

## II. INVENTORY AND ANALYSIS OF EXISTING CONDITIONS

### SUMMARY OF ISSUES AND OPPORTUNITIES IN THE WATERFRONT REVITALIZATION AREA

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#### A. ASSETS AND OPPORTUNITIES

- The Evans waterfront has small town, rural character that is enhanced by its natural features, which makes it an attractive place for residents and visitors alike.
- The Evans waterfront support significant levels of tourism and recreational activities, particularly during the summer season.
- The waterfront contains a variety of natural resources, including flora, fauna, stream and creek corridors and natural protective features, which are important to the Town.
- There are a variety of historic and scenic resources along the waterfront and most shoreline locations offer spectacular views of Lake Erie.
- The Town and County parks, as well as Evangola State Park, provide public access and a variety of recreational opportunities along the waterfront.
- Lake Shore Road is a designated segment of the New York Seaway Trail and a part of the National Scenic Byway, validating the scenic and cultural importance of this shoreline's thoroughfare.
- Much of the LWRA is served by public sewers and public water supply, and there is capacity at the Erie County wastewater treatment plant to accommodate future development in the LWRA.
- The Lake Erie waters off the shores of the Town offer some of the best recreational fisheries in the region; local creeks also provide ample fishing opportunities and are popular locations for shoreline fishing.
- The Sturgeon Point Marina provides access to Lake Erie waters for recreational boating and fishing, as well as docking facilities that are not widely available in the surrounding area.
- The banks of the eight creek corridors located along the waterfront have banks that have not been impacted by development.
- The creeks are an important part of the natural drainage system and also provide attractive natural settings and recreational opportunities.
- Eighteen-Mile Creek is geologically significant and is a popular location for fossil hunting.

- Bennett Beach contains one of the last remaining areas of primary dune and old growth forest habitat along the Lake Erie shoreline.

## **B. ISSUES AND CONCERNS**

- The waterfront is primarily residential in nature; there is limited commercial activity.
- There is a need for additional boating access, particularly for small craft.
- Aside from the Sturgeon Point Marina, there are no permanent docking facilities in the area; the demand for boat dockage is increasing.
- The County parks offer significant opportunities for recreation, but are in need of improvement and maintenance.
- The local Town parks need maintenance improvements; the tunnel at Evans Town Park needs rehabilitation.
- Flooding is a problem on Big Sister Creek, Muddy Creek, and Fern Brook; particularly during the winter thaw when ice jams and melt waters cause the creek water levels to rise.
- The cultural and ecological resources in the vicinity of Bennett Beach warrant greater protection.
- There is ample shoreline protection along many lakeside residences, but some of the existing erosion protection structures are in various states of disrepair.
- Public access is limited in certain areas where residential use dominates the waterfront.
- Public sewer service is not provided in lesser developed areas of the waterfront.
- There are inflow and infiltration problems in Erie County Sewer District #2 that occasionally impact local water quality.
- Non-point source pollution from failing septic systems and other causes affects the quality of local waters.
- The Lake Erie Beach hamlet and associated commercial district is in need of revitalization.
- Periodic storm debris and garbage accumulates on beaches and in other areas of the LWRA.

## **2.1 REGIONAL SETTING, HISTORIC CONTEXT AND COMMUNITY CHARACTERISTICS**

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The Town of Evans is located on the shore of Lake Erie, in the southwest portion of Erie County, New York as shown on [Map 2 – Regional Setting](#). The Town encompasses approximately 47 square miles in land area and is generally rural in character. It is situated south of the Town of Hamburg (Erie County), west of the Town of Eden and north of the Town of Brant. The Town contains approximately 12 miles of shoreline along Lake Erie. Within the western New York region, Evans is situated approximately 30 miles south of the Buffalo metropolitan area.

The first known settler in Evans was Joel Harvey, who built a house near the mouth of Eighteen-Mile Creek in 1804. The creek was a natural route for moving west, so Harvey capitalized on this by opening a tavern known as the Frontier House in 1806. Additional permanent settlements occurred in 1809 and thereafter. Evans was originally part of the Town of Eden; in 1821 it was established by the State Legislature as an independent town. In these early years, the center of activity was Evans Center. The first Town Hall and the first mills and stores were located here. Early growth also occurred along Lake Erie, where many of the area's wealthy families built summer homes along the shore. Local residents also took in boarders and the area became known as a place to spend the summer. In 1996, the Town of Evans celebrated the 175th anniversary of its incorporation.

Today, although predominantly rural in nature, much of the shoreline has been developed with low and medium density residential uses. The Evans lake shore has long been popular as a summer recreation area, with numerous cottages, camps, parks and religious retreats.

### Angola on the Lake



Over the past few decades, the area has become increasingly attractive for year-round suburban residences, as well as summer homes. Evangola State Park, Wendt Beach and Bennett Beach County Parks, and the Sturgeon Point Marina function as regional recreational attractions.

The Evans Town Park, Lake Erie Beach Park and Eighteen-Mile Creek also provide recreational opportunities for residents and visitors to the area. Each year there are a number of community events, including the “Taste of Evans”, which helps to build a strong sense of community pride that is shared by residents and visitors alike.

Lake Erie is the centerpiece of the Town’s waterfront. The lake provides ample opportunity for boating, fishing, swimming and sunbathing, beach combing and other passive recreational activities that all add

to the attraction of the Town's shoreline. Lake waters are well known by local fishermen for the variety and abundance of sport fish. The Sturgeon Point Marina is a focal point of the area for boating access to the lake. It is the only marina or source of dockage between the City of Buffalo to the north and Cattaraugus Creek / Sunset Bay to the south.

### **Eighteen Mile Creek**



Elsewhere, the Town maintains a diversified agricultural base, with an increasing equestrian presence. Significant commercial activity is centered along NYS Route 5 (Erie Road), in the Highland Derby area, with pockets of additional commercial activity found at other locations along this roadway and the Evans Center and North Evans hamlets, as well as in the Village of Angola. Industrial land use is not a major component of the Town's economy.

## **2.2 OVERVIEW OF COASTAL RESOURCE PLANNING EFFORTS**

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### **A. REGIONAL PLANNING**

There are a number of regional plans that help to guide land use and other activities in the Town of Evans. These plans have primarily been developed by Erie County.

#### **Framework for Regional Growth for Erie and Niagara Counties**

The *Framework for Regional Growth for Erie and Niagara Counties, New York* is the regional planning document that applies to the Town of Evans. The Framework was finalized in October of 2006 and establishes basic policies and principles to guide the future growth and development of the region. Specifically, the Framework provides:

- A vision for how the region should grow over the next 15 years.
- Direction regarding growth and redevelopment matters for County decision makers and other regional organizations that are linked to the two counties by way of funding, membership or other relationships.
- Information on the ways local governments, private sector and non-profit actions and initiatives can reinforce the overall regional vision.
- Mechanisms to insure that the goals, concepts and recommendations of the Framework for Regional Growth are implemented in an efficient and accountable manner.

The Framework's recommendations build on the recognition that the Region's communities cannot effectively plan in isolation or independently address important issues, as almost every challenge faced by a locality has a regional dimension. The Framework is not a conventional zoning or land use plan or capital improvement program. It is designed to help County and regional leaders make better policy and investment decisions, more effectively leverage limited resources and provide more consistent direction and useful support to municipalities.

*The Framework for Regional Growth* establishes planning policy areas that define, in broad terms, where County policies encourage development and public investment, where development and public investment may be appropriate subject to careful evaluation and where conservation strategies generally take precedence over plans for development and public investment. The planning policy areas include Developed Areas, Developing Areas and Rural Areas. The Town of Evans falls into all three categories, with the waterfront area situated in the Developed Areas category because this area includes suburban development that is served by public sewer, water and transportation infrastructure. Within this general Developed Planning Area, the Evans waterfront is considered an extension of the "rural centers" of Evans Center and the Village of Angola, which serve as a social, cultural, economic and historic focus areas in the local community. The goals of the Framework are for development and new residential activity to occur in and around these rural center areas, rather than allowing development to spread out further, requiring greater infrastructure costs and investments. Therefore, the policies and strategies for the Developed Areas include sparking investment, attracting new households and businesses, and improving livability and economic vitality. The Framework supports the conservation and stabilization of existing neighborhoods; new compact, pedestrian oriented, mixed-use development on vacant and underutilized sites; and higher density, employment intensive, mixed-use development in the rural centers. Pursuant to these strategies, the Evans waterfront would provide an area of support to the nearby rural centers, providing opportunities for recreation and public enjoyment, while maintaining its rural character and quality of life.

### **Erie County Parks Master Plan**

Erie County owns and operates a park system containing nearly 11,000 acres of land on 38 sites throughout the county. These sites include eleven large multi-purpose parks, five undeveloped parks, thirteen forestry lots, seven small special-purpose parks and two multi-use recreational trails. The County park system was established in 1925, and initially was comprised of four sites and 2,280 acres of land. This master plan establishes a framework for preservation, restoration and enhancement of the

parks over the next 15 to 20 years and is a component of the Erie County Comprehensive Plan. The plan includes recommendations for the overall park and trails system, individual park master plans, a strategy for the waterfront parks, management/consolidation opportunities, and a marketing and financial strategy. This plan sets forth specific recommendations for the County parks that are located within the Town, as well as concepts for a regional trails system (see Appendix E).

### **2008 Bicycle and Pedestrian Master Plan for Erie and Niagara Counties**

*The 2008 Bicycle and Pedestrian Master Plan* sets forth the vision for making bicycling and walking an integral part of daily life in the Buffalo and Erie/Niagara region. This plan recommends projects, programs and policies for the next ten years to encourage use of these practical, non-polluting and affordable modes of transportation. The plan looks at streets for cycling and walking, parking, transit connections, education and marketing (health promotion), law enforcement and implementation. The plan contains goals and objectives, with over 100 suggested actions that detail how to implement the objectives in realistic, meaningful and cost effective ways.

The express purpose of the Master Plan is to provide coordinated guidance for the implementation of a safe, efficient and accessible transportation system designed for walking and bicycling. By reassessing previous goals and objectives, the intent is to adjust and reaffirm a regional vision regarding bicycling and pedestrian activities, including the establishment of interconnected bicycle and pedestrian networks for transportation. Such networks provide for focused treatments and sometimes separate facilities to promote walking and bicycling, and add a critical multi-modal element to a transportation system often geared toward motor vehicle travel. It furthermore reflects current federal goals to increase the amount of local bicycling and walking, and to increase safety by reducing the number of crashes. The Master Plan serves as a framework for facility investments and assists in promoting mobility options, healthier lifestyles, reducing air pollutants, and decreasing traffic congestion.

The goals of the *2008 Bicycle and Pedestrian Master Plan* align with the Town's intention to construct a multi-use pathway along the full length of Lake Shore Road. The plan outlines objectives that support the Town's vision for the waterfront pathway (see Appendix E), including the adaptation of existing roadways to allow for safe and convenient bicycle travel, the incorporation of innovative designs that will expand and enhance the regional bikeway network, making intersections bicycle and pedestrian friendly, and identifying and eliminating hazards to pedestrian and bicycle movement. The plan also includes maps that illustrate the proposed multi-use pathway in Evans.

## **B. LOCAL PLANNING**

Local planning plays a big part in how the waterfront in the Town is used and developed. The Town has been pro-active in planning for growth in the Town and has prepared two plans for managing future land use.

### **Town of Evans Comprehensive Plan**

*Town of Evans Comprehensive Plan* was adopted in 1999. Although the Town desires to update this plan, as much of the information it contains is falling out of date, it still provides guidance for waterfront use,



protection and development. The Comprehensive Plan recognizes the importance of the waterfront for tourism and recreation. This plan also notes that the most important tool for the maintenance and improvement of the Town's waterfront is the LWRP, and recommends that the LWRP be updated. The Comprehensive Plan analyzes the LWRP sub-areas and identifies the special characteristics of each area. In Sub-Area 1, the unique features, infrastructure limitations and environmental sensitivity of Eighteen-Mile Creek are identified, as well as the important historic features. The large estates and Sturgeon Point Marina are also seen as important features in this area. Large lot zoning, clustered development, recreational trails, and protection of the bluffs, cliffs and creek and other important cultural resources is important.

In Sub-Area 2, the camps and beaches, the mix of housing types and density, the enclaves of commercial uses and the adequate infrastructure are recognized as assets. Tourism opportunities are recognized and encouraged. Promotion of the small town flavor of this area is also important. Trails and recreational improvements that allow continued and improved access are also noted.

In Sub-Area 3, the existence of seasonal housing, the need for drainage and roadway improvements and zoning non-conformities are all seen as important considerations. Tourism opportunities, neighborhood revitalization, continued mixed use and trails are identified as necessary improvements.

#### **Regional Farmland Protection Plan for the Towns of Brant, Evans and North Collins**

In 2001, the Towns of Brant, Evans and North Collins received a Regionalism Grant from Erie County to develop a three-town farmland protection plan. The plan's regional approach recognized the importance of the high-quality soil resources and that contiguous parcels of farmland are not confined by political boundaries. In response to this plan, the Town of Evans adopted a Right-to-Farm Law, established an Agricultural Advisory Committee and amended the Town's zoning ordinance and map to include new agricultural zoning classifications.

### **C. ORGANIZATIONS INTERESTED IN LOCAL WATERFRONT RESOURCES AND PLANNING**

The Town has a small number of boards and committees that are assigned to oversee specific areas of the waterfront. These include the following.

#### **Erie County Fisheries Advisory Board**

Erie County established a Fisheries Advisory Board, consisting of twelve members, serving for a term of three years. Members are required to be residents of the county of Erie, including representatives of sports and recreational fishing and various fields of marine and aquatic sciences. The Board is charged with providing advice and assistance on matters concerning protection, development and access to fisheries in Lake Erie, the Niagara River and other surface water bodies in the County, related issues, and any additional matters as may be requested by the County.

#### **Sturgeon Point Advisory Board**

The Sturgeon Point Advisory Board was created as a means for providing the Town Board with input and information from local residents with respect to the Sturgeon Point Marina. The members of this board

are appointed by the Town Board and meet monthly, between the months of April and October, to help identify problems areas and opportunities, and to offer solutions for issues affecting the marina. When appropriate, and in an advisory manner, this board will help with the Town issues at the State, County and municipal level. They will also seek assistance from agencies and other organizations, such as the NYSDEC, sportsmen’s federations, etc., in the promotion of the marina. This Board has been active since the marina was constructed and has provided recommendations for future expansion and improvements to the marina facility.

#### **Parks and Recreation Advisory Board**

The Parks and Recreation Advisory Board was established to help develop and promote recreation-related programs in the Town. Members are appointed by the Town Board and meet monthly to help devise and recommend long-range improvements to existing programs, as well as improvements to Town park facilities. They also help the Town identify sources of funding for ongoing programs and facilities, and for the creation of new programs and facilities.

#### **Evans Multi-Use Recreational Pathway Committee**

The Evans Multi-Use Recreational Pathway Committee helps the Town Board with the planning efforts for the multi-use pathway that is being designed for the full length of Old Lake Shore Road. This committee has helped the Town oversee and coordinate the concepts and design of the pathway, as well as the efforts to secure funding to make all phases of this facility a reality. The committee is comprised of Town officials and local citizens who have been at the forefront of the grassroots effort to help improve the use and safety of the waterfront for pedestrians, bicyclists and others.

#### **Town of Evans Conservation Commission**

The Conservation Commission was established in an advisory capacity to assist and advise the Town Board on matters related to the development, management and protection of the Town’s natural resources. This commission is appointed by the Town Board and meets on a regular basis. The purpose of the Conservation Commission is to assist in the preservation and improvement of the quality of the natural and man-made environment in the Town.

#### **Southtowns Walleye Association**

The Southtowns Walleye Association is comprised of a group of individuals from Western New York who promote sportsmanship, environmental quality and access to Lake Erie. The club sponsors fishing tournaments, public awareness of issues pertaining to Lake Erie and its fisheries, boater and fishing safety programs, educational programs on fishing techniques, as well as the Hamburg Fire Rescue Boat Alert Team. Besides fishing, the Southtowns Walleye members conduct food drives, sponsor local fishing seminars, and participate in local fairs and sport shows. The club also holds an event called Special People Fishing Days, which brings together up to 600 developmentally disabled individuals to fish for trout in a specially constructed indoor pond.



## 2.3 DEMOGRAPHICS AND ECONOMIC CONSIDERATIONS

This section summarizes the population, housing, income and other economic data for Evans. The information is town-wide; no effective information is available for the waterfront area without going down to the block level. With the exception of the current estimate of total population, the following discussion is based on the most recent available Census data, which are from the 2000.

### A. POPULATION AND HOUSEHOLD CHARACTERISTICS

The Town of Evans has an estimated population of 16,836 persons for 2008 (U.S. Census Bureau, January 2010). The Town experienced relatively strong growth in population between 1960 and 1980, but lost population between 1980 and 1990. While there was a modest increase in population between 1990 and 2000, more current estimates suggest additional population losses in the Town. Median age of Evans' residents in 2000 was 38.2 years, which is comparable to Erie County, where the average age was 38.0 years. While the median age is similar, there are slight differences in terms of age distribution between the Town and the County.

**Town of Evans Population 1960 – 2008**

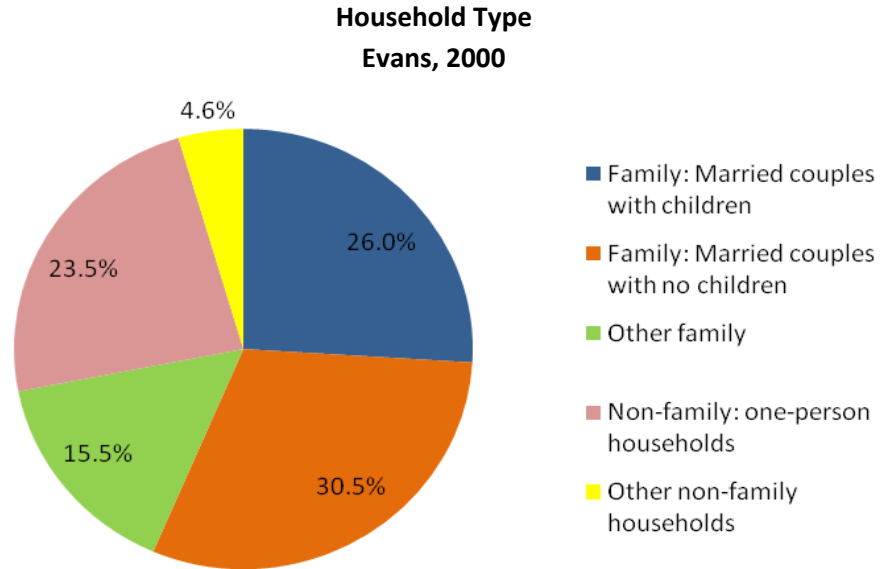
Interval	Population	Percent Change
1960	12,078	n/a
1970	14,570	20.6%
1980	17,961	23.3%
1990	17,478	-2.7%
2000	17,594	0.7%
2008 (estimated)	16,836	-4.3%

**Age Distribution - Evans and Erie County, 2000**

Interval	Town of Evans		Erie County	
Less than 5 years	1,018	5.8%	57,837	6.1%
5 to 17	1,448	20.5%	172,713	18.2%
18 to 64	12,959	61.3%	568,457	59.8%
65 or older	2,169	12.3%	151,258	15.9%

U.S. Census Bureau

Evans has fewer older residents (age 65 or older) than the County, and slightly fewer very young residents (under age 5). Correspondingly, the Town has more residents in the middle age ranges, both minors age 5 to 17, and adults aged 18 to 64.



This chart shows the comparison of the Town and the County. There were a total of 6,639 households in the Town of Evans in 2000. The average household size was 2.63 persons. The majority of households were family households (related persons), which made up 71.9% of all households. Single person households comprised 23.5% of households.

**B. HOUSING**

Housing in the waterfront area is primarily comprised of single-family dwellings, many of which are (or once were) seasonal cottages. U.S. Census data from 2000 indicates a total of 7,507 housing units in the Town. Over 86 percent of these dwellings were constructed prior to 1980 (60 percent prior to 1960); approximately 29 percent of were built prior to 1940. Of the total housing units in the Town, 66.2 percent are owner occupied, 33.8 percent renter occupied, and nine percent were reported vacant. The median value of a home in 2000 was \$84,200.

**C. INCOME AND EMPLOYMENT**

Historically, the Evans waterfront was a recreational destination. It is primarily residential in nature, with no large industries or businesses. The waterfront supports a number of small businesses and commercial establishments that provide limited opportunities for employment. These include a few bars and waterfront clubs, take-out restaurants, and neighborhood-scale retail businesses. There are also a number of private camps that provide employment; they are primarily active in the summer months. In addition, there is the A.J. Schmidt Elementary School and the Erie County water and wastewater facilities. The majority of residents in the area work outside of the waterfront area and, in many cases, the Town.

Based on available Census data for the Town, 66.5% of Town residents age 16 or older participated in the labor force in 2000. Median household income was \$43,142, which compares favorably to the County, which has a median household income of \$38,567.

**Income Distribution, 1999 - Town of Evans**

Income	Number	Percent
Less than \$10,000	420	6.3%
\$10,000-14,999	392	5.9%
\$15,000-24,999	887	13.3%
\$25,000-34,999	947	14.2%
\$35,000-49,999	1184	17.8%
\$50,000-74,999	1426	21.4%
\$75,000-99,999	854	12.8%
\$100,000-149,999	465	7.0%
\$150,000-199,999	58	0.9%
\$200,000 or more	27	0.4%

U.S. Census Bureau, 2000

While the Town’s median household income figure compares favorably to the County, it is lower than typical for a suburban community. For example, the adjacent Town of Hamburg had a median household income of \$47,888, a figure 11 percent higher than Evans. Statistics on income distribution suggest that median household income figures accurately reflect income levels.

**D. SCHOOL ENROLLMENT AND EDUCATION LEVELS**

The Lakeshore Central School District provides educational services and facilities for the Town of Evans and Town of Brant. Of the seven schools that comprise the district, only the A.J. Schmidt Elementary School is located on Lake Shore Road, in Sub-Area 3. Built in 1962, this school has 28 classrooms, a library, computer lab, gymnasium and auditorium and cafeteria. As a school to 260 students in grades K through 5, this school offers the instructional tools and technology to help foster an environment of learning for young children. Attendance at this school has been decreasing in correlation to the Town’s population. Based on available Census data (2000), 84.3% of residents of the Town of Evans were high school graduates, and 18.4% had achieved a bachelor’s degree. In 2000, there were 4,931 residents aged 3 years or older who were enrolled in school.

**School Enrollment, 2000  
Town of Evans**

Type of school	Number	Percent
Nursery school, Preschool	297	6.0%
Kindergarten	254	5.2%
Elementary School (grades 1-8)	2,354	47.7%
High School (grades 9-12)	1,197	24.3%
College or graduate school	829	16.8%

U.S. Census Bureau

**E. TOURISM**

The Town of Evans experiences an active summer season that brings life and activity to the waterfront. There is a combination of factors that contribute to the activity that occurs throughout the area each year. The Town benefits from strong seasonal housing, numerous parks and beaches, waterfront beach clubs, the Sturgeon Point Marina, Eighteen-Mile Creek, the Lake Erie fisheries, a variety of private summer camps and over 12 miles of beach and bluffs that make summer in Evans a fun and enjoyable experience. Summertime festivals and events also help to make the Evans waterfront a popular destination. The Town is working hard to achieve the development of a multi-use pathway that will tie the many features together and allow residents and visitors the opportunity to move along the shoreline in a manner more in tune with the character of the waterfront. It is important that the Town continue its efforts to make this pathway a reality.

The Great Lakes Seaway Trail follows Lake Shore Road along the entire length of the Evans LWRA. The Great Lakes Seaway Trail stretches 454 miles from its northernmost international bridge at Massena, NY to its Seaway Trail Pennsylvania link on Lake Erie, and continues another 64 miles to the Ohio line. The signed driving route connects historic villages and vibrant cities with scenic landscapes and diverse destinations along the St. Lawrence River, Lake Ontario, Niagara River and Lake Erie. This corridor is also a designated National and New York State Scenic By-way. The Seaway Trail route is well marked and promoted as a tourism destination and as an alternative to NYS Route 5 (Erie Road), which also runs in a north-south direction through the Town. The Great Lakes Seaway Trail is a membership organization that encourages tourism and economic development in the communities along the Seaway Trail corridor by marketing the scenic byway designation.

**Great Lakes Seaway Trail Map**



### Signage along Lake Shore Road



Housing in the waterfront area, particularly Sub-Area 3, and portions of Sub-Areas 1 and 2, has transitioned from seasonal housing to year-round residences. However, there are still a large number of dwellings that are utilized primarily in the warmer seasons. The Town sees a marked influx in its population during the summer months, when cottages are brought back to life and visitors come to the area for recreational enjoyment. There is also a small assortment of bars and restaurants in the Grandview Bay and Lake Erie Beach areas that prosper in summer season, offering a variety of opportunities for residents and visitors alike.

### Waterfront cottages and homes





The many parks and beaches in the Town are also important to the tourism industry. Visitors make day trips or take advantage of available summer lodging opportunities to enjoy the Evans waterfront. Swimming, sunbathing, and other passive activities bring the beaches to life each year.

#### **Castaways Bar and Restaurant**



The Sturgeon Point Marina also helps support tourism in the Town. During the summer the marina is full and active. Fishing is an important aspect of the tourism industry in the Town and the marina plays a big part in this activity. For instance, the Southtown’s Walleye Association supports a number of activities, such as Sturgeon Point Kids Day, where kids receive rods and reels and can enjoy a day of fishing and fun. Eighteen-Mile Creek also supports considerable fishing activity, which is more prominent during the summer season.

## **2.4 EXISTING LAND USE**

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### **A. LAND USE**

Land and water uses along the shoreline in the Town of Evans are characterized primarily by residential uses, with parkland and a few scattered commercial and agricultural uses, as depicted on Maps [3A](#), [3B](#), and [3C](#). The predominant land uses found in the waterfront area are further described below.

#### **Sub-Area 1**

This area of the waterfront is very rural in nature. South Creek and Lake Shore Road are narrow, two-lane thoroughfares that support local traffic and provide quaint character to the area. The primary land use in Sub-Area 1 is residential. Residential uses include large estates that sit atop steep bluffs, spanning from Sturgeon Point north to the Highland-Derby and Eighteen-Mile Creek area; the extension of the Highland /Derby community, which includes a number of



smaller, suburban-style residences in the Highland-on-the-Lake neighborhood; the Bluffs townhouse and condominium development, which is located above Eighteen-Mile Creek, near the Lake; and a variety of residential lots that are scattered throughout the area along Lake Shore and South Creek Roads.

**Cottage in Highland-on-the Lake**



A part of the North Evans hamlet area falls within the boundaries of Sub-Area 3, including residences along South Creek and Versailles Plank Roads.

**Waterfront Estate**



Sub-Area 1 includes a small number of community resources. These include the Sturgeon Point Marina, which is located at the southern end of the sub-area. The marina is situated seaward of the Erie County Water Treatment Plant. Resources at the north end of Sub-Area 1 include the historic Frank Lloyd Wright Graycliff Estate and the historic Morseman Stone House. There are also three private facilities in Sub-Area 1. These include the Derby Club, which is a private tennis club; the St. Columban Center, which is a religious retreat center owned by the Catholic Diocese; and the Claddagh Commission, which provides assistance to individuals with developmental disabilities. Eighteen-Mile Creek, located at the northern boundary of the Town (and Sub-Area 1), offers recreational fishing opportunities at the Joel Harvey access site off Lake Shore Road and Hobuck Flats in North Derby. This creek is renowned for its impressive gorge and significant geological characteristics.

### **Sub-Area 2**

Like Sub-Area 1, Sub-Area 2 supports a significant residential development, much of which is situated in the Sturgeon Point, Roat Acres, Pineridge, Lake Bay Grove, and Angola-on-the-Lake communities.

#### **Angola-on-the-Lake**



Many of the homes in these areas originated as seasonal housing, much of which is now occupied on a year round basis. Windover Farms and the Larkin Road area support larger lot residential development. Many homes in Sub-Area 2 were built upon the primary dune that stretched along the lake shore through much this area. Sub-Area 2 has a few large parcels that are farmed, but very little agricultural land is found in this area. There are also large parcels of vacant land, much of it wooded.

**Pineridge community**



Erie County owns two large parks in Sub-Area 2 -Wendt Beach and Bennett Beach. Wendt Beach offers beachfront along with expansive areas of recreational play fields. It is also home to the historic Wendt Beach Mansion. Bennett Beach offers a bathing beach and fishing opportunities in Big Sister Creek, which extends through the park to its mouth at Lake Erie. Bennett Beach contains remaining areas of undisturbed dunes. Immediately south of Bennett Beach is the site of the former Angola water treatment plant. A small restaurant, Peppers, is located on the east side of Lake Shore Road at the intersection with Bennett Road.

To the north, near Lake Street, there are three commercial establishments that flourish in the summer season. These include Mickey Rats Beach Club and Captain Kidd’s Restaurant, the Southshore Beach Club and Connors Hot Dog Stand. Like Sub–Area 2, this area also contains two private camp facilities that provide summer recreational opportunities for youth. Cradle Beach Camp serves the needs of disabled and disadvantaged children, while St. Vincent de Paul Camp offers services for underprivileged youth. Both camps are located along the waterfront.

**Sub-Area 3**

The quaint and rural nature of the waterfront is continued throughout this area, which supports a wide amount of summer housing. Sub-Area 3 includes the larger Point Breeze, Lake Erie Beach, Shore Meadows and Grandview Bay residential communities, along with the smaller Sylvan, Eagle Bay, Southwood/Westwood Drive and Oak Grove communities.

Recreational facilities in this area include the Evans Town Park, Lake Erie Beach Park and the northern extent of Evangola State Park, which is located at the southern end of Sub-Area 3. There are also three private recreational facilities in this area. These include the Grandview Golf Course, a private nine-hole course; Camp Pioneer and Retreat Center, which provides year-



round Christian community experiences for people of all ages and all walks of life; and Pt. Breeze RV Resort, which offers summer camping and recreational opportunities.

**Waterfront housing**



Sub-Area 3 includes two small areas of commercial activity.

**Lake Erie Beach area**



The Lake Erie Beach area hosts a number of establishments that comprise a small business district in this area. These include Stroh's Tavern, Castaways Bar and Restaurant, Pat's Pizza, Lakeside Market and a number of other small businesses. Lake Erie Beach Park provides a

backdrop for these businesses. The Lake Erie Beach area is also home to the Lake Erie Beach Volunteer Fire Company, the A.J. Schmidt Elementary School and historic Cash’s Cemetery.

Approximately 280 acres of land in the extreme southeastern portion of Sub-Area 3 are part of the Erie County Brant-Evans Agricultural District No.2. A large portion of the lands that fall within this district are actively farmed, including lands in the waterfront area. These lands are primarily used for raising crops.

**B. ZONING**

Within the Town of Evans, land use is regulated by the Zoning Ordinance (Chapter 200 of the Evans Town Code - Zoning) and by Subdivision Regulations (Chapter 178 - Subdivision of Land). Zoning in the waterfront area includes four residential categories (R-1L Residential Lakefront, R-1 Single-Family Residential, R-2 Single and Two-Family Residential, and MFR-3 Multi-Family Residential). Other zoning districts include RF- Recreational Facility, PF – Public Facility and NB- Neighborhood Business. Existing zoning along the waterfront is depicted on Maps 4A, 4B and 4C. A summary of the zoning districts that occur within the LWRA is as follows:

**Sub-Area 1**

- R-1L Most of Lake Shore Road
- R-1 Most of South Creek Road, east of NYS Route 5, and a few properties in the vicinity of Sturgeon Point
- R-2 North Evans hamlet and Highland Extension
- MFR-3 The Bluffs townhouse/condominium development and vacant lands
- PF Graycliff Estate, Claddagh Commission and the Erie County Water Treatment Plant
- RF Sturgeon Point Marina and Hobuck Flats

**Sub-Area 2**

- R-1L The Windover Farms area and two private properties north of Bennett Beach Park
- R-1 - The Roat Acres, Pineridge and Sturgeon Point/Larkin Road residential communities, and the properties located between St. Vincent de Paul Camp and Bennett Beach Park
- R-2 - The Purvis Landing and Lake Bay Grove areas
- RR - Properties along Big Sister Creek
- PF - The Erie County Wastewater Treatment Plant
- RF Wendt Beach and Bennett Beach County Parks, St. Vincent de Paul Camp and Cradle Beach Camp

**Sub-Area 3**

- AOS All of the land situated in the southeastern portion of this area
- RR - One large property located south of Herr Road.

- R-1 - Grandview Bay, Oak Grove, Lake Erie Beach and Shore Meadows areas
- R-2 - The Lake Erie Beach and Point Breeze residential areas
- RF - Evans Town Park, Grandview Bay Golf Course, Camp Pioneer, Point Breeze RV Resort, Lake Erie Beach Park and Evangola State Park
- PF - A.J. Schmidt School
- NB - The Grandview Bay/Town Park area and Lake Erie Beach

### **AOS Agricultural and Open Space District**

The Agricultural and Open Space District was designed to maintain the rural tradition and character of the Town and stabilize land values through the preservation of rural and agricultural land uses, and to provide protection from uses adverse to the continuation of agricultural uses.

### **RR Rural Residential District**

The intent of the Rural Residential district is to promote and preserve, in appropriate locations, conditions favorable to larger-lot family life. This district supports agricultural activities, the keeping of horses and growing of crops. This district is primarily residential in nature and protected from encroachment from commercial and industrial uses. Permitted uses in this district include single-family residences, private stables and horse farms, places of worship, wildlife conservation areas, cemeteries, commercial recreation, schools and universities and bed and breakfast establishments by special use permit.

### **R-1 Residential District One**

The R-1 residential zoning district provides areas for low-density single-family detached residential development with units placed on individual lots of at least 12,150 sq. ft. in sewered areas, with a maximum development density of 3.5 units per acre. The density for unsewered areas is two units per acre. Other uses allowed in an R-1 district include common recreational structures and uses, places of worship, and bed and breakfast establishments by special use permit.

### **R-1-L Residential District One Lakefront**

The R-1-L residential zoning district provides areas for low-density single-family detached residential development with units placed on individual lots of at least 30,000 sq. ft. in sewered areas, with a maximum development density of 1.5 units per acre. The density for unsewered areas is 40,000 sq. ft. Other uses allowed in an R-1-L district include principal uses allowed in an R-1 district.

### **R-2 Residential District Two**

The R-2 residential district provides areas for low-density single-family detached and two-family attached residential development with a maximum development density of four units per acre.



Uses allowed in an R-2 district include two-family dwellings and any use permitted in an R-1 district.

### **MFR-3 Multi-Family Residential District Three**

This district provides areas for the development of attached and detached dwellings with a maximum development density of eight units per acre where public sewers are available. Permitted uses in an MFR-3 district include multi-family dwellings and any use permitted in an R-2 zoning district.

### **PF Public Facilities District**

This district provides a special zoning classification for public and semi-public uses, including governmental, educational and other civic uses. Permitted uses include governmental structures and uses, cemeteries, fire stations, schools, colleges and universities, technical schools, museums and libraries, places of worship, and indoor recreational facilities.

### **RF Recreational Facilities District**

This district provides a special zoning classification for passive and active recreational uses, including both public and private properties. Permitted uses in this district include wildlife reservations, conservation areas and publicly owned uses and facilities. The following uses require a special use permit: golf courses and country clubs, sportsman and gun clubs, tennis or racquetball facilities, handball facilities, ice skating facilities, picnic grounds or groves, campgrounds, swimming and marina facilities and facilities for basketball, baseball, football, soccer and other field sports.

The zoning code establishes height and bulk regulations, site plan specifications, development standards, required improvements, and penalties. The regulations include the authority to approve cluster development.

Within the LWRP study area there are several vacant properties that may be susceptible to future subdivision and residential developments. In addition, development pressures may also increase on agricultural lands within the sewer district. For these reasons it is important that the Town's subdivision and zoning regulations remain up-to-date as they are the Town's primary land use controls.

## **C. PUBLIC LAND OWNERSHIP**

Publicly-owned lands along the Evans waterfront include recreational facilities, public infrastructure and other governmental facilities that are owned by the Town of Evans, Erie County or New York State. These are as follows (see Maps [5A](#), [5B](#) and [5C](#)):

### **Sub-Area 1**

New York State: The Hobuck Flats and Joel Harvey fishing access areas on Eighteen-Mile Creek

Erie County: Erie County Sewer District (ECSD) Sweetland Road Pump Station, Sturgeon Point Water Treatment Facility  
 Town of Evans: Sturgeon Point Marina

**Sub-Area 2**

Erie County: Erie County Sewer Authority Big Sister Creek Wastewater Treatment Plant, Wendt Beach Park, Bennett Beach Park

**Sub-Area 3:**

New York State: Evangola State Park  
 Erie County: ECSD Pump Lake Street Station, ECSD Point Breeze Pump Station  
 Town of Evans: Evans Town Park, Lake Erie Beach Park  
 Lake Shore Central School District: A.J. Schmidt Elementary School

**D. WATER-DEPENDENT AND WATER-ENHANCED USES**

The Lake Erie shoreline within the Evans LWRA is not heavily developed with uses that are dependent on their waterside location, (water uses are shown on Maps 3A, 3B, and 3C). The only water-dependent uses along the waterfront include the Sturgeon Point Marina, the Erie County Water Treatment Plant and the Erie County Sewer District Wastewater Treatment Plant in Sub-Area 1. Water-dependent recreational uses include Wendt Beach County Park, Bennett Beach County Park, Evans Town Park and Lake Erie Beach Park. The privately operated Mickey Rats Beach Club/Captain Kidd’s Restaurant and the Southshore Beach Club in Sub-Area 2 are water-enhanced uses that offer beach access and informal launching area for small craft, such as catamarans. Pt. Breeze RV Resort in Sub-Area 3, although water-enhanced, includes a boat launch ramp and beach area, which are water-dependent features.

The Evans LWRA primarily contains water-enhanced and non-water dependent uses. The area includes numerous private residences, which are water-enhanced. Large non-residential properties along the lakeshore that are water-enhanced uses include the Graycliff Estate (cultural), the St. Columban Retreat Center, the Claddagh Commission, St. Vincent de Paul Camp, Cradle Beach Camp and Camp Pioneer (all private campgrounds and facilities for the disadvantaged or individuals with special need).

**E. UNDERUTILIZED, ABANDONED AND DETERIORATED SITES AND STRUCTURES**

As much of the waterfront is residentially developed, there are not many places in need of revitalization. However, there are some notable locations that could use improvements. These include the following.

**Sturgeon Point Marina**

The Town owns the marina and is finalizing the acquisition of lands surrounding this site from Erie County. The marina site is not currently being utilized to its greatest potential. This marina is one of the Town’s greatest assets and could be improved for increased recreational use. As noted in Section 2.5.2, the Sturgeon Point Advisory Board prepared a brief report in 2006 highlighting the need and benefits of expanding the marina basin to accommodate more and larger vessels. Improvement of this site could help increase tourism and recreational use of the

lake. Recreational fishing is a significant industry in the Western New York area and Sturgeon Point Marina is the only docking facility available between the City of Buffalo to the north and Cattaraugus Creek/Sunset Bay to the south.

**Sturgeon Point Marina boat basin**



Marina expansion and improvements to the area around the marina could enable the Town to sponsor fishing tournaments and other events to generate tourism and greater activity in this area during the summer season. The marina is located in close proximity to the Highland / Derby area, which is a center of commercial activity in the Town. Improvements to the marina could be directly linked with and supported by activity in that area.

The Town has been pursuing improvements to the lands situated upland of the marina. This area was proposed for development with a mix of passive and active recreational use, but study of the lands revealed extensive areas of State-designated wetlands, forcing the Town to scale back on the plans for this area. It is the Town's intention to expand parking for the marina and provide area for passive recreation and scenic viewing along the bluff above the marina. These improvements are important and will be of even greater importance should the marina be expanded in the future.

The upland area of the marina property could also be redeveloped to accommodate some additional commercial uses, whether it is shops or additional support services for recreational fishing. In addition, the finalization of the land acquisition with the County will provide the Town with ownership to lands on the south side of Sturgeon Point Road, near the marina. The Town needs to study the potential for use of these lands for additional recreational activities or other uses of this nature related to the marina. The idea is that the Sturgeon Point area has the potential to be redeveloped in a fashion that would provide greater recreational and economic value to the Town.

### Fish taxidermy establishment at Marina



### Terminus of Wendt Road

The end of Wendt Road was formerly used as a location for launching boats and gaining access to lake waters.

### Terminus of Wendt Road



This site is currently in a state of disrepair and, although used by local residents on an informal basis, could be restored for boating access. The Sturgeon Point Marina provides boating access for larger vessels, but there are few locations along the waterfront where the public can launch smaller watercraft such as non-motorized boats, canoes, kayaks, jet skis, etc.

This site has the potential to be revitalized for such use. The terminus of the roadway has sufficient room, with some improvement, to accommodate limited parking. Overhead electric lighting still exists in the area. With some additional minor improvements, the area could be restored as a more formalized location for launching small vessels and gaining access to the beach. This location is situated at the mouth of Big Sister Creek and provides expansive scenic views and access to the lake for swimming, as well as boating.

### **Wendt Beach and Bennett Beach County Parks**

Wendt Beach Park is owned by Erie County and has an extensive amount of land that is used for play fields supporting local soccer tournaments and other sports. The beach has a designated swimming area and changing rooms (see Section 2.6.1). This park has a large parking area and areas of open space for passive recreation. In general, the park has the potential to offer more benefits to Town and County residents.

#### **Wendt Beach County Park**



In addition, this park is the former Wendt family estate and the site of the historic Wendt mansion, which was built in the mid to late 1800's. This structure is not in current use. Restoration and updates are appropriate to protect and enhance its historic value and benefit to the public. The Erie County Parks Master Plan recognizes the importance of this site as a heritage area and recommends that the Wendt Mansion be restored for an adaptive re-use that compliments the park. Potential uses include an inn or bed and breakfast establishment similar to the Glen Iris Inn in Letchworth State Park; or a banquet or conference facility. Public private partnerships should be explored to achieve this objective (see the Appendix E for the listing of recommendations and specific actions outlined in the Plan).



**Picnic area at Bennett Beach**



**Old foundation on Bennett Beach**



Like Wendt Beach Park, Bennett Beach is owned by the County. The Town's Parks Department currently provides care and maintenance for both County parks, but does not have the authority to undertake more extensive improvements or manage these parks. This park contains remaining areas of primary dune that should be protected from public access and a small picnic area that overlooks Big Sister Creek. There is also an old concrete foundation located on the beach.



### **Former Angola Water Treatment Plant**

The site is owned by the Village of Angola. The property contains the abandoned water treatment facility, which is located along the waterfront in Sub-Area 2.

#### **Former Angola Water Treatment Plant**



This facility supplied potable water to the Village of Angola, and at one time the entire Town. The plant was closed in the mid 1990's, when it became cost prohibitive to continue operations and the Village of Angola contracted with Erie County for the bulk purchase of public water. This property currently sits idle and abandoned and has the potential for reuse for tourism-oriented activities, such as lodging, community functions or other such uses that offer public access.

#### **Former Angola Water Treatment Plant**



### **Purvis Landing**

Purvis Landing is a 0.25-acre parcel located at the southern end of Sub-Area 2. At present it is a grassed area with a sidewalk that offers limited public access to the shoreline and beach. It is also located along the path of the Evans Multi-Use Trail, which was recently funding and in the design stages.

This property, which measures 50 feet wide and 192 feet deep, is currently being used by adjacent property owners as additional parking area, which impedes public access. Although it offers excellent views of Lake Erie, this site is presently underutilized. This site lends itself to public waterfront access for public recreational use, such as canoe or kayak launch. However, parking at this site is an issue.

**Purvis Landing**



### **Lake Erie Beach**

The Lake Erie Beach area is an important hamlet in the Town that offers a variety of residential uses, as well as a small mix of commercial businesses that border the Lake Erie Beach Town Park. This area is seasonally attractive for tourist lodging and recreational activities. Lake Erie Beach suffers from residential blight, with some vacancy and abandonment, which detracts from the character of the area.

**Lake Erie Beach business area**



This area is in need of revitalization to restore it as an attractive and vibrant neighborhood. The Town recently completed a study of this area (see Appendix C).

**F. UNDERWATER LAND OWNERSHIP**

**Public Trust Doctrine**

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

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

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

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

### **Underwater Land Ownership**

Ownership and jurisdiction of Lake Erie and all submerged lands, including the subsurface lying under the lake within the territorial limits of New York State, is held by the State of New York, unless ownership has been granted to any other person or entity. The beds of the Great Lakes are authorized for private ownership only for special purposes. The boundary line between State ownership of the lakebed and ownership of the adjacent upland is the low water mark.

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

The State OGS is the agency responsible for issuing grants, leases and easements for the use of underwater lands and other interests for docks and associated marine-related structures that are placed on State-owned underwater lands of Lake Erie. In the case of the Town of Evans, the OGS is an authorizing agency for docks proposed along the lake shore. Docks along creek corridors, where bottom lands are privately owned, are regulated by the Town and the NYSDEC. As the creeks are not navigable, however, docks are not commonly constructed in these areas. The construction of any commercial dock or any private, non-commercial dock along the lake shore that exceeds 4,000 square feet in area (including the perimeter area) would require the granting of an interest (a grant or easement) from the OGS. Non-commercial structures less than 4,000 square feet in size (as measured from the outermost perimeter and including the

surface area of the water contained within), less than 15 feet in height and having a capacity of five or fewer boats, do not need an interest.

State underwater land grants were issued for the express purpose of either commerce or beneficial enjoyment. Grants issued for commerce were given to shorefront businesses for more restricted activities and were usually written with conditions. If the conditions were not followed, the State could bring an action to declare the grant void and thereby recover ownership, per Section 78 of the Public Lands Law. Beneficial enjoyment grants were given to shorefront property owners without restriction and provided more complete title to the underwater lands. In either case, the grantee was given full ownership rights to the bottom lands. Grants for commerce were issued in the early part of the 1800's and then the issuance of grants for beneficial enjoyment became more commonplace. Around 1890, the State began to restrict the grants issued for beneficial enjoyment, as well.

### **Underwater Land Grants and Leases**

In the past, numerous underwater land grants were issued by the State for properties along the shoreline of Lake Erie. A review of the water grant index maps for the Evans waterfront area indicates that two underwater land grants were issued, both in Sub-Area 1.

One grant was issued to Celia B. Michael on February 3, 1904 for an interest in almost 46 acres of off-shore underwater lands (see [Map 5D](#)). In 1886, Edward Michael owned a 42.9-acre property on Lake Shore Road, southwest of Sweetland Road. The original home burned, and after his wife's death in 1934, Mr. Michael's built "Hickoryhurst" on the property. This was a 40-room house that he shared with his three daughters. This property remains in private ownership today. The other grant was made in 1936 to Percy P. Pierce for beneficial enjoyment. Percy Pierce was part of the family that manufactured the Pierce Arrow automobile. The family built a summer home around 1894 at Sturgeon Point, where the marina is located today. After the family sold their house, it became an inn and tavern called the Sturgeon Point Lodge. It changed hands several times and by 1970, it was being used as a storage facility by the Town. It burned in 1982. However, the grant for underwater land at this location is still tied to the upland.

The interest in the underwater lands is attached to either the new upland property that is created through fill activity or to the coterminous upland property. As ownership of the land changes hands, the interest in the underwater land moves with the title to that land. For private property, because the interest in the underwater lands is attached to the title, there is no need for the State to re-convey the lands to the new landowner. For the past few decades, OGS has been issuing licenses for certain structures that exceed the thresholds and, therefore, require State authorization. The typical license is issued for 10 years, allowing for the use of the State-owned underwater lands. Unlike a grant, it does not grant any real interest in the property. The licensee pays a fee for their "use" of the State-owned lands. There are two facilities along the Evans waterfront that have licenses for underwater land use. These include the Sturgeon Point Marina and Pt. Breeze RV Resort.



## 2.5 SURFACE WATER USES, NAVIGATION AND HARBOR MANAGEMENT

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Surface waters in the Town include Lake Erie and the numerous creeks that are tributary to the lake. Although a significant part of the local watershed, these creeks are not navigable. They include (from north to south):

- Sub-Area 1: Eighteen-Mile Creek, Reisch Creek and Pike Creek.
- Sub-Area 2: An unnamed tributary that flows through Wendt Beach County Park, Little Sister Creek and Big Sister Creek.
- Sub-Area 3: Delaware Creek, Fern Brook and Muddy Creek.

### A. VESSEL USE AND NAVIGATION

There is limited navigational use along the Evans waterfront. Small pleasure craft are used for recreation and fishing. There are no commercial vessels or commercial fishing operations in the surface water area of the LWRA (larger commercial vessels traverse central lake waters, but this occurs well off shore of the Town, and outside of the LWRA). As previously noted, the creeks that are tributary to the lake are shallow and not well suited for commercial or recreational use in most places (with the exception of canoes and rowboats in areas closer to the lake), although they may be considered navigable for regulatory purposes. Various residents along the shoreline of Lake Erie have boats or other small vessels, but do not have permanent docks. The remnants of former docking structures can be found along the shoreline of the lake, but there are no permanent docks. Lake conditions, in particular intense winter storms, are not favorable for such use. Personal watercrafts are becoming more popular with local residents, as well as those who visit local parks along the waterfront.

**South Shore Beach Club**



The waterfront/beach clubs in Sub-Area 2 (Captain Kidds/Mickey Rats and the South Shore Beach Club) also support local boating activity. Patrons use the beach to temporarily anchor and launch catamarans, small vessels, canoes, kayaks and windsurfing apparatus. The terminus of Wendt Road is also used

informally to launch small craft of this nature. Boating from other local parks is not easy because of the distance between the parking areas and the beach. Only Lake Erie Beach Park is more convenient for launching personal watercraft and other small vessels.

The Lake Erie bottom is sandy from the shoreline and maintains a constant gradual two-percent decrease in grade as you move away from the shoreline for a distance of about 2,000 feet or more. Six-foot depths are usually reached about 400 feet from the shoreline. Slightly deeper conditions exist offshore in the vicinity of Sturgeon Point, Pike Creek and Delaware Creek. Wave actions and littoral drift frequently form sand bars at Sturgeon Point, requiring regular dredging to maintain an open channel to the marina basin. There are also areas of shallower offshore depths (between 3 and 12 feet) for a distance of up to 2,000 feet off of Wendt Beach and 4,000 feet off of Bennett Beach.

**Terminus of Wendt Road**



According to National Oceanic and Atmospheric Administration navigation charts, the ruins of former docks or other marine structures, and a few rocky areas are found at the base of the bluffs north of Sturgeon Point in Sub-Area 1. Many of these small areas of ruins are the remnants of docks that were associated with the large estate properties at the top of the bluffs. There is a foul area (rocks and shallows) just south of the mouth of Pike Creek in Sub-Area 1. Additional ruins are noted off of the north shore of Grandview Bay in Sub-Area 2. The intake pipe for the Erie County Water Treatment Plant extends about 2000 feet into the lake, immediately north of the Sturgeon Point Marina. The abandoned intake pipe for the former Angola Water Treatment Plant extends about 1,500 feet offshore of Bennett Beach.

### **B. MARINAS AND DOCKS**

The Sturgeon Point Marina is the only marina and docking facility in the Town. The marina is located 29 miles southwest of the City of Buffalo. It is a 12.5-acre public facility with a one-acre marina containing 217 water slips, upland dry docks, four boat launch ramps, gasoline and oil sales, restroom and shower facilities and a restaurant. One slip in the marina is designated for the NYSDEC, Town Police or Coast

Guard patrols. There are up to 11 slips set aside for charter fishing vessels, with different operators offering recreational fishing tours out of the marina each year. There are also spots for transient docking.

Services available at the marina during boating season include 24-hour launching, seasonal launch passes, fueling station, pump-out facilities, overnight dockage, battery charging, pressure washing and bait and ice sales. Fishing is also available from the pier. The Town, in conjunction with the Erie County Fisheries Advisory Board, the Southtown’s Walleye Association of WNY and other local organizations, sponsors local fishing derbies and tournaments, such as Sturgeon Point Kid’s Day. The marina site is also popular in the winter season and used by ice fishermen.

**Sturgeon Point Marina**



The marina is authorized as a shallow-draft commercial/recreational harbor with channel depths of eight feet in the entrance and four to six feet in the marina basin. The basin is protected by east and west breakwaters with a total length of 840 feet and a shoreline revetment with a total length of 580 feet. The entrance of the marina channel is delineated by two lights, one flashing green and one flashing red. Aside from buoys that delineate swimming areas at local beaches, there are no other navigational aids in this area of the lake.

There are a total of 40 dry dock spots that rent at \$17.00 per foot. Boat launching fees are \$6.00 per boat or Jet Ski (per launch). An annual launch permit can be purchased for \$100 (\$95 for seniors).

Available dockage at Sturgeon Point Marina includes:

Number of Slips	Slip Size	Annual Lease Fee (2009)
17	18 feet	\$610
130	20 feet	\$660
36	22 feet	\$760
16	24 feet	\$860

Number of Slips	Slip Size	Annual Lease Fee (2009)
11	28 feet	\$1,060 (includes electricity)
7	30 feet	\$1,260 (includes electricity)

There is a high demand for marina slips and there is a waiting list for slips each year. The Sturgeon Point Advisory Board has recommended that the marina be expanded to include five additional 30-foot slips, plus the addition of twenty 35-foot slips, fifteen 40-foot slips and five 45-foot slips. Marina expansion is also recommended to remediate on-going issues of shoaling that have been occurring since the marina was built 20 years ago. The original depth of the basin was between seven and nine feet. Sand and sludge deposits, which enter through holes that were designed in the north wall, have reduced overall water depths to around five feet.

**Sturgeon Point Boat Launch Ramp**



There are no boat mooring or anchorage areas along the Evans lakefront. Aside from the Sturgeon Point Marina, the only other location that provides boat launching services is the Point Breeze RV Resort in Sub-Area 3. This facility offers one launch ramp and charges for use on a daily, weekly or seasonal basis. This facility also rents paddle boats, canoes and kayaks and offers seasonal boat storage and dry dock space. The Pt. Breeze RV Resort also offers its launch to support annual fishing tournaments.

**Dredging**

The Town has a number of permits with the Army Corps. of Engineers and NYSDEC to allow for maintenance dredging at the Sturgeon Point Marina and at the mouths of certain creeks that discharge to Lake Erie. Dredging activity is as follows.

- The Sturgeon Point Marina is dredged on a regular basis to eliminate shoaling and maintain channel dimensions. Approximately 15,000 cubic yards of sand is dredged annually by hydraulic

cutter from the marina channel and basin. Dredge spoil is deposited along the shoreline, to the north of the marina.

- The Town has a permit that allows approximately 10,000 cubic yards of sand to be excavated annually by backhoe from the west side of the west breakwater at the Sturgeon Point Marina. This sand is trucked to the Evans Town Park and Lake Erie Beach Park for beach nourishment and maintenance.
- The Town has a permit for dredge maintenance at the mouth of Fern Brook. A maximum of 450 cubic yards of material is removed from the creek mouth to allow Fern Brook to flow directly to Lake Erie, without bisecting the Town Beach. The dredge spoils are used to fill the channel of Fern Brook that bisects the beach at Evans Town Park.
- The Town has a permit for dredge maintenance at the mouth of Muddy Creek. A maximum of 450 cubic yards are removed from the mouth and used to replenish the beach down drift of the creek. Emergency permits are also issued for this location, as needed.
- An additional permit has been issued to private interests to maintain the Delaware Creek outlet at Purvis Landing.

**Dredge Rig in Marina Basin**



**Dredge Spoil Area**





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## 2.6 PARKS, RECREATION AND PUBLIC ACCESS

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Public parkland and waterfront access is abundant along the Town of Evans waterfront. Residents and visitors to the Town have access to a number of County and Town parks, as well as one State park facility. These parks and other recreational facilities offer opportunities for swimming and fishing, as well as other passive and active outdoor activities. The parks are generally open between Memorial Day and Labor Day, but many are used informally in the off season. Use of Evans Town Park facility requires a permit from the Town of Evans Parks Department. Between 2002 and 2008, the Town issued an average of 810 resident permits and 1,350 non-resident guest tickets for use of this park. All of the parks in Evans are depicted on Maps 5A, 5B, and 5C and described as follows.

### A. PARKS AND FISHING ACCESS SITES

There are two County parks and two Town parks, along with the State park, that provide recreational opportunities and waterfront access to Lake Erie. In addition, there are a number of private campgrounds that offer recreational benefits to the public. All of the parks in the community are heavily utilized in the summer season.

- **Evangola State Park**

Evangola State Park is located at the southern end of Sub-Area 3 and is only partially located within the Town. The actual entrance to the park is situated in the Town of Brant.

This 733-acre park includes areas of lake shore, woodlands, meadow and wetlands. It offers picnic areas with shelters along the lake, a variety of sports facilities (tennis, baseball, volleyball, disc golf, basketball and horseshoes), a designated swimming area, an 80-site campground and a beachfront banquet room that can accommodate 125 people.

**Evangola State Park**



The park is open in the winter for ice fishing, snow shoeing, snowmobiling and cross country skiing. The campground facility is located in the portion of the park that falls with the boundary of the LWRA. The State charges an entry fee for daily park usage; seasonal passes are also available for purchase, which grant the user access to any State park facility.

**Evangola State Park**



- **Wendt Beach County Park**

Wendt Beach is a 178-acre, multi-purpose park in Sub-Area 2, which offers beach-related, passive activities and active recreational facilities.

**Wendt Beach County Park**



The park includes the historic Wendt mansion, approximately 2200 linear feet of shoreline and stony beach (not sand), and vegetated bluff.

### Historic Wendt Mansion



Roughly half of the park is forested, including a forested wetland area that includes protected flora. A bluff about 15 feet high extends along the entire inland edge of the beach. The park offers swimming, field sports, nature trails, picnic area and passive recreation and scenic viewing. The park has two distinct character areas: one is the wide expanse of mowed soccer fields and open lawns that surround the driveway as you enter the park; the other is the natural “heritage” setting near the lake, with the historic mansion, outbuildings, natural shoreline and woodland. Each area serves different users and offers different activities.

- **Bennett Beach County Park**

Bennett Beach, in Sub-Area 2, is special place along the Evans shoreline because it offers one of the last remaining natural sand beaches and dunes. This unique lakefront park is approximately 50 acres in size and is the site of the historic Bennett Homestead and estate.

### Bennett Beach County Park





While many beaches along the Lake Erie shoreline have either been destroyed, altered or are now under private ownership, this beach still possesses historic landscape features. In addition, there are back dune wetlands as part of the natural dynamics of the mouth of Big Sister Creek. Lake Shore Road splits this property in two, with the western (lakeside) half offering open space “beach-related” activities and the other half of the park remains undeveloped natural wooded area.

The park is also bisected by Big Sister Creek, which extended from the southeast to northwest, where it opens up to Lake Erie. The creek is an attractive fishing spot. A pedestrian bridge provides access from a parking area, over the creek, to the beach. In general, the park is relatively flat with the exception of the large sand dune. Limited facilities exist at this park, which offers little more than parking area, picnic area and a comfort station. The former Bennett estate mansion was removed a number of years ago.

- **Purvis Landing**

Purvis Landing, which is centrally located in Sub-Area 2 is a 0.25-acre property that offers limited opportunities for passive recreation.

**Purvis Landing**



The former location of a boat launch ramp, this facility includes grassed area with a sidewalk that leads to the beach, but needs to be improved. The site offers opportunities for canoeing or kayaking, but parking is an issue. Use of the existing public parking spaces was thwarted by the nearby residents, leading the Town to remove the existing parking spaces. The Town needs to investigate the potential to acquire land on the east side of Lake Shore Road for future parking to improve beach access for these uses.

- **Evans Town Park**

Evans Town Park is an 11-acre facility located in Sub-Area 2. This park is open to Town residents with a permit; non-residents are admitted for a nominal fee. This multi-purpose park offers many diverse forms of recreation, including swimming and beach activities, four tennis courts, two volleyball areas, two basketball courts, a softball diamond, horseshoe pits, picnic area and pavilions and playgrounds.

**Evans Town Park**



These activities are supported by a comfort station. This park is bisected by Lake Shore Road, with a tunnel situated beneath the roadway to provide access between each side of the park. The inland side includes the picnic area, parking, court and field sports, playground and other amenities. The lake side offers the beach, with a designated swimming area with lifeguards, and associated activities.

**Evans Town Beach**





Although the majority of the park is handicapped accessible, the beach area is not. The park is relatively flat and the areas outside of the beach are shaded with mature trees. This park is utilized by the Town for a variety of community events, such as an Easter Egg Hunt, the Taste of Evans and Fallfest.

- **Lake Erie Beach Park**

Lake Erie Beach Park is a 5.3-acre, Town-owned park in Sub-Area 3. Revitalization of Lake Erie Beach hamlet represents the Town’s foremost priority for enhancing the waterfront and this park is an important part of that effort, as it is centrally located between the lake and the business district. Park facilities include a wide area of beach with a designated swimming area, playground equipment, picnic area, restrooms and fishing access to Muddy Creek. A pedestrian bridge over Muddy Creek was constructed to improve public access to the shoreline. This park will forever remain a public recreation resource.

**Lake Erie Beach Park**



- **Hobuck Flats Fishing Access Site**

Hobuck Flats is located at the end of Versailles Plank Road, in the North Evans hamlet in Sub-Area 1. This site is a popular location for fishermen seeking trout, suckers and smallmouth bass. It is also popular for fossil hunting. Buttermilk Falls, which is another main feature of this area, is best viewed in the spring. Parking at this NYS fishing area is provided through the generosity of the landowners and is very limited. This site is primarily intended for providing fishing access to Eighteen-Mile Creek.



**Hobuck Flats Fishing Access Site**





- **Joel Harvey Fishing Access Site**

The Joel Harvey Fishing Access Site is also a State-designated facility in Sub-Area 1 that is located immediately off of Lake Shore Road, near the terminus of South Creek Road, along the southern shoreline of Eighteen-Mile Creek. Like Hobucks Flats, this site is a popular location for fishermen seeking trout, suckers and smallmouth bass and other local species that frequent the creek.

**Joel Harvey fishing access**



The State provided grant funding for the signage and parking improvements at this site with monies that were generated through the sale of the Habitat/Access stamp which is sold at outlets that sell fishing licenses. Habitat is key to fishing and wildlife abundance, and the habitat

stamp provide funding to help improve and conserve habitat, as well as increasing access to public and private lands for fish and wildlife related recreation.

## **B. PRIVATE CAMPS AND RETREATS**

Private access to the shoreline is provided by a number of camps and retreats, as well as by the Mickey Rats and South Shore Beach Clubs in Sub-Area 2. An overview of many of these facilities is as follows.

- **St. Columban Center**



The St. Columban Center is located on a 15.6-acre waterfront parcel in Sub-Area 1. This center is a religious facility that affords the public an opportunity for renewing and discovering ways of living in harmony. This facility provides a retreat environment for restoring and renewing personal religious objectives.

- **Claddagh Commission**



The Claddagh Commission is located on a 25.9-acre property that sits atop the bluff on Lake Shore Road in Sub-Area 1. This facility serves individuals with developmental disabilities and is dedicated to providing enriching, meaningful and cost-effective services that include residential services, day services, family support and respite, nursing, supportive work opportunities and service coordination.



- **Cradle Beach Camp**



Cradle Beach Camp is located on over 60 acres of beach, woods, nature trails and open space. Located in Sub-Area 2, Cradle Beach serves the needs of disabled and disadvantaged children from Western New York.

The summer camp is their signature program, but other activities are conducted year round, including weekend respites and youth leadership programs. Cradle Beach was

founded in 1888 as the Fresh Air Mission, providing underprivileged children from the City of Buffalo the opportunity to enjoy the sun and shoreline. What started as tents has transitioned to cabins and over the years the facility has expanded its services and outreach. With 14 cabins, a large dining and recreation hall, infirmary, computer lab, library, an arts and crafts center, and a variety of outdoor sports courts and amenities, this facility is designed to meet the special needs of the campers.

- **St. Vincent de Paul Summer Camp**



Located on Lake Shore Road in Sub-Area 2, St. Vincent de Paul Summer Camp gives underprivileged children between the ages of 8 and 13 the opportunity to interact with other children in a pleasurable environment. The children who attend this camp come from urban environments and are given the chance to learn about nature, experience the shoreline and great lakes environment and enjoy the

opportunity to make new friends. For over 60 years, this facility has been able to assist over 50,000 children on its 15-acre property. It offers cabins for lodging, a recreation/dining hall and a variety of outdoor activities, among other things.



- **Camp Pioneer and Retreat Center**



Camp Pioneer is located on Lake Shore Road in Sub-Area 3. Camp Pioneer’s lakefront facilities were established in 1945 and offer year-round, multi-faceted programs for people of all ages and abilities in a Christian setting. It offers summer non-denominational residential programs, residential camping and specialty camps, retreat packages, outdoor education, leadership training and other facilities for families, schools, church or other

organizations. Presently, this facility is offering a program for children of military personnel. Partnering with Operation Enduring Comfort, Camp Pioneer hosts “Operation Purple Camp”, which is a week-long camp program with outdoor activities and recreation for military kids. The Camp Pioneer property offers a one-quarter mile stretch of beachfront, along with 75 acres of woodlands, cabins, picnic areas, playfields and grounds. Recreational and athletic activities include swimming, sailing and canoeing, court games and paddle boating. The one issue that the camp is experiencing is the lack of waterfront access for handicapped individuals. Those who cannot navigate stairs are excluded from waterfront activities unless carried down the stairway to the beach.

- **Point Breeze R.V. Resort**



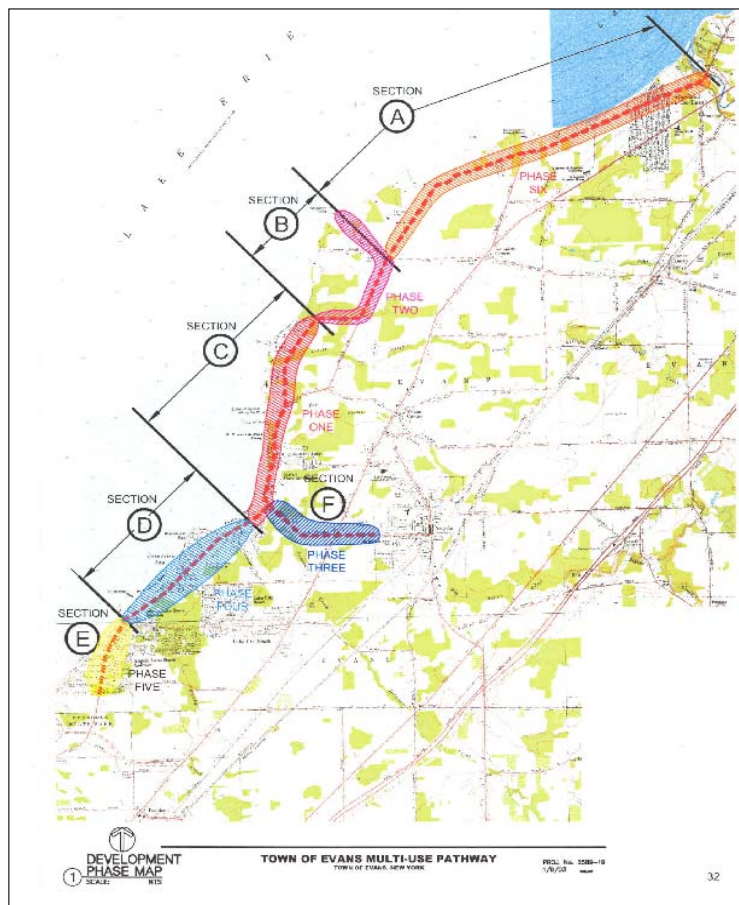
Point Breeze RV Resort caters to seasonal campers on a 28-acre property in Sub-Area 3. This private campground includes 2000 feet of Lake Erie shoreline and two private beaches. It also offers two heated in-ground pools. It provides opportunities for swimming, fishing, and boating and offers a variety of on-site activities. Campsites are leased on a daily, weekly or monthly basis; they also offer seasonal sites both on and off

the lakefront. The property includes a boat launch and boat rentals are available, as well as dry dock and boat storage. This facility also sponsors and participates in local fishing tournaments.

### C. TRAILS, CONNECTIONS AND ACCESS

Currently, with the exception of an off-road trail in Evangola State Park, there are no formal trails or multi-use pathways in the LWRA. Lake Shore and roads extend along the length of the waterfront, providing access to the many parks and other resources that exist in this area. This roadway is a narrow, two-lane thoroughfare, with little or no shoulder, making pedestrian travel challenging in certain locations. Biking along Lake Shore Road can also be difficult. To address safety issues, improve walkability, and provide a means to more effectively link waterfront resources and improve waterfront access, the Town is pursuing the development of a multi-use trail system along the waterfront. Based on a conceptual design that was produced in 2003, the Town has secured funding to develop two of six phases of the trail. See Town of Evans [Multi-use Pathway Map](#).

Phase 1, which extends 2.75 miles in Sub-Area 2, from Wendt Beach County Park to Evans Town Park, is currently ready for construction. Funding was also secured for Phase 2, which runs 4.25 miles from Sturgeon Point Road to Eighteen-Mile Creek at the boundary with the Town of Hamburg. Additional phases include path extensions from the Sturgeon Point Marina to Wendt Beach County Park (2.0 miles), Evans Town Park to Point Breeze (2.0 miles), and Point Breeze to Evangola State Park (0.75 miles). A 1.3-mile spur along Lake Street to the Village of Angola is also proposed to connect the waterfront with the Village of Angola.



The proposed recreational trails in the Evans have a common theme: to safely connect the population areas of the Town with the beaches of Lake Erie. This theme is one that the County would like to see carried out on a regional scale (see Appendix E). The Erie County Parks Master Plan supports the development of a regional system, commonly known as the Shoreline Trail, of continuous pathways that would connect the townships and the resources therein, from north to south. The Evans Multi-Use Pathway is considered a key linkage in this regional system. The overall goal is to continue the Erie County system along the shoreline throughout Western New York, connecting the Erie County with trails and resources within Niagara County to the north and Chautauqua County to the south.

In addition to the multi-use pathway, there are a few locations along the waterfront that have private or restricted public access to the shoreline. These include the Roat Acres residential area and Grandview Bay in Sub-Area 2 3, among other locations. The Highland community has a private access area that leads to the top of the bluff, where a stairway extended down the bluff face to the beach. However, the stairway was removed because it was not longer safe for public use.

**Waterfront Access in Roat Acres**



Beach access lanes are provided as described in the table (see [Map 5E](#)).

There are seven access pathways in the Grandview Bay residential area-that are restricted for use by residents of the area. These designated pathways are maintained by the Grandview Bay Community Association and provide beach access to residents in the Grandview Bay area.

Location	Width
Waterman Road	24.75 feet
Peters Lane	6.0 feet
East Lane	30 feet
West Lane	20 feet
Central Lane	12 feet
Coolidge Lane	12 feet
Wilson Lane	10 feet

The Community Association also sponsors a number of events during the summer season for residents and seasonal visitors.



### Waterfront Access in Grandview Bay



## D. SCENIC RESOURCES

The Evans waterfront affords residents and visitors to the area spectacular views of Lake Erie, the Canadian shoreline and the City of Buffalo skyline, as well as splendid views of sunsets. Although there are no Scenic Areas of Statewide Significance within the Evans LWRA, as designated by the Secretary of State, there are numerous locations along the waterfront that offer scenic vistas.

### Dunes at Bennett Beach



For the general public, views of Lake Erie can be gained from all public facilities along the lakefront, including the Sturgeon Point Marina, Wendt Beach and Bennett Beach County Parks, Purvis Landing,

Evans Town Park, Lake Erie Beach Park and Evangola State Park. Other private locations, such as the Graycliff Estate, Cradle Beach Camp, Camp Pioneer, and Point Breeze RV Resort provide viewing options, as well. In addition, the numerous private residences along the waterfront offer year-round vistas of the changing lakefront for locals and visitors alike. Scenic views of the lake should be protected and improved wherever possible.

In addition, many of the parks and other cultural assets along the waterfront are beautiful in their own right. Sites such as Bennett Beach (which contains the last remaining sand dunes), beach areas at the mouths of the major creeks, the Eighteen-Mile Creek gorge, the Sturgeon Point Marina, Graycliff Estates and Evangola State Park, among other places, possess scenic qualities that add to the enjoyment of the user.

**Mouth of Little Sister Creek**



**Bluffs at Sturgeon Point**





For over 25 years, local volunteers from the Town of Evans and surrounding area have participated in the Great Lakes Beach Sweep, which is conducted in conjunction with the Ocean Conservancy International Coastal Clean-up. The Evans Beach Sweep volunteers clean as much of the Town's shoreline as is accessible, picking up trash, as part of a larger regional effort.

**Shoreline at Camp Pioneer**



The Great Lakes Beach Sweep is aimed at improving the scenic quality of the waterfront for everyone to enjoy. Items that are typically collected include cigarettes and filters, food wrappers and containers, plastic beverage bottles and aluminum cans, clothing, and other garbage. Everything that is collected is documented to help compile data in an effort to combat shoreline pollution and create increased public awareness and appreciation of the coastal environment.

**Historic bridge at Evangola State Park**



**Gulls at Lake Erie Beach Park**



## 2.7 NATURAL RESOURCES

### A. WATER QUALITY

Evans is located within the Niagara River / Lake Erie Basin watershed, which encompasses about 2,280 square miles in the Western New York area. The creeks and streams in the Town of Evans discharge to Lake Erie and are part of the Niagara River – Lake Erie Drainage Basin. As previously noted, these include:

- Sub-Area 1: Eighteen-Mile Creek, Reisch Creek, Pike Creek
- Sub-Area 2: An unnamed tributary that flows through Wendt Beach County Park, Big Sister Creek and Little Sister Creek.
- Sub-Area 3: Delaware Creek, Fern Brook and Muddy Creek.

In accordance with 6 NYCRR Part 701 Classifications - Waters and Groundwaters, the New York State Department of Environmental Conservation (NYSDEC) has assigned water quality stream classifications to surface waters in New York State. These classifications identify the best usage for each stream. The creeks along the Evans waterfront are classified as follows:

Waterbody Segment	Index No.	Classification
Lake Erie (Main, North)	Ont 158 –E (portion 6)	A-Spcl
Eighteen-Mile Creek	Ont 158 E-13	B(T)
Reisch Creek	Ont 158 E-14	B
Pike Creek	Ont 158 E-15	B

Waterbody Segment	Index No.	Classification
Unnamed Tributary at Wendt Beach	Ont 158 E-17A	B
Little Sister Creek	Ont 158 E-19	B
Big Sister Creek	Ont 158 E-20	C
Delaware Creek	Ont 158 E-21	B(TS)
Fern Brook	Ont 158 E-21A	B
Muddy Creek	Ont 158 E-22	B

Lake Erie is designated Class A-Special (International Boundary Waters) along the entire Evans Shoreline. The best uses for Class A-Special waters include drinking water supply, food processing, primary and secondary contact recreation and fishing. These waters are suitable for fish, shellfish and wildlife propagation and survival.

In accordance with the best usage for Class B streams as fishing and primary and secondary contact recreation, these waters are suitable for fish, shellfish and wildlife propagation and survival. The “T” designation indicates that the classified waterbody segment supports trout; the “TS” designation indicates that the classified waterbody segment supports trout and trout spawning. Class C fresh surface waters are suitable for fishing. These waters are also considered suitable for primary and secondary contact recreation of propagation, although other factors may limit their use for these purposes. Big Sister Creek is the site of the Erie County Sewer District No. 2 Wastewater Treatment Plant.

### **Priority Waterbodies List**

The water quality classifications assigned to waterbodies do not necessarily reflect all water quality issues. The Federal Clean Water Act requires states to periodically assess and report on the quality of waters in their state. Therefore, the NYSDEC has developed a statewide inventory of specific waterbodies, based on monitoring and information drawn from other programs and sources that characterizes general water quality, the degree to which water uses are supported, and progress toward the identification of quality problems and improvements. The NYSDEC Division of Water periodically publishes a list of the surface waters that cannot be fully used as a resource or have problems that can damage their environmental integrity. The “Waterbody Inventory/Priority Waterbodies List” is used as a base resource for NYSDEC Division of Water program management. Separate Waterbody Inventory/Priority Waterbodies List Reports are prepared and maintained for each of the major drainage basins in the State. The list includes an assessment of water quality for waterbodies under six categories, which include:

- *Waters with No Known Impacts* – waterbody segments where monitoring data and information indicate no use restrictions or other water quality impacts or issues.
- *Threatened Waterbody Segments* – waterbody segments for which uses are not restricted and no water quality problems exist, but where specific land use or other changes in the surrounding watershed are known or strongly suspected of threatening water quality; or waterbodies where

the support of a specific and/or distinctive use makes the waterbody susceptible to water quality threats.

- *Waters with Minor Impacts* – waterbody segments where less severe water quality impacts are apparent, but uses are still considered fully supported (these waters correspond with waters that are listed as having “stressed” uses).
- *Waterbodies with Impacts Needing Verification* – these are segments that are thought to have water quality problems or impacts, but where there is insufficient or indefinite documentation. These segments require additional monitoring to determine whether uses should be restricted.
- *Impaired Segments* – these are waterbodies with well documented water quality problems that result in precluded or impaired uses.
- *UnAssessed Waterbodies* – waterbody segments where there is insufficient water quality information available to assess the support of designated uses.

Impaired segments, waters with Minor Impacts and Threatened Waterbody segments are the focus of remedial/corrective and resource protection activities by the NYSDEC.

Lake Erie and many of the creeks that are tributary to the lake are included on this list, as part of the Niagara River/Lake Erie Basin. The lake and its tributaries along the Evans waterfront were monitored in 2000 to 2002 and 2005 to 2007. Additional information was finalized in June of 2010 with respect to the identification of waterbody segments that do not support appropriate uses and that require development of a Total Maximum Daily Load (TMDL) or other restoration strategy.

Section 303(d) of the Federal Clean Water Act also requires states to identify Impaired Waters, where specific designated uses are not fully supported. For these Impaired Waters, states must consider the development of a Total Maximum Daily Load (TMDL) or other strategy to reduce the input of the specific pollutant(s) that restrict waterbody uses, in order to restore and protect such uses. A final list of Impaired Waters was compiled in June 2010.

This list indicates that sections of Lake Erie, including the waters offshore of the Town of Evans, require the development of such a strategy to remedy water quality impacts from pathogens carried in urban/stormwater runoff. This effort must also consider sediments contaminated with PCBS, which have adversely affected fish consumption. As impaired segments, Little Sister Creek and Muddy Creek required additional study to verify the extent of the impairment and determine if additional action is needed.

The following table outlines the use impairments, types of pollutants and sources for each listed waterbody located within the Evans LWRA.



## Water Quality Assessment

Water Body	Impaired Use	Severity	Type of Pollutant	Causes/Source	Category
Lake Erie	Fish Consumption	Known to be Impaired	Priority Organics/ Pathogens	Contaminated/ Toxic Sediments Urban/Stormwater Runoff	Impaired Segment
Eighteen-Mile Creek (lower and minor tributaries)	Habitat/ Hydrology	Suspected of being Stress	Silt/Sediment	Urban Runoff and Streambank Erosion	Minor Impacts
	Fish Consumption	Possibly Stressed			
Little Sister Creek (lower and tributaries)	Aquatic Life	Known to be Impaired	Nutrients and Pathogens	Failing Septic Systems	Impaired Segment
	Recreation	Known to be Impaired			
	Public Bathing	Known to be Stressed			
Big Sister Creek	Aquatic Life	Known to be Stressed	Aesthetics and Nutrients	Municipal	Minor Impacts
	Recreation	Known to be Stressed			
	Public Bathing	Possibly Stressed			
Delaware Creek	Aquatic Life	Known to be Stressed	Nutrients	Failing Septic Systems	Minor Impacts
	Recreation	Known to be Stressed			
Muddy Creek	Aquatic Life	Known to be Impaired	Unknown Toxicity	Unknown Source	Impaired Segment
	Recreation	Known to be Stressed			

The creeks are the discharge points for stormwater drainage in the Town, which is conveyed to these waterbodies through open roadside ditches and stormwater outfall pipes (there are no combined sewer outfall pipes in the Town). Outfalls are typically considered point source locations for the introduction of pollutants carried in stormwater. Depending on the type of development present, stormwater runoff can be a source of metals, organic compounds, nutrients or other contaminants, in addition to pathogens. Measures can be implemented to reduce contaminant loadings in the effluent. This approach typically involves expensive structural devices that address a relatively small portion of the

entire contributing watershed area, but can be effective for localized water quality problems. At present, there is no indication that the quality of the stormwater effluent delivered to local creeks in Evans is degraded to the extent that it would require this type of mitigation. A more feasible means of improving the quality of stormwater flows that reach Lake Erie in the Town would be to institute a best management approach, as discussed below (the Town of Evans also has an adopted Stormwater Management Plan, which is discussed in Section 2.9 C.).

The primary impact to water quality in the Evans LWRA is non-point source pollution. Non-point source pollution is pollution that reaches a surface water body through unconfined or indiscrete means. Examples include stormwater sheet or overland flow (i.e. unchanneled flow from paved surfaces, buildings and construction sites) which carries animal wastes, road oil and other automotive by-products, pesticides and fertilizer; and groundwater infiltration that can carry contaminants from faulty cesspools or septic tanks or toxins from other sources of pollution. The best way to control the rate of non-point contaminant generation and transport in upland areas is through the use of "best management practices" such as reducing fertilizer and pesticide applications, proper disposal of pet wastes, automobile waste oils, etc. and other non-structural means. This approach is relatively inexpensive as compared to the costs of employing structural measures to mitigate point source pollution. Public Education is an important means of implementing best management practices. Vessel waste discharges are another potential source of water pollution, particularly in areas where vessels are docked in higher concentrations, such as the Sturgeon Point Marina.

As a precaution in Erie County, whenever it rains half an inch or more in a 24-hour period, County officials automatically close the two county beaches in Evans, Wendt and Bennett, as well as the other beaches it monitors along Lake Erie that include the Town beaches in Evans and Hamburg. Experience has made county health officials wary. The heavy rains can occasionally cause storm sewers to overflow, with rainwater being conveyed into the separate sanitary sewer system through manhole covers and/or leaking sewer laterals. When sewer lines exceed capacity, raw or partially treated sewage can surcharge (back up) through manholes and wash out into creeks and streams that empty into Lake Erie, ultimately elevating bacteria levels at the beaches. This has been a problem in the past in the vicinity of at some of the County's wastewater pump stations. As a means of addressing the inflow and infiltration problems in the Evans area, the Big Sister Creek Wastewater Treatment Plant in Sub-Area 2 was upgraded to include a reservoir to hold overflow sewage when downpours cause the sewer lines to exceed their capacity. However, additional maintenance and mitigation is required.

County officials test local waters for four things: E. coli, fecal coliform, total coliform and enterococcus, which are bacteria that can cause significant illness. The County used to test beach water during periods when there had been no rain, but are now more proactive and require the mandatory beach closings and water testing after heavy rainfall to protect public health and safety at local beaches.

The State beaches, including Evangola State Park, are tested about five times a month, with the exception of Woodlawn Beach State Park in the Town of Hamburg, which is tested almost every day. In the recent past, Woodlawn has often been closed at least two weeks each year. Evangola, on the other hand, is rarely closed.

Failing septic systems are another source of water quality degradation. Although most of the waterfront area has public sewer service (see Section 2.9.2), effluent from failing systems in other areas of the Town that migrates to local creeks ultimately reaches the Lake. Erie County officials have been testing septic systems across the county, identifying those that are failing. In some cases, the problem septic systems are corrected. In others, households relying on septic systems are added to local sewer districts. As a general rule, septic systems should be designed to handle the actual household volume of wastewater, located in the most suitable soils and regularly maintained to ensure effective operation.

## **B. WETLANDS**

Wetlands (swamps, marshes and similar areas) are areas saturated by surface or ground water sufficient to support distinctive vegetation adapted for life in saturated soil conditions. Wetlands serve as natural habitat for many species of plants and animals and absorb the forces of flood and tidal erosion to prevent loss of upland soils. As shown on Maps 6A, 6B, and 6C, there are areas of State-designated freshwater wetlands and federal jurisdictional wetlands, which are managed by the Army Corps. of Engineers, found in the LWRA. The State and the Army Corps regulate all activities that occur or that are proposed within or near regulated wetland areas.

Significant areas of State-designated freshwater wetlands are located in Wendt Beach County Park and in the Lake Erie Beach area, east of the A.J. Schmidt School. Federal jurisdictional wetlands have been identified in the vicinity of most of the creeks in the LWRA, in particular, the tributary that extends through Wendt Beach County Park, along portions of Little Sister Creek and parts of Fern Brook and Muddy Creek. Other significant areas of wetlands have been found on and around the Erie County Water Treatment Plant property, on the Cradle Beach Camp property and in Evangola State Park. Portions of the lake shore have also been delineated as federal jurisdictional wetlands.

## **C. HABITATS**

Review of the Natural Heritage Program databases and other information available through the NYSDEC Division of Fish, Wildlife and Marine Resources indicated no records of endangered, threatened or species of special concern in the LWRA. There is one plant that is noted in the State's records (the Wafer Ash), but the last known finding of this plant was in 1934. There are two State Designated Significant Coastal Fish and Wildlife Habitats found in this area. These include Eighteen-Mile Creek and Big Sister Creek (See Appendix B).

### **Eighteen-Mile Creek**

Eighteen-Mile Creek forms the boundary between the Town of Hamburg and the Town of Evans. The fish and wildlife habitat on the creek extends approximately five miles from Lake Erie to the confluence of the main and south branches of the creek. The entire area that flows through the Town of Evans is included within the habitat. This creek is a large, meandering, warm water stream with predominantly rock and gravel substrates. The creek drains about 120 square miles of agricultural land, rural residential areas and forested hills. Eighteen-Mile Creek is situated in a steep sided, undeveloped, wooded gorge that is characterized by shale cliffs, which range between 70 and 100 feet in height, and mature deciduous forest. The lower portion of the

creek, near the lake, is low gradient, occupying a broad, undisturbed floodplain. Eighteen-Mile Creek provides a major salmonid fishery to fishermen in the Western New York region. Although access is somewhat limited by topography, the stream receives heavy use during the early summer and the fall.

### **Eighteen-Mile Creek**



Eighteen-Mile Creek is the second largest tributary to Lake Erie and few creeks are comparable in the Great Lakes Plain ecological regions. 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 and Chinook salmon and brown trout migrate from Lake Erie into the creek each fall, from late August through December (primarily September through November), to spawn (although unsuccessfully in most cases). In addition, steelhead (rainbow trout) migrates into the creek during the fall and between February and April. 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. 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. NYSDEC has special year-round catch and release regulations for trout and salmon in Eighteen-Mile Creek.

### **Big Sister Creek**

The Big Sister Creek fish and wildlife habitat comprises the lower two-mile segment of the creek, extending from NYS Route 5 to the mouth of the creek at Lake Erie. This portion of the creek is a relatively wide, low gradient, warm water stream with the lower half forming an estuary of Lake Erie. The creek has a drainage area of about 50 square miles and is bordered by undeveloped woodland, agricultural land, mowed lawn areas and low-density residential development. Habitat disturbance is generally limited to the presence of bridges, litter and discharges from stormwater and treated sewage effluent. The creek ecosystem provides valuable habitat for lake-dwelling fish populations, which is unusual in Erie County.





Big Sister Creek is especially significant because concentrations of several salmonid species enter the stream during their respective spawning seasons, although reproduction is unsuccessful in most instances. Steelhead (rainbow trout) enter the creek between late February and April and runs of coho and Chinook salmon and brown trout occur from late August through December (September to November primarily). 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, although there have been none released directly in Big Sister Creek. In addition to these salmonids, the creek supports a productive warm water fishery, including smallmouth bass (which spawn here), channel catfish, rock bass, white bass, carp and possibly freshwater drum and northern pike. Local concentrations of wildlife including waterfowl, gulls and common terns (a threatened species), bank swallow and raccoons may sometimes occur in the area, but the use of the area is not known to be significant. As a result of the abundant fisheries resources in Big Sister Creek, a significant number of fishermen are attracted to the area. During salmonid runs, recreational fishing pressure extends well up to NYS Route 5. However, in general, the creek is most heavily fished from the banks within Bennett Beach County Park.

Below Lake Shore Road, Big Sister Creek flows through Bennett Beach County Park, as noted above. Before the creek empties into the lake, it flows northward along a sandy barrier peninsula with dunes that reach elevations of approximately 20 to 30 feet above the lake. This primary dune peninsula, however, has been impacted by severe lake storms and a large area has been eliminated. The remaining area of primary dunes, as well as the secondary dunes (which sit behind the peninsula and the creek), are not part of the State-designated habitat but are noted as being rare and the only such formations on the Lake Erie shoreline.

#### **Dunes and Old Growth Forest**

The sand dune formations and associated forest habitat at Bennett Beach County Park have long been recognized as a significant ecological resource. This area has been listed in the New York State Open Space Conservation Plan as one of top 10 priority sites for open space acquisition in Region 9. The approximately eight acres of dunes at this beach are associated with important

old-growth hemlock forest, making this area particularly unique. It is one of only two sites in the world where such old-growth trees grow on sand dunes (the other site is Sleeping Bear National Park in Michigan). Furthermore, this is the only site with lake dunes in New York State. The ecosystem in this area of the waterfront is further enhanced by Big Sister Creek, which extends northward, creating a peninsula with dunes and sandy beach (see Appendix B).

**Old Growth trees and dunes in the vicinity of the former Pine Lodge Camp**



The general area of dunes and forest has been impacted over years by residential development and public use. This habitat area falls within the County Park and extends onto private residential properties immediately surrounding the park. The habitat area that extends onto private property is more difficult to protect without regulatory mechanisms to ensure that potential development actions do not destroy or other result in adverse impacts to these resources.

**Dunes at Bennett Beach**



The Bennett Beach area is the site of the historic Bennett Homestead. This area and the lands to the north were first used by the Bennett family for public picnicking and camping in the mid to late 1800's, and encompassed several hundred acres along the waterfront. The area was initially established with tents, cabins, wooden platforms and pathways, and later supported a grand

beach resort with a small hotel, known as Pine Lodge. These uses resulted in the loss of habitat and initial disturbance to the area. The Pine Lodge Camp site included a Japanese garden and lakeside observation platform. Although these structures no longer exist and the area is strewn with ruins and remnants of these earlier uses, the Pine Lodge property and surrounding area has retained much of its historic ecological value. The 20-acre Pine Lodge Camp property now includes two private residences, one of which is the site of the original Pine Lodge. The surrounding woodland in this area is considered an ecological museum. This area, located directly north of Bennett Beach, is the primary area that includes the old-growth hemlock and northern hardwood forest with trees well over 200 years old (some up to 500 years old), making it the oldest forest community on Lake Erie (including the Canadian shoreline). What makes this area unique is that the woodland occurs on a Great Lakes sand dune. As previously noted, there is only one other plant community like this in the world. With the exception of forest communities on vertical, rocky cliffs (such as the cedars at Letchworth State Park), the trees in the hemlock-hardwood forest at Pine Lodge are the oldest in New York State and may be second only to those at the Allan Seger Natural Area in (Pennsylvania) in the northeastern United States.

The resource value of the dunes at Bennett Beach, as well as the dunes and vegetation in the Pine Lodge area, requires protective action. The Town needs to work with the County and State to determine effective ways to preserve the resources in this area of the waterfront. This area needs to be permanently identified in the New York State Open Space Conservation Plan for acquisition as an old growth forest resource. Public access to the dunes in the County Park needs to be restricted and the ecological resource value of the area, as a whole, needs to be better understood and appreciated. Only this will lead to the development of effective measures and safeguards to protect the valuable cultural and ecological resources in this area (see Section 2.8.2 for information on the archaeological value of this area).

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

Throughout geologic time, streams have cut through the interbedded shale and limestone of southern Erie County. In the Town of Evans, this has resulted in the creation of the Eighteen-Mile Creek gorge, which is a striking formation with steep walls that extend up to 100 feet high. The gorge stretches from the shore of Lake Erie east along the Evans/Hamburg Town boundary and on into the Town of Eden. The down cutting of the gorge has exposed a continuous sequence of rocks of the Devonian age, a period of geologic history about 400 million years ago. The exposed shale and limestone layers yield abundant and diversified plant and animal fossils representative of the 360 million year old marine environment that existed over the Western Limestone and Wanakah Shale members of the Ludlowville formation, which is estimated at 380 million years old. The entire sequence of rocks can be seen very well by looking out from either the Lake Shore Road or NYS Route 5 bridges that extend across Eighteen-Mile Creek.

Eighteen-Mile Creek has achieved international recognition as a geological resource. This is based on the exposure of a continuous sequence of rocks, the quantity of fossils and the quality of the fossils that are found in the area. The Eighteen-Mile Creek gorge can, and has, been likened to the Grand Canyon



because of the continuous sequence of rocks that are exposed in the area. The extent of exposure permits a detailed study of the geologic history over a broad period of time, with few gaps.

The different formations exposed in the gorge yield a superb quantity of fossils. For example, the Wanakah Shale member, found along the mouth of the creek at Lake Erie, contains a diversity of fossils, including brachiopods, bryozoans, gastropods, pelecypods, trilobites, echinoderms, ostracies, corals and sponges. The area is also unique due to the amount of well-preserved fossils that have been found. Very little metamorphosis of the rock has taken place, resulting in fossils that are largely unaltered.

### **Eighteen-Mile Creek gorge and cliff walls**



In addition to the geological and scenic uniqueness of the area, there are physical characteristics of the gorge that warrant preservation. The gorge is a fragile area with walls that are made of loosely packed shale that crumbles very easily. All along the bottom are large amounts of materials that have been eroded or disturbed and have fallen. Very little area at the top or bottom of the gorge is suitable for development. The soils at the top of the gorge have excessive slope or are susceptible to slumping. Development in close proximity to the crest can cause mass movement of soil along the entire length of the slope of the walls. The soils in the bottom of the gorge are also subject to flooding. This combination of factors suggests that the gorge cannot sustain significant encroachment without suffering physical deterioration.

- **Topography**

Evans is located within the Erie-Ontario lake plain and the topography in the area is generally flat, giving way to areas along the shoreline that drop off in some areas to the shoreline below (see Maps 7A, 7B, and 7C). The elevation near the lake is generally about 572 feet above mean sea level. Sturgeon Point, in Sub-Area 1, essentially separates two distinctive areas of the Evans shoreline. To the south of Sturgeon Point are numerous stretches of sand beach (with occasional dunes) that are separated by bluffs and promontories. Significant beach areas include the areas in the vicinity of Wendt Beach, Bennett Beach, Evans Town Park, Point Breeze and Evangola. The areas in between include various levels of bluff formation.



The steepest bluffs are found north of Sturgeon Point, where cliffs up to 60 feet in height stand above narrow stretches of beach. This terrain continues all the way north to the mouth of Eighteen-Mile Creek, which forms a dramatic gorge (as noted in the discussion above). The upland area above the northern bluffs is generally flat. Bluffs are also found around the Grandview Bay peninsula and south of Point Breeze, along the Shore Meadows shoreline. Private beaches extend out beyond the bluffs in these areas. Here again, the upland relief is typically flat. Because of the relatively level profile of the Town and the waterfront area, flooding is common on the creeks that flow to Lake Erie.

- **Soils**

The soils within the Evans waterfront area fall into thirteen series, as classified by the U.S.D.A. Soil Survey. These include Cosad, Niagara, Rhinebeck (silty loams), Angola, Manlius, Orpark, Remsen, Darien (silty clay loams), Varysburg, Blasdell-Farnham, Redhook (gravelly sandy loams) Middlebury and Wayland (sandy silt loams).

The silty loams are poorly drained with slow permeability. Coupled with a high water table and clay sub-soils this results in seasonal wetness and unstable conditions, especially on slopes. Soil nutrients will support most native plant life; however, the seasonal wetness limits the variety of vegetation. These soil types are found in the vicinity of Point Breeze, Evans Town Park and Wendt Beach County Park, extending southward to Big Sister Creek.

The silty clay loams are poor to moderately well-drained soils. Shallow bedrock and slow permeability contribute to some seasonal wetness and instability. This also limits the variety of plant material indigenous to these areas. The water table varies between one and three feet below grade. These soils are found in the vicinity of Evangola State Park, Lake Erie Beach and Sturgeon Point and the area north of Sturgeon Point to Eighteen-Mile Creek. Manlius rock outcrops occur along the walls of the Eighteen-Mile Creek gorge.

The gravelly sandy loams are well drained with rapid permeability. However, a seasonally high water table produces occasional wetness and unstable conditions in certain areas. Bedrock is five to six feet below grade. These soil conditions are found in the vicinity of Sturgeon Point and Angola-on-the-Lake.

The sandy silty loams are poor to moderately well drained soils existing in floodplain areas adjacent to small creeks. Bedrock is usually deeper than five feet. Because of their location they are generally wet and prone to seasonal flooding. These soils exist adjacent to Big Sister Creek, Muddy Creek and Delaware Creek.

In addition, over five miles of the Evans lakeshore is occupied by stretches of sand beach. The longest continuous beach (roughly four miles in length) extends from Wendt Beach through Bennett Beach, south to Evans Town Park Beach. The northern portion of these beaches contains significant dune formations measuring 15 to 30 feet in height. These dunes are prominent in the vicinity of Little Sister and Big Sister Creeks and Bennett Beach (as previously

discussed). Other sand beaches are found at Evangola State Park, Lake Erie Beach, Point Breeze, Sturgeon Point and Claddagh Bay (about one-mile north of Sturgeon Point). All beaches serve as natural protective features, which help to mitigate the effects of lake storms and coastal erosion processes.

### **E. FLOODING AND EROSION**

Development in the floodplain in the Town of Evans is regulated under Chapter 113 – Flood Damage Prevention of the Town Code (see Appendix D). This law is designed to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas, as designated on the Flood Insurance Rate Maps. Within the regulatory floodplain, Floodplain Development Permits are required for certain construction activities within the Regulated Floodway and Special Flood Hazard Area (Zones A and AE). Pursuant to Chapter 113, any development action proposed within the Special Flood Hazard Area requires review and possibly a permit from the Code Enforcement Officer, who is the designated Local Administrator of the Flood Damage Prevention Law.

On February 2, 2002, the Federal Emergency Management Agency (FEMA) released the Flood Insurance Rate Maps (FIRM) for the Town of Evans. The LWRA is covered by Community Map 3602400011F, Panel Numbers 2, 3, 4, 5 and 6 of 19. The FIRM maps delineate the final flood hazard boundaries which provide the basis for the implementation of the regular program phase of the National Flood Insurance Program within the Town. Within the LWRA, the flood hazard areas (100-year floodplains) include the Lake Erie shoreline and portions of the creek corridors (see Maps 6A, 6B and 6C).

In order for property owners to take advantage of the National Flood Insurance Program (NFIP), the Town Board has adopted federally approved floodplain management regulations to manage land use and development within the designated flood hazard areas (Chapter 113 of the Town Code, as noted above). Property owners within designated flood hazard areas are eligible to receive federal flood insurance and federally insured mortgage money is available to buyers.

The flood zones are established based upon the degree to which an area is susceptible to flood damage. The two general flood zones that exist within the Town of Evans are:

- "A" and "AE" Zones – (also called the special flood hazard area) is that area of land that would primarily experience still water flooding, without significant wave activity, during the 100-year storm. In Zone A no base flood elevations or depths are shown, while in Zone AE Base Flood Elevations have been derived and are shown on the maps;
- "C" Zone – areas of minimal flooding.

Seasonal flooding periodically occurs at certain locations along the waterfront due to ice jams and melted water flow. Fern Brook and Muddy Creek are two places known to flood. In an effort to control flooding in these areas, the Town has a permit from the State for dredge maintenance at the mouths of both creeks (see Section 2.5B). Emergency permits are issued for these locations, as needed. An additional permit has also been issued to private interests to maintain the Delaware Creek outlet at Purvis Landing, another location known to flood on occasion.

### **Natural Protection Features**

The entire Town of Evans shoreline is designated as a Natural Protective Feature Area Act (Article 34 of the New York State Environmental Conservation Law).by the New York State Department of Environmental Conservation, under provisions of the State's Coastal Erosion Hazard Areas Act. Coastal Erosion Hazard Area (CEHA) maps were prepared in June of 1988, subsequent to adoption of the LWRP in 1986. The CEHA boundary follows the shoreline, upland of the bluffs, dunes and beach area (natural protective features), as shown on Maps [7A](#), [7B](#), and [7C](#). Actions that are proposed within a CEHA are subject to review and approval by the NYSDEC in accordance with Article 34 of the New York State Environmental Conservation Law.

The Evans waterfront is provided natural protection from flooding and erosion by the existence of bluffs, dunes and beaches. The entire length of the waterfront in the Town contains beach area that varies in width. The widest areas of beach are located in Sub-Area 2, where there are limited to no areas with bluffs. Typically, the areas with a greater extent of bluffs have narrow stretches of rocky beachfront. The width of the beaches is regulated seasonally by the lake. During the winter season, the beaches are subject to wave action, wherein sand is moved to bars off shore. During the summer season, the sand is slowly moved back on shore. The Evans shoreline has some extensive areas of bluff that vary in height (see Appendix B).

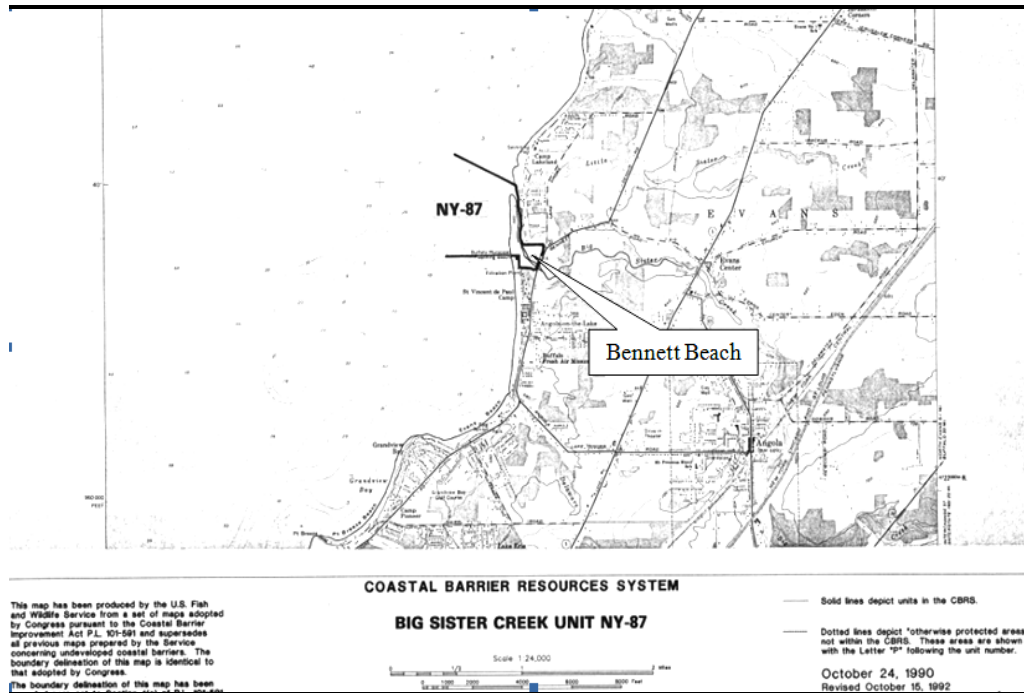
The steepest bluffs are found in Sub-Area 1, north of the Sturgeon Point Marina. As you move south along the shoreline, the bluffs decrease in height and are replaced by a length of sand dunes, which extend through Sub-Area 2. Much of the primary dune has been compromised by residential development, but an area of primary dunes still exists in the vicinity of Bennett Beach County Park. The bluff features return as you move south through Sub-Area 3 and increase in height the further south you go. As previously noted, in areas where the bluff exists, beaches tend to be narrow and rocky. Sub-Area 2 enjoys the widest and sandiest beaches along the waterfront.

### **Coastal Barrier Resources Act**

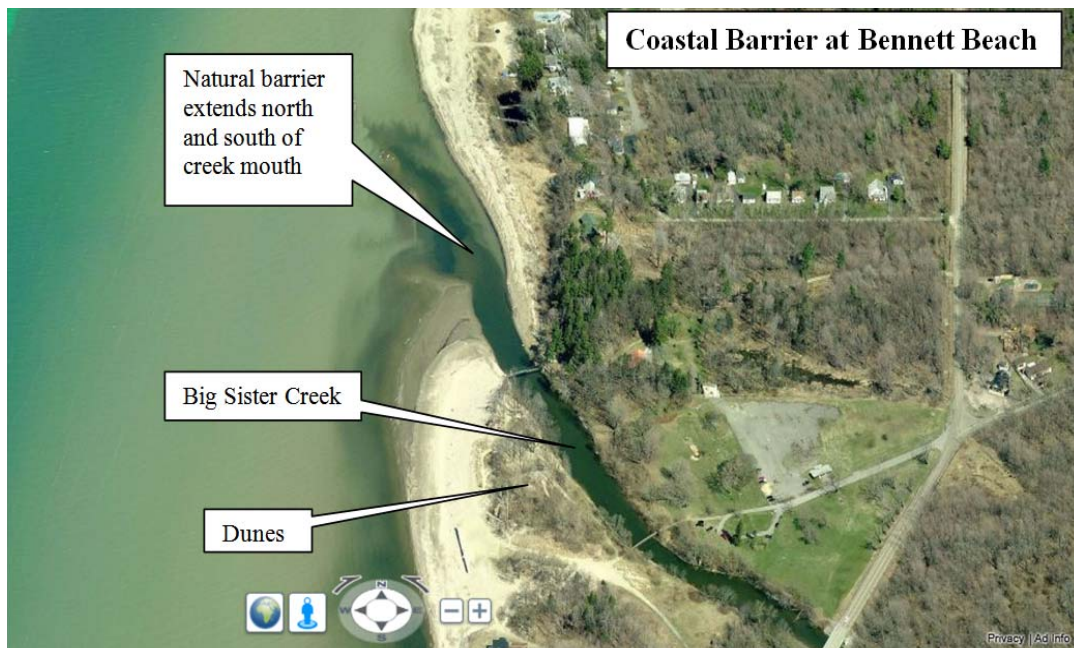
Pursuant to the Coastal Barrier Resources Act (CBRA), Big Sister Creek/Bennett Beach and the area to situated north and south of the mouth of Big Sister Creek is a nationally designated coastal barrier. Coastal barriers are unique land features that provide protection for diverse aquatic habitats and serve as the first line of defense against the impacts of severe coastal storms. Coastal barriers occur on all of the coastlines of the United States, including the Great Lakes. The Bennett Beach coastal barrier is one of 112 barrier system units that were identified along the Great Lakes.

Coastal barriers protect aquatic habitats and areas containing resources of extraordinary scenic, ecological, scientific, recreational, natural, historic and economic value.

Location of the Big Sister Creek Coastal Barrier



The barrier and its associated habitats are one ecological system and the health and productivity of the entire system depends on the rational use of all the component parts. As previously noted, the barrier at Bennett Beach contains dunes and old growth vegetation that is unique to this area of Lake Erie and of significant resource value. Protection of the dune environment at Bennett Beach is critical to the overall protection of the barrier and associated resources.





CRBA was established to achieve three key objectives: to minimize the loss of human life by discouraging development in high risk areas vulnerable to storm impacts, to reduce wasteful spending of federal resources, and to protect natural resources associated with undeveloped coastal barriers. While not regulating how individuals develop their land on or around areas of coastal barrier, CBRA restricts federal subsidies for new development or the redevelopment of structures or other public infrastructure that is damaged in coastal storms. As noted on the Flood Insurance Rate Map for the Bennett Beach area (FIRM Panel 3602400005F), flood insurance is not available for new construction or substantially improved structures within areas designated as coastal barriers.

### **Shoreline Protection**

Wave action from lake storms can be severely damaging to shoreline properties. For this reason, most properties have abandoned any type of permanent dockage. Large portions of the shoreline have been “armored” or protected with rock rip rap and seawalls to prevent shoreline erosion. Throughout the waterfront, seawalls can be found along the base of the lower bluff areas and the seaward extent of many shoreline properties throughout the sandier beach areas. Shoreline protection for each sub-area is briefly described as follows (see Maps [7A](#), [7B](#), and [7C](#)) and documented on aerial photographs found in Appendix B.

The Eighteen-Mile Creek corridor in Sub-Area 1 contains cliffs that exceed 50 feet in height. The homes along the top of the cliff are generally set back. There are only two locations where the creek can be reached at grade, which are utilized for public access and fishing. These locations have not been developed and require no erosion protection, as creek flooding is infrequent and self-contained. These locations are both utilized for public fishing and access, have not been developed and require no erosion protection as creek flooding is infrequent and self-contained.

The lakefront in Sub-Area 1 contains significant lengths of bluff, at varying heights. Throughout these access areas there are the remnants of stairways that once extended from the top of the bluff to the beach, such as at the end of Schuyler Drive, in Sub-Area 1, where a stairway once existed to provide shoreline access to the Highland-on-the Lake residential community. This private stairway was removed by the Town after continual damage from storms and erosion made it unsafe for public use. As the Schuyler Drive stairway was a private endeavor, its potential replacement would not be the responsibility of the Town and would also require NYSDEC approval. In a few places, such as the Graycliff Estate, entire stairway structures still exist, but they are no longer safe for public use and have been closed off to the public (with no economically feasible way to reinstitute their use). Remnant boathouses and docks can also be found in a few locations. There are some locations, to the north and south of the mouths of Pike and Reisch Creeks, where the bluff is lower and access has been “carved out” to the lake. However, the beach at these locations is narrow and it is assumed that these areas are used for boat launching purposes or limited passive recreation. In the southern portion of Sub-Area 1, in the vicinity of the Claddagh Commission, the bluffs diminish and the beach area widens. Here you find limited areas with concrete seawalls for shoreline protection. South of this area, the

bluffs increase and the only structure found is the outfall for the Erie County Water Authority until you reach the Sturgeon Point Marina.

Sub-Area 2 is where the bluffs give way to wide stretches of sandy beach. The area between the Sturgeon Point Marina and Wendt Beach County Park contains bluffs that decrease in height as you move south. Some of the shoreline properties in this area employ concrete or stone rip rap protection. A few remnants of older walls and stairways can be found here. Moving south of Wendt Beach County Park, there is a continuous length of seawall that protects the Roat Acres residential community. Beyond this area, from Cradle Beach to the St. Vincent de Paul Camp, the shoreline remains natural with protection provided by the beach and remnants of primary dune that supports residential development throughout the Pineridge area. Seawalls are used again at the southern end of Sub-Area 2, in the Lake Bay Grove / Angola on the Lake area, near the mouth of Delaware Creek.

Seawalls are used quite extensively throughout Sub-Area 3. There is almost a continuous stretch of concrete and wooden walls that extend south to the Grandview Bay area. The walls give way to the natural increase in topography, with 15 to 20 foot high rock ledge and limited beach area fronting the Grandview Bay peninsula. Grandview Bay has designated locations where access is provided through pathway cuts to the shore. South of Grandview Bay, and beyond Camp Pioneer, the steeper shoreline is supported with stone and concrete walls through Eagle Bay. The Point Breeze RV Resort property utilizes stone rip rap to fortify the shoreline. Beyond this point, with the exception of Lake Erie Beach Park, the shoreline is protected in certain locations with concrete seawalls. There are a limited number of small stairways providing beach access throughout the Shore Meadows area, but much of the shoreline is natural, with the exception of the southern end where larger, terraced concrete walls exist. The shoreline of Evangola State Park is comprised of steep and undulating bluffs.

## **F. ENVIRONMENTAL HAZARDS AND CONSTRAINTS**

There are no known inactive hazardous waste sites within the LWRA. The waterfront has no history of industrial or wide scale commercial use. The area has traditionally been used for recreational and residential development.

## **2.8 CULTURAL AND HISTORIC RESOURCES**

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The first known settler in the Town of Evans arrived in 1804. He was Joel Harvey and he built his home near the mouth of Eighteen-Mile Creek (today this site provides public fishing access). This waterway was a natural route for moving west, and Harvey took advantage of this by putting an addition on his home in 1806 to accommodate lodging and a tavern. He named it the Frontier House. The first permanent settlers began arriving around 1810 in the Wrights Mills (Evans Center) area. This was the center of activity in the early years and was where the first Town Hall and the first mills and stores were located here. Other settlements grew in parts of the Town known as North Evans (Hobuck), Pontiac and

Jerusalem Corners (East Evans). Later years saw the addition of the communities of Derby, Lake Erie Beach, Angola-on-the-Lake and Highland, as well as Angola (which started as Evans Station and later became an incorporated village).

**Bennett Homestead, Angola, New York – circa 1914**



**Footbridge over Big Sister Creek at Lake Erie, Pine Lodge – circa 1908**



The Holland Land Company rapidly sold acreage in the Evans area. Over time, sawmills and gristmills were built on Eighteen-Mile and Big Sister Creeks and frame houses replaced log homes. Immigration to this lakeside territory increased at such a rate that authorities began to see a need to separate the area from the Town of Eden to create their own township. In March of 1821, the New York State Legislature proposed and passed an act “erecting” the Town of Evans. The Town was named for David Ellicott Evans, who was one of three senators representing Western New York at that time. He was also a clerk and a land agent with the Holland Land Company.

Both Eighteen-Mile Creek and Big Sister Creek were an active part of the local economy in the early years of Town development. Although today it is quite shallow with high cliffs, Eighteen-Mile Creek was navigable by large ships and utilized for commerce. It was also a major route for settlers moving west. The creek was a logical location for sawmills and gristmills; dams were used to supply water power for mills in the North Evans area.

In the 1830’s, the first of four tanneries in the Town was also built on the creek. Like Eighteen-Mile Creek, Big Sister Creek was once much deeper and supported sawmills and gristmills, as well as a tannery, in the Evans Center area. It was the policy of the Holland Land Company to give special consideration to settlers who agreed to build mills in suitable areas near waterways in order to stimulate community growth.

Early growth also occurred along Lake Erie, which quickly became a popular area for tourism and recreation. In 1875, Deacon Joseph Bennett, a longtime resident of the Town, started taking in boarders at his shorefront property (which was located in the Pineridge area, north of what is now known as Bennett Beach). ).

In the 1880’s, Bennett opened up his “homestead” to campers and other tourists. Bennett went on to become a major influence in the development of summer camps along the Evans shoreline. As the numbers grew he added a dining hall and cabins on his property. By 1885, he could accommodate 100 people at a time. His sons went on to establish camping facilities adjacent to their father’s establishment. They built hotels known as Bennett Park Villa and Pine Lodge. Bennett Park Villa became known as Woodcrest Beach after Seymour Bennett’s death in 1910 and was purchased by the Catholic Diocese in 1920 for use as the St. Vincent de Paul Camp (which still exists today). Joseph Bennett sold land to his son, who built a footbridge over Big Sister Creek in 1883, connected to 50 acres of land and waterfront area. Here he built a home and a campground that he called the Bluffs. It was later renamed Pine Lodge. The Pine Lodge Hotel was later expanded as the number of visitors continued to rise. Pine Lodge was surrounded by old forests that provided areas for passive recreation and a Japanese garden that became widely known. The area that is known today known as Bennett Beach, which is situated immediately south of the Pine Lodge area, was a part of Joseph Bennett’s holdings and later became known as Buffalo Beach. It continues today to be a popular location for swimming and passive recreation.



The various facilities owned by the Bennett family supported an extensive tourist trade through the early 1900's. Other hotels were built along the waterfront, including the American Hotel that was owned and operated by Edward Michael in the 1860's in Derby (Sub-Area 1).

Joseph Bennett sold lakefront property to Hiram Backus in the area that is known today as Lake Bay Grove. Backus offered 99-year leases for the construction of vacation homes. Over the years, many of these summer cottages came into year-round use and the entire area is now residentially developed and privately owned. In this same vicinity, on the east side of Lake Shore Road, Hiram Backus used five acres of land to develop a summer camp and tourist attraction known as Wigwam City.

**Buffalo Beach (present day Bennett Beach) showing the original seawall**



In 1888, Cradle Beach Camp (the Fresh Air Mission) was founded for the County's underprivileged children. This camp still operates today, carrying forth its original mission. Over the years, other camps and retreats spread south to Evangola State Park were supported by church groups, the YMCA, or private individuals. The YMCA alone operated Camp Weona, Westminster Camp and Camp Whitford. Camp Ahlers, which was just south of Lake Bay Grove is another example. In 1945, the Western New York Lutheran Laymen's League purchased 75 acres of land from the YMCA for the establishment of Camp Pioneer. In addition to the summer camps, developers bought large tracts of land to draw people to the area. This brought about the communities of Grandview Bay and Roat Acres and was followed by the Home Guardian Company at Lake Erie Beach and the communities of Oak Grove and Shore Meadows.

At the southern end of Town, the area of cliffs along the shoreline was known as Cash's High Banks, being names after the family that first settled this area. It became Shore Meadows subdivision around 1929, when Ward Cash opened the land for settlement. The historic Cash family cemetery is located along Lake Shore Road, south of Lake Erie Beach hamlet.

Sub-Area 1 and portions of Sub-Area 2 were the location for many private estates, some of which still exist today. Many of the Buffalo area's wealthy families built summer homes along the shore. The most recognized is Darwin and Isabelle Martin's Graycliff Estate, which was designed by Frank Lloyd Wright and remains a nationally-renowned historic resource.

**Bennett Homestead – circa 1908**



**Tents along Big Sister Creek at Bennett Homestead – circa 1908**

Others included George Pierce, whose family built bicycles and founded the Pierce Arrow Automobile Company. In 1894 they built a large summer home at Sturgeon Point (where the marina is located today). The family sold the home and it later became the Sturgeon Point Inn and Lodge. Spencer Kellogg who owned a linseed oil company built his summer estate in 1895, which remained in his family for five generations. Henry Wendt, one of the founders of Buffalo Forge, built his mansion in 1934 on the 170



acres of land that is utilized today as Wendt Beach County Park. The mansion still stands, but it is in a state of significant disrepair.

**Respite in the wooded bluff at Pine Lodge – circa 1908**



**Pine Lodge Bluff – circa 1908**



**Entrance to Pine Lodge Hotel**

### A. HISTORIC SITES AND STRUCTURES

Historic site and structures are noted on Maps [5A](#), [5B](#), and [5C](#). Of the historic sites and structures in the waterfront area, the most notable is the **Frank Lloyd Wright Graycliff Estate**. Built between 1926 and 1931, the Graycliff Estate was designed by the renowned American architect Frank Lloyd Wright for Isabelle R. Martin and her husband, Larkin Company executive Darwin D. Martin. A complex of three buildings set within an eight-acre historic landscape, Graycliff served as the Martin’s summer home from 1927 to the mid-1940’s. Graycliff was designated a New York State Landmark in 1998 and is listed on the National Register of Historic Places.



**Frank Lloyd Wright’s Graycliff – The Isabelle R. Martin Estate**



Once almost completely forgotten, in recent years, Graycliff has achieved recognition as one of Wright’s most important mid-career designs, and as an important historic, architectural, and tourism resource. Graycliff was the recipient of a prestigious Save America’s Treasures grant from the U.S. Department of the Interior.



The Graycliff Estate is owned by the Graycliff Conservancy, Inc., a not-for-profit organization dedicated to restoring and preserving the estate as a publicly accessible landmark. Since its inception in 1997, the Conservancy has successfully acquired the property, addressed issues of public and handicapped accessibility through creation of a Visitors Center, walkways and the like, and has completed approximately 65% of necessary restoration to the property, including removal of non-historic building structures, structural repairs, and restoration of all building exteriors.

Another important historic structure is the **Wendt Mansion and Estate** that now comprises Wendt Beach County Park on Lake Shore Road in Sub-Area 2 (see Appendix E). The mansion was built by Henry W. Wendt, Jr., founder of Buffalo Forge Company, sometime in the 1800's. Later renamed as Ridgewood by the family, the property included a stable (which is now public restrooms) and other outbuildings (guest house, play house, caretaker's cottage, garage with chauffeur's quarters and a pump house that drew water from the lake). The structure was originally built along the top of the dune and later moved to its current location upland of the beach. The interior of the mansion is reminiscent of an earlier era of influence, with beautiful hardwood floors, a spiral staircase and railing of dark wood, and window seats and bay windows that overlook the lake and beach area. This mansion is in need of extensive repair and updating if it is to be used and recognized as an important heritage area by the public. In addition, the County should seek to list this site on the National Register of Historic Places.

#### Wendt Mansion



**Spencer Kellogg Home “Lochevan”** is located on Lake Shore Road (Sub-Area 1). Built in 1895, it was the summer home for the Kellogg family. The gatehouse and residence were purchased by the founder of the Claddagh Commission in 1970 and are used privately for non-profit community services. The Kellogg home and gate house are an unusual example of late 19th century architecture. The property included a large tower that housed a pumping facility that supplied water to all of the buildings in the compound. A boathouse was constructed on the lake that housed the Kellogg's steam launch that carried Spencer

Kellogg to his office in Buffalo. The main building, known as the Mayfield House, exhibits the influence of the English arts and crafts movement. The gatehouse has a stylized crenellated tower under which vehicles passed to enter the estate. The segmental architecture of the tower is unusual, as is the rough-faced stone of which it is constructed.

The following additional structures were identified by Erie County on the 1981 Historic Resources Survey (see Maps [5A](#), [5B](#), and [5C](#)):

- **Morseman Stone House** – 6706 Lake Shore Road (Sub-Area 1). This home was built in 1835 from stones that were brought up from the bottom of the high banks of Lake Erie. This house is architecturally significant and a lovely example of transitional Federal-Greek style design. The house has stepped chimneys and flat stone lintels.
- **Schoellkopf Estate** – Lake Shore Road (Sub-Area 1). Built in 1918 as the estate home for Hans Schmidt (who was married to Helen Schoellkopf) and his family, this structure is now part of the St. Columban property. Schmidt was the president of the Schoellkopf Company and director of the Niagara Falls Power Company.
- **Hickoryhurst** – 7044 Lake Shore Road (Sub-Area 1). Built in 1934, this is the mansion and estate of the Edward Michael family. It was the site of the American Hotel that was built in the 1860's and operated by Edward Michael's father. Edward Michael built a home on the property in 1886 that burned down in the early 1900's. It was replaced by the existing 40-room mansion that he shared with his three daughters.
- **Bennett Homestead** – Lake Shore Road (Sub-Area 2). The Bennett Homestead covered the area that extends south from Wendt Road to Seymour Terrace. Much of this land is now developed with residences, but the historic significance of the area remains. The Bennett family donated the acreage that is now known as Bennett Beach County Park (which itself is archaeologically and ecologically significant). Although lacking architectural significance, this site has historic-significance as one of the earliest settlements along the Town's waterfront and as part of the Bennett's summer tourist camp. Joseph Bennett was one of the major influences in the development of summer camps along the lake shore.

Bennett homestead was also the site of the Pine Lodge Hotel. In addition, further south along the shoreline, the St. Vincent de Paul camp is the site of the former Bennett Park Villa Hotel, which was owned and operated by Seymour Bennett.

- **Cash Cemetery** – Lake Shore Road (Sub-Area 3). The resting place for members of one of the first families to settle in the Shore Meadows area of the Evans waterfront. The cemetery exists today as a recognized historic resource.
- **Rumsey House at the Bluffs** – this historic structure was the summer home for Dexter Rumsey and his family. Built in the mid 1800's, it is now used as the private community center for the

Bluffs townhouse and condominium development in Sub-Area 1, providing meeting space and rooms for guests.

## **B. ARCHAEOLOGICAL RESOURCES**

There are two important areas of archaeological significance in the LWRA. Both areas offer cultural resources of value to the region. These are as follows.

The area at the mouth of Eighteen-Mile Creek, at Lake Erie in Sub-Area 1, has been identified as a significant archaeological site of statewide importance. This area is listed in the New York State Office of Parks and Historic Preservation archaeological records. Other areas of the waterfront, in the vicinity of the creeks, are also likely to be locations of former Native American habitation, but no specific records exist. Eighteen-Mile Creek offers one of the best known exposures of the Ludlow and Moscow formations in western New York (see Appendix B). The creek locale and adjacent cliffs of Lake Erie expose portions of the Middle Devonian Hamilton Group and the Upper Devonian Genesee and Sonyea Groups. The Tichenor Limestone in this area contains numerous large rugose corals and heads of the tabulate coral, large crinoid columns, bryozoans and brachiopods. Large bivalves are locally abundant in the upper surface of the limestone.

**Fossil Dig at Eighteen-Mile Creek**



The sand dune formations at Bennett Beach County Park, in Sub Area 2, are not only recognized as a significant ecological resource, they are archaeologically significant. In 1991, this area was investigated and identified by the State University of New York at Buffalo and determined to be an important prehistoric archaeological site. It was recorded as Site UB 2617 in the archaeological files of the Department of Anthropology. It was also reported to the State Office of Parks, Recreation and Historic Preservation. Further studies were conducted by the University in 1993, 1997, 2002 and 2003, expanding the area of investigation to include the area of the Bennett Bridge (UB2914) and the Bennett House Sites (UB 2623).

The findings were documented in a June 2003 report entitled “A Preliminary Description of the Bennett Beach (UB 2617), Bennett Bridge (UB2914) and Bennett House Site (UB 2623), excerpts of which are included in Appendix B.

The information documented by the University noted that the site was repeatedly occupied by native populations of western New York throughout the last 2,500 to 3,000 years. Inspection of the site indicated that intact archaeological deposits, including prehistoric living surfaces, hearths and pits are well preserved within the sand dunes and are likely to be preserved within the ground in other portions of the property. The University recommended a thorough survey of the Bennett Beach area be conducted by a qualified professional archaeologist to further document the resources in this area in an effort to protect and preserve them as irreplaceable cultural resources.

**Dunes at Bennett Beach**



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## **2.9 INFRASTRUCTURE AND PUBLIC SERVICES**

### **A. PUBLIC WATER SUPPLY**

The Erie County Water Authority utilizes Lake Erie as a source of potable water supply for the Town and waterfront area, which is processed through the Sturgeon Point Water Filtration Plant. The Town distributes this water through its municipal system, which is maintained by the Evans Water Department. Other water facilities in the Town include various pumping stations and meter pits. The entire waterfront area is located within a water district; public water service is available to all locations.



## **B. WASTEWATER MANAGEMENT**

The Erie County Sewer District provides wastewater collection and treatment services in the Town and waterfront area. The waterfront is located in Erie County Sewer District No. 2, and all but two areas along the waterfront have public sewer service. Public sewer service has not been extended to the area where Lake Shore Road and Dennis Road intersect in Sub-Area 2. In addition, the southern portion of Sub-Area 3, south of Herr Road, which falls within the designated agricultural district, is not located in the sewer district and does not have public sewer service. Per Erie County policy, sewer districts cannot be extended into State-designated agricultural districts. Furthermore, there is no pressure for development in this part of the Town that would threaten agricultural use in the area or compromise the agricultural district designation.

Wastewater that is collected in Sewer District No. 2 is treated at the Big Sister Wastewater Treatment Plant, in Sub-Area 2. This plant has a design capacity of 7.68 million gallons per day (MGD) annually. It currently is operating at 6.014 MGD annually. Sanitary effluent is discharged into Big Sister Creek. The current SPDES permit is valid until August 31, 2012. Therefore, the sewage treatment system has surplus capacity to accommodate future growth in the waterfront area.

The County wastewater system has experienced inflow and infiltration problems. Therefore, the pumping stations in the Lake Erie Beach and Lake Street areas were upgraded in 2009, with continued upgrades planned in 2010 in connection with the County's force main improvement project. In an effort to resolve inflow and infiltration problems, upgrades are still needed at the Sweetland Road Pump Station. Capacity needs at this location are still being studied and necessary improvements will be undertaken when funds become available.

## **C. STORMWATER MANAGEMENT**

All of the stormwater runoff generated within the Town eventually drains or flows to the creeks that discharge to Lake Erie. The Town of Evans does not have a closed drainage system; stormwater is conveyed primarily through open ditches. Efforts are made to keep roadside ditches and culverts open and free from growth and debris. Furthermore, drainage considerations are required for all development proposals.

In October 2007, as a member of the Western New York Stormwater Coalition, the Town of Evans adopted a Stormwater Management Plan and local regulations for managing stormwater runoff and controlling the introduction of pollutants into the Town storm sewer/drainage system. These efforts were undertaken pursuant to the requirements of the Federal Stormwater Phase II rule, issued in 1999, and the State Pollution Discharge Elimination System (SPDES) General Permit for municipal storm sewer systems. The Town's Stormwater Management Plan is currently being updated to meet 2010 standards. There are six program elements designed to reduce the discharge of pollutants to the maximum extent practicable. These program elements, titled Minimum Control Measures, include:

1. Public Education and Outreach
2. Public Involvement / Participation
3. Illicit Discharge Detection and Elimination

4. Construction Site Runoff Control
5. Post-Construction Stormwater Management
6. Pollution Prevention / Good Housekeeping for Municipal Operations.

Chapter 170 of the Town Code prohibits illicit discharges or activities that would contaminate stormwater runoff and may require the implementation of source control and treatment best management practices to remedy such discharges or activities. In certain situations, where violations are unintentional, where there is no history of previous violations, where environmental damage is minimal, and/or where violators are cooperative and respond quickly to correct offenses, alternative remedies may be required in lieu of more severe penalties, including attendance at compliance workshops, storm sewer stenciling or marking, or participation in creek clean-up activities. The Town should also consider developing best management practices for storm debris that is conveyed by runoff and adding this to Chapter 170 or the Town's Stormwater Management Plan.

#### **D. SOLID WASTE MANAGEMENT**

Solid waste management is regulated under Chapter 168 of the Town Code. Pursuant to Chapter 168, the separation, preparation, collection and disposal of municipal solid waste in the waterfront area, as well as all other parts of the Town, is supervised by the Town Board or through its designated agencies or representatives. As the Town does not have a separate waste management department, the Town Board bids private contracts for waste collection and disposal on behalf of homeowners in an effort to secure the best rates. The Town currently utilizes the services of Allied Waste Services for the solid waste removal. Residents are further directed to sort recyclable materials for separate collection. Yard waste and bulk items (appliances, etc.) are also collected under the waste removal contract. Waste collected in the Town is disposed of at landfill facilities in Niagara County, New York. All solid waste from non-residential generators must also be collected and disposed of by private contractors. Tires and hazardous wastes are collected once a year by the Town.

There are presently no dumps or landfills for the disposal of solid or hazardous waste in the waterfront area. Uses of this nature are strictly prohibited anywhere in the Town pursuant to Section 200-40.1 of the Evans Zoning Ordinance.

#### **E. OTHER UTILITIES**

Other utility services available in the waterfront area include electric, telephone and natural gas. Cable and satellite television and internet service is also provided by private carriers.

#### **F. TRANSPORTATION SYSTEM**

Regional access for vehicular traffic is provided to the Town of Evans waterfront by either NYS Route 5 (Erie Road), which extends from north to south through the area, or by the New York State Thruway (Interstate 90), which is situated east of the waterfront area. There are no air, rail or water transport services in the Evans waterfront area.

As a predominantly rural town, the Town of Evans has a relatively simple roadway system. Lake Shore Road (County Road 111) runs parallel to the shoreline, providing for continuous travel for residents and

visitors along the waterfront. This County thoroughfare has a posted speed limit that varies from 30 to 35 miles per hour, depending on the location. Lake Shore Road is also a rural; it is a two-lane collector road with a number of curves. When coupled with summertime traffic volumes, they can pose occasional traffic hazards for vehicles and pedestrians. According to 2007 Greater Buffalo Niagara Regional Transportation Council (GBNRTC) traffic-data, the average annual daily (AADT) traffic count for Lake Shore Road is 1,450 vehicles. This is an annual average; roadway volumes during the summer season are much higher.

The primary route through the Town is NYS Route 5 (Erie Road), which extends about 36 miles from the Hamburg Town line to the Town of Brant boundary. Route 5 is a four-lane principal arterial with a posted speed limit of 55 miles per hour (although speed restrictions apply through the Highland Derby area, where the speed limit drops to 40 miles per hour). According to 2006 GBNRTC traffic data, the AADT count for NYS Route 5, from the Brant Town boundary to Sturgeon Point Road was 14,300 vehicles, and from Sturgeon Point Road to Eighteen-Mile Creek was 16,600 vehicles. This major arterial carries the majority of traffic through the Town and is connected to the waterfront via a number of local roadways, including South Creek Road, Sturgeon Point Road, Bennett Road, Beach Road, Lake Street, Herr Road and Reeves Road. With the exception of Route 5, all other roadways in the LWRA are under local or county jurisdiction.

According to the 2008 Bicycle Master Plan Map of the Regional Bikeway Network, which was prepared by the Greater Buffalo Niagara Regional Transportation Council (GBNRTC), there are no existing bicycle routes in the Town of Evans. That plan recommends establishing an interconnected, regional network of on and off-road bike route, including a pathway along the Lake Erie shore, from Tonawanda to Brant. This would include the multi-use pathway that is envisioned for the full length of Lake Shore Road in the Town of Evans. As previously discussed in Section 2.6.3, the Town has secured funding to develop two of six phases of this shoreline trail. Phase 1, which extends 2.75 miles in Sub-Area 2, from Wendt Beach County Park to Evans Town Park, is currently ready for construction. The GBNRTC's Plan also proposed an on-road bike route that would follow NYS Route 5 (Erie Road), including the stretch that extends from Herr Road to the Town line in Sub-Area 3. This on-road bike route would further extend along Cain Road (at the Town boundary), connecting with Lake Shore Road and Evangola State Park.

Public transportation in the area is provided by the Niagara Frontier Transportation Authority, which provides limited bus service to the area. There is one bus line, Route #76 – Lotus Bay, which runs through the Town. The route follows NYS Route 5 from the City of Buffalo to Lake Street in Evans, where it proceeds west to Lake Shore Road (in Sub-Area 2). The route then follows Lake Shore Road to Lotus Point Road and the Village of Farnham, in the Town of Brant. There are two buses that run in the early morning, one in the afternoon and two in the evening.

The Brant Farnham Economic Development Corporation (BFEDC) is spearheading a movement to create the South Towns Intra Community Transportation System (SIT). This system is being formed to address the needs of seniors and others in a 14-community area, which includes the Towns of Brant, Collins, Concord, Eden, Evans, Hamburg and North Collins; the Villages of Angola, Farnham, Gowanda, Hamburg, North Collins and Springville; and the Seneca Nation territories. Each community is providing a small

sum of money to fund a feasibility study to examine the potential for creating an intra-community bus system that is hoped to foster economic development and provide a means of travel and access for local residents to help them save money and get around the area easier. The program has the support of the Center for Transportation Excellence, the Niagara Frontier Transportation Authority, Rural Transit and local politicians at the County, State and Federal levels. The BFEDC is also taking the lead on securing a grant from the Community Transportation Association of America for short term technical assistance with this effort.

### **G. EMERGENCY SERVICES**

The Evans Town Police Department patrols the upland portion of the waterfront and responds to emergencies, as required. Back up support is provided by Erie County Sheriffs, and in some instances, New York State Police.

Lake Erie waters are patrolled and protected by the U.S. Coast Guard, NYSDEC Marine Enforcement Unit and Erie County Marine Unit of the Sheriff's Department. The Coast Guard and the County inspect vessels, conduct searches, assist stranded boaters, investigate accidents, and answer navigation complaint issues, among other duties. They also provide boater safety and education.

Fire protection along the waterfront is provided by local volunteer fire companies. The North Evans Fire District, which covers Sub-Area 1 includes the North Evans Volunteer Fire Company (situated in the North Evans hamlet and just outside Sub-Area 1), and the Highland Hose Company (located on NYS Route 5 in Highland). Sub-Area 2 receives service from the Evans Center Volunteer Fire Company, which is located on NYS Route 5 in Evans Center, outside of Sub-Area 2. The Lake Erie Beach Volunteer Fire Company is located in Sub-Area 3, in the Lake Erie Beach hamlet area. All of these fire companies provide fire protection and emergency medical services to their respective service areas and provide backup services to each other, as needed.