

SECTION V

IDENTIFYING TECHNIQUES
FOR LOCAL IMPLEMENTATION

The Town of Brant currently has in place a number of statutory and administrative mechanisms to assist in the implementation of its Local Waterfront Revitalization Program. These are listed below with brief descriptions of each mechanism and its relevance to policies that are included in Section III.

A. LOCAL LAWS AND REGULATIONS NECESSARY TO IMPLEMENT THE LWRP

1. Existing Local Laws and Regulations

a. Zoning Ordinance of the Town of Brant (October 1983)

- (1) Description: The Town of Brant's zoning ordinance establishes six zoning districts although only three have relevance to the Town's WRA; rural residential (RR); medium density residential (R1); seasonal residential (R2).

The ordinance regulates uses, densities, open space, signs and parking requirements in these districts. The Planning Board is responsible for reviewing site plans and special use permits.

(2) Relevance to Policies

- (a) Policy 2 - Re: Water-dependent/water enhanced uses: The town's existing zoning in the waterfront area is supportive of such uses.
- (b) Policy 5 - Re: Location of development in areas where public services are available. The entire Town of Brant waterfront area is located within a public sewer district. Although development in the Town's waterfront has not been and is not projected to be significant, the Town's Zoning Ordinance (specifically re: zoning districts and review powers) provides control over the type and density of development.
- (c) Policy 11 - Re: Location of buildings and structures within areas that flood and erode. Section 30-24a of the Town's Zoning Ordinance recognizes the importance of this policy and in conjunction with the Town's Flood Hazard Law prohibits building in such areas.

- (d) Policy 12 - Re: Minimizing damage to natural resources. Section 30-24 of the Town's Zoning Ordinance in conjunction with the New York State Coastal Erosion Hazard Act will provide such protection to natural resources.
- (e) Policy 25 - Re: Protect, restore, enhance natural or man made resources that contribute to overall scenic quality. The zoning districts provided by the Zoning Ordinance, as well as site plan review powers and signage requirements will provide the necessary parameters to promote the enhancement of Old Lake Shore Road.
- (f) Policy 33 - Re: Control of stormwater run-off and sewer overflows. Although a primary responsibility of the Erie County Health Department, the town's ability to review such issues is provided by its site plan review powers. (Section 30-68)
- (g) Policy 36 - Re: Petroleum and Hazardous Materials. The permitted uses in the waterfront area protects storage.
- (h) Policy 38 - Re: Quality and quantity of surface and ground water. Although a primary responsibility of the Erie County Health Department, the Town's ability to review such issues is provided by its site plan review powers. (Section 30-68)
- (i) Policy 39 - Re: Transport Storage of Solid Wastes Prohibited as a permitted use in waterfront area.

b. Town of Brant Land Subdivision Regulations (1972)

- (1) Description: These regulations address procedures standards for review of subdivision plats. The regulations address such things as roadways, lot configurations, drainage and utility easements that are proposed for subdivisions. The Planning Board provides the major source of review and recommendation concerning these plats and make the final decision concerning approval.
- (2) Relevance to Policies: Provisions contained in

Articles 4 and 5 of regulations aid in implementing the following policies.

- (a) Policy 5 - Re: Location of developments in areas where public services are available. See Article 4 & 5 Re: Standards and Required Improvements.
- (b) Policy 11 - Re: Location of buildings to minimize damage caused by flooding and erosion. Article 4 - Section F which prohibits platting of land subject to flooding for residential or other uses.
- (c) Policy 25 - Re: Protect, restore, enhance resources contributing to scenic quality Article 4 - Section 2 which enumerates requirements concerning streets, landscaping and buffering.
- (d) Policy 33 - Re: Stormwater runoff control. The regulations require easements where a subdivision is traversed by a watercourse, drainageway or channel. The easement must conform to the lines of the watercourse or wider, depending on drainage requirements. (Article 4 - Section 2)

c. Flood Damage Prevention Law (1983)

- (1) Description: This local law restricts development within Flood Hazard Areas as identified by the Federal Emergency Management Agency. The law minimizes the likelihood of property damage due to flooding.
- (2) Relevance to Policies
 - (a) Policy 11 - Re: Flooding in special floodhazard areas. Restrictions are placed on building construction techniques to protect property and human safety in certain areas subject to flooding. Uses permitted within special flood hazard areas are limited to parks and small scale municipal uses (e.g. parking lots). Uses permitted within special flood hazard areas are limited to parks and small scale municipal uses (e.g. parking lots). Reference should be made to the Town's Flood Damage Prevention Law for a complete list of permitted uses.

- (b) Policy 17 - Re: Use of Non-structural measures to minimize flooding and erosion damage. The law includes requirements for flood proofing buildings such as construction above the base flood level. Uses permitted within special flood hazard areas are limited to parks and small scale municipal uses (e.g. parking lots). Uses permitted within special flood hazard areas are limited to parks and small scale municipal uses (e.g. parking lots). Reference should be made to the Town's Flood Damage Prevention Law for a complete list of permitted uses.

2. Additional Local Laws and Regulations (see Appendix A): Minor revisions to the Zoning Ordinance were made to assist in waterfront policy implementation. In addition a local law known as the LWRP Consistency Law which requires that direct and indirect Town actions be undertaken in a manner consistent with the provisions of the LWRP was enacted as a needed addition to the local codes.

a. Revisions to the Town's Zoning Ordinance

(1) Description

(a) General Compliance: A revision was made requiring that all development and actions within the WRA comply with the policies and provisions of the LWRP. Specifically the "Legislative Intent" section (30-2, Article I) of the ordinance, which declares that these regulations are made "in accordance with the comprehensive plan" and "Procedures for Special Use Permits" (Article VI - 30-67) was amended to require consistency with the LWRP.

(2) Relevant Policies: See A 1.a (2) for relevance of ordinance to policies.

b. LWRP Consistency Law

(1) Description: A local law was adopted which requires the Town Board to review all Type I and unlisted actions that are directly undertaken, approved, or funded by the Town within the WRA for consistency with LWRP policies.

- (2) Relevance to Policies: The Town Board will use appropriate guidelines in the Coastal Assessment Form and policy statements when evaluating actions against the following policies.
- (a) Policy 2 - Re: Water-dependent uses.
 - (b) Policy 5 - Re: Location of development in areas where public services are available.
 - (c) Policy 11 - Re: Location of buildings and structures within areas that flood and erode.
 - (d) Policy 12 - Re: Minimizing damage to natural resources.
 - (e) Policy 13 - Re: Construction and reconstruction of erosion protection measures.
 - (f) Policy 14 - Re: Regulation of activities in order to not increase erosion and flooding.
 - (g) Policy 25 - Re: Protect, restore, enhance natural or man made resources that contribute to overall scenic quality.
 - (h) Policy 33 - Re: Stormwater drainage

B. OTHER PUBLIC ACTIONS NECESSARY TO IMPLEMENT THE LWRP.

1. Other Town Actions Necessary to Implement the LWRP

- a. Public Property Retention/Maximizing Potential: Since a major portion of the Town of Brant shoreline is occupied by Evangola State Park which is under public ownership by New York State, the town will maintain an advocacy role in expanding the recreational potential of the park for Brant residents (ie: boat launch, bicycling, cross-country skiing, etc.) at the lowest possible price for town residents.
- b. Municipal Budgeting: The Town will continue to reserve funds for the maintenance of drainage channels and other infrastructure in the waterfront revitalization area. When appropriate, the Town will utilize a capital bonding policy

which specifies that funds can only be expended for projects in the waterfront area that are consistent with the Town's waterfront program.

- c. Non-local funding: The Town will maintain an awareness of State and Federal programs and other funding sources which may be available and appropriate to implement policies in the waterfront program. Relevant funding programs are listed under "Federal and State Programs Likely to Affect Implementation" (see Section VI). Town personnel will assist in the preparation of specific grant applications to secure any such funding.

2. Other Government Actions Necessary to Implement the LWRP: Refer to Section VI-B (ie. Federal and State Actions and Programs Necessary to Further the LWRP).

C. MANAGEMENT STRUCTURE NECESSARY TO IMPLEMENT THE LWRP.

1. Overall Program Coordination: Successful implementation of the town's LWRP will require the participation of the Supervisor, Town Board, Planning Board, Zoning Board of Appeals, and Building Inspector.

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

The Town will also be represented on the Erie County Waterfront Task Force which serves as a vehicle for intermunicipal coordination among the County's waterfront municipalities.

2. Management Responsibilities:

- a. Town Board: The Town Board will enact and amend local laws affecting the implementation of waterfront policy objectives including the adoption of the municipal budget.
- b. Planning Board: The Planning Board will review all type I and unlisted proposed public and private actions within the WRA to ensure compatibility with adopted waterfront policies.

The Planning Board will also determine the necessity for various technical studies and initiate efforts to identify and implement various

public and private projects that further enhance waterfront revitalization.

- c. Board of Appeals: The Board of Appeals will exercise authority over the granting of variances from the provisions included in the Zoning Ordinance.
- d. Building Inspector: The Building Inspector will provide necessary technical support to the Planning Board as requested. Such support will include responsibilities as defined in the Zoning Ordinance and environmental reviews.
- e. Procedures for Local Consistency Reviews and Determinations: All type I and unlisted actions to be directly undertaken, funded, or approved within the local waterfront area by the Town will be subject to review by the Planning Board for consistency with the policies and purposes of the LWRP. The Planning Board will present its recommendations to the lead agency which will determine the consistency of the proposed action.
- f. Local Procedures for Review of Proposed Actions Involving State and Federal Actions: Any proposed action subject to a State and/or federal consistency determination which is referred to the Town Supervisor by a State or federal agency will be submitted to the Town Planning Board for review against the LWRP. The Town Supervisor will also distribute, if appropriate, the description or notification of the proposed action to other Town departments (e.g., law) for review. Such reviews will be undertaken in accordance with the procedures established by the New York State Department of State for coordinating State and Federal consistency determinations (see Appendix B for a detailed description of such procedures).

IMPLEMENTATION BLUEPRINT

ACTION	IMPLEMENTOR	TIMEFRAME
1. <u>Regulatory Change</u>		
o Revisions to Zoning Ordinance	Town of Brant	1987
o Coastal Erosion Hazard Area Law	Town or State	1988
2. <u>Major Actions Impacting Town's Waterfront Revitalization Area</u>		
o Wide Beach Remedial Action Program	USEPA	1987-1989
o Evangola State Park Boat Launch	New York State	
- Final Design		1987-1988
- Construction (if Feasible)		1989-1991
Expansion of Recreational Opportunities		1987-1989
3. <u>Other Actions Impacting Town's Waterfront Revitalization Area</u>		
o Study of Cattaraugus Creek Harbor Project Impacts on Town of Brant Shoreline	U.S.Army Corps of Engineers	1987-1988
o Study of Wide Beach Indian Reservation Flood Hazard Area re: flooding and drainage in Wide Beach area	NYSDEC U.S.Army Corps of Engineers	1987-1988