

Town of Hamburg Local Waterfront Revitalization Program

Adopted:

Town of Hamburg Town Board, March 23, 1987

Approved:

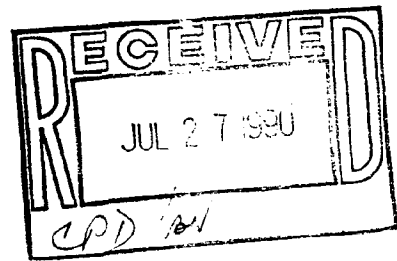
NYS Secretary of State Gail S. Shaffer, June 3, 1989

Concurred:

U.S. Office of Ocean and Coastal Resource Management, February 13, 1990



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



GAIL S. SHAFFER
SECRETARY OF STATE

July 25, 1990

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

Jim
Dear Mr. Burgess:

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

Should you have any questions or concerns regarding this document, feel free to contact either myself or Charles McCaffrey of this office at (518) 474-6000.

Sincerely,

A handwritten signature in ink, appearing to read "George R. Stafford".

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

GRS:gn

Enclosure

Town of Hamburg Local Waterfront Revitalization Program

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

Property of CSC Library

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HT168.H36 T69 1990

FEB 11 1990

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

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

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



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

GAIL S. SHAFFER
SECRETARY OF STATE

June 3, 1987

Honorable John F. Quinn, Jr.
Supervisor
Town of Hamburg
S-6100 So. Park Ave.
Hamburg, New York 14075

Dear Supervisor Quinn:

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

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

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

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "Gail S. Shaffer".

Gail S. Shaffer

GSS:rdc



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

FEB 13 1990

62-154
DEPARTMENT OF STATE
COASTAL PROGRAMS

FEB 20 - 1990

RECEIVED

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

Dear Mr. Stafford:

The Office of Ocean and Coastal Resource Management concurs with your request to incorporate the Town of Hamburg Local Waterfront Revitalization Program (LWRP) and the Eighteen Mile Creek Significant Coastal Fish and Wildlife Habitat into the New York State Coastal Management Program as Routine Program Implementation (RPI) changes. We received comments from four Federal agencies, none objecting to incorporating the LWRP or the habitat as a RPI.

In accordance with the Coastal Management Regulations, 15 CFR 923.84, Federal Consistency will apply to the Town of Hamburg LWRP and the Eighteen Mile Creek Habitat after you publish notice of our approval.

Sincerely,

James P. Lawler
for Timothy R.E. Keeney
Director



Town of Hamburg Resolution

STATE OF NEW YORK)
COUNTY OF ERIE) SS.
TOWN OF HAMBURG)

I, Patricia A. Head, Town Clerk of the Town of Hamburg, Erie County, New York do hereby certify that at a regular meeting of the Town Board of the aforesaid Town on the 23rd day of March 19 87, the following action was subject to Town Board approval:

The attached resolutions were MOVED by Councilman Henry and
SECONDED by Councilman Cavalcoli.

Re: Waterfront Revitalization Program

AYES: Cavalcoli, Henry and Quinn

NOES: None

ABSENT: Councilman Stephenson
Councilman Connolly

CARRIED

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

NOW, THEREFORE BE IT

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

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

BE IT FURTHER RESOLVED

that a certified copy of this resolution be sent to Gail S. Shaffer Secretary of State.

I do further certify that the members of the Town Board are as follows:

John F. Quinn, Supervisor; James P. Connolly, Sally A Stephenson,
D Mark Cavalcoli, Daniel J. Henry, Councilmen.

IN WITNESS WHEREOF, I hereunto set my hand and the Seal of the Town of Hamburg, Erie County, New York, this 24th day of March, 19 87.

(SEAL)

Patricia A. Head
Deputy Town Clerk
PATRICIA A. HEAD
Town Clerk

TOWN OF HAMBURG
LOCAL WATERFRONT REVITALIZATION PROGRAM

Prepared By: Erie County Department of Environment
and Planning

Prepared For: Town of Hamburg

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

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

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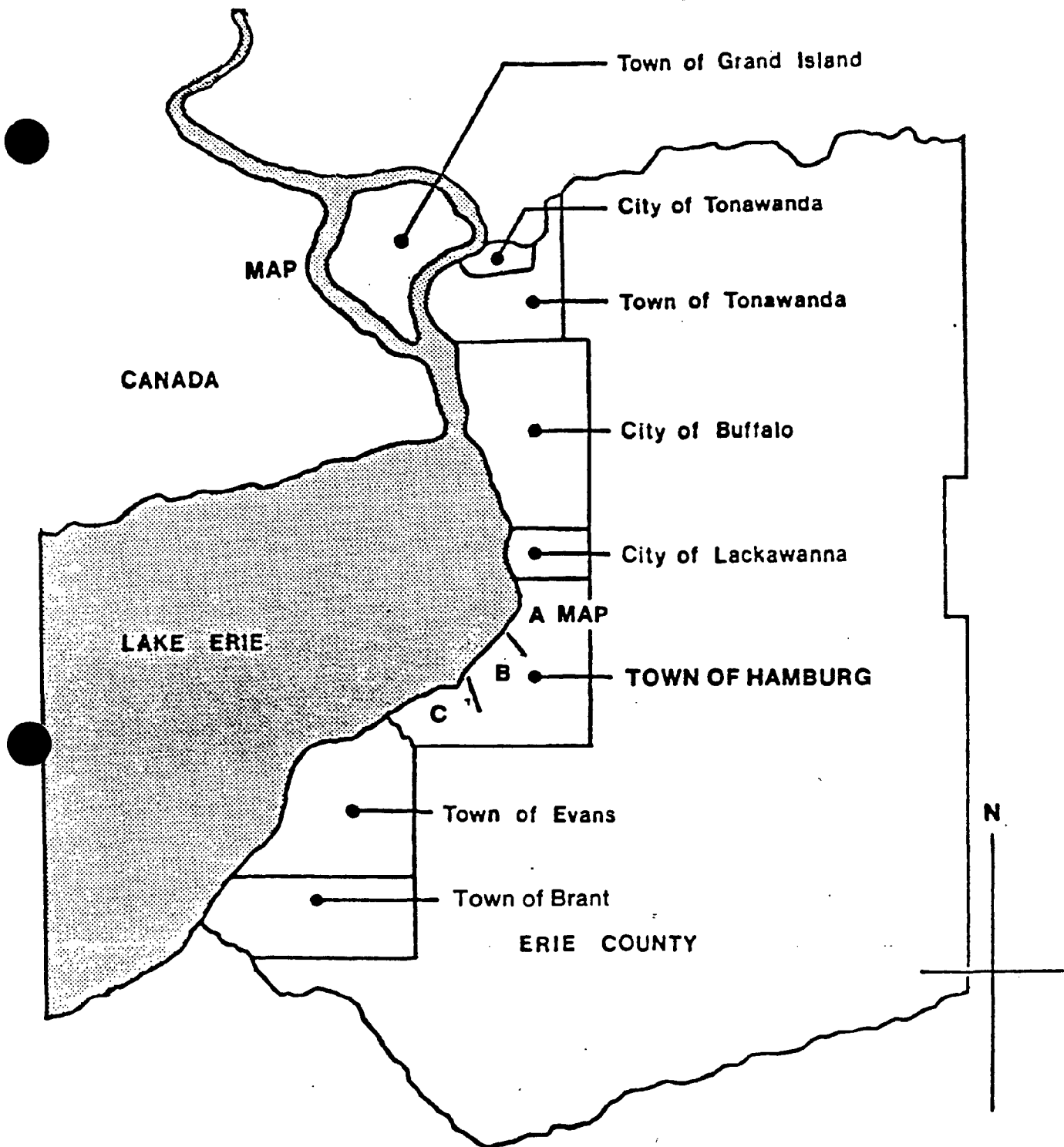
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TOWN OF HAMBURG

INTRODUCTION

The Town of Hamburg occupies 50 square miles of land in southern Erie County, extending nine miles along the shoreline of Lake Erie. The Town is bordered on the north by the City of Lackawanna, on the east by the Town of Orchard Park, on the south by the Towns of Boston, Eden, and Evans, and on the west by Lake Erie. The population of the Town (including the Villages of Hamburg and Blasdell) is approximately 53,000.

Hamburg continues to experience the suburbanization that has been in progress for several decades. Virtually the entire lakeshore and much of the northern half of the Town is characterized by low-and-medium density residential development. Commercial activity is concentrated along Camp Road (NY 75); other more sporadic commercial activity occurs along Camp Road (NY 75), Lake Shore Road (NY 5), Southwestern Boulevard (US 20), South Park Avenue (US 62), and McKinley Parkway. Industry is concentrated in the northwest (Gateway Metroport, Bethlehem Steel Corporation and Ford Motor Company maintain extensive facilities). Agriculture is practiced in the eastern and southern sections of the Town. Hamburg also contains a number of municipal parks, several golf courses, and two colleges. Numerous vacant parcels are scattered throughout the town, reflecting the transition from a rural to an urban emphasis.



LOCAL WATERFRONT REVITALIZATION PROGRAM

ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING

**STUART ALEXANDER AND ASSOCIATES, PLANNERS/
LANDSCAPE ARCHITECTS**

MAP 1

REGIONAL SETTING

TOWN OF HAMBURG

SECTION I

WATERFRONT REVITALIZATION AREA
BOUNDARY

TOWN OF HAMBURG

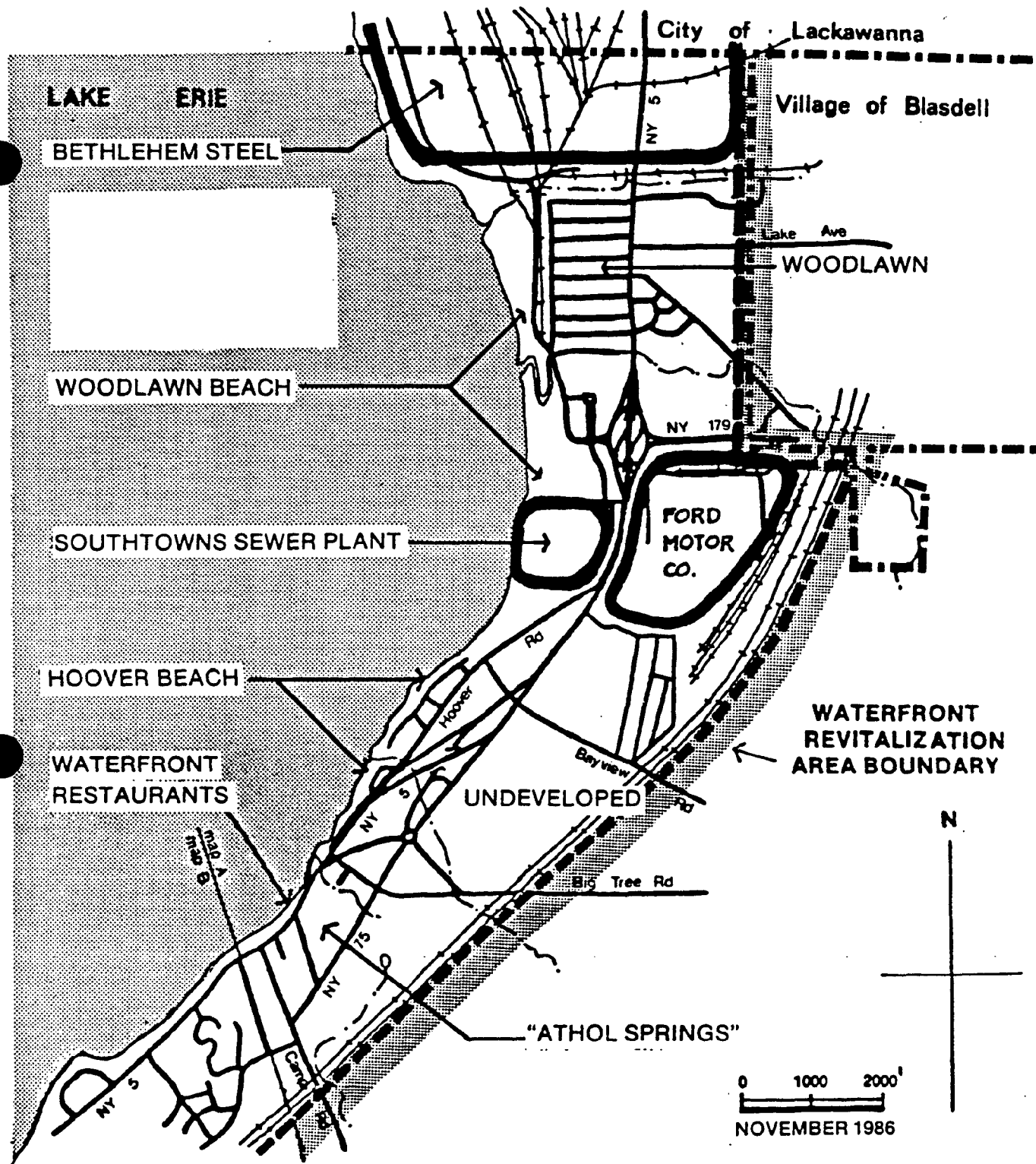
WATERFRONT REVITALIZATION AREA BOUNDARY

A. Boundary:

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

Beginning at the point of intersection of the boundaries of the Town of Hamburg, City of Lackawanna, and Village of Blasdell, the Waterfront Revitalization Area Boundary proceeds south and east along the Village of Blasdell line to the western limit of the Norfolk-Southern Railroad right-of-way; then southerly along this right-of-way to the lot line separating Farms Lot 42 and 45; then northwesterly along the Farm Lot 42/45 boundary line to the southern (inland) right-of-way of New York State Route 5; then southwesterly along this right-of-way to its intersection with Kellerman Road (Schoellkopf Road); then west along the south right-of-way of Kellerman Road (Schoellkopf Road) to its intersection with Old Lake Shore Road; then south along the east right-of-way of Old Lake Shore Road to its intersection with North Creek Road; then southeast along the south right-of-way of North Creek Road and Stainton Road to the intersection of Stainton Road with New York State Route 5; then southwest along the centerline of New York State Route 5 to the Hamburg/Evans Town Line.

See Maps 1A-1C which display the Town's WRA boundary.



LOCAL WATERFRONT REVITALIZATION PROGRAM

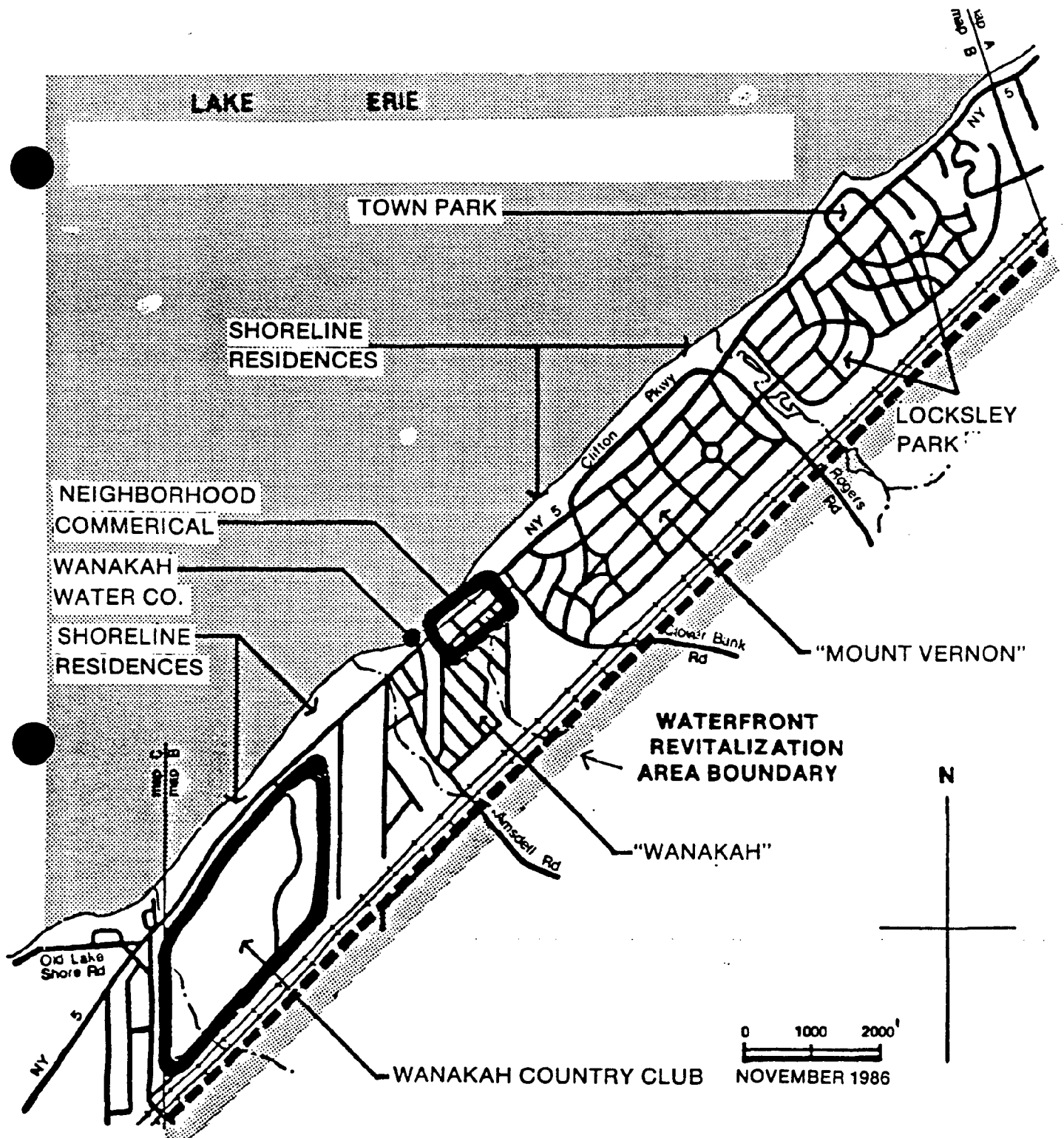
ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING

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LANDSCAPE ARCHITECTS

MAP 1A

COASTAL BOUNDARY

TOWN OF HAMBURG



LOCAL WATERFRONT REVITALIZATION PROGRAM

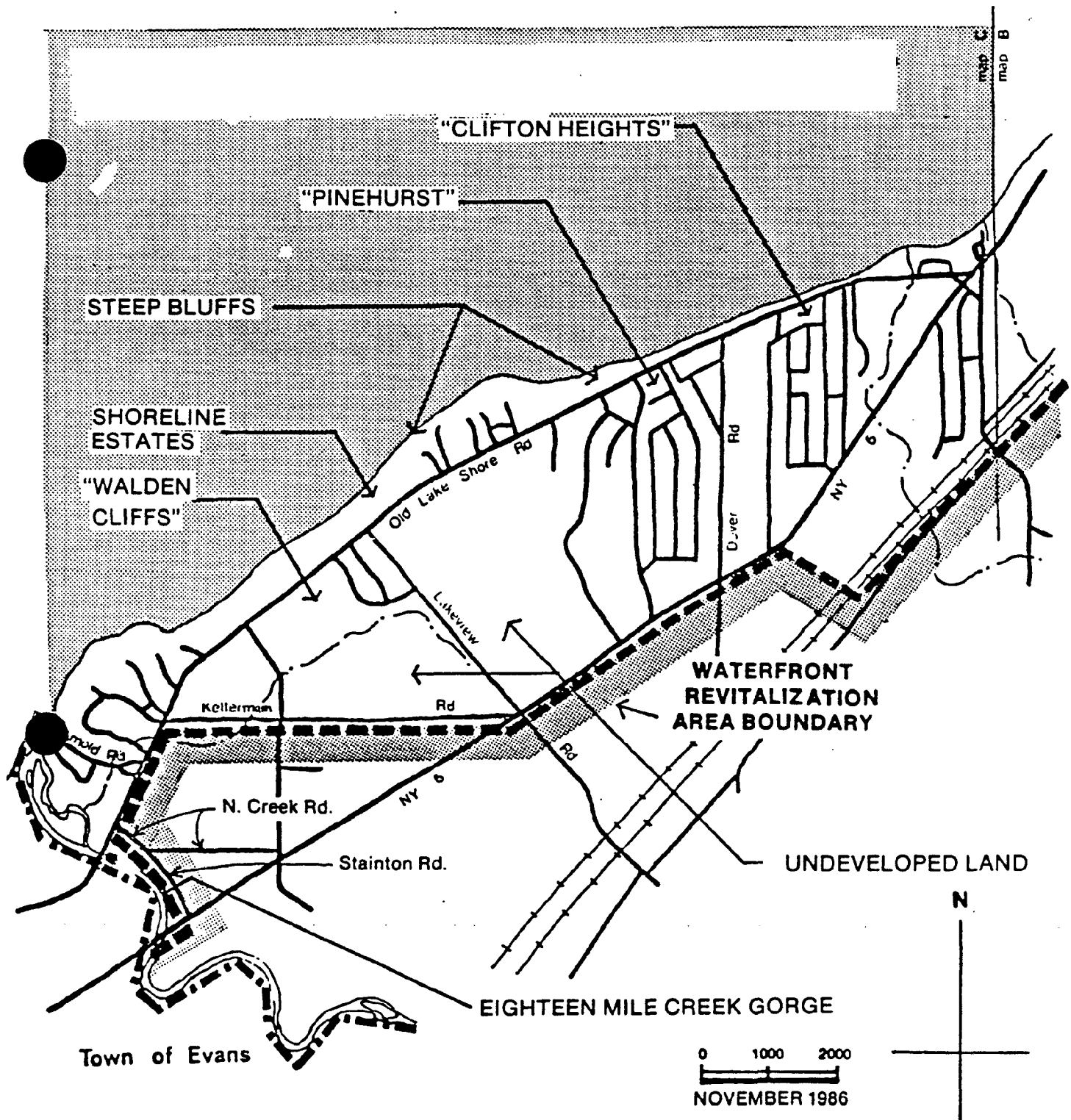
ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING

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MAP 1B

COASTAL BOUNDARY

TOWN OF HAMBURG



LOCAL WATERFRONT REVITALIZATION PROGRAM

ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING

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MAP 1C

COASTAL BOUNDARY

TOWN OF HAMBURG

Section II
INVENTORY AND ANALYSIS

TOWN OF HAMBURG
INVENTORY AND ANALYSIS

A. INTRODUCTION

The Hamburg Waterfront Revitalization Area (WRA), as previously established by the Town encompasses roughly nine miles of Lake Erie shoreline extending from 1600' to 4000' inland to approximately Route 5 and the Conrail main line. Woodlawn Beach, Eighteen Mile Creek, and a portion of the Bethlehem Steel complex and Diked Disposal Area are located within the Town of Hamburg.

Most of the Hamburg waterfront is occupied by housing with some scattered commercial development. Significant industrial areas are located in the north.

B. PHYSICAL STATUS:

1. Land Use and Buildings:

Woodlawn

The extreme northern end of the Hamburg waterfront is occupied by the former Bethlehem Steel complex, which extends into Lackawanna. A good portion of the land was recently sold to Buffalo Crushed Stone for use in their slag removal operations. The Buffalo Crushed Stone/Bethlehem Complex controls roughly 7000' of Hamburg shoreline, including the 6000' long Woodlawn Beach. This sand beach, averaging 500' in width and

containing dune formations, is presently littered and unused. Steelmaking operations at Bethlehem have been severely curtailed, although the Specialty Products Division within Hamburg continues to operate.

East of Woodlawn Beach and south of the former steel plant is Woodlawn, a neighborhood of about 125 older homes and strip commercial development along Route 5. Public facilities include a school, church, park, fire hall, and sewage treatment plant (now closed). Many buildings exhibit signs of deterioration, and some side streets are in disrepair. Woodlawn has been receiving Community Development Block Grant Funds to combat this deterioration.

South of Woodlawn, the shoreline is occupied by an eight-story office building formerly owned by Bethlehem Steel, the Erie County Southtowns Sewer Plant, and

several scattered commercial establishments along Route 5 (including auto services, restaurants, a drive-in, and a labor union hall). East of Route 5 the land is largely undeveloped. It should be noted that the office building in the Woodlawn Beach area was also sold by the Bethlehem Steel Corp. to Buffalo Crushed Stone in early 1985.

Bethlehem Steel and Buffalo Crushed Stone have commissioned a comprehensive land use and engineering study of the entire Bethlehem complex. The study, funded through the Western New York Economic Development Corporation, was completed during 1987.

Hoover Beach/Athol Springs

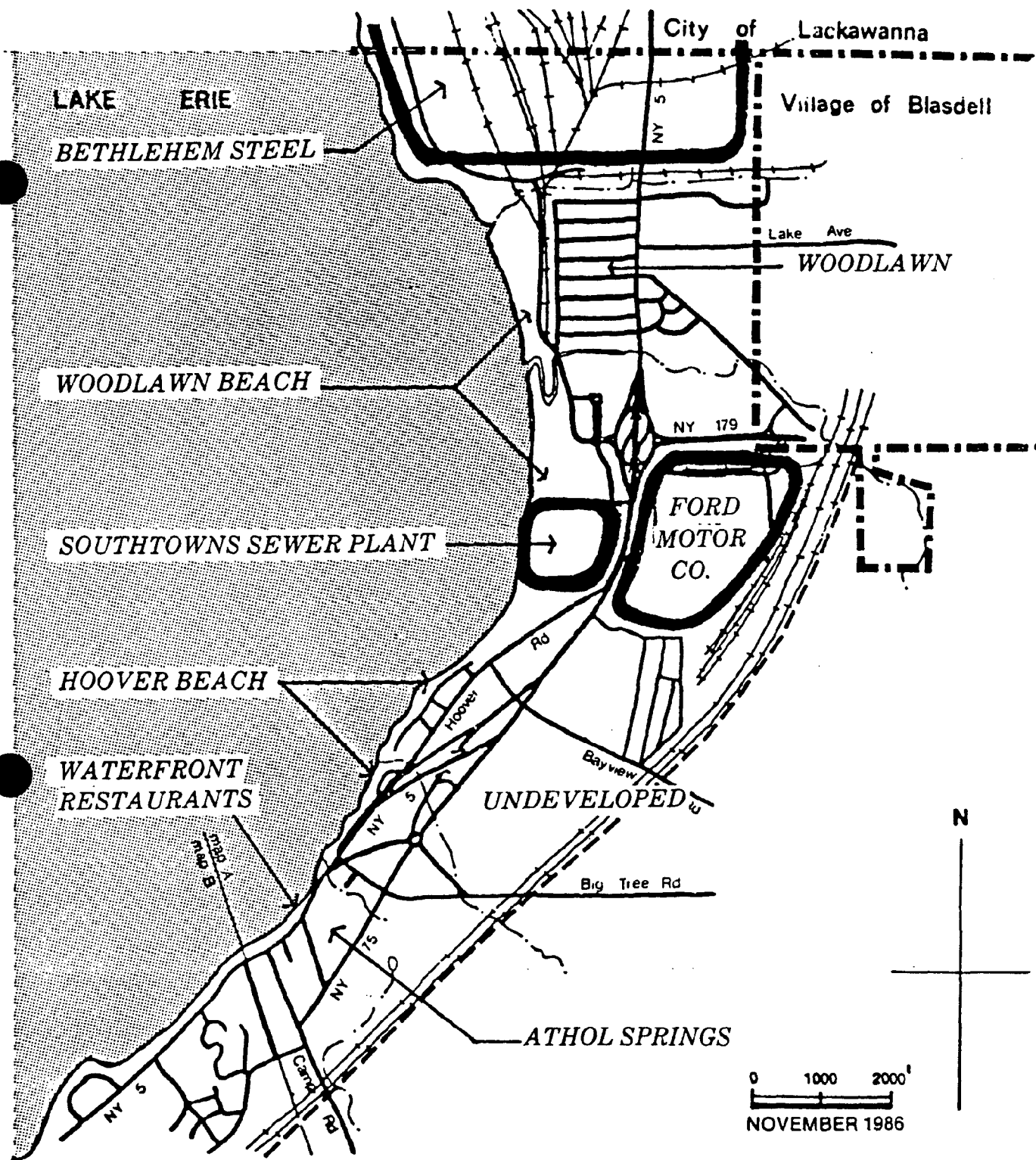
The Hoover Beach area is a residential community with roughly 100 homes occupying 2800' of lakefront south of the previously described industrial complex. Other uses include restaurants, bait shops and a community park. Severe storm damage resulting from high wave action has occurred at shoreline properties. The Town has obtained funding through the Federal Emergency Management Administration to purchase and demolish 23 damaged homes along the shoreline.

South of Hoover Beach is the community of Athol Springs, containing a mixture of commercial uses and housing types. A private high school is also located here. For approximately 4500', Route 5 runs directly along the lakeshore.

Land east of Route 5 between Bayview and Camp Roads is largely undeveloped, although several scattered commercial enterprises such as service stations are present. The undeveloped area, covering roughly 200 acres, is flat abandoned farmland covered with scrub vegetation.

Locksley Park/Mount Vernon/Wanakah

For the next three miles, the lakefront is mainly occupied by large homes in the communities of Locksley Park, Mount Vernon, and Wanakah. Roughly 2500' of shoreline in Locksley Park is used as a town park that includes a beach, boat launch, restrooms, and parking. Other uses include convenience goods and services, schools and churches, a motel, a library, a fire hall, and the Woodlawn Wanakah Water Company. The privately-owned Wanakah Country Club lies inland along Route 5. Housing in these communities is single-family, with large homes fronting on Route 5 and more modest structures on inland side streets. Most buildings are in excellent condition. Numerous side streets have deteriorated surfaces.

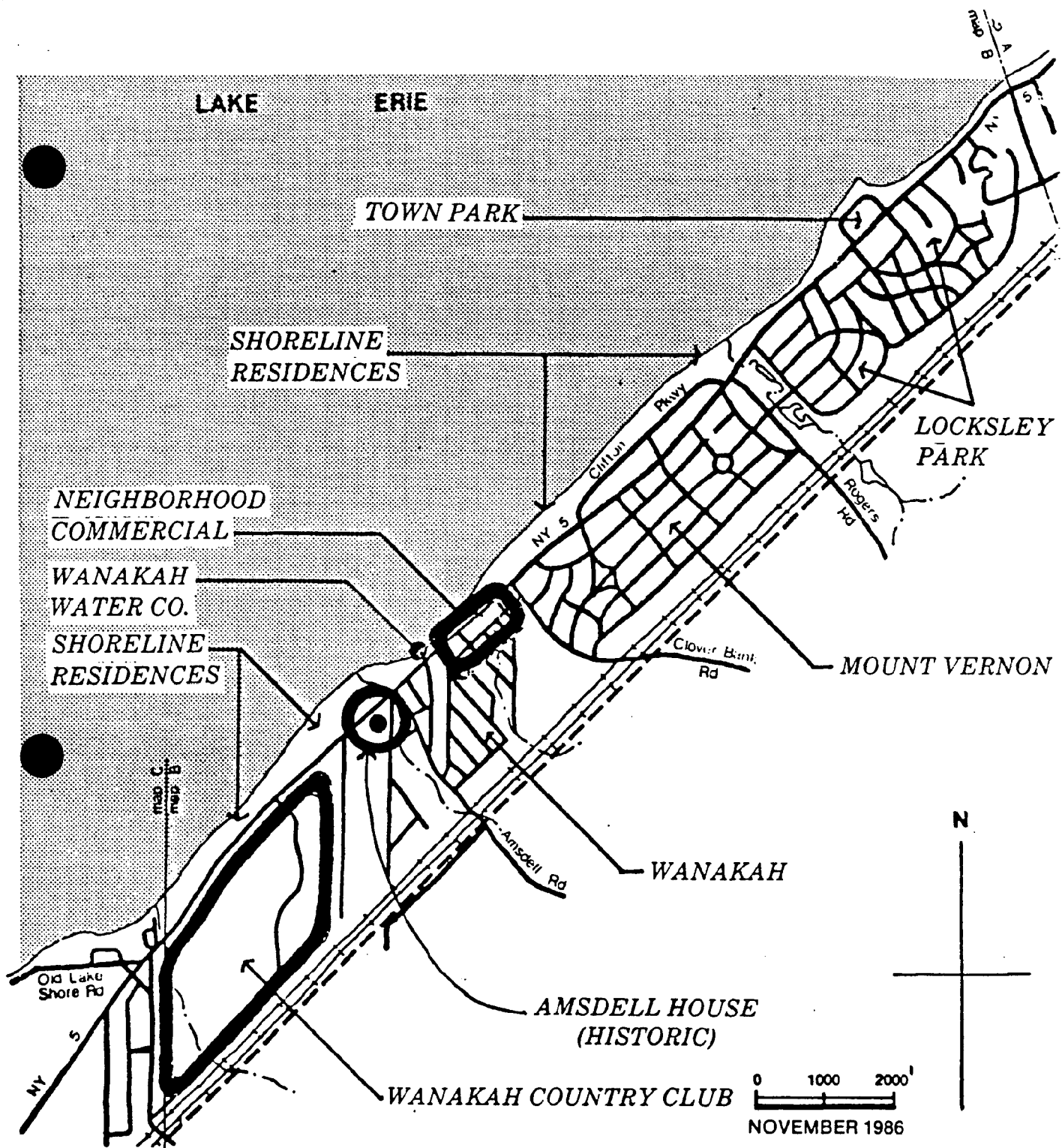


LOCAL WATERFRONT REVITALIZATION PROGRAM

ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING

STUART ALEXANDER AND ASSOCIATES, PLANNERS/
LANDSCAPE ARCHITECTS

MAP 2A
**CHARACTER/
NEIGHBORHOODS/
CULTURAL
RESOURCES**
TOWN OF HAMBURG



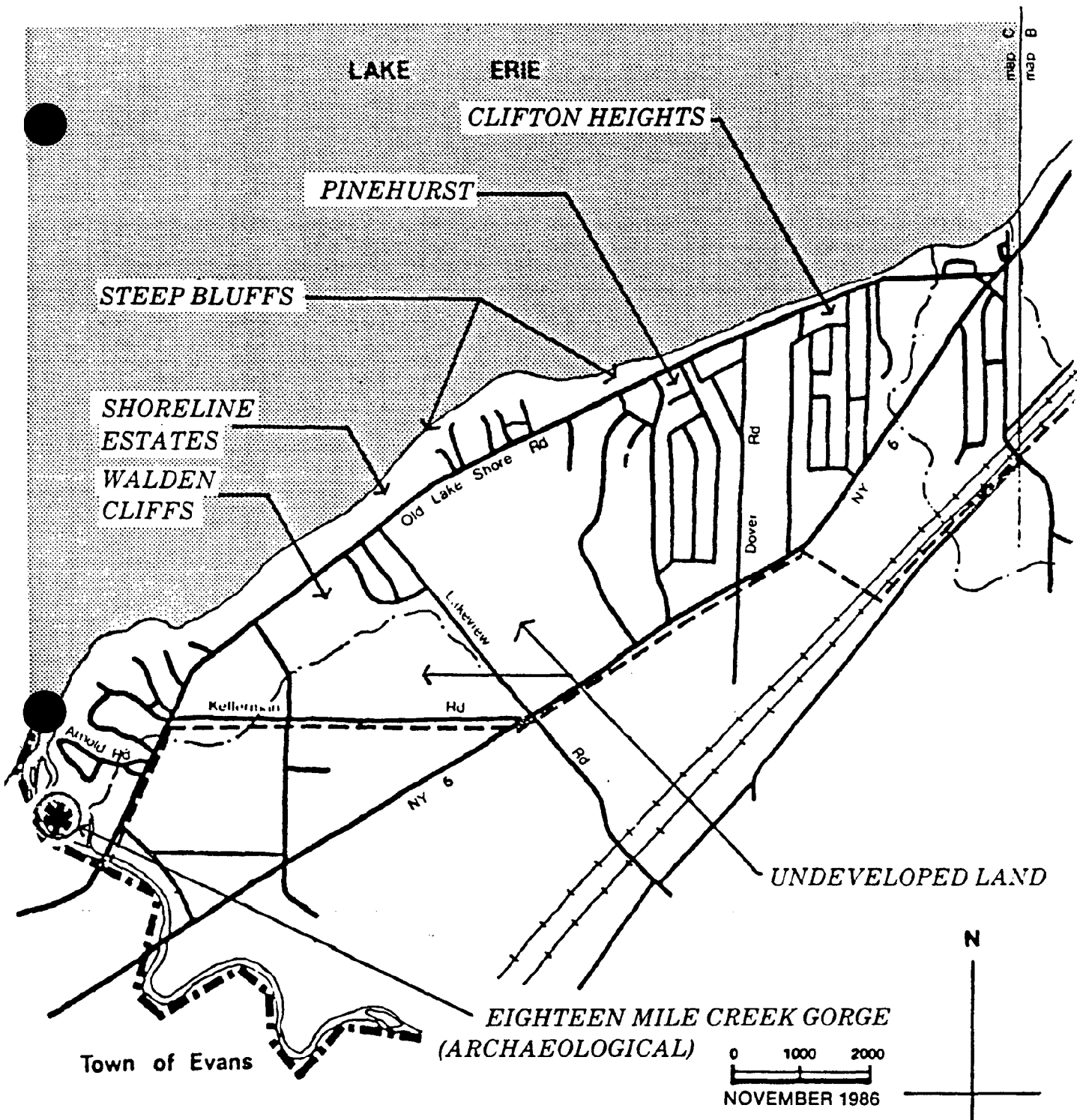
LOCAL WATERFRONT REVITALIZATION PROGRAM

ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING

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LANDSCAPE ARCHITECTS

MAP 2B

CHARACTER/
NEIGHBORHOODS/
CULTURAL
RESOURCES
TOWN OF HAMBURG



LOCAL WATERFRONT REVITALIZATION PROGRAM

ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING

STUART ALEXANDER AND ASSOCIATES, PLANNERS/
LANDSCAPE ARCHITECTS

MAP 2C

**CHARACTER/
NEIGHBORHOODS/
CULTURAL
RESOURCES**
TOWN OF HAMBURG

Clifton Heights/Pinehurst/Walden Cliffs

South of the Wanakah Country Club, from the junction of Route 5 and Old Lake Shore Road to the Evans Town Line, the shoreline is occupied by private homes; many of these are estates. The sole variation from this pattern are a 3000' length of Old Lake Shore Road immediately south of its junction with Route 5 which runs directly along the shoreline and a small undeveloped area at the western terminus of Lakeview Road.

Inland, between Old Lake Shore Road and Route 5, land uses and building conditions display considerable variety. Clusters of single-family housing developments are interspersed with vacant parcels and woodland. A public school, fire hall, church, community park, service stations, and restaurants are scattered throughout this southern portion of the waterfront.

Special note should be taken of the Clifton Heights community. This residential area of roughly 120 acres, about one mile south of the Route 5 - Old Lake Shore Road junction, contains a large number of homes originally constructed as summer cottages, but since converted into year-round residences. Traditional single-family homes are also found in this neighborhood. Many of the cottages, are severely deteriorated and adversely affect the value of those that are well-maintained.

2. Transportation and Utilities:

Route 5, a heavily-travelled four-and-six-lane state highway, is the major traffic artery in the WRA. In the vicinity of Woodlawn and the Bethlehem Steel complex, Route 5 has recently been resurfaced. The highway once served 20,000 employees of Bethlehem Steel, and is adequate to handle existing and likely future traffic volumes. Old Lake Shore Road is a two-lane low-speed highway with a somewhat curving alignment. Other roads of considerable importance (all two-lane unless otherwise noted) include Lake Avenue, Bayview, Big Tree, Camp (four lane), Rogers, Clover Bank, Amsdell, Pleasant Avenue, and Lakeview. In the extreme north, Route 179 provides an expressway link between Route 5 and the Thruway (Interstate 90) interchange at Blasdell.

The Conrail main line parallels the Lake Erie shore. Rail spurs are limited to the industrial section of the northern end of the WRA. The South Buffalo Railroad

facilities are located within the former Bethlehem Steel Corporation property and are presently owned by Buffalo Crushed Stone. It should be noted that the South Buffalo Railroad is the only railroad in Erie County which Conrail does not control. It is the third busiest railroad in New York State out of 28 and is the only northeastern line with five connections.

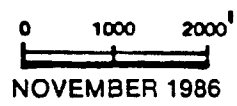
Public bus routes serve the Hamburg waterfront. These include the Buffalo-Angola-Lotus Bay line and the Boston Hamburg via Camp Rd. line. Both are used mainly for commuters into and out of downtown Buffalo. The former provides north-south service along NYS Route 5 and Old Lake Shore Road, while the latter provides service to residents living within the Village of Hamburg to the waterfront (ie. Route 5) via Camp Rd. During non-peak periods hourly service is provided, with no service on Sundays.

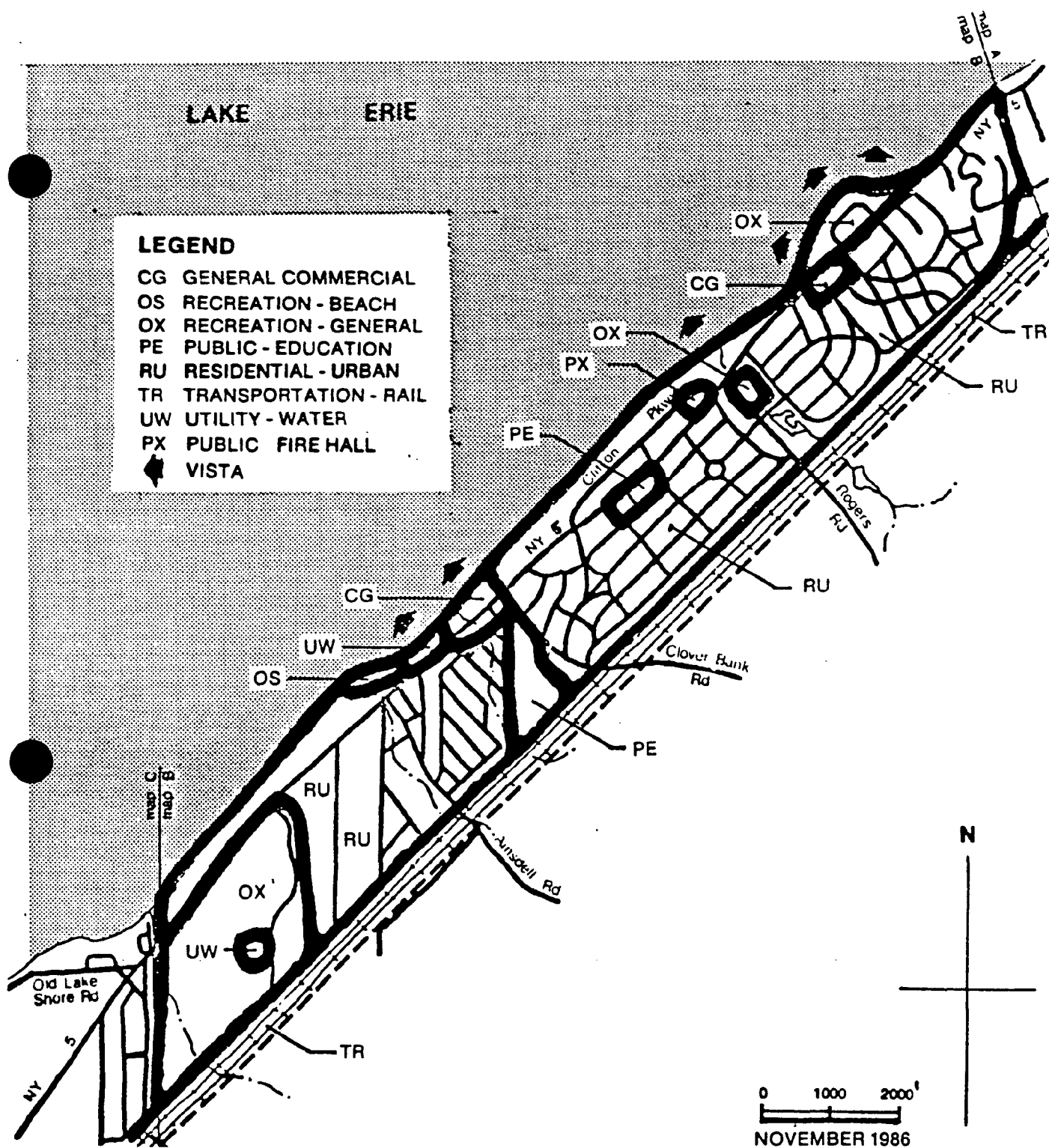
Water is provided to Woodlawn and adjacent industrial areas by the Erie County Water Authority's Sturgeon Point treatment Plant, which has a design capacity of 96 MGD and a current average utilization of 40 MGD. From Hoover Beach south, service is via the privately-owned Wanakah Water Company; the plant has approximately 400,000 gallons per day in available capacity. Sanitary sewer, gas, and electric service fully extends throughout the area. According to the "Town of Hamburg 2010 Master Plan" (prepared in 1983 by Economic Consultants, Inc.), utility service is adequate to meet expected demand for at least 30 more years. The Southtowns Sewage Treatment Plant has a design flow capacity of 16 MGD, and a current average utilization of 11 MGD.

Sanitary sewer service to the Bethlehem Steel complex is provided through the City of Lackawanna sewage treatment system. The Lackawanna treatment plant has a design capacity of 4.5 MGD, and a current utilization of 3.6 MGD. It was designed to handle flows from a 20,000-employee steel plant, and has adequate capacity to process expected future levels of discharges. Solid waste disposal in the waterfront area is contracted out by individual property owners to various private companies. Disposal sites vary depending on the company, but include the Chaffee landfill in the Town of Sardinia, as well as Occidental and CECOS disposal facilities in the City of Niagara Falls. These have life expectancies ranging from between 10 to 50 years.

3. Topography

Much of the Lake Erie shoreline south of Hoover Beach is characterized by steep bluffs and cliffs up to 40'





LOCAL WATERFRONT REVITALIZATION PROGRAM

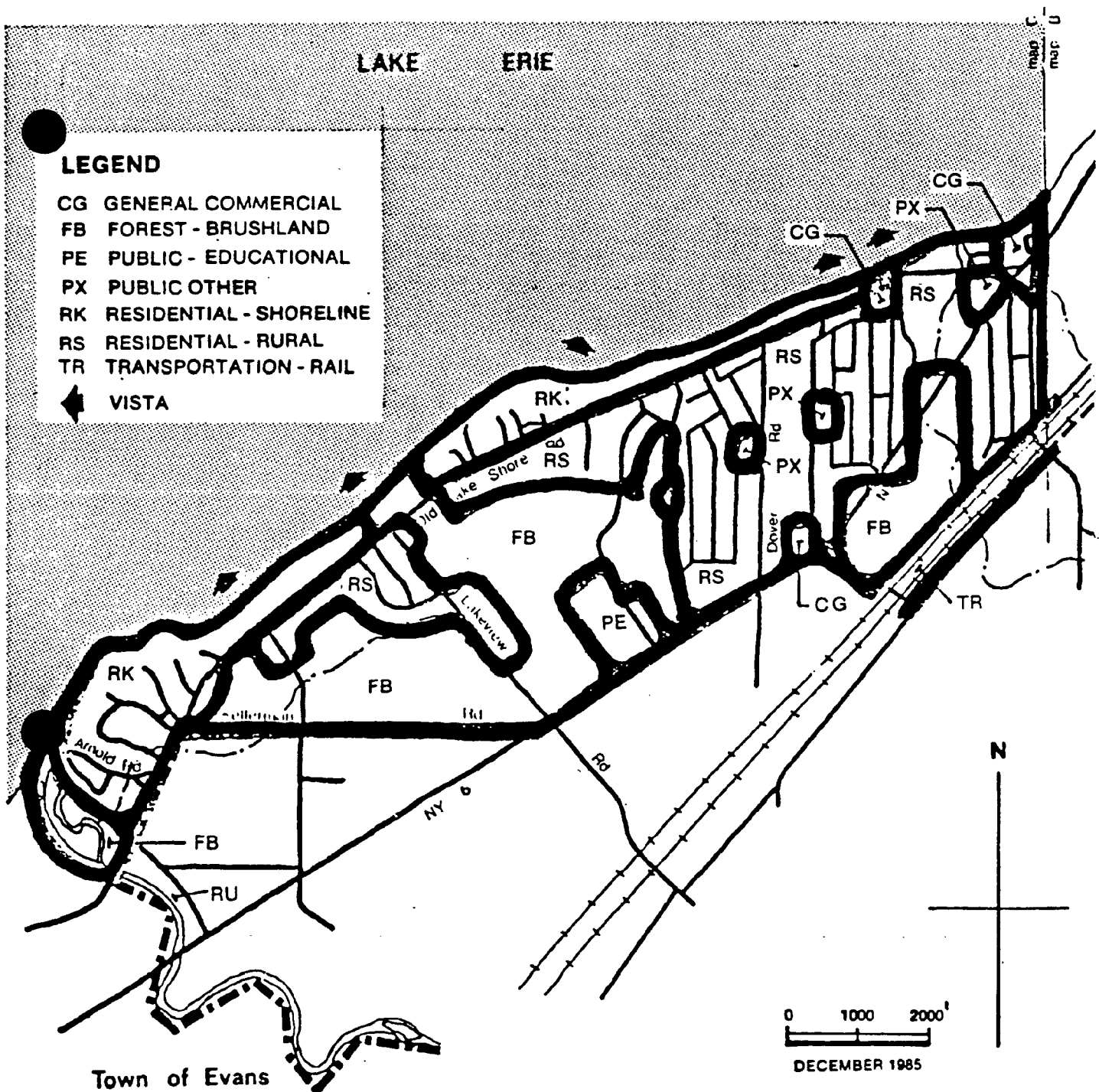
ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING

STUART ALEXANDER AND ASSOCIATES, PLANNERS/
LANDSCAPE ARCHITECTS

MAP 3B

EXISTING USES / VISTAS

TOWN OF HAMBURG



LOCAL WATERFRONT REVITALIZATION PROGRAM

ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING

STUART ALEXANDER AND ASSOCIATES, PLANNERS/
LANDSCAPE ARCHITECTS

MAP 3C

EXISTING USES/ VISTAS

TOWN OF HAMBURG

high. These features are largely hidden from view, but an indication of their magnitude can be derived from the Eighteen Mile Creek gorge. The base of these bluffs often terminate in narrow sandy or gravel beaches. The stream bank is steep, as well.

From Hoover Beach northward the shoreline is relatively flat (a large portion of this shoreline is occupied by the sandy Woodlawn Beach). The Woodlawn residential area lies in a flat shallow basin between Route 5 and Woodlawn Beach.

Much of the inland portion of the waterfront is characterized by rolling terrain gently sloping towards shore.

4. Soils

The soils within the Town of Hamburg's waterfront boundaries fall into nine series as characterized by the United States Department of Agriculture Soil

Conservation Service. These include Churchville, Cazenovia and Niagara (silty loams); Remsen, Darien, Angola and Lakemont (silty clay loams); Aurora (shaly silt loams); and Manlius rock outcroppings.

Drainage of these soils is poor due to a high clay content resulting in low permeability. This coupled with a high water table causes seasonal wetness in many areas. An exception is the Cazenovia series which is well drained but lacks stability in sloping areas. This condition occurs in the Pinehurst vicinity only. Soil nutrient throughout the Hamburg waterfront is capable of supporting most northeastern vegetation; however the seasonal wetness and Lake exposure limit the variety of indigenous species. Bedrock throughout the Hamburg waterfront is generally five feet below grade or deeper with the exception of the Angola series where a two foot depth is common. This occurs along the immediate Lake shore for a distance two miles north of Eighteen Mile Creek.

5. Erosion and Flooding:

One hundred year floodplains along the Town's waterfront occur at numerous locations including:

- o 1500' inland from the Lake edge in the Woodlawn Beach neighborhood;
- o Land area adjacent to Rush Creek;
- o The Foster Brook and Waterfalls Village Creek area, especially adjacent to NYS Route 5;

o Wanakah Creek floodplain.

The major Lake flooding occurs from severe wave action during peak periods of intense storms. This is especially problematic at Hoover Beach, which has suffered from rising Lake levels over the past decade and has, therefore, been left with no beachfront. The water comes up to the existing breakwall. Lake storms have unimpeded effects at Hoover Beach, due to prevailing winds and lack of any offshore structures to deflect the waves.

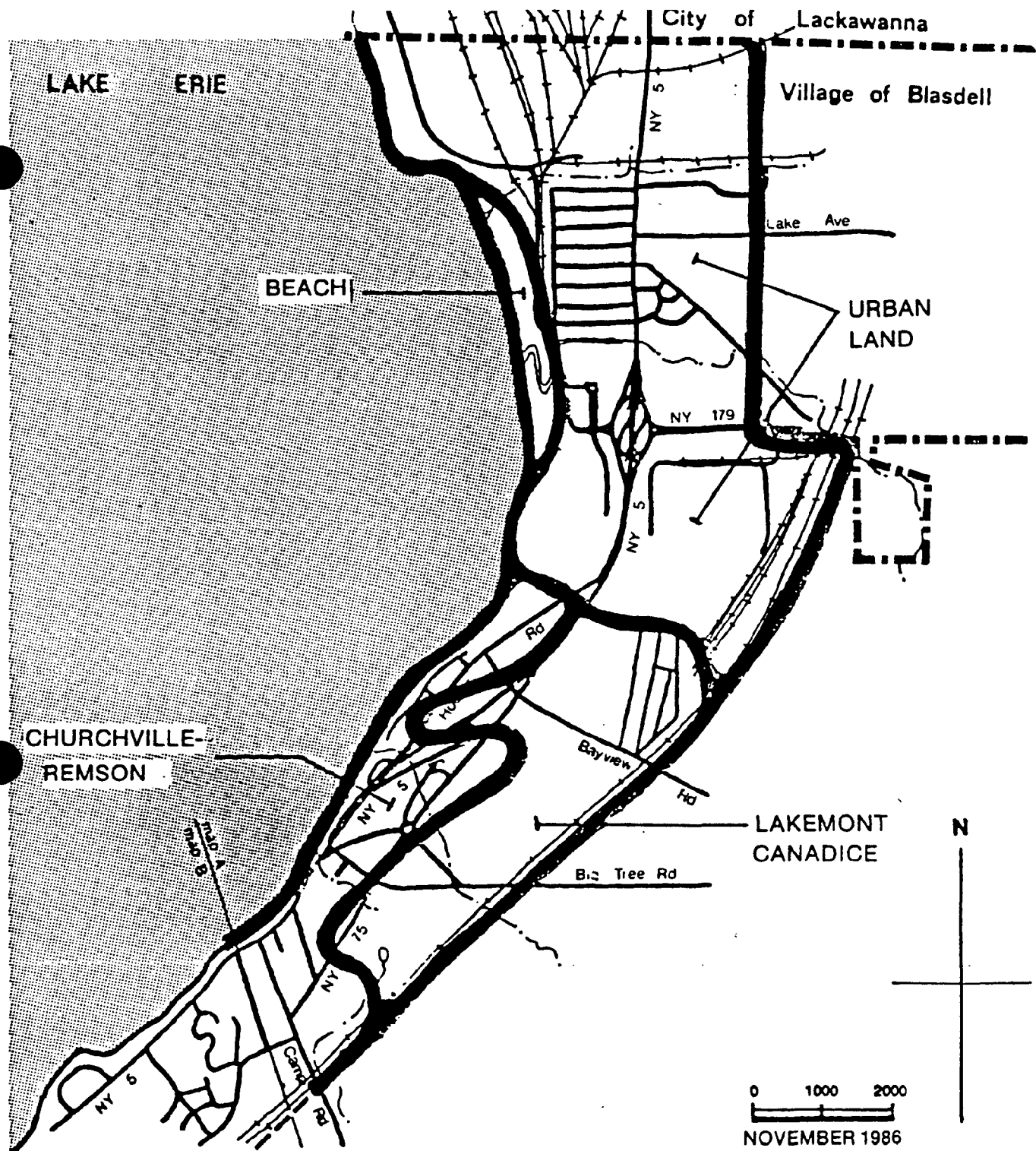
The entire Town of Hamburg shoreline has been tentatively designated as a "Natural Protective Feature" by the New York State Department of Environmental Conservation under provisions of the State's Coastal Erosion Hazard Areas Act. Shoreline characteristics are further described above under 3. Topography.

6. Hydrology:

Eleven streams have been identified which traverse the Waterfront Revitalization Area. From south to north, these streams and their classifications include the following:

<u>STREAM</u>	<u>CLASSIFICATION</u>
Eighteen Mile Creek	B
Unnamed Tributary of 18-Mile Creek, East of Lake Shore Road (water index No. E-13-1)	D
Pinehurst Creek	D
Unnamed, Flowing Through Wanakah Country Club (water index no. E-10)	D
Wanakah Creek	D
Unnamed, 600' S. of Clover Bank (water index no. E-8)	D
Berricks Creek	D
Waterfall Village Creek	D
Foster Brook	D
Rush Creek	B
Blasdell Creek, N. of First Street (Woodlawn)	D

Adjacent to Bethlehem Steel, Lake Erie is a Class "C" water body to a 1000' distance off-shore. The remainder of the Hamburg lakeshore is Class "B". Beyond 1000' offshore, Lake Erie is Class "A". (For classification descriptions, refer to Appendix A). No significant wetlands have been identified within the Revitalization Area.



LOCAL WATERFRONT REVITALIZATION PROGRAM

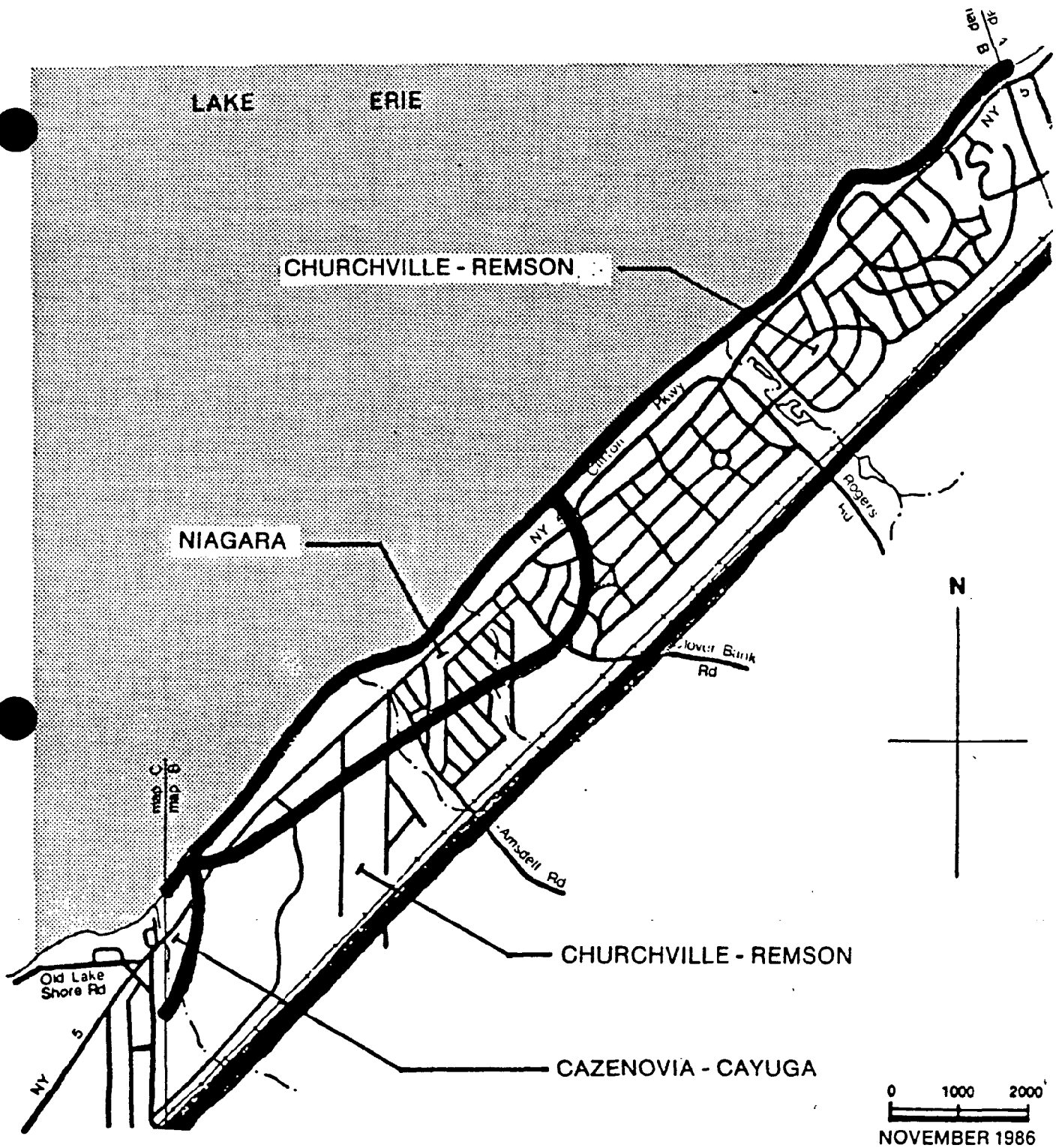
ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING

**STUART ALEXANDER AND ASSOCIATES, PLANNERS/
LANDSCAPE ARCHITECTS**

MAP 4A

SOILS

TOWN OF HAMBURG



LOCAL WATERFRONT REVITALIZATION PROGRAM

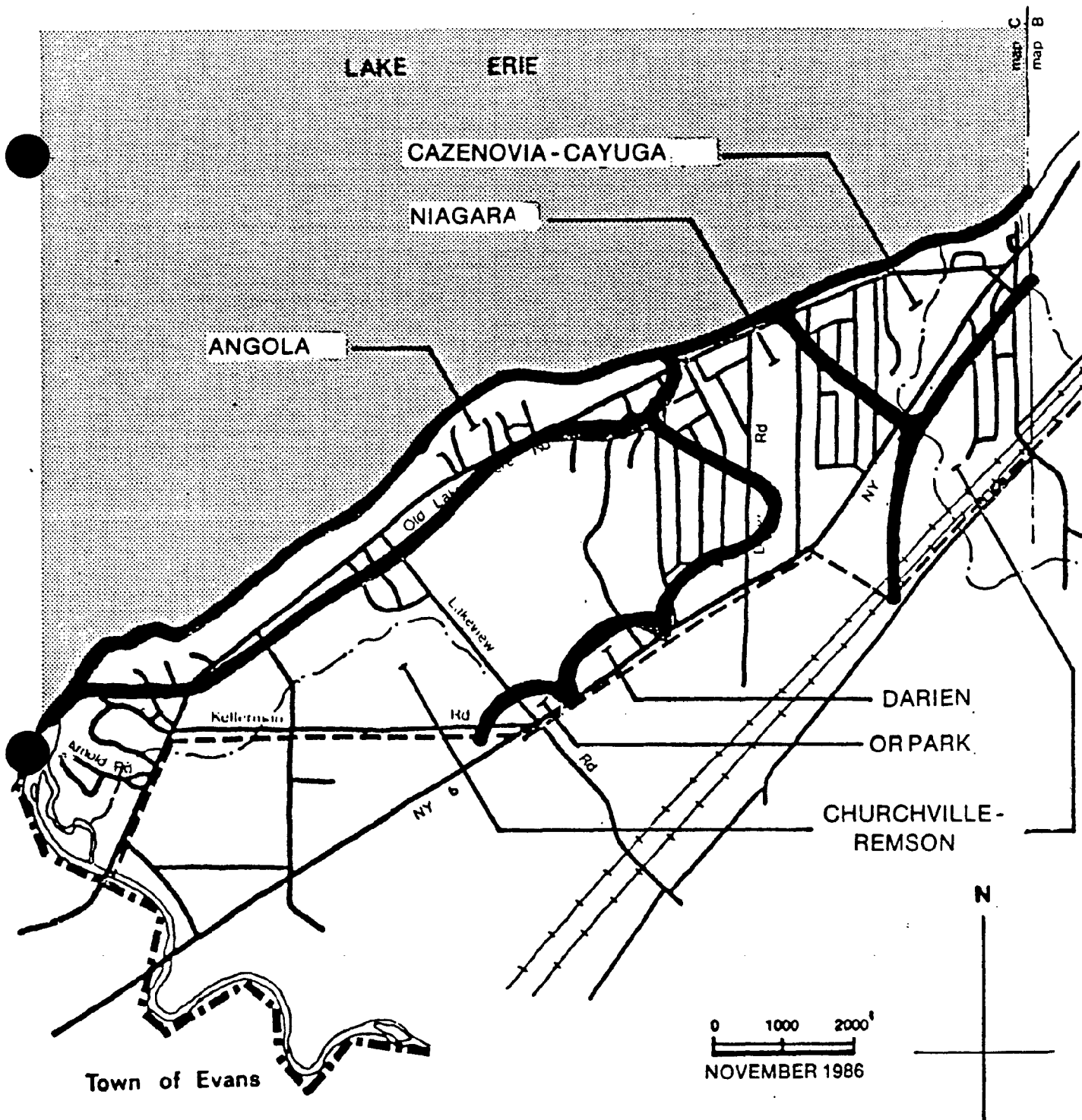
ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING

STUART ALEXANDER AND ASSOCIATES, PLANNERS/
LANDSCAPE ARCHITECTS

MAP 4B

SOILS

TOWN OF HAMBURG



LOCAL WATERFRONT REVITALIZATION PROGRAM

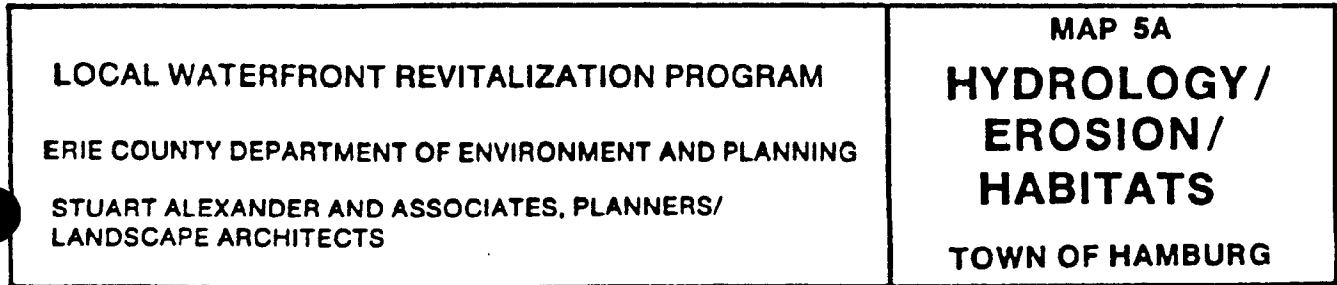
ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING

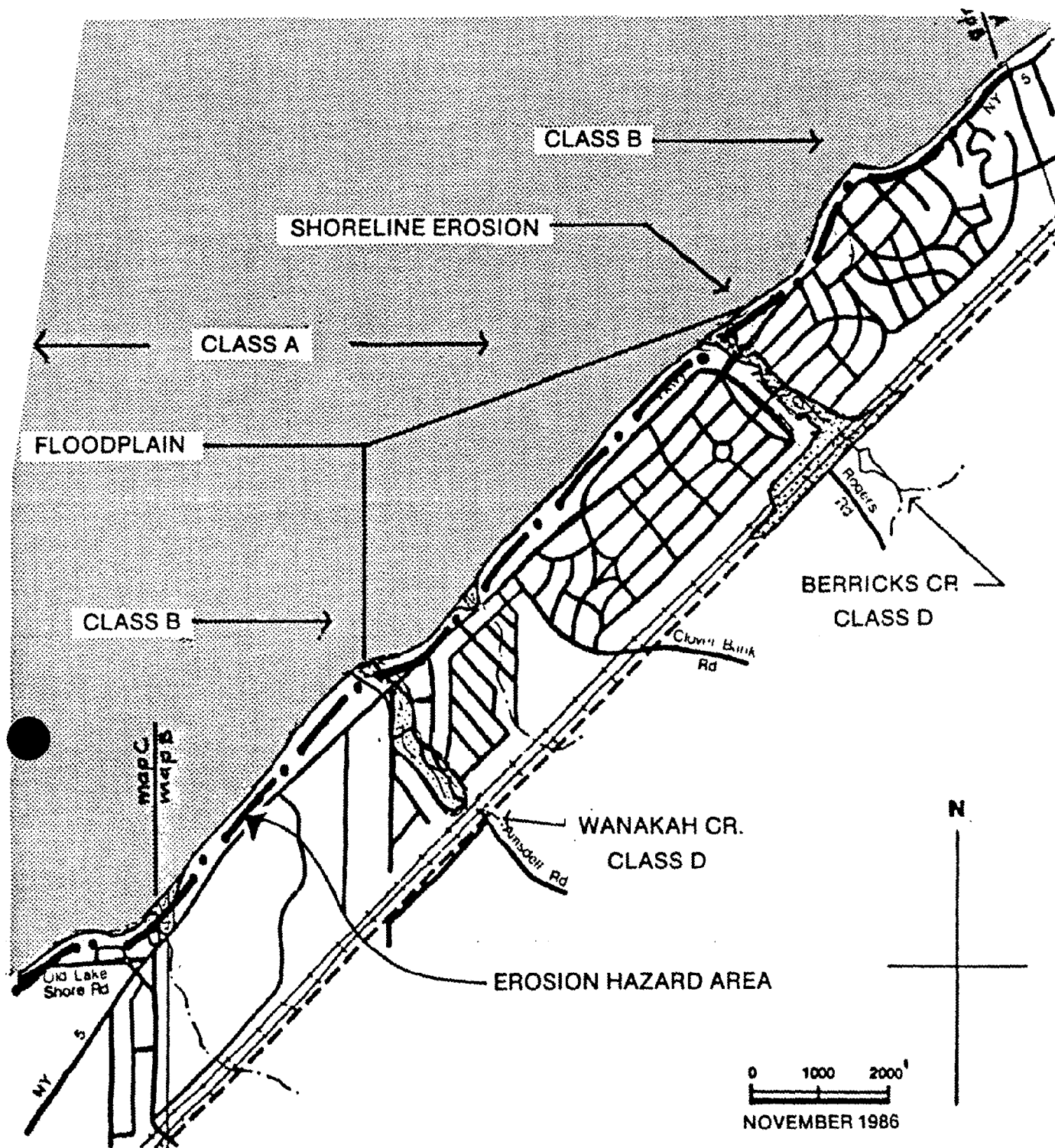
STUART ALEXANDER AND ASSOCIATES, PLANNERS/
LANDSCAPE ARCHITECTS

MAP 4C

SOILS

TOWN OF HAMBURG



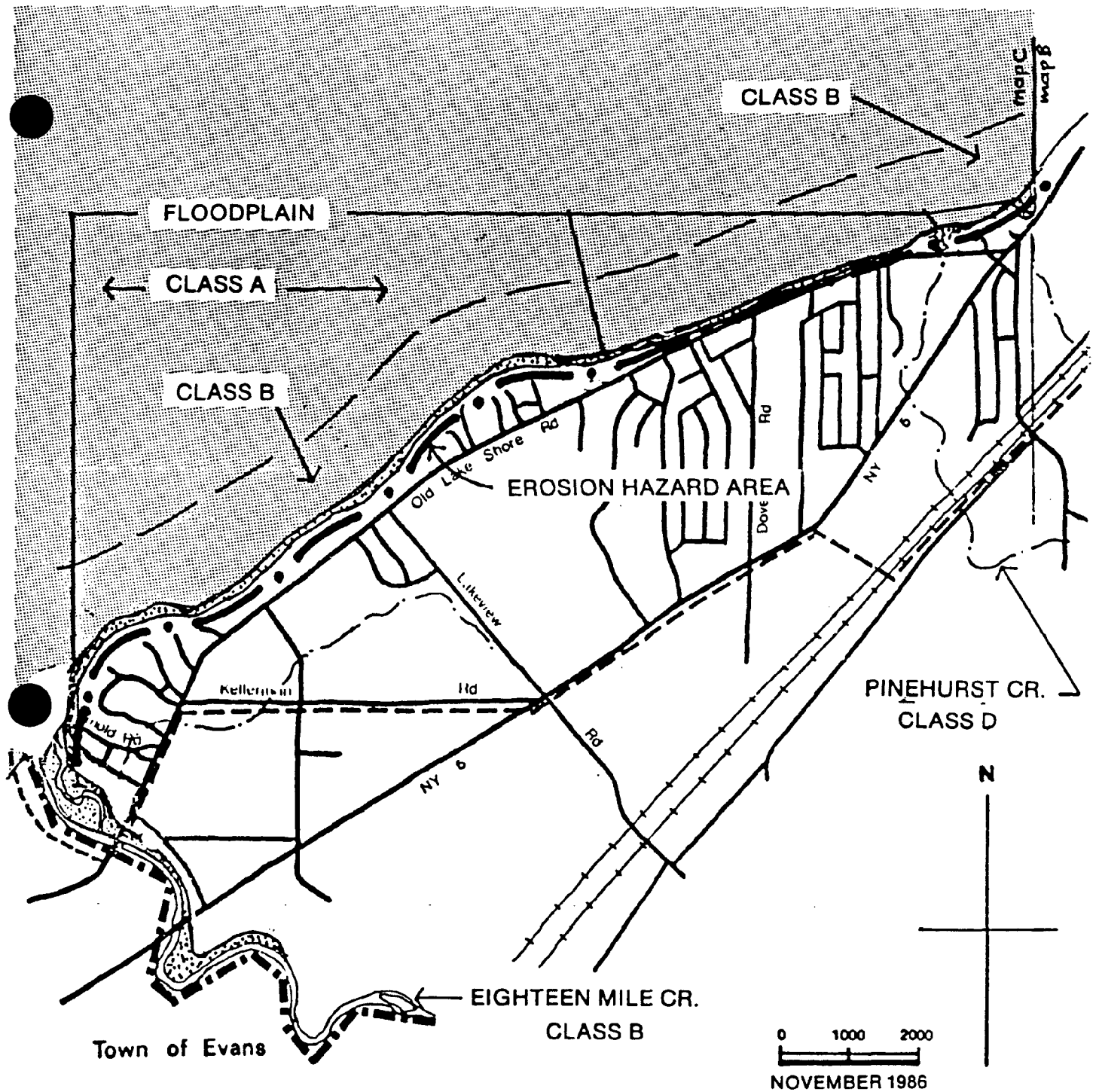


LOCAL WATERFRONT REVITALIZATION PROGRAM

ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING

STUART ALEXANDER AND ASSOCIATES, PLANNERS/
LANDSCAPE ARCHITECTS

MAP 5B
HYDROLOGY/
EROSION/
HABITATS
TOWN OF HAMBURG



LOCAL WATERFRONT REVITALIZATION PROGRAM

ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING

STUART ALEXANDER AND ASSOCIATES, PLANNERS/
LANDSCAPE ARCHITECTS

MAP 5C
HYDROLOGY /
EROSION /
HABITATS
TOWN OF HAMBURG

Water quality along the Hamburg lakeshore is monitored during summer months by the Erie County Health Department. During 1986, turbidity and coliform levels at Woodlawn Beach periodically exceeded acceptable levels for swimming.

7. Off-Shore Conditions:

Waters off the Hamburg lakeshore are characterized by 11' depths one-eighth mile offshore, while 21' depths are typical approximately one-quarter mile offshore.

The Seneca Shoal is a shallow 400-acre area about three miles due west of Woodlawn Beach. Depths in this area range from 12' to 30', whereas depths between the shoal and the mainland reach 34'.

Also offshore are intakes near Woodlawn (now abandoned) and the Wanakah Water Company, and outfalls from the Southtowns Sewer Plant.

In general, Lake Erie waters south of the Bethlehem Steel complex are of high quality. Among the factors contributing to this quality are the presence of modern wastewater treatment systems, the absence of industrial discharges, and the Erie County prohibition on the discharge of phosphates into water bodies.

8. Fish and Wildlife Habitats:

Abundant varieties of fish are found along the entire length of the Hamburg lakeshore. Particular concentrations occur at Woodlawn, Hoover Beach, Locksley Park, Pinehurst, and Seneca Shoals. The more common gamefish species include walleye, smallmouth bass, brown trout, rainbow/steelhead trout, and coho and chinook salmon. Common panfish species include perch and rock bass. Salmonid spawning activities result in large numbers of trout and salmon in tributaries and nearshore waters during the fall. During the spring and early summer, walleyes and smallmouth bass migrate to nearshore waters for spawning. Eighteen Mile Creek and Smokes Creek Shoals have been designated by the New York State Secretary of State as Significant Coastal Fish and Wildlife Habitats.

The Eighteen Mile Creek- Lake Erie Habitat is located in the extreme southern part of the Town, on the boundary with the Town of Evans. Eighteen Mile Creek represents a rare ecosystem type in the ecological region. It is one of the few major tributaries to Lake Erie and has a relatively undisturbed border of mature

vegetation. The Creek is significant as a spawning habitat for salmonids and other fish species. Among the salmonid species that migrate from Lake Erie through this area are coho salmon, and steelhead trout. In 1985, approximately 45,000 coho salmon, 137,000 chinook salmon, and 25,000 steelhead trout were stocked in the Eighteen Mile Creek drainage system. These stockings are part of the Lake Erie Fisheries Management Plan and are designed to enhance the salmonid fishery in the Lake.

The Eighteen Mile Creek gorge is presently used for salmonid and smallmouth bass fishing. Although access is limited, the stream attracts a large number of anglers, mostly residents of the Erie-Niagara Region. The area is also ideal as a natural area for scientific and educational use. It is also a year round habitat for smallmouth bass. See the appendix to the Inventory and Analysis section for a detailed description of this habitat.

The Smokes Creek Shoals Habitat is located within Lake Erie off-shore of the Woodlawn area and is adjacent to the Town and WRA. Smokes Creek Shoals is one of only a few sizable areas of relatively shallow, gravelly shoals in the Erie County portion of Lake Erie. Apparently, wave action and inflows from Smokes Creek provide adequate water circulation in the area to prevent siltation of the bottom substrate. This extensive littoral zone probably serves as an important spawning area for a variety of warmwater fish species, especially walleye, along with yellow perch and smallmouth bass. Observations of walleye in and around the mouth of Smokes Creek during the spawning period (mid-March-early May, generally) suggest that the adjacent shoals attract a major lake spawning concentration. Concentration areas such as this are unusual in Erie County.

As a result of the abundant walleye populations at Smokes Creek Shoals, this area attracts significant recreational fishing pressure during late spring and early summer, primarily by residents of the Buffalo metropolitan area. Boat access to the fishery is available from the Small Boat Harbor in Buffalo. Reproduction of walleye at Smokes Creek Shoals may also contribute to the Lake Erie commercial fishery for this species, located farther offshore in waters greater than 55 feet deep. See the appendix to the Inventory and Analysis Section for a detailed description of this habitat.

For informational purposes, it is noted that Seneca Shoals, located three miles west of the Town in Lake

Erie, has also been designated as a Significant Coastal Fish and Wildlife Habitat. This 400 acre shallow area is believed to be a major spawning area for smallmouth bass, walleye, yellow perch, rock bass, and other panfish. Although not located within or adjacent to the Town, Seneca Shoals is one of the most popular recreational fishing sites in Lake Erie for local residents.

In 1984 the New York State Department of Environmental Conservation conducted the Great Lakes Angler Creek Survey, which collected a variety of information on Great Lakes Sport Fisheries, such as angler residence and expenditures related to angling. The results of this survey should prove useful in the planning for improved fishing opportunities. NYS DEC has also prepared the "Discussion Draft Fisheries Management Plan for New York Waters of Lake Erie, 1984-1990" which has as a goal protection, restoration, and enhancement of fish stocks and their environment in New York waters of Lake Erie and the management of fisheries resources to optimize the recreational and economic benefits to the people of the State.

The shoreline and nearshore portions of Lake Erie also attract numerous migrating waterfowl and migratory raptors. The summer resident waterfowl population is not significant and is basically restricted to a few nesting mallards, shorebirds and seagulls.

The pristine nature of the Eighteen Mile Creek gorge provides an ideal small animal habitat. Additional undeveloped areas in the southern portions of the waterfront area (south of the junction of Route 5 and Old Lakeshore Road) provide similar habitats. The Eighteen Mile Creek gorge also contains many varieties of trees and vegetation, including some species that are on the New York State list of protected plants.

9 Zoning

Seven categories of zoning districts exist within the Hamburg Waterfront Revitalization Area:

- R-E: Single-Family Residential Estate (including the Wanakah Country Club and a 7000' section along Lake Shore Road south of Pinehurst);
- R-1: Single-Family Residence (including most areas south of Athol Springs);
- R-2: General Residence (found in Woodlawn, Hoover Beach, Athol Springs, and Clifton Heights);

- R-C: General Residence/Restricted Business (a section of Athol Springs);
- C-1: Local Retail (scattered along Route 5);
- C-2: General Commercial (Woodlawn and Hoover Beach);
- M-2: General Industrial (east and north of Hoover Beach to Lackawanna).

10. Public Access and Recreation:

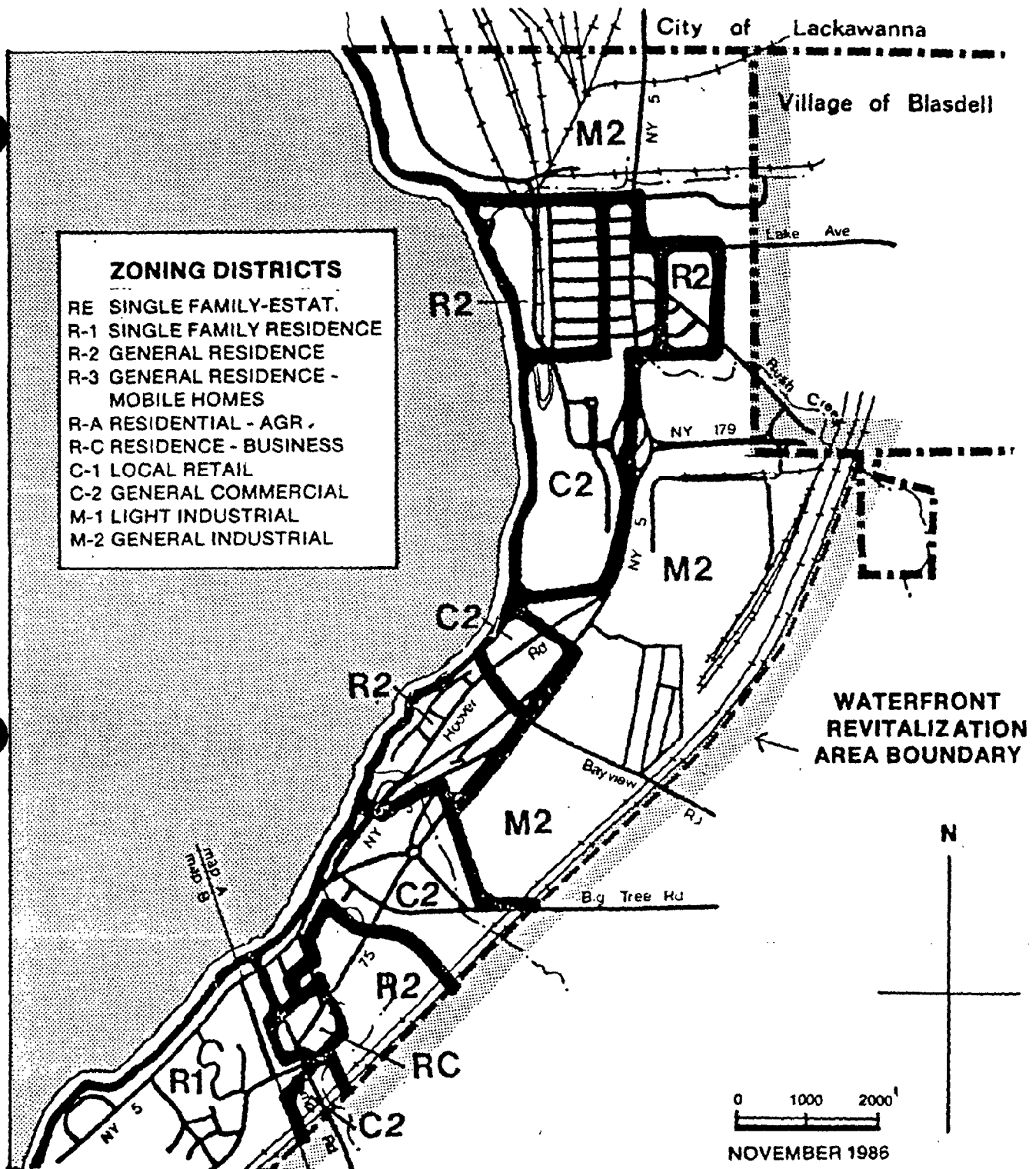
Public access to the Hamburg shoreline is currently available at the Town Park south of Athol Springs. Use of this park is restricted by covenant to Town of Hamburg residents only. The fourteen acre park contains a boat launch, a 1500 foot long sand beach, rest rooms and parking. The park is extremely popular and frequently congested in the summer.

The need for additional public access and recreation points in the Town of Hamburg has been documented in several recent reports. The Erie County Sport Fishery Development Study (1983) noted that there are 18,339 boats registered in Erie County. There are 2,420 wet-berths available for these boats. This leaves approximately 15,900 boats in need of boat launching facilities or mooring space. Added to this is the growing number of out-of-state fishing license sales which increased by 9,355 from 1979-1980 to 1980-1981. Fifty-five percent of this increase occurred in the Great Lakes counties of New York.

The result is that over 16,000 boaters in Erie County must trailer and launch their boats. This creates sizeable delays in launching and retrievals, especially over weekends and on other peak days.

The Strategic Plan for Economic Development Through Expansion of Waterway Access to the Great Lakes, which was developed in 1982 by the New York State Department of Environmental Conservation and the Office of Parks, Recreation and Historic Preservation, highlighted the problems associated with the lack of adequate waterfront access facilities. The reports stated that "The inadequacy of public access facilities serving Great Lakes waters is preventing achievement of the full economic benefits which could be derived by lake shore communities and the State from the recreational use of the fisheries resources."

This report also notes that there should be two protected sites on the Lake Erie shoreline between the



LOCAL WATERFRONT REVITALIZATION PROGRAM

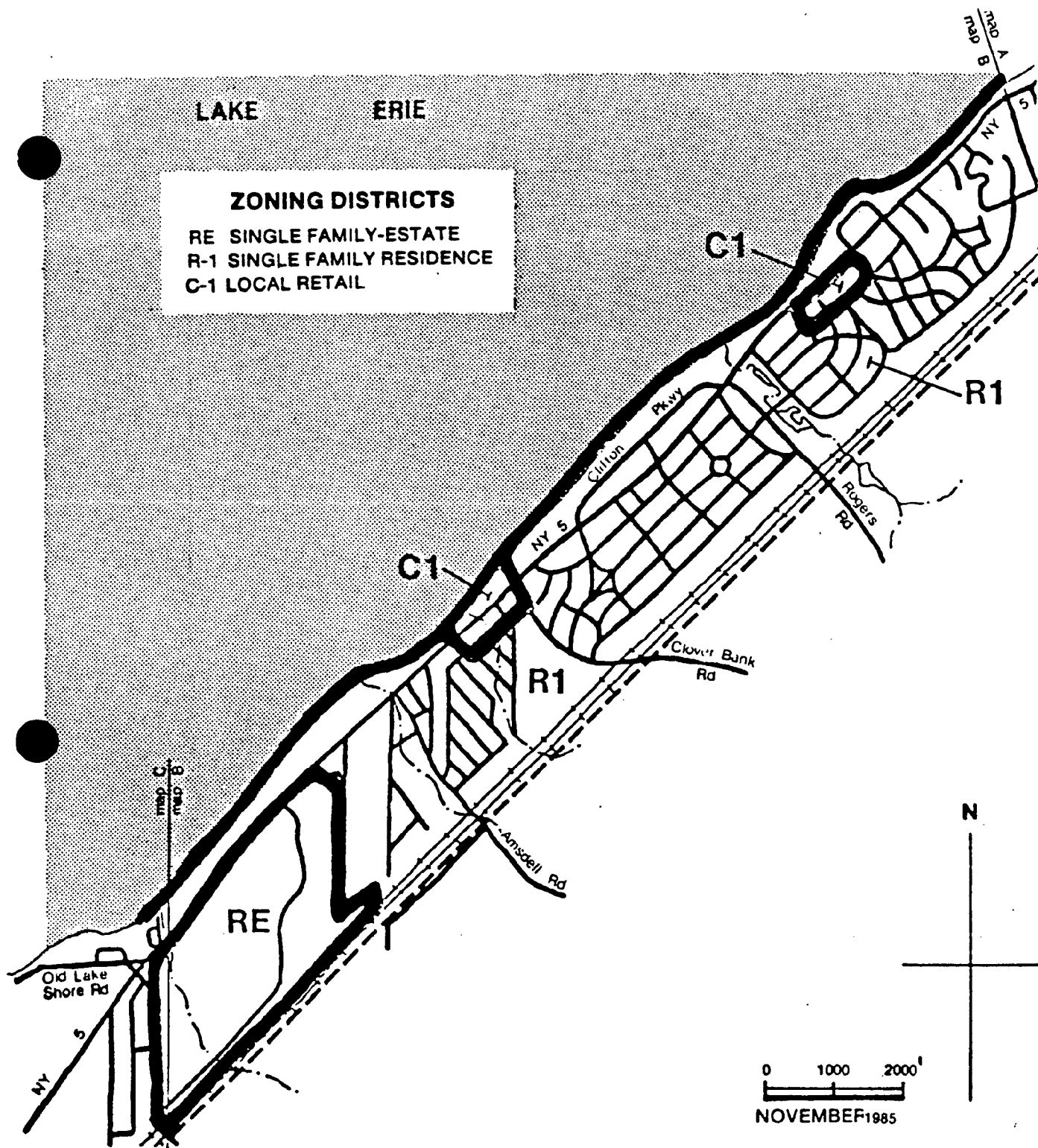
ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING

STUART ALEXANDER AND ASSOCIATES, PLANNERS/
LANDSCAPE ARCHITECTS

MAP 6A

EXISTING ZONING

TOWN OF HAMBURG



LOCAL WATERFRONT REVITALIZATION PROGRAM

ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING

STUART ALEXANDER AND ASSOCIATES, PLANNERS/
 LANDSCAPE ARCHITECTS

MAP 6B

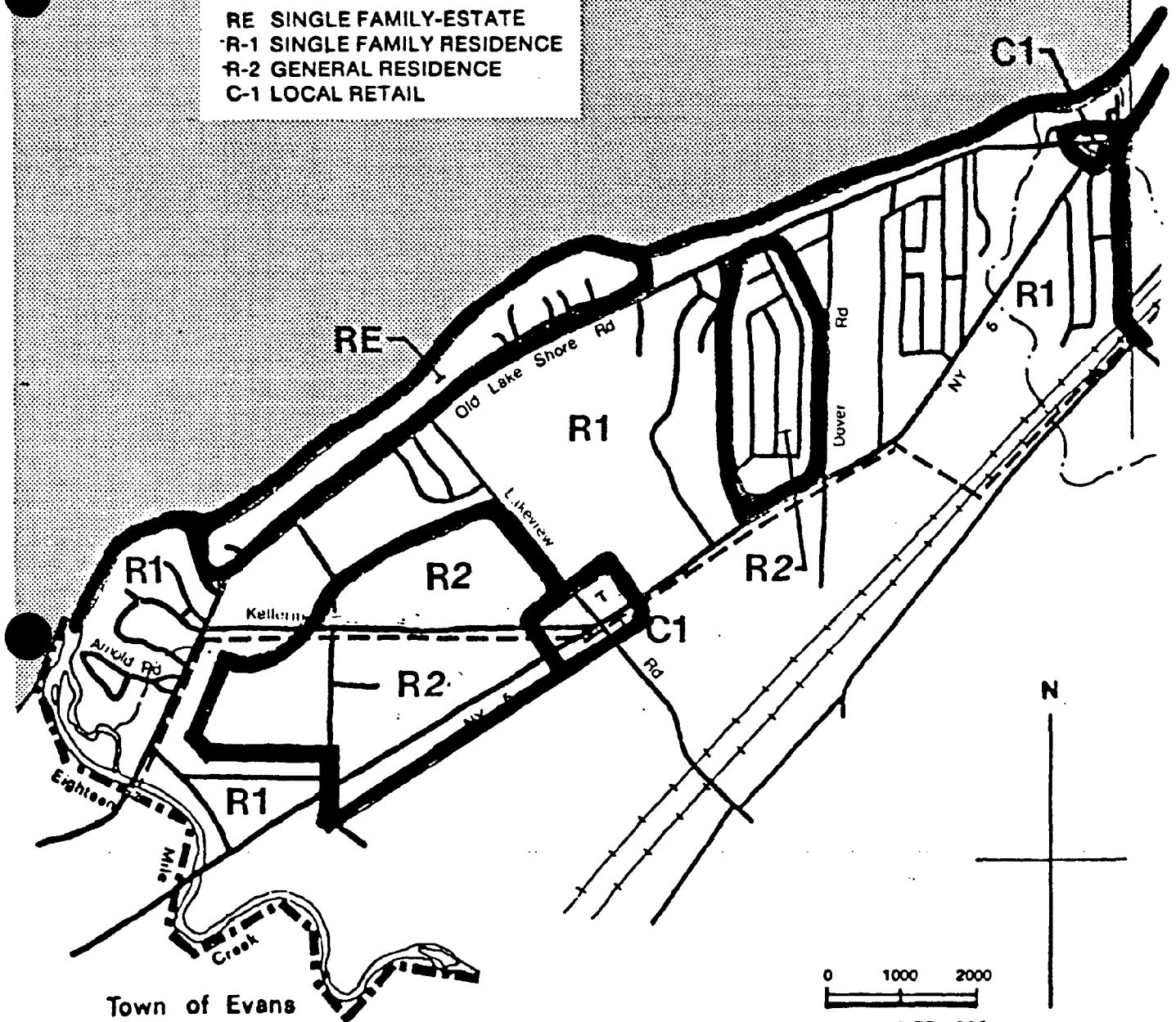
EXISTING ZONING

TOWN OF HAMBURG

LAKE ERIE

ZONING DISTRICTS

RE SINGLE FAMILY-ESTATE
R-1 SINGLE FAMILY RESIDENCE
R-2 GENERAL RESIDENCE
C-1 LOCAL RETAIL



0 1000 2000
NOVEMBER 1986

LOCAL WATERFRONT REVITALIZATION PROGRAM

ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING

STUART ALEXANDER AND ASSOCIATES, PLANNERS/
LANDSCAPE ARCHITECTS

MAP 6C

**EXISTING
ZONING**

TOWN OF HAMBURG

City of Buffalo and Cattaraugus Harbor. New York State has recommended the development of Sturgeon Point in the Town of Evans as one of these protected sites. The other location for a protected site should be in the Town of Hamburg.

Unless action is taken to provide additional access and recreation opportunities, it is expected that public access problems will continue to worsen. The New York Statewide Comprehensive Recreation Plan (1983) notes that, "An analysis of boating demand indicates that

this type of activity will continue to grow during the next twenty years at a rate exceeding most other forms of summer recreation."

Finally, the U.S. Army Corps of Engineers has studied the demand for recreational boating facilities for the Buffalo area to the immediate north of the Town of Hamburg. Given the proximity of the City of Buffalo, it is assumed that the problems and needs caused by the demand for recreation and boating facilities in Buffalo would also be found in the Town of Hamburg. The Corps of Engineers noted that the demand for permanent berths in 1980 outstripped the supply of these berths by 2,120. It is also estimated that this excess demand could grow to 3,313 berths by the year 2040. The same report estimated that the demand for launching ramps in 1980 exceeded the supply of 17 ramps. This excess demand could grow to a need for 23 additional launch ramps by the year 2040.

The limitation of the Hamburg Town Park to use only by Town residents creates a need for additional facilities to address the demands which are documented above. These access and recreational facilities must be located in areas where they can be supported by existing coastal resources and existing development. The Town recently received a NYSDEC grant to conduct a study of potential sites to provide additional boat launch facilities; the study will be completed in 1987.

11. Water-Dependent Uses:

The demand among competing land uses for waterfront land has not been existent in the Town of Hamburg.

Therefore, the need to reserve space for uses requiring a shoreline location or those which would be enhanced by a coastal location is not a critical concern in the community.

For example, the location at the former Bethlehem Steel Plant of a water dependent industry would certainly be

welcome. However, the abundance of vacant shoreline industrial land throughout Erie County must be given consideration prior to precluding non-water related concerns. By establishing an overly preclusive regulatory framework relative to water dependency and given the loose market, the Town of Hamburg may not experience any land development within the WRA for quite some time.

It is anticipated, however, that the Athol Springs area along NYS Route 5 will realize an increased demand for development on vacant land, and conversion of existing uses into more water-oriented activities. In addition, a marina is being considered for a portion of the former Bethlehem Steel complex north of Woodlawn Beach. Spin-off economic benefits in terms of commercial development is anticipated once the marina is built.

12. Aesthetics:

Overall aesthetic quality within the area varies. Although certain instances of residential and industrial blight occur, an overwhelming majority of the area is characterized by well-kept housing and attractive vistas which create a positive image.

Problem areas are largely confined to the Woodlawn, Hoover Beach and Clifton Heights neighborhoods. Structural deterioration, unattractive facades, and inadequate landscaping are frequently encountered. To a lesser degree, similar problems are associated with some commercial structures along much of the shoreline; however, these are isolated and minor in nature.

Spectacular views of Canada and Downtown Buffalo punctuate the entire Hamburg shoreline. Views along Old Lake Shore Road near Pinehurst (in which the road follows the crest of a cliff), at the Wanakah Water Company, at Rogers Road, and from the Town Park through Hoover Beach are especially dramatic. The scenic qualities of the Eighteen Mile Creek gorge and the Old Lake Shore Road north of Eighteen Mile Creek, in which views of Lake Erie form a backdrop to large homes on extensive landscaped grounds, are unique in Erie County.

13. Paleontological, Archaeological and Historic Resources:

The New York State Office of Parks, Recreation and Historic Preservation has identified three zones of potential archaeological significance at the mouth of Eighteen Mile Creek, as well as two zones in the Athol Springs/Bay View portion and one in the Woodlawn portion of the Town's waterfront revitalization area.

No structures are listed on the National Register of Historic Places within the Town's waterfront revitalization area. However, the Amsdell House (a former coach stop) on Route 5 in Wanakah is an historic structure of local significance.

The Eighteen Mile Creek gorge is a unique area of scenic beauty which contains important geological features and fossil deposits. The area is known for fossil deposits which date back 400 million years. These include brachopods, bryozoans, gastropods, pelecypods, trilobites, echinoderm, ostracodes, corals and sponges. There was little metamorphosis of rock in this area, resulting in high-quality fossil deposits.

14. Hazardous Waste Sites:

The New York State Department of Environmental Conservation has identified the Snyder Tank Company site (NYSDEC site code 915409) at the north end of Hoover Road as a site which once contained hazardous wastes. Prior to 1972, pickle liquor was discharged onto the beach along with rinse water resulting in precipitation of iron and discoloration of the beach. NYSDEC inspection in 1979 indicated that on-site waste disposal was no longer occurring, and that all wastes were placed in containers to be removed from the site. There is no evidence of land burial of hazardous wastes, and no evidence of environmental problems at this time.

INVENTORY AND ANALYSIS
APPENDIX

Coastal Fish and Wildlife Habitats of
Statewide Significance - Habitat Descriptions

-- SMOKE CREEK SHOALS HABITAT

-- EIGHTEEN MILE CREEK-LAKE ERIE

SIGNIFICANT COASTAL FISH AND WILDLIFE

PROJECT NARRATIVE

SMOKE CREEK SHOALS

LOCATION AND DESCRIPTION OF HABITAT:

Smoke Creek Shoals is located on the shoreline of Lake Erie, on the boundary between the City of Lackawanna and the Town of Hamburg, Erie County (7.5' Quadrangle: Buffalo SE, N.Y.). The fish and wildlife habitat is an approximate 500 acre area of open water, generally located within a one-half mile radius of the Smoke Creek. This area encompasses a broad, productive, littoral zone, where water depths are generally less than 20 feet below mean low water, and the bottom substrate is a mixture of sand, gravel, and rubble. The entire shoreline bordering Smoke Creek Shoals has been modified through filling or bulkheading in conjunction with adjacent industrial development (steel mills). Smoke Creek drains approximately 33 square miles of industrial, residential and abandoned agricultural land, and most of the channel has been modified for flood control purposes.

FISH AND WILDLIFE VALUE:

Smoke Creek Shoals is one of only a few sizeable areas of relatively shallow, gravelly shoals in the Erie County portion of Lake Erie. Apparently, wave action and inflows from Smoke Creek provide adequate water circulation in the area to prevent siltation of the bottom substrate. This extensive littoral zone probably serves as an important spawning area for a variety of warmwater fish species, especially walleye, along with yellow perch and smallmouth bass. Observations of walleye in and around the mouth of Smoke Creek during the spawning period (mid-March -early May, generally) suggest that the adjacent shoals attract a major lake-spawning concentration. Concentration areas such as this are unusual in Erie County. Walleye entered Smoke Creek to spawn in 1985 but did not appear to be successful.

As a result of the abundant walleye population at Smoke Creek Shoals, this area attracts significant recreational fishing pressure during late spring and early summer, primarily by residents of the Buffalo metropolitan area. Boat access to the fishery is available from the Small Boat Harbor in Buffalo. Reproduction of walleye at Smoke Creek Shoals may also contribute to the Lake Erie commercial fishery for this species, located farther offshore in waters greater than 55 feet deep.

IMPACT ASSESSMENT:

Any activity that substantially degrades water quality, increases temperature or turbidity, alters water depths, or reduces physical diversity of bottom substrate at Smoke Creek Shoals could affect the fisheries resources of this area. Discharges of sewage, stormwater runoff, or industrial wastewater, containing heavy sediments loads or chemical pollutants could result in adverse impacts on fish populations. Activities such as dredging, oil and gas drilling, and solid waste disposal are all potential causes of permanent habitat degradation. Construction of breakwalls or jetties in the area may increase sedimentation, resulting in loss of suitable spawning habitat of walleye. Temporary habitat disturbances would be most detrimental during fish spawning and nursery periods (mid-March - July for most warmwater species); any necessary human disturbance of the littoral zone should be scheduled during fall or winter to minimize potential impacts on fisheries use of the area. Thermal discharges, depending on time of year, could also have adverse effects on fish populations in the area, since spawning activities and survival are directly affected by water temperature. Installation and operation of water intakes could have a significant impact on fish concentrations, through impingement of juveniles and adults, or entrainment of eggs and larval stages.

KNOWLEDGEABLE CONTACTS:

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Albany, NY 12231
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or Jim Pomeroy, Environmental Protection Biologist
NYS DEC - Region 9
128 South Street
Olean, NY 14760
Phone: (716) 372-8676

Floyd Cornelius or Don Einhouse
NYSDEC - Lake Erie Fisheries Unit
178 Point Drive North
Dunkirk, NY 14048
Phone: (716) 366-0228

NYSDEC - Significant Habitat Unit
Wildlife Resources Center
Delmar, NY 12054
Phone: (518) 439-7486

COASTAL FISH AND WILDLIFE HABITAT RATING FORM

Name of Area: Smoke Creek Shoals

SEP 18 1987

County(ies): Erie

Town(s): Lackawanna, Hamburg

7.5' Quadrangle(s): Buffalo SE, NY

	(IS) Individual Score		(R) Replace- ability		(ISxR) Final Score
ECOSYSTEM RARITY (ER): Relatively large, shallow, gravel and rubble shoal, uncommon in Erie County.	9.0 ----	x	1.0 ----	=	9.0 ----
SPECIES VULNERABILITY (SV): No endangered, threatened, or special concern species are known to reside in the area.	0 ----	x	1.0 ----	=	0.0 ----
HUMAN USE (HU): Recreational fishery for walleye attracts many anglers from through- out Erie County.	4 ----	x	1.0 ----	=	4.0 ----
POPULATION LEVEL (PL): Concentrations of walleye in this area are unusual in Erie County, although it is not known if spawn- ing is successful.	4 ----	x	1.0 ----	=	4.0 ----

REPLACEABILITY (R):
Uncertain of ability to replace the
habitat or the population level.

1.0

SIGNIFICANCE = $[(ER \times R) + (SV \times R) + (HU \times R) + (PL \times R)]$ = 17.0

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Professor of Biology and
Director, Fisheries and Ecology Program
Department of Biology
State University College at Buffalo
1300 Elmwood Avenue
Buffalo, NY 14222
Phone: (716) 878-6409

L A K E

E R I E

APPROXIMATE MEAN LAKE ELEVATION 571

4745000m. N.
47°30"

BUFFALO METROPOLITAN URBAN AREA
BOUNDARY IS DEFINED AS FOLLOWING
THE SHORELINE

1 010 000
FEET

Athol Springs

Bay View

Quac: Buffalo SE, NY
Area Name: Smoke Creek Shoals
Habitat Boundary:
Page 1 of 1

Radio Towers
(WKBW)

H A M B U R G

LACKAWANNA

Blasdell

Woodlawn

Smoke

LACORPORA

BOUNDARY

Substation

Substation

Trailer

Park

Substation

Trailer

Park

Substation

Trailer

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*****SIGNIFICANT COASTAL FISH AND WILDLIFE*****

PROJECT NARRATIVE

EIGHTEEN MILE CREEK - LAKE ERIE

LOCATION AND DESCRIPTION OF HABITAT:

Eighteen Mile Creek empties into Lake Erie at the hamlet of Highland-on-the-Lake, on the boundary between the Towns of Hamburg and Evans, Erie County. The fish and wildlife habitat extends approximately five miles from Lake Erie to the confluence of the Main and South Branches of the creek, through the Towns of Hamburg, Evans, and Eden (7.5' Quadrangle: Eden, N.Y.). Eighteen Mile Creek is a large, meandering, warmwater stream, with predominantly rock and gravel substrates. The creek drains approximately 120 square miles of agricultural land, rural residential areas, and forested hills. Eighteen Mile Creek is situated in a steep sided, undeveloped, wooded gorge, characterized by shale cliffs (70-100 feet high) and mature deciduous forest. The lower half-mile of Eighteen Mile Creek is low gradient, occupying a broad, undisturbed, floodplain.

FISH AND WILDLIFE VALUES:

Eighteen Mile Creek is the second largest tributary of Lake Erie in New York State, and there are few comparable streams in the Great Lake Plain ecological region. Undisturbed tributary streams that provide habitat for major spawning runs by salmonids and other lake-based fish populations are especially important in this region. Eighteen Mile Creek is particularly significant because large concentrations of coho salmon, chinook salmon and brown trout migrate from Lake Erie into the creek each fall, from late August through December (September-November, primarily), when salmonids ascend the streams to spawn (although unsuccessfully in most instances). In addition, steelhead (lake-run rainbow trout) migrate into Eighteen Mile Creek during the fall and between late February and April. Runs of trout and salmon occur beyond the junction of the Main and South Branches of the creek, but population levels are not well developed above this point. These fish populations are the result of an ongoing effort by the NYSDEC to establish a major salmonid fishery in the Great Lakes through stocking. In 1984, approximately 40,000 coho salmon, and 18,000 steelhead were released in Eighteen Mile Creek. Among New York's Lake Erie tributaries, Eighteen Mile Creek ranked third for numbers of salmonids stocked in 1984; the creek was one of only four in the region that received steelhead. Eighteen Mile Creek also supports substantial natural reproduction by smallmouth bass, and has runs of various lake-dwelling species, such as white sucker, carp, freshwater drum, and brown bullhead. Black redhorse (SC) were reported at the mouth of the creek in the 1920's, but this species has not since been confirmed in the area.

Eighteen Mile Creek provides a major salmonid fishery to anglers in the Lake Erie coastal region. Although access is somewhat limited by the surrounding topography, the stream received an estimated 3,800 angler trips during September and October 1982. Smallmouth bass fishing also attracts local anglers to the area in early summer.

IMPACT ASSESSMENT:

Any activity that substantially degrades water quality, increases temperature or turbidity, reduces flows, or alters water depths in Eighteen Mile Creek could adversely impact on the fisheries resources of this area. These impacts would be most detrimental during spawning period, and in the spring after salmonids are stocked in the Creek. Discharges of sewage or stormwater runoff containing sediments or chemical pollutants (including fertilizers, herbicides, or insecticides) could result in significant impairment of the habitat. Of particular concern are the potential effects of upstream disturbances, including water withdrawals, impoundments, stream bed disturbances, and effluent discharges. Barriers to fish migration, whether physical or chemical, would have a significant impact on fish populations in the Creek. Development of hydroelectric facilities on the Creek should only be permitted with run-of-river operations. Existing woodlands bordering Eighteen Mile Creek and its tributaries should be maintained to provide bank cover, soil stabilization, and buffer areas. Development of additional public access to the creek may be desirable to ensure that adequate opportunities for compatible human uses of the fisheries resources are available. However, installation of breakwalls or jetties to create a "harbor of refuge" would induce substantial development of this unusual natural area.

KNOWLEDGEABLE CONTACTS:

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Steve Mooradian, Fisheries Manager
or Jim Pomeroy, Environmental Protection Biologist
NYS DEC - Region 9
128 South Street
Olean, NY 14760
Phone: (716) 372-8676

Floyd Cornelius or Don Einhouse
NYSDEC - Lake Erie Fisheries Unit
178 Point Drive North
Dunkirk, NY 14048
Phone: (716) 366-0228

COASTAL FISH AND WILDLIFE HABITAT RATING FORM

Name of Area: Eighteen Mile Creek - Lake Erie

SEP 18 1987

County(ies): Erie

Town(s): Evans, Hamburg

7.5' Quadrangle(s): Eden, NY

	(IS) Individual Score		(R) Replace- ability		(ISxR) Final Score
ECOSYSTEM RARITY (ER): One of the 2 largest New York State tributaries of Lake Erie; relative- ly undisturbed streams of this size that provide habitat for lake-based fisheries are rare in the Great Lakes Plain ecological region.	25 ----	x	1.2 ----	=	30.0 ----
SPECIES VULNERABILITY (SV): No endangered, threatened, or special concern species are known to reside in the area.	0 ----	x	1.2 ----	=	0.0 ----
HUMAN USE (HU): One of the most popular recreation- al fishing areas in western New York.	9 ----	x	1.2 ----	=	10.8 ----
POPULATION LEVEL (PL): One of the top 4 salmonid spawning streams among Lake Erie tributar- ies; geometric mean: $\sqrt{4 \times 9} = 6$.	6 ----	x	1.2 ----	=	7.2 ----

REPLACEABILITY (R):
Irreplaceable.1.2
----SIGNIFICANCE = $[(ER \times R) + (SV \times R) + (HU \times R) + (PL \times R)]$ = 48.0

NYSDEC - Significant Habitat Unit
Wildlife Resources Center
Delmar, NY 12054
Phone: (518) 439-7486

Section III

WATERFRONT REVITALIZATION
PROGRAM POLICIES

DEVELOPMENT POLICIES

Policy 1 RESTORE, REVITALIZE, AND REDEVELOP DETERIORATED AND UNDERUTILIZED WATERFRONT AREAS FOR COMMERCIAL, INDUSTRIAL, CULTURAL, RECREATIONAL, AND OTHER COMPATIBLE USES.

Policy 1A RESTORE THE WOODLAWN BEACH NATURAL RESOURCE FOR RECREATIONAL USE.

Policy 1B REDEVELOP THE HOOVER BEACH AND WOODLAWN BEACH NEIGHBORHOODS FOR RESIDENTIAL USES.

This policy applies to those areas depicted on Map 2A. Their intent is to focus capital resources on the redevelopment of the Hoover Beach and Woodlawn Beach communities into quality Lakefront residential areas. The neighborhoods are designated as community development target areas.

Redevelopment actions within the Hoover Beach neighborhood are to include the acquisition of flood-damaged shoreline properties. Public acquisition of these properties will establish a permanent open space buffer of 100 feet between the water's edge and developed areas.

The Woodlawn Beach natural resource is in private ownership. It is one of the widest and longest sandy beaches in the region and has excellent potential for recreational use. It is presently characterized by litter and a general lack of maintenance. Buffalo Crushed Stone (BCS) owns the beach area and adjacent office building. These were formerly owned by the Bethlehem Steel Corporation. Current plans for the area include a bathing beach, 800 slip marina, waterfront restaurant, lakeside housing, and high technology office complex. These uses are presently in the conceptual stage but are being marketed by BCS. It is anticipated that redevelopment of the area will occur over a 5-10 year period.

The following guidelines will be used to review actions for consistency with this policy:

1. When an action is proposed to take place in the Woodlawn Beach and Hoover Beach neighborhoods, the following guidelines will be used.
 - a. Priority should be given to uses which are dependent or enhanced by a location adjacent to the water;
 - b. The action should enhance existing and anticipated uses. For example, a new highway should be designated and constructed so as to serve the potential access needs for desirable recreational development;

- c. The action should serve as a catalyst to private investment in the area;
- d. The action should improve the deteriorated condition of a site and, at a minimum mustnot cause further deterioration. For example, a building could not be abandoned without protecting it against vandalism and/or structural decline;
- e. The action must lead to development which is compatible with the character of the area, with consideration given to scale, architectural style, density, and intensity of use;
- f. The action should have the potential to improve the existing economic base of the community, and, at a minimum, must not jeopardize this base. For example, waterfront development meant to serve consumer needs would be inappropriate in an area where no increased consumer demands were expected and existing development was already meeting demand;
- g. The action should improve adjacent and upland views of the water, and at a minimum, must not affect these views of the water, and at a minimum, must not affect these views in an insensitive manner;
- h. The action should have the potential to improve the possibilities for multiple uses on the site.

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

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

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

In general, the following water dependent uses and facilities are appropriate to the Town of Hamburg WRA:

1. Uses which depend on the utilization of resources found in coastal waters;
2. Recreational activities which depend on access to coastal waters;
3. Structures needed for navigational purposes;
4. Flood and erosion protection structures;
5. Facilities needed to store and service boats and ships;
6. Uses requiring large quantities of water for processing and/or cooling purposes;
7. Scientific/educational activities which, by their nature, require access to coastal waters;
8. Support facilities which are necessary for the successful functioning of permitted water-dependent uses (for example: parking lots, snack bars, first aid stations, short term storage facilities). Though these uses must be near the given water dependent use they should, as much as possible, be sited inland from the water-dependent use rather than on the shore.

More specifically, in the foreseeable future, water-dependent uses accommodated within the Hamburg waterfront are expected to be primarily a continuation of existing uses with some additional development of water-dependent recreation facilities at Woodlawn Beach, and the Hamburg Town Park. Existing water dependent uses include the Hamburg Town Park and the Erie County Southtowns Sewage Treatment Plant.

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

If there is no immediate demand for a water-dependent use in a given area but a future demand is reasonably foreseeable, temporary non-water dependent uses are preferable to a non-water dependent use which involves an irreversible, or nearly irreversible, commitment of land. Parking lots,

passive recreational facilities, outdoor storage areas, and non-permanent structures are uses or facilities which are likely to be considered temporary non-water dependent uses.

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

Policy 3 THE STATE COASTAL POLICY REGARDING DEVELOPMENT OF THE STATE'S MAJOR PORTS IS NOT APPLICABLE TO HAMBURG.

Policy 4 THE STATE COASTAL POLICY REGARDING THE ENHANCEMENT OF SMALL HARBORS IS NOT APPLICABLE TO HAMBURG.

Policy 5 ENCOURAGE THE LOCATION OF DEVELOPMENT IN AREAS WHERE PUBLIC SERVICES AND FACILITIES ESSENTIAL TO SUCH DEVELOPMENT ARE ADEQUATE, EXCEPT WHEN SUCH DEVELOPMENT HAS SPECIAL FUNCTIONAL REQUIREMENTS OR OTHER CHARACTERISTICS WHICH NECESSITATES ITS LOCATION IN OTHER COASTAL AREAS.

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

The Town of Hamburg is an area of concentrated development where infrastructure and public services are generally adequate to support future development, as specified in the proposed uses and proposed projects for the waterfront area. (See Section IV).

This policy applies to the entire Town waterfront area.

Policy 6

EXPEDITE PERMIT PROCEDURES IN ORDER TO FACILITATE THE SITING OF DEVELOPMENT ACTIVITIES AT SUITABLE LOCATIONS.

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

For specific types of development activities and in areas suitable for such development, local, State and Federal agencies will make every effort to coordinate and synchronize existing permit procedures and regulatory programs, as long as the integrity of the regulations' objectives is not jeopardized. These procedures and programs will be coordinated within each agency. Also, efforts will be made to ensure that each agency's procedures and programs are synchronized with other agencies' procedures at each level of government. Finally, regulatory programs and procedures will be coordinated and synchronized between levels of government and, if necessary, legislative and/or programmatic changes will be recommended.

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

These procedures and programs will be coordinated within each agency. Also, efforts will be made to ensure that each agency's procedures and programs are synchronized with other agencies' procedures at each level of government. Finally, regulatory programs and procedures will be coordinated and synchronized between levels of government and, if necessary, legislative and/or programmatic changes will be recommended.

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

Policy 7

SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS, AS IDENTIFIED ON THE COASTAL AREA MAP, SHALL BE PROTECTED, PRESERVED, AND WHERE PRACTICABLE, RESTORED SO AS TO MAINTAIN THEIR VIABILITY AS HABITATS.

Habitat protection is recognized as fundamental to assuring the survival of fish and wildlife populations. Certain habitats are critical to the maintenance of a given population and therefore merit special protection. Such habitats exhibit one or more of the following characteristics: (1) are essential to the survival of a large portion of a particular fish or wildlife population (e.g. feeding grounds, nursery areas); (2) support populations of rare and endangered species; (3) are found at a very low frequency within a coastal region; (4) support fish and wildlife populations having significant commercial and/or recreational value; and (5) would be difficult or impossible to replace.

A habitat impairment test must be met for any activity that is subject to consistency review under federal and State laws, or under applicable local laws contained in an approved local waterfront revitalization program. If the proposed action is subject to consistency review, then the habitat protection policy applies, whether the proposed action is to occur within or outside the designated area.

The specific habitat impairment test that must be met is as follows.

In order to protect and preserve a significant habitat, land and water uses or development shall not be undertaken if such actions would:

- destroy the habitat; or,
- significantly impair the viability of a habitat.

Habitat destruction is defined as the loss of fish or wildlife use through direct physical alteration, disturbance, or pollution of a designated area, or through the indirect effects of these actions on a designated area. Habitat destruction may be indicated by changes in vegetation, substrate, or hydrology, or increases in runoff, erosion, and sedimentation, or pollutants.

Significant impairments is defined as reduction in vital resources (e.g. food, shelter, living space) or change in environmental conditions (e.g., temperature, substrate, salinity) beyond the tolerance range of an organism. Indicators of a significantly impaired habitat focus on ecological alterations and may include, but are not limited to, reduced carrying capacity, changes in community structure (food chain relationships, species diversity), reduced productivity and/or increased incidence of disease and mortality.

The tolerance range of an organism is not defined as the physiological range of conditions beyond which a species will not survive at all, but as the ecological range of conditions that supports the species' population or has the potential to support a restored population, where practical. Either the loss of individuals through an increase in emigration or an increase

in death rate indicates that the tolerance range of an organism has been exceeded. An abrupt increase in death rate may occur as an environmental factor falls beyond a tolerance limit (a range has both upper and lower limits). Many environmental factors, however, do not have a sharply defined tolerance limit, but produce increasing emigration or death rates with increasing departure from conditions that are optimal for the species.

The range of parameters which should be considered in applying the habitat impairment test include:

1. Physical parameters, such as living space circulation, flushing rates, tidal amplitude, turbidity, water temperature, depth (including loss of littoral zone), morphology, substrate type, vegetation, structure, erosion and sedimentation rates;
2. Biological parameters, such as community structure, food chain relationships, species diversity, predator/prey relationships, population size, mortality rates, reproductive rates, meristic features, behavioral patterns and migratory patterns; and
3. Chemical parameters, such as dissolved oxygen, carbon dioxide, acidity, dissolved solids, nutrients, organics, salinity, and pollutants (heavy metals, toxics and hazardous materials).

Significant coastal fish and wildlife habitats are evaluated, designated and mapped pursuant to the Waterfront Revitalization and Coastal Resources Act (Executive Law of New York, Article 42). The New York State Department of Environmental Conservation (DEC) evaluates the significance of coastal fish and wildlife habitats, and following a recommendation from the DEC, the Department of State designates and maps specific areas.

Policy 7A THE SMOKES CREEK SHOALS HABITAT SHALL BE PROTECTED, PRESERVED AND, WHERE PRACTICAL, RESTORED SO AS TO MAINTAIN ITS VIABILITY AS A HABITAT.

Smokes Creek Shoals is located adjacent to the Town within Lake Erie near the boundary with the City of Lackawanna. The fish habitat is a 500 acre area of open water, generally located within a one-half mile radius of the mouth of Smokes Creek.

Smokes Creek Shoals serves as a likely spawning area for a variety of warmwater fish species, especially walleye, along with yellow perch and smallmouth bass. A detailed description and map of the habitat is provided in the appendix to the Inventory and Analysis Section.

Although not comprehensive, examples of generic activities and impacts which could destroy or significantly impair the habitat are listed below to assist in applying the habitat impairment test to a proposed activity.

Any activity that would substantially degrade water quality, increase temperature or turbidity, alter water depth, or reduce physical diversity of bottom substrates at Smokes Creek Shoals could affect the fisheries resources of this area. Discharges of sewage, stormwater runoff, or industrial wastewater containing heavy sediment loads or chemical pollutants could result in significant impairment of the habitat. Activities such as dredging, oil and gas drilling, and solid waste disposal are all potential causes of permanent habitat degradation. Construction of breakwalls or jetties in the area may increase sedimentation, resulting in loss of suitable spawning habitat for walleye. Temporary habitat disturbance would be most detrimental during fish spawning and nursery periods (mid-March through July for most warmwater species); any necessary human disturbance of the littoral zone should be scheduled during fall or winter to minimize potential impacts on fisheries' use of the area. Thermal discharges, depending on the time of year, could also result in significant impairment of the habitat, since spawning activities and survival are directly affected by water temperature. Installation and operation of water intakes could have a significant impact on fish concentrations, through impingement of juveniles and adults, or entrainment of eggs and larval stages.

Policy 7B THE EIGHTEEN MILE CREEK-LAKE ERIE HABITAT SHALL BE PROTECTED, PRESERVED, AND WHERE PRACTICAL, RESTORED SO AS TO MAINTAIN ITS VIABILITY AS A HABITAT.

Eighteen Mile Creek is located in the extreme southern portion of the Town and serves as the municipal boundary with the Town of Evans. It is the second largest tributary of Lake Erie within the State and is situated in a steep-sided, undeveloped, wooded gorge characterized by 70 to 100 foot shale cliffs. Although the habitat extends approximately five miles from Lake Erie to the confluence of the Main and South Branches of the Creek, the WRA includes only that portion from Lake Erie to NYS Route 5. It should be noted, however, that protection of that portion of the habitat outside of the WRA is provided through the State's Coastal Management Program.

Eighteen Mile Creek provides habitat for major spawning runs by salmonids and other Lake Erie fish populations. Large concentrations of coho salmon, chinook salmon and brown trout migrate into the Creek each fall when salmonids ascend the stream to spawn. A detailed description and map of the habitat is provided in the appendix to the Inventory and Analysis Section.

Although not comprehensive, examples of generic activities and impacts which could destroy or significantly impair the habitat are listed below to assist in applying the habitat impairment test to a proposed activity.

Any activity that would substantially degrade water quality, increase temperature or turbidity, alter water depth, or reduce physical diversity of bottom substrates at Eighteen Mile Creek could affect the fisheries resources of this area. Discharges of sewage, stormwater runoff, or industrial wastewater containing heavy sediment loads or chemical pollutants could result in significant impairment of the habitat. Activities such as dredging, oil and gas drilling, and solid waste disposal are all potential causes of permanent habitat degradation. Construction of breakwalls or jetties in the area may increase sedimentation, resulting in loss of suitable spawning habitat for walleye. Temporary habitat disturbance would be most detrimental during fish spawning and nursery periods (mid-March through July for most warmwater species); any necessary human disturbance of the littoral zone should be scheduled during fall or winter to minimize potential impacts on fisheries' use of the area. Thermal discharges, depending on the time of year, could also result in significant impairment of the habitat, since spawning activities and survival are directly affected by water temperature. Installation and operation of water intakes could have a significant impact on fish concentrations, through impingement of juveniles and adults, or entrainment of eggs and larval stages.

Policy 8

PROTECT FISH AND WILDLIFE RESOURCES IN THE COASTAL AREA FROM THE INTRODUCTION OF HAZARDOUS WASTES AND OTHER POLLUTANTS WHICH BIO-ACCUMULATE IN THE FOOD CHAIN OR WHICH CAUSE SIGNIFICANT SUBLETHAL OR LETHAL EFFECT ON THOSE RESOURCES.

Hazardous wastes are unwanted by-products of manufacturing processes and are generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law (Sec. 27-0901 (3)). Hazardous waste is defined as "waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed." A list of hazardous wastes have been adopted by DEC (6 NYCRR Part 371).

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

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

Policy 9 EXPAND RECREATIONAL USE OF FISH AND WILDLIFE RESOURCES IN COASTAL AREAS BY INCREASING ACCESS TO EXISTING RESOURCES, SUPPLEMENTING EXISTING STOCKS, AND DEVELOPING NEW RESOURCES. SUCH EFFORTS SHALL BE MADE IN A MANNER WHICH ENSURES THE PROTECTION OF RENEWABLE FISH AND WILDLIFE RESOURCES AND CONSIDERS OTHER ACTIVITIES DEPENDENT ON THEM.

Policy 9A EXPAND RECREATIONAL USE OF FISH AND WILDLIFE RESOURCES IN THE EIGHTEEN MILE CREEK GORGE BY PROVIDING CONTROLLED ACCESS TO THE AREA.

The educational and recreational value of coastal areas having a significant concentration of fish and wildlife resources is of extreme importance to the general public. This is especially important in the Eighteen Mile Creek gorge. The latter represents significant wildlife habitat within a geologically significant environment. The combination of these factors presents unique opportunities for public enjoyment.

This policy applies to Eighteen Mile Creek and its adjacent gorge area as well as the waters of Lake Erie offshore from the Town.

The recreational use of these resources is to be maintained and increased, primarily through continuation of the State fish stocking programs and provisions of increased access and supporting facilities, as further described under policies 1, 20, and 21. Any efforts to increase recreational use of these resources will be made in a manner which ensures the protection of fish and wildlife resources in marina and freshwater coastal areas and which takes into consideration other activities dependent on these resources. Also, such efforts must be done in accordance with existing State law and in keeping with sound resource management considerations. Such considerations include biology of the species, carrying capacity of the resource, public demand, costs and available technology.

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

1. Consideration should be made by Federal, State and Town agencies as to whether an action will impede existing or future utilization of the Town's recreational fish and wildlife resources.
2. Efforts to increase access to recreational fish and wildlife resources should not lead to overutilization of that resource or cause impairment of the habitat. Sometimes, impairment can be more subtle than actual physical damage to the habitat. For example, increased human presence can detract animals from using the habitat area.

3. The impacts of increasing access to recreational fish and wildlife resources should be determined on a case-by-case basis, consulting the significant habitat narrative (see Policy 7) and/or conferring with a trained fish and wildlife biologist.
4. Any public or private sector initiatives to supplement existing stocks (e.g., stocking a stream with fish reared in a hatchery) or develop new resources (e.g. creating private fee-hunting or fee-fishing facilities) must be done in accord with existing State law.

Policy 10 THE STATE COASTAL POLICY REGARDING THE DEVELOPMENT OF COMMERCIAL FISHING IS NOT APPLICABLE TO HAMBURG.

FLOODING AND EROSION POLICIES

Policy 11 BUILDINGS AND OTHER STRUCTURES WILL BE SITED IN THE COASTAL AREA SO AS TO MINIMIZE DAMAGE TO PROPERTY AND THE ENDANGERING OF HUMAN LIVES CAUSED BY FLOODING AND EROSION.

The Town of Hamburg Local Law No. 8 - "Flood Damage Prevention" (1980), provides the following guidelines to be used in determining the consistency of a proposed action with this policy:

A. General standards within flood hazard areas:

1. Anchoring:
 - a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
2. Construction materials and methods: All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. Utilities
 - a. All new and replacement water supply systems shall be designed to minimize flood damage.
 - b. All new subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage and shall be consistent with the need to minimize flood damage.
 - c. Base flood elevation data shall be provided for subdivision proposals and other proposed developments which contains at least fifty (50) lots or five (5) acres, whichever is less.

4. Subdivision proposals.

- a. All new subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- b. New and replacement sanitary sewer systems shall be designed to minimize the infiltration of floodwaters into the systems and discharges from the systems into the floodwaters.
- c. On-site waste disposal systems shall be located as to avoid impairment to or contamination from flooding.

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

1. Residential construction. New residential construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.
2. Non-residential construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, shall:
 - a. Be floodproofed so that below the base flood level the structure is water tight with walls substantially impermeable to the passage of water;
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - c. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied.

These guidelines apply to those lands in flood hazard areas identified within the Flood Insurance Study for the Town of Hamburg dated September 26, 1980. Where human lives may be endangered by major Lake storms, all necessary emergency preparedness measures shall be taken, including disaster preparedness planning.

See Policy 12 for standards on siting of buildings and other structures affecting natural erosion protective features. See Policy 33 for additional standards for drainage easement areas.

Policy 12

ACTIVITIES OR DEVELOPMENT IN THE COASTAL AREA WILL BE UNDERTAKEN SO AS TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION BY PROTECTING NATURAL PROTECTIVE FEATURES INCLUDING BEACHES, DUNES, AND BLUFFS. PRIMARY DUNES WILL BE PROTECTED FROM ALL ENCROACHMENTS THAT COULD IMPAIR THEIR NATURAL PROTECTIVE CAPACITY.

This policy shall apply to the natural erosion protective features within the Town of Hamburg waterfront area. These include nearshore areas, bluffs, and beaches. Bluffs and/or beaches are found along virtually the entire Town shoreline, as previously described in the Inventory and Analysis Section.

Beaches, bluffs, and other natural protective features help safeguard coastal lands and property from damage, as well as reduce the danger to human life, resulting from flooding and erosion. Excavation of coastal features, improperly designed structures, inadequate site planning, or other similar actions which fail to recognize their fragile nature and high protective values, lead to the weakening or destruction of those landforms.

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

1. NEARSHORE AREAS: Those lands under water beginning at the mean low water line and extending waterward in a direction perpendicular to the shoreline to a point where mean low water depth is 15 feet, or to a horizontal distance of 1,000 feet from the mean low water line, whichever is greater.
 - a. Excavating, mining or dredging which diminishes erosion protection afforded by a natural protective feature in a nearshore area is prohibited, except that dredging may be permitted for construction or maintenance of navigation channels, bypassing sand around natural and manmade obstructions, or artificial beach nourishment.
 - b. Clean sand or gravel of a compatible type and size is the only material which may be deposited within nearshore areas.
2. BEACH AREAS: The zone of unconsolidated material that extends landward from the mean low water line to the place where there is a marked change in a material or physiographic form, or to the line of permanent vegetation, whichever is most waterward, except where dune formations are present, the beach area shall extend to the landward toe of the beach formation.

- a. Excavation or mining which diminishes the erosion protection afforded by beaches is prohibited.
 - b. Materials may be deposited on beaches only for the purpose of expanding or stabilizing the beaches. Clean sand or gravel of a compatible type and size is the only material which may be deposited within beach areas.
 - c. Active bird nesting and breeding areas must not be disturbed unless such disturbance is pursuant to a specific wildlife management activity approved in writing by the NYS DEC.
3. BLUFF: Any bank or cliff with a precipitous drop or rounded face adjoining a beach or a body of water. The waterward limit of a bluff is the landward limit of its contiguous beach. Where no beach is present, the waterward limit is mean low water. The landward limit is 25 feet landward of the receding edge.
- a. The following activities are prohibited:
 - (1) Excavation or mining of bluffs, except to provide shoreline access and in accordance with the provisions of this policy.
 - (2) Any grading, excavation, or other soil disturbance, conducted on a bluff that causes or directs surface water over the receding edge.
 - (3) All development unless specifically allowed by the provisions of this subsection of this policy.
 - b. Subject to the general provisions of this policy and the specific conditions stated below, activities specifically allowed are:
 - (1) Minor alterations of a bluff for new construction, modification, or restoration of an erosion protection measure.
 - (2) Bluff cuts for the provision of shoreline access, where:
 - o The bluff cut is made in a direction perpendicular to the shoreline.
 - o Ramp slope of the bluff cut does not exceed 1:6.
 - o Slide slopes of the bluff cut do not exceed 1:3 unless terraced or otherwise structurally stabilized.

- o Slide slopes and other disturbed non-roadway areas are stabilized with vegetation or other approved physical means.
 - o Completed roadways are stabilized and drainage provided for.
- (3) New construction, modification, or restoration of walkways or stairways.
- c. Active bird nesting and breeding areas must not be disturbed unless such disturbance is pursuant to a specific wildlife management activity approved in writing by the NYS DEC.
4. MOTOR VEHICLE RESTRICTIONS: the use of motor vehicles is prohibited on beach vegetation and bluffs.
5. Activities and development within natural erosion protective feature areas that have been designated by the NYS DEC as Erosion Hazard Areas must comply, as required, with the provisions of the Coastal Erosion Hazards Area Act (Environmental Conservation Law, Sec.3-0301 and Sec. 34-0108) and its implementing regulations (6 NYCRR Part 505).

Policy 13 THE CONSTRUCTION OR RECONSTRUCTION OF EROSION PROTECTION STRUCTURES SHALL BE UNDERTAKEN ONLY IF THEY HAVE A REASONABLE PROBABILITY OF CONTROLLING EROSION FOR AT LEAST THIRTY YEARS AS DEMONSTRATED IN DESIGN AND CONSTRUCTION STANDARDS AND/OR ASSURED MAINTENANCE OR REPLACEMENT PROGRAMS.

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

Policy 14 ACTIVITIES AND DEVELOPMENT INCLUDING THE CONSTRUCTION OR RECONSTRUCTION OF EROSION PROTECTION STRUCTURES, SHALL BE UNDERTAKEN SO THAT THERE WILL BE NO MEASURABLE INCREASE IN EROSION OR FLOODING AT THE SITE OF SUCH ACTIVITIES OR DEVELOPMENT, OR AT OTHER LOCATIONS.

Erosion and flooding are processes which occur naturally. However, by his actions, man can increase the severity and adverse effects of those processes, causing damage to, or loss of property, and endangering human lives. Those actions include: the use of erosion protection structures such as groins, or by the use of impermeable docks which block the littoral transport of sediment to adjacent shorelands, thus increasing their rate of recession; the failure to observe

proper drainage or land restoration practices, thereby causing run-off and the erosion and weakening of shorelands; and the placing of structures in identified floodways so that the base flood level is increased causing damage in otherwise hazard-free areas.

Policy 15 MINING, EXCAVATION OR DREDGING IN COASTAL WATERS SHALL NOT SIGNIFICANTLY INTERFERE WITH THE NATURAL COASTAL PROCESSES WHICH SUPPLY BEACH MATERIALS TO LAND ADJACENT TO SUCH WATERS AND SHALL BE UNDERTAKEN IN A MANNER WHICH WILL NOT CAUSE AN INCREASE IN EROSION OF SUCH LAND.

Coastal processes, including the movement of beach materials by water, and any mining, excavation or dredging in nearshore or offshore waters which changes the supply and net flow of such materials can deprive shorelands of their natural regenerative powers. Such mining, excavation and dredging should be accomplished in a manner so as not to cause a reduction of supply, and thus an increase of erosion, to such shorelands. Offshore mining is a future alternative option to land mining for sand and gravel deposits which are needed to support building and other industries.

Policy 16 PUBLIC FUNDS SHALL ONLY BE USED FOR EROSION PROTECTIVE STRUCTURES WHERE NECESSARY TO PROTECT HUMAN LIFE, AND NEW DEVELOPMENT WHICH REQUIRES A LOCATION WITHIN OR ADJACENT TO AN EROSION HAZARD AREA TO BE ABLE TO FUNCTION, OR EXISTING DEVELOPMENT; AND ONLY WHERE THE PUBLIC BENEFITS OUTWEIGH THE LONG TERM MONETARY AND OTHER COSTS INCLUDING THE POTENTIAL FOR INCREASING EROSION AND ADVERSE EFFECTS ON NATURAL PROTECTIVE FEATURES.

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

Policy 17 WHENEVER POSSIBLE, USE NON-STRUCTURAL MEASURES TO MINIMIZE FLOOD DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION. SUCH MEASURES SHALL INCLUDE: (i) THE SET BACK OF BUILDINGS AND STRUCTURES (ii) THE PLANTING OF VEGETATION AND THE INSTALLATION OF SAND FENCING AND DRAINING; (iii) THE RESHAPING OF BLUFFS; AND (iv) THE FLOOD-PROOFING OF BUILDINGS OR THEIR ELEVATION ABOVE THE BASE FLOOD LEVEL.

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

Non-structural measures shall include, but not be limited to:

1. Within coastal erosion hazard areas identified under Section 34-104, Coastal Erosion Hazard Areas Act (Article 34, Environmental Conservation Law), and subject to the permit requirements on all regulated activities and development established under that Law, (a) the use of minimum setbacks as provided for in Section 34-108; and (b) the strengthening of coastal landforms by the planting of appropriate vegetation on dunes and bluffs, the installation of sand fencing on dunes, the reshaping of bluffs to achieve an appropriate angle of repose so as to reduce the potential for slumping and to permit the planting of stabilizing vegetation, and the installation of drainage systems on bluffs to reduce runoff and internal seepage of waters which erode or weaken the landforms; and
2. Within identified flood hazard areas, (a) the avoidance of risk or damage from flooding by the siting of buildings outside the hazard area, and (b) the flood-proofing of buildings or their elevation above the base flood level.

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

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

GENERAL POLICY

Policy 18 TO SAFEGUARD THE VITAL ECONOMIC, SOCIAL AND ENVIRONMENTAL INTERESTS OF THE STATE AND OF ITS CITIZENS, PROPOSED MAJOR ACTIONS IN THE COASTAL AREA MUST GIVE FULL CONSIDERATION TO THOSE INTERESTS, AND TO THE SAFEGUARDS WHICH THE STATE HAS ESTABLISHED TO PROTECT VALUABLE COASTAL RESOURCE AREAS.

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

PUBLIC ACCESS POLICIES

Policy 19 PROTECT, MAINTAIN, AND INCREASE THE LEVEL AND TYPES OF ACCESS TO PUBLIC WATER-RELATED RECREATION RESOURCES AND FACILITIES SO THAT THESE RESOURCES AND FACILITIES MAY BE FULLY UTILIZED BY ALL THE PUBLIC IN ACCORDANCE WITH REASONABLY ANTICIPATED PUBLIC RECREATION NEEDS AND THE PROTECTION OF HISTORIC AND NATURAL RESOURCES. IN PROVIDING SUCH ACCESS, PRIORITY SHALL BE GIVEN TO PUBLIC BEACHES, BOATING FACILITIES, FISHING AREAS AND WATERFRONT PARKS.

Since private ownership of a large portion of the waterfront has significantly reduced public access to the shoreline, the maintenance and improvement of access to existing public recreational lands is a Town priority. The following guidelines will be used in determining the consistency of a proposed action with this policy:

1. The existing access from adjacent to proximate public lands or facilities to public water-related recreation resources and facilities shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or proximate lands or facilities to public water-related recreation resources and facilities be eliminated, unless in the latter case, estimates of future use of these resources

and facilities are too low to justify maintaining or providing increased public access or unless such actions are found to be necessary or beneficial by the public body having jurisdiction over such access as the result of a reasonable justification of the need to meet systematic objectives.

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

- a. Access - the ability and right of the public to reach and use public coastal lands and waters.
- b. Public water related recreation resources or facilities - all public lands or facilities that are suitable for passive or active recreation that requires either water or a waterfront location or are enhanced by a waterfront location.

- c. Public lands or facilities - lands or facilities held by State or local government in fee simple or less-than-fee simple ownership and to which the public has access or could have access, including underwater lands and the foreshore.
- d. A reduction in the existing level of public access - includes but is not limited to the following:
 - (1) The number of parking spaces at a public water-related recreation resource or facility is significantly reduced.
 - (2) The service level of public transportation to public water-related recreation resource or facility is significantly reduced during peak season use and such reduction cannot be reasonably justified in terms of meeting systemwide objectives.
 - (3) Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
 - (4) There are substantial increases in the following : already existing special fares (not including regular fares in any instance) of public transportation to a public water-related recreation resource or facility, except where the public body having jurisdiction over such fares determines that such substantial fare increases are necessary; and/or admission fees to such a resource or facility, and an analysis shows that such increases will significantly reduce usage by individuals or families and incomes below the State government established poverty level.
- e. An elimination of the possibility of increasing public access in the future includes, but is not limited to the following:
 - (1) Construction of public facilities which physically prevent the provision, except at a great expense, of convenient public access to public water-related recreation resources and facilities.
 - (2) Sale, lease, or other transfer of public lands that could provide public access to a public water-related recreation resource or facility.
 - (3) Construction of private facilities which physically prevent the provision of convenient public access to public water-related recreation resources or facilities from public lands and facilities.

2. Any proposed project to increase public access to public water-related recreation resources and facilities shall be analyzed according the following factors:
 - a. The level of access to be provided shall be in accord with estimated public use. If not, the proposed level of access to be provied shall be deemed inconsistent with the policy.
 - b. The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resource or facility. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.
3. The State will not undertake or fund any project which increases access to a water-related resource or facility that is not open to all members of the public.
4. In their plans and programs for increasing public access to public water related resources and facilities, State agencies shall give priority in the following order to projects located: within the boundaries of the Federal-Aid Metropolitan Urban Area but not served by public transportation; outside the defined Urban Area boundary and served by public transportation; and outside the defined Urban Area boundary but not served by public transportation.

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

Policy 20A CONTROLLED ACCESS TO EIGHTEEN MILE CREEK GORGE AND TO PUBLICLY OWNED LANDS ALONG THE SHORELINE OF LAKE ERIE SHALL BE PROVIDED.

Policy 20B PROVIDE ACCESS TO LAKE ERIE AT WOODLAWN BEACH.

The public health and safety is served by providing protection to the Eighteen Mile Creek area and the publicly owned shoreline of Lake Erie. The lack of access to this environmentally significant resource is a problem. Access needs to be provided in a way that enhances recreational uses, while protecting the area's exceptional fish and wildlife, scenic and archaeological resources and respecting private property rights. Such access is to be provided in accordance with the joint resources management plan prepared with the Town of Evans, if such plan has been completed.

Woodlawn Beach is one of the largest sandy beaches along Lake Erie in New York State. Its location within an urban area makes it especially valuable as a potential future recreational resource. To the extent practicable, access to Lake Erie from the beach shall be provided. Guidelines number 1(a), 1(c), 1(d) 3, 1(e) for Policy 19 shall be used to determine the consistency of a proposed action with this policy, in addition to the following:

1. The existing level of public access within public coastal lands or waters shall not be reduced or eliminated.

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

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

(2) Access is reduced or blocked completely by any public developments.

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

3. See Guidelines 2, 3 and 4 under Policy 19.

RECREATION POLICIES

Policy 21 WATER DEPENDENT AND WATER ENHANCED RECREATION WILL BE ENCOURAGED AND FACILITATED, AND WILL BE GIVEN PRIORITY OVER NON-WATER RELATED USES ALONG THE COAST, PROVIDED IT IS CONSISTENT WITH THE PRESERVATION AND ENHANCEMENT OF OTHER COASTAL RESOURCES AND TAKES INTO ACCOUNT DEMAND FOR SUCH FACILITIES. IN FACILITATING SUCH ACTIVITIES, PRIORITY SHALL BE GIVEN TO AREAS WHERE ACCESS TO THE RECREATION OPPORTUNITIES OF THE COAST CAN BE PROVIDED BY NEW OR EXISTING PUBLIC TRANSPORTATION SERVICES AND TO THOSE AREAS WHERE THE USE OF THE SHORE IS SEVERELY RESTRICTED BY EXISTING DEVELOPMENT.

Policy 21A PROMOTE THE DEVELOPMENT OF A RECREATIONAL PARK FACILITY IN WOODLAWN.

The demand for additional boat slip space, as well as bathing facilities in close proximity to the urban area has been well documented in Town, County, and State reports. The public right to recreational use of the Lake Erie resource is important to realize and can be accomplished through such developments.

Consistent with demand and the protection of other important coastal resources, water-related (dependent and enhanced) recreation uses shall have a higher priority than any non-water related uses, including non-water related recreation uses shall have a higher priority over water-enhanced recreation uses. In addition, water-dependent recreation uses shall have a higher priority over water-enhanced recreation uses. Determining a priority among water-dependent uses will require a case-by-case analysis. (See Policy 2 for definitions and additional provisions concerning water-dependent uses). See Section IV, "Proposed Land and Water Uses, A (1) Woodlawn.

The siting of boating facilities must be consistent with preservation and enhancement of other coastal resources and with their capacity to accommodate demand. Boating facilities will include parking, park like surroundings, toilet facilities, and pumpout facilities.

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

Policy 22 DEVELOPMENT, WHEN LOCATED ADJACENT TO THE SHORE, WILL PROVIDE FOR WATER-RELATED RECREATION, AS A MULTIPLE USE, WHENEVER SUCH RECREATIONAL USE IS APPROPRIATE IN LIGHT OF REASONABLY ANTICIPATED DEMAND FOR SUCH ACTIVITIES AND THE PRIMARY PURPOSE OF THE DEVELOPMENT.

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

The types of development which can generally provide water-related recreation as a multiple use include, but are not limited to:

- parks
- highways
- power plants
- utility transmission rights of way

sewage treatment facilities
hospitals*
schools, universities*
nature preserves*
large residential subdivisions
shopping centers
office buildings

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

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

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

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

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

HISTORIC AND SCENIC RESOURCES POLICIES

Policy 23 PROTECT, ENHANCE AND RESTORE STRUCTURES,
DISTRICTS, AREAS OR SITES THAT ARE OF SIGNIFICANCE
IN THE HISTORY, ARCHITECTURE, ARCHAEOLOGY OR
CULTURE OF THE STATE, ITS COMMUNITIES, OR THE
NATION.

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

Within the Town of Hamburg Waterfront Revitalization Area, zones of potential archaeological significance, as identified by the State Historic Preservation Office and the New York State Museum, exist at the mouth of Eighteen Mile Creek, and in the Athol Springs/Bay View and Woodlawn areas. There are no structures listed, or eligible for listing, on the National Register of Historic Places within the Town's waterfront area. There is one structure of local historic significance in the waterfront area (see the Inventory and Analysis Section - B.13. Paleontological, Archeological and Historic Resources for a further description).

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

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

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

Policy 24 THE STATE COASTAL POLICY REGARDING THE PROTECTION OF SCENIC RESOURCES OF STATEWIDE SIGNIFICANCE IS NOT APPLICABLE TO HAMBURG.

Policy 25 PROTECT, RESTORE, OR ENHANCE NATURAL AND MANMADE RESOURCES WHICH ARE NOT IDENTIFIED AS BEING OF STATEWIDE SIGNIFICANCE, BUT WHICH CONTRIBUTE TO THE OVERALL SCENIC QUALITY OF THE COASTAL AREAS.

Policy 25A PROTECT AND ENHANCE THE SCENIC QUALITIES OF BLUFF AREAS, AND THOSE VIEWS PREVELANT ALONG NYS ROUTE 5 IN ATHOL SPRINGS, AND ALONG OLD LAKE SHORE ROAD.

The location of the Town adjacent to Lake Erie requires a commitment to ensure the visibility of the Lake to area residents. The Lake is a public resource whose scenic resource quality must be preserved and utilized.

This policy applies to those areas listed in Policy 25A.

The following siting guidelines shall be used to determine a proposed action's consistency with this policy, recognizing that each development situation is unique and that guidelines will have to be applied accordingly, are as follows:

- siting structures and other development such as highways, power lines, and signs, back from shorelines or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore;
- clustering or orienting structures to retain views, save open space and provide visual organization to a development;
- incorporating sound, existing structures (especially historic buildings) into the overall development scheme;
- removing deteriorated and/or degrading elements;
- maintaining or adding vegetation to provide interest, encourage the presence of wildlife, blend structures into the site, and obscure unattractive elements, except when selective clearing removes unsightly, diseased or hazardous vegetation and when selective clearing creates views of coastal waters;
- using appropriate materials, in addition to vegetation, to screen unattractive elements;
- using appropriate scales, forms and materials to ensure that buildings and other structures are compatible with and add interest to the landscape.

Policy 25B PROTECT AND ENHANCE THE SCENIC QUALITIES OF THE EIGHTEEN MILE CREEK GORGE.

This policy pertains to the Eighteen Mile Creek and its gorge, which forms the boundary between the Town of Evans and the Town of Hamburg and which is a regionally important scenic resource. The scenic quality of the area is primarily the result of its combination of dramatic geology, natural vegetation, running water, and limited development. Any action which would impair the scenic quality of this area is inconsistent with this policy. Impairment shall include: (1) the irreversible modification of geologic forms, including that resulting from the disturbance and/or acceleration of natural geologic processes; (2) the destruction or removal of vegetation, whenever such vegetation is significant to the scenic quality of the area; (3) the substantial and permanent reduction of the quality and/or quantity of water flowing in Eighteen Mile Creek; and (4) the addition of structures which because of siting or scale will reduce scenic access or which because of scale, form, or materials will diminish the scenic quality of the area. In addition, actions which may affect the

scenic quality of this area shall comply with the joint resource management plan prepared with the Town of Evans, if such plan has been completed. (See also Policy 23).

Guidelines for determining consistency of proposed actions with this policy incorporate all guidelines noted for Policies 25, 25A and 33 (except for guideline d under Policy 33), as well as the following:

- o Structures or buildings will not be located within 60' of the crest of any bank of Eighteen Mile Creek when such bank exceeds 20' in height.

AGRICULTURAL LANDS POLICY

Policy 26 THE STATE COASTAL POLICY REGARDING THE PROTECTION OF AGRICULTURAL LANDS IN THE COASTAL AREA IS NOT APPLICABLE TO HAMBURG.

ENERGY AND ICE MANAGEMENT POLICIES

Policy 27 DECISIONS ON THE SITING AND CONSTRUCTION OF MAJOR ENERGY FACILITIES IN THE COASTAL AREA WILL BE BASED ON PUBLIC ENERGY NEEDS, COMPATIBILITY OF SUCH FACILITIES WITH THE ENVIRONMENT, AND THE FACILITY'S NEED FOR A SHOREFRONT LOCATION.

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

A determination of public need for energy is the first step in the process for siting any new facilities. The directives for determining this need are contained primarily in Article 5 of the New York State Energy Law. The Article requires the preparation of a State Energy Master Plan. With respect to transmission lines and steam electric generating facilities, Article VII and VIII of the State's Public Service Law require additional forecasts and establish the basis for determining the compatibility of these facilities with the environment and the necessity for a shorefront location. The policies derived from the siting regulations under these Articles are entirely consistent with the general coastal zone policies derived from other laws, particularly the regulations promulgated pursuant to the Waterfront Revitalization and Coastal Resources Act. That Act is used for the purposes of ensuring consistency with the Coastal Management Program.

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

which would impact the coastal area are made consistent with coastal policies.

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

Prior to undertaking actions required for ice management, an assessment must be made of the potential effects of such actions upon the production of hydroelectric power, Seneca Shoals, Smokes Creek Shoals, and Eighteen Mile Creek habitats, flood levels and damage, rates of shoreline erosion damage, and upon natural protective features.

Following such an examination, adequate methods of avoidance or mitigation of such potential effects must be utilized if the proposed action is to be implemented.

Policy 29 ENCOURAGE THE DEVELOPMENT OF ENERGY RESOURCES ON THE OUTER CONTINENTAL SHELF, IN LAKE ERIE AND IN OTHER WATER BODIES, AND ENSURE THE ENVIRONMENTAL SAFETY OF SUCH ACTIVITIES.

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

State law currently prohibits development of wells nearer than one-half mile from the shoreline, two miles from public water supply intakes, and one thousand feet from any other structure or installation in or on Lake Erie. Further, State law prohibits production of liquid hydrocarbons in Lake Erie, either alone or in association with natural gas.

WATER AND AIR RESOURCES POLICIES

Policy 30 MUNICIPAL, INDUSTRIAL AND COMMERCIAL DISCHARGE OF POLLUTANTS INCLUDING BUT NOT LIMITED TO, TOXIC AND HAZARDOUS SUBSTANCES, INTO COASTAL WATERS WILL CONFORM TO STATE AND NATIONAL WATER QUALITY STANDARDS.

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

pass through municipal treatment systems before reaching the State's waterways.

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

Pursuant to the Federal Clean Water Act of 1977 (PL 95-217) the State has classified its coastal and other waters in accordance with considerations of best usage in the interest of the public and has adopted water quality standards for each class of waters. These classifications and standards are reviewable at least every three years for possible revision or amendment. The Town of Hamburg Local Waterfront Revitalization Program and State coastal management policies shall be factored into the review process for coastal waters in the Town. However, such consideration shall not affect any water pollution control requirement established by the State pursuant to the Federal Clean Water Act.

Since the waters of Lake Erie, with the exception of those Class C waters offshore from the former Bethlehem Steel Plant, are classified A or B and are utilized primarily for swimming, fishing and boating, maintenance of the current classification is appropriate. Some localized water quality problems offshore from Woodlawn Beach require attention prior to further pursuit of any regional recreation facility. (see II.F. for additional information).

Policy 32 THE STATE COASTAL POLICY REGARDING THE USE OF ALTERNATIVE SANITARY SYSTEMS IS NOT APPLICABLE TO HAMBURG.

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

Best management practices include both structural and non-structural methods of preventing or mitigating pollution caused by the discharge of stormwater runoff. At present, combined sewer overflows are not a problem.

In the Town of Hamburg, various open space reservation and drainage easement areas have been identified along the waterfront at Blasdell Creek, Woodlawn Beach, Rush Creek, Hoover Beach, Hamburg Town Park, Wanakah Creek, Berricks Creek, Pinehurst Creek and Eighteen Mile Creek. Detailed guidelines for Town review of proposed actions located within these areas are included in Section 29-10 of the Town Zoning Ordinance. In general, any action proposed within 200' of the centerline of the aforementioned streams shall be subject to the following guidelines.

- a) The proposed structure or building would not impede the flow of floodwater or otherwise cause damage to life or property.
- b) The proposed structure or building would not interfere with the maintenance of adequate drainage channels and ponding areas to carry abnormal flows or stormwater in periods of heavy precipitation.
- c) The proposed structure or building is not inconsistent with the intent, spirit or objectives of the 2010 Proposed Land Use Plan Map, as adopted by the Town Planning Board.
- d) Structures or buildings will not be permitted within 100' of the center line of streams.

Policy 34 DISCHARGE OF WASTE MATERIALS INTO COASTAL WATERS FROM VESSELS WILL BE LIMITED SO AS TO PROTECT SIGNIFICANT FISH AND WILDLIFE HABITATS, RECREATIONAL AREAS AND WATER SUPPLY AREAS.

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

The Town of Hamburg shall require pumpout facilities at new marinas.

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

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

State dredging permits will be granted if it has been satisfactorily demonstrated that these anticipated adverse effects have been reduced to levels which satisfy State dredging permit standards set forth in regulations developed pursuant to Environmental Conservation Law, (Articles 15, 24, 25, and 34),

and are consistent with policies pertaining to the protection of coastal resources (Policies 7 and 15).

Policy 36 ACTIVITIES RELATED TO THE SHIPMENT AND STORAGE OF PETROLEUM AND OTHER HAZARDOUS MATERIALS WILL BE CONDUCTED IN A MANNER THAT WILL PREVENT OR AT LEAST MINIMIZE SPILLS INTO COASTAL WATERS; ALL PRACTICABLE EFFORTS WILL BE UNDERTAKEN TO EXPEDITE THE CLEANUP OF SUCH DISCHARGES; AND RESTITUTION FOR DAMAGES WILL BE REQUIRED WHEN THESE SPILLS OCCUR.

All activities within the Town of Hamburg waterfront which are subject to this policy shall comply with all applicable State and federal regulations.

Policy 37 BEST MANAGEMENT PRACTICES WILL BE UTILIZED TO MINIMIZE THE NON-POINT DISCHARGE OF EXCESS NUTRIENTS, ORGANICS AND ERODED SOILS INTO COASTAL WATERS.

See Policy 33.

Policy 38 THE QUALITY AND QUANTITY OF SURFACE WATER AND GROUND WATER SUPPLIES WILL BE CONSERVED AND PROTECTED, PARTICULARLY WHERE SUCH WATERS CONSTITUTE THE PRIMARY OR SOLE SOURCE OF WATER SUPPLY.

Surface water is the major source of drinking water in the Town of Hamburg and therefore must be protected. The Town of Hamburg WRA is serviced by a high technology sanitary sewer system and all commercial and industrial discharges are regulated by State and Federal Law.

Policy 39 THE TRANSPORT, STORAGE, TREATMENT AND DISPOSAL OF SOLID WASTES, PARTICULARLY HAZARDOUS WASTES, WITHIN COASTAL AREAS WILL BE CONDUCTED IN SUCH A MANNER SO AS TO PROTECT GROUNDWATER AND SURFACE WATER SUPPLIES, SIGNIFICANT FISH AND WILDLIFE HABITATS, RECREATION AREAS, IMPORTANT AGRICULTURAL LANDS AND SCENIC RESOURCES.

The definition of terms "solid wastes" and "solid waste management facilities" are taken from New York's Solid Waste Management Act (Environmental Conservation Law, Article 27). Solid wastes include sludge from air or water pollution control facilities, demolition and construction debris and industrial commercial wastes. See Policy 8 for definition of hazardous wastes.

No storage of solid waste is permitted in the Town of Hamburg WRA. Also see policy 36.

Policy 40 THE STATE COASTAL POLICY REGARDING EFFLUENT DISCHARGED FROM MAJOR STEAM ELECTRIC GENERATING AND INDUSTRIAL FACILITIES INTO COASTAL WATERS IS NOT APPLICABLE TO HAMBURG.

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

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

Policy 42 COASTAL MANAGEMENT POLICIES WILL BE CONSIDERED IF THE STATE RECLASSIFIES LAND AREAS PURSUANT TO THE PREVENTION OF SIGNIFICANT DETERIORATION REGULATIONS OF THE FEDERAL CLEAN AIR ACT.

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

Policy 43 LAND USE OR DEVELOPMENT IN THE COASTAL AREA MUST NOT CAUSE THE GENERATION OF SIGNIFICANT AMOUNTS OF THE ACID RAIN PRECURSORS: NITRATES AND SULFATES.

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

Policy 44 THE STATE COASTAL POLICY REGARDING THE PROTECTION OF WETLANDS IS NOT APPLICABLE TO HAMBURG.

Section IV
PROPOSED LAND AND WATER USES

TOWN OF HAMBURG

PROPOSED LAND AND WATER USES

A. LAND USES

Most of the Town of Hamburg Waterfront Revitalization Area is occupied by single family housing, with some small-scale commercial development scattered throughout the area. Much of the extreme northern portion of the Town's waterfront area is industrial.

For descriptive purposes, the Hamburg Waterfront Revitalization Area has been divided from north to south into the following sub areas:

1. Woodlawn
2. Hoover Beach/Athol Springs
3. Locksley Park/Mount Vernon
4. Wanakah
5. Clifton Heights/Pinehurst
6. Walden Cliffs

1. Woodlawn (Map 7A)

Woodlawn Beach is the focal point for the proposed Woodlawn area land use plan. It is proposed that Woodlawn Beach and areas to the north in the Bethlehem complex be redeveloped as a major water oriented mixed use development. It would include a 400 slip marina, bathing beach and accompanying picnic areas, as well as a waterside restaurant, lakeside housing, and a high technology office complex. These plans are already in the conceptual design stage by Buffalo

Crushed Stone. As part of the concept, Rush and Blasdel Creeks are proposed to be realigned so that they discharge into Lake Erie via the marina north of Woodlawn Beach. The facility would be privately owned but include provisions for public access. The design of any marina in this area will be done in a manner which will not impair the viability of the Smokes Creek Shoals Habitat. Existing industrial uses along Route 5 (i.e. the Bethlehem Specialty Products Division, the adjacent rail transfer facilities, and the Ford Motor Co.) are expected to remain in place for the foreseeable future.

The existing residential neighborhood at Woodlawn will continue to utilize federal Community Development or similar funds for housing rehabilitation and infrastructure improvements (The use of Federal funds

requires a review by the State Historic Preservation Officer in accordance with the Advisory Council on Historic Preservation's regulations, 36 CFR 800/801).

2. Hoover Beach/Athol Springs (Map 7A)

This area, occupying roughly 1.5 miles of shoreline and extending one-half mile inland, contains a diversity of uses: residential, commercial, educational, recreational, and industrial. Large undeveloped tracts exist inland of Route 5. The bulk of recreational activity occurs in the shoreline community of Hoover Beach. Commercial uses include bait shops and seafood restaurants, as well as more generalized commercial uses. A private high school is located at the southern edge of the area.

Much of the Hoover Beach residential community is stable. However, numerous shoreline properties in Hoover Beach have been subjected to severe storm damage resulting from high waves. The Town has received funding to acquire and demolish a number of homes. Vacant land created by this action will become public shoreline open space, and will result in a 100 foot setback from the water's edge for inland development.

A significant opportunity for future development exists in the Route 5/Big Tree/Bayview area, which is largely undeveloped. Among its attributes are excellent accessibility (along Route 5 and to the New York State Thruway via Routes 75 and 179), high visibility to passers-by, and several outstanding scenic vistas of Lake Erie. In addition, nearby specialty restaurants service a regional clientele.

Portions of this area (primarily along the northeastern perimeter near the Ford Stamping Plant) have been identified by the Town of Hamburg Master Plan as appropriate for future industrial development. Elsewhere, opportunities exist to develop a mixture of commercial and residential uses which capitalize upon the attributes described above. Specifically, areas immediately north and south of Hoover Beach are appropriate for developing water-oriented commercial activities (restaurants, boat dealers, tackle shops, nautical supplies, etc.), as well as facilities catering to tourists (lodging, camping, and personal services). East of the Hoover Beach Community Park, opportunities exist for medium-density residential development.

It should be noted that obstacles to such developments are present within this area. The numerous roads in portions of the area discourage the assembly of

marketable parcels capable of accommodating large-scale comprehensive development. These roads also form a confusing pattern. Selective closings and re-alignments should be considered.

In addition, portions of the area lie within the floodplain of Foster Brook. In order to enhance development opportunities, consideration should be given to channel improvements (in both depth and alignment) and the creation of a permanent pond that could serve as a scenic focal point for development (as well as a stormwater retention facility).

3. Locksley Park/Mount Vernon: (Map 7B)

These two adjoining neighborhoods occupy roughly two miles of shoreline and extend one-half mile inland. Both neighborhoods are overwhelmingly residential in character; some small-scale commercial and institutional uses also exist. One-half mile of the northern lakeshore of Locksley Park is used as a Town Park.

Virtually the entire Locksley Park/Mount Vernon area is fully developed. A continuation of existing land use patterns in this area is proposed.

4. Wanakah: (Map 7B)

The Wanakah area occupies two miles of shoreline from Clover Bank Road to the junction of Route 5 and Old Lake Shore Road. Of the 520 acres included in the Wanakah area, roughly 175 acres are occupied by the privately-owned Wanakah Country Club. The remainder of the area is predominantly residential, although convenience commercial activities (most notable at Route 5 and Clover Bank Road) also exist. There are limited areas of institutional use (religious and educational facilities). The privately-owned Wanakah Water Company operates an intake/pumping facility on a small portion of the shoreline. Existing uses are well-established and exhibit stability. As in Locksley Park and Mount Vernon, practically all land in Wanakah is fully-developed. A continuation of existing land use patterns in this area is proposed.

5. Clifton Heights/Pinehurst: (Map 7C)

The Clifton Heights and Pinehurst neighborhoods occupy approximately one mile of shoreline extending 4000' inland. The area is characterized by a mixture of single-family housing and undeveloped tracts. In the Clifton Heights neighborhood, numerous summer cottages exist. Most have been converted into year-round

residences, and many exhibit signs of severe deterioration that adversely affect the neighborhood at large.

For approximately 3000', Old Lake Shore Road runs directly along the shoreline at the crest of a steep 40' high bluff. This segment of roadway presents dramatic vistas of Lake Erie, and its continued use as an open space resource is proposed. Consideration should be given to implementing minor aesthetic improvements such as selective clearing of vegetation in order to enhance an already-attractive visual environment.

Overall land use for the Clifton Heights/Pinehurst area is in accordance with Town Master Plan guidelines emphasizing low-density residential development while preserving a linear open space/drainage corridor along Pinehurst Creek. Concentrated comprehensive neighborhood revitalization efforts in Clifton Heights are strongly recommended.

6. Walden Cliffs: (Map 7C)

This southernmost section of the Hamburg Waterfront Revitalization Area occupies two miles of shoreline, extending inland 1500' to 4000'. Most of the shoreline is occupied by residential estates. Inland areas contain a mixture of single-family residences, vacant lots, and woodland. The environmentally-sensitive Eighteen Mile Creek gorge forms the southern boundary of the Walden Cliffs sub-area, as well as being the Hamburg/Evans boundary.

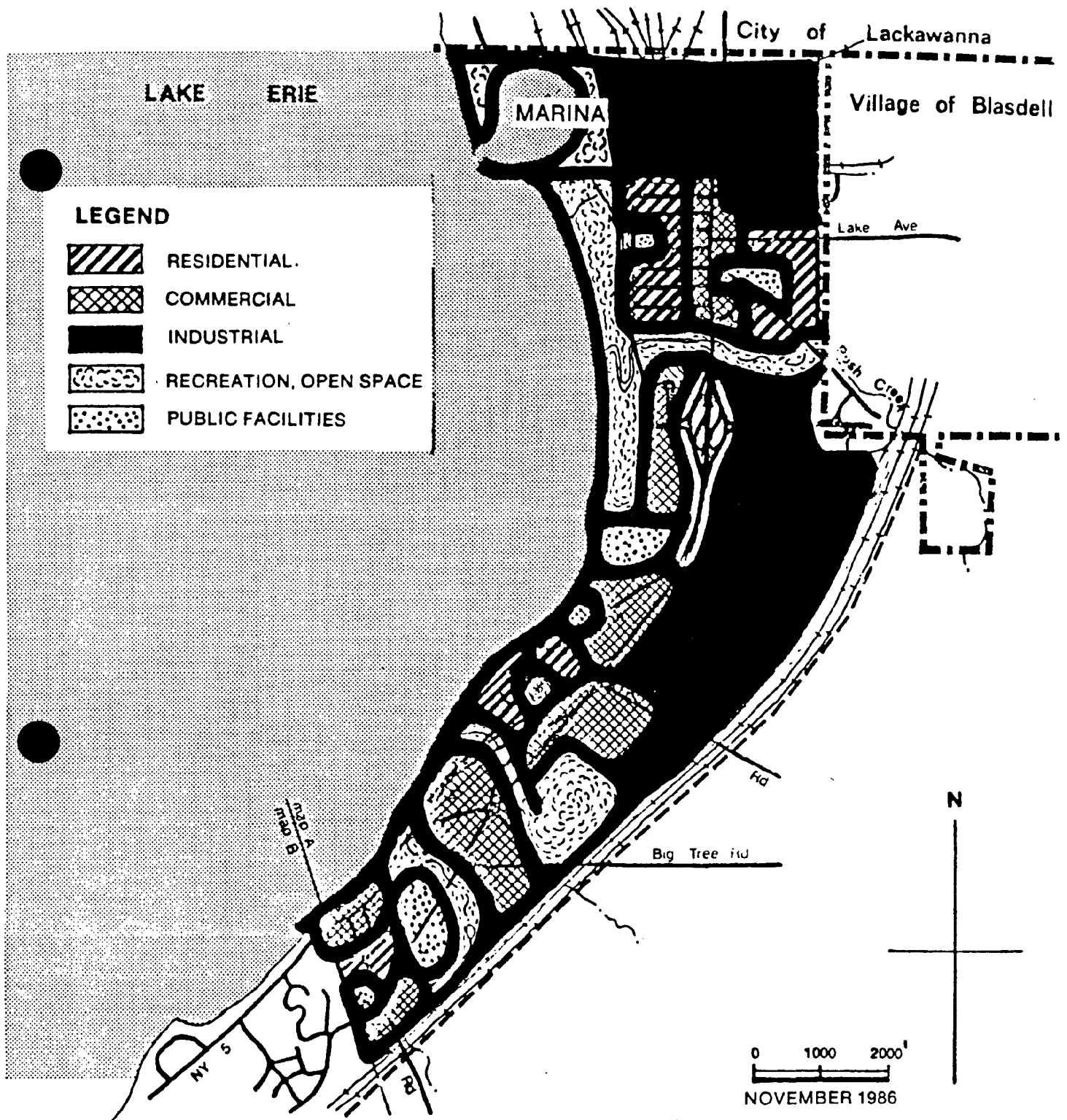
Proposed uses include low density residential development. The major emphasis within Eighteen Mile Creek gorge is the preservation of the area as a unique geologic site and significant habitat. Secondly, controlled public access will be encouraged.

B. WATER USES

Of the uses envisioned for Lake Erie adjacent to the Town of Hamburg, recreational uses form the dominant component. Swimming, already popular at the Town Park, is also proposed for Woodlawn Beach. Sport fishing, particularly at Athol Springs, Woodlawn Beach, Eighteen Mile Creek (a major coho salmon spawning stream), and Seneca Shoals, is expected to maintain and increase in popularity (due partly to anticipated supplementary measures such as fish stocking programs and recently enacted State Legislation on the use of gill nets in Lake Erie). Numerous private beaches and boat launches provide additional recreation opportunities for area residents.

Lake Erie is the primary source of drinking water for the Town of Hamburg (the Wanakah Water Company intake, servicing a portion of the Town is located approximately 1000' offshore). Land use policies and other regulatory and permit mechanisms will maintain the integrity of this resource.

Lake Erie also functions as a receptor of stormwater and wastewater discharges. All streams discharging into Lake Erie along the Hamburg shoreline serve as storm water drainage channel components of a Town-wide drainage system. Most streams carry runoff from residential or agricultural areas, although Blasdel Creek receives runoff from Bethlehem Steel complex. The existing drainage function of streams within the Waterfront Revitalization Area will be maintained.



LOCAL WATERFRONT REVITALIZATION PROGRAM

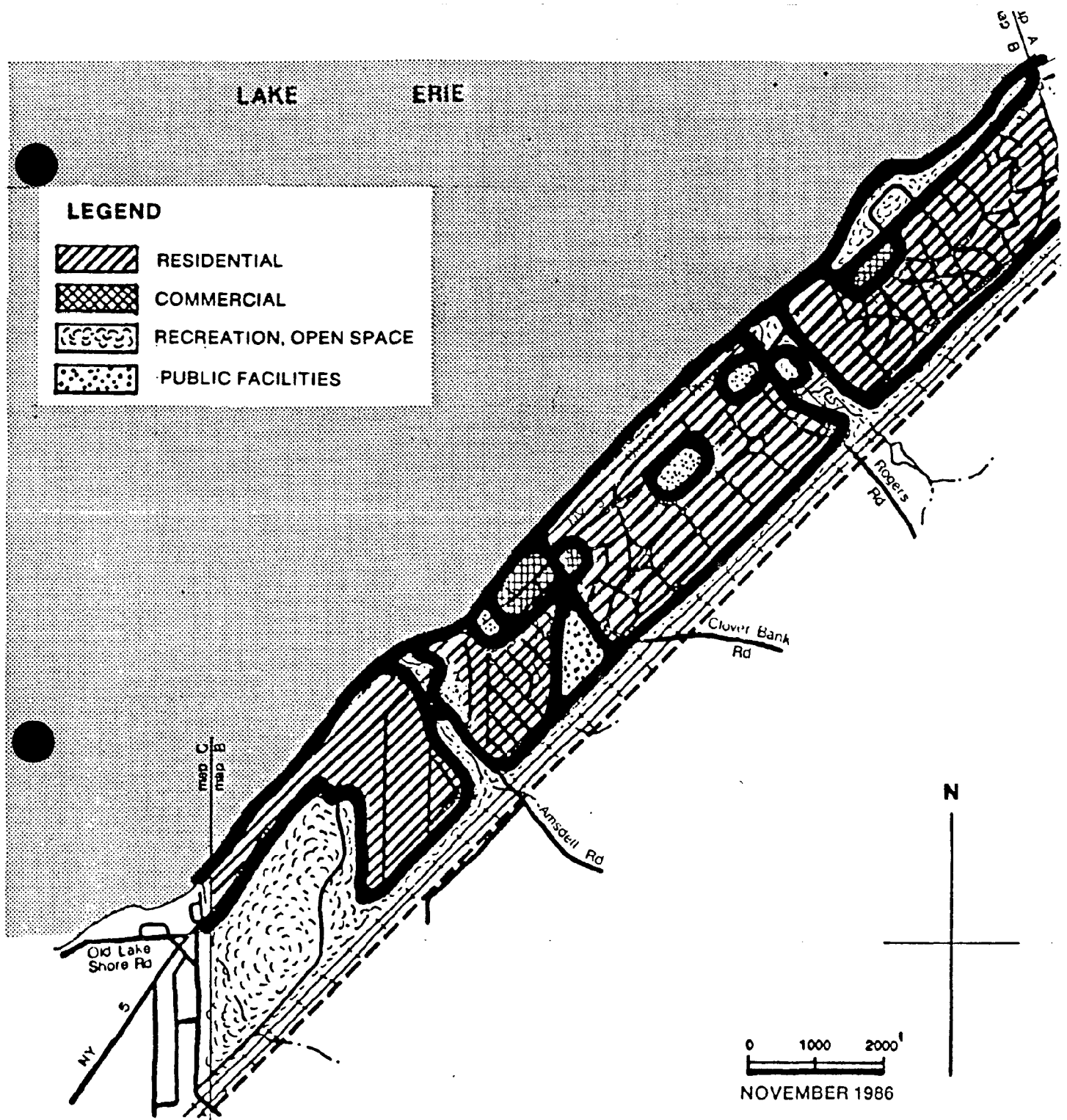
ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING

STUART ALEXANDER AND ASSOCIATES, PLANNERS/
LANDSCAPE ARCHITECTS

MAP 7A

LAND USE PLAN

TOWN OF HAMBURG



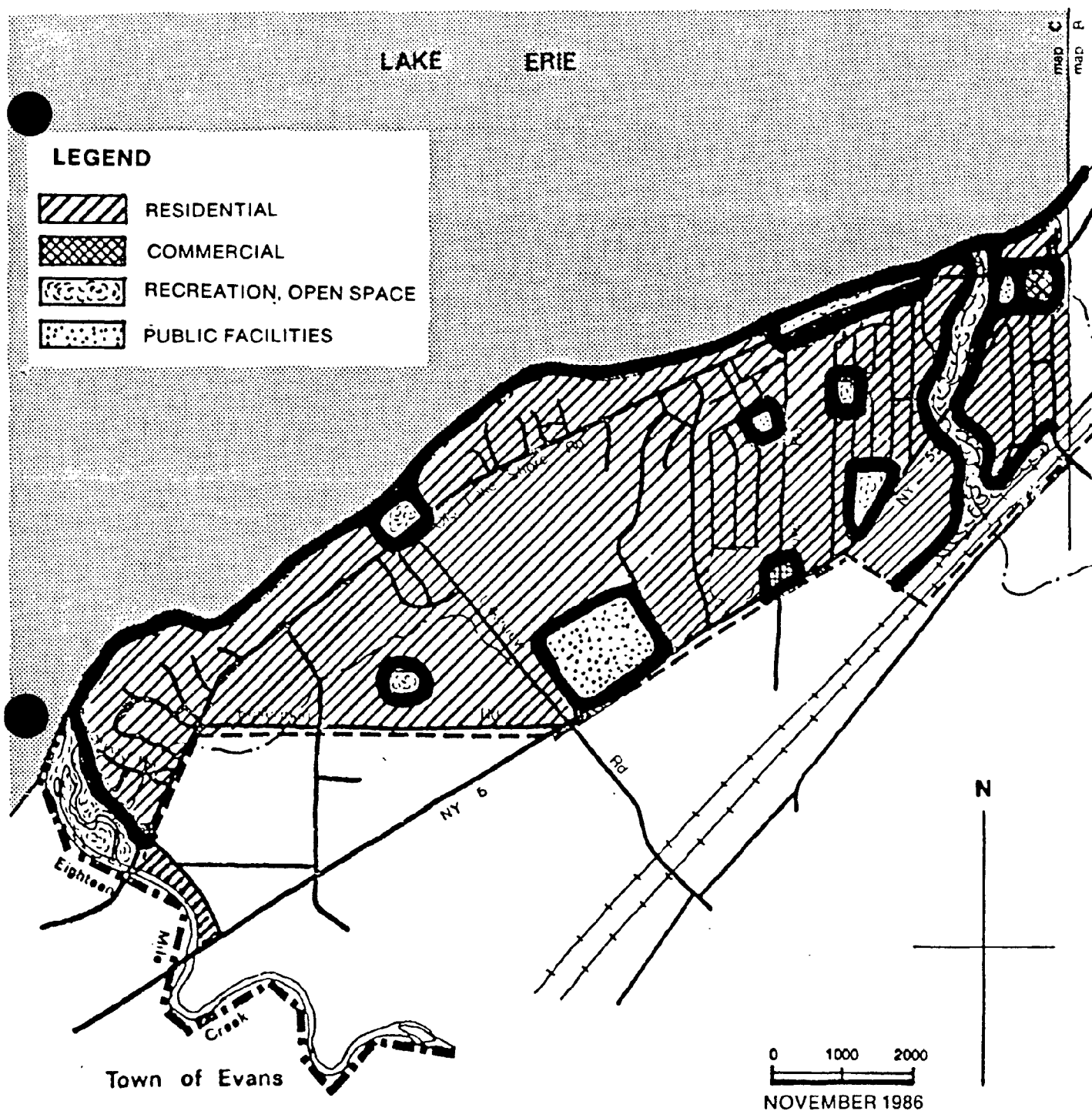
LOCAL WATERFRONT REVITALIZATION PROGRAM

ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING

STUART ALEXANDER AND ASSOCIATES, PLANNERS/
LANDSCAPE ARCHITECTS

MAP 7B LAND USE PLAN

TOWN OF HAMBURG



LOCAL WATERFRONT REVITALIZATION PROGRAM

ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING

STUART ALEXANDER AND ASSOCIATES, PLANNERS/
LANDSCAPE ARCHITECTS

MAP 7C LAND USE PLAN

TOWN OF HAMBURG

Section V

TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM

TOWN OF HAMBURG

TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM

The Town of Hamburg currently has in place a number of statutory, financial, and administrative mechanisms to assist in the implementation of adopted waterfront plans and policies. These include zoning, subdivision regulations, site plan review, flood prevention, and permit requirements; capital budgeting, as well as funding for operations, maintenance, and staffing of public facilities; and on-going operation of the Town's Local Waterfront Advisory Committee. In addition, the Town maintains a full-time professional planning staff.

The following pages briefly describe existing implementation mechanisms, and list additional mechanisms appropriate for realization of local waterfront policy objectives. It should be noted that an implementation blueprint is included at the end of the section.

A. LOCAL LAWS AND REGULATIONS NECESSARY TO IMPLEMENT THE LWRP

1. Existing Local Laws and Regulations

a. Town of Hamburg Zoning law:

This local law divides the Town into 15 categories of zoning districts, regulating uses, densities, bulk, open space, signs, and parking requirements. The law establishes the Town's power to undertake site plan review procedures prior to granting approval for development. The law also establishes "Conservation Areas" restricting development along drainage channels, in floodplains, in wetlands, along the Eighteen Mile Creek gorge, and in significant woodlands.

It is the intent of the Zoning Law to implement the land use recommendations of the Town's Master Plan.

The Zoning Law enables the Town to implement the proposed land and water uses for the Waterfront Revitalization Area by ensuring that future land uses and supplementary items (i.e. signs, parking, open space requirements) are consistent with adopted waterfront policy objectives. The law also preserves the environmentally sensitive Eighteen Mile Creek gorge in its natural state by requiring a minimum 60'-setback from the crest of the gorge for any structure, and by prohibiting the construction of any structure within the gorge itself.

The law also permits a thorough site plan review of proposed developments, including circulation, infrastructure, and landscaping.

Specifically, existing land use controls, open space requirements, established zoning districts, and the designation of "conservation areas" assist in implementing policies 2 and 5 (Development), 7 and 7A (Fish and Wildlife), 11 (Flooding and Erosion), 23 and 23A (Recreation), 25 and 25A (Scenic Quality), 27 and 29 (Energy and Ice Management), and 31 (Water Quality). Land uses permitted along the waterfront are primarily low-density residential. Yard and open space requirements preserve scenic vistas between buildings, particularly along the southern half of the Hamburg shoreline. Development within flood hazard and conservation areas is strictly controlled, and the Eighteen Mile Creek gorge is specifically protected from encroachment (Section 29-10.D.2.d). Cluster housing and townhouse regulations and design standards are in place (Article XXIV). Site plan review procedures and criteria are established (Article XXVIII).

b. Town of Hamburg Subdivision Regulations:

This local law establishes design standards and review procedures for land subdivision and development proposals, regulating items such as roadways, utilities, and drainage.

Specifically, the regulations assist in implementing Policies 5 (Development), 11 (Flooding and Erosion), 19 and 20 (Public Access), 21 and 22 (Recreation), 25 and 25A (Scenic Quality), and 33 (Water and Air Resources). The Planning Board is given site plan approval authority (Section 31-2). Design standards are established which regulate infrastructure, street layout, and open space (Article V). Residential development in flood-prone areas is prohibited (Section 31-17.A.). Important natural and aesthetic features including woodlands, watercourses, beaches, historic spots, and vistas are to be preserved wherever possible (Section 31-17.B). Drainage and sanitary sewer systems are subject to approval (Sections 31-18 and 31-20).

Park and recreation areas are required to be reserved, and their location, accessibility, and character are subject to Planning Board approval (Section 31-23).

c. Town of Hamburg Flood Damage Prevention Law:

This local law restricts development in flood hazard areas and floodways identified in "The Flood Insurance Study for the Town of Hamburg (1980)".

The law minimizes the likelihood of property damage due to flooding, and preserves significant open space corridors within the Waterfront Revitalization Area. The law directly implements provisions of Policies 11 and 17 (Flooding and Erosion Hazards).

d. Town of Hamburg Environmental Quality Review Law:

This local law mandates a comprehensive review of all proposed developments within the Town to ensure their compatibility with environmental conditions, as well as Local, State and Federal regulations. In addition, since virtually all development activities which create a change in pre-existing conditions are subject to environmental review, this local law can be used to implement most policies which require site plan and similar reviews.

This local law directly implements State and Local Policy 18, requiring a comprehensive coordinated review of all proposed actions within the Waterfront Revitalization Area.

e. Department of Planning and Development Law:

This local law establishes a full-time Department of Planning and Development with responsibilities to include enforcement of zoning ordinances, issuance of construction and demolition permits, and issuance of certificates of occupancy, as well as other responsibilities which may be assigned by the Town Board.

f. Beach Control Law:

This local law prohibits the disposal of glass and glass containers on any beach within the Town. This law serves to implement Policies 25 and 25A (scenic quality) by prohibiting unsightly and dangerous litter from accumulating on Town beaches.

g. Removal of Topsoil Law:

This local law requires that a permit be obtained

from the Town Building Inspector prior to removing topsoil from any site within the Town. Such removal shall occur only in compliance with existing site plan and subdivision regulations. By regulating removal of topsoil this law assists in implementing Policy 37 (Water and Air Resources).

h. Local Waterfront Advisory Committee:

The Town Board through resolution created this temporary committee to advise Town officials concerning waterfront concerns and assist in preparation of the LWRP.

i. Local Disaster Plan:

The Town has in place a local Disaster Plan (effective October 1984) which would be used as a guide for evacuations and other appropriate actions during major coastal storms. The plan assists in implementing Policy 11 (Flooding and Erosion).

2. ADDITIONAL LOCAL LAWS AND REGULATIONS ADOPTED TO IMPLEMENT THE LWRP

a. Environmental Quality Review Law Revisions:

Type I and unlisted actions will be required to comply with the policies and provisions of the Local Waterfront Revitalization Program. See Appendix B for a description of the revisions.

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

1. Local Government Actions Necessary to Implement the LWRP

a. Property Acquisition/Maintenance:

Property acquisition may be required for constructing any additional public boat launch ramps at sites to be determined by a recently-inaugurated site selection/feasibility study funded through a recent grant from NYSDEC.

Shoreline property currently under public ownership will be retained and, where appropriate, developed to provide public shoreline access.

b. Municipal Budgeting:

The Town will continue to reserve funds for the

construction and ongoing maintenance of public facilities within the Waterfront Revitalization Area. Included within these activities are operation of the Town Park and boat launch, maintenance of drainage channels, and maintenance of public infrastructure.

Budgetary provisions will continue to be made which ensure funding or personnel required to undertake reviews and enforcement of proposals and statutory requirements within the Waterfront Revitalization Area.

c. Technical Support:

The Town of Hamburg will continue to provide technical support services to private property owners in the preparation of erosion protection structure design, site plan review and revision, and in expediting permit procedures.

d. Non-Local Funding:

The Town will continue to identify State and Federal programs and other funding sources (such as those obtained to conduct an analysis of potential public boat launch sites) which may become available to implement waterfront development projects and plans. Town personnel will assist in the preparation of specific grant applications to secure such funding.

Property acquisition may be required for constructing any additional public boat launch ramps at sites to be determined by a recently-inaugurated site selection/feasibility study funded through a recent grant from NYSDEC.

e. Eighteen Mile Creek Resource Management Plan:

Due to the unique nature of the Eighteen Mile Creek gorge along the municipal boundary of the Town of Hamburg with the Town of Evans, a resource management plan will be prepared. Discussions will occur with the Town of Evans and Erie County to explore the possibility of a joint planning effort. The Erie County Department of Environment and Planning has also identified the need for such a plan in their 1983 report entitled "Erie County Sport Fishery Management Plan". The major purpose of the undertaking will be to ensure the continued preservation of the fish habitat, geologic, scenic and recreational values of the area.

Funding assistance through the New York State Coastal Management Program will be sought for the program. A secondary approach to securing resources for plan completion will be to approach Erie County for technical assistance. The Town of Hamburg will aim at completing the plan in 1990.

f. New York State Coastal Eosion Hazard Area Act

The entire Town shoreline has been designated a "Natural Protective Feature" by NYSDEC under provisions of the State's Coastal Erosion Hazards Area Act. This action assists in implementing Policies 11 through 17 (Flooding and Erosion). All actions will be subject to review by NYSDEC in accordance with the Act's guidelines and regulations. The Town is examining the feasibility of establishing its own Coastal Erosion Management Program.

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

2. Private Actions Necessary to Implement the LWRP

One of the major objectives of the Town's program is the stimulation of private economic development activities in northern Hamburg arising from the redevelopment of the Bethlehem Steel complex. Nearly 200 acres of undeveloped land is suitable for diversified commercial development catering to the sport fishing and tourism industries. In addition, opportunities in the area exist for low-and-medium density residential development.

In order to transform Woodlawn Beach into a major recreation facility, the cooperation of the existing owner (Buffalo Crushed Stone) will be required. An estimated cost of \$25,000,000 has been placed on the facility.

C. MANAGEMENT STRUCTURE NECESSARY TO IMPLEMENT THE LWRP

Successful implementation of the Local Waterfront Revitalization Program will require participation of the Town Board, Waterfront Revitalization Committee, Planning Board, and technical support staff in the Planning and Development Enginerig, and Building Inspector's Offices. Overall coordination responsibilities will rest with the

Waterfront Revitalization Committee, with professional assistance from the Town Planning Director.

The Town Supervisor will act as the lead local contact for waterfront matters.

1. Management Responsibilities

a. Shoreline Revitalization Committee:

The Committee will be responsible for reviewing all actions affecting the Town's LWRP and referring their comments to the lead agency as determined by the Town's Environmental Quality Review Law. The Committee will also advise the Town Board, Town Supervisor, and other local departments, boards, committees, etc. regarding waterfront issues.

b. Planning Board:

The Planning Board will review all proposed developments within the Waterfront Revitalization Area for compliance with zoning and subdivision regulations and other statutory requirements. The Board will consider the comments of the Shoreline Revitalization Committee in accepting or rejecting proposed developments.

c. Town Board:

The Town Board will exercise their statutory approval authority over appropriate development proposals, based upon recommendations of the Shoreline Revitalization Committee and the Planning Board. The Town Board will also enact and amend local laws affecting the implementation of waterfront policy objectives, including adoption of the municipal budget.

d. Technical Staff:

The staff and resources of the Department of Planning and Development, Department of Engineering, and Building Inspector's Office will provide necessary technical support to the Shoreline Revitalization Committee as requested. Such support will include site plan reviews, environmental reviews, and preparation of ordinance revisions. In addition, these offices will provide limited technical assistance to private property owners within the waterfront area.

3. Local Procedures for Review of Proposed Local Actions

All locally initiated public and private actions within the waterfront area are subject to the provisions contained in the Town Environmental Quality Review Law. The Law requires consistency of all actions with the LWRP prior to SEQOR clearance by the lead agency. Reference should be made to the amended Environmental Quality Review Law for the procedures to be used to ensure local compliance. It is contained in Appendix B.

4. Local Procedures for Review of Proposed State and Federal Actions

The review of proposed State and federal actions within the Town's WRA will be undertaken in accordance with the procedural guidelines established by the New York State Department of State, and described in detail in Appendix C.

D. FINANCIAL RESOURCES NECESSARY TO IMPLEMENT THE LWRP

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

Residential and commercial revitalization efforts are expected to continue in the Woodlawn, Hoover Beach, and Clifton Heights neighborhoods. These areas have received the bulk of Community Development Block Grant Funds allocated to the Town of Hamburg. Current annual funding is approximately \$290,000. Funds will be used for housing rehabilitation, infrastructure repair, commercial revitalization (specifically in Woodlawn), and recreation improvements.

The largest single capital expenditure under the program is for the redevelopment of the Bethlehem Steel complex. The Town and the site's owners will seek funding assistance for this effort from a variety of State and Federal programs. Some of these programs include:

- o State Environmental Quality Bond Act funds
- o Federal Land and Water Conservation funds
- o Federal Boating Safety Act funds
- o Federal Outer Continental Shelf Revenue Sharing
- o State Waterfront Implementation Grants (\$375,000)

The Town has received funding through the Federal Emergency Management Administration for property acquisition and demolition of storm-damaged homes in Hoover Beach. The Town is seeking additional funding to extend this program. Vacant land created by this program will become public shoreline open space.

The Town has received a \$50,000 grant from NYSDEC to undertake a site selection and preliminary design study for additional public boat launch sites. Depending upon the results of the study, funding for site acquisition and capital construction may be required.

IMPLEMENTATION BLUEPRINT

ACTION	IMPLEMENTOR	TIMEFRAME
1. <u>Regulatory Changes</u>		
o Environmental Quality Review Law Revision	T. Hamburg	completed
2. <u>Capital Projects</u>		
o Public Boat Launch		
- Site Selection	T. Hamburg, Corps of Engineers, NYS	1987

- Funding*	T. Hamburg, Corps of Engineers, NYS	1987-88
- Design	T. Hamburg, Corps of Engineers, NYS	1987-88
- Construction	T. Hamburg, Corps of Engineers, NYS	1988-89
- Owner	T. Hamburg	

- * Funding for the project will be sought from a variety of sources including: U.S. Army Corps of Engineers - Improvements to Navigation; Land and Water Conservation Fund; NYS LWRP, NYS Environmental Quality Bond Funds, State Supplemental Budget. Funding for site selection was received in 1986; study completion was expected in 1987.

ACTION	IMPLEMENTOR	TIMEFRAME
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o Bethlehem Steel Redevelopment

- Concept and Institutional Plan	Buffalo Crushed Stone/Bethlehem Steel	1987
- Design	Buffalo Crushed Stone/Bethlehem Steel	1988 Start
- Construction	Buffalo Crushed Stone/Bethlehem Steel	1989 Start 15-20 year redevelop- ment
- Owner	Buffalo Crushed Stone/Bethlehem Steel	

4. Planning Actions

o Eighteen Mile Creek Resource Management Plan	T. Hamburg, T. Evans, Erie County	1990
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SECTION VI

STATE AND FEDERAL ACTIONS AND PROGRAMS
LIKELY TO AFFECT IMPLEMENTATION

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

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

The second part of this section is a more focused and descriptive list of State and Federal agency actions which are necessary to further implementation of the LWRP. It is recognized that a State or Federal agency's ability to undertake such actions is subject to a variety of factors and considerations; that the consistency provisions referred to above, may not apply; and that the consistency requirements 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 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 ALCOHOL ABUSE

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

2.00 Permit and approval programs:

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

COUNCIL ON THE ARTS

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

2.00 Architecture and environmental arts program.

DEPARTMENT OF BANKING

1.00 Permit and approval programs:

- 1.01 Authorization Certificate (Bank Branch)
- 1.02 Authorization Certificate (Bank Change of Location)
- 1.03 Authorization Certificate (Bank Charter)
- 1.04 Authorization Certificate (Credit Union Change of Location)
- 1.05 Authorization Certificate (Credit Union Charter)
- 1.06 Authorization Certificate (Credit Union Station)
- 1.07 Authorization Certificate (Foreign Banking Corporation Change of Location)
- 1.08 Authorization Certificate (Foreign Banking Corporation Public Accommodations Office)
- 1.09 Authorization Certificate (Investment Company Branch)
- 1.10 Authorization Certificate (Investment Company Change of Location)
- 1.11 Authorization Certificate (Investment Company Charter)
- 1.12 Authorization Certificate (Licensed Lender Change of Location)
- 1.13 Authorization Certificate (Mutual Trust Company Charter)
- 1.14 Authorization Certificate (Private Banker Charter)
- 1.15 Authorization Certificate (Public Accommodation Office - Banks)
- 1.16 Authorization Certificate (Safe Deposit Company Branch)

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

DEPARTMENT OF COMMERCE

- 1.00 Preparation or revision of statewide or specific plans to address State economic development needs.
- 2.00 Allocation of the state tax-free bonding reserve.

DEPARTMENT OF CORRECTIONAL SERVICES

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

DORMITORY AUTHORITY OF THE STATE OF NEW YORK

- 1.00 Financing of higher education and health care facilities.
- 2.00 Planning and design services assistance program.

EDUCATION DEPARTMENT

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

2.00 Permit and approval programs:

- 2.01 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-Repacker of Drugs and/or
Devices
- 2.08 Storekeeper's Certificate

ENERGY PLANNING BOARD AND ENERGY OFFICE

- 1.00 Preparation and revision of the State Energy Master Plan.

NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY

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

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of lands under the jurisdiction of the Department.
- 2.00 Classification of Waters Program; classification of land areas under the Clean Air Act.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 4.00 Financial assistance/grant programs:
 - 4.01 Capital projects for limiting air pollution
 - 4.02 Cleanup of toxic waste dumps
 - 4.03 Flood control, beach erosion and other water resource projects
 - 4.04 Operating aid to municipal wastewater treatment facilities
 - 4.05 Resource recovery and solid waste management capital projects
 - 4.06 Wastewater treatment facilities
- 5.00 Funding assistance for issuance of permits and other regulatory activities (New York City only).
- 6.00 Implementation of the Environmental Quality Bond Act of 1972, including:

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

7.00 Marine Finfish and Shellfish Programs.

8.00 New York Harbor Drift Removal Project.

9.00 Permit and approval programs:

- 9.01 Certificate of Approval for Air Pollution Episode Action Plan
- 9.02 Certificate of Compliance for Tax Relief - Air Pollution Control Facility
- 9.03 Certificate to Operate: Stationary Combustion Installation; Incinerator; Process, Exhaust or Ventilation System
- 9.04 Permit for Burial of Radioactive Material
- 9.05 Permit for Discharge of Radioactive Material to Sanitary Sewer
- 9.06 Permit for Restricted Burning
- 9.07 Permit to Construct: a Stationary Combustion Installation; Incinerator; Indirect Source of Air Contamination; Process, Exhaust or Ventilation System
- 9.08 Approval of Plans and Specifications for Wastewater Treatment Facilities
- 9.09 Certificate to Possess and Sell Hatchery Trout in New York State
- 9.10 Commercial Inland Fisheries Licenses
- 9.11 Fishing Preserve License
- 9.12 Fur Breeder's License
- 9.13 Game Dealer's License
- 9.14 Licenses to Breed Domestic Game Animals
- 9.15 License to Possess and Sell Live Game
- 9.16 Permit to Import, Transport and/or Export under Section 184.1 (11-0511)
- 9.17 Permit to Raise and Sell Trout
- 9.18 Private Bass Hatchery Permit
- 9.19 Shooting Preserve Licenses
- 9.20 Taxidermy License
- 9.21 Certificate of Environmental Safety (Liquid Natural Gas and Liquid Petroleum Gas)
- 9.22 Floating Object Permit
- 9.23 Marine Regatta Permit
- 9.24 Mining Permit
- 9.25 Navigation Aid Permit

- 9.26 Permit to Plug and Abandon (a non-commercial, oil, gas or solution mining well)
- 9.27 Permit to Use Chemicals for the Control or Elimination of Aquatic Insects
- 9.28 Permit to Use Chemicals for the Control or Elimination of Aquatic Vegetation
- 9.29 Permit to Use Chemicals for the Control or Extermination of Undesirable Fish
- 9.30 Underground Storage Permit (Gas)
- 9.31 Well Drilling Permit (Oil, Gas, and Solution Salt Mining)
- 9.32 Digger's Permit (Shellfish)
- 9.33 License of Menhaden Fishing Vessel
- 9.34 License for Non-Resident Food Fishing Vessel
- 9.35 Non-Resident Lobster Permit
- 9.36 Marine Hatchery and/or Off-Bottom Culture Shellfish Permits
- 9.37 Permits to Take Blue-Claw Crabs
- 9.38 Permit to Use Pond or Trap Net
- 9.39 Resident Commercial Lobster Permit
- 9.40 Shellfish Bed Permit
- 9.41 Shellfish Shipper's Permits
- 9.42 Special Permit to Take Surf Clams from Waters other than the Atlantic Ocean
- 9.43 Approval - Drainage Improvement District
- 9.44 Approval - Water (Diversions for) Power
- 9.45 Approval of Well System and Permit to Operate
- 9.46 Permit - Article 15, (Protection of Water) - Dam
- 9.47 Permit - Article 15, (Protection of Water) - Dock, Pier or Wharf
- 9.48 Permit - Article 15, (Protection of Water) - Dredge or Deposit Material in a Waterway
- 9.49 Permit - Article 15, (Protection of Water) - Stream Bed or Bank Disturbances
- 9.50 Permit - Article 15, Title 15 (Water Supply)
- 9.51 Permit - Article 24, (Freshwater Wetlands)
- 9.52 Permit - Article 25, (Tidal Wetlands)
- 9.53 River Improvement District Approvals
- 9.54 River Regulatory District Approvals
- 9.55 Well Drilling Certificate of Registration
- 9.56 Permit to Construct and/or Operate a Solid Waste Management Facility
- 9.57 Septic Tank Cleaner and Industrial Waste Collector Permit
- 9.58 Approval of Plans for Wastewater Disposal Systems
- 9.59 Certificate of Approval of Realty Subdivision Plans
- 9.60 Certificate of Compliance (Industrial Wastewater Treatment Facility)
- 9.61 Letters of Certification for Major Onshore Petroleum Facility Oil Spill Prevention and Control Plan

- 9.62 Permit - Article 36, (Construction in Flood Hazard Areas)
- 9.63 Permit for Agency to develop development in Coastal Hazard Areas
- 9.64 Permit for State Agency Action for Development in Coastal Erosion Hazard Areas
- 9.65 State Pollutant Discharge Elimination System (SPDES) Permit
- 9.66 401 Water Quality Certification
- 10.00 Preparation and revision of Air Pollution State Implementation Plan.
- 11.00 Preparation and revision of Continuous Executive Program Plan.
- 12.00 Preparation and revision of Statewide Environmental Plan.
- 13.00 Protection of Natural and Man-made Beauty Program.
- 14.00 Urban Fisheries Program.
- 15.00 Urban Forestry Program.
- 16.00 Urban Wildlife Program.

ENVIRONMENTAL FACILITIES CORPORATION

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

FACILITIES DEVELOPMENT CORPORATION

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

OFFICE OF GENERAL SERVICES

- 1.00 Administration of the Public Lands Law for acquisition and disposition of lands, grants of land and grants of easement of land under water, issuance of licenses for removal of materials from lands under water, and oil and gas leases for exploration and development.
- 2.00 Administration of Article 4-B, Public Buildings Law, in regard to the protection and management of State historic and cultural properties and State uses of buildings of historic, architectural or cultural significance.

3.00 Facilities construction, rehabilitation, expansion, or demolition.

DEPARTMENT OF HEALTH

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

2.00 Permit and approval programs:

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

DIVISION OF HOUSING AND COMMUNITY RENEWAL AND ITS SUBSIDIARIES AND AFFILIATES

1.00 Facilities construction, rehabilitation, expansion, or demolition.

2.00 Financial assistance/grant programs:

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

- 2.08 Special Needs Demonstration Projects
- 2.09 Urban Initiatives Grant Program
- 2.10 Urban Renewal Programs

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

HOUSING FINANCE AGENCY

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

JOB DEVELOPMENT AUTHORITY

1.00 Financing assistance programs for commercial and industrial facilities.

MEDICAL CARE FACILITIES FINANCING AGENCY

1.00 Financing of medical care facilities.

OFFICE OF MENTAL HEALTH

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

2.00 Permit and approval programs:

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

OFFICE OF MENTAL RETARDATION AND DEVELOPMENT DISABILITIES

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

2.00 Permit and approval programs:

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

DIVISION OF MILITARY AND NAVAL AFFAIRS

1.00 Preparation and implementation of the State Disaster Preparedness Plan.

NATURAL HERITAGE TRUST

- 1.00 Funding program for natural heritage institutions.

NIAGARA FRONTIER TRANSPORTATION AUTHORITY (regional agency)

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Authority.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition.
- 3.00 Increases in special fares for transportation services to public water-related recreation resources.

**OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION
(including Regional State Park 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.

NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION

1.00 Corporation for Innovation Development Program

2.00 Center for Advanced Technology Program

DEPARTMENT OF SOCIAL SERVICES

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

2.00 Homeless Housing and Assistance Program.

3.00 Permit and approval programs:

3.01 Certificate of Incorporation (Adult Residential Care Facilities)

3.02 Operating Certificate (Children's Services)

3.03 Operating Certificate (Enriched Housing Program)

3.04 Operating Certificate (Home for Adults)

3.05 Operating Certificate (Proprietary Home)

3.06 Operating Certificate (Public Home)

3.07 Operating Certificate (Special Care Home)

3.08 Permit to Operate a Day Care Center

DEPARTMENT OF STATE

1.00 Appalachian Regional Development Program.

2.00 Coastal Management Program.

3.00 Community Services Block Grant Program.

4.00 Permit and approval programs:

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

STATE UNIVERSITY CONSTRUCTION FUND

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

STATE UNIVERSITY OF NEW YORK

- 1.00 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the University.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition.

DIVISION OF SUBSTANCE ABUSE SERVICES

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
 - 2.01 Certificate of Approval (Substance Abuse Services Program)

NEW YORK STATE THRUWAY AUTHORITY (regional agency)

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Authority.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition.
- 3.00 Permit and approval programs:
 - 3.01 Advertising Device Permit
 - 3.02 Approval to Transport Radioactive Waste
 - 3.03 Occupancy Permit

DEPARTMENT OF TRANSPORTATION

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

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

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

3.00 Financial assistance/grant programs:

3.01 Funding programs for construction/reconstruction and reconditioning/preservation of municipal streets and highways (excluding routine maintenance and minor rehabilitation)

3.02 Funding programs for development of the ports of Albany, Buffalo, Oswego, Ogdensburg and New York

3.03 Funding programs for rehabilitation and replacement of municipal bridges

3.04 Subsidies program for marginal branchlines abandoned by Conrail

3.05 Subsidies program for passenger rail service

4.00 Permits and approval programs:

4.01 Approval of applications for airport improvements (construction projects)

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

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

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

4.05 Certificate of Convenience and Necessity to Operate a Railroad

4.06 Highway Work Permits

4.07 License to Operate Major Petroleum Facilities

- 4.08 Outdoor Advertising Permit (for off-premises advertising signs adjacent to interstate and primary highway)
- 4.09 Permits for Use and Occupancy of N.Y. State Canal Lands (except Regional Permits [Snow Dumping])
- 4.10 Real Property Division Permit for Use of State-Owned Property
- 5.00 Preparation or revision of the Statewide Master Plan for Transportation and sub-area or special plans and studies related to the transportation needs of the State.
- 6.00 Water Operation and Maintenance Program--Activities related to the containment of petroleum spills and development of an emergency oil-spill control network.

URBAN DEVELOPMENT CORPORATION and its subsidiaries and affiliates

- 1.00 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the Corporation.
- 2.00 Construction, rehabilitation, expansion, or demolition of residen-tial, commercial, industrial, and civic facilities and the funding of such activities, including but not limited to actions under the following programs:
 - (a) Tax-Exempt Financing Program
 - (b) Lease Collateral Program
 - (c) Lease Financial Program
 - (d) Targeted Investment Program
 - (e) Industrial Buildings Recycling Program

DIVISION OF YOUTH

- 1.00 Facilities construction, rehabilitation, expansion, or demolition 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 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.
- 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 USACE supervision pursuant to the Rivers and Harbors Act of 1902 (33 U.S.C. 565).
- 5.00 Disposal of dredged spoils into the waters of the U.S., pursuant to the Clean Water Act, Section 404, (33 U.S.C. 1344).
- 6.00 All actions for which permits are required pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
- 7.00 Construction of artificial islands and fixed structures in Long Island Sound pursuant to Section 4(f) of the River and Harbors Act of 1912 (33 U.S.C.).

DEPARTMENT OF ENERGY

Economic Regulatory Commission

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

Federal Energy Regulatory Commission

- 3.00 Licenses for non-Federal hydroelectric projects and primary transmission lines under Sections 3(11), 4(e) and 15 of the Federal Power Act (16 U.S.C. 796(11), 797(11) and 808).
- 4.00 Orders for interconnection of electric transmission facilities under Section 202(b) of the Federal Power Act (15 U.S.C. 824a(b)).
- 5.00 Certificates for the construction and operation of interstate natural gas pipeline facilities, including both pipelines and terminal facilities under Section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)).
- 6.00 Permission and approval for the abandonment of natural gas pipeline facilities under Section 7(b) of the Natural Gas Act (15 U.S.C. 717f(b)).

ENVIRONMENTAL PROTECTION AGENCY

- 1.00 NPDES permits and other permits for Federal installations, discharges in contiguous zones and ocean waters, sludge runoff and aquaculture permits pursuant to Section 401, 402, 403, 405, and 318 of the Federal Water Pollution Control Act of 1972 (33 U.S.C. 1341, 1342, 1343, and 1328).
- 2.00 Permits pursuant to the Resources Recovery and Conservation Act of 1976.
- 3.00 Permits pursuant to the underground injection control program under Section 1424 of the Safe Water Drinking Water Act (42 U.S.C. 300h-c).
- 4.00 Permits pursuant to the Clean Air Act of 1976 (42 U.S.C. 1857).

DEPARTMENT OF INTERIOR

Fish and Wildlife Services

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

Mineral Management Service

- 2.00 Permits to drill, rights of use and easements for construction and maintenance of pipelines, gathering and flow lines and associated structures pursuant to 43

U.S.C. 1334, exploration and development plans, and any other permits or authorizations granted for activities described in detail in OCS exploration, development, and production plans.

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

INTERSTATE COMMERCE COMMISSION

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

NUCLEAR REGULATORY COMMISSION

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

DEPARTMENT OF TRANSPORTATION

Coast Guard

- 1.00 Construction or modification of bridges, causeways or pipelines over navigable waters pursuant to 49 U.S.C. 1455.
- 2.00 Permits for Deepwater Ports pursuant to the Deepwater Ports Act of 1974 (33 U.S.C. 1501).

Federal Aviation Administration

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

FEDERAL ASSISTANCE*

DEPARTMENT OF AGRICULTURE

- 10.068 Rural Clean Water Program
- 10.409 Irrigation, Drainage, and Other Soil and Water Conservation Loans
- 10.410 Low to Moderate Income Housing Loans
- 10.411 Rural Housing Site Loans
- 10.413 Recreation Facility Loans

- 10.414 Resource Conservation and Development Loans
- 10.415 Rural 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
- 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 Intermodel Transportation
- 11.509 Development and Promotion of Domestic Waterborne Transport Systems

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

- 14.112 Mortgage Insurance - Construction or Substantial Rehabilitation of Condominium Projects
- 14.115 Mortgage Insurance - Development of Sales Type Cooperative Projects
- 14.117 Mortgage Insurance - Homes
- 14.124 Mortgage Insurance - Investor Sponsored Cooperative Housing
- 14.125 Mortgage Insurance - Land Development and New Communities

- 14.126 Mortgage Insurance - Management Type Cooperative Projects
- 14.127 Mortgage Insurance - Mobile Home Parks
- 14.218 Community Development Block Grants/Entitlement Grants
- 14.219 Community Development Block Grants/Small Cities Program
- 14.221 Urban Development Action Grants
- 14.223 Indian Community Development Block Grant Program

DEPARTMENT OF INTERIOR

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

DEPARTMENT OF TRANSPORTATION

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

GENERAL SERVICES ADMINISTRATION

- 39.002 Disposal of Federal Surplus Real Property

COMMUNITY SERVICES ADMINISTRATION

- 49.002 Community Action
- 49.011 Community Economic Development
- 49.013 State Economic Opportunity Offices
- 49.017 Rural Development Loan Fund

49.018 Housing and Community Development (Rural Housing)

SMALL BUSINESS ADMINISTRATION

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

ENVIRONMENTAL PROTECTION AGENCY

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

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

B. FEDERAL AND STATE ACTIONS AND PROGRAMS NECESSARY TO FURTHER THE LWRP.

1. Federal Actions or Programs

a) Army Corps of Engineers

- (1) Financial Assistance under the Improvements to Navigation Program for a public boat launch and marina at Woodlawn, the Bethlehem Steel complex or other recommended sites.
- (2) Technical assistance in determining physical, fiscal and social opportunities, as well as constraints, relative to constructing a public boat launch and marina at Woodlawn, the Bethlehem Steel complex or other recommended sites.

b) International Joint Commission

- (1) Issue necessary orders to Lake Superior Board of Control and other appropriate agencies having jurisdiction for Great Lakes outflows to insure that the Lake Erie water level never exceed its all time high April level for the recording period established prior to 1985.

c) Department of Housing and Urban Development

- (1) Financial assistance under the Community Development Block Grant Program to ensure continued drainage improvements for the Hoover Beach community, residential rehabilitation within Woodlawn, and commercial revitalization along New York State Rte. 5 through the Woodlawn and Athol Springs neighborhoods.

2. State Actions and Programs

a) Office of Parks, Recreation and Historic Preservation

- (1) Financial assistance through the Federal Land and Water Conservation Fund as administered through OPRHP for development of a public boat launch and marina at Woodlawn, the Bethlehem Steel complex or other recommended sites.
- (2) Financial assistance through the NYS Environmental Quality Bond Act of 1972 -

Waterway Access Program for development of a public boat launch and marina at Woodlawn, the Bethlehem Steel complex or other recommended sites.

- (3) Use of waterway access funds authorized as part of the 1972 Environmental Quality Board Act by NYS for development of a recreation facility at Woodlawn Beach.
- (4) Review of comprehensive survey to determine eligibility for the State/National Register of Historic Places.
- (5) Review of all State and Federally funded, permitted, or implemented projects for impact on historic or cultural resources.

b) Department of Environmental Conservation

- (1) Conduct an erosion hazard survey to assist the Town in determining the severity of their shoreline erosion problems and the need to impose a regulatory program as outlined in the NYS Coastal Erosion Management Act.
- (2) Continue to finance and implement the Lake Erie Fisheries Management Plan and establish it as to priority within the Department.

c) Department of State

- (1) Provide financial assistance through the Coastal Management Program for the preparation of a resources management plan for Eighteen Mile Creek.

d) Department of Transportation

- (1) Erect Seaway Trail signs at appropriate locations along NYS Rte. 5 to aid in the area's promotion as a tourist/retail corridor.

e) Urban Development Corporation - Western New York Economic Development Corporation

- (1) Contribute to the financing of the proposed redevelopment of the Bethlehem Steel complex.

f) **Office of General Services**

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

Section VII

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

I. DESCRIPTION OF CONSULTATION ACTIVITIES

A. METHOD

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

The approaches used included: (1) establishment of the Erie County Waterfront Task Force; (2) technical consultations; (3) supportive written communications; and (4) review of the Draft LWRP/DEIS by local, State, and Federal agencies.

1. ERIE COUNTY WATERFRONT TASK FORCE MEETINGS

- o Description: The Task Force was formed to assist in coordinating LWRP efforts among all waterfront municipalities in Erie County (including the Towns of Brant, Evans, Hamburg, Tonawanda, Grand Island and the Cities of Lackawanna, Tonawanda and Buffalo). Representatives from these municipalities serve on the Task Force, as well as representatives from all related agencies carrying out waterfront programs, policies or projects in Erie County. Another major function of the Task Force is to provide for an information exchange among both agency and LWRP municipal officials concerning their waterfront concerns and interests.
- o Meeting Schedule: The Erie County Waterfront Task Force met three times since the beginning of LWRP development in the waterfront municipalities. The first meeting was held on August 1, 1983 and the second meeting on February 2, 1984. A third meeting was held on 9/26/84 concerning program elements completed since February 1984.
- o Accomplishments: The Erie County Task Force meetings provided a needed mechanism for information exchange and coordination of waterfront activities among agencies and governments. As important, it served as an alert mechanism by which potentially controversial, inconsistent, duplicative efforts could be

identified. Attendance at the meetings was excellent. The support demonstrated by Task Force participants established the Task Force as a viable, effective entity for coordinating waterfront planning on a Countywide basis. The attention the media, radio, T.V., as well as newspapers, has given these meetings is indicative of the Task Force's meaningful role in waterfront planning.

2. TECHNICAL CONSULTATIONS

- o Description: Issue oriented conversations were held with several government agencies on a needs basis concerning the development of the Town of Hamburg's Local Waterfront Revitalization Program.
- o U.S. Army Corps of Engineers - Numerous conversations occurred with the U.S. Army Corps of Engineers concerning the feasibility of locating a protected marina along the Town of Hamburg shoreline. These discussions focused on the technical assistance that could be provided by the Corps concerning the evaluation of a site, and the preliminary engineering factors and costs that could be projected for a protected harbor/marina area. A meeting was held with the Corps on August 22, 1984 concerning a marina study.
- o New York State Department of Environmental Conservation- In addition to numerous conversations with New York State DEC staff regarding environmental factors at Woodlawn Beach and in the vicinity of Athol Springs/Hoover Beach, an official meeting was held on May 3, 1984. At that time, as part of a general discussion on the LWRP specifics of the Town of Hamburg's program were explained, (ie. policies, uses and projects).
- o Erie County Department of Environment and Planning - Division of Sewerage Management - Due to the proximity of the Erie County Southtown's Sewage Treatment Plant to a proposed site for a protected marina area and to the Woodlawn Beach site, continuous review of the Town's program with the Deputy Commissioner of this Division occurred.
- o Coordination with LWRP's in adjacent waterfront municipalities: Town of Evans, City of Lackawanna - As part of program development in these three municipalities there was a special emphasis placed on assessing impacts each program might have on the other. Advisory committee meetings in these communities, as well as briefings with government officials provided this type of review.

- o Briefing of elected/federal, local officials representing Town of Hamburg waterfront - Not only did these officials participate in Erie County Waterfront Task Force meetings, but they and/or their representatives attended advisory committee meetings. A special briefing session on the LWRP program was held for County Legislators on April 16, 1984.
- o Accomplishments: Consultation on the technical aspects of the Town of Hamburg's program with all appropriate agencies and government representatives proved necessary since few really understand the parameters of developing a local waterfront revitalization program. These conversations helped provide the basis for consistency with agency programs and policies.

3. WRITTEN COMMUNICATIONS

- a. Description: In order to assure that all relevant waterfront agencies were kept informed of progress being made on the development of the Local Waterfront Revitalization Program, two methods were used as follows:
 - o Transmittal of Technical Memo: A technical memo was sent to appropriate federal, state and regional agencies on April 17, 1984 which reviewed all aspects of the Town's Local Waterfront Revitalization Program. Included was an explanation of the Town's waterfront policies and coastal area projects and program implementation techniques.
 - o "Waterfront News" - This quarterly information sheet provides a summary of ongoing activities concerning the development of the Local Waterfront Revitalization Program. The mailing list of approximately 250 includes all relevant waterfront agencies as well as elected representatives from waterfront municipalities.
- b. Accomplishments: Both techniques appear to be an effective way to transmit pertinent information on the development of the Local Waterfront Revitalization Program. Responses to review of the technical memo have indicated understanding and acceptance of the LWRP.

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

The Draft LWRP (with Draft EIS) was reviewed and approved by

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

Section VIII
LOCAL COMMITMENT

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

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

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

Prior to the State's Local Waterfront Revitalization Program, the Town of Hamburg established a Town Waterfront Revitalization Committee to monitor and discuss waterfront issues impacting the Town. The Waterfront Revitalization Committee served as the Town of Hamburg's LWRP Advisory Committee. The Committee was been of great assistance in focusing on the Town's waterfront needs, opportunities and problems.

The eighteen members who served on the Town of Hamburg's Waterfront Revitalization Committee were officially chosen by the Town Supervisor for membership (see Acknowledgements). The members come from varied professions....teachers, businessmen, government officials, all concerned citizens representing different geographical areas of the Town's waterfront.

APPENDIX A
STREAM CLASSIFICATION

APPENDIX A

STREAM CLASSIFICATION DESCRIPTION

In summary, stream classifications as prepared by the New York State Department of Environmental Conservation in accordance with the provisions of ECL Article 17 and 6NYCRR Part 701, reflect the following objectives for water use:

- Class A - Source of water supply for drinking, culinary or food processing purposes and any other usage.
- Class B - Bathing and any other usage except as a source of water supply for drinking, culinary, or food processing purposes.
- Class C - Fishing and any other usage except for bathing or source of water supply for drinking, culinary, or food processing purposes.
- Class D - Agricultural or source of industrial cooling or process water supply and any other use except for fishing, bathing, or as a source of water supply for drinking, culinary or food processing purposes.

APPENDIX B

ENVIRONMENTAL QUALITY REVIEW LAW REVISIONS

Section 12-9A - Add a new section 9A and title it "Consistency with LWRP". The new section shall read as follows:

- A. Action to be undertaken within the LWA by boards, departments, offices, other bodies or officers of the Town shall be considered to the maximum extent practicable with the policies and purposes of the LWRP. For the purposes of complying with this requirement, such boards, departments, offices, other bodies or officers shall meet the requirements of paragraphs (1) or (2) of this section, whichever applies:
 - (1) Where a determination is made pursuant to Paragraph C and D of Section 12.4 of this local law that an action may have a significant effect on the environment, the consistency of such action shall be determined as part of the EIS procedures cited in Section 12.6, 12.7, 12.8, and 12.9. The Project Committee shall consult the Shoreline Revitalization Committee prior to making a recommendation concerning the application's consistency.
 - (2) Where a determination is made pursuant to Paragraph C and D of Section 12.4 of this local law that an action will not have a significant effect on the environment, the consistency of such action shall be determined subsequent to the determination of non-significance. The Project Committee shall consult the shoreline Revitalization Committee prior to making a recommendation concerning the application's consistency.
- B. When it is determined pursuant to Paragraph A (1) or A (2) of this section of this local law that the action would cause a substantial hindrance to the achievement of any policy or purpose of the LWRP, such action shall not be undertaken unless the board, department, office, other body or officer can document findings that:
 - (1) no reasonable alternatives exist which would permit the action to be undertaken without substantial hindrance to such policy or purposes;
 - (2) the action would be undertaken in a manner which will minimize all adverse effects on such policy or purpose to the maximum extent practicable; and
 - (3) the action will result in an overriding community-wide, regional or state-wide public benefit.
- C. Each board, department, office, other bodies or officers of the Town shall maintain a file for each action made the subject of a consistency determination, and any finding pursuant to paragraph B of this Section of this

SECTION 1:

Chapter 12 of the Code of the Town of Hamburg entitled "Environmental Quality Review", is hereby amended to read as follows:

Section 12-1 DEFINITIONS - Add the following:

- C. LOCAL WATERFRONT AREA (LWA) - that portion of the New York State Coastal area within the Town of Hamburg Local Waterfront Revitalization Program.
- D. LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP) - the local program to implement the New York State Coastal Management Program within the Town of Hamburg as approved by the Secretary of State pursuant to the Waterfront Revitalization and Coastal Resources Act of 1981.
- E. SHORELINE REVITALIZATION COMMITTEE - The Town Committee created as advisory to the Town Board concerning waterfront issues.

Section 12-4 - Renumber 12-4 (D) and (E) to be (E) and (F) and add a new item (D) to read as follows:

- D. The Lead Agency shall also determine whether the action is located within the LWA. If the action is either a Type I or unlisted action as defined in Section 12-3 and is in the Local Waterfront Area, the provisions of NYCRR, Title 19, Part 600 shall apply. The Shoreline Revitalization Committee shall be a mandatory referral in such circumstances. The Project Committee shall seek a recommendation from the Committee regarding the application's consistency with the Town's LWRP.

Section 12-6 - Reletter paragraphs (C), (D), and (E) to read (D), (E) and (F). Paragraph C. shall be added to read as follows:

- C. When the EIS is prepared for a proposed action located within the LWA, it must also contain an identification of the applicable policies and purposes of the Town of Hamburg LWRP and a discussion of the effects of the proposed action on such policies and purposes.

Section 12-9 - Conclusions of Town Board - Add the following paragraph as the first paragraph in the section. "Decision-making and findings for any proposed action which is the subject of a Final EIS shall be made by the lead agency in accordance with the provisions of Section 9 of Part 617 and Sections 12.9A of this local law."

local law. Such files shall be made available for public inspection upon request.

SECTION 2:

This local to take effect immediately after proper filing, including with the Office of the Secretary of State and the State Comptroller.

APPENDIX C

Procedural Guidelines for Coordinating Local Review of State and Federal Actions

NEW YORK STATE DEPARTMENT OF STATE
COASTAL MANAGEMENT PROGRAM

Guidelines for Notification and Review of State Agency Actions
Where Local Waterfront Revitalization Programs Are in Effect

I. PURPOSES OF GUIDELINES

- A. The Waterfront Revitalization and Coastal Resources Act (Article 42 of the Executive Law) and the Department of State's regulations (19 NYCRR Part 600) require certain state agency actions identified by the Secretary of State to be consistent to the maximum extent practicable with the policies and purposes of approved Local Waterfront Revitalization Programs (LWRPs). These guidelines are intended to assist state agencies in meeting that statutory consistency obligation.
- B. The Act also requires that state agencies provide timely notice to the situs local government whenever an identified action will occur within an area covered by an approved LWRP. These guidelines describe a process for complying with this notification requirement. They also provide procedures to assist local governments in carrying out their review responsibilities in a timely manner.
- C. The Secretary of State is required by the Act to confer with state agencies and local governments when notified by a local government that a proposed state agency action may conflict with the policies and purposes of its approved LWRP. These guidelines establish a procedure for resolving such conflicts.

II. DEFINITIONS

A. Action means:

- 1. A "Type 1" or "Unlisted" action as defined by the State Environmental Quality Review Act (SEQR);
- 2. Occurring within the boundaries of an approved LWRP; and
- 3. Being taken pursuant to a state agency program or activity which has been identified by the Secretary of State as likely to affect the policies and purposes of the LWRP.

- B. Consistent to the maximum extent practicable means that an action will not substantially hinder the achievement of any of the policies and purposes of an approved LWRP and, whenever practicable, will advance one or more of such policies. If an action will substantially hinder any of the policies or purposes of an approved LWRP, then the action must be one:

1. For which no reasonable alternatives exist that would avoid or overcome any substantial hindrance;
 2. That will minimize all adverse effects on the policies or purposes of the LWRP to the maximum extent practicable; and
 3. That will result in an overriding regional or statewide public benefit.
- C. Local Waterfront Revitalization Program or LWRP means a program prepared and adopted by a local government and approved by the Secretary of State pursuant to Executive Law, Article 42; which program contains policies on the management of land, water and man-made resources, proposed land uses and specific projects that are essential to program implementation.

III. NOTIFICATION PROCEDURE

- A. When a state agency is considering an action as described in II above, the state agency shall notify the affected local government.
- B. Notification of a proposed action by a state agency:
1. Shall fully describe the nature and location of the action;
 2. Shall be accomplished by use of either the State Clearinghouse, other existing state agency notification procedures, or through any alternative procedure agreed upon by the state agency and local government;
 3. Should be provided to the local official identified in the LWRP of the situs local government as early in the planning stages of the action as possible, but in any event at least 30 days prior to the agency's decision on the action. (The timely filing of a copy of a completed Coastal Assessment Form with the local LWRP official should be considered adequate notification of a proposed action.)
- C. If the proposed action will require the preparation of a draft environmental impact statement, the filing of this draft document with the chief executive officer can serve as the state agency's notification to the situs local government.

IV. LOCAL GOVERNMENT REVIEW PROCEDURE

- A. Upon receipt of notification from a state agency, the situs local government will be responsible for evaluating a proposed action against the policies and purposes of its approved LWRP. Upon request of the local official identified in the LWRP, the state agency should

promptly provide the situs local government with whatever additional information is available which will assist the situs local government to evaluate the proposed action.

- B. If the situs local government cannot identify any conflicts between the proposed action and the applicable policies and purposes of its approved LWRP, it should inform the state agency in writing of its finding. Upon receipt of the local government's finding, the state agency may proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
- C. If the situs local government does not notify the state agency in writing of its finding within the established review period, the state agency may then presume that the proposed action does not conflict with the policies and purposes of the municipality's approved LWRP.
- D. If the situs local government notifies the state agency in writing that the proposed action does conflict with the policies and/or purposes of its approved LWRP, the state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the Resolution of Conflicts procedure established in V below shall apply. The local government shall forward a copy of the identified conflicts to the Secretary of State at the time when the state agency is notified. In notifying the state agency, the local government shall identify the specific policies and purposes of the LWRP with which the proposed action conflicts.

V. RESOLUTION OF CONFLICTS

- A. The following procedure applies whenever a local government has notified the Secretary of State and state agency that a proposed action conflicts with the policies and purposes of its approved LWRP.
 - 1. Upon receipt of notification from a local government that a proposed action conflicts with its approved LWRP, the state agency should contact the local LWRP official to discuss the content of the identified conflicts and the means for resolving them. A meeting of state agency and local government representatives may be necessary to discuss and resolve the identified conflicts. This discussion should take place within 30 days of the receipt of a conflict notification from the local government.
 - 2. If the discussion between the situs local government and the state agency results in the resolution of the identified conflicts, then, within seven days of the discussion, the situs local government shall notify the state agency in writing, with a copy forwarded to the Secretary of State, that all of the identified conflicts have been resolved. The state agency can then proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.

3. If the consultation between the situs local government and the state agency does not lead to the resolution of the identified conflicts, either party may request, in writing, the assistance of the Secretary of State to resolve any or all of the identified conflicts. This request must be received by the Secretary within 15 days following the discussion between the situs local government and the state agency. The party requesting the assistance of the Secretary of State shall forward a copy of their request to the other party.
4. Within 30 days following the receipt of a request for assistance, the Secretary or a Department of State official or employee designated by the Secretary, will discuss the identified conflicts and circumstances preventing their resolution with appropriate representatives from the state agency and situs local government.
5. If agreement among all parties cannot be reached during this discussion, the Secretary shall, within 15 days, notify both parties of his/her findings and recommendations.
6. The state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the foregoing Resolution of Conflicts procedures shall apply.

NEW YORK STATE DEPARTMENT OF STATE
COASTAL MANAGEMENT PROGRAM

Procedural Guidelines for Coordinating NYS Department of State
and Local Waterfront Revitalization Program
Consistency Review of Federal Agency Actions

DIRECT ACTIONS

1. After acknowledging the receipt of a consistency determination and supporting documentation from a federal agency, DOS will forward copies of the determination and other descriptive information on the proposed direct action to the local coordinator of an approved LWRP and to other interested parties.
2. This notification will indicate the date by which all comments and recommendations must be submitted to DOS and will identify the Department's principal reviewer for the proposed action.
3. The review period will be about twenty-five (25) days. If comments and recommendations are not received by the date indicated in the notification, DOS will presume that the municipality has "no opinion" on the consistency of the proposed direct federal agency action with the LWRP policies.
4. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality, DOS will contact the municipality to discuss any differences of opinion or questions prior to agreeing or disagreeing with the federal agency's consistency determination on the proposed direct action.
5. A copy of DOS' "agreement" or "disagreement" letter to the federal agency will be forwarded to the local program coordinator.

PERMIT AND LICENSE ACTIONS

1. DOS will acknowledge the receipt of an applicant's consistency certification and application materials. At that time, DOS will forward a copy of the submitted documentation to the program coordinator and will identify the Department's principal reviewer for the proposed action.
2. Within thirty (30) days of receiving such information, the program coordinator will contact the principal reviewer for DOS to discuss:
(a) the need to request additional information for review purposes; and
(b) any possible problems pertaining to the consistency of a proposed action with the LWRP policies.
3. When DOS and the program coordinator agree that additional information is necessary, DOS will request the applicant to provide the information. A copy of this information will be provided to the program coordinator upon receipt.
4. Within thirty (30) days of receiving the requested additional information or discussing possible problems of a proposed action with the principal

reviewer for DOS, whichever is later, the program coordinator will notify DOS of the reasons why a proposed action may be inconsistent or consistent with the LWRP policies.

5. After that notification, the program coordinator will submit the municipality's written comments and recommendations on a proposed permit action to DOS before or at the conclusion of the official public comment period. If such comments and recommendations are not forwarded to DOS by the end of the public comment period, DOS will presume that the municipality has "no opinion" on the consistency of the proposed action with the LWRP policies.
6. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality on a proposed permit action, DOS will contact the program coordinator to discuss any differences of opinion prior to issuing a letter of "concurrence" or "objection" to the applicant.
7. A copy of DOS' "concurrence" or "objection" letter to the applicant will be forwarded to the program coordinator.

FINANCIAL ASSISTANCE ACTIONS

1. Upon receiving notification of a proposed federal financial assistance action, DOS will request information on the action from the applicant for consistency review purposes. As appropriate, DOS will also request the applicant to provide a copy of the application documentation to the program coordinator. A copy of this letter will be forwarded to the coordinator and will serve as notification that the proposed action may be subject to review.
2. DOS will acknowledge the receipt of the requested information and provide a copy of this acknowledgement to the program coordinator. DOS may, at this time, request the applicant to submit additional information for review purposes.
3. The review period will conclude thirty (30) days after the date on DOS' letter of acknowledgement or the receipt of requested additional information, whichever is later. The review period may be extended for major financial assistance actions.
4. The program coordinator must submit the municipality's comments and recommendations on the proposed action to DOS within twenty days (or other time agreed to by DOS and the program coordinator) from the start of the review period. If comments and recommendations are not received within this period, DOS will presume that the municipality has "no opinion" on the consistency of the proposed financial assistance action with the LWRP policies.
5. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality, DOS will contact the program coordinator to discuss any differences of opinion or questions prior to notifying the applicant of DOS' consistency decision.
6. A copy of DOS' consistency decision letter to the applicant will be forwarded to the program coordinator.

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