounding conditions which are likely to result in degradation or inadequate maintenance of the resource,
  - b. the resource cannot be adapted for use on the existing site which would result in preservation of the resource,
  - c. a suitable site for relocation is available, and
  - d. it is technically and economically feasible to move the resource.
2. Allow for demolition of the resource only when:
  - a. it is not feasible to protect the resource through relocation,
  - b. the resource has been officially certified as being imminently dangerous to life or public health, or
  - c. the resource cannot be adapted for any use on the existing site or on any new site.
3. Document in detail the character-defining elements of the historic resource in its original context prior to relocation or demolition of the resource.

F. Avoid potential adverse impacts of development on adjacent or nearby historic resources.

1. Protect historic resources by ensuring that development is compatible with the historic character of the affected resource.
2. Design development to a size, scale, proportion, mass, and with a spatial relationship compatible with the historic resource.
3. Design development using materials, features, forms, details, textures, and colors compatible with similar features of the historic resource.

G. Limit adverse cumulative impacts on historic resources.

1. Minimize the potential adverse cumulative impact on a historic resource that is a member of a group of related resources that may be adversely impacted by the loss or diminution of any one of the members of the group.

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2. Minimize the potential cumulative impacts of a series of otherwise minor changes on a historic resource.
  3. Minimize potential cumulative impacts from development adjacent to the historic resource.
- 2.2 Protect and preserve archaeological resources in the vicinity of the inner harbor, along the Buffalo River and in other areas of the waterfront
- A. Conduct a cultural resource investigation when an action is proposed on an archaeological site or in an area identified for potential archaeological sensitivity on the archaeological resources inventory maps prepared by the New York State Office of Parks, Recreation and Historic Preservation.
    1. Conduct a site survey to determine the presence or absence of cultural resources in the project's potential impact area.
    2. If cultural resources are discovered as a result of the initial survey, conduct a detailed evaluation of the cultural resource to provide adequate data to allow a determination of the resource's archaeological significance.
  - B. If impacts are anticipated on a significant archaeological resource, minimize potential adverse impacts by:
    1. Redesigning the project,
    2. Reducing direct impacts on the resource, and
    3. Recovering data prior to construction.
  - C. Avoid disturbance or adverse effects on any object of archaeological or paleontological interest situated on or under lands owned by the State of New York. These resources may not be appropriated for private use.
- 2.3 Protect and enhance resources that are significant to the waterfront culture
- A. Buffalo Harbor has a long, industrial and maritime heritage. The remnants of this heritage remain in the form of large grain elevators that are situated along the banks of the Buffalo River and in the Outer Harbor area. Grain elevators that have been designated as historic resources,

or determined to be historically significant, should be protected and preserved as an important part of Buffalo's industrial past.

- B. The Buffalo River should be recognized as an important historic resource as well as a part of the Buffalo Harbor system.
- C. The Erie Canal is another element of Buffalo prosperous and industrious past. The remnants of this historic resource, in particular the Commercial Slip, should be recognized and promoted as an important part of Buffalo's maritime history. Efforts for the redevelopment of the inner harbor should include cultural resources that celebrate the history of the Erie Canal and its impact on the Buffalo waterfront.
- D. The Buffalo waterfront is a recognized site for those who utilized the Underground Railroad during the Civil War era. There are a number of sites along the waterfront that are recognized as a part of this history. These sites, including the sites in Broderick Park and along the Buffalo River, should be protected and preserved and their history promoted for public benefit.
- E. The various historic and cultural sites and resources along the Buffalo waterfront should be better promoted for public appreciation. More and improved interpretive signage, public kiosks and other such features should be utilized along waterfront trails, in waterfront parks and at other prominent locations to better inform the public of these important resources.

#### 2.4 Protect and promote historic shipwrecks in the waters off the Buffalo waterfront

Many shipwrecks that possess historic, archaeological, biological or recreational value have been impacted by salvagers, speculators and divers. Numerous historic and modern-day shipwrecks lie in offshore waters of Lake Erie. While the location of many of these ships is documented, more research remains to be done to identify and protect these resources as significant components of the waterfront culture of the region. Historic shipwrecks are those wrecks, which, by reason of their antiquity or their historic, architectural, archaeological, or cultural value, have local, state or national importance (some of which may be eligible for inclusion on the State or National Register of Historic Places). New York State holds title to all shipwrecks determined to be abandoned under the Abandoned Shipwrecks Act of 1987, which are located within the territorial waters of the State or on State-owned underwater lands within three miles of the shoreline.

- A. Provide for the long-term protection of shipwrecks through the least degree of change. The least degree of change can be achieved by preserving historic and other shipwrecks in place. When preservation is not feasible, shipwrecks or their artifacts that are deemed to be of historic value should be recorded and, where feasible, recovered.
- B. Manage shipwrecks to provide for public appreciation, use and benefit.  
The nature of public use and benefits associated with shipwrecks is very diverse. Sport divers should have reasonable access to explore shipwrecks. Additional public appreciation and enjoyment of shipwrecks can be achieved through interpretive access that describes the history and value of the resource. Archaeological research on historic shipwrecks is particularly important where research can be reasonably expected to yield information important to understanding the past.
- C. Avoid disturbance to shipwrecks unless the shipwreck poses a navigation hazard or would impede efforts to restore natural resource values.
- D. Prevent unauthorized collection of shipwreck artifacts and associated direct or cumulative impacts.
- E. Maintain the natural resource values that are associated with shipwreck sites, which may be sensitive to disturbance.

2.5 Preserve and enhance historic lighthouses and other navigational structures situated in the Buffalo Harbor

Historic lighthouses and other navigation aids are significant to the waterfront culture of the region.

- A. Promote the historic heritage of the Buffalo Harbor lighthouses through public education, interpretive signage and other methods along the waterfront.
- B. Provide for the long-term protection of historic lighthouses and navigation aids listed or eligible to be listed in the National or State Register of Historic Places through the least degree of change.

- C. Protect historic lighthouses from erosion hazards.
- D. Relocate historic lighthouses that are imperiled by flooding or erosion hazards and cannot be managed by appropriate structural methods. Imperiled lighthouses should be relocated to adjacent sites whenever feasible, as determined by economics and engineering constraints. In relocating a lighthouse, particular attention should be given to preserving the original context and function of the lighthouse. In addition, any decision to relocate a lighthouse should provide for a sufficient period of protection to warrant the expenditure of funds for relocation.



## **POLICY 3**

### **Enhance visual quality and protect outstanding scenic resources**

Waterfront landscapes possess inherent scenic qualities. The presence of water and ever-changing expansive views, the ephemeral effects of wildlife and atmospheric changes and the visually interesting working landscape draw people to the water's edge. Because of its importance, scenic quality should be considered in balancing wise land use and development with the conservation of waterfront resources.

Although the Buffalo waterfront has been visually impacted through the construction of an interstate highway that stretches along the shore, as well as the remnants of the City's industrial past, the waterfront is host to a number of natural and man-made scenic features (see Section G. in the Inventory and Analysis). The New York Seaway Trail, which is a designated National Scenic By-way, extends along Niagara Street and along NYS Route 5, from one end of the City to the other. The New York Seaway Trail is a 454-mile scenic route that parallels Lake Erie and the Niagara River, Lake Ontario and the St. Lawrence Seaway. It is the only National Scenic By-way in New York State. National Scenic By-ways are areas that possess outstanding qualities that exemplify the regional characteristics of our nation. Having the Buffalo waterfront as a part of this is an honor that should not be wasted. This should be recognized and respected, and efforts should be taken to improve the visual quality of the waterfront to reflect the significance of designation.

The Buffalo waterfront is also home to a large number of recreational resources designed by Frederick Law Olmsted, who is regarded as the greatest American Landscape Architect. Views from, within and of the Olmsted parks are notable and warrant protection and enhancement.

The waterfront contains historic resources and water features that offer unique viewing experiences throughout the year. Whether viewing the sweeping shoreline of Canada, the flows of ice along the Niagara River during the early spring, vessels docked at the Erie Basin Marina, the picturesque features around Delaware Park, or the towering grain elevators along the Buffalo River, the visual opportunities along the Buffalo waterfront are diverse and plentiful. There is, however, room for improvement and a need to be vigilant to protect the visual resources that exist. As the waterfront undergoes change, and as underutilized properties redevelop, care should be taken to not only preserve existing scenic vistas and visual resources, but also to provide new resources and additional opportunities for scenic viewing.

## Policy Standards

### 3.1. Protect and improve visual quality throughout the local waterfront revitalization area

#### A. Urban areas and historic waterfront communities

The visual quality of waterfront development is an important component in the character of waterfront communities. Water-dependent uses often include activities, infrastructure and changes to the landscape that add visual interest. Some of these uses, such as docks or marinas, possess special visual character and contribute to the visual quality of the waterfront, whether it's nautical appeal of a high concentration of boats or the movement of a single ship across the water's surface. Other uses include elements that may not in themselves be considered scenic, yet contribute interest to the existing landscape, such as the grain elevators along the Buffalo River corridor or the breakwaters that skirt the Outer Harbor.

The following activities generally have a visual impact on the waterfront and should be considered with respect to design quality and interest:

1. Transportation infrastructure and operations;
2. Commercial shipping as transitory scenic elements;
3. Commercial fishing operations, particularly as an integral contributor to working waterfronts;
4. Major structures that are recognized advancements or achievements in architecture or engineering;
5. Lighthouses and other navigation aids, piers and bridges;
6. Natural resources, wetlands, concentrations of fish or wildlife; and
7. Important open space including vegetated upland areas, expanses of surface water and shorelines in their natural condition.

Many of these elements are significant to the waterfront culture and/or contribute to scenic quality, and should be preserved and protected whenever possible. The following measures are useful in protecting and improving scenic resources and important vistas:

1. Maintain or restore original landforms, except where altered landforms provide useful screening or contribute to scenic quality.

2. Avoid structures or activities that introduce visual interruptions to natural landscapes including:
    - a. the introduction of intrusive artificial light sources,
    - b. fragmentation of, and structural intrusion into, open space areas, and
    - c. changes to the continuity and configuration of natural shorelines and associated vegetation.
  3. Incorporate public access as a part of new development to ensure opportunities to continue important viewing opportunities.
  4. Incorporate existing resources into site design, to the greatest extent possible, to preserve and enhance existing view and visual resources.
  5. Further develop and maintain a greenway system throughout the waterfront.
- B. Ensure that improvements, as a part of the redevelopment of the Peace Bridge Plaza, provide opportunities for scenic viewing and improve and enhance the scenic quality of the area.
- C. Enforce building height restrictions in the vicinity of downtown Buffalo, for new development at the inner and Outer Harbors, and along other areas of the waterfront to protect public viewsheds.
- D. Restrict the usage of billboard signage along the waterfront.
- E. Design public transportation facilities and infrastructure, including highway on and off ramps and overhead signage (all vertical elements) so as not to interfere with vistas of the waterfront.
- 3.2. Identify and protect aesthetic values associated with recognized areas of high scenic quality

Recognized areas of high scenic quality include: designated Scenic Areas of Statewide Significance, designated scenic rivers, scenic roads, scenic by-ways and other governmentally-recognized scenic resource areas; and areas designated under the Protection of Natural and Man-made Beauty regulations (ECL Article 49). A scenic by-way is a transportation route and adjacent area of particular scenic, recreational, cultural or archaeological characteristics that is managed to protect such characteristics and to encourage economic development through tourism and recreation.

A. Niagara Street and NYS Route 5 are designated sections of the NYS Seaway Trail, which is designated as a National Scenic By-way. Several important historic, cultural and recreational resources are located along this corridor including, Broderick Park (an Underground Railroad site), numerous historic industrial buildings, an historic water authority facility, marinas, the Tifft Nature Preserve and the Union and Buffalo Ship Canals. In addition, there are many sections of these roadways that offer excellent views of Lake Erie and the Niagara and Buffalo Rivers, as well as downtown Buffalo. In recognition of this designation and these resources, the following should be considered:

1. Efforts should be taken to improve views of the Lake Erie and Niagara River, where practicable, from these roadways.
2. Redevelopment, along the shoreline, that is situated adjacent to these roadways should not block views of the waterfront.
3. Redevelopment along the shoreline that is situated adjacent to these roadways should be designed and oriented to enhance scenic vistas and the scenic quality of the surrounding area.
4. All signage installed along these roadways must be in conformance with 23 U.S. C. 131(c), which regulates billboards along designated scenic by-ways under the State's Scenic By-way program. (This prohibition also applies to scenic by-ways designated under the National program.)

### 3.3 Protect the aesthetic quality of locally recognized scenic areas

Local areas of recognized scenic quality include views of Lake Erie and Niagara River from Riverside Park, the Erie Basin Marina, Broderick Park, LaSalle Park and Front Park and the Outer Harbor area. Other areas possessing local scenic quality include portions of the Scajaquada Creek and Buffalo River corridors. Development and land use decisions in these areas should take into consideration the scenic value of these locations and their surrounding resources.

- A. Efforts should be taken to improve views of the Lake Erie and Niagara River, where practicable, from these areas.
- B. Redevelopment along the shoreline that is situated adjacent to these areas should not block views of the area(s) or the waterfront.

- C. Redevelopment along the shoreline that is situated adjacent to these areas should be designed and oriented to enhance scenic vistas and the scenic quality of the surrounding area.
- D. The greenway system network should be improved, expanded and linked to these scenic resources.
- E. Efforts should be undertaken to support and promote the Industrial Heritage Trail, which will provide visual access to the resources along the Buffalo River.

#### 3.4 Protect and enhance the visual quality of the City of Buffalo Waterfront

The waterfront offers a special visual ambience that should be preserved and enhanced. The waterfront landscape is a major contributor to the character of the surrounding community and the region. The waterfront includes numerous cultural, recreation, tourism and scenic resources that should be enjoyed in a visual manner, as well as physically.

- A. Every effort should be taken to ensure that redevelopment in the waterfront area and along the water's edge is undertaken in a manner that improves and enhances the visual experience. Every effort should be made to limit the obstruction of views.
- B. Structures and activities that introduce visual interruptions to the landscape, including the introduction of artificial light, should be avoided.
- C. Redevelopment efforts should be aimed at improving the attractiveness of the waterfront, making it a more inviting environment and location for tourism and economic activity.
- D. Link waterfront community through design elements, such as signage and landscaping. Historic building elements should be protected wherever possible to preserve the visual character.
- E. Distinguish waterfront development focus areas through design elements, such as color and building materials.

## **B. NATURAL WATERFRONT POLICIES**

### **POLICY 4**

#### **Minimize loss of life, structures, and natural resources from flooding and erosion**

This policy seeks to protect life, structures, and natural resources from flooding and erosion hazards throughout the waterfront area. The policy reflects state flooding and erosion regulations and provides measures for the reduction of hazards and protection of resources. In the Buffalo LWRA, many of the surface water bodies are surrounded by 100-year floodplains, particularly in Sub-Areas 3 and 4 (see Section L. and Maps 2-5 and 2-12 in the Inventory and Analysis). There are no designated coastal erosion hazard areas along the Buffalo waterfront.

A large area of the Buffalo waterfront faces the open waters of Lake Erie. This area is subject to the ferocity of wave action from winter storms and high winds. For this reason, the Outer Harbor area is protected by large breakwater structures, as noted below. It is important that these structures be maintained to ensure maximum protection for shoreline development. In addition, as unutilized areas of the Outer Harbor are developed, and public access is provided along the shoreline, adequate shoreline protection should be provided to protect public investments to this area.

To manage flooding impacts in the Buffalo LWRA, the City adopted a Flood Damage Prevention Ordinance - Chapter 189 of the City Code, (see Appendix E.) in 1981. Chapter 189 regulates land use and development that occurs within the 100-year floodplain and floodway. Any filling of land in the floodway along the Buffalo River is prohibited. In addition to Chapter 189, the City has also adopted a 100-foot setback along the Buffalo River to provide public access and open space, and keep development out of the floodplain. Although the City generally suffers no major flooding problems, an area along Cazenovia Creek, in Sub-Area 3, typically experiences flooding episodes each spring.

Erosion control structures in the LWRA include the Bird Island Pier, Donnelly's Wall, the North Light Breakwater, the West Breakwater, the Outer Harbor Breakwater and numerous seawalls and areas of bulkheading. There are no major docks or jetties along the shoreline. Increased erosion, aesthetic impairments, loss of public recreational resources, loss of habitats, and water quality degradation can result from individual hardening of the shoreline. The cumulative impact of these structures can be potentially large. Therefore, before a permit is granted to allow construction of hard erosion control structures, the purpose, function, impact, and alternatives to the project need to be carefully evaluated to determine that the structures are necessary and to avoid adverse impacts that may result from the installation of these structures.

Although some sections of the Buffalo waterfront have been hardened to protect against erosion, there are certain stretches, particularly along the Buffalo River and the Outer Harbor peninsula, that remain in a natural state. The natural shoreline has an inherent social and economic value that should be respected to ensure continuing benefits to the public and the state. Those portions of the shoreline that are not fortified should generally remain in a natural condition to respond to coastal processes. Where feasible and appropriate, portions of the shoreline that have been hardened should be returned to a natural condition.

The following policy standards are divided into four sub-policies to better address issues related to flooding and erosion in the Buffalo LWRA. Sub-policy 1 presents standards directed at the protection of life and property, including measures for minimizing losses from flooding and erosion, ranging from avoidance to hard structural approaches. Sub-policy 2 addresses protection of public lands or public trust lands. Measures for protecting water-dependent uses and managing navigation are provided in Sub-policy 3. Sub-policy 4 establishes conditions for the expenditure of public funds for management of flood and erosion hazards contingent on public benefit.

## **Policy Standards**

### **4.1 Minimize the loss of human life and structures from flooding and erosion hazards**

- A. Continue the application of the City of Buffalo Flood Damage Prevention Law.
- B. Consider the development of a Citywide erosion management strategy, with particular emphasis on the Outer Harbor and Squaw Island.
- C. Develop and implement a Buffalo River watershed flood management strategy with the following measures, which are presented in order of priority:
  - 1. Minimize loss of human life and property damage by locating structures and other development away from flooding hazards,
  - 2. Use vegetative non-structural measures that have a reasonable probability of managing flooding based on shoreline characteristics including exposure, and
  - 3. Preserve and restore vegetative buffers and other natural protective features along the river and tributary creek corridors to minimize flooding.



- D. Maintain existing flood control structures along the Niagara River and Lake Erie to protect the inner and Outer Harbor areas.
- E. Develop sediment and erosion control guidelines for the Buffalo River and Scajaquada Creek watersheds to improve water quality and minimize the need for dredging and associated disposal costs. Coordinate this effort with adjoining communities that lie within the river and creek watersheds, in an effort to manage impacts resulting from actions undertaken in these areas.
- F. Minimize potential loss and damage by locating development and structures away from flooding hazards.
  - 1. Avoid developing new structures and uses, or reconstructing structures damaged by 50 percent or more of their value, in areas that are likely to be exposed to hazards unless:
    - a. the structure or use functionally requires a location along the shoreline or in coastal waters,
    - b. the new development would be located in an area of substantial public investment, or
    - c. the new structure or use is necessary for shoreline development that:
      - reinforces or revitalizes areas along the waterfront that support important water-dependent uses or a concentration of mixed uses and other development (such as the inner harbor area), and would not result in impairment of natural resources.
  - 2. Locate new structures that are not functionally dependent on a location on or in coastal waters, are not in areas of substantial public investment, or do not reinforce the role of a developed working waterfront, as far away from flooding and erosion hazards as possible.
    - a. No development is permitted in natural protective feature areas (nearshore, beaches, and wetlands as defined under 6 NYCRR Part 505), except as specifically allowed under the relevant portions of 6 NYCRR 505.8.
  - 3. Where practical, the relocation of existing structures and development that are exposed to flooding hazards away from the hazard is preferred over maintaining structures and development in place. Maintaining existing development and structures in hazard areas may be warranted for:
    - a. structures that functionally require a location on the coast or in coastal waters,
    - b. water-dependent uses which, by the nature of the use, cannot avoid exposure to hazards, or

- c. sites in areas with extensive public investment, public infrastructure, or major public facilities.
  - 4. Provide public infrastructure in or near identified natural protective features only if the infrastructure:
    - a. is designed in a manner that will not impair the protective capacities of natural protective features, and
    - b. is designed to avoid or withstand damage from flooding and erosion.
- G. Use vegetative non-structural measures that have a reasonable probability of managing flooding and erosion based on shoreline characteristics including exposure, geometry, and sediment composition. Use vegetative measures to increase protective capacities of natural protective features at every opportunity.
- H. Use hard structural erosion protection measures for control of erosion only where:
  - 1. Avoidance of the hazard is not appropriate because a structure is:
    - a. functionally dependent on a location on or in coastal waters,
    - b. located in an area of extensive public investment, or
    - c. reinforces the role of the working waterfront or areas of concentrated development.
  - 2. Vegetative approaches to controlling erosion are not effective.
  - 3. Construction of a hard structure is the only practical design consideration and is essential to protecting the principal use.
  - 4. The proposed hard structural erosion protection measures are limited to the minimum scale necessary, and based on sound engineering practices.
  - 5. Practical vegetative methods have been included in the project design and implementation.
  - 6. Adequate mitigation is provided and maintained to ensure that there is no adverse impact to adjacent property or to natural coastal processes and natural resources and, if undertaken by a private property owner, does not incur significant direct or indirect public costs.
- I. Employ bioengineered shoreline protection as an option to the use of standard shoreline hardening measures. Hardening structures should be removed and replaced with bioengineered or "softening" techniques, where feasible, to create more productive fish and wildlife habitat and improve aesthetic quality and opportunities for recreation.
- J. Minimize the potential for erosion impacts from new or existing marinas on surrounding natural shorelines.

- 4.2 Protect public lands and public trust lands and the use of these lands when undertaking all erosion or flood control projects
  - A. Retain ownership of public trust lands that have become upland areas due to fill or accretion resulting from erosion control projects.
  - B. Avoid losses or likely losses of public trust lands or use of these lands, including public access along the shore, which can be reasonably attributed to or anticipated to result from erosion protection structures.
  - C. Provide and maintain compensatory mitigation of unavoidable impacts to ensure that there is no adverse impact to adjacent property, to natural resources, or to public trust lands and their use.
- 4.3 Manage navigation infrastructure to limit adverse impacts on coastal processes
  - A. Design channel construction and maintenance to prevent destabilization of adjacent areas by:
    - 1. Using dredging setbacks from established channel edges and designing finished slopes to ensure their stability.
    - 2. Locating channels away from erodible features, where feasible.
    - 3. Preventing adverse alteration of basin hydrology.
    - 4. Manage harbor operations and vessel speeds to prevent shoreline erosion from increased wave activity.
  - B. Encourage the use of structured waterfront access in areas with steep river banks, specifically along the Buffalo River, to prevent shoreline impacts and resultant erosion
- 4.4 Expend public funds for the management or control of flooding or erosion hazards only in areas of the waterfront that will result in a proportionate public benefit

Give priority in the expenditure of public funds to actions that will protect public health and safety, mitigate past flooding and erosion impacts, protect areas of intensive development, and protect substantial public investment (land, infrastructure, facilities).

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- A. Expenditures of public funds for flooding or erosion control projects should be:
  - 1. Limited to those circumstances where public benefits exceed public costs.
  - 2. Prohibited for the exclusive purpose of flooding or erosion protection for private development.
  - 3. Apportioned among each level of participating governmental authority according to the relative public benefit accrued.
  
- B. Factors to be used in determining public benefits attributable to the proposed flood or erosion control measure include the:
  - 1. Economic benefits derived from protection of public infrastructure and investment and protection of water-dependent commerce.
  - 2. Extent of public infrastructure investment.
  - 3. Extent of existing or potential public use.

The application of these factors indicates that public expenditure for erosion and flood control projects may be warranted in developed centers.

## **POLICY 5**

### **Protect and improve water resources**

The purpose of this policy is to protect and enhance the quality and quantity of water resources in the local waterfront revitalization area. Quality considerations include both point and non-point source pollution management. Water quality protection and improvement must be accomplished through a combination of managing new, and mitigating and/or remediating existing, sources of pollution. In certain areas with existing water quality impairments, aggressive remediation measures are needed. In the Buffalo LWRA, protecting water quality in Lake Erie, the Buffalo River and its tributaries (Cazenovia Creek and Buffalo Creek), the Niagara River and Scajaquada Creek is essential to the ecological health of these waterways (see Section I. and Map 2-10 in the Inventory and Analysis).

The City of Buffalo, via the Buffalo Sewer Authority (BSA), operates its own wastewater system. The BSA adheres to and is working toward achieving all State and Federal requirements for wastewater collection, treatment and disposal. The BSA has established sewer use regulations designed to protect the operation of the wastewater treatment plant, prevent inadequately treated pollutants from passing through this plant, preventing the concentration of industrial pollutants in treatment plant sludge to levels that might adversely impact on sludge disposal, and to insure compliance with the National/ State issued discharge system permit. These regulations apply to all direct and indirect contributors of wastes that are discharged into BSA facilities. These regulations provide for approval of plans for sewer construction, managing the quantity and quality of wastes discharged by users and the degree of waste pretreatment required, the issuance of permits for industrial wastewater discharges, the requirement of user reporting, the authorization of monitoring and enforcement activities by the authority, and the levying of surcharges and the establishment of a fines and other procedures in cases of violation.

Four sub-policies present the standards for Policy 6. The first Sub-policy deals with direct discharges to surface waters. These standards reflect the State and Buffalo Sewer Authority regulations for point source discharges, treatment of sanitary and industrial wastes, and discharges into local surface waters. Sub-policy 2 presents specific approaches for managing non-point source pollution based on land use or pollution source categories. Sub-policy 3 summarizes existing regulations for the protection of surface water quality. Sub-policy 4 deals with the protection of potable water supplies from contamination and depletion.

## Policy Standards

5.1 Prohibit direct discharges that would cause or contribute to the contravention of water quality standards and targets in local surface waters

A. Prevent point source discharges into Lake Erie, the Niagara River, the Buffalo River and Scajaquada Creek and manage or avoid land and water uses that would:

Exceed applicable effluent limitations, or

1. Exceed discharge limits specified by State Pollution Discharge Elimination System (SPDES) permits for industrial and municipal discharges.
2. Cause or contribute to contravention of water quality classification and use standards.
3. Materially and adversely affect the quality of receiving waters.

B. In an effort to reduce or prevent further compromising of the Buffalo Sewer Authority's existing sewer system, the Authority has adopted specific policies for managing stormwater discharges associated with new development. These policies are aimed at protecting water quality by reducing additional flows through the combined sewer outfalls. The Authority also issues discharge permits to certain industrial users along the waterfront and requires some industries to pre-treat wastes prior to discharge into the system.

Ensure effective treatment of sanitary sewage and industrial discharges by:

1. Maintaining the efficient operation of sewage and industrial treatment facilities.
2. Providing, at a minimum, effective secondary treatment of sanitary sewage.
3. Incorporating treatment beyond secondary, as feasible and where required as a condition of a State or local permit.
4. Reducing demand on treatment facilities by:
  - a. reducing inflow and infiltration of excess water into collection and transport systems,
  - b. eliminating unauthorized collection system hookups,
  - c. pre-treating industrial wastes, as determined necessary by the Buffalo Sewer Authority,
  - d. limiting discharge volumes and pollutant loadings to or below authorized levels, and
  - e. installing low-flow water conservation fixtures in all new development, and when replacing fixtures in existing development.

5. Reducing the loadings of toxic materials into surface waters by including limits on toxic metals as part of wastewater treatment plant effluent permits.
  6. Reducing the number of combined sewer overflows.
  7. Evaluate the generation of stormwater runoff from new development and require the use of retention or detention facilities where deemed necessary by the Buffalo Sewer Authority.
- C. Ensure that all sewer construction and connections are in compliance with Buffalo Sewer Authority regulations.
1. Where a public sanitary or combined sewer is not available, a private sewage disposal system shall be required and shall be installed in accordance with all applicable laws and regulations.
  2. Existing connections to the combined sanitary/storm sewer system will be allowed to function in their present form until such time that separate sanitary and storm water sewers are constructed. Thereafter, all sanitary sewer outlets shall only be connected to sanitary sewers.
  3. Old building sewer lines may be utilized for new buildings only when they are found, upon BSA examination, to meet all requirements of BSA regulations.
  4. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or any other sources of surface runoff or groundwater to a building sewer or building drain that is connected directly or indirectly to a public sanitary sewer.
  5. All joints that connect to a sanitary sewer shall conform to the NYSDEC requirements and shall be made water tight so that no leakage into or out of such connections shall occur.
  6. No industrial user shall discharge, or cause to be discharged, any industrial wastewaters directly or indirectly into sewerage facilities owned by the BSA without the issuance of a Buffalo Pollution Discharge Elimination System (BPDES) permit.
  7. A BPDES may require pretreatment of industrial wastewaters before discharge, restrict peak flow discharges, require the discharge of certain wastewater only to specific sewers, require relocation of points of discharge, prohibit the discharge of certain wastewater components, restrict discharge to certain hours of the day, or contain other such conditions as may be required to effectuate the purpose of BSA regulations.
  8. No person shall discharge industrial wastewaters in excess of the quantity or quality limitations set by a BPDES permit.



9. No person shall discharge or cause to be discharged, either directly or indirectly to any public sewers, any substance or wastewater that could interfere with the operation or performance of BSA facilities. These provisions shall apply to all non-domestic users, whether or not the user is subject to national pretreatment standards or any other national, state or local pretreatment requirements. All substances specifically prohibited from discharge by BSA regulations shall be included under this provision.
  10. Unless otherwise permitted by the BSA, no stormwater connection from any building or yard, or any drain from any catch basin, lake, swamp, pond or swimming pool, nor any outlet for surface runoff, stormwater or groundwater of any kind shall be connected to a public sanitary sewer or to any private sanitary sewer that is connected to a public sewer.
  11. No non-contact cooling water, uncontaminated contact cooling water or unpolluted process water may be discharged to a storm sewer or combined sewer without BSA approval.
  12. No person shall discharge or cause to be discharged into the public sewer system any substance or wastes that exceed the limits established pursuant to BSA regulations.
  13. All requirements for pretreatment and spill control and prevention, as established by the BSA, shall be expressly followed.
  14. All requirements for discharge monitoring, reporting and inspections, as established by the BSA, shall be expressly followed.
  15. All other requirements and regulations, as set forth in the BSA Sewer Use Regulations, shall be complied with to the fullest extent.
- D. In an effort to protect and improve surface water quality, the BSA shall fully enforce and uphold its regulations for use of public sewer facilities.
- E. The recommendations outlined in the Buffalo and Niagara River Remedial Action Plans shall be considered for all environmental mitigations, system upgrades and future developments.
- F. Efforts should be made, as part of the redevelopment of the Inner Harbor, to reduce and remediate the impacts of the Hamburg Drain.
- 5.2 Minimize non-point source pollution of coastal waters and manage activities causing non-point source pollution
- A. Minimize non-point source pollution of coastal waters using the following approaches, which are presented in order of priority.

1. Avoid non-point source pollution by limiting or eliminating non-point sources.
    - a. Reduce or eliminate the introduction of materials that contribute to non-point source pollution.
      - [1] prohibit the outdoor or uncontained storage of materials that may contribute to the pollution of surface and groundwater in the waterfront area.
    - b. Avoid activities that would increase off-site stormwater runoff and transport of pollutants.
    - c. Control and manage stormwater runoff to:
      - [1] minimize transport of pollutants,
      - [2] restore sites to emulate natural stormwater runoff conditions where degraded stormwater runoff conditions exist, and/or
      - [3] achieve no net increase of runoff where unimpaired stormwater runoff conditions exist.
    - d. Preserve natural hydrologic conditions
      - [1] maintain natural surface water flow characteristics.
      - [2] retain natural watercourses and drainage systems where present.
  2. Reduce pollutant loads to surface waters by managing unavoidable non-point sources, and use appropriate best management practices as determined by site characteristics, design standards, operational conditions, and maintenance programs.
- B. Reduce non-point source pollution using specific best management measures appropriate to specific land use or pollution source categories. In addition, efforts should be taken to consider the recommendations of the Buffalo and Niagara River Remedial Action Plans as they apply to non-point source pollution.

*This section presents summary management measures that apply to specific land use or pollution sources. These management measures are to be applied within the context of the prioritized approach of avoidance, reduction, and management as presented in the previous sub-policy section. Further information on specific management measures is contained in Guidance Specifying Management Measures for Sources of Non-point Pollution in Coastal Waters (U.S. EPA, 840-B-92-002).*

1. Urban Land Uses
  - a. For new development, manage total suspended solids in runoff to remain at predevelopment loadings.
  - b. For site development, limit activities that increase erosion or the amount or velocity of stormwater runoff.
  - c. For construction sites, reduce erosion and retain sediments on site, and limit and control use of chemicals and nutrients.
  - d. For developed sites, limit the application of pesticides, herbicides and fertilizer products to reduce the potential for the pollution of stormwater runoff.
  - e. Plan, site, and design roads and highways to manage erosion and sediment loss, and limit disturbance of land and vegetation.
  - f. Plan, site, and design bridges to protect ecosystems.
  - g. For roads, highways, and bridges, minimize, to the greatest extent practical, the runoff of contaminants to surface waters.
2. Marinas
  - a. Site and design marinas such that tides and/or currents will aid in flushing of the marina basin or renew its water regularly.
  - b. Assess impacts on water quality as part of marina siting and design. Do not site new marinas in Class SA waters.
  - c. Manage stormwater runoff, discharge of hazardous substances, and solid waste.
3. Hydro-modifications
  - a. Maintain the physical and chemical characteristics of surface waters, reduce adverse impacts, and, where possible, improve the physical and chemical characteristics of surface waters in channels.
  - b. Minimize the impacts of channelization and channel modification on in-stream and riparian habitat, and identify opportunities to restore habitat.
  - c. Use vegetative means, where possible, to protect stream banks and shorelines from erosion.
4. Floatables and litter
  - a. Avoid all unpermitted direct or indirect discharges of refuse or litter into surface waters or upon public lands contiguous to and within 100 feet of surface waters.
  - b. Limit entry of floatables to surface waters through containment and prevention of litter.
  - c. Remove and dispose of floatables and litter from surface waters and shorelines.

- d. Implement pollution prevention and education programs to reduce discharge of floatables and litter into storm drains.

5.3 Protect and enhance the quality of surface waters in the Buffalo LWRA

- A. Undertake efforts to address the water quality impairments identified on the NYSDEC Priority Waterbodies List.
- B. To the greatest extent feasible, improve water quality based on an evaluation of physical factors (pH, dissolved oxygen, dissolved solids, nutrients, odor, color and turbidity), health factors (pathogens, chemical contaminants, and toxicity), and nuisance factors (oils, floatables, refuse, and suspended solids).
- C. Minimize disturbance of streams, including their bed and banks, in order to prevent erosion of soil, increased turbidity, and irregular variation in velocity, temperature, and level of water.
- D. Protect the water quality of surface waters, canals and wetlands from adverse impacts associated with excavation.
- E. Avoid potential adverse effects on surface water quality due to excavation or placement of fill using appropriate methods to minimize impacts, including reduction in scope of work, utilization of proper sediment and erosion control measures and devices, and use of clean fill.
- F. Utilize, as feasible, street sweeping resources to reduce the amount of pollutants, sediments and litter that enters surface waters through storm drains.
- G. Encourage the use of best management practices to prevent non-point source pollution, including:
  - 1. Limiting the application of fertilizers, herbicides and pesticides, and avoid the use of synthetic fertilizers that contribute nitrates and phosphorus to runoff.
  - 2. Avoiding secondary discharges of pollutants, such as petroleum products to storm drains that discharge directly to surface waters.
  - 3. Properly clean up pet wastes.
  - 4. Controlling litter.

- H. Continue and improve monitoring activities in surface waters in the LWRA, as per NYSDEC requirements and in acknowledgement of the recommendations set forth in the Buffalo and Niagara River Remedial Action Plans.
  - I. Efforts should be made to continue the Buffalo River Improvement Corporation (BRIC) to ensure that the quality and flow of the Buffalo River is protected. Changes in the status of the BRIC should be monitored and managed as required to continue the established mitigation, as required.
- 5.4 Minimize the impacts of commercial and recreational boating activities on the water quality, the aquatic environment and surrounding land and water uses.
- A. Provide measures to prevent spillage of petroleum products at marina fueling stations and measures for the efficient and effective cleanup of spills.
  - B. Minimize runoff from boatyards and service areas to prevent petroleum products, paints, solvents and other substances utilized in marine commercial activities that are harmful to the environment from entering surface waters and impacting the aquatic environment.
  - C. Limit the discharge of vessels wastes into surface waters by providing adequate pumpout facilities and encouraging their use.
- 5.5 Protect and conserve the quality and quantity of potable water
- A. Prevent contamination of potable water supplies by limiting discharges of pollutants to maintain water quality according to water quality classifications, and by limiting land use practices that are likely to contribute to the contravention of surface and groundwater quality classifications for potable water supplies.
  - B. In accordance with Article III of Chapter 491 – Water and Water Pollution of the Buffalo Code, the following is prohibited:
    - 1. Running or placing into a water pipe any vegetable, mineral or other deleterious substances, or undertake any act that will impact the purity of any water used as a drink in any part of the City of Buffalo.

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2. Dumping, throwing or depositing into any stream or natural watercourse any dirt, refuse, rubbish or material of any kind, except with the permission of the Commissioner of Water. Such permission shall not be granted unless in connection with or aid of a public improvement or under circumstances where it can be done without impairing the quality or impeding or diverting the flow of water.
  3. Washing or permitting the washing of any motor vehicle in public waters within the City or abutting the boundary lines of the City.
- 5.5 Support efforts to develop a common system for the management of the use, withdrawal and diversion of water from the Great Lakes basin.

## **POLICY 6**

### **Protect and restore ecological resources, including significant fish and wildlife habitats, wetlands, and rare ecological communities**

There are certain natural resources in the City of Buffalo waterfront area that warrant protection and restoration. These resources include State-designated significant fish and wildlife habitats, wetland areas along the Buffalo River and Scajaquada Creek, and discrete plant and animal populations that contribute to the quality of life in the area (see Section K.1 and Map 2-12 in the Inventory and Analysis and Appendix A). The quality and biological diversity of local ecosystems also depends on the protection of water quality, open space enhancement and preservation and the protection of resident and overwintering birds that collectively affect these systems.

The following sub-policies are aimed at protecting and restoring important natural resources in the Buffalo LWRA. The first section of this policy focuses on the protection and restoration of State-designated Significant Coastal Fish and Wildlife Habitats. Emphasis is also given to protecting certain locally significant areas, including freshwater wetlands. Sub-policies have also been included to address the management of harbor operations, dredging and streambank disturbances, and the remediation of hazardous waste sites to protect important natural resources. A sub-policy has also been included to promote community awareness of environmental protection.

This policy also addresses concerns about the use of rainforest products. While it is important to preserve and protect local ecosystems, it is also important to minimize the impact of local waterfront development on important international ecosystems. Wood from rainforest trees performs well in waterfront environments and is used heavily in many waterfront settings. The rate of rainforest loss is accelerating, and the clearing and burning of rainforests is linked to atmospheric imbalance, global warming, species extinction, loss of indigenous cultures, loss of medicines, and displacement of local peoples. Commercial logging is currently directly responsible for 12 percent of tropical deforestation, according to the United Nations Food and Agriculture Organization; commercial logging is indirectly responsible for up to 70 percent of this deforestation. Commercial logging is the greatest cause of tropical deforestation in Southeast Asia and the loss of temperate rainforests.



## Policy Standards

### 6.1 Protect State-designated Significant Coastal Fish and Wildlife Habitats

Significant Coastal Fish and Wildlife Habitats are areas that have been as identified by the NYSDEC as being critical to the maintenance or re-establishment of species of fish and wildlife in the waterfront area. These habitats have been designated by the Secretary of State to be protected for the habitat value they provide and to avoid permanent adverse changes to the waterfront ecosystem. State-designated Significant Coastal Fish and Wildlife Habitats are described in individual Significant Coastal Fish and Wildlife Habitat narratives and outlined on boundary maps prepared by the Department of State (see the Section II Inventory and Analysis for more detail on the habitats included in the LWRA).

A. Significant fish and wildlife habitats are those habitat areas that exhibit, to a substantial degree, one or more of the following characteristics:

1. Are essential to the survival of a large portion of a particular fish or wildlife population.
2. Support a species that is either endangered, threatened, or of special concern, as defined in 6 NYCRR Part 182.
3. Support fish or wildlife populations having significant commercial, recreational or educational value, or are of a type that are not commonly found in the state or a waterfront region of the state, and
4. Are difficult, or even impossible, to replace in kind.

B. Uses or activities should be avoided in these areas that would:

1. Destroy habitat values through direct physical alteration, disturbance, or pollution, or the indirect effects of actions that would result in a loss of habitat.
2. Necessitate the use of synthetic fertilizers that would contribute nitrates and phosphorus to stormwater runoff.
3. Significantly impair the viability of a habitat beyond the tolerance range of fish and wildlife species through:
  - a. degradation of existing habitat elements,
  - b. change in environmental conditions,
  - c. functional loss of habitat values, or
  - d. adverse alteration of physical, biological, or chemical characteristics.

Where destruction or significant impairment of habitat values cannot be avoided, potential impacts of land use or development should be minimized through appropriate mitigation. Use mitigation measures that are likely to result in the most feasible and least environmentally damaging alternative. Mitigation includes:

A. Avoidance of potential adverse impacts, including:

1. Avoiding ecologically sensitive areas
2. Scheduling activities to avoid vulnerable periods in life cycles or the creation of unfavorable
3. Environmental conditions, and
4. Preventing fragmentation of intact habitat areas, especially the area situated between the Tifft Nature Preserve and the Buffalo River.
5. Use of synthetic fertilizers.

B. Minimizing unavoidable potential adverse impacts, including:

1. Reducing the scale or intensity of the use or development,
2. Designing projects to result in the least amount of potential adverse impacts practicable,
3. Choosing alternative actions or methods that would lessen potential impacts,
4. Employing specific measures designed to protect habitat values from impacts that cannot be sufficiently avoided or minimized so as to prevent habitat destruction or significant habitat impairment, and
5. Employing the specific protective measures included in the narratives for each designated Significant Coastal Fish and Wildlife Habitat area (see appendix).

6.2 Support and manage the restoration of significant coastal fish and wildlife habitats, wherever possible, so as to foster their continued existence as natural, self-regulating systems

A. Measures that can be undertaken to restore significant habitats include:

1. Reconstructing lost physical conditions to maximize habitat values.
2. Adjusting adversely altered chemical characteristics to emulate natural conditions.
3. Manipulating biological characteristics to emulate natural conditions through the re-introduction of indigenous flora and fauna.

B. Designated State habitats should be restored and enhanced in the following areas:

1. North Buffalo Harbor,
2. Times Beach,
3. Small Boat Harbor,
4. Buffalo River, and
5. Tift Nature Preserve.

6.3 Protect and develop the following areas as locally significant fish and wildlife refuges and/or habitats, where appropriate:

- A. Identified portion of the Buffalo River corridor,
- B. Scajaquada Creek and Hoyt Lake (in Delaware Park),
- C. The northern portion of Squaw Island,
- D. All or a portion of the Ogden Estate property, and
- E. The lands connecting the Tift Nature Preserve with the Buffalo River.

6.4 Protect, restore and create freshwater wetlands in appropriate areas

A. The following measures can further the protection or restoration of wetlands:

1. Compliance with the statutory and regulatory requirements of the Freshwater Wetlands Act and the Stream Protection Act.
2. Prevention of the net loss of wetlands by:
  - a. Avoiding placement of fill or excavation of wetlands.
  - b. Minimizing adverse impacts resulting from unavoidable fill, excavation or other activities.
  - c. Providing compensatory mitigation for unavoidable adverse impacts that result from fill, excavation or other activities and remains after all appropriate and practicable minimization has been accomplished.
  - d. Providing and maintaining adequate buffers between wetlands and adjacent or nearby land uses and activities in order to ensure protection of the character, quality, value and function of the wetlands.

- B. Wetlands should be restored and created in the following areas:
  - 1. Seneca Bluffs,
  - 2. Ogden Estates, and
  - 3. Times Beach.
- 6.5 Manage harbor operations, including vessel speed limits and no wake zones, to protect ecological resources from disturbance.
- 6.6 Limit bank disturbance and dredging and filling activities, particularly along the Buffalo River.
- 6.7 Maintenance dredging of the designated navigation channels in the Buffalo Harbor area is important in supporting and continuing working waterfront and transshipment uses. It is also important for the removal of polluted sediments and other coastal management needs along the waterfront. Such activities, however, may adversely affect water quality, fish and wildlife habitats, wetlands and other important resources.
  - A. Dredging shall be undertaken in a manner that meets existing State permit requirements and protects significant fish and wildlife habitats and other important resources.
  - B. Effectively schedule the timing of dredging activities to minimize adverse impacts to resources.
  - C. Carefully site and design dredge material disposal sites.
- 6.8 Protect fish and wildlife resources from the introduction of hazardous wastes and other pollutants that can accumulate in the food chain or cause significant lethal or sublethal effects on those resources.
- 6.9 Support the remediation, to the greatest extent possible, of contaminated Buffalo River, Niagara River, Scajaquada Creek and Hoyt Lake bottom sediments as per the Buffalo and Niagara River Remedial Action Plans.
- 6.10 Remediate inactive hazardous waste sites, particularly in Sub-Areas 3 and 4, which adversely impact significant environmental resources, water quality or important habitat areas.

- 6.11 Encourage community awareness and stewardship of natural resources along the waterfront through the support of:
- A. Beach sweep activities,
  - B. Great American Clean Up of the lake shore and river corridors, and
  - C. Non-point source pollution prevention educational campaigns.
  - D. Free seminars offered by community volunteers to communicate the various aspects of environmental protection to the public.
- 6.12 Prohibit purchase by the City of Buffalo products containing, in whole or in part, wood from tropical or temperate rainforests excepting those woods that are proven to have been harvested in an environmentally sound manner as certified by the Forest Stewardship Council.

## **POLICY 7**

### **Protect and improve air quality in the waterfront area**

This policy provides for protection of the waterfront area from air pollution generated within the area or adversely affecting coastal air quality (see Section I.2 in the Inventory and Analysis). The City will work with appropriate State and Federal agencies, as required, to address air quality issues.

The four sections of this policy are divided to reflect the organization of state statutes. The first sub-policy addresses point and non-point sources of air pollution, stationary sources, mobile sources, and sources of acid rain precursors. Sub-policy 2 deals directly with atmospheric discharges of radioactive material and the third sub-policy addresses chloroflourocarbons. The last Sub-policy addresses atmospheric deposition of pollutants.

### **Policy Standards**

#### **7.1 Control or abate existing and prevent new air pollution**

- A. Limit pollution resulting from new or existing stationary air contamination sources, consistent with:
  - 1. Attainment or maintenance of any applicable ambient air quality standard.
  - 2. Applicable new source performance standards.
  - 3. Applicable control strategy of the State Implementation Plan.
  - 4. Applicable Prevention of Significant Deterioration requirements.
- B. Recycle or salvage air contaminants using best available air cleaning technologies.
- C. Limit pollution resulting from vehicular or vessel movement or operation, including actions that directly or indirectly change transportation uses or operation, consistent with attainment or maintenance of applicable ambient air quality standards, and applicable portions of any control strategy of the State Implementation Plan.
- D. Restrict emissions of air contaminants to the outdoor atmosphere that are potentially injurious to human, plant, or animal life or property, or may unreasonably interfere with the comfortable enjoyment of life or property.

- E. Limit new facility or stationary source emissions of acid deposition precursors consistent with achieving final control target levels for wet sulfur deposition in sensitive receptor areas, and meeting New Source Performance Standards for the emissions of oxides of nitrogen.
  - F. Encourage the development of clean, renewable energy sources as a replacement for burning fossil fuels.
- 7.2 Limit discharges of atmospheric radioactive material to a level that is as low as practicable.
  - 7.3 Capture and recycle chlorofluorocarbon compounds during service and repair of air conditioning and refrigeration units to the greatest extent possible.
  - 7.4 Limit sources and remediate the impacts of the atmospheric deposition of pollutants to Lake Erie and the Niagara River, particularly from nitrogen sources.



## **POLICY 8**

### **Minimize environmental degradation from solid waste and hazardous substances**

Buffalo's long history of industrial use and development along the waterfront has resulted in the contamination of a number of waterfront parcels, particularly in Sub-Areas 3 and 4 (see Section M. and Map 2-13 in the Inventory and Analysis). Former landfills may produce leachates with the potential to degrade both surface and groundwater sources. A variety of substances, ranging from improperly disposed motor oils to industrial waste dumps, may pose immediate problems and can preclude or delay appropriate reuse of waterfront lands. Smaller and more incremental solid waste problems arise from illegal dumping and littering.

The intent of this policy is to protect the public from sources of contamination and to protect waterfront resources from further degradation through proper control and management of wastes and hazardous materials. In addition, this policy is intended to promote the expeditious remediation and reclamation of brownfields and hazardous waste sites in the waterfront area and to facilitate the reuse and redevelopment of degraded properties.

The following policy standards are divided into major categories according to the type of material addressed: solid waste, hazardous wastes, toxic pollutants and hazardous substances and petroleum products. Two additional sections of standards address the transportation of solid and hazardous wastes. Sub-policy 1 establishes requirements for the handling, management and transportation of municipal solid waste. It also includes the State's management priorities for the reduction, reuse and disposal of solid wastes. Sub-policy 2 deals with the treatment, storage and disposal of hazardous wastes and includes standards for minimizing potential exposures through appropriate management. Sub-policy 3 addresses degradation of the environment resulting from discharges of toxic substances. Sub-policy 4 addresses storage and transportation of petroleum products and protocols for spill cleanup. Sub-policy 5 addresses transportation of solid and hazardous substances. Sub-policy 6 includes criteria for managing and eliminating existing solid and hazardous waste facilities.

### **Policy Standards**

8.1 Encourage the management of solid waste to protect public health and control pollution

Solid wastes are those materials defined under ECL §27-0701 and 6 NYCRR Part 360-1.2.

- A. Manage solid waste in accordance with the following solid waste management priorities:
  - 1. Reduce the amount of solid waste generated.
  - 2. Reuse material for the purpose for which it was originally intended and recycle material that cannot be reused.
  - 3. Use land burial or other approved methods to dispose of solid waste that is not being reused or recycled.
- B. Create and support a market for maximum resource recovery by using materials and products manufactured with recovered materials, and recovering materials as a source of supply for manufacturing materials and products.
- C. Prevent the discharge of solid wastes into the environment by using or requiring the use of proper handling, management and transportation practices.

8.2 Manage hazardous wastes to protect public health and control pollution

Hazardous wastes are those materials defined under ECL §27-0901 and 6 NYCRR Part 371.

- A. Manage hazardous waste in accordance with the following priorities:
  - 1. Eliminate or reduce the generation of hazardous wastes to the maximum extent practical.
  - 2. Recover, reuse, or recycle remaining hazardous wastes to the maximum extent practical.
  - 3. Use detoxification, treatment, or destruction technologies to dispose of hazardous wastes that cannot be reduced, recovered, reused, or recycled.
  - 4. Phase out land disposal of industrial hazardous wastes.
- B. Ensure the maximum safety of the public from hazards associated with hazardous wastes through the proper management and handling of industrial hazardous waste treatment, storage, and disposal.
- C. Prohibit the siting of any new facility that would generate significant quantities of hazardous wastes, or the disposal of any hazardous wastes within the waterfront area.

D. Remediate inactive hazardous waste disposal sites.

1. In consideration of the recommendations set forth in the Buffalo and Niagara River Remedial Action Plans, expedite remediation of hazardous substances in Sub-Areas 3 and 4 to permit redevelopment of the sites in these areas.
2. Select a remediation remedy at a particular site to ensure that the public health and the environment will be protected. The future use of a site may determine the selected cleanup levels.
3. Implement the recommendations set forth in the Niagara River Toxic Management Plan.
4. Limit the redevelopment and reuse of brownfields to business and open space uses, not residential.
5. Provide for open space buffers that preclude development around inactive hazardous waste sites.
6. Site construction requirements should be established for the future reuse of any remediated hazardous waste site to protect the health of site occupants and prevent the release of contained contaminants.

8.3 Protect the environment from degradation due to toxic pollutants and substances hazardous to the environment

Substances hazardous to the environment are defined under ECL §37-0101. Toxic pollutants are defined under ECL §17-0105.

A. Prevent the release of toxic pollutants or substances hazardous to the environment that would have a deleterious effect on fish and wildlife resources.

B. Prevent environmental degradation due to persistent toxic pollutants:

1. Limit discharges of bioaccumulative substances.
2. Avoid resuspension of toxic pollutants and hazardous substances and wastes and reentry of bioaccumulative substances into the food chain from existing environmental sources.
3. Implement the recommendations set forth in the Niagara River Toxic Management Plan.
4. Limit the redevelopment and reuse of brownfields to business and open space uses, not residential.

- C. Prevent and control environmental pollution due to the release of radioactive materials as defined under 6 NYCRR Part 380.
- D. Protect public health, public and private property, and fish and wildlife from inappropriate use of pesticides.

Pesticides are those substances defined under ECL §33-0101 and 6 NYCRR Part 325.

- 1. Limit the use of pesticides to effectively target actual pest populations as indicated through integrated pest management methods.
- 2. Prevent direct or indirect entry of pesticides into waterways.
- 3. Minimize exposure of people, fish and wildlife to pesticides.

- E. Report, respond to, and take action to correct all unregulated releases of substances hazardous to the environment.

#### 8.4 Prevent and remediate the discharge of petroleum products

- A. Minimize adverse impacts from potential oil spills by the appropriate siting of petroleum off-loading facilities.
- B. Demonstrate that an adequate plan for the prevention and control of petroleum discharges is in place at any major petroleum-related facility.
- C. Prevent discharges of petroleum products by following methods approved for handling and storage of petroleum products and using approved design and maintenance principles for storage facilities.
- D. Clean up and remove any petroleum discharge. Undertake clean-up and removal activities in accordance with the guidelines and procedures contained in the New York State Water Quality Accident Contingency Plan and Handbook.
- E. Give first priority to minimizing environmental damage by responding quickly to contain petroleum spills and containing discharges immediately after their discovery.  
Recover and recycle petroleum discharges using the best available practices.

- 8.5 Transport solid waste and hazardous substances and waste using routes that protect the safety, well-being and general welfare of the public and the environmental resources of the state; and methods that provide for the continued use of all transportation corridors, highways and facilities.
- 8.6 Solid and hazardous waste facilities, including automobile scrap facilities, transfer stations and concrete recycling facilities, are not considered as appropriate uses for the waterfront and the siting of such uses in this area should be prohibited.
- A. Existing facilities that do not demonstrate a need for waterborne transport should be phased out or relocated outside the waterfront area, where practicable, in accordance with an amortization schedule that allows for the recovery of the owner's investment. Provisions should be made for the remediation of the site for future use.
  - B. Any existing facility that is not phased out, or throughout the course of any phase out plan, must operate in such a manner as to prevent or reduce water pollution, air pollution, noise pollution, obnoxious odors, litter, vector infestation and other conditions harmful to the public health.

## **PUBLIC WATERFRONT POLICIES**

### **POLICY 9**

#### **Provide for public access to, and recreational use of, coastal waters, public lands and public resources in the waterfront area**

Access to the water's edge belongs to the public. It is the long-term policy of the City to establish a greenway system that will include a generous amount of public access, which is generally wide enough to accommodate a pathway for pedestrian and bicycles. This policy applies to all waterfront properties, except for grandfathered uses established prior to the adoption of this LWRP and exceptional water-dependent uses that should not be open for public access for reasons of public health, welfare and safety. To this end, the City should finish carrying out the recommendations of the Greenway system Implementation Plan.

Along many stretches of the Buffalo waterfront, physical and visual access to the surface waters of Lake Erie and the Niagara River, as well as the shoreline of Canada, are available. However, there are locations where this access for the general public is limited to what can be seen from a moving vehicle or are not available at all. Physical access to the waterfront is even more restricted and limited to certain waterfront parks and public viewing areas, which are primarily located in Sub-Areas 1 and 2 (see Section E. and Maps 2-7 and 2-8 in the Inventory and Analysis). Limitations on reaching or viewing the waterfront are heightened by a general lack of opportunities for diverse forms of recreation at those sites that do provide access. Often access and recreational opportunities that are available are limited to local residents. In Sub-Areas 1 and 2, existing development has made much of the coast inaccessible and new development on what land is available must be designed in a manner that does not further reduce opportunities for access. In Sub-Areas 3 and 4, access is limited due to a general lack of opportunities for public recreation. Development of the Outer Harbor peninsula in Sub-Area 3 must include specific elements for public access and recreation. Additional opportunities must also be made available along the Buffalo River corridor.

Existing public access and opportunities for recreation along the waterfront are inadequate to meet the needs of the local residents. Given the lack of adequate public access and recreation, this policy incorporates measures needed to provide sufficient and appropriate access throughout the waterfront area. The need to maintain and improve existing public access and facilities is addressed, as is the need to ensure that use of existing access sites and facilities is optimized in order to accommodate existing demand. The policy is also designed to capitalize on all available opportunities to provide additional public access along, with appropriate opportunities for recreation.

The policy is divided into five Sub-policies. The first Sub-policy promotes physical access through the protection of existing access and recreation facilities and provisions for additional physical access. Sub-policy 2 presents standards for protection and provision of visual access. Sub-policy 3 deals with the public trust doctrine as a critical component of ensuring public access to the coast (see Section D. in the Inventory). Standards to clarify and reinforce public trust rights are contained in this section. Sub-policy 4 addresses structures in public trust lands and waters. Sub-policy 5 provides standards to prevent the despoliation of natural areas when public access is developed.

## **Policy Standards**

- 9.1 Promote appropriate physical public access and recreation throughout the waterfront area
- A. Provide recreational uses and a level of public access along the waterfront that take into account the following factors:
    - 1. Proximity to adjacent residential areas and downtown Buffalo,
    - 2. Public demand for access and recreational use,
    - 3. Type and sensitivity of natural resources that would be affected,
    - 4. Public institutions which may exist on a site and may be impacted,
    - 5. Accessibility to the public access site or facility,
    - 6. The needs of special groups, such as the elderly and persons with disabilities, and
    - 7. The potential for adverse impacts to adjacent land uses.
  - B. Provide convenient, well-defined physical public access to and along the Buffalo waterfront for water-related recreation through the development of a greenway system network.
  - C. Protect and maintain existing public access and water-related recreation facilities.
    - 1. Prevent physical deterioration of facilities due to lack of maintenance or overuse.
    - 2. Prevent any on-site or adjacent development project or activity from directly or indirectly impacting physical public access and recreation or adversely affecting its quality of such access or use.



3. Protect and maintain established access and recreation facilities, including the Riverwalk and existing greenway areas, all waterfront parks, boat and canoe launches and other waterfront facilities that provide access to Lake Erie, the Niagara and Buffalo Rivers and Scajaquada Creek.
  4. Protect and maintain infrastructure that supports public access and recreation facilities.
  5. Improve existing pedestrian access to LaSalle Park, in particular the pedestrian bridge.
- D. Provide additional public access and recreation facilities at public sites throughout the waterfront area, particularly in Sub-Areas 3 and 4.
1. Promote the acquisition of additional public parklands to meet existing public access and recreation needs along the Buffalo River and in the Outer Harbor area.
  2. Provide for public access and recreation facilities on private waterfront lands as a secondary use.
  3. Provide for public access at streets terminating at the shoreline, particularly the paper streets that terminate along the Buffalo River (see Section II - Inventory, Section E. – Sub-area 4).
  4. Provide access and recreation facilities to all members of the public, whenever access or recreation is directly or indirectly supported through federal or state projects or funding.
  5. Retain a public interest that will be adequate to preserve public access and recreation opportunities in publicly owned lands immediately adjacent to the shore in the transfer of any public lands.
  6. Improve public access to the historic Lighthouse on the Outer Harbor. Support the long-term relocation of the U.S. Coast Guard facility to provide improved access to this site.
  7. Improve public access from downtown Buffalo and the inner harbor area to the Outer Harbor for both pedestrian, bicycles and motorized vehicles.
  8. Support plans for the redesign of Fuhrmann Blvd. to provide improved access to the Outer Harbor.
  9. Investigate improvements to Michigan Avenue, Ohio Street and Erie Street to further enhance access to the Outer Harbor area.
  10. Require all mixed-use development along the Outer Harbor to provide public access to adjacent public recreation facilities and to the waterfront.
  11. Improve access to Squaw Island for recreational use of the northern portion of this island. Access around the City's wastewater treatment facility should be improved to promote public safety and convenience and protect the private use of this facility.

- E. Provide physical access linkages among public access sites, open space areas, public trust lands and nearshore surface waters. This policy standard promotes the expansion of a network of recreational opportunities through physical linkages that would establish greenways and blueways (public access along waterways).
  - 1. Develop a greenway system that connects with existing public pathways along the waterfront and to viable points of public access.
  - 2. Complete the execution of the Greenway System Implementation Plan.
  - 3. Ensure that the greenway system network extends along the water's edge, where feasible, to provide maximum benefit to the public.
  - 4. Promote and support the development of the Industrial Heritage Trail to provide access along the Buffalo River. Ensure that this trail is connected to the greenway network.
  - 5. Ensure that the greenway system effectively links all existing and proposed public access and recreation facilities in the waterfront area, including the Outer Harbor area.
  - 6. Promote and support pathway connections with the Western Heritage Trail efforts and the Erie Canal trail designations.
  - 7. Promote and support a linkage with the Niagara River Parkway in Ontario, Canada.
  - 8. Develop a pedestrian promenade along the shoreline north of Cotter Point.
- F. Provide public access to, and/or water-related recreation facilities on, waterfront lands and waters whenever development or activities are likely to affect the public's use and enjoyment of public waterfront lands and waters.
- G. Provide incentives to private development projects that provide public access and/or water-related recreation facilities.
- H. Restrict public access and recreation only where incompatible with public safety and/or the protection of natural resources.
- I. Provide improved access to the waterfront area from the waterside, including improved docking facilities and an increase in the amount of transient dockage, particularly at the Small Boat Harbor, Erie Basin Marina and at new facilities provided as part of the redevelopment efforts for the Erie Canal Harbor and Outer Harbor.

9.2 Provide public visual access to waterfront lands and waters at all sites, where practical.

Improving, restoring and maintaining visual access to the waterfront is important, particularly in areas where such access has been impacted or eliminated by development. The construction of the I-190 has had a significant impact on visual access to the waterfront (as well as physical access in certain areas). Where possible this should be remedied. In addition, redevelopment of the Outer Harbor area must be designed in a manner that preserves sight lines to ensure continued and improved visual access to Lake Erie.

The following measures should be considered for improving, restoring and maintaining visual access to the waterfront:

A. Avoid loss of existing visual access.

1. Limit physical blockage of existing visual access by development or activities due to the scale, design, location, or type structures.
2. Protect view corridors provided by streets and other public areas that lead to the waterfront.
3. Protect visual access to open space areas associated with natural resources.

B. Minimize adverse impacts of new development on visual access.

1. Provide for view corridors to the shoreline in those locations where new structures would block views of the waterfront from inland public vantage points, particularly for redevelopment of the Erie Canal Harbor and Outer Harbor areas. Views of Lake Erie must be maintained in the Outer Harbor area.
2. Use creative structural design and siting/building orientation techniques to preserve or retain visual access and minimize the obstruction of views.
3. Visual access requirements may be reduced where site conditions, including natural vegetative cover or natural protective features, block potential views.
4. Vegetative or structural screening of an industrial or commercial waterfront site is allowed if the resulting overall improvement in visual quality outweighs the loss of visual access.

C. Provide compensatory mitigation for loss of visual access.

1. Provide public visual access from vantage points on the site where development of the site would block visual access from existing inland public vantage points.
2. Provide for additional and comparable visual access at nearby locations when physical access cannot be provided on-site.

D. Increase visual access to the waterfront whenever practical.

1. Provide interpretative exhibits at appropriate locations for visual access to enhance public understanding and enjoyment of views of waterfront resources, heritage sites and prominent water-dependent uses that are an important part of the waterfront landscape.
2. Provide and improve visual access to areas of high visual quality, including water-dependent uses, natural resources, and panoramas of the Niagara River, Buffalo River, Lake Erie and downtown Buffalo.

9.3 Preserve public interest in and use of lands and waters held in public trust by the State

A. Limit grants, leases, easements, permits or lesser interest in lands underwater in accordance with an assessment of potential adverse impacts of the proposed use, structure, or facility on the public interest in lands under water. Use the following factors in assessing potential adverse impact:

1. environmental impact,
2. values for natural resource management, public recreation, and commerce;
3. size, character and effect of the transfer in relation to neighboring uses;
4. potential for interference with navigation, public uses of waterway and riparian rights;
5. effect of the transfer of interest on the natural resources associated with the lands;
6. water-dependent nature of use;
7. adverse economic impact on existing commercial enterprises; and
8. consistency with the public interest for purposes of navigation and commerce, fishing, bathing and access to navigable waters and the need of the owners of private property to safeguard development.

- B. Limit the transfer of interest in public trust lands to the minimum necessary conveyance of public interest.
    - 1. Provide the minimum conveyance using a legal instrument that results in the least abrogation of public interest.
    - 2. Limit the physical extent of any conveyance to the minimum amount of land necessary.
  - C. Grants in fee of underwater lands shall be limited to exceptional circumstances, as authorized by the State Office of General Services.
  - D. Retain a public interest in the transfer of interest in underwater lands that will be adequate to preserve public access, recreation opportunities and other public trust purposes.
  - E. Private uses, structures, or facilities on underwater lands should be limited to those circumstances where ownership of the underwater lands or riparian interest has been legally validated either through proof of ownership of the underwater lands or adjacent riparian parcel, or by assignment of riparian interest by the riparian owner.
  - F. Avoid substantial loss of public interest in public trust lands by assessing the cumulative impact of individual conveyances of grants, easements and leases of public trust lands.
  - G. Resume and re-establish public trust interests in existing grants which are no longer being exercised according to the terms of the grant, or where the use is not in conformity with the public trust doctrine.
- 9.4 Assure public access along public trust lands above the line of mean low water mark
- A. Provide free and substantially unobstructed passage along public trust shorelands.
  - B. Interference with passage along the shoreline is limited to the minimum extent necessary to gain access from the upland to the water.
  - C. Provide passage around interferences on public trust lands through adjacent upland easements or other mitigation where public access is substantially impeded.

- D. Require that all publicly owned land allow for perpendicular access to trust lands whenever compatible with the principal use of the public land.
- E. Provide access to, and reasonable recreational use of, navigable waters and public trust lands under water.
  - 1. Provide for free and unobstructed public use of all navigable waters below the line of mean low water for navigation, recreation and other public trust purposes, including the incidental rights of public anchoring.
  - 2. Allow obstruction of public use, including navigation, in navigable waters:
    - a. for water-dependent uses involving navigation and commerce that require structures or activities in water as part of the use.
    - b. for commercial recreational boating facilities, provided that the loss of navigable waters and use of underwater lands is offset by sufficient public benefits.
    - c. in order to gain reasonable access to navigable waters from riparian lands.
  - 3. Obstruction of navigable waters and underwater lands is limited:
    - a. to the extent that it interferes with commercial navigation. The right of commercial navigation is superior to all other uses on navigable waters and may not be obstructed.
    - b. to the minimum necessary for access to navigable waters. The minimum is determined by evaluating the following factors:
      - [1] the extent of a land use's dependence on access to navigable waters,
      - [2] the range of water level fluctuation,
      - [3] the size and nature of the body of water,
      - [4] the nature of public use of the adjacent waters,
      - [5] the traditional means of access used by surrounding similar uses, and
      - [6] whether or not alternative means to gain access are available.
    - c. by extent and characteristics of the developable adjacent upland area and its ability to support in-water development for the water-dependent use.
    - d. by potential adverse effects on natural resources and their uses.
    - e. by potential adverse effects on public safety.
  - 4. Structures extending beyond the minimum necessary for access to navigable waters impair public trust interests and open space values associated with the water's surface. Allow such structures only in the following circumstances:
    - a. When necessary for practical and convenient operation of water-dependent industry or commerce and provided that obstruction of commercial navigation does not result.

- b. For commercial recreational boating facilities provided that:
  - [1] the loss of navigable waters and use of underwater lands is offset by sufficient public benefit, and
  - [2] obstruction of commercial navigation does not result.
- c. When the principal purpose of the structure is necessary:
  - (1) to provide public access for recreational uses,
  - (2) for improvements for navigation, or
  - (3) for protection from coastal hazards.
- 5. Piers, docking facilities and catwalks must not result in an unnecessary interference with use of public trust lands.

9.5 Provide access and recreation that is compatible with natural resource values

- A. Provide appropriate access and associated recreational activity that will avoid potential adverse impacts on natural resources along the Buffalo River corridor. Use the following factors in determining the potential for adverse environmental effects:
  - 1. Intensity of the associated recreational, scientific, or educational activity.
  - 2. Level of likely disturbance associated with the proposed activity. The following types of access or associated activities are listed in decreasing order of potential for disturbance:
    - a. motorized activities,
    - b. active, non-motorized activities, including water-dependent and water-related uses,
    - c. passive activities, and
    - d. avoidance of the area.
  - 3. Sensitivity of the natural resources involved and the extent of the ecological benefits associated with avoidance of the area.
- B. Limit unauthorized public access and recreational activities in the Tifft Farm Preserve, Seneca Bluffs and Times Beach areas, where uncontrolled public use would lead to impairment of the natural resources in these areas.
  - 1. Establish appropriate seasonal limitations on access in order to minimize adverse impacts on fish and wildlife species.

2. Provide stewardship that is capable of controlling anticipated adverse impacts before providing public access.
  3. Physically limit or avoid the provision of public access to natural resource areas, such as the heron rookery on the Katherine Street peninsula, whose principal values are based on the lack of human disturbance.
  4. Provide educational, interpretive, research and passive uses of natural resources through appropriate design and control of public access and recreation.
- C. Provide public access for fish and wildlife resource related activities, including fishing, provided that the level of access would not result in a loss of resources necessary to continue supporting these uses.
- D. Provide access using methods and structures that maintain and protect open space areas associated with natural resources. Determine the extent of visual and physical impairment by the development and placement of structures extending through these open space areas based on:
1. The value of the open space as indicated by unfragmented size or mass of the wetland or other natural resources, distance to navigable water and wetland value.
  2. The size, length and design of proposed structures.
- 9.6 Where feasible, establish and maintain ownership of the waterfront to ensure public use and access.
- 9.7 Where feasible, utilize conservation easements to provide public access and greenway trail development along the waterfront.



## WORKING WATERFRONT POLICIES

### POLICY 10

#### **Protect existing water-dependent uses, promote the siting of new water-dependent uses in suitable locations, and support efficient harbor operation**

The City of Buffalo waterfront hosts a number of water-dependent uses that contribute to the prosperity of the waterfront, recreational enjoyment, and the delivery of essential services to City residents (see Section B.4 and Map 2-5 of the Inventory and Analysis). As waterfront lands are revitalized over the coming years, these water-dependent uses should be protected and preserved as an important component of the local economy and waterfront landscape. Where feasible, other viable water-dependent uses should be located in the area to further support and diversify land use along the waterfront. Areas for consideration for new water-dependent uses include the Inner and Outer Harbor areas, the Buffalo Ship Canal, Kelly Island and certain areas along the Buffalo River. The inner and Outer Harbor areas are suitable locations for water-related recreational uses and boat dockage.

The Buffalo harbor is considered a major center or port for commerce and industry. Buffalo's harbor has a long history of waterfront industry, some of which should be continued. The Buffalo Ship Canal, Kelly Island and the southern shoreline, along the upper reaches of the Buffalo River in Sub-Area 4 are good locations for the continuance of working waterfront uses, boat docking facilities and other such uses that maintain the maritime flavor and heritage of the area. This area also has the long-term potential to support transshipment uses as a secondary port to New York City and New Jersey. The economic emphasis of the waterfront is also shifting to more recreation-based industries, and the continued development of marinas and water-related recreational uses is encouraged.

Although the protection of water-dependent uses along the waterfront is important, realistically these cannot and are not the only uses that would be found in this area. Hence, water-dependent uses should be mixed with a variety of water-enhanced uses (these are uses that benefit from a shoreline location although such a location is not required for their operation). Water-enhanced uses can support and supplement water-dependent uses to provide for a more diverse and vibrant waterfront environment.

### **Policy Standards**

- 10.1 Protect and improve the economic vitality of water-dependent uses along the City of Buffalo waterfront, including marinas, transshipment facilities, the water and wastewater treatment plants and other land uses that require a waterfront location to effectively operate.

A. Actions should be avoided that would adversely impact or interfere with existing water-dependent uses. Examples of water-dependent uses include:

1. Public and private marinas and yacht clubs,
2. Boat yards and service facilities,
3. Commercial and recreational fishing facilities,
4. Water-related recreational uses (fishing docks, beaches, etc.),
5. Tour boat and charter boat facilities,
6. Offloading and aggregate transshipment facilities,
7. Waterborne commerce and ferries,
8. Marine educational or laboratory facilities, and
9. Water-related public and quasi-public utilities.

10.2 Promote the siting of new water-dependent uses at suitable locations and provide for their safe operation.

A. The adverse impacts of new or expanding water-dependent uses should be minimized.

B. Water-dependent uses should be sited in locations where:

1. The need for dredging is minimized;
2. Waterside and landside access, as well as upland space for parking and other facilities, is adequate;
3. Necessary infrastructure exists or is easily accessible, including adequate shoreline stabilization structures, roads, water supply and sewage disposal facilities, and vessel waste pump-out and waste disposal facilities;
4. Water quality classifications are compatible;
5. Impacts to important natural resources, such as wetlands and fish and wildlife habitats, could be avoided or minimized to the greatest extent possible; and
6. Public access to the water's edge can be maintained, to the greatest extent possible.

C. Ensure that new or expanding marinas:

1. Incorporate marine services and boat repair, as feasible, to meet a range of boating needs;
2. Do not displace or impair the operation of water-dependent transportation, industry, or commerce;
3. Do not encroach upon navigation channels or channel buffer areas;
4. Incorporate public access to the shore and offshore surface waters through provisions, such as boat ramps or transient mooring areas, where feasible;
5. Provide vessel pump-out facilities to prevent the direct discharge of vessel wastes to surface waters;
6. Utilize appropriate site design to avoid or minimize adverse impacts on natural resources and surrounding land uses; and
7. Are not sited at locations that possess important natural resource value, such as significant areas of wetlands and fish and wildlife habitats.

10.3 Protect and improve the economic viability of water-dependent uses

A. Non-water-dependent accessory or mixed use developments may be allowed along the waterfront, provided:

1. Accessory uses are subordinate and functionally related to the principal water-dependent or water-enhanced use and contribute to sustaining that use;
2. Mixed-use development subsidizes the water-dependent use and is accompanied by a demonstrable commitment to continue the operation of the water-dependent use;
3. Uses are sited and operated so as not to interfere with the principal operation of a water-dependent use; and
4. Uses do not preclude future expansion of a water-dependent use.

B. Other uses may be incorporated in the waterfront, particularly water-enhanced and marine support services, provided that these uses:

1. Improve the character of the working waterfront,
2. Do not interfere with the efficient operation of water-dependent uses, and
3. Make beneficial use of a waterfront location through siting and design to increase public enjoyment of the waterfront.

10.4 Allow water-enhanced uses that complement or improve the viability of water-dependent uses.

A. When determining if a water-enhanced use is appropriate for siting along a waterfront, the following factors should be considered:

1. The use would provide an economic incentive to prevent the loss of a water-dependent use;
2. The use would be sited and operated so as not to interfere with water-dependent uses;
3. The use would complement a water-dependent use;
4. The use would be sited in a manner that does not preclude future expansion of a water-dependent use;
5. The activity makes beneficial use of a shoreline location through siting and design to increase public enjoyment of the waterfront, improve the economic viability of the area, and enhance community character; and
6. The use would be sited and operated so as to not interfere with public access along the water's edge.

B. In the Outer Harbor area, where water-dependent uses are not prevalent, the following factors should be considered:

1. Water-enhanced uses should be favored over uses that do not require a waterfront location to operate (non-water dependent uses);
2. Mixed-use development, that includes a greater variety of uses, should be encouraged;
3. Residential development, which is not considered water-enhanced on its own, should be avoided; and
4. Public access to the waterfront shall be provided as a part of redevelopment efforts.

10.5 Promote the efficient management of surface waters and underwater lands

A. To promote effective water use management, traditional land use planning techniques can be applied to the water surface in the following manner:

1. If warranted, various water use zones should be established for uses such as docks, moorings, navigation channels, turning basins, and any special recreational areas (bathing, water skiing, personal watercraft, etc.).

2. To assure safety, vessel speed zones should be established and zones for bathing, water skiing, and other recreational uses should be located away from marinas or commercial boating facilities.
3. Marinas, in-water structures, and surface water uses should not encroach upon navigation channels.
4. Uses that are not water-dependent (i.e. decks and platforms) should not be allowed on or over surface waters.
5. The establishment of future water use zones and the siting of in-water structures should be done in a manner that minimizes potential impacts to sensitive resources such as wetlands and fish and wildlife habitats.

10.6 Support and encourage recreational and commercial boating along the waterfront.

- A. Maintain marine commercial zoning that permits commercial and recreational pleasure boating facilities.
- B. Develop upland properties in a manner compatible with continued maritime use of the waterfront and that takes advantage of the proximity to the waterfront.
- C. Permit maintenance and repair measures that support commercial and recreational boating, including maintenance dredging.

10.7 Support efficient harbor operations

- A. Ensure that shoreline uses do not interfere with harbor operations or navigation channels.
- B. Navigation channels should be maintained to ensure efficient vessel movement.
- C. No-wake zones and vessel speed limits should be established and enforced along the shoreline and in the vicinity of marinas and other important waterfront uses.
- D. Investigate the feasibility of relocating the U.S. Coast Guard Station to the south end of the Outer Harbor area, which is a more prominent location at the head of the Buffalo Harbor.

10.8 Minimize vessel conflicts.

- A. Locate recreational boating facilities, particularly those serving vessels with limited power and maneuverability, in waters without heavy concentrations of maritime or marine-industrial activity.
- B. Locate facilities for recreational vessels so as to avoid locations with strong currents and those prone to heavy wave or wake action. Locate docking or mooring facilities for recreational vessels in areas where there is adequate natural protection or where structurally adequate and environmentally sound protection can be created.

10.9 Enhance the City's waterfront as a quality of life amenity to attract potential businesses, laborers and visitors to the City and region.

- A. The waterfront is one of the City's greatest assets. It should be properly developed, consistent with the objectives of Policy 1, to make the waterfront an important part of the local economy and a safe, healthy and enjoyable place to live, work and visit.
- B. Efforts to improve the waterfront should be properly planned and should be consistent with the City's overall vision for the waterfront.
- C. Avoid haphazard development that is not consistent with the City's vision for the waterfront or compatible with surrounding planning efforts and land uses.
- D. Waterfront development should be located in areas that:
  - 1. Contain essential public services that have sufficient capacity for new development,
  - 2. Have adequate site access and roadway infrastructure, and
  - 3. Can accommodate sufficient parking facilities and other necessary support services and facilities.
- E. Public access should be provided as a part of waterfront development and redevelopment projects and be linked to the existing and proposed network of greenways and bicycle and pedestrian pathways.

- 10.10 Promote the location of working waterfront uses along the Buffalo Ship Canal, Kelly Island and the upper reaches of the southern shoreline of the Buffalo River.
- A. Promote the development and operation of working waterfront uses and measures that support these uses, such as maintenance dredging.
  - B. Where feasible, give priority to marine commercial and marine industrial uses in the use and disposition of public lands.
  - C. Where feasible, development or redevelopment of property leased or sold by public agencies should be designed so that future berthing of maritime support vessels would be possible.
  - D. Preserve or improve existing shorefront infrastructure, including bulkheads, wharves and piers to permit simultaneous or subsequent water-dependent activity.
- 10.11 Provide infrastructure improvements necessary to support working waterfront uses.
- A. Identify and implement public transportation improvements necessary to provide adequate truck access to working waterfront areas.
  - B. Improve and maintain intermodal and rail freight facilities, where feasible.
  - C. Maintain shoreline and navigational infrastructure in areas that are important for the operations of water-dependent marine industrial uses.
  - D. Where appropriate, maintain channel depths necessary to accommodate working waterfront uses.
  - E. Dredge spoils must be disposed of using an approved method at an approved disposal site.

## **POLICY 11**

### **Promote the sustainable use of living marine resources**

Living marine resources play an important role in the social and economic well being of waterfront communities. Commercial and recreational use of living marine resources in Lake Erie and the Niagara River constitutes an important contribution to the economy of the region and the state. Continued use of these resources depends on maintaining the long-term health and abundance of fisheries resources and their habitats, and on ensuring that the resources are sustained in usable abundance and diversity for future generations. This requires the state's active management of fisheries, protection and conservation of habitat, restoration of habitats in areas where they have been degraded, and maintenance of water quality at a level that will foster the occurrence and abundance of these resources. Allocation and use of the available resources must: (1) be consistent with the restoration and maintenance of healthy stocks and habitats, and (2) maximize the benefits of the resources use so as to provide valuable recreational experiences and viable business opportunities for commercial and recreational fisheries in the area.

This policy provides standards to ensure maintenance and health of living marine resources. It recognizes the importance of commercial and recreational use of fishery stocks in our local waters, and calls for the equitable allocation of resources. This policy also focuses on providing adequate infrastructure and support facilities for recreational and commercial users.

### **Policy Standards**

11.1 Ensure the long-term maintenance and health of living marine resources in Lake Erie, the Niagara River and the Buffalo River

- A. Ensure that commercial and recreational use of living marine resources is effectively managed in a manner that:
  - 1. Eliminates contaminant threats to local marine communities.
  - 2. Places primary importance on maintaining the long-term health and abundance of fisheries.
  - 3. Results in sustained useable abundance and diversity of the resource.
  - 4. Does not interfere with population and habitat maintenance and restoration efforts.
  - 5. Uses best available scientific information in managing the resources.



6. Minimizes waste and reduces discard mortality of fishery resources.
  - B. Ensure that the management of the state's transboundary and migratory species is consistent with interstate, state, federal, and interjurisdictional management plans.
  - C. Protect and manage native stocks and restore sustainable populations of indigenous fish and wildlife species and other living marine resources.
  - D. Foster the occurrence and abundance of marine resources in Lake Erie, the Niagara River and the Buffalo River through the protection and enhancement of water quality; and the protection, enhancement and restoration of spawning grounds and other breeding habitat.
- 11.2 Provide for commercial and recreational use of Lake Erie and Niagara River fisheries
- A. Maximize the benefits of resources to provide valuable recreational resource experience and viable business opportunities for commercial and recreational fisheries.
  - B. Where fishery conservation and management require actions that would result in resource allocation impacts, ensure equitable distribution of impact among user groups, giving priority to existing fisheries in the state.
  - C. Protect public health and ensure the marketable fisheries resources are not contaminated.
    1. Advise the public regarding health risks of consuming fish contaminated with toxics.
    2. Restrict the harvest of fish when they are contaminated with toxics exceeding established public health thresholds.
    3. Maintain water quality and wholesomeness of the fishery and marketable marine resources to protect public health.
  - D. Provide adequate infrastructure to meet recreational needs including appropriate fishing piers, dockage, parking, and livery services.

## *CITY OF BUFFALO LOCAL WATERFRONT REVITALIZATION PROGRAM*

1. Foster direct public recreational use of marine resources along shorelines, harbors, and other surface waters.
2. Promote commercial party and charter businesses in on Lake Erie and the Niagara River.
3. Encourage the provision of areas suitable for shoreline fishing when considering public access as a part of development and redevelopment plans for waterfront properties.

## **POLICY 12**

### **Protect existing agricultural lands**

The intent of this policy is to conserve and protect agricultural land in the waterfront area by preventing the conversion of farmland to other uses and protecting existing and potential agricultural production.

This policy contains four sections. The first section presents a definition of agricultural lands and contains standards to address conversion of agricultural lands and interference in agricultural operations. Section 2 directs the conditions that support agriculture be maintained and enhanced. Management of the impacts of unavoidable conversion of agricultural land is provided for by the standards in section 3. The last section recognizes the scenic and open space value of agricultural land and operations and provides for their protection within the framework of efficient farm operation.

### **Policy Standards**

The City of Buffalo does not have any active farmland or agricultural activity occurring in the local waterfront revitalization area. Therefore, this policy is not applicable to the City of Buffalo.

## **POLICY 13**

### **Promote appropriate use and development of energy and mineral resources**

The Buffalo waterfront has a long history of industrial use. Overtime there has been a shift in this emphasis, and the legacy of industrial use has provided a desire to develop the waterfront with cleaner, more acceptable uses that provide broader service to the public. There are no existing hydroelectric power generation facilities along the City of Buffalo shoreline. There are also no sites along Lake Erie, the Niagara River or the Buffalo River where the benefits of developing hydroelectric generating facilities are not outweighed by the economic costs and the potential adverse impacts on natural resources. In addition, land uses associated with mineral extraction are no longer considered desirable for the waterfront.

The City of Buffalo has a valuable waterfront wind energy resource that should be considered for the economic and environmental benefit of the community, in balance with ecological and scenic considerations. Winds blow across Lake Erie for miles resulting in high wind velocities as the wind hits the Buffalo waterfront. The fact that so much of our land is undeveloped, as the LWRP is being written, gives Buffalo an unprecedented opportunity to become a national and international center for urban wind energy development.

This policy is divided into five Sub-policies. The first calls for conservation of energy resources. Sub-policy 2 addresses alternative energy sources. Sub-policy 3 provides standards to ensure maximum efficiency and minimum environmental impacts when siting energy facilities. Sub-policy 4 presents standards to minimize the impact of large fuel storage facilities. The last Sub-policy addresses mineral extraction.

### **Policy Standards**

#### **13.1 Conserve energy resources**

##### **A. Promote and support energy efficient modes of transportation.**

1. Promote and maintain rail freight facilities.
2. Promote and maintain facilities to support the link between harbor and rail freight.
3. Promote and maintain facilities for waterborne cargo and passenger transportation.
4. Integrate access from the waterfront to mass transit facilities, in particular, the Buffalo Intermodal Transportation Center.

5. Provide secure bicycle parking and safe bicycle lanes in new development projects and connect these facilities with the public pathway network along the waterfront.
  6. Build and promote the greenway system as an environmentally friendly, low-energy waterfront transportation system.
- B. Plan and construct sites using energy efficient design. Energy efficient design includes consideration for solar and wind utilization, protection from wind, and landscaping for thermal control.
  - C. Encourage and promote green building, landscape and community design.
  - D. Promote greater energy generating efficiency through design upgrades of existing facilities.
  - E. Maximize community recycling efforts
- 13.2 Promote alternative energy sources that are self-sustaining, including solar and wind powered energy generation
- A. Promote the development and use of wind energy technologies. While there are numerous references in this document to factors that could be interpreted to preclude wind energy development, none are to be taken as a priori preclusion. Examples are references to “complementing the surrounding community and landscape”, “scaling development to be appropriate to the setting”, “limiting the intrusion of structures into coastal waters”, “destruction of habitat values”, and “protecting natural scenic values”. While these are important factors to look at in the siting of wind turbines, they are to be considered in a holistic balance with the benefits of wind energy development. Turbine siting should be done carefully to minimize interference with waterfront resources and processes, including interference with migratory birds.
  - B. Replacement of power sources that pollute the air, land and water, impacting human health and the health of wildlife and the environment.
  - C. Replacement of power sources that are contributing to global climate disruption, a phenomenon that promises to disrupt ecology and social structures if not curtailed.

- D. Stabilization of energy prices as there is no fluctuation in the cost of wind energy once a turbine is constructed.
  - E. Increased homeland security as dependence on foreign sources of gas and oil is curtailed and foreign policy is less a hostage of oil interests.
  - F. Tourism could become significant if Buffalo's wind resource is significantly developed, as planners, public officials and citizens visit our area to see how it is done and examine the impact or urban wind farms.
  - G. Redefining Buffalo as a progressive City that is leading the way in what is sure to be an important future energy source. In this context, wind turbines can be seen as a positive visual feature on the City's waterfront; the modern equivalent of the grain elevators.
  - H. Spin off business as manufacturers of wind components look to expand and seek to do so in a ground breaking area with a strong market for their products.
- 13.3 Energy generating and transmission facilities, that utilize non-renewable resources, are considered inappropriate uses that would not provide significant public benefit along the Buffalo waterfront and should not be sited in this area.
- 13.4 Minimize adverse impacts from above ground and underground fuel storage facilities, particularly in Sub-Area 3 and along the Buffalo River corridor in Sub-Area 4.
- A. Prohibit the production, storage, or retention of petroleum products in earthen reservoirs or spill containment basins.
  - B. Protect natural resources by preparing and complying with an approved oil spill contingency plan.
- 1. Because of the high potential for hazard associated with liquid natural gas facilities, these facilities are considered inappropriate and would not provide significant public benefit along the Buffalo waterfront. Therefore, such uses should not be sited in this area.

- 13.5 Commercial mining and other mineral or gravel extraction activities are considered inappropriate uses for the Buffalo waterfront and should be prohibited.
- 13.6 Ice management practices shall not interfere with infrastructure systems, impair significant fish and wildlife and their habitats, increase shoreline erosion or flooding or increase energy consumption.
- 13.7 Discourage the development of energy resources on the outer continental shelf in Lake Erie.

The City recognizes the need to develop new indigenous energy sources but also recognizes that such development may endanger the environment. Thus, the City discourages the development of energy resources on the outer continental shelf in Lake Erie. In addition, State law currently prohibits the development of natural gas wells nearer than one-half mile from the shoreline, two miles from public water supply intakes and one thousand feet from any other structure or installation on or in Lake Erie. State law also prohibits production of liquid hydrocarbons in Lake Erie, either alone or in association with natural gas.

## **Section IV**

### **Proposed Land and Water Uses and Proposed Projects**



## **SECTION IV - PROPOSED LAND AND WATER USES AND PROPOSED PROJECTS**

The land and water uses for the City of Buffalo waterfront area are described in this section of the LWRP. Maps 4-1 through 4-4 illustrate the proposed land uses for the City as well as the location of proposed projects. The City of Buffalo waterfront offers considerable opportunities for revitalization. For many years efforts have been made, and numerous studies and plans prepared, for reuse and redevelopment of this area. At present, there are several initiatives proposed or underway along the waterfront that will help in its renewal. Under the framework of the Local Waterfront Revitalization Program, it is envisioned that revitalization efforts and projects will be coordinated and planned in a complementary fashion to bring activity and prosperity back to waterfront.

### **A. Proposed Land Uses**

Land uses in the City of Buffalo are proposed in a manner that will:

- promote economic development and revitalization in abandoned and underutilized areas,
- increase tourism,
- support more efficient circulation patterns for pedestrians and vehicles,
- allow for a better mix of uses on the waterfront,
- protect and encourage water-dependent uses,
- increase and improve opportunities for public access and recreations,
- protect important shoreline resources, and
- preserve and continue the existing style of development throughout stable neighborhoods.

Along portions of the Inner and Outer Harbor areas and along the Buffalo River, where industry once flourished, emphasis will be placed on revitalizing these areas with marine commercial and other appropriate water-enhanced land uses that bring activity and economic vitality back to the waterfront. These long-term land use recommendations are designed to guide future development and redevelopment, and provide for a more balanced tax base.

Buffalo was once a prosperous City with a thriving waterfront. The waterfront was Buffalo's birthplace in the early 19<sup>th</sup> century and the reason it became a transportation hub and a "Gateway to the West", with its strategic position as the "Queen City of the Lakes" at the western terminus of the Erie Canal. The vision for the City is to re-establish the waterfront as a

thriving and vital part of the community and a destination for tourism and economic activity. While the past focused on the waterfront as a center for industrial and maritime operations, the future use of this area is envisioned to include a mix of uses, with parks, recreation and tourism attractions blending with businesses, marine commercial uses and light manufacturing activities. For years the public and local officials have been dreaming, thinking, and talking about, as well as planning ways to recapture our waterfront. These efforts, although lengthy and laborious, are now viewed as a priority for the City and it's partnering government agencies and private entities. This is a shared vision. At the forefront of this vision is the desire to regain and improve access to the waterfront for pedestrians, bicyclists, boaters (both small and large), fisherman and others who have been cut off from the shoreline for many years. There are many areas that hold the potential for use and reuse as viable areas of public open space, residential development and commercial activity. In many places, these uses can co-exist to make the waterfront a vibrant area of activity and a great public place for all to enjoy for years to come.

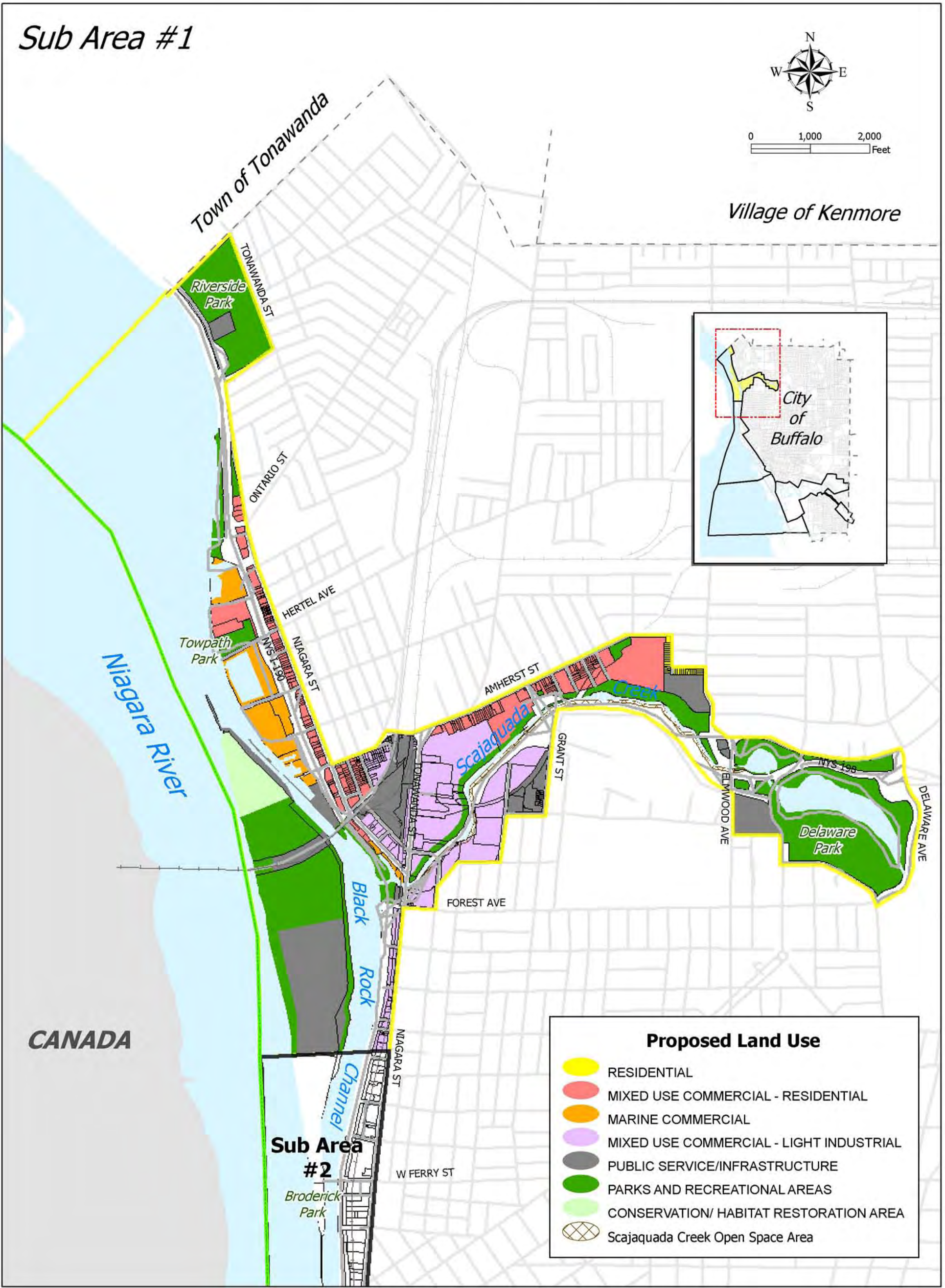
To help in achieving this vision, the following land uses are proposed for the Buffalo LWRA.

- Sub-Area 1:

Sub-Area 1 is currently comprised of a mix of commercial and residential land uses, along with some significant areas of parkland and cultural uses, and a prominent area containing industrial and former industrial uses (see Map 4-1). In the northern portion of Sub-Area 1 (north of the International Railroad Bridge), the mix of neighborhood commercial and residential uses should be continued along the east side of Niagara Street. Water-dependent and marine commercial uses should be continued and expanded, where appropriate, along the waterfront, west of the I-190 Expressway and Niagara Street. This area is currently developed with a mix of water-related recreational uses and marinas, including the Army Corps. of Engineers offices, along with some commercial and residential uses. The existing multi-story residential building that is situated on the waterfront in this area should be considered for multiple-use, with commercial and neighborhood retail and service uses on the lowest levels.

The area along Amherst Street, situated north of Scajaquada Creek, should remain a mix of neighborhood commercial and residential uses. These uses should complement and support the surrounding residential community that lies to the north. The area generally located at the intersection of Amherst Street and the waterfront is the epicenter of the historic Village of Black Rock, which was annexed into the City of Buffalo in the early 1800's. This area contains the only lock of the Erie Canal within the City. It is known as the Federal Lock and is one of only two federal locks on the Erie Canal. The upper and lower Black Rock

# CITY OF BUFFALO LWRP PROPOSED LAND USE



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DATA SOURCES: CITY OF BUFFALO

Harbor, which is a federal waterway that parallels the Lock, is the historic harbor representing the Village of Black Rock's failed efforts to end the Erie Canal at this location, rather than at Buffalo Harbor. To recognize the historic significance of this area, interpretive signage should be installed in prominent locations that are accessible to the public. Recommendations include points along the Scajaquada Pathway, in the area beneath the I-190 Expressway. As noted below, this area should be improved for better use by the public and signage of this nature could enhance the area. Another location for interpretive signage would be the northern end of Squaw Island, in the vicinity of the lock. This site is proposed for redevelopment as public parkland (see below) and offers excellent views of the lock and surrounding area. Recent development of the Towpath Park, by Erie County, at the foot of Hertel Avenue, presents a model to examine for future public access in these areas. Also, nearby is the International Railroad Bridge, which intersects with the canal area, and provides a trail connection from the pathway to Canada. The bridge offers another potential location for interpretive signage.

The area around Tonawanda Street and lands on the south side of Scajaquada Creek are part of a former industrial corridor. While this area contains a few remaining industrial uses, it is in transition. Former industrial lands are in poor condition, with dilapidated structures and aging infrastructure. This area was evaluated as part of the Tonawanda Street Corridor Plan. This plan concluded that the area remains a good location for general light industrial and commercial development. It has good accessibility to major highways and international crossings. The availability of vacant land and buildings, the existence of surrounding uses that are adapted to the industrial nature of this area, and the environmental conditions on the former industrial sites, all support continued industrial use in this area. Through a series of public and private investment actions, this area could be revitalized. These actions should be directed at improving existing infrastructure (including the roadway-Appendix E), improving aesthetics in the area (through proper site design) and establishing a minimum 50-foot riparian buffer along Scajaquada Creek, similar to the setback along Buffalo River.

Sub-Area 1 contains two important parks designed by Frederick Law Olmsted - - Riverside Park and Delaware Park. These recreational resources should be protected, preserved and enhanced, along with the other recreational lands in this sub-area. The land around the mouth of the Scajaquada Creek, beneath the I-190 interchange, should be reserved for public open space to complement the Scajaquada pathway that extends through this area, and to provide additional public access and shoreline fishing opportunities to local residents. The City's proposal to redevelop the limited access Scajaquada Expressway (NYS 198) as a downgraded parkway or boulevard will facilitate the redevelopment of a public roadway that is in harmony with the surrounding community character and conducive with



adjoining recreational amenities. This effort will help to improve the functional use of Delaware Park and its amenities for recreation and public open space.

Squaw Island is presently the site of Buffalo Sewer Authority Wastewater Treatment Plant (Map 4-1), which is a water-dependent use. This use should remain at this location. The lands to the north of this facility, which were formally used for municipal solid waste management purposes, should be redeveloped as public parkland. The northern tip of Squaw Island should be re-established and protected as wildlife habitat, as a passive extension of the parkland. Interpretive signage should be located in this vicinity to recognize the historic significance of the former Village of Black Rock and the existing federal lock. Trailway connections should be developed to provide for unobstructed access between Broderick Park, which is located at the southern end of Squaw Island, and the proposed parkland to the north. Such access needs to be coordinated with the Buffalo Sewer Authority. Other improvements are needed at Broderick Park to enhance public access, visual quality and public safety, as well as commemorating the historic significance of this park as part of the National Underground Railroad. Broderick Park requires better maintenance and improvement, as it is a prominent waterfront location that is experiences significant public use, as well as an historic resource.

Popular sentiment exists to address the impacts of the NYS Thruway on the surrounding community. This roadway cuts this area off from the waterfront, severely limiting access to the shore, particularly in Sub-area 1. A variety of proposals have been made over the years to repair or reverse the damage done to the community by the obstructive placement of this roadway. The ideas of covering or “decking” the I-190 as a means of extending Riverside Park toward the Niagara River, or rerouting the I-190 to continue it along the railway right-of-way, have been proposed. Preliminary feasibility studies for these concepts have concluded that they would be cost prohibitive. However, the issue remains as to how to address the need to reconnect the upland uses with the waterfront and remedy the severance created by the I-190 Expressway. In light of this, efforts should be made to identify locations where access improvements and linkages can be created or improved in a manner that best improves the public use and enjoyment of the waterfront.

- Sub-Area 2:

Land uses along Niagara Street, from Forest Avenue to the Peace Bridge, should continue as a mix of commercial and light industrial uses (see Map 4-2). This area has easy access to major highways and international crossings and should be revitalized to improve economic vitality. The historic brick building stock, which is reasonably priced, provides an opportunity

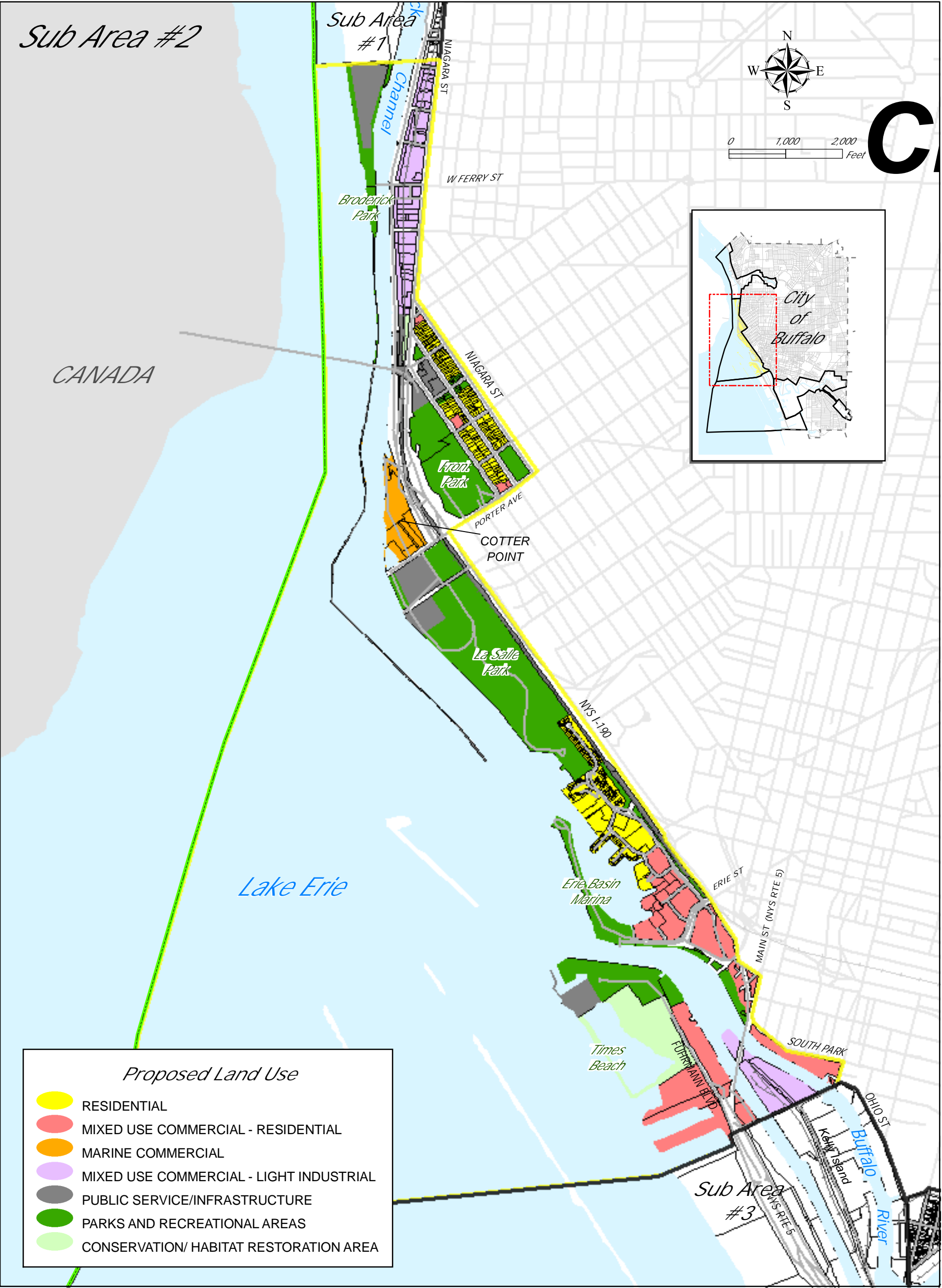
for light industrial uses and office development, as well as loft space. Opportunities for the development of water-dependent uses in this area are stymied by the presence of the I-190 Expressway, which cuts Niagara Street off from the waterfront. Redevelopment efforts in this area should lend focus to improving aesthetic quality and, through the use of design standards, presenting a more attractive image for the area, which is visible from the Niagara River, Squaw Island and Canada, as well as from inland reaches. Streetscape improvements could enhance this section of Niagara Street, improving its value as a designated segment of the New York State Seaway Trail. In addition, improvements to the portion of the Riverwalk multi-use pathway system that extends through this area would facilitate better public access to the waterfront and improve bicycle and pedestrian safety. Such a project has strong public support.

The Peace Bridge Plaza should be redeveloped as an international gateway. The redesign of the plaza area should be aimed, to the greatest extent possible, at reducing impacts to the surrounding community. This redesign should also be based on a shared border management strategy, which allows for the processing of truck traffic on the Canadian side of the border crossing. This would eliminate the need to raze a significant number of stable residential dwelling units that are situated adjacent to the bridge plaza, and reduce the potential adverse environmental impacts associated with an increased volume of static truck traffic to the surrounding community. The implementation of shared border management is supported by the City as the soundest means of managing traffic flow through this area.

The City would like to see the area surrounding the Peace Bridge Plaza revitalized as a gateway into the U.S, with emphasis placed on rehabilitating Front and LaSalle Parks, Porter Avenue, and nearby housing. The redesign of the Peace Bridge Plaza is directly tied to these efforts, which are essential to revitalizing this area of Sub-area 2 as a better quality and better functioning public space. As identified in the City's Waterfront Corridor Initiative, which is a companion effort with the LWRP, the area around the Peace Bridge is a vital node for activity. With the presence of two public parks (one of which provides direct access to the waterfront), the termination of Porter Avenue at the waterfront, the adjoining mix of marine oriented uses at Cotter Point (an area that is also being improved), and the adjacent residential housing improvement efforts, this area is a prime and prominent location for improving tourism and linkages to the waterfront, creating a destination for public enjoyment, and generally strengthening the community.

Particular emphasis has been placed on restoring Front Park, which is another element of the historic Olmsted Park system. Views of Lake Erie from Front Park are spectacular, but have been impacted by the presence of the Peace Bridge Plaza and the I-190 Expressway. The

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goal should be to restore the landscape connection to the waterfront and create linkages between the Front, nearby Cotter Point and LaSalle Park, improving the use and overall function of this entire area as a public space and reinforcing Olmsted's original intent for this area. Front and LaSalle Parks should continue to provide opportunities for public recreation and access to the Niagara River. Portions of Cotter Point should be redeveloped to support a variety of water-dependent and enhanced uses that provide additional recreational, cultural and educational opportunities, as proposed, and that connect and combine with proposed improvements in the surrounding area to enrich public use and enjoyment.

Porter Avenue is an important link in the revitalization and enhancement of this area. The western end of Porter Avenue connects a rich array of Buffalo's historic and cultural resources. This avenue is an important component of Olmsted's park and parkway plan for the City, connecting Symphony Circle, Richmond Avenue, Bidwell and Lincoln Parkways and Delaware Park with Front Park, the waterfront and LaSalle Park. The foot of Porter Avenue provides connecting access between Front Park, the uses at Cotter Point (including the Buffalo Yacht Club, Buffalo Rowing Club, and the emerging waterfront campus for Buffalo State College, including the Great Lakes Research Center), the Colonel Ward Pumping Station and LaSalle Park. Cotter Point is an area of the waterfront that is experiencing renewal, which should be continued. Parts of these efforts include making better use of the shoreline that extends north of the Westside Rowing Club. This area should be developed for public access and pedestrian oriented passive recreation as an expansion of the land use activities occurring at Cotter Point and a new extension or accent to the Riverwalk.

The foot of Porter Avenue is proposed for redevelopment that will play a significant role in redevelopment the area around the Peace Bridge Plaza a gateway (Map 4-2). Proposed design, landscaping and access improvements will reinstate pedestrian linkages, improve visual quality, enhance transportation efficiency and improve access to the waterfront. As noted above, when linked with improvements to Cotter Point and subsequent improvements to adjacent parklands, the terminus of Porter Avenue will function more effectively as a welcoming and attractive public place.

As a complement to the above noted actions, and another essential component for improving this area as vital public space, the City is proposing to revitalize LaSalle Park. In addition to the proposed upgrades to the recreational elements and playfields in this area, the redesign of LaSalle Park should include improved opportunities for shoreline access. This park contains a launch ramp that was formerly used for boats and seaplanes, which is in disrepair. The provision of shoreline dockage and, possibly, an improved opportunity for launching recreational vessels would provide another location for public access to local



surface waters. The potential also exists to restore portions of the shoreline as ecological habitat through wetland creation and other similar efforts. LaSalle Park is one of the few City parks that have full and extensive waterfront access and should accommodate both upland and surface water recreational use. Improvements to this park should capitalize on these opportunities.

The area south of LaSalle Park, known as Waterfront Village, is developed with residential uses, an office park development, a restaurant and the Erie Basin Marina (Map 4-2). This area is part of a larger area that comprises the Waterfront Redevelopment Project Urban Renewal Area. Waterfront Village offers a nice mix of land uses that should be continued and expanded, where appropriate. The Erie Basin Marina provides passive recreational opportunities and access to the Lake. This marina use should be protected and enhanced. The land area immediately south of the marina, along Erie Street, holds potential for land use improvements to further enhance this area.

Throughout much of Buffalo's history, Erie Street was one of the most direct and important connections from downtown to the waterfront, in the immediate vicinity of where the Erie Basin Marina is now located. As the City developed, and the landscape changed with the filling of the Erie Canal and the construction of the I-190 Expressway and Erie Basin Marina, Erie Street was realigned. Thus, this street is no longer oriented toward the Buffalo Lighthouse (circa 1833), which sits directly across the mouth of the Buffalo River and Inner Harbor. A project is now proposed to re-establish Erie Street and, in the most practical manner, restore the radial street design that once existed in this area. The idea is to recreate the more direct connection from the downtown to the waterfront and make the Erie Basin Marina area more of a destination. The realignment of this roadway is proposed to be complemented with the development of low-rise mixed office, commercial and residential development. This area of the waterfront possesses potential for greater use and enjoyment, but the existing impediments prohibit this. As a whole, there is a need to expand the City across the I-190 and into this area, transforming the bridge underpasses from barriers to gateways, recreating uninterrupted sight lines and improving development opportunities that can revitalize the area into a more prosperous waterfront environment. At present, although the area offers the attraction of the marina and waterfront restaurant, the lack of a more direct linkage and additional opportunities for public interaction diminish its potential for public use and enjoyment.

Moving east along the northern shore of the Buffalo River and Inner Harbor, toward the downtown, there are additional opportunities for improvement. Such improvements would allow this extent of the waterfront to be revitalized as a more attractive public space and economically viable area. This is a prominent area of the waterfront, another gateway, which is a key component in the City's overall concept of making this section of the waterfront and surrounding area a retail, entertainment and tourist destination.

The Inner Harbor area of the waterfront should continue to be enhanced with public greenspace (including a 50-foot greenspace setback along the water's edge extending from the Erie Basin Marina area), providing a pleasant connection and public access between the Erie Basin Marina and the Erie Canal Harbor area (which is proposed for redevelopment by the Erie Canal Harbor Development Corporation - ECHDC), as well as the DL&W terminal and locations further to the east along the shoreline. The ECHDC Inner Harbor Plan for the Erie Canal Harbor area, which is the centerpiece revitalization effort for this area and supported by the City, will offer heritage tourism attractions, as well as a hub for the greenway trail system that will eventually link with other areas of the waterfront. The redevelopment of the 10.9-acre Inner Harbor area as the Erie Canal Harbor will center around improvements for boat, bicycle, pedestrian and public transit access to the area. This will complement the enhancement of the adjacent Veteran's Park and relocation of the three naval vessels to a new basin. This area will also be redeveloped to support a mix of commercial, retail and office uses, to complement the public uses and improve the economic conditions of this area. Such improvements would revitalize this area as a great public space and public "edge" of the City.

The City has made substantial progress in its planning for the use and redevelopment of the waterfront, from the Erie Basin Marina to the Inner Harbor area. The continued redevelopment of this area, including the Erie Canal Harbor project, will offer a mix of uses to spawn economic activity and improved public access. These efforts should be closely linked with the City's plans to revise the Downtown Waterfront Urban Renewal Plan (URP), which currently sets forth the land use plan and design standards for this area of the waterfront. Updating the URP, which was last updated in 1993, will enable the City to ensure that this area is redeveloped in a manner that is consistent with the LWRP and the City's Comprehensive Plan, and is compatible with surrounding uses and land use planning efforts. This revision to the URP should further define the vision for this area and establish updated design standards and guidelines aimed at achieving this vision. The URP amendment must also take into consideration projects that are proposed within the boundary of the urban renewal area, but that lie outside the boundary of Sub-area 2. Although these projects are not located in the immediate waterfront area or water-related in

nature, when taken into consideration as part of the overall vision for the area, they represent important components of this vision. The overriding objective is to bring activity back to the waterfront, particularly to significant waterfront locations that presently offer no benefit to the community, the City or the region.

Southeast of the Erie Canal Harbor, the shoreline should be redeveloped with a mix of commercial and light industrial uses, regional facilities for entertainment or recreation, limited residential use and other similar uses to complement and support the downtown core and Inner Harbor area (Map 4-2). This area of the waterfront, which includes the DL&W terminal building and a portion of the Cobblestone Historic Preservation District, provides an opportunity for waterfront revitalization activities that make better use of the location and stimulate commerce and public activity in the area. This area needs to be better connected to the revitalization efforts occurring on or planned for adjacent waterfront areas, as previously discussed. This area is also the link between the Erie Canal Harbor waterfront area and the core of downtown Buffalo, and waterfront areas further to the south, including the Outer Harbor area in Sub-area 3. In light of this, it is important to strengthen the ability for the public to move easily between these areas via the greenway and multi-use pathway system. The emphasis should not just be on motor vehicles; pedestrians and bicyclists, as well as boaters, should be taken into consideration.

Sub-Area 2 also includes the northern extent of the Outer Harbor and Kelly Island. Kelly Island primarily supports what remains of the City's working industrial waterfront. General Mills occupies the northern tip of the island, which is an important water-dependent use that should be continued in this area. Kelly Island also contains other water-dependent commercial and light industrial uses that are important to the local economy. This island is an attractive location for similar uses and should be zoned to shift the land use emphasis from heavy industrial uses, which were dominant here in the past, to commercial and marine commercial uses that can continue the character of the area and enrich the working waterfront.

The northern end of the Outer Harbor includes the U.S. Coast Guard Station, the Times Beach dredge spoil area, the former Pier restaurant property and the seaway pier (Map 4-2). This area also includes the historic Buffalo Lighthouse, which is located within the Coast Guard installation. This area should be revitalized to make better use of the shoreline property situated immediately north of the U.S. Coast Guard Station, allowing for improved and increased public access to the lighthouse and Lake Erie shoreline. This would also allow for improved interaction and connection between the Inner and Outer Harbor areas, and could lead to more beneficial improvements and public amenities in the vicinity of the

historic lighthouse. The Times Beach area, which is located immediately south of the Coast Guard Station, is being enhanced for wildlife preservation and restricted passive recreational use. The reuse of the shoreline to the north of the Coast Guard station as public open space would also enable an improved connection with the Times Beach area. Furthermore, the land area in the vicinity of, and including, the Seaway Pier (which lies immediately south of the Times Beach area), should be revitalized with uses that complement and transition from the public use areas.

There has been discussion of providing a bridge connection to link the Inner Harbor area and Erie Street, with the north end of the Outer Harbor. There is no doubt that a pedestrian and multi-use trail connection would provide great benefit in this area. However, any project proposal of this nature should carefully consider the extent of vehicular traffic that would be allowed to enter this area. Due to its proximity to the Time Beach Preserve, which is a State-designated significant fish and wildlife habitat, the introduction of a large volume of vehicles into this area could disrupt the preserve and run contrary to the improvements that are underway in this area.

As noted previously, the City of Buffalo supports the Inner Harbor Plan recommendations of the Erie Canal Harbor Development Corporation (ECHDC). The ECHDC's Plan recommends the construction of a downtown harbor at the foot of Main Street as part of a retail and commercial redevelopment effort for this area of the downtown waterfront. Main Street would be extended over the Buffalo River via a local service bridge that would connect to a proposed waterfront parkway to be constructed by NYSDOT along the Outer Harbor. Under agreement with the New York Power Authority, the ECHDC will obtain title to the parcel where the ice boom is stored, adjacent to the Seaway Pier. This area, including the pier property, is designated for a mix of marine commercial, commercial and residential use. The Buffalo Ship Canal would be connected with the Seaway Pier site by way of a short new canal that will be constructed to provide increased access for recreational sailing and motor craft and to bring in a source of fresh water to help flush the canal. Over the long term, the Skyway Bridge that carries NYS Route 5 over the Buffalo River would be removed after the proposed river crossings at Main Street and Erie Street are established.

- Sub-Area 3:

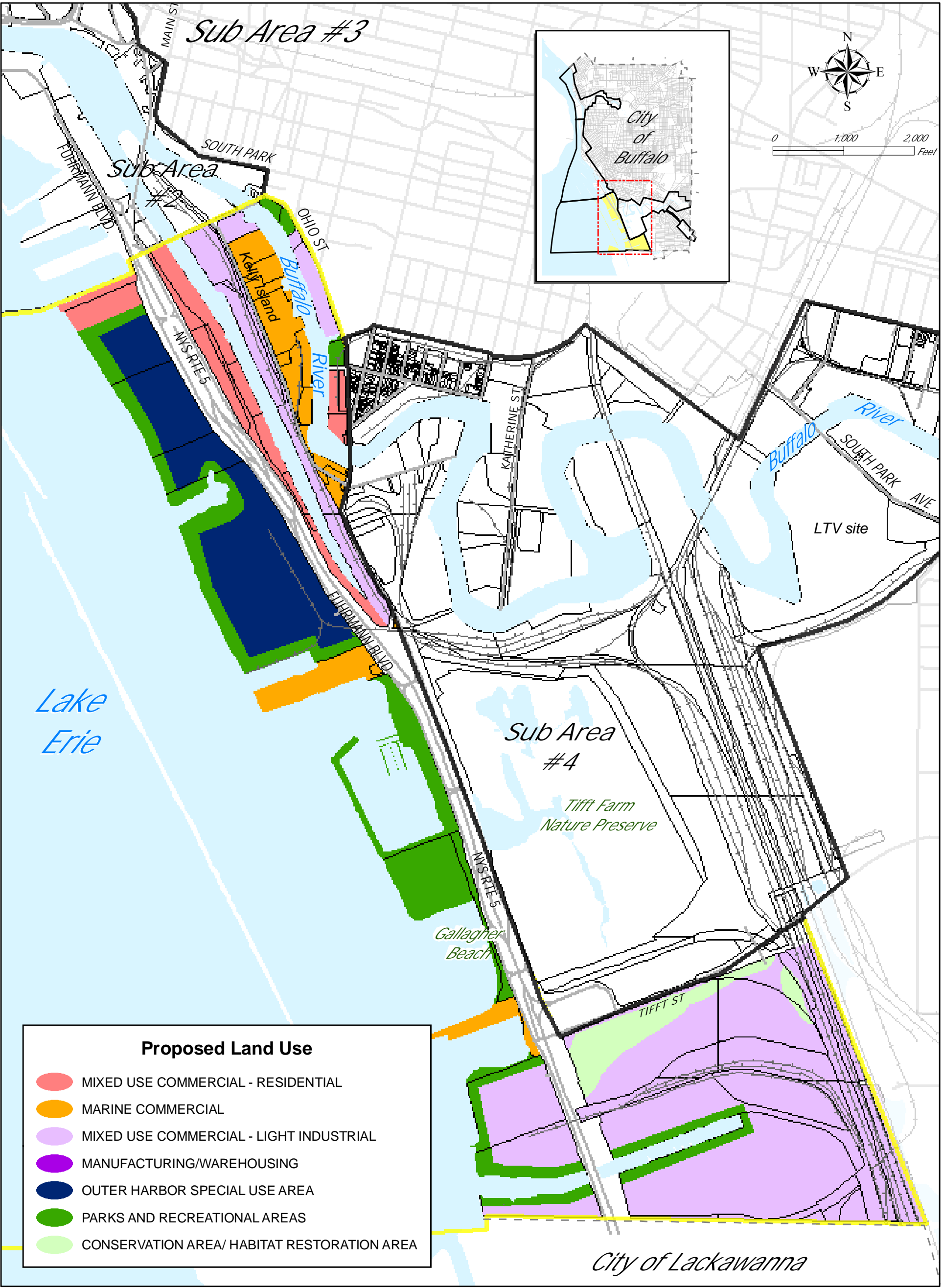
Sub-Area 3 encompasses the southern extent of the Outer Harbor, Kelly Island and the Buffalo Ship Canal, together with the Union Ship Canal area (see Map 4-1C). In addition to a few marinas and industrial uses that are primarily located on Kelly Island and spread throughout the area, this Sub-Area contains barren remnants of former industrial and port

activity that have long been underutilized or abandoned. Efforts are being stepped up to revitalize this area, which represents a significant stretch of the City's waterfront.

The area referred to as the Outer Harbor, which is generally located along Lake Erie, west of the Buffalo River and the Buffalo Ship Canal, is owned by the Niagara Frontier Transportation Authority (NFTA). This area is comprised of 120 acres of former industrial lands, some of which has long sat vacant and unutilized and is being remediated for reuse. Much of the Outer Harbor area is land created by reclamation and filling, which began in 1874 and continued for over 100 years. For years the potential of this area has been mired in inactivity due mostly to site contamination issues associated with use of portions of the site as a dump and a dredge spoil site. Other areas of the site were filled with large quantities of construction and demolition debris. The site was also used as a storage and distribution area for dry bulk materials including rock salt, zircon and sand, foundry sand, iron ore pellets, ball and china clay, gypsum rock, potash and scrap metal. As of July 2004, the environmental clean up process had progressed and NFTA was granted approval to construct a greenbelt (through the placement of a cover layer of clean soils) and install shore stabilization materials along the shoreline of site from north to south, including the interior of the Bell Slip, in addition to undertaking other clean up activities. As part of the Erie Canal Harbor project, the ECHDC is overseeing the redevelopment of this area as a mixed-use development comprised of housing, entertainment and tourism uses. These types of uses would be appropriate for this area as long as sufficient area for public access and greenspace is included in the development of the site (as guided by the LWRP policies).

The Outer Harbor requires proper planning for reuse and redevelopment that achieves the City's vision for the waterfront. As previously noted, this area has remained abandoned and underutilized for far too long and possesses great potential for revitalization. This area should be properly rezoned to allow for redevelopment of a mix of land uses, including shops, restaurants and recreational uses, with emphasis on water-dependent and water-enhanced uses. Emphasis should be placed on the form, management, use and density of proposed uses, with better focus on the public realm. Redevelopment efforts must include substantial provisions for public access and greenspace preservation along the shoreline. Development should be designed at a scale appropriate to the area and provide unobstructed views of the water. Consideration should be given to how uses are arranged or "stacked" - - the massing of buildings - - preserving sight lines to ensure continued visual access to Lake Erie. Larger structures or entertainment venues must be designed at a scale that does not overpower the setting and fits in effectively with scale and massing of surrounding land uses in the immediate area.

# CITY OF BUFFALO LWRP PROPOSED LAND USE



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As new development is planned for the Outer Harbor, it should not be cut off from downtown. Nor should development and roadway access be allowed to exist or be developed in a manner that would adversely impact uses in the downtown, thereby stymieing efforts to revitalize the downtown and Erie Canal Harbor areas. Consideration must be given to improvements to Fuhrmann Blvd., Ohio Street, Erie Street, both individually and together, to allow for the efficient flow of traffic, bicyclists and pedestrians between the Outer Harbor, Erie Canal Harbor and the downtown core.

As shown on Map 4-1C, It is envisioned that the eastern side of Kelly Island, along the Buffalo River, will continue to support marine commercial and working waterfront uses. This area is considered an appropriate location for water-dependent marine commercial and light industrial uses (marinas, off-season boat storage and other marine-related and working waterfront uses). As previously noted, General Mills operates at the northern end of Kelly Island and is expanding and strengthening its operations at this location. The western side of Kelly Island, which borders the Buffalo Ship Canal, will be redeveloped with a broader mix of uses that are consistent with the redevelopment strategy for the Outer Harbor. The historic Great Northern grain elevator is located on the western shoreline of Kelly Island and should be preserved as part of the area's attractions.

The ECHDC Inner Harbor Plan, discussed above, recommends a mile long public esplanade be developed on the west side of the Buffalo Ship Canal. This esplanade would offer permanent berthing facilities for the sailing fleet that is currently anchored on the canal. The area on the Outer Harbor, upland of the esplanade, is proposed to be redeveloped with residential uses that would be constructed on a phased basis. Much of the current retail boat sales facilities would be accommodated as part of the mix of new uses. The winter storage of boats, which is presently located in this area, would be gradually relocated to areas on Kelly Island or to the southern end of the Buffalo Ship Canal.

The ECHDC Inner Harbor Plan recommends that the southerly portion of Kelly Island, at the head of the Buffalo Ship Canal, also be redeveloped to continue the proposed theme for the Outer Harbor and western shoreline of the Buffalo Ship Canal, which includes a mix of marine commercial, commercial and residential uses, along with a public esplanade and boat dockage. The abandoned railway right-of-way at the south end of the canal will also be reclaimed. The sand and gravel operation that is located at the southern end of the canal, which is the last remaining heavy industrial use in this area, is proposed to be phased out over time or relocated to a more appropriate location away from the waterfront. It is also recommended that the large billboards on Fuhrmann Boulevard be eliminated as they are not in conformance with 23 U.S. C. 131(c), which regulates billboards along designated

National and State scenic by-ways. Under the proposed transformation of Fuhrmann Boulevard by New York State as a waterfront parkway, the area of this roadway that extends along the Buffalo Ship Canal will be reconstructed as a local residential service road as a part of the proposed Buffalo Ship Canal neighborhood that is planned for this area.

Lands extending along the eastern shoreline of the Buffalo River, across from Kelly Island between the Ohio Street Bridge crossing and Michigan Avenue, are proposed for mixed use commercial and residential development, with public maritime and park facilities that will foster a connection between the First Ward residential community and the waterfront. A waterfront trail from downtown is planned to traverse this portion of the waterfront. Remaining heavy industrial facilities and rail connections would be phased out in this area as part of an overall neighborhood waterfront revitalization strategy. Selective demolition of long vacant industrial facilities on Kelly Island, which faces the First Ward area, would be required. Redevelopment of the immediate shoreline on the western side of Ohio Street must lend consideration to potential impacts to more sensitive uses, such as residences, from the adjacent marine commercial and working waterfront uses that exist or are envisioned for Kelly Island.

Public access should be a primary focus throughout the Outer Harbor, linking proposed uses and activities with the Greenway Trail system, the Erie Canal Harbor area and the surrounding downtown core area. This access should accommodate multiple uses and enable the public the ability to travel from the downtown (and more northerly areas of the waterfront) through this area to reach the southern City line, and beyond, without impediment.

Access to the Outer Harbor is severely restricted by the Skyway Bridge and overpass (State Route 5), which is a major arterial with limited access to the surrounding area. The inability to gain easy access to the Outer Harbor area is one of the major issues that have stymied development and redevelopment efforts in this area. As a long-term action to address this issue, Main Street would be extended over the Buffalo River as a local service bridge connecting to the proposed waterfront parkway on the Outer Harbor, as recommended in the ECHDC Inner Harbor Plan. The proposed Southtowns Access project (Route 5 access improvements) is examining potential options for improving access to this area. Constructing such a river crossing for general traffic flow would allow direct access to the Outer Harbor, helping to alleviate existing access problems. It would also provide a connection with the core downtown area, which is another important factor. Over the long term, the Skyway Bridge would be removed after the proposed river crossings at Main Street and Erie Street are established (as noted in Sub-Area 2, above).



The State of New York is taking ownership of the Small Boat Harbor and the lands immediately south of the harbor known as Gallagher Beach (Map 4-3). This effort should be linked with the efforts to provide a public access corridor along Fuhrmann Boulevard (the Greenway Trail system) to enable a connection between the Harbor and downtown. Efforts to improve this area as a State park should also be supported by the redevelopment efforts on the Outer Harbor lands. At present the transient, as well as seasonal, patrons of the Small Boat Harbor have few support services or amenities to enhance their use of this site or extend their stay. Furthermore, transient visitors have no formal means of accessing activities in the downtown area unless they have a car. Until the greenway trail system (see proposed projects list that follows) is completed, even with a bicycle, access to the downtown is difficult. Having a formalized trail system, along with supporting land uses that provide services for marina users would enhance the use of this site.

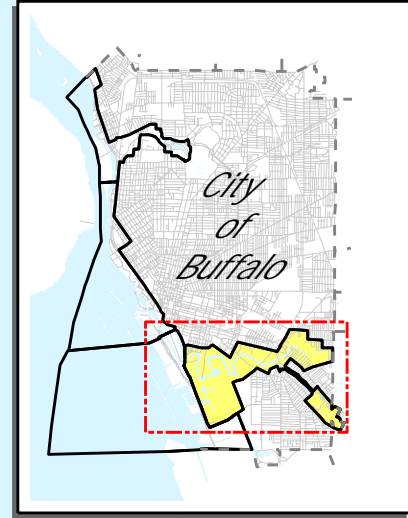
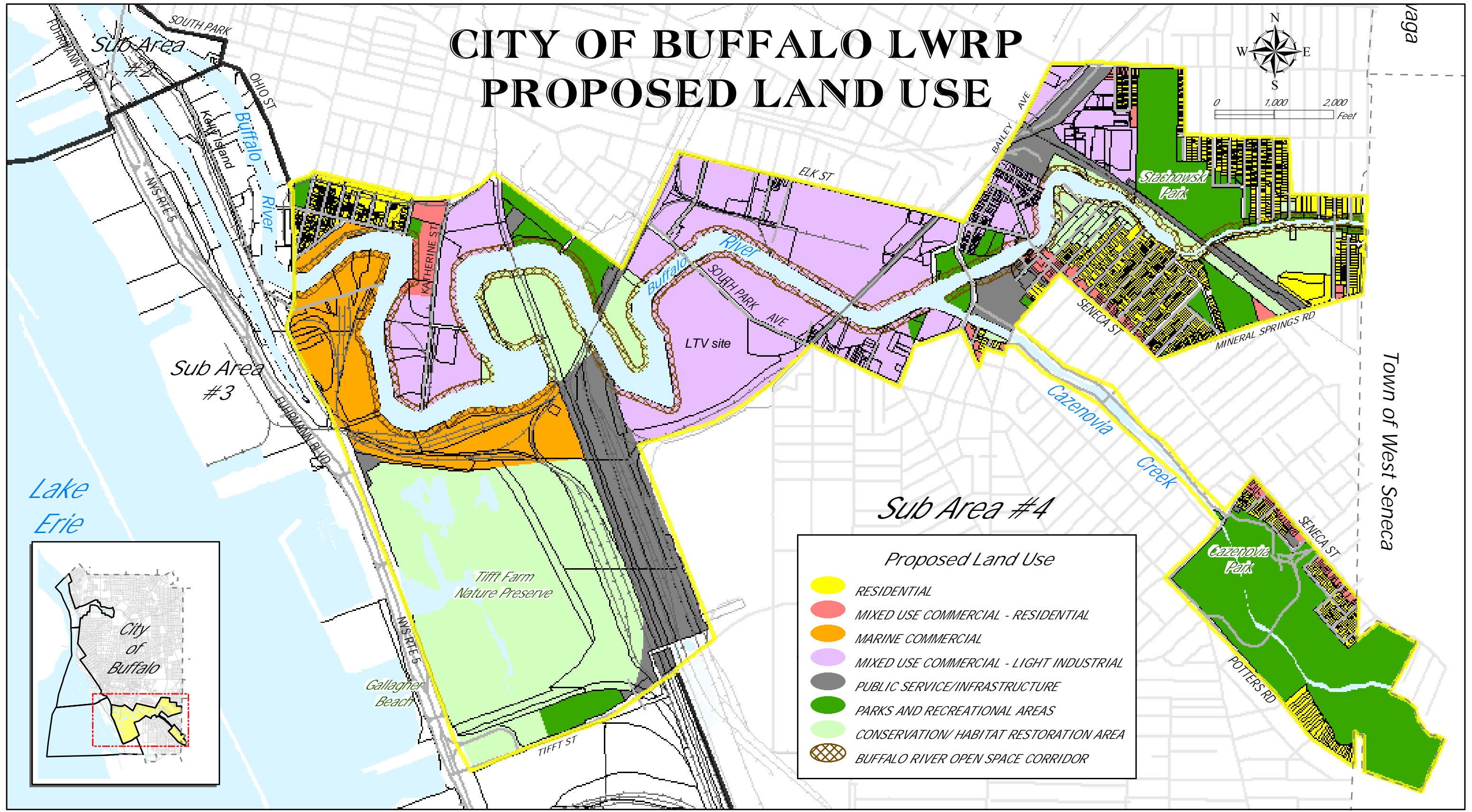
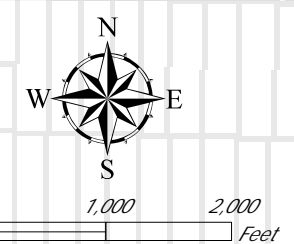
Next to the Outer Harbor, the Union Ship Canal area is a prominent area of deteriorated brownfields. The City has initiated the redevelopment of this area as the Buffalo Lakeside Commerce Park, and these efforts should continue full force. This area has long existed as abandoned former industrial lands. Their reuse for light manufacturing and commercial use is an important component in the revitalization efforts for Sub-area 3. The redevelopment of the Union Ship Canal also includes a public access feature that will wrap around the canal and eventually tie into the greenway trail system.

- Sub-Area 4:

Along the Buffalo River corridor in Sub-area 4, emphasis is placed on protecting and restoring the natural resources and water quality. Development of shoreline properties must respect the requirement for a 25-foot open space corridor along the shore. In certain areas, efforts are focused on restoring important areas of wetlands and maintaining a natural shoreline.

Land use changes in Sub-area 4 are primarily related to a transition from former heavy industrial uses to cleaner light manufacturing uses that are appropriate for many of brownfield sites and other areas along the Buffalo River (Map 4-4). There are considerable number of brownfield properties in Sub-Area 4 (and Sub-Area 3) that hold potential for revitalization and effective reuse. Many of these properties could be reused for waterfront commercial, light manufacturing, maritime or certain water-related recreational uses. There are other brownfield sites that have potential for reuse, but would not be suitable for residential or active recreational use due to the extent of contamination and the extraordinary costs required for remediation.

# CITY OF BUFFALO LWRP PROPOSED LAND USE



*Proposed Land Use*

- RESIDENTIAL
- MIXED USE COMMERCIAL - RESIDENTIAL
- MARINE COMMERCIAL
- MIXED USE COMMERCIAL - LIGHT INDUSTRIAL
- PUBLIC SERVICE/INFRASTRUCTURE
- PARKS AND RECREATIONAL AREAS
- CONSERVATION/ HABITAT RESTORATION AREA
- BUFFALO RIVER OPEN SPACE CORRIDOR

*Legend*

- LWRP Boundary
- LWRP Sub Area of Interest
- Parcel Boundaries
- Municipal Boundary
- Railroads
- Roads
- Water

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The First Ward area, east of Ohio Street has been evolving as a stable residential area and needs to be revitalized to eliminate the impacts of former abandoned industrial and railroad facilities that divide the neighborhood, both internally and from the Buffalo River waterfront. Additional residential, commercial and park facilities, which capitalize on the considerable extent of shoreline would greatly enhance this area. The waterfront area provides significant opportunities for increasing future housing densities to accommodate a mix of incomes and escalate neighborhood revitalization. Recent State funding for waterfront mini-parks and boat launch facilities along Ohio Street and at the foot of Hamburg Street is a solid first step.

The northwestern portion of the Katherine Street peninsula, not previously used for heavy industry, where attractive views of the river exist and where investment in lake freighter mooring facilities was made, could be used as the base for new community initiatives along the Buffalo River. This area should be redeveloped with a mix of commercial and residential uses along the shoreline of the Buffalo River. The remainder of the Katherine Street peninsula, and the area to the southwest, on the opposite side of the river, should be redevelopment with a mix of marine commercial and light industrial uses. Over the long term, heavy industrial uses and chemical and petroleum facilities that are located on the Katherine Street peninsula should be encouraged, to relocate further away from residential areas and the waterfront, to other locations in the City or County where uses of this type are more appropriate.

Kelly Island and the southwestern shoreline of the Buffalo River are areas where the continuance of the working waterfront should be continued, but in a manner that is in harmony with the surrounding area. Areas, such as the rail yards, located east of the Tifft Nature Preserve, in Sub-Area 4 (as well as the Tonawanda Street Corridor in Sub-Area 1) should be considered for use as commercial centers for transshipment activity, where bulk goods could be offloaded to and from trucks to trains or ships. This would enable the City to take advantage of the large volume of truck traffic coming over the Peace Bridge, as well as trains traveling over the International Railroad Bridge, to foster transshipment uses and strengthen the international linkage with Canada. At present, many of these vehicles, particularly trucks, move over the bridge and out of the area to other destinations. The potential also exists for the reuse of former grain elevators along the Buffalo River, such as the current proposal for the development of an ethanol facility. Marine-related uses of this type, which are water-dependent and less likely to result in adverse environmental impacts to the river and surrounding community, are encouraged for this area.

The area known as Concrete Central, to the east of Katherine Island, should be allowed to continue as open space and be incorporated as a part of the Tifft Nature Preserve. The County's Smith Street site should be continued and enhanced for passive public use. This site offers opportunities for access to the river for small craft. The area east of the Smith Street site should remain as open space due to significant soil contamination issues that preclude reuse of this land.

Moving east along the river, the land on both sides in the vicinity of South Park Avenue (including the former LTV site) should be redeveloped with light manufacturing uses, including the clean up of brownfield sites, replacing the legacy of heavy industrial uses that once dominated this area (Map 4-4). The Mobil Oil facility, in particular, is envisioned to be phased out over the long-term and replaced with lesser intense uses. This is the only site on the upper reaches of the river that receives shipments of refined oil (about 40 to 50 per year), which requires river dredging to enable safe passage. The City would like to continue a working waterfront in the vicinity of Kelly Island, closer to the lake, allowing the Buffalo River area the opportunity to recover from many years of industrial use that has polluted its waters and bottom sediments.

Shoreline properties around the Bailey Avenue Bridge crossing should be utilized for parks and passive recreation. Beyond Bailey Avenue, on the south side of the Buffalo River, land uses should continue as a mix of neighborhood commercial (along Seneca Street) and residential, with the exception of the shorelands in the Seneca Bluffs area, which should be preserved as habitat.

Uses on the north side of the Buffalo River, east of Bailey Avenue should include light manufacturing uses west of Stachowski Park and residential to the east. The area bordering Cazenovia Park should remain residential, with neighborhood commercial uses along Seneca Street.

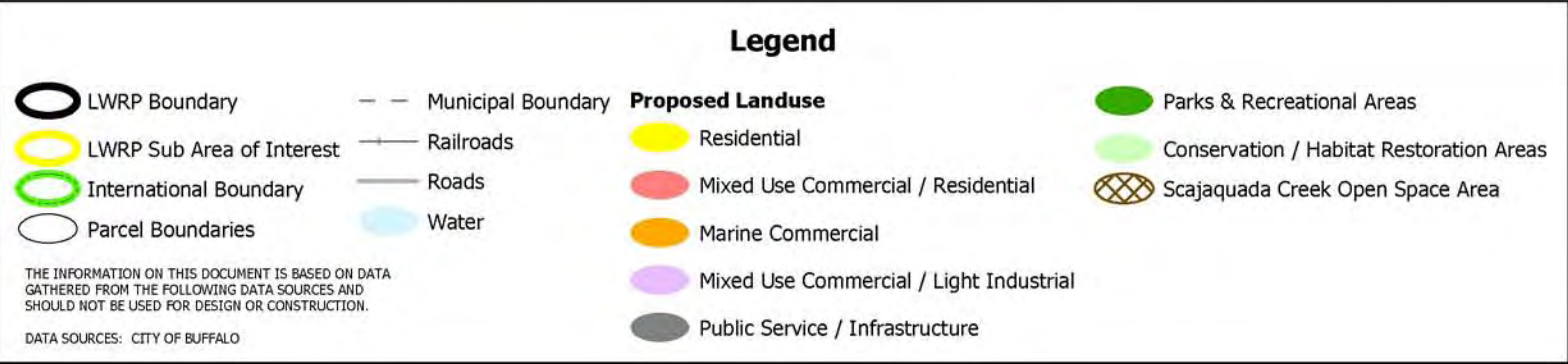
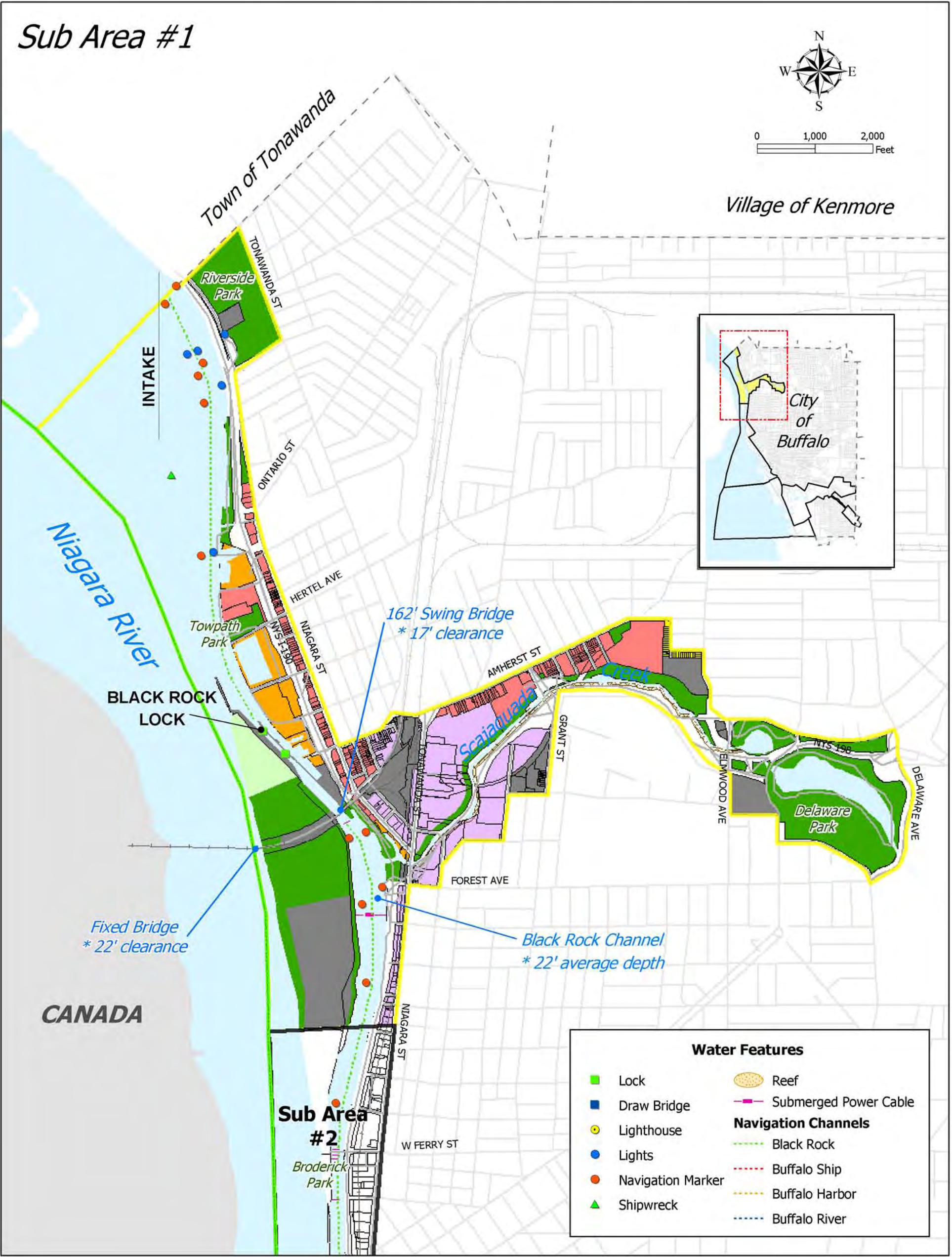
## **B. Proposed Water Uses**

Recreational boating is, and should continue to be, the primary water use along Lake Erie and the Niagara River (Maps 4-2 A - 4-2 C). With the improvement of existing facilities and the establishment of new features, the growth in the number of visitors to the City of Buffalo who arrive by boat is expected to increase. As described in the inventory and analysis, a key component of the City's waterfront revitalization strategy is to take advantage of the recreational tourism potential of Lake Erie and other portions of the waterfront. To this end, land uses and projects proposed for the area should be oriented around improving and increasing docking



# CITY OF BUFFALO LWRP

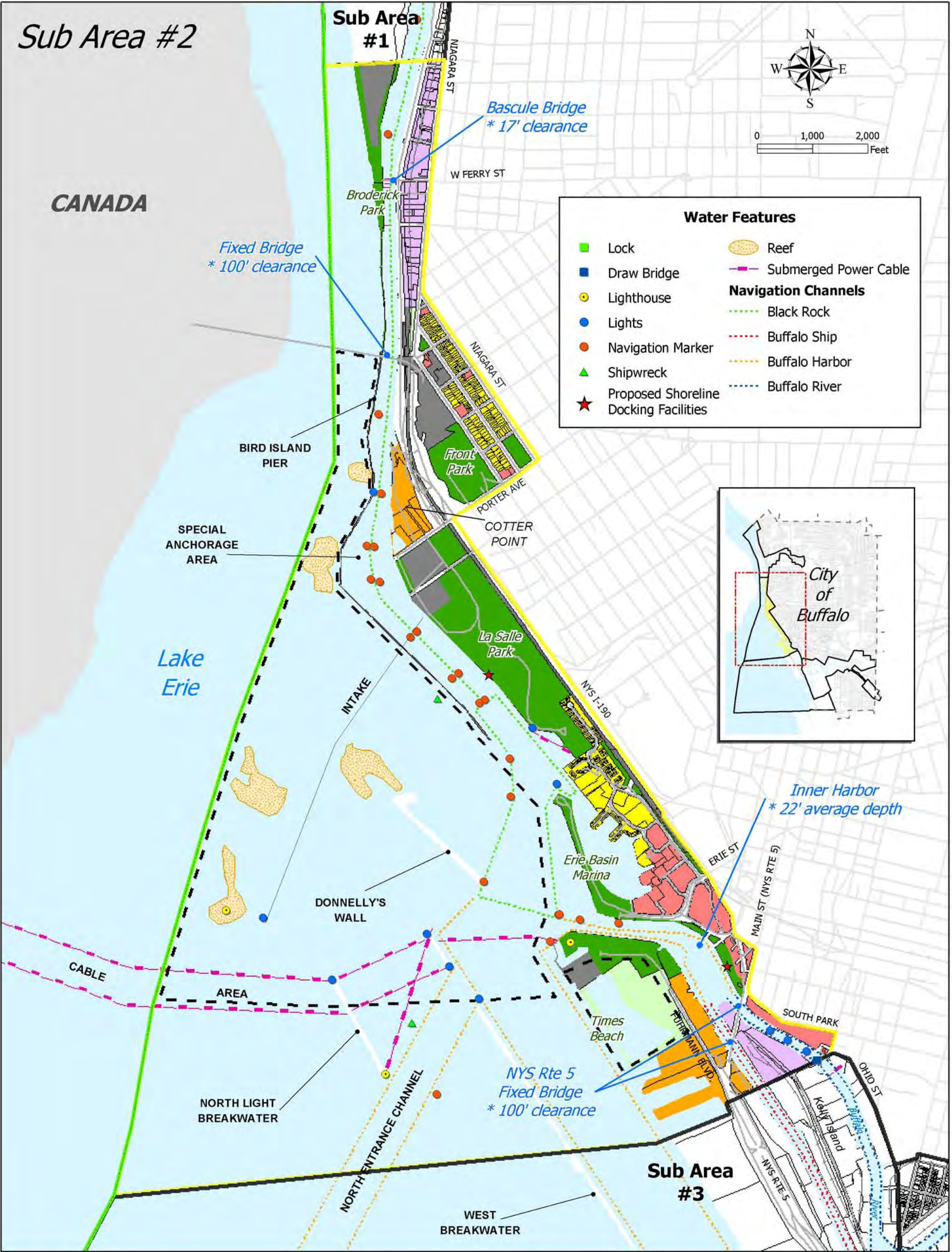
## WATER USE PLAN





# CITY OF BUFFALO LWRP

## WATER USE PLAN



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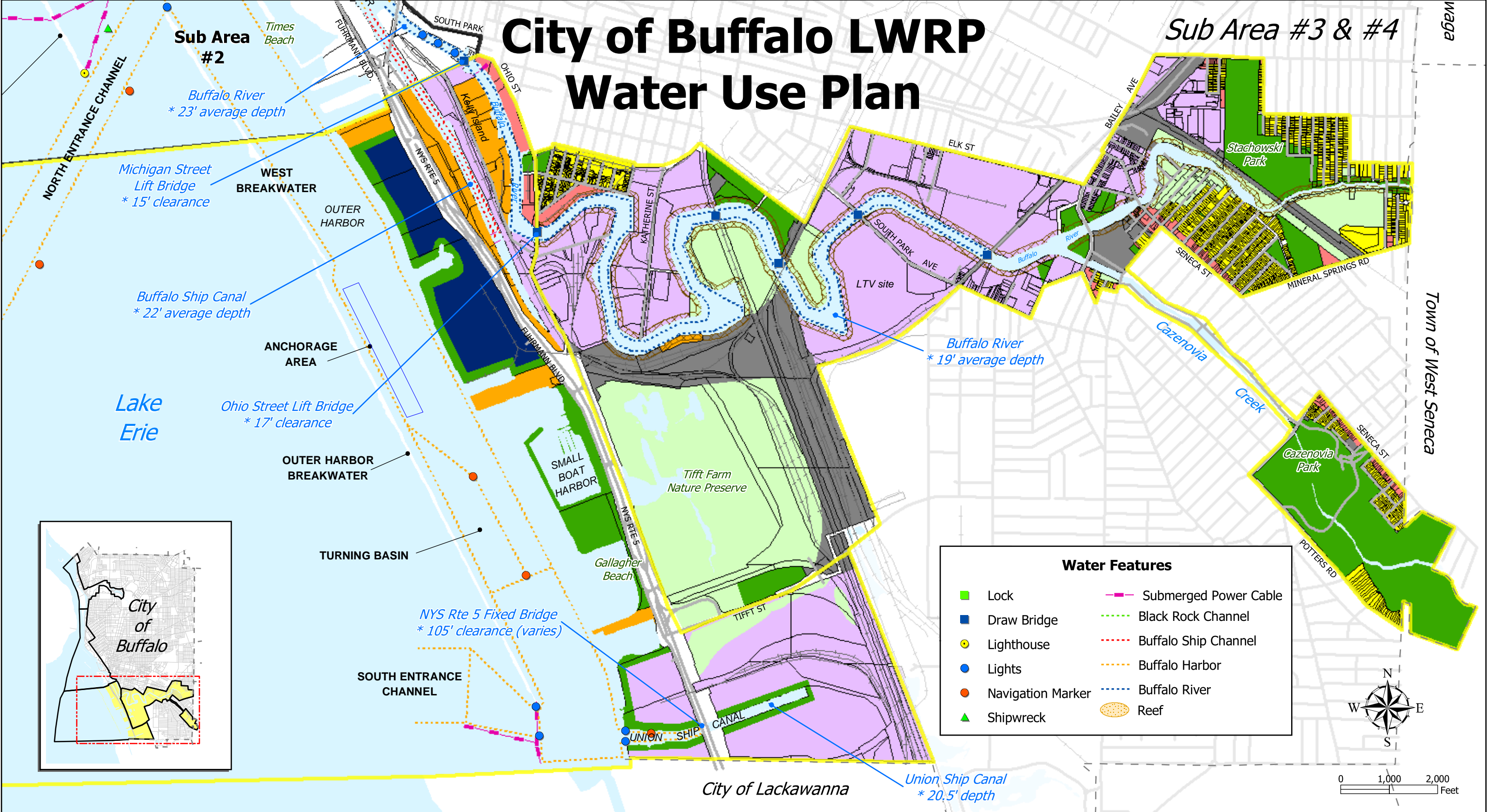
DATA SOURCES: CITY OF BUFFALO

WD Project #274710-LWRP  
March 8, 2004

WENDEL DUCHSCHERER ARCHITECTS & ENGINEERS



# City of Buffalo LWRP Water Use Plan



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DATA SOURCES: CITY OF BUFFALO

WENDEL DUCHSCHERER  
ARCHITECTS & ENGINEERS

WD Project #274710-LWRP  
March 4, 2004

facilities and recreational amenities along the waterfront and revitalizing upland areas in support of these amenities and other marine commercial type uses. This includes the provision of shoreline docking facilities at LaSalle Park and the Erie Canal Harbor area, and encouraging new marina and marine-related uses on the Outer Harbor and around Kelly Island and the Buffalo Ship Canal in Sub-area 3. There is also a need to improve and increase the number of access locations for small non-motorized vessels (canoes, kayaks, windsurfing, etc.). (See Appendix A for corresponding Harbor Management Plan).

### **C. Proposed Projects**

As a complement to the land use vision for Buffalo's waterfront a number of public projects are proposed. It is important to note that a large number and variety of projects have already been completed that represent positive change for the waterfront, and many are happening now. The Riverwalk, Scajaquada Pathway and the Buffalo Greenway Trail System, although not complete, have helped to improve public access to the waterfront. So too have the Ontario Street Boat Launch and Towpath Park in Sub-area 1, the Erie Basin Marina in Sub-area 2 and the Small Boat Harbor and Gallagher Beach in Sub-area 3. These efforts are enhanced by other actions to improve water quality in Lake Erie and other local surface waters, and restore deteriorated lands and habitat areas such as Squaw Island in Sub-area 2, the Outer Harbor in Sub-area 3 and Tifft Farm and Seneca Bluffs and Old Bailey Woods, along the Buffalo River, in Sub-area 4. The efforts to revitalize the abandoned and underutilized areas such as the Tonawanda Street corridor in Sub-area 1, the Inner Harbor in Sub-area 2, and the Union Ship Canal in Sub-area 3 are also important. However, the vision is not yet complete, and there are still numerous opportunities to continue to improve public access to and the use and economic viability of the waterfront, as evidenced by the following list of projects.

- **Bailey Avenue/Confluence Point Open Space**

Under the Buffalo River Greenway Plan, several parcels of open space in Sub-Area 4 in the vicinity of the confluence of the Buffalo River and Cazenovia Creek, including Bailey Woods, Confluence Point, and portions of Mongovan Park and the Southside School properties, should be connected to develop a waterfront public access park area. This project would advance the goals for increased waterfront access, passive recreation, public education and neighborhood-to-waterfront linkages, as well as environmental goals for habitat restoration, flood control and non-point source pollution prevention.



- **Broderick Park Improvements**

Broderick Park is located at the southern end of Squaw Island. It is both an important point of public access to the waterfront and an historic site of local significance. Some recent investments have been made to improve public access to the park, but much more work needs to be done, including commemorative interpretation of the Underground Railroad activities at this site, seawall repairs, improved access for pedestrians and motor vehicles to the area (including access to Bird Island Pier, parking lot reconstruction to provide for more landscaped area, landscape improvements in other areas of the park, improvements for fishing access and trail connections to the northern end of the island (where additional public parkland is proposed).

- **Buffalo Boat Harbor (Gallagher Beach and the Small Boat Harbor)**

The development of the area known as Gallagher Beach is one of the waterfronts's most recent success stories. The site has been redeveloped for windsurfing and boat launching opportunities. A second phase of work to expand recreational use and further improve public access to the waterfront is currently under construction. This expanded park will be built on the Small Boat Harbor property and will include a marina office, small playground and spray pool. The long-term goal is to develop Gallagher Beach and the Small Boat Harbor (to be known as the Buffalo Boat Harbor) as a new addition to State Parks system. This site should be further upgraded with expanded and improved docking facilities and the addition of support services, such as a restaurant and retail sales outlets.

- **Buffalo Greenway Trail System**

This Plan details recommendations for a continuous network of pathways connecting parks, parkways and waterfront areas throughout the City. This system was designed to provide for a safe, identifiable and maintainable means of alternative transportation, as well as improving access to the waterfront through connections to and between the various parks. The Greenway System Implementation Plan is founded on the belief that open space and waterfront areas belong to the public and that generous, green, easily accessible space at the water's edge is (and should be) a necessary part of waterfront development. The Greenway System will also function in many places as a buffer, protecting Buffalo's waterways from runoff and from structures that might be placed right at the water's edge. Although portions of this Plan have been implemented, there are other areas that still warrant attention. Noteworthy trail system projects include the following:

- *Inner and Outer Harbor Greenway Trail*

A greenway trail that connects the Inner Harbor area with the Outer Harbor is a top priority. This trail would improve public access between downtown Buffalo, the Inner Harbor and the Outer Harbor and open up opportunities for commercial development in this area. The Niagara Frontier Transportation Authority has received funding for the design and construction of an 8.5-mile bike and pedestrian pathway to extend from the DL&W building on the Inner Harbor, at the foot of Main Street, along Ohio Street to the Outer Harbor (following Fuhrmann Boulevard from the Coast Guard Station to Gallagher Beach). This project is essential to creating and improving public access throughout this area. More important is the fact that it will enable public access to areas of the Outer Harbor that are presently inaccessible to the general public and will create a connection between the downtown and Outer Harbor area.

- *The Buffalo River Greenway Trail*

The Buffalo River Greenway is a multi-purpose open space corridor and trail system designed to improve access and management of the river's recreational, cultural and ecological assets. This greenway would provide public access to waterfront amenities, and would include a heritage segment and interpretive materials related to the Native American, industrial and architectural heritage of the area. Other components include provisions for wildlife habitat, the filtration of environmental pollutants and flood retention. A plan has been developed for this project and portions of the plan are being implemented. Funding is required for implementation remaining portions of the plan.

- **Buffalo River Sediment Remediation**

The Niagara River watershed encompasses the whole of the City of Buffalo. Due to past development patterns and continuing contamination, the river has been the subject of numerous investigations and public investment over the past 30 years. While contamination from hazardous waste sites and direct discharges is now well monitored, contamination from storm water runoff and historic sediments continues to be a problem. Efforts to raise funds for remediation and collaboration with the Army Corps of Engineers to undertake necessary dredging should be continued.

- **Buffalo Sewer Authority Combined Sewer Outfall Remediation**

There are a number of combined sewer outfalls that exist along the Buffalo and Niagara Rivers that contribute to water quality degradation of local surface waters. The Buffalo Sewer Authority has prepared a Combined Sewer Outfall Long Term Abatement Plan, which identifies options for eliminating the 63 combined sewer outfalls in the City. This plan should be implemented.

- **Cazenovia Park Redevelopment**

Cazenovia Park is an important element in the City's inland waterfront and deserves further attention. A restoration was developed for the park in 1997. This plan has yet to be fully implemented to advance goals of improved opportunities for public access and recreation. Furthermore, by addressing flood retention needs at this site, the park would also facilitate the City's efforts to market this Olmsted-designed park as a destination.

- **Erie Street Project**

Erie Street once provided a direct connection from Main Street to the waterfront, which has been severed by the construction of the I-190 Thruway extension, the creation of Cathedral Park and other pocket parks within the right-of-way. The direct connection between the downtown and the waterfront, via the realignment and reconstruction of Erie Street, is vital to improving public use and economic conditions in the vicinity of the Erie Basin Marina, making this area more of a destination. In addition, the intersection of Erie, Perry and Bingham Streets, underneath the Thruway, needs to be improved to make better public use of this space and eliminate the threatening nature of this area. It is currently a difficult intersection to navigate in an effort to reach the waterfront.

One aspect of the concept designs for the Erie Street project is a bridge that would span the Buffalo River, connecting Erie Basin Marina area with the Outer Harbor. This bridge should be for pedestrian use (no motorized vehicles) and designed so as not to impede vessel traffic along that waterway.

- **Erie Canal Harbor Development**

The 12-acre area along the waterfront, near the mouth of the Buffalo River, provides important opportunities for waterfront access economic development and general revitalization of an underutilized area. This project includes new infrastructure for transportation improvements by boat, bicycle, foot and public transit, and groundwork for

future preservation and heritage tourism attractions (see Appendix F). It is the region's keynote waterfront redevelopment project, linking downtown with the waterfront and celebrating the historic "birthplace" of the City of Buffalo at the confluence of the Erie Canal and the Buffalo River. These revitalization efforts are focused on making this area of the waterfront a destination for tourism that is directly linked to surrounding existing and proposed entertainment and retail uses. The Veterans' Park and Naval Basin components of the project have been completed, including the repositioning of the naval vessels. The project will also establish and serve as the Greenway Plaza or hub for the Greenway Trail System, and will include a pedestrian pathway and vehicular connections with the Outer Harbor.

- **Front Park Restoration**

Front Park is an historic Olmsted Park that needs to be restored. This site provides spectacular views of Lake Erie, described by Olmsted as "approaching art". The long-term vision for Front Park includes the restoration of the park and contiguous Fort Porter, the return of the landscape connection to the waterfront and the cultural tourism marketing of the historic Olmsted landscape. In the short term, plans call for the demolition of the brick park building that impedes views of the lake and the Niagara River, and replanting of the Commodore Perry statue grounds. In conjunction with the Seaway Trail, interpretive signs will be installed to give residents and visitors a sense of the area's history.

- **LaSalle Park Restoration**

LaSalle Park is Buffalo's most prominent park that presently offers waterfront public access and a variety of activities. The first two phases of a multi-phase Master Plan have been implemented. Efforts have been focused on improving and enhancing recreational opportunities at this park. These include improving the shoreline to enable water-related recreational activities such as boat docking, strengthening the physical connection of this park to Porter Avenue and parks situated inland of the I-190 (including Front Park), and providing additional picnic and recreational amenities. Completion of the Master Plan, with the potential for revisions to capture water-dependent and maritime uses, should be a high priority for waterfront access and development. Any access improvements to link the park with Waterfront Village (to the immediate south) should be for pedestrian use only (no motorized vehicles).

- **Lower Niagara Street Revitalization**

There is a need for public access between LaSalle Park and the Erie Basin Marina. The existing Riverwalk bike path is poorly utilized due to its isolation and perceived vulnerability to criminal activity. There is a need for a specific plan that should include clearly marked trails, street furnishings, landscaping and lighting to encourage use of this amenity. This plan would delineate a clear, safe pedestrian path is also needed to connect neighborhoods east of the I-190 to the waterfront and downtown.

- **Ontario Street Boat Launch**

A number of improvements have been made at this location, expanding public access and enhancing public amenities. These include improvements of the Ontario Street boat launch and the intersection of Niagara and Ontario Streets, and extensions of the Riverwalk at Cornelius Creek Park. Further improvements, including better landscaping and improved paving of the boat launch, are still needed at this site.

- **Peace Bridge Improvements**

The review process is underway to expand or replace the Peace Bridge. This project includes an assessment of what kind of bridge should be constructed, its width, where it should land at each end, where plaza and related facilities should be located, and how and where customs and immigration functions should be handled. A selection of alternatives has been reviewed, with formal decisions expected in 2004. The choice of bridge, plaza location and design are central to the goal of making this area an international gateway. Improved connections to the I-190 for through traffic flow are essential. Connections with Niagara Street and security considerations will also have impact on the area. This project should be finalized in a manner that best addresses the needs of the City and community.

- **Porter Avenue Improvements**

A number of previous plans have recognized the significance of Porter Avenue as a symbolic, aesthetic and functional gateway to the City of Buffalo. As an essential component of the Olmsted park and parkways system, Porter Avenue links Symphony Circle, Richmond Avenue, Bidwell and Lincoln Parkways and Delaware Park to Front Park and to the waterfront. Plans for improving this area as a gateway include alterations to the existing roadway configuration and improvements to the streetscape. Improvements in this area must take into consideration the proposed redevelopment of the Peace Bridge Plaza, as well as plans to restore Front Park. These improvements should also be coordinated with the

City's plans for the development of a public access point at the foot of Porter Avenue at the convergence of the Niagara River with Lake Erie. This project, which has been funded, will serve as an entranceway to LaSalle Park and will include lighting, signage and street amenities. This project will establish Porter Avenue as one of Buffalo's great Olmsted avenues, connect the City's park system to Front Park and the water's edge, and create a grand civic street with educational and public amenities.

- **Riverside Park Restoration**

Significant progress has been made between 1995 and 2002 to implement a master plan for redevelopment of Riverside Park. Outstanding components of this plan include the restoration of the historic minnow pond area of the park and the creation of an amphitheater near the original center axis of the park. In addition, an improved connection between the park and the Riverwalk, which are separated by the I-90 expressway, is needed.

- **Scajaquada Corridor Improvements**

This project proposes the redevelopment of the 3.6-mile Scajaquada Expressway as a low-speed parkway. This traffic calming effort will improve transportation service, performance, safety and efficiency for all modes of traffic and create a facility that complements the character of the surrounding area. Short-term improvements include median barrier removal, reduced lane widths, fewer and smaller signs, bike lanes, pedestrian walkways, tapered pavement markings, improved roadway shoulders and landscaping at key locations. Improvements over the longer term would include removal of ramps, new at-grade roundabouts and intersections and streetscaping with a canopy of trees, medians, streetlights, signage, sidewalks and pathways.

- **Southtowns Access Project (Route 5 improvements)**

This project involves the improvement of roadway access to specific development sites along NYS Route 5, such as the Union Ship Canal and the Outer Harbor area in Sub-Area 3. This project includes the reconfiguration of the Route 5/Fuhrmann Blvd./Ohio Street complex as a waterfront parkway and arterial system in support of proposed land use changes for the area. An arterial connection along Tifft Street and across the Buffalo River to the NYS I-190, in Sub-Area 4, is also proposed. This connection would improve access to interior development sites (which currently have limited or no site access) and relieve traffic flow along the waterfront. The Southtowns Access project would help to achieve goals for

improved waterfront access and environmental enhancement. It will also promote economic development and transportation efficiency.

- **Squaw Island Park and Trails**

The City of Buffalo has designated the property at the north end of Squaw Island as public parkland, protecting it from other forms of development. Although investment in parking and pathways is being made, additional funding is required to develop the park and provide improved access from Niagara Street and the southern portion of the island (Broderick Park), through the Buffalo Sewer Authority property, to the northern portion of Squaw Island. Implementation of the master plan for this area and the development of a trail system will provide additional waterfront parkland, improve public access, enhance environmental quality and improve passive recreational opportunities. An improved entranceway, that informs the public that the park uses exist here, is also recommended.

- **Sunset Promenade**

The area that extends north of the West Side Rowing Club and Cotter Point is proposed for development as the Sunset Promenade. This area is envisioned as an area for increased public access to the Black Rock Canal and pedestrian oriented passive recreation. The area would be developed with a 8 to 14 foot wide promenade that would be a means of either viewing regatta races, providing a spur for public improved public access or re-routing the existing Riverwalk. It would be enhanced with naturalized plantings, public art and site amenities for scenic viewing and interpretation.

- **Tifft Nature Preserve**

The creation of the Tifft Nature Preserve, in Sub-Area 4, is one of the earliest and most celebrated waterfront developments in the areas. The nature preserve is proposed for expansion as part of redevelopment plans for South Buffalo. The former Lehigh Valley railroad lands east of the site suffer from poor drainage, which has resulted in the formation of freshwater wetlands. This has made this property unsuitable for reuse and development. Therefore, this area is proposed to be included as part of the Tifft Nature Preserve. Concepts for expansion include the creation of campgrounds, playfields and transportation improvements.

- **Times Beach Nature Preserve**

Times Beach is a former dredge spoil site that, over the years, as provided significant habitat value for wildlife. The City supports the redevelopment of this area as a nature preserve to advance environmental goals. This ecosystem restoration and public access improvement project would limit the disturbance of contaminants on the site and preserve a crucial wildlife habitat. The construction of walkways and bird viewing blinds will promote public access (although limited) and educational/interpretation opportunities, as well as an additional opportunity for passive recreation along the waterfront.

- **Towpath Park Improvements**

Towpath Park, which is situated between the Watergate apartment towers and Rich Marina, provides public access to the Niagara River. This site has been connected to the Riverwalk. Although this park provides valuable opportunities for recreation, greater potential exists for increasing recreation use on this site.



## **Section V**

### Techniques for Local Implementation

## SECTION V - TECHNIQUES FOR LOCAL IMPLEMENTATION

### A. Existing Laws

The Charter for the City of Buffalo contains the following laws, which are applicable to the implementation of the Local Waterfront Revitalization Program.

- **Air Pollution (Chapter 66)**

Requires the investigation, prevention and abatement of air pollution and emissions of dense smoke in the City, and prohibits the production or emission of dense smoke. Also prohibits the open air emission of dust, soot, cinders, fly ash, noxious acids, fumes or gases so as to cause injury or detriment to the public or cause damage to business.

- **Bicycle Paths (Chapter 91)**

Prohibits motorized vehicles on the Riverwalk multi-use pathway, the boundaries for which are described in the law.

- **Environmental Quality Review Law (Chapter 168)**

This law requires that no public or private action can be undertaken without full compliance with the requirements of this chapter and the SEQRA regulations (6 NYCRR Part 617).

- **Flammable Liquids (Chapter 186)**

This law regulates the storage, sale, handling, use or transport of flammable liquids within City boundaries. Any such activity requires a license from the City. The temporary use or storage of flammable liquids is also regulated under this law.

- **Flood Damage Prevention Law (Article 31)**

The purpose of this local law is to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to regulate uses to protect against water or erosion hazards, require uses to be protected against flood damage, control the alternation of natural protective features, control actions that may increase flooding or erosion, regulate the construction of flood barriers and maintain participation in the National Flood Insurance Program.

- **Garbage, Rubbish and Refuse (Chapter 216)**

Regulates the abatement of public nuisances resulting from unkept property, stagnant or unwholesome water, filth or generally unwholesome matter injurious to public health. Sets forth regulations for the removal of dead animals, establishes requirements for the disposal, storage and collection of municipal solid waste. Prohibits littering or dumping/depositing of any waste on any street, sidewalk or public right-of-way. Establishes requirements for source separation of recyclables and the management of yard wastes.

- **Hazardous Materials and Waste (Chapter 235)**

Regulates the treatment, storage and disposal of hazardous wastes and outlines prohibited activities. Also regulates the removal and transport hazardous materials, including routing, inspection and enforcement.

- **Lodging Houses (Chapter 269)**

This law requires the issuance of a permit for the construction, conversion, rebuilding or remodeling of any lodging house or part thereof.

- **Parks and Other Open Spaces (Chapter 309)**

Chapter 309 applies to all public parks, park approaches and areas under the control of the Commissioner of Parks. Establishes requirements for public assemblages, sales and solicitations, signs and displays, firearms, fireworks, sports and games, picnics, the protection of vegetation and public property, horses and other animals, boats and watercraft, bathing, and other recreational activities.

- **Preservation Standards (337)**

Promotes the cultural, intellectual and economic well being of the public. Safeguards the City's history and heritage as reflected and embodied in its landmarks, landmark sites and historic districts. Preserves, protects and perpetuates landmarks, landmark sites, historic districts, neighborhood areas, buildings and structures, and improvements that have a distinctive character or are of historic, aesthetic, architectural, archaeological or cultural interest or value. Avoid demolition of historic and architecturally important properties. Enhances visual and aesthetic character, diversity and distinctiveness of the City.

- **Property Maintenance (Chapter 341)**

Establishes regulations and requirements for the removal of weeds, brush and debris. Requires the maintenance of open areas, buildings and structures. Regulates domestic animals, fowl and pets. Sets forth enforcement procedures and penalties for offenses.

- **Subdivision of Land (Chapter 421)**

These regulations govern the division of land and are established for the purpose of accommodating future growth and development in the City of Buffalo and for providing adequate facilities for housing, transportation, distribution, comfort, convenience, safety, health and welfare of the population. These regulations are considered to be the minimum requirements with respect to the conservation, protection and proper use of land in the City.

- **Trees, Shrubs and Plants (Chapter 467)**

The intent of Chapter 467 is to recognize trees as a valuable resource and need to protect and nurture the urban forest in the City of Buffalo. This law prohibits the cutting, removal, abuse or mutilation of City trees and shrubs and gives residents permission to care for street trees. Chapter 467 establishes the Buffalo Urban Forest Fund for the planting and protection of trees. This law also sets forth a process and specifications for site development to limit the destruction of live trees and regulate the planting of new trees and shrubs.

- **Water and Water Pollution (Chapter 491)**

Article III, Pollution, of Chapter 491 prohibits the conveyance or discharge of any vegetable, mineral or other deleterious substances, whatsoever, into a water pipe. It also further prohibits any person from undertaking or authorizing the undertaking or any action that would impair the purity of any public water supply or other potable fluid in the City of Buffalo. Dumping, throwing or depositing of any dirt, refuse, rubbish or material of any kind into any stream or natural watercourse, or causing such action, is prohibited unless otherwise authorized by the City Department of Public Works. Such action would only be permitted in connection with or to aid in a public improvement or where such action would not impair the quality or impede or divert the flow of water. Chapter 491 also prohibits the washing of any motor vehicle in public waters within City boundaries

- **Wharves, Harbors and Bridges (Chapter 495)**

Chapter 495 establishes the positions of Harbormaster and Assistant Harbormaster and sets forth their duties and obligations. The law regulates the control of bridges, and traffic flow thereon, that extend over any portion of City waterways. Chapter 495 requires the proper maintenance of wharves and docks and establishes permit requirements for the construction, repair, alteration or renewal of any dock, sheetpiling, bulkheading or other such facility installed along the margin or banks of the Buffalo River, Cazenovia Creek, Black Rock Canal or other harbors, basins, slips and waters of the City. This law also regulates vessel speed and anchorage, the use of tugboats and boat whistles, and docking at City-owned properties.

- **Zoning (Chapter 511)**

This chapter regulates and restricts, by district, the location, construction, and use of buildings and structures, and the use of land in the City of Buffalo. The Zoning Law includes a number of Special Zoning Districts that effect use and development in the LWRA. These include the Sign Control Overlay District, the Seneca Street District, the Buffalo Coastal Special Review District, and the Niagara River Coastal Special Review District. This law specifies the process for obtaining building permits and certificates of occupancy, as well as the duties of the designated Code Enforcement Officer. Chapter 511 establishes the Zoning Board of Appeals and outlines their duties. It also contains regulations specific to the siting of wireless telecommunications towers and facilities.

## **B. Proposed Local Laws Necessary to Implement the LWRP**

To implement the policies and provisions of the City of Buffalo Local Waterfront Revitalization Program, the following amendments shall be made to the City Charter, in particular the Zoning Ordinance and Zoning Map for the City of Buffalo. These laws and amendments are proposed to promote tourism, enhance activity in the downtown business district, increase public access to the waterfront, protect environmental and scenic resources, and promote general well being in City.

- **Consistency Review Law**

Actions to be directly undertaken, funded or permitted within the local waterfront revitalization area must be consistent with the policies of the City of Buffalo LWRP. Through the adoption of a consistency review law, the City can establish the legal framework required for the review of direct and indirect actions with the LWRP.

- **Repeal the Buffalo Coastal Special Review District**

Under the existing Special Coastal Review District, any appeal from decisions related to this district lies with the Buffalo Common Council, wherein for other zoning actions, such power resides with the Zoning Board of Appeals. To correct this issue and make the process consistent with other zoning actions, it is recommended that this Special Review District be repealed. The proposed zoning improvements set forth by the LWRP would obfuscate the need to involve the Common Council review in decision making that typically is handled by the Planning Board.

- **New Zoning Classifications**

MC Marine Commercial District - The intent of this district is to permit and encourage a range of water-dependent and water-enhanced commercial uses to make the best use of certain lands along the City's valuable waterfront and provide a mix of water-oriented uses. The goal is to ensure an attractive setting for a variety of appropriate maritime uses, to promote balanced and beneficial use of coastal lands without diminishing public access, and to strengthen the City's economic base by encouraging traditional water-related uses and promoting a water-related recreational industry.

RP Recreation / Public Facilities District - The intent of this district is to provide a special zoning classification for passive and active recreational facilities to ensure proper location and protection of recreational resources. This classification would also cover public and semi-public uses, including governmental, educational and other civic uses, to ensure the proper location of such uses in relation to transportation facilities, the compatibility of such uses with adjacent development, and proper site design and land development.

Outer Harbor Special Use District - The intent of this special district is to provide flexibility in land use and design in the area of the Outer Harbor that is presently owned by the NFTA. This area should be developed with a mix of uses, with redevelopment undertaken in a

manner that provides for revitalization that is balanced with the need to protect important natural and man-made resource that contribute to the character of this area. Redevelopment should be compatible with surrounding uses, including Times Beach, Tifft Nature Preserve and Buffalo Lakeside Commerce Park. Redevelopment efforts should recognize the unique quality of the waterfront, with building and site design making beneficial use of this location. Uses should be planned that are appropriate to a waterfront location, with preference given to uses that require a waterfront location and those that would be enhanced by such locations. The area should be redeveloped with a mix of uses to encourage economic activity, increase opportunities for public access and recreation and, in general, bring life back to the waterfront. Consideration should also be given to creating a feature that achieves Frederick Law Olmsted's original intent for the Outer Harbor waterfront. Future uses should be connected and cohesive with the planned Erie Canal Harbor project and State Park improvements at the Small Boat Harbor and Gallagher Beach. Visual and physical access to the waterfront should be a part of site development and redevelopment. Sufficient area should be provided to accommodate a public multi-use pathway and open space along the water's edge.

- **Zoning Map Revisions**

Sub-Area 1:

Zoning changes in Sub-area 1 will include the rezoning of Riverside Park, Towpath Park, Delaware Park, Squaw Island and the Ontario Street Boat Launch area from residential (R2) and light industrial (M1) to the new classification of Recreation and Public Facilities (Map 5-1 A). The Black Rock Lock area, the Army Corps. of Engineers facility, Rich Marina and Harry's Harbour Inn will be rezoned from light industrial (M1) to the new Marine Commercial classification, which will protect and allow for the continuance of water-dependent uses along the shoreline. The lands along the east side of Niagara Street and the south side of Amherst Street will be rezoned from R2 Residential, General Commercial (CM) and light industrial (M1) to Community Business (C2), which allows a host of neighborhood business and professional office uses and is more consistent with the uses that currently exist in this area. The Tonawanda Street corridor area and Niagara Street, south of the Scajaquada Parkway are proposed to be rezoned from light and general industrial (M1 and M2) to General Commercial (CM) to eliminate the potential for development or redevelopment of heavier or more intensive industrial uses. This change would allow for uses that are more consistent with the land use vision for this area.

Sub-Area 2:

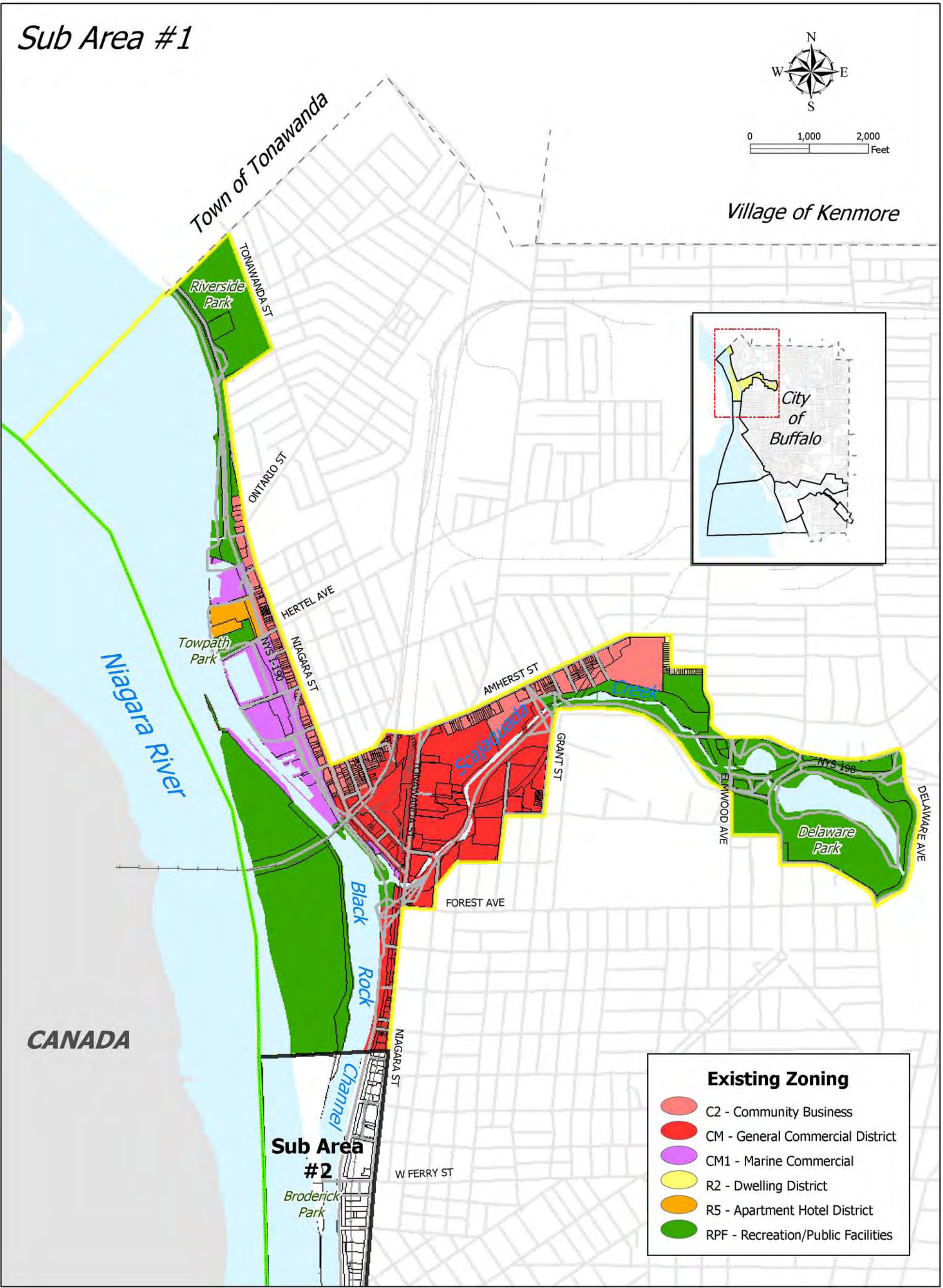
Zoning changes in Sub-area 2 will include the rezoning of Squaw Island, Front Park, LaSalle Park, the Erie Basin Marina and shoreline promenade area, and Times Beach and the U.S. Coast Guard Station from residential, General Commercial (CM) and light industrial (M1) to the new classification of Recreation and Public Facilities (Map 5-2 A). Here again, Niagara Street is proposed to be rezoned from light industrial (M1) to General Commercial (CM) to allow for lesser intensive office, warehousing and light manufacturing uses in this area. The Cotter Point area will be rezoned from R-3 residential to Marine Commercial to allow for the protection, development and continuance of water-dependent uses in this area. The Waterfront Village and Inner Harbor areas, are proposed to be rezoned from light industrial (M1), General Commercial (CM) and institutional/light industrial (II) to Neighborhood Business (C1), which allow for residential, office, restaurant, and neighborhood business uses. The area that encompasses the DL&W terminal is proposed to be rezoned from institutional/light industrial (II) to General Commercial (CM). The northern portions of the Outer Harbor and Kelly Island are proposed to be rezoned from general industrial (M2) and Heavy Industrial (M3) to General Commercial (CM).

Sub-area 3:

All of the land area in Sub-area 3 is presently zoned primarily for heavy industrial use. This sub-area contains a vast amount of property that fronts directly on the Outer Harbor and is no longer suitable for heavy industrial use. The zoning in this area is proposed for revision to reflect the City's vision of having this area developed with a mix of uses to support tourism, entertainment, commerce and public recreational activities. To this end, Kelly Island is proposed to be rezoned a mix of general commercial (CM) and the proposed Marine Commercial classification to support and continue the water-dependent and working waterfront types of uses that exist in this area, and to encourage additional uses of this nature to be developed in this area. This is also true for the eastern shoreline of the Outer Harbor, along the Buffalo Ship Canal, where the CM zoning will be applied. The proposed Recreation and Public Facilities classification would be applied to the Ohio Street Canoe Launch site, the Outer Harbor Greenbelt area, and the Buffalo Boat Harbor (Small Boat Harbor and Gallagher Beach). The Outer Harbor area is designated for rezoning as a special district, to be called the Outer Harbor Special District. This will enable flexibility in how this area is redeveloped and allow for a mix of uses to achieve the vision for this area. The area in the vicinity of the Union Ship Canal is proposed to be rezoned to general



# CITY OF BUFFALO LWRP PROPOSED ZONING

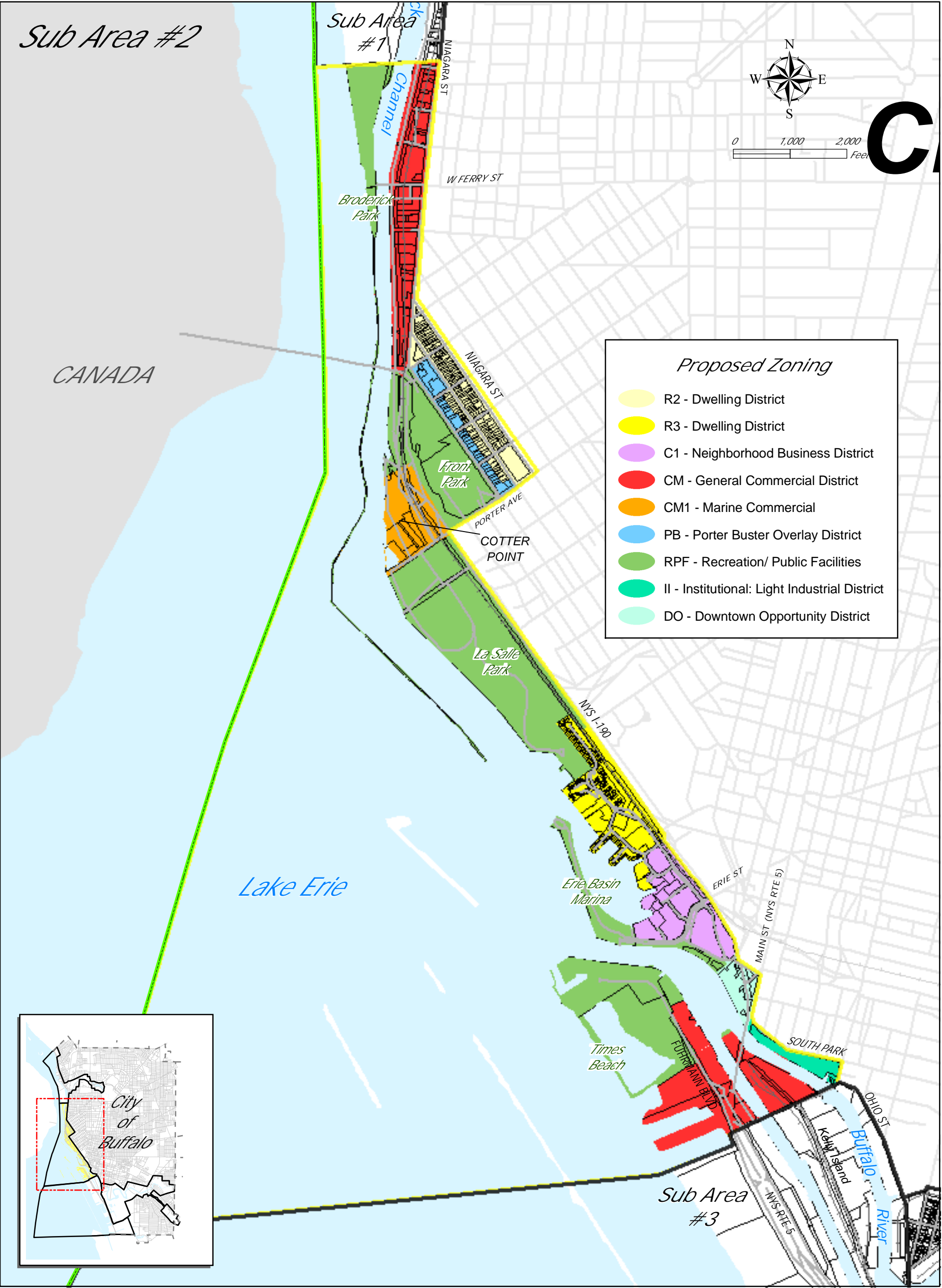


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DATA SOURCES: CITY OF BUFFALO



# CITY OF BUFFALO LWRP PROPOSED ZONING



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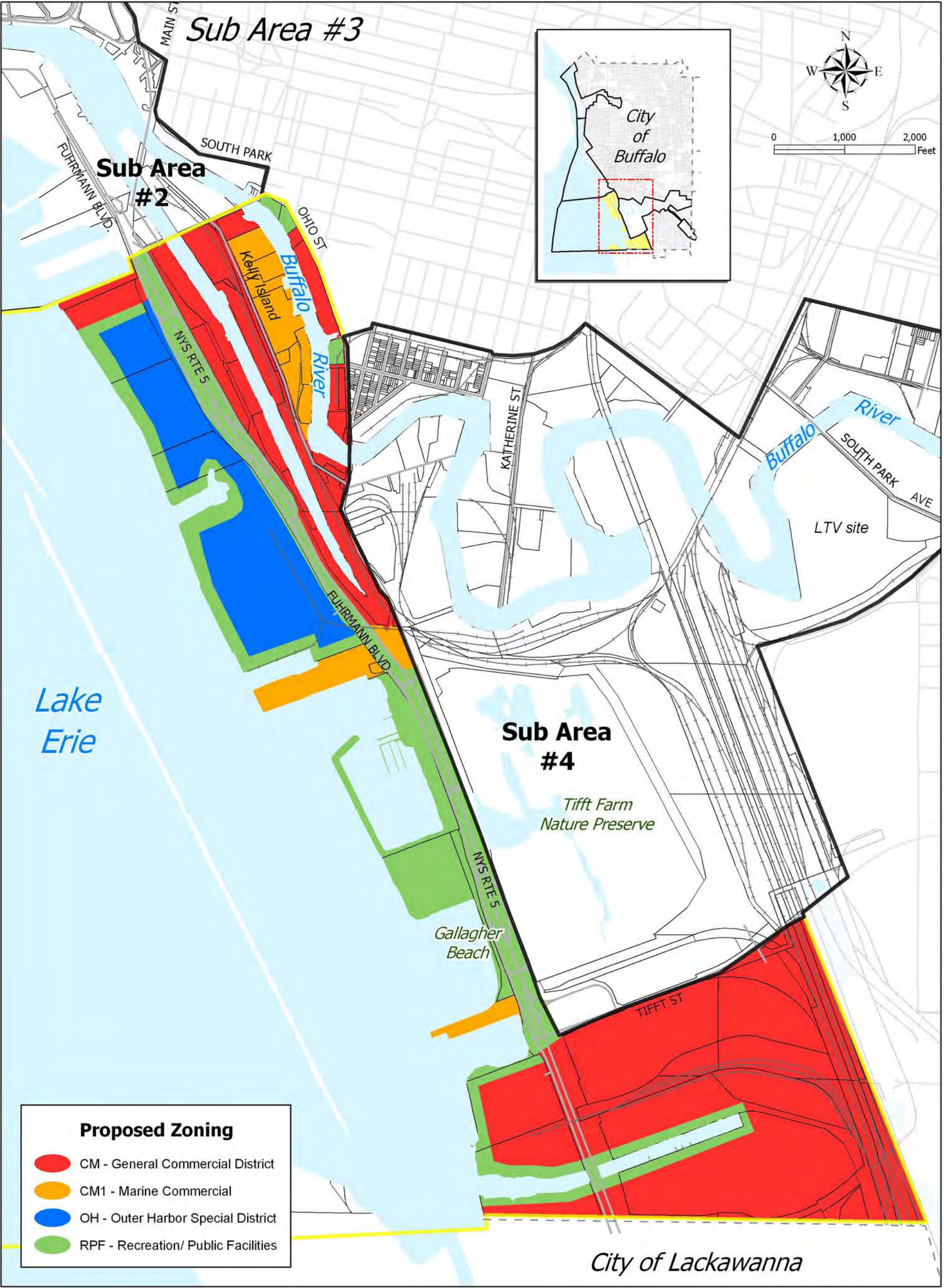
DATA SOURCES: CITY OF BUFFALO

**Legend**

	LWRP Boundary		Municipal Boundary
	LWRP Sub Area of Interest		Railroads
	International Boundary		Roads
	Parcel Boundaries		Water



# CITY OF BUFFALO LWRP PROPOSED ZONING



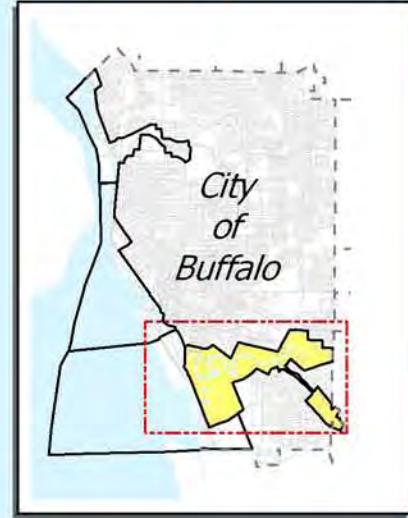
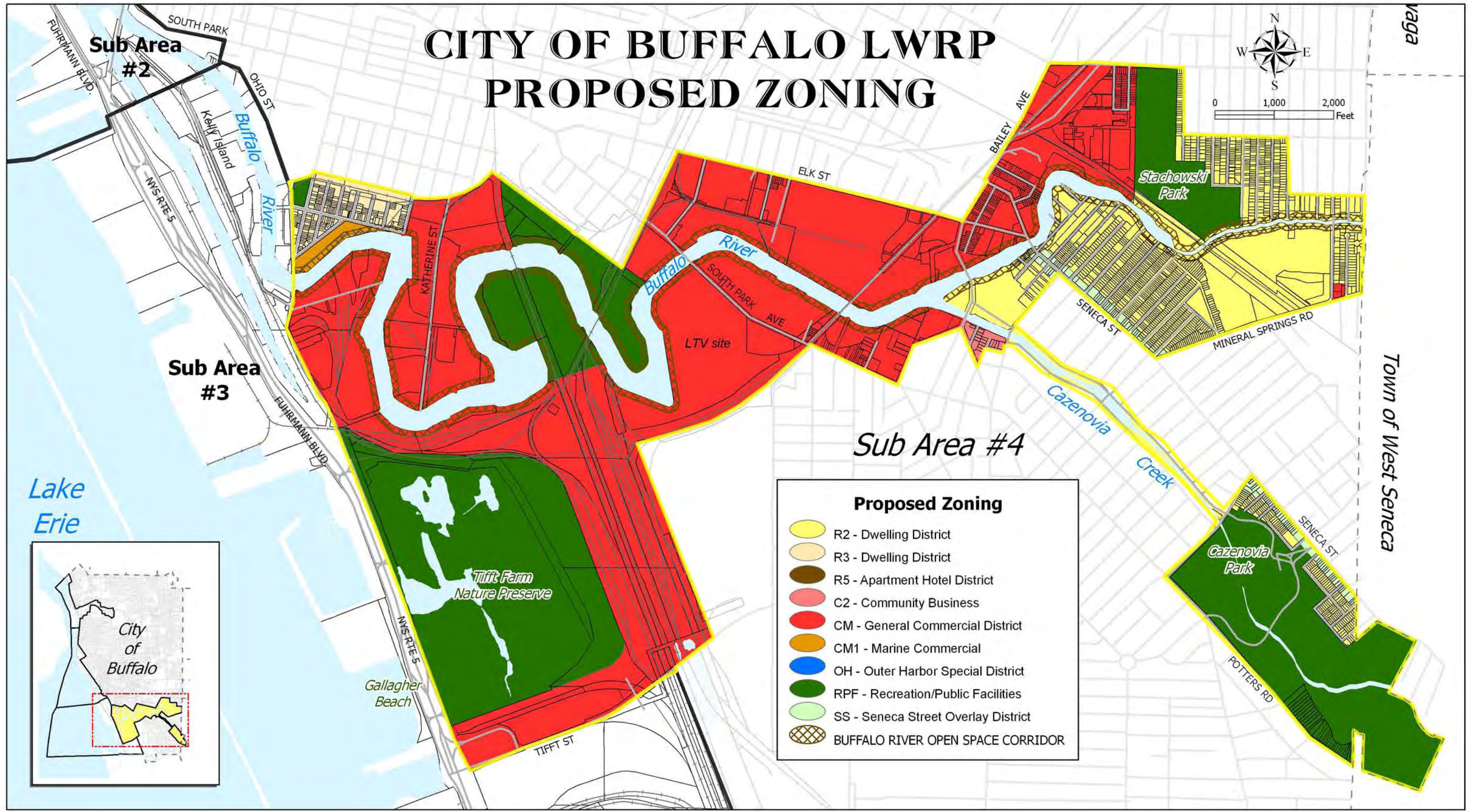
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DATA SOURCES: CITY OF BUFFALO

**Legend**

- LWRP Boundary
- LWRP Sub Area of Interest
- Parcel Boundaries
- Municipal Boundary
- Railroads
- Roads
- Water



# CITY OF BUFFALO LWRP PROPOSED ZONING



- Proposed Zoning**
- R2 - Dwelling District
  - R3 - Dwelling District
  - R5 - Apartment Hotel District
  - C2 - Community Business
  - CM - General Commercial District
  - CM1 - Marine Commercial
  - OH - Outer Harbor Special District
  - RPF - Recreation/Public Facilities
  - SS - Seneca Street Overlay District
  - BUFFALO RIVER OPEN SPACE CORRIDOR

- Legend**
- LWRP Boundary
  - LWRP Sub Area of Interest
  - Parcel Boundaries
  - Municipal Boundary
  - Railroads
  - Roads
  - Water

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DATA SOURCES: CITY OF BUFFALO



commercial (CM) to support the redevelopment of this area with a mix of office and light manufacturing uses.

Sub-Area 4:

In Sub-area 4, Tifft Farm Nature Preserve, Cazenovia Park, Stachowski Park, the Concrete Central peninsula and the Smith Street recreation site and Buffalo Color peninsula will be rezoned to the new Recreation/Public Facilities classification (Map 5-1 D). The majority of the lands along the Buffalo River in Sub-area 4 are presently zoned M1, M2 or M3 for industrial use. In an effort to move this area of the City's waterfront away from the industrial legacy of the past, these lands will be rezoned General Commercial, with the exception of the First Ward residential area, which will be rezoned R-3 residential. The Marine Commercial classification has been applied to the lands along the southwestern shoreline of the Buffalo River to allow for working waterfront and water-dependent uses to develop in this area. There is also a area east of Bailey Avenue and south of Cazenovia Creek that is proposed to be rezoned from R-3 residential and general commercial (CM) to Community Business (C-2), which is a refinement of the zoning in this area to reflect current and proposed use.

**C. Other Public and Private Actions Necessary to Implement the LWRP**

▪ **State University of New York Marine Resource Center at Cotter Point**

The project encompasses ten acres bounded by the I-190, Porter Avenue, and Black Rock Canal. The project involves the development of the Buffalo State College Waterfront Campus and the Frank Lloyd Wright Yahara Boathouse, which will join the existing Navy Marine Corps Reserve Center/CPO Club, the National Guard, West Side Rowing Club and Buffalo Yacht Club at the Cotter Point location. The desire is to develop this area as a destination that will complement and enhance surrounding uses, including LaSalle and Front Parks. The project includes:

- Great Lakes Institute (research center) – a collaborative effort that involves a 30,000 square-foot addition to the existing research center building. Planning and conceptual design are in place; now looking for money (top ten priority on SUNY wish list).
- Ecolab - a 5,000 square-foot building for education and outreach that will include a demonstration wetland.

- Community Teaching Pavilion – outdoor teaching facility.
- Community Boatbuilding Facility and Maritime Museum of Small Watercraft
- Frank Lloyd Wright Yahara Boathouse - designed in 1905 but never built. This project will be constructed on County land.
- Shared parking and a tiered seawall to allow for better access to the water.

▪ **Outer Harbor Redevelopment**

The Erie Canal Harbor Development Corporation will oversee the redevelopment of 120 acres on the Outer Harbor in conjunction with the Inner Harbor revitalization efforts. This brownfield area is the largest remaining undeveloped urban waterfront parcel. The vision for this property is that of a mixed use development, which may include residential, retail and commercial, marine commercial, tourist attractions, and office/business service. Such development must be in concert with surrounding uses and include provisions for public green space. (See Subsection B above - - New Zoning Classifications - - and Policy 1 in Section III of this report).

▪ **Outer Harbor Greenbelt Trail**

As a starting point for the Outer Harbor redevelopment, to cap the brownfield land and stabilize the Lake Erie shoreline between The Pier restaurant and the Bell Slip, and to improve public access to this area of the waterfront, the NFTA is proposing the development of the Outer Harbor Greenbelt Trail. This project will include a shoreline promenade and erosion protection that will extend from the north end of the site, around the Bell Slip, to the southern portion of the property. A portion of the Greenway Trail project (noted above) will form the western edge of the project. The Outer Harbor greenbelt will incorporate approximately 20 acres. To provide ample greenspace for public enjoyment, it is recommended that this greenbelt be a minimum 100 feet in width, excluding the shoreline protection structures (although a minimum 75-foot width buffer has been suggested by the NFTA).

▪ **Tonawanda Street Corridor (Black Road Boulevard)**

The area around Tonawanda Street and lands on the south side of Scajaquada Creek are part of a former industrial corridor. While this area contains a few remaining industrial uses, it is in transition. These former industrial lands are in poor condition, with dilapidated structures and aging infrastructure. This area was evaluated as part of the Tonawanda Street Corridor Plan. This Plan concluded that the area remains a good location for general light industrial and commercial development. It has good accessibility to major highways and international crossings. The availability of vacant land and buildings, the existence of surrounding uses that are adapted to the industrial nature of this area, and the environmental conditions on the former industrial sites, all support continued industrial use in this area.

Through a series of public and private investment actions, this area should be revitalized. These actions should be directed at improving existing infrastructure, establishing a roadway along the former railroad corridor that runs through this area (see Appendix G), improving aesthetics in the area (through proper site design) and establishing a minimum 50-foot riparian buffer along Scajaquada Creek, similar to the setback along Buffalo River.

▪ **Buffalo Intermodal Transportation Center**

The former War Memorial Auditorium facility is cited for reuse as a mixed-use facility. It would house retail uses in combination with an intermodal transportation center, creating a regional tourist destination. The plan includes relocating the Amtrak station to a center next to the auditorium to provide direct connections to the Light Rail Rapid Transit (LRRT) system, local bus routes, the Riverwalk multi-use trail, the Greenway Trail system and other modes of transportation. This project would contribute to waterfront access by bringing visitors to the Erie Canal Harbor/Inner Harbor vicinity. This project has received funding and should be progressed.

**D. Management Structure Necessary to Implement the LWRP**

The consistency review of proposed actions requiring funding or other approval with the policies and provisions of the City of Buffalo LWRP will be undertaken by the City Office of Strategic Planning. An applicant shall file their Waterfront Assessment form (WAF), along with other required application documents, with the appropriate Municipal Board, Department or Agency who, in turn, will forward the WAF and any necessary supporting documentation to the City

Office of Strategic Planning for the review and recommendations of the Planning Board. Prior to undertaking, approving, permitting or funding any Type I or Unlisted action in the City of Buffalo, as defined by the City's Environmental Quality Review Law, the Planning Board shall review the WAF submission to determine if the action is consistent with the policies and provisions of the LWRP. Appendix B contains a copy of the Local Waterfront Revitalization Program Consistency Review Law, which more fully sets forth the local review process (a copy of the Waterfront Assessment Form can be found in Appendix C). All State and Federal actions proposed within the City shall be reviewed in accordance with the guidelines established by the New York State Department of State, as follows.

#### **E. Procedural Guidelines for Coordinating the New York State Department of State (DOS) and LWRP Consistency Review for 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 City of Buffalo Office of Strategic Planning (OSP) and other interested parties. The City OSP will refer the matter to the Planning Board for their review and recommendations.
2. The DOS 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 City of Buffalo Planning Board has no opinion on the consistency of the proposed direct federal action with local coastal policies, unless otherwise notified by the City Office of Strategic Planning that more time is required for the Planning Board to issue their comments and recommendations.
4. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the City OSP, DOS will contact the City 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 the DOS "agreement" or "disagreement" letter to the federal agency will be forwarded to the City of Buffalo Office of Strategic Planning.

**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 City of Buffalo Office of Strategic Planning (OSP) for review by the Planning Board, and will identify the Department's principal reviewer for the proposed action.
2. Within thirty (30) days of receiving such information, the Buffalo OSP representative will contact the principal reviewer for DOS to discuss: (a) the need to request additional information for review purposed; and (b) any possible problems pertaining to the consistency of a proposed action with local coastal policies.
3. When DOS and the Buffalo OSP representative 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 Buffalo OSP representative upon receipt.
4. Upon receipt of all information from DOS for the proposed action, all such information will be submitted to the City of Buffalo Planning Board for their review and comments.
5. Within thirty (30) days of receiving the requested additional information or discussion of the potential problems associated with the proposed action with the principal reviewer for DOS, whichever is later, the Buffalo OSP representative will notify DOS of the findings of the Planning Board review. Said findings will outline the reasons why the proposed action may or may not be consistent with the local coastal policies.
6. After the notification, the Buffalo OSP representative will submit the Planning Board's written comments and recommendations on the proposed permit action to DOS before or at the conclusion of the official public comment period. If said notification and such comments and recommendations are not received by DOS by the end of the public comment period, DOS will presume that the City has "no opinion" on the consistency of the proposed action with local coastal policies.
7. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the City Planning Board on the proposed permit action, DOS will contact the Buffalo OSP representative to discuss any differences of opinion prior to issuing a letter of "concurrence" or "objection" letter to the applicant.

8. A copy of the DOS "concurrence" or "objection" letter to the applicant will be forwarded to the City.

#### **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 Buffalo Office of Strategic Planning (OSP).
2. DOS will acknowledge the receipt of the requested information and provide a copy of this acknowledgement to the Buffalo OSP. 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 the 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 City of Buffalo OSP representative will provide the City Planning Board with all documentation on the proposed action for their review and comments.
5. The City of Buffalo OSP representative must submit the Board's comments and recommendations on the proposed action to DOS within twenty (20) days (or other time agreed to by DOS and the OSP representative) from the start of the review period. If comments and recommendations are not received by the established date, DOS will presume that the City has "no opinion" on the consistency of the proposed financial assistance action with the local coastal policies.
6. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the City, DOS will contact the Buffalo OSP representative to discuss any differences of opinion or questions prior to notifying the applicant of DOS' consistency determination.
7. A copy of the DOS consistency decision letter to the applicant will be forwarded to the City.

## **F. Guidelines for Notification and Review of State Agency Actions where Local Waterfront Revitalization Program are in Effect**

### **Purpose of Guidelines**

1. The Waterfront Revitalization of Coastal Areas and Inland Waterways 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 these agencies in meeting that statutory consistency obligation.
2. The Act also requires that State agencies provide timely notice to the City of Buffalo whenever an identified action will occur within an area governed 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.
3. The Secretary of State is required by the Article 42 to confer with State agencies and the City of Buffalo when notified by the City that a proposed State action may conflict with the policies and purposes of its approved LWRP. These guidelines establish a procedure for resolving such conflicts.

### **Definitions**

1. Action means:
  - A "Type 1" or "Unlisted" action as defined by the State Environmental Quality Review Act (SEQRA);
  - Occurring within the boundaries of the City of Buffalo Local Waterfront Revitalization Area (LWRA); and
  - Being undertaken pursuant to a State agency program or activity that has been identified by the Secretary of State as likely to affect the policies and purposes of the City of Buffalo LWRP.
2. City of Buffalo means the City of Buffalo Mayor's Office of Strategic Planning (OSP).
3. 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 the City of Buffalo LWRP, then the action must be one:

- For which no reasonable alternatives exist that would avoid or overcome any substantial hindrance;
  - That will minimize all adverse effects on the policies or purposes of the City of Buffalo LWRP to the maximum extent practicable; and
  - That will result in an overriding regional or statewide public benefit.
4. Local Waterfront Revitalization Program or LWRP means a program prepared and adopted by the City of Buffalo 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, and proposed land uses and specific projects that are essential to the implementation of the LWRP.

**Notification Procedure**

1. When a State agency is considering an action as described in Item 2 above, the agency shall notify the City of Buffalo OSP.
2. Notification of an action proposed by a State agency:
  - Shall fully describe the nature and location of the action;
  - Shall be accomplished by use of either the State Clearinghouse, other existing state agency notification procedures, or through an alternative procedure agreed upon by the agency and City of Buffalo OSP; and
  - Should be provided to the OSP as early in the planning stages of the action as possible, but in any event at least thirty (30) days prior to the agency's decision on the action. The timely filing of a copy of a fully completed Waterfront Assessment Form (WAF) with the applicable City of Buffalo OSP should be considered adequate notification of a proposed action.
3. If the proposed action will require the preparation of a draft environmental impact statement (EIS), the filing of the EIS with the City Clerk or OSP can serve as the agency's notification to the City of Buffalo.

**Local Government Review Procedure**

1. Upon receipt of notification from a State agency, the City of Buffalo OSP will be responsible for evaluating a proposed action against the policies and purposes of its approved LWRP. Upon request by the OSP, the State agency should promptly provide the City with whatever additional information is available that will assist the City in evaluating the proposed action. The City of Buffalo OSP will forward this information to the Planning Board for their review and comments/recommendations.
2. Upon completion of the review of the action by the Planning Board, the City of Buffalo OSP shall inform the State agency in writing of its findings; a copy of the findings shall also be provided to DOS/Secretary of State.
3. If the City of Buffalo does not notify the agency in writing of its finding within the established review period, the agency may then presume that the proposed action does not conflict with the policies and purposes of the Buffalo LWRP.
4. Upon receipt of the City of Buffalo's findings of consistency, the agency may proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
5. If the City of Buffalo notifies the agency in writing that the proposed action is not consistent 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 procedures established in Item 5 below shall apply. The City of Buffalo OSP shall forward a copy of the identified conflicts to the Secretary of State at the time when the agency is notified. . In notifying the agency, the City of Buffalo shall identify the specific policies and purposes of the LWRP with which the proposed action is in conflict.

**Resolution of Conflicts**

The following procedure applies whenever the City of Buffalo has notified the Secretary of State and applicable State agency that a proposed action conflicts with the policies and purposes of the Buffalo LWRP.

1. Upon receipt of notification that a proposed action conflicts with the City of Buffalo LWRP, the State agency should contact the City of Buffalo Office of Strategic Planning (OSP) to discuss the content of the identified conflicts and the means for resolving them. A meeting of State agency and City representatives may be necessary to discuss and

resolve the identified conflicts. This discussion should take place within thirty (30) days of the receipt of a conflict notification from the City of Buffalo OSP.

2. If the discussion between the City of Buffalo OSP representative(s) and the State agency results in the resolution of the identified conflicts, then, within seven (7) days of the discussion, the City of Buffalo OSP shall notify the agency in writing, with a copy forwarded to the Secretary of State, that all of the identified conflicts have been resolved. That agency can then proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
3. If the consultation between the City of Buffalo 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 fifteen (15) days following the discussion between the City of Buffalo OSP and the agency. The party requesting the assistance of the Secretary of State shall forward a copy of their request to the other party.
4. Within thirty (30) days following the receipt of the 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 resolution with appropriate representatives from the City of Buffalo and the agency.
5. If agreement among all parties cannot be reached during this discussion, the Secretary shall, within fifteen (15) days, notify both parties of his/her findings and recommendations.
6. The 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.

#### **G. Financial Resources Necessary to Implement the LWRP**

The implementation of the proposed projects identified under Section IV will require an undetermined amount of public funding. The City will work diligently to secure funding through grants programs and other funding assistance programs to the greatest extent possible.

The City is obligated to fund a portion of the construction and renovation costs of proposed improvements on City owned property. There are grants available from state and federal agencies that the City hopes to obtain and leverage local funds against.

## **Section VI**

### **State and Federal Actions and Programs Likely to Affect Program Implementation**

## **SECTION VI – STATE AND FEDERAL ACTIONS AND PROGRAMS LIKELY TO AFFECT IMPLEMENTATION**

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

Pursuant to the State Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42), the Secretary of State notifies affected State agencies of those agency actions and programs which are to be undertaken in a manner consistent with approved LWRPs. The following list of State actions and programs is that list. The State Waterfront Revitalization of Coastal Areas and Inland Waterways Act requires that an LWRP identify those elements of the program which can be implemented by the local government, unaided, and those that can only be implemented with the aid of other levels of government or other agencies. Such statement shall include those permit, license, certification, or approval programs; grant, loan, subsidy, or other funding assistance programs; facilities construction; and planning programs that may affect the achievement of the LWRP. Federal agency actions and programs subject to consistency requirements are identified in the New York State Coastal management Program and by the implementing regulations of the U.S. Coastal Zone Management Act.

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



**A. State and Federal Actions and Programs Which Should be Undertaken in a Manner Consistent with the City of Buffalo LWRP**

**1. STATE AGENCIES**

**OFFICE FOR THE AGING**

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

**DEPARTMENT OF AGRICULTURE AND MARKETS**

- 1.00 Agricultural Districts Program
- 2.00 Rural Development Program
- 3.00 Farm Worker Services Programs.
- 4.00 Permit and approval programs:
  - 4.01 Custom Slaughters/Processor Permit
  - 4.02 Processing Plant License
  - 4.03 Refrigerated Warehouse and/or Locker Plant License

**DIVISION OF ALCOHOLIC BEVERAGE CONTROL/ STATE LIQUOR AUTHORITY**

- 1.00 Permit and Approval Programs:
  - 1.01 Ball Park - Stadium License
  - 1.02 Bottle Club License
  - 1.03 Bottling Permits
  - 1.04 Brewer's Licenses and Permits
  - 1.05 Brewer's Retail Beer License
  - 1.06 Catering Establishment Liquor License
  - 1.07 Cider Producer's and Wholesaler's Licenses
  - 1.08 Club Beer, Liquor, and Wine Licenses
  - 1.09 Distiller's Licenses
  - 1.10 Drug Store, Eating Place, and Grocery Store Beer Licenses
  - 1.11 Farm Winery and Winery Licenses
  - 1.12 Hotel Beer, Wine, and Liquor Licenses
  - 1.13 Industrial Alcohol Manufacturer's Permits
  - 1.14 Liquor Store License
  - 1.15 On-Premises Liquor Licenses
  - 1.16 Plenary Permit (Miscellaneous-Annual)
  - 1.17 Summer Beer and Liquor Licenses
  - 1.18 Tavern/Restaurant and Restaurant Wine Licenses
  - 1.19 Vessel Beer and Liquor Licenses
  - 1.20 Warehouse Permit
  - 1.21 Wine Store License
  - 1.22 Winter Beer and Liquor Licenses
  - 1.23 Wholesale Beer, Wine, and Liquor Licenses

**DIVISION OF ALCOHOLISM AND 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 (Substance Abuse Services Program)
- 3.00 Permit and approval:
  - 3.01 Letter Approval for Certificate of Need
  - 3.02 Operating Certificate (Alcoholism Facility)
  - 3.03 Operating Certificate (Community Residence)
  - 3.04 Operating Certificate (Outpatient Facility)
  - 3.05 Operating Certificate (Sobering-Up Station)

**COUNCIL ON THE ARTS**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Architecture and environmental arts program.

**DEPARTMENT OF BANKING**

- 1.00 Permit and approval programs:
  - 1.01 Authorization Certificate (Bank Branch)
  - 1.02 Authorization Certificate (Bank Change of Location)
  - 1.03 Authorization Certificate (Bank Charter)
  - 1.04 Authorization Certificate (Credit Union Change of Location)
  - 1.05 Authorization Certificate (Credit Union Charter)
  - 1.06 Authorization Certificate (Credit Union Station)
  - 1.07 Authorization Certificate (Foreign Banking Corporation Change of Location)
  - 1.08 Authorization Certificate (Foreign Banking Corporation Public Accommodations Office)
  - 1.09 Authorization Certificate (Investment Company Branch)
  - 1.10 Authorization Certificate (Investment Company Change of Location)
  - 1.11 Authorization Certificate (Investment Company Charter)
  - 1.12 Authorization Certificate (Licensed Lender Change of Location)
  - 1.13 Authorization Certificate (Mutual Trust Company Charter)
  - 1.14 Authorization Certificate (Private Banker Charter)
  - 1.15 Authorization Certificate (Public Accommodation Office - Banks)
  - 1.16 Authorization Certificate (Safe Deposit Company Branch)
  - 1.17 Authorization Certificate (Safe Deposit Company Change of Location)
  - 1.18 Authorization Certificate (Safe Deposit Company Charter)
  - 1.19 Authorization Certificate (Savings Bank Charter)
  - 1.20 Authorization Certificate (Savings Bank De Novo Branch Office)
  - 1.21 Authorization Certificate (Savings Bank Public Accommodations Office)
  - 1.22 Authorization Certificate (Savings and Loan Association Branch)
  - 1.23 Authorization Certificate (Savings and Loan Association Change of Location)

## *CITY OF BUFFALO LOCAL WATERFRONT REVITALIZATION PROGRAM*

- 1.24 Authorization Certificate (Savings and Loan Association Charter)
- 1.25 Authorization Certificate (Subsidiary Trust Company Charter)
- 1.26 Authorization Certificate (Trust Company Branch)
- 1.27 Authorization Certificate (Trust Company-Change of Location)
- 1.28 Authorization Certificate (Trust Company Charter)
- 1.29 Authorization Certificate (Trust Company Public Accommodations Office)
- 1.30 Authorization to Establish a Life Insurance Agency
- 1.31 License as a Licensed Lender
- 1.32 License for a Foreign Banking Corporation Branch

### **NEW YORK STATE BRIDGE 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.

### **BUFFALO AND FORT ERIE PUBLIC BRIDGE 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.

### **OFFICE OF CHILDREN AND FAMILY 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 CORRECTIONAL SERVICES**

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

**DORMITORY AUTHORITY OF THE STATE OF NEW YORK**

- 1.00 Financing of higher education and health care facilities.
- 2.00 Planning and design services assistance program.

**EMPIRE STATE DEVELOPMENT/ EMPIRE STATE DEVELOPMENT CORPORATION**

- 1.00 Preparation or revision of statewide or specific plans to address State economic development needs.
- 2.00 Allocation of the state tax-free bonding reserve.

**EDUCATION DEPARTMENT**

- 1.00 Facilities construction, rehabilitation, expansion, demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Certification 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 Wholesale of Drugs and/or Devices
  - 2.07 Registered Wholesaler-Re-packer of Drugs and/or Devices
  - 2.08 Storekeeper's Certificate

**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

## CITY OF BUFFALO LOCAL WATERFRONT REVITALIZATION PROGRAM

- 4.05 Resource recovery and solid waste management capital projects
- 4.06 Wastewater treatment facilities
- 5.00 Funding assistance for issuance of permits and other regulatory activities (New York City only).
- 6.00 Implementation of the Environmental Quality Bond Act of 1972, including:
  - (a) Water Quality Improvement Projects
  - (b) Land Preservation and Improvement Projects including Wetland Preservation and Restoration Projects, Unique Area Preservation Projects, Metropolitan Parks Projects, Open Space Preservation Projects and Waterways Projects.
- 7.00 Marine Finfish and Shellfish Programs.
- 8.00 New York Harbor Drift Removal Project.
- 9.00 Permit and approval programs:

### Air Resources

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

### Construction Management

- 9.08 Approval of Plans and Specifications for Wastewater Treatment Facilities

### Fish and Wildlife

- Certificate to Possess and Sell Hatchery Trout in New York State
- 9.10 Commercial Inland Fisheries Licenses
- 9.11 Fishing Preserve License
- 9.12 Fur Breeder's License
- 9.13 Game Dealer's License
- 9.14 Licenses to Breed Domestic Game Animals
- 9.15 License to Possess and Sell Live Game
- 9.16 Permit to Import, Transport and/or Export under Section 184.1 (11-0511)
- 9.17 Permit to Raise and Sell Trout
- 9.18 Private Bass Hatchery Permit
- 9.19 Shooting Preserve Licenses
- 9.20 Taxidermy License
- 9.21 Permit - Article 15, (Protection of Water) - Dredge or Deposit Material in a Waterway
- 9.22 Permit - Article 15, (Protection of Water) - Stream Bed or Bank Disturbances
- 9.23 Permit - Article 24, (Freshwater Wetlands)

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### Hazardous Substances

- 9.24 Permit to Use Chemicals for the Control or Elimination of Aquatic Insects
- 9.25 Permit to Use Chemicals for the Control or Elimination of Aquatic Vegetation
- 9.26 Permit to Use Chemicals for the Control or Extermination of Undesirable Fish

### Lands and Forest

- 9.27 Certificate of Environmental Safety (Liquid Natural Gas and Liquid Petroleum Gas)
- 9.28 Floating Object Permit
- 9.29 Marine Regatta Permit
- 9.30 Navigation Aid Permit

### Marine Resources

- 9.31 Digger's Permit (Shellfish)
- 9.32 License of Menhaden Fishing Vessel
- 9.33 License for Non-Resident Food Fishing Vessel
- 9.34 Non-Resident Lobster Permit
- 9.35 Marine Hatchery and/or Off-Bottom Culture Shellfish Permits
- 9.36 Permits to Take Blue-Claw Crabs
- 9.37 Permit to Use Pond or Trap Net
- 9.38 Resident Commercial Lobster Permit
- 9.39 Shellfish Bed Permit
- 9.40 Shellfish Shipper's Permits
- 9.41 Special Permit to Take Surf Clams from Waters other than the Atlantic Ocean
- 9.42 Permit - Article 25, (Tidal Wetlands)

### Mineral Resources

- 9.43 Mining Permit
- 9.44 Permit to Plug and Abandon (a non-commercial, oil, gas or solution mining well)
- 9.45 Underground Storage Permit (Gas)
- 9.46 Well Drilling Permit (Oil, Gas, and Solution Salt Mining)

### Solid Wastes

- 9.47 Permit to Construct and/or Operate a Solid Waste Management Facility
- 9.48 Septic Tank Cleaner and Industrial Waste Collector Permit

### Water Resources

- 9.49 Approval of Plans for Wastewater Disposal Systems
- 9.50 Certificate of Approval of Realty Subdivision Plans
- 9.51 Certificate of Compliance (Industrial Wastewater Treatment Facility)
- 9.52 Letters of Certification for Major Onshore Petroleum Facility Oil Spill Prevention and Control Plan
- 9.53 Permit - Article 36, (Construction in Flood Hazard Areas)
- 9.54 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
- 9.55 State Pollutant Discharge Elimination System (SPDES) Permit
- 9.56 Approval - Drainage Improvement District

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- 9.57 Approval - Water (Diversions for) Power
- 9.58 Approval of Well System and Permit to Operate
- 9.59 Permit - Article 15, (Protection of Water) - Dam
- 9.60 Permit - Article 15, Title 15 (Water Supply)
- 9.61 River Improvement District Approvals
- 9.62 River Regulatory District Approvals
- 9.63 Well Drilling Certificate of Registration
- 9.64 401 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, grants of easement and issuance of licenses for land underwater, including for residential docks over 5,000 square feet and all commercial docks, issuance of licenses for removal of materials from lands under water, and oil and gas leases for exploration and development.
- 2.00 Administration of Article 4-B, Public Buildings Law, in regard to the protection and management of State historic and cultural properties and State uses of buildings of historic, architectural or cultural significance.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition.
- 4.00 Administration of Article 5, Section 233 of the Education Law regarding the removal of archaeological and paleontological objects under the waters of the State.
- 5.00 Administration of Article 3, Section 32 of the Navigation Law regarding location of structures in or on navigable waters.



**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 (SUBSIDIARIES AND AFFILIATES)**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition.
- 2.00 Financial assistance/grant programs:
  - 2.01 Federal Housing Assistance Payments Programs (Section 8 Programs)
  - 2.02 Housing Development Fund Programs
  - 2.03 Neighborhood Preservation Companies Program
  - 2.04 Public Housing Programs
  - 2.05 Rural Initiatives Grant Program
  - 2.06 Rural Preservation Companies Program
  - 2.07 Rural Rental Assistance Program
  - 2.08 Special Needs Demonstration Projects
  - 2.09 Urban Initiatives Grant Program
  - 2.10 Urban Renewal Programs
- 3.00 Preparation and implementation of plans to address housing and community renewal needs.

**HOUSING FINANCE AGENCY**

- 1.00 Funding programs for the construction, rehabilitation, or expansion of facilities.
- 2.00 Affordable Housing Corporation

**INTERSTATE SANITATION COMMISSION (regional agency)**

- 1.00 Adoption and enforcement of air and water pollution standards within the Interstate Sanitation District.

**JOB DEVELOPMENT AUTHORITY**

- 1.00 Financing assistance programs for commercial and industrial facilities.

**MEDICAL CARE FACILITIES FINANCING AGENCY**

- 1.00 Financing of medical care facilities.

**OFFICE OF MENTAL HEALTH**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Operating Certificate (Community Residence)
  - 2.02 Operating Certificate (Family Care Homes)
  - 2.03 Operating Certificate (Inpatient Facility)
  - 2.04 Operating Certificate (Outpatient Facility)

**OFFICE OF MENTAL RETARDATION AND DEVELOPMENT DISABILITIES**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition, or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Establishment and Construction Prior Approval
  - 2.02 Operating Certificate Community Residence
  - 2.03 Outpatient Facility Operating Certificate

**DIVISION OF MILITARY AND NAVAL AFFAIRS**

- 1.00 Preparation and implementation of the State Disaster Preparedness Plan.

**NATURAL HERITAGE TRUST**

- 1.00 Funding program for natural heritage institutions.

**NIAGARA FRONTIER TRANSPORTATION AUTHORITY (regional agency)**

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Authority.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 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 Commission)**

- 1.00 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the Office.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 3.00 Funding program for recreational boating, safety and enforcement.
- 4.00 Funding program for State and local historic preservation projects.
- 5.00 Land and Water Conservation Fund programs.
- 6.00 Nomination of properties to the Federal and/or State Register of Historic Places.
- 7.00 Permit and approval programs:
  - 7.01 Floating Objects Permit
  - 7.02 Marine Regatta Permit
  - 7.03 Navigation Aide Permit
  - 7.04 Posting of Signs Outside State Parks
- 8.00 Preparation and revision of the Statewide Comprehensive Outdoor Recreation Plan and the Statewide Comprehensive Historic Preservation Plan and other plans for public access, recreation, historic preservation or related purposes.
- 9.00 Recreation services program.
- 10.00 Urban Cultural Parks Program.

**POWER AUTHORITY OF THE STATE OF NEW YORK**

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Authority.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition.

**NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION**

- 1.00 Corporation for Innovation Development Program.
- 2.00 Center for Advanced Technology Program.

**DEPARTMENT OF STATE**

- 1.00 Appalachian Regional Development Program.
- 2.00 Coastal Management Program.
- 3.00 Community Services Block Grant Program.
- 4.00 Permit and approval programs:
  - 4.01 Billiard Room License
  - 4.02 Cemetery Operator
  - 4.03 Uniform Fire Prevention and Building Code

**STATE UNIVERSITY CONSTRUCTION FUND**

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

**STATE UNIVERSITY OF NEW YORK**

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the University.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

**THRUWAY AUTHORITY /CANAL CORPORATION/CANAL RECREATIONWAY COMMISSION  
(regional agency)**

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land and other resources under the jurisdiction of the Thruway Authority, Canal Corporation, and Canal Recreationway Commission.
- 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
  - 3.04 Permits for use of Canal System lands and waters.
- 4.00 Statewide Canal Recreationway Plan

**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) 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 branch lines abandoned by Conrail
  - 3.05 Subsidies program for passenger rail service
- 4.00 Permits and approval programs:
  - 4.01 Approval of applications for airport improvements (construction projects)
  - 4.02 Approval of municipal applications for Section 18 Rural and Small Urban Transit Assistance Grants (construction projects)
  - 4.03 Approval of municipal or regional transportation authority applications for funds for design, construction and rehabilitation of omnibus maintenance and storage facilities
  - 4.04 Approval of municipal or regional transportation authority applications for funds for design and construction of rapid transit facilities
  - 4.05 Certificate of Convenience and Necessity to Operate a Railroad
  - 4.06 Highway Work Permits
  - 4.07 License to Operate Major Petroleum Facilities
  - 4.08 Outdoor Advertising Permit (for off-premises advertising signs adjacent to interstate and primary highway)
  - 4.09 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 (subsidiaries and affiliates)**

- 1.00 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the Corporation.
- 2.00 Planning, development, financing, construction, major renovation or expansion of commercial, industrial, and civic facilities and the provision of technical assistance or financing for such activities, including, but not limited to, actions under its discretionary economic development programs such as the following:
  - (a) Tax-Exempt Financing Program
  - (b) Lease Collateral Program
  - (c) Lease Financial Program
  - (d) Targeted Investment Program
  - (e) Industrial Buildings Recycling Program
- 3.00 Administration of special projects.
- 4.00 Administration of State-funded capital grant programs.

**DIVISION OF YOUTH**

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

**2. FEDERAL AGENCIES**

**DIRECT FEDERAL ACTIVITIES AND DEVELOPMENT PROJECTS**

**DEPARTMENT OF COMMERCE**

National Marine Fisheries Services

- 1.00 Fisheries Management Plans

**DEPARTMENT OF DEFENSE**

Army Corps of Engineers

- 1.00 Proposed authorizations for dredging, channel improvements, break-waters, 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, compatibility or restricted use zones.

**DEPARTMENT OF ENERGY**

- 1.00 Prohibition orders.

**GENERAL SERVICES ADMINISTRATION**

- 1.00 Acquisition, location and design of proposed Federal Government property or buildings, whether leased or owned by the Federal Government.
- 2.00 Disposition of Federal surplus lands and structures.

**DEPARTMENT OF INTERIOR**

Fish and Wildlife Service

- 1.00 Management of National Wildlife refuges and proposed acquisitions.

Mineral Management Service

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

National Park Service

- 3.00 National Park and Seashore management and proposed acquisitions.

**DEPARTMENT OF TRANSPORTATION**

Amtrak, Conrail

- 1.00 Expansions, curtailments, new construction, upgrading or abandonments or 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.

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- 3.00 Location, placement or removal of navigation devices which are not part of the routine operations under the Aids to Navigation Program (ATON).
- 4.00 Expansion, abandonment, designation or anchorages, lightening areas or shipping lanes and ice management practices and activities.

### Federal Aviation Administration

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

### Federal Highway Administration

- 6.00 Highway construction.

### St. Lawrence Seaway Development Corporation

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

## **FEDERAL LICENSES AND PERMITS**

### **DEPARTMENT OF DEFENSE**

#### Army Corps of Engineers

- 1.00 Construction of dams, dikes or ditches across navigable waters, or obstruction or alteration of navigable waters required under Sections 9 and 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401, 403).
- 2.00 Establishment of harbor lines pursuant to Section 11 of the Rivers and Harbors Act of 1899 (33 U.S.C. 404, 405).
- 3.00 Occupation of seawall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the U.S. pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408).
- 4.00 Approval of plans for improvements made at private expense under Corps supervision pursuant to the Rivers and Harbors Act of 1902 (33 U.S.C. 565).
- 5.00 Disposal of dredged spoils into the waters of the U.S., pursuant to the Clean Water Act, Section 404, (33 U.S.C. 1344).
- 6.00 All actions for which permits are required pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
- 7.00 Construction of artificial islands and fixed structures in Long Island Sound pursuant to Section 4(f) of the River and Harbors Act of 1912 (33 U.S.C.).



**DEPARTMENT OF ENERGY**

Economic Regulatory Commission

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

Federal Energy Regulatory Commission

- 3.00 Licenses for non-Federal hydroelectric projects and primary transmission lines under Sections 3(11), 4(e) and 15 of the Federal Power Act (16 U.S.C. 796(11), 797(11) and 808).
- 4.00 Orders for interconnection of electric transmission facilities under Section 202(b) of the Federal Power Act (15 U.S.C. 824a(b)).
- 5.00 Certificates for the construction and operation of interstate natural gas pipeline facilities, including both pipelines and terminal facilities under Section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)).
- 6.00 Permission and approval for the abandonment of natural gas pipeline facilities under Section 7(b) of the Natural Gas Act (15 U.S.C. 717f(b)).

**ENVIRONMENTAL PROTECTION AGENCY**

- 1.00 NPDES permits and other permits for Federal installations, discharges in contiguous zones and ocean waters, sludge runoff and aquaculture permits pursuant to Section 401, 402, 403, 405, and 318 of the Federal Water Pollution Control Act of 1972 (33 U.S.C. 1341, 1342, 1343, and 1328).
- 2.00 Permits pursuant to the Resources Recovery and Conservation Act of 1976.
- 3.00 Permits pursuant to the underground injection control program under Section 1424 of the Safe Water Drinking Water Act (42 U.S.C. 300h-c).
- 4.00 Permits pursuant to the Clean Air Act of 1976 (42 U.S.C. 1857).

**DEPARTMENT OF INTERIOR**

Fish and Wildlife Services

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

Mineral Management Service

- 2.00 Permits to drill, rights of use and easements for construction and maintenance of pipelines, gathering and flow lines and associated structures pursuant to 43 U.S.C. 1334, exploration and development plans, and any other permits or authorizations granted for activities described in detail in OCS exploration, development, and production plans.
- 3.00 Permits required for pipelines crossing federal lands, including OCS lands, and associated activities pursuant to the OCS Lands Act (43 U.S.C. 1334) and 43 U.S.C. 931 (c) and 20 U.S.C. 185.

**SURFACE TRANSPORTATION BOARD**

- 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.

**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 Renting Housing Loans
- 10.416 Soil and Water Loans
- 10.418 Water and Waste Disposal Systems for Rural Communities
- 10.422 Business and Industrial 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

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- 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 Inter-modal Transportation
- 11.509 Development and Promotion of Domestic Waterborne Transport Systems

### **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)

### **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)

### **GENERAL SERVICES ADMINISTRATION**

- 39.02 Disposal of Federal Surplus Real Property

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

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

**DEPARTMENT OF INTERIOR**

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

**SMALL BUSINESS ADMINISTRATION**

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

**DEPARTMENT OF TRANSPORTATION**

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

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

**B. STATE AND FEDERAL PROGRAMS NECESSARY TO FURTHER THE LWRP**

• **State Actions and Programs**

1. Department of Environmental Conservation

Funding assistance with planning studies and/or design and construction of projects targeted to protect or restore wetlands or mitigate localized flooding problems.

2. Environmental Facilities Corp.

Funding assistance for the planning, design and construction of expansion or improvement projects within the City of Sewer Authority and for remediation of combined sewer outfalls.

3. Department of State

Funding approval for LWRP implementation of various planning, design and construction projects, as outlined in Section IV of this Program.

4. Department of Economic Development / Empire State Development Corporation

Assistance is needed for the preparation of economic feasibility studies for the reuse of various deteriorated and unutilized structures, as well as for the siting or improvement of public facilities.

5. Office of General Services

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

6. Office of Parks, Recreation, and Historic Preservation

Funding assistance for historic planning, design and restoration or preservation projects. Funding approval under programs such as the Land and Water Conservation Fund and the Clean Water / Environmental Protection Fund for development and improvement of waterfront parkland.

7. Governor's Office for Small Cities

Funding assistance for economic development and public improvements and facilities that meet the needs of low and moderate-income households or address slum or blighting conditions. In particular, assistance is sought for the South Block, Hamilton House, Richmond Block projects, as well as for some streetscaping efforts at Pine and Market Streets.

- **Federal Actions and Programs**

1. Army Corps. of Engineers (Department of Defense)  
  
Assistance with future proposed erosion control structures, navigational issues, dredging and channel maintenance, and ice management activities along the waterfront.
2. U.S. Coast Guard (Department of Transportation)  
  
Assistance with the regulation and enforcement of surface water activities, homeland security activities, maintenance of harbor navigation structures, and the potential relocation of the Coast Guard Station.
3. Department of Transportation  
  
Assistance with the use and expansion of railroad facilities in the waterfront area, and construction or reconstruction of bridges over navigable waterways.  
  
Federal Highway Administration funding assistance with local transportation related projects, including the design and redevelopment of Route 5 and the Skyway Bridge and projects identified under the Waterfront Corridor Initiative.
4. Environmental Protection Agency  
  
Assistance with the enforcement of the Clean Water and Clean Air Act regulations, and funding and other assistance for brownfields cleanup and redevelopment. Funding assistance for solid and hazardous waste management and wastewater treatment activities.
5. Department of Commerce  
  
Funding assistance for public works and development facilities, business development and other economic development pursuits. Support and assistance with marine conservation activities in Lake Erie and the Niagara River and continued support of the Sea Grant Program. Support for ports and inter-modal transportation activities.
6. Department of Housing and Urban Development  
  
Community development block grant assistance for waterfront improvement projects and other urban development needs in the waterfront area.
7. Department of Interior  
  
Funding and other assistance for urban park improvements, historic preservation activities, and wildlife and fish restoration programs.

## **Section VII**

### Local Commitment and Consultation

## **SECTION VII – LOCAL COMMITMENT AND CONSULTATION**

### **A. Local Commitment**

The City of Buffalo initiated its efforts to prepare a Local Waterfront Revitalization Program in the May 2001, at which time a team from the City's Office of Strategic Planning met to discuss renewing the efforts to prepare a draft Local Waterfront Revitalization Program (LWRP). A sub-committee was established to oversee and guide the review and revision of the program. Working with a retained consultant from Wendel Duchscherer, the Sub-Committee included representatives from the City of Buffalo, Erie County Industrial Development Agency, Niagara Frontier Transportation Authority, Empire State Development, Erie County, Buffalo Niagara Partnership, the Army Corps of Engineers and the local community. This Sub-Committee met numerous times during the planning process to assist with the update of the LWRP. Five of these Sub-Committee meetings were attended by interagency personnel and outside professionals interested in the waterfront planning process.

To help the public understand the process and gather public input on issue and concerns along the waterfront, as well as waterfront opportunities, the Sub-Committee held two public information meetings on May 3 and May 10, 2001. Twenty-six people attended the first meeting, while 32 people attended the second public information meeting. The information gathered at these meetings was utilized to shape the LWRP policies, as well as the proposed projects and implementation measures outlined in the program.

The public information meetings were followed by a policy workshop that was held on January 17, 2002. This workshop was attended by government officials, local agency representatives, stakeholders and members of local citizens' groups. The purpose of the meeting was to review the LWRP policy categories and initiate a discussion on issues and opportunities that should affect policy decision making for the draft LWRP

To keep the public involved in the LWRP and waterfront planning process, the City held two Waterfront Conferences. These conferences were very well attended and provided an opportunity for keeping the public informed on the status of the LWRP and other ongoing waterfront initiatives, and gathering additional input for the draft program.

Once the LWRP policies were completed in preliminary draft form, and an outline of draft land uses and zoning proposals was formulated, two Stakeholders' Workshops were held to gather input from local agencies and public officials that were involved in some form or another in waterfront planning activities. These workshops, which were held on January 7,



2004 and March 8, 2004, were effective venues for bringing the various parties together for open discussion. The dialogue that was opened at the first meeting was continued and supplemented at the second meeting to provide the City with useful input on project proposals, goals for waterfront improvements and a shared "vision" for Buffalo's waterfront. Few meetings of this kind have been held where so many different representatives from community organizations, government entities and public offices have come together to opening discuss and collaborate on waterfront planning efforts.

In addition to these workshops, the City held a Focus Group meeting on April 27, 2004 with representatives from local waterfront businesses. The purpose of this meeting was to present the draft land use, zoning and project proposals and gather feedback. Comments were presented that were useful in framing certain proposal in a more realistic light.

On April 26, 2004 a presentation was also given to the City of Buffalo Common Council, to introduce the LWRP and help this body gain a better understanding of the purposes of the program, the program proposals for land use and zoning, and how this program will work to help the City achieve its vision for the waterfront.

The City of Buffalo held another public Waterfront Workshop meeting on the LWRP and related waterfront projects on May 15, 2004 at the Buffalo and Erie County Historical Society to provide the general public with a presentation on the proposed land uses, proposed zoning and proposed projects outlined in the draft LWRP.

## **B. Consultation**

In early 2005, the draft LWRP document was reviewed by the City Planning Board. There comments were incorporated into the program and a draft copy was provided to the Department of State for their preliminary review prior to acceptance and release for the required 60-day review process. In addition, draft documents were distributed to a number of involved and interested agencies to gather their comments on program findings and recommendations. The agencies that were contacted for their input included the Erie County Department of Environment and Planning, Empire State Development Corporation, Niagara Frontier Transportation Authority, the Town of Tonawanda and the City of Lackawanna, which are bordering municipalities. As part of the Department of State's 60-day review period for the draft program, copies of the draft LWRP will be distributed to all applicable Federal agencies, potentially affected State agencies, Erie County, the Town of Tonawanda and the City of Lackawanna. Comments received on the draft LWRP were reviewed by the City and State and changes were made to the program, as required, to reflect the substantive comments.

## HELP TO SHAPE THE FUTURE OF



## OUR WATERFRONT!

### PUBLIC INFORMATION MEETINGS

#### The City of Buffalo's Local Waterfront Revitalization Program

Thursday, May 3 7:00pm  
The PFC. William J. Grabiarz  
School of Excellence  
(School #79)  
155 Lawn Avenue  
Buffalo, NY 14207

Thursday, May 10 7:00pm  
Southside Elementary School  
(School #93)  
430 Southside Parkway  
Buffalo, NY 14210

Mayor Masiello's Office of Strategic Planning is undertaking a Local Waterfront Revitalization Program (LWRP) for the City of Buffalo's shorelines. Recognizing the importance our waterfront to the health of our City, this planning effort will serve as a road map to help guide the future implementation of the many important and worthwhile citizen efforts on behalf of our waterfront.

*COME AND SHARE YOUR VISION FOR BUFFALO'S WATERFRONT*

#### WHAT IS A LOCAL WATERFRONT REVITALIZATION PROGRAM?

In partnership with the NYS Division of Coastal Resources, a municipality develops community consensus regarding the future of its waterfront and refines state coastal policies to reflect local conditions and circumstances. Once approved by the New York Secretary of State and the federal Office of Coastal Resources Management, the Local Program serves to coordinate state and federal actions needed to achieve the community's goals for its waterfront.

#### WHAT IS IN A LOCAL WATERFRONT REVITALIZATION PROGRAM?

A Local Waterfront Revitalization Program may contain a number of components addressing issues important to the community, including the following:

- Waterfront redevelopment
- Harbor management
- Public access
- Erosion hazards management
- Water quality protection
- Habitat restoration
- Historic maritime resource protection

#### BENEFITS OF A LOCAL WATERFRONT REVITALIZATION PROGRAM

- **Clear direction** - A Local Waterfront Revitalization Program reflects community consensus regarding use of its waterfront. As such, it can significantly increase a community's ability to attract appropriate development that will take best advantage and respect the unique cultural and natural characteristics of its waterfront.
- **Technical assistance** - A Local Waterfront Revitalization Program establishes a long-term partnership between local government and the state, providing a source of technical assistance to prepare and implement a Local Program.
- **State and federal consistency** - State and federal permitting, funding, and direct actions must be consistent with an approved Local Waterfront Revitalization Program. This "consistency" provision is a strong tool that helps ensure all government levels work in unison to build a stronger economy and a healthier waterfront environment.
- **Financial assistance** - A Local Waterfront Revitalization Program presents a unified vision for the waterfront; it therefore, increases a community's chances to obtain public and private funding for waterfront projects. Funding for both the development and implementation of Local Waterfront Revitalization Programs is available from the New York State Environmental Protection Fund.

The above information is from the NYS Department of State.

For more information contact Lucy A. Cook, Project Manager, Office of Strategic Planning, City of Buffalo, (716) 851-5077, lcook@sch.ci.buffalo.ny.us