

# Town of Evans Local Waterfront Revitalization Program

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**Adopted:**

Town of Evans Board, December 17, 1986

**Approved:**

NYS Secretary of State, Gail S. Shaffer, February 18, 1987

**Concurred:**

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

**Amended LWRP:**

**Adopted:**

Town of Evans Board, October 19, 2011

**Approved:**

NYS Secretary of State, Cesar A. Perales, February 22, 2013

**Concurred:**

U.S. Office of Ocean and Coastal Resource Management, July 18, 2013



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
 NATIONAL OCEAN SERVICE  
 OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT  
 Silver Spring, Maryland 20910

Mr. Steve Ridler, Chief  
 Bureau of Local and Regional Programs  
 State of New York, Department of State  
 One Commerce Plaza  
 99 Washington Avenue  
 Albany, NY 12231-0001

**JUL 18 2013**

Dear Mr. Ridler:

Thank you for the New York Department of State's April 24, 2013, request that changes to the Town of Evans Local Waterfront Revitalization Program (LWRP) be incorporated into the New York State Coastal Management Program (CMP). You requested that the changes described below be incorporated as routine program changes (RPCs), pursuant to Coastal Zone Management Act (CZMA) regulations at 15 C.F.R. part 923, subpart H, and Office of Ocean and Coastal Resource Management (OCRM) Program Change Guidance (July 1996). OCRM received the request on April 30, 2013, and OCRM's decision deadline was extended to July 19, 2013.

Based on our review of your submission, we concur that the changes are RPCs and we approve the incorporation of the changes as enforceable and non-enforceable policies of the New York State CMP. Federal Consistency will apply to the approved changes to enforceable policies only after you publish notice of this approval pursuant to 15 C.F.R. § 923.84(b)(4). Please include in the public notice the list of changes provided in this letter, and please send a copy of the notice to OCRM.

**CHANGES APPROVED**

Name/Description of State or Local Law/Regulation/Policy/Program Authority	State/Local Legal Citation	Date Adopted by State	Date Effective in State
<b>ADDED:</b>			
*Town of Evans LWRP	*Sections I, II, IV, V, VI, VII, and Appendices A-F	02/22/2013	02/22/2013
Town of Evans LWRP	Section III, Policies 1-44 (note: explanatory text included in Section III is not applicable as enforceable policies for CZMA federal consistency review purposes)	02/22/2013	02/22/2013
<b>DELETED:</b>			
Town of Evans LWRP (1987)	Town of Evans LWRP (1987)	02/18/1987	02/18/1987

Changes marked with an asterisk (\*) are incorporated into the New York State Coastal Management Program, but do not contain enforceable policies that can be used for Federal Consistency.





## QUALIFICATIONS

States may not incorporate enforceable policies by reference. If an approved enforceable policy refers to another regulation, policy, standard, guidance, or other such requirement or document (hereinafter "referenced policy"), the referenced policy itself must be submitted to and approved by OCRM as an enforceable policy in order to be applied under the federal consistency review provisions of the CZMA. Therefore, no requirement or document referenced in the approved enforceable policies may be applied for federal consistency unless that requirement or document has separately been approved by OCRM.

The Town of Evans LWRP's enforceable policies and sub-policies are only contained in Section III; explanatory text included in Section III is not applicable as enforceable policies for CZMA federal consistency review purposes.

Explanatory text for policy 27 was modified after submission to OCRM in order to clarify the policy and ensure that the explanatory text does not predetermine how someone would apply the policy, particularly with regard to siting energy facilities. The policy explanations of the LWRP refine the 44 state coastal policies to reflect and incorporate local circumstances and conditions but are not applicable as enforceable policies for CZMA federal consistency review purposes.

## PUBLIC AND FEDERAL AGENCY COMMENTS

OCRM received no comments on this RPC submission.

Thank you for your cooperation in this review. Please contact Jackie Roller at (301) 563-1179 if you have any questions.

Sincerely,

  
for Joelle Gore, Acting Chief  
Coastal Programs Division





STATE OF NEW YORK  
DEPARTMENT OF STATE

ANDREW M. CUOMO  
GOVERNOR

CESAR A. PERALES  
SECRETARY OF STATE

February 22, 2013

Honorable Keith E. Dash  
Supervisor  
Town of Evans  
8787 Erie Road  
Angola, NY 14006-9600

Dear Supervisor Dash:

I am pleased to inform you that I have approved the amendment to the Town of Evans Local Waterfront Revitalization Program, pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. Everyone who participated in the preparation of this program is to be commended for developing a comprehensive management program that promotes the balanced preservation, enhancement, and utilization of the valuable local waterfront resources along Lake Erie.

I am notifying State agencies that I have approved your Local Waterfront Revitalization Program amendment and advising them that their activities must be undertaken in a manner consistent, to the maximum extent practicable, with the program.

The approved amendment to the Local Waterfront Revitalization Program will be available on the website of the Department of State, at [http://docs.dos.ny.gov/communitieswaterfronts/LWRP/Evans\\_T/Index.html](http://docs.dos.ny.gov/communitieswaterfronts/LWRP/Evans_T/Index.html). If you have any questions, please contact Kevin Millington of the Office of Communities and Waterfronts at 518-473-2479.

Sincerely,

A handwritten signature in cursive script that reads "Cesar A. Perales".

Cesar A. Perales  
Secretary of State



# TOWN OF EVANS

8787 Erie Road • Angola, NY 14006-9600  
www.townofevans.org

FRANCIS J. PORDUM, SUPERVISOR  
Telephone: (716) 549-5787

JONICA B. DiMARTINO, TOWN CLERK  
Telephone: (716) 549-8787

## COUNCILMEN

KEITH E. DASH  
PAUL T. COOPER

Supervisor Pordum moved and Councilman Cooper seconded,

**WHEREAS**, the Town of Evans originally adopted a Local Waterfront Revitalization Program (LWRP) in March 1986, and has recently undertaken the preparation of an amendment to update this program in cooperation and coordination with the New York State Department of State, and in accordance with the provisions of Article 42 of the New York State Executive Law; and

**WHEREAS**, the Draft Amendment to the LWRP has been prepared under the review and guidance of the Town of Evans Waterfront Advisory Committee, with consultant planning services provided by Wendel Companies, the Town Planning Consultant; and

**WHEREAS**, the Evans Town Board, as lead agency, prepared an Environmental Assessment Form to identify and evaluate the potential impacts of adopting the amended LWRP, in accordance with the requirements of the State Environmental Quality Review Act (SEQRA) and Part 617 of the implementing regulations of Article 8 of the New York State Environmental Conservation Law; and

**WHEREAS**, the Town Board has determined that this action will not result in any anticipated adverse impacts to the natural, institutional, economic, developmental, or social resources of the Town, and prepared and adopted a SEQR Negative Declaration in this regard; and

**WHEREAS**, the Draft Amendment to the Local Waterfront Revitalization Program for the Town of Evans was accepted by the Town Board as complete and ready for public agency review on February 9, 2011 and was submitted to the New York State Department of State for distribution to and subsequent review by Federal, State, and regional agencies pursuant to the provisions of Article 42 of the New York State Executive Law; and

**WHEREAS**, the Town Board held a public hearing on March 29, 2011 to gather public input on the Draft Amendment to the LWRP.

### NOW, THEREFORE BE IT

**RESOLVED**, that the Town Board of the Town of Evans adopts the Amendment to the Local Waterfront Revitalization Program for the Town of Evans; and

### BE IT FURTHER

**RESOLVED**, that the Town Board authorizes the Planning Director to file the necessary documentation with the New York State Department of State; in honor and memory of Joseph Mackenburg and

### BE IT FURTHER

**RESOLVED**, that two certified copies of this resolution be given to the Planning Office.

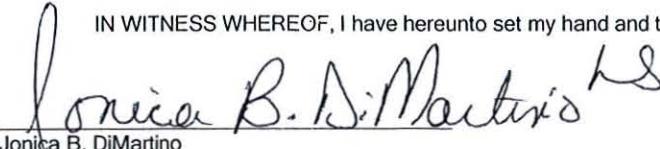
VOTE RESULT:            ADOPTED BY ROLL CALL  
                                 Councilman Dash                    Aye  
                                 Councilman Cooper                   Aye  
                                 Supervisor Pordum                    Aye

STATE OF NEW YORK  
COUNTY OF ERIE  
TOWN OF EVANS

I, Jonica B. DiMartino, Town Clerk of the Town of Evans, County of Erie, New York, DO HEREBY CERTIFY, that I have compared the foregoing with the original resolution adopted by the Town Board of the Town of Evans at a meeting of said Board held on the 19<sup>th</sup> day of October, 2011, and the foregoing is a true and correct transcript of said original resolution and of the whole thereof, and that said original resolution is on file in my office.

I DO FURTHER CERTIFY that each of the members of said Town Board had due notice of said meeting, and that Francis J. Pordum, Supervisor & Paul T. Cooper; Keith Dash, Councilmen, were present at such meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Evans, this 20<sup>th</sup> day of October, 2011.

  
Jonica B. DiMartino  
Town Clerk

## **ACKNOWLEDGEMENTS**

The Town of Evans Local Waterfront Revitalization Program Amendment was funded in part by the New York State Department of State under Title II of the Environmental Protection Fund. The development of this Program, from 2008 to 2011, was a multi-phase endeavor made possible through the efforts of:

### **Town of Evans Waterfront Advisory Committee**

Francis J. Pordum, Supervisor

Sandra L. Brant, Director of Planning & Committee Chair

William Houston, Town of Evans Economic Development Board

Joseph Mackenburg, Town of Evans Conservation Advisory Board

Donald Maglich, Town of Evans Citizen Representative

Russell Manguso, Town of Evans Parks Department

James Manning, Town of Evans Recreation Advisory Board

David Sippel, Town of Evans Sturgeon Point Advisory Board

Thomas Dearing, Erie County Department of Environment and Planning

Rachel Chrostowski, Erie County Department of Environment and Planning

### **Our special thanks to all who assisted in the creation of this document**

Paul T. Cooper, Town of Evans Councilman

Keith E. Dash, Town of Evans Councilman

J. Grant Zajas, Town of Evans Attorney

Charles J. LaBarbera, Town of Evans Senior Code Enforcement Officer

Debra L. Wilson, Town of Evans Planning Clerk

And the Citizens of the Town of Evans

### **Project Consultant**

Wendy E. Weber Salvati, AICP





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## **GLOSSARY**

**AADT** - Average Annual Daily Traffic  
**ACOE** - Army Corps of Engineers  
**AOS** - Agriculture and Open Space  
**BFEDC** - Brant Farnham Economic Development Corporation  
**CEHA** - Coastal Erosion Hazard Area  
**ECL** - Environmental Conservation Law  
**ECSD** - Erie County Sewer District  
**FEMA** - Federal Emergency Management Agency  
**FIRM** - Flood Insurance Rate Map  
**GBNRTC** - Greater Buffalo Niagara Regional Transportation Council  
**LWRA** - Local Waterfront Revitalization Area  
**LWRP** - Local Waterfront Revitalization Program  
**MFR** - Multi-family Residential  
**MGD** - Million gallons per day  
**NFIP** - National Flood Insurance Program  
**NYCRR** - New York Code of Rules and Regulations  
**NYS** - New York State  
**NYSDEC** - New York State Department of Environmental Conservation  
**OCS** - Outer Continental Shelf  
**OGS** - Office of General Services  
**PF** - Public Facilities  
**RF** - Recreational Facilities  
**SEQR** - State Environmental Quality Review  
**SIT** - Southtown's Intra-Community Transportation System  
**SPDES** - State Pollution Discharge Elimination System

## INTRODUCTION

The New York State Local Waterfront Revitalization Program (LWRP) is designed to give waterfront communities an opportunity to assess conditions along the waterfront, establish policies to guide development, and implement appropriate waterfront land uses and projects. It is an extension of the State's Coastal Management Program that allows communities to design the program to better reflect and address local issues and opportunities in the designated local waterfront revitalization area. The LWRP establishes a planning framework for future public and private investment and development actions that occur within that area.

The Evans LWRP was originally adopted by the Town and approved by the Department of State in 1986. Since that time, and with the 1999 adoption of the Town's Comprehensive Plan, the importance of updating and improving the LWRP to better reflect current trends, conditions and shoreline characteristics has grown. The Town of Evans considers the waterfront to be among its most important recreational, aesthetic and economic resources. Therefore, the LWRP is being amended to focus on restoring and protecting important environmental and cultural resources, promoting development and redevelopment to revitalize deteriorated and underutilized areas of the waterfront, and enhancing tourism and associated economic development that will meet the Town's goals and objectives for the waterfront.

The Town of Evans is located on the shore of Lake Erie, in the southwest portion of Erie County, New York. 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. Incorporated in 1821, the Town celebrated the 175<sup>th</sup> anniversary of that event in 1996.

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. 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.

The Evans lake shore has long been popular as a summer recreation area, with numerous cottages, camps, parks and religious retreats. Over the past few decades, the area has become increasingly attractive for year-round suburban residences, as well as summer homes. The area also includes a variety of recreational amenities. Evangola State Park, Wendt Beach and Bennett Beach County Parks, and 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. The strong sense of community pride along the waterfront is supported by seasonal events that are enjoyed by residents and visitors alike.

This LWRP includes an outline of proposed changes to the boundary of the local waterfront revitalization area, which was originally established in 1986. Section II includes an updated inventory and analysis of existing conditions and resources in the waterfront area. The policies contained in Section III of this LWRP support the inventory and are focused on waterfront revitalization, making beneficial use of waterfront lands, enhancing tourism and protecting community character and important natural and cultural resources. The policies are further supported by land and water use and implementation proposals outlined in Sections IV and V.

Together, the information contained in the LWRP comprises a program that sets the direction for revitalizing Evan’s waterfront into the future.



# I. LOCAL WATERFRONT REVITALIZATION AREA BOUNDARY

## 1.1 LOCAL WATERFRONT REVITALIZATION AREA BOUNDARY

---

The boundary of the Town of Evans Local Waterfront Revitalization Area (LWRA), covered by the Town's LWRP amendment, encompasses all of the land area and water area lying within the following boundary, as shown on Maps [1A](#), [1B](#), and [1C](#).

### A. INLAND BOUNDARY

Beginning at the point on the shoreline of Eighteen-Mile Creek, at the municipal boundary between the Town of Evans and the Town of Eden, then proceeding due west along this line to the intersection with the centerline of South Creek Road; then proceeding in a northwesterly direction along the centerline of South Creek Road to the intersection with the centerline of New York State Route 5 (Erie Road); thence heading southwest along the centerline of New York State Route 5 for 100 feet, then turning northwest to follow along the southern side of South Creek Road, at a measured distance of 100 feet from the centerline of this roadway, to a point measuring 100 feet southeast of Lake Shore Road; thence proceeding along the east and southeast side of Lake Shore Road, at a measured distance of 100 feet from the centerline of this road, in a southwesterly direction to the intersection of Lake Shore Road and Dennis Road (at the southeastern corner of Wendt Beach Park), where Lake Shore Road turns to the west. At this point, the boundary continues to the west and then southwest along the south and then east side of Lake Shore Road, at a measured distance of 100 feet from the centerline of this roadway, to a point measuring 50 feet from the centerline of Big Sister Creek; thence proceeding to the east and southeast at a measured distance of 50 feet from the centerline of Big Sister Creek to the boundary with the Village of Angola. At this point the boundary proceeds west along the municipal boundary of the Village to a point situated 50 feet west of the centerline of Big Sister Creek; thence proceeding to the northwest and west at a measured distance of 50 feet from the centerline of Big Sister Creek to a point located 100 feet from the centerline of Lake shore Road. The boundary then continues to the south and southwest, along the east and southeast side of Lake Shore Road, at a measured distance of 100 feet from the centerline of the road, to the intersection with the northern right-of-way line for Herr Road; thence proceeding in an easterly direction along the northern right-of-way line to the intersection with the southeastern right-of way line with New York State Route 5; thence moving south-southeast along the Route 5 right-of-way to municipal boundary between the Towns of Evans and Brant. The boundary then follows this municipal boundary due west to the shoreline of Lake Erie.

## **B. WATERSIDE BOUNDARY**

The waterside boundary for the LWRA begins at the intersection of the municipal boundary between the Town of Brant and the Town of Evans at the mean low water line of Lake Erie, the LWRA boundary continues to the west along the municipal boundary between the Town of Evans and the Town of Brant, over the surface waters of Lake Erie for a distance of 1,500 feet.

The boundary then turns sharply to the east-northeast, continuing at a measured distance of 1,500 feet from the shoreline, to a point where it intersects with the municipal boundary between the Town of Evans and the Town of Hamburg; then proceeding in a southeasterly direction to the mouth of Eighteen-Mile Creek and continuing along the centerline of Eighteen-Mile Creek, generally in a southeasterly direction, to the intersection with the municipal boundary for the Town of Eden. At this point, the boundary heads due west to the shoreline of Eighteen-Mile Creek and the point of origin for the inland boundary.

## **C. SUB-AREA BOUNDARIES**

To more effectively manage and plan for the diverse conditions of the Town of Evans's local waterfront revitalization area, which is geographically long and narrow, the area has been divided into three Sub-Areas. These Sub Areas are identified on Maps [1A](#), [1B](#) and [1C](#), and are described as follows (specific land uses found in these sub areas are described in Section II of the LWRP).

### **Sub-Area 1 – Northern Shoreline Area**

Sub Area 1 is the northern-most portion of waterfront in the Town, which has a geographic and physical character that differs from the other two sub areas. This area extends southwest from the boundary between the Town of Evans and the Town of Hamburg to Sturgeon Point Road (see [Map 1A](#)), and southeast along the southern shoreline of Eighteen Mile Creek to the boundary with the Town of Eden. Sub Area 1 includes a mix of land uses and a number of larger properties that border Lake Shore Road, with shoreline comprised of steep bluffs that give way to a narrow beach. The northern extent of this sub area includes the mouths of Eighteen Mile Creek, Reisch Creek and Pikes Creek. This area includes the Highland – Derby neighborhood, which gives way to large waterfront estates and private camps and retreat centers. Sub-Area 1 also includes the Frank Lloyd Wright Graycliff estate, Sturgeon Point Marina and Bluffs, and the Erie County Water Treatment Plant.

Sub-Area 1 also encompasses the portion of the Eighteen Mile Creek corridor that falls within the boundaries of the Town of Evans. This creek is a significant natural resource and offers recreational and other wildlife opportunities that benefit the Town. The topography of the creek includes some expanses of at-grade shoreline, mixed with steep bluffs.

### **Sub-Area 2 – Central Shoreline Area**

Sub Area 2 extends southwest along Lake Shore Road from Sturgeon Point Road to Lake Street (see [Map 1B](#)), and southeast along the Big Sister Creek corridor to the Village of Angola boundary. Sub-Area 2 consists primarily of a mix of residential uses, many of which are on small

lots, and large parkland properties. The shoreline characteristics of Sub-Area 2 differ from Sub-Area 1 in that shoreline elevations decrease significantly giving way to wider areas of beachfront. This area includes the Windover/Sturgeon Point, Roat Acres, Hillside, Pineridge, Lake Bay/Grove and Purvis Landing communities and neighborhoods. This area also includes Wendt Beach and Bennett Beach County Parks and the private Cradle Beach Camp facility. Sub-Area 2 includes the mouth of Little Sister Creek, Big Sister Creek and Delaware Creek.

Sub-Area 2 also includes the Big Sister Creek corridor up to the Village of Angola boundary. Big Sister Creek is a significant natural resource that provides important fishing and other wildlife opportunities in the Town.

### **Sub-Area 3 – Southern Shoreline Area**

Sub Area 3 extends southwest along Lake Shore Road from Lake Street to the intersection with the northern right-of-way line for Herr Road; thence proceeding in an easterly direction along the northern right-of-way line to the intersection with the southeastern right-of way line with New York State Route 5; thence moving south-southeast along the Route 5 right-of- way to municipal boundary between the Towns of Evans and Brant (see [Map 1C](#)). This area includes a wider extent of residential use, along with two small areas of neighborhood business uses. Evans Town Park, Lake Erie Beach Town Park and Evangola State Park are primary recreational uses in this area, along with Camp Pioneer and Point Breeze Camp, which are both private. Sub-Area 3 includes the Grandview Bay, Eagle Bay, Point Breeze, Oak Grove and Shore Meadows neighborhoods and communities. As you move further southwest along the shoreline, the terrain becomes increasing more rugged, with steep bluffs in many places. Sub-Area 3 also includes the mouth of Fern Brook and Muddy Creek.

## **1.2 DESCRIPTION OF THE REVISED BOUNDARY OF THE LOCAL WATERFRONT REVITALIZATION AREA**

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The coastal boundary within the Town of Evans, or the Town of Evans Local Waterfront Revitalization Area boundary, adopted by the Town in 1986 and approved by the Secretary of State in 1987 has been revised to more effectively manage and protect cultural and environmental resources along the waterfront. These lands and resources include the Eighteen Mile and Big Sister Creek corridors that are both State-designated Coastal Fish and Wildlife Habitat areas. The specific modifications proposed for the three Sub Areas are identified on Maps [1A](#), [1B](#) and [1C](#), and described as follows.

In general, to provide greater opportunity for the development of multi-use trail facilities along Lake Shore Road, from north to south, the boundary of the LWRA has been extended 100 feet inland from the centerline of these roadways. This enables the potential to consider the inland sides of both roadways in the event that proposed recreational resources, primarily multi-use pathways, require such a location. There are certain areas where this option may be necessary.

**SUB-AREA 1 – NORTHERN SHORELINE AREA**

The current boundary extends inland along Eighteen Mile Creek to State Route 5 (Erie Road), where it proceeds back toward the shore to follow Lake Shore Road. Recognizing the resource value of Eighteen Mile Creek, the boundary has been extended further south and east to the boundary line of the Town of Eden. This allows for the inclusion of all areas of Eighteen Mile Creek that are located within the Town of Evans, as well as the steep bluffs that extend along the upland (in some places in close proximity to South Creek Road). The bluffs are renowned for their archaeological significance. The Eighteen Mile Creek corridor, within the Town of Evans, is a State-designated Coastal Fish and Wildlife habitat and offers great resource value to the Town. It is important to include provisions, as necessary, for resource protection and potential public access improvements in this area.

**SUB-AREA 2 – CENTRAL SHORELINE AREA**

The boundary of Sub-Area 2 has been amended to include the Big Sister Creek corridor. Like Eighteen Mile Creek, Big Sister Creek is a State-designated Coastal Fish and Wildlife habitat that offers great resource value to the Town. Resource protection is the greatest concern in this area, along with the management of coastal erosion at the mouth of the creek.

## 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**

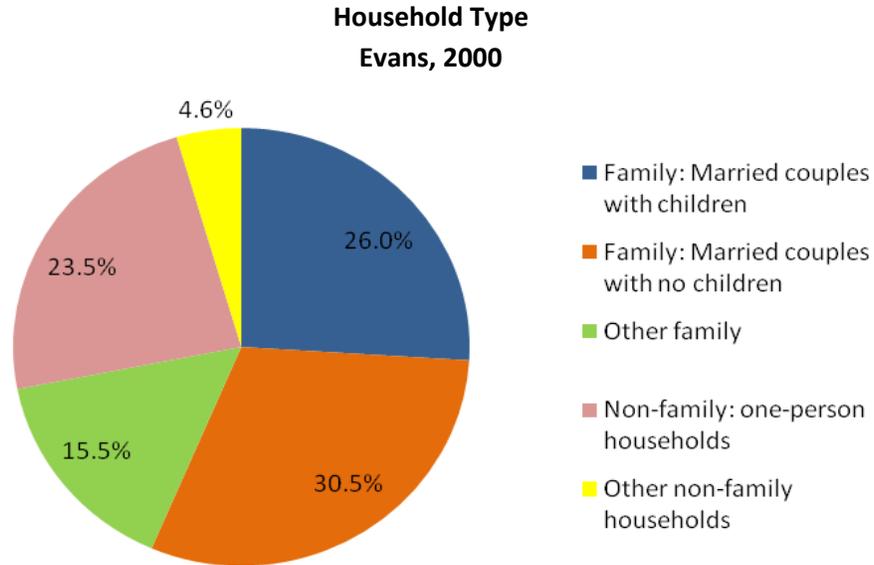
Interval	Population	Percent Change
1960	12,078	n/a
1970	14,570	20.6%
1980	17,961	23.3%
1990	17,478	-2.7%
2000	17,594	0.7%
2008 (estimated)	16,836	-4.3%

**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%

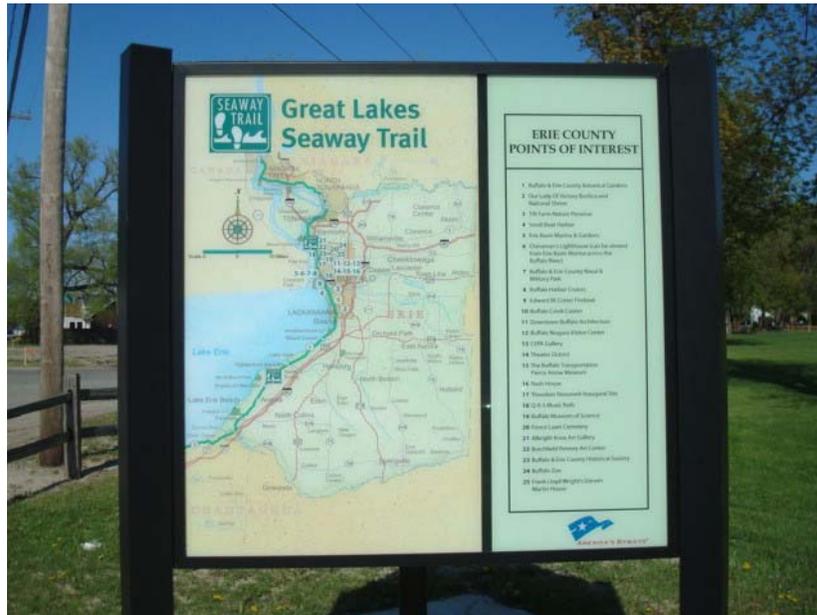
U.S. Census Bureau

**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

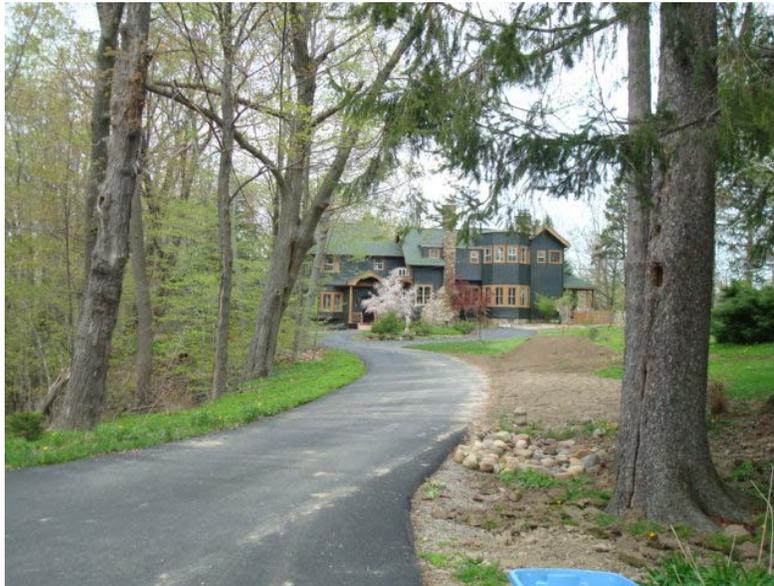
smaller, suburban-style residences in the Highland-on-the-Lake neighborhood; the Bluffs townhouse and condominium development, which is located above Eighteen-Mile Creek, near the Lake; and a variety of residential lots that are scattered throughout the area along Lake Shore and South Creek Roads.

**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**



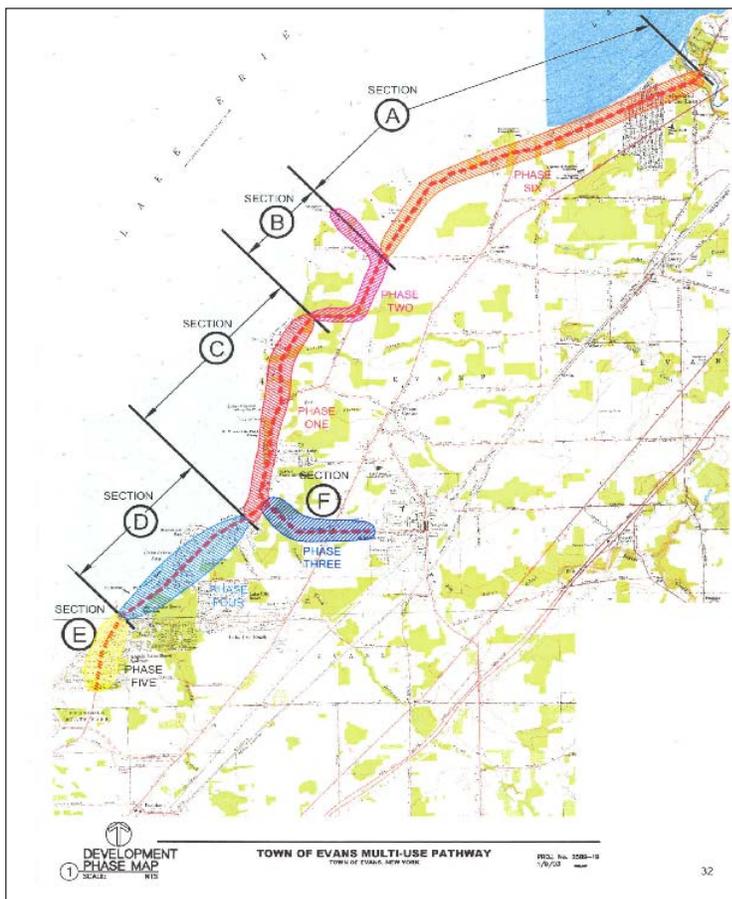
Point Breeze RV Resort caters to seasonal campers on a 28-acre property in Sub-Area 3. This private campground includes 2000 feet of Lake Erie shoreline and two private beaches. It also offers two heated in-ground pools. It provides opportunities for swimming, fishing, and boating and offers a variety 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).

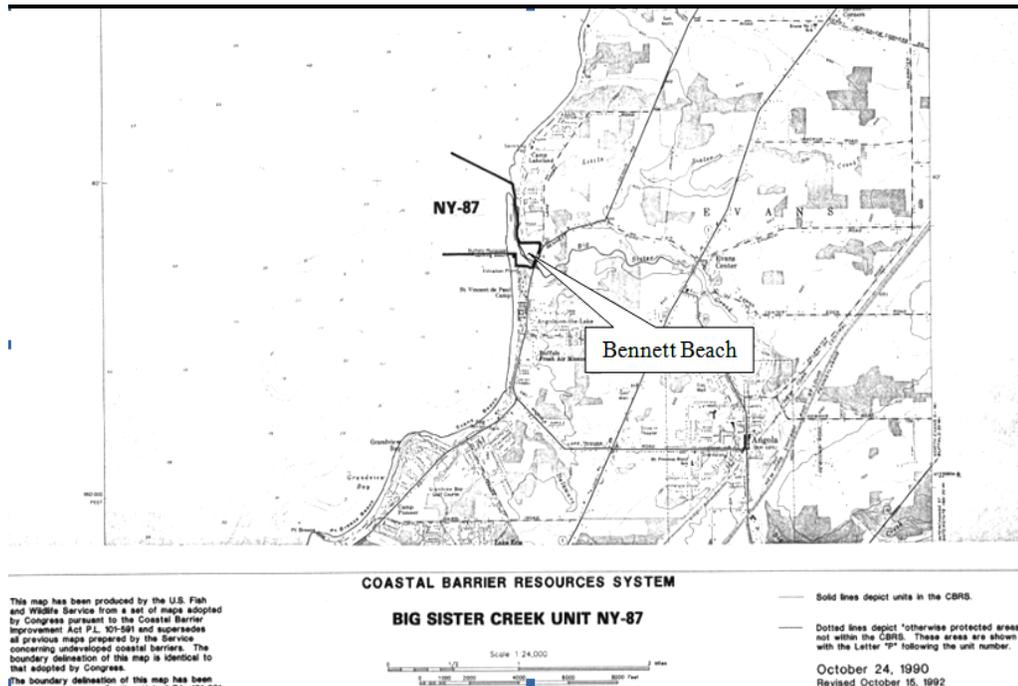
The steepest bluffs are found in Sub-Area 1, north of the Sturgeon Point Marina. As you move south along the shoreline, the bluffs decrease in height and are replaced by a length of sand dunes, which extend through Sub-Area 2. Much of the primary dune has been compromised by residential development, 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.

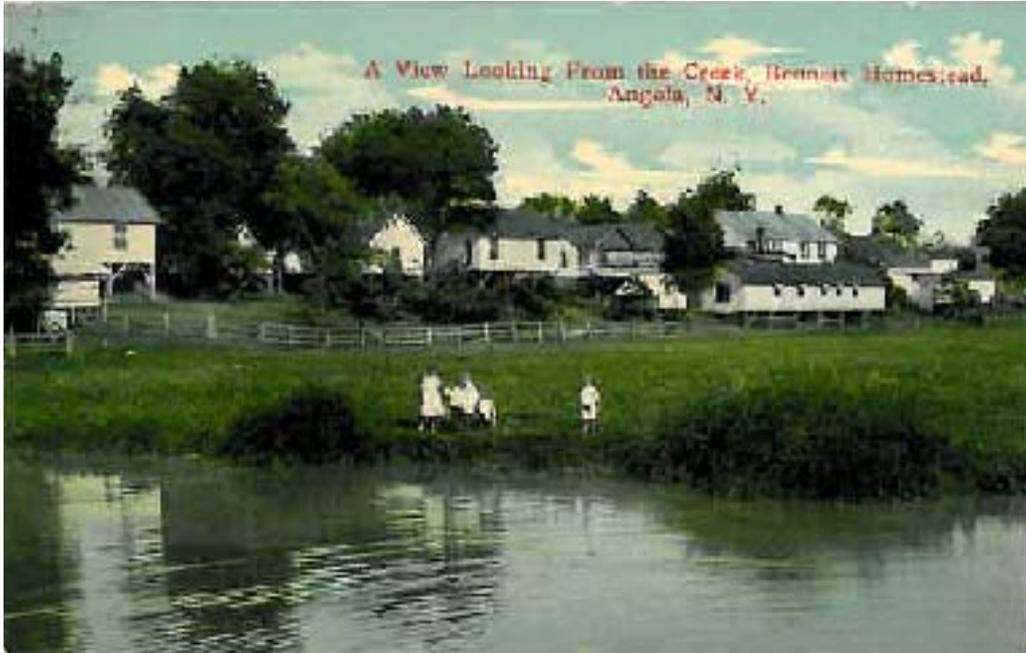
## **2.8 CULTURAL AND HISTORIC RESOURCES**

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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**

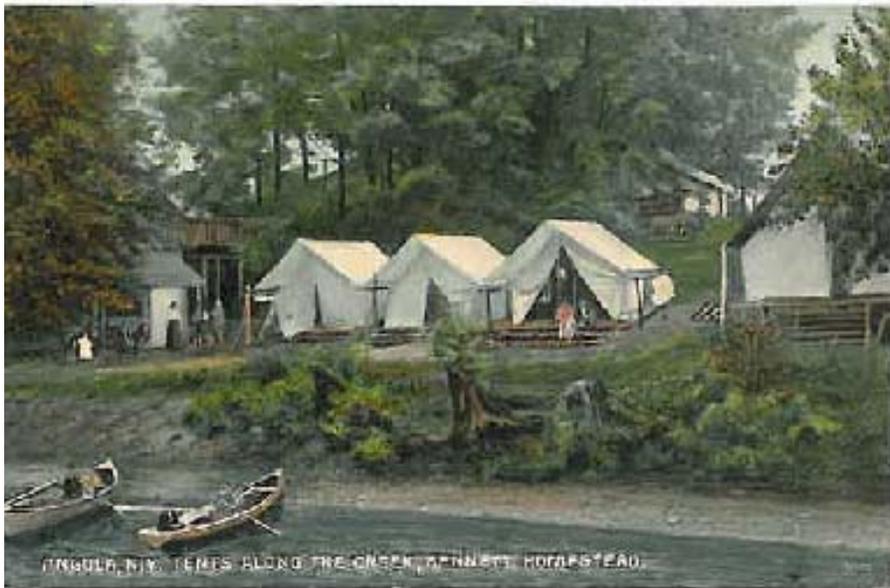


In 1888, Cradle Beach Camp (the Fresh Air Mission) was founded for the County's underprivileged children. This camp still operates today, carrying forth its original mission. Over the years, other camps and retreats spread south to Evangola State Park were supported by church groups, the YMCA, or private 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.

### III. LOCAL WATERFRONT REVITALIZATION PROGRAM POLICIES

Section III presents the waterfront revitalization policies and their associated standards that are used in guiding appropriate development actions for a community. These policies take into consideration the physical, economic, environmental and cultural characteristics of the community. They are comprehensive and reflect existing laws and authority regarding development and environmental protection. Together, these policies and their standards are to be used to determine an appropriate balance between economic growth and development and environmental protection in a manner that will permit the beneficial use of waterfront resources in the Town of Evans without significant adverse impacts to the community.

#### DEVELOPMENT POLICIES

- Policy 1            Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational, and other compatible uses.
  
- Policy 2            Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters.
  
- Policy 3            Further develop the State's major ports of Albany, Buffalo, New York, Ogdensburg, and Oswego as centers of commerce and industry, and encourage the siting of land uses and development in these port areas.
  
- Policy 4            Strengthen the economic base of smaller harbor areas by encouraging the development and enhancement of those traditional uses and activities that have provided such areas with their unique maritime identity.
  
- Policy 5            Encourage the location of development in areas where public services and facilities essential to such development are adequate.
  
- Policy 6            Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.

#### FISH AND WILDLIFE POLICIES

- Policy 7            Significant coastal fish and wildlife habitats will be protected, preserved, and where practicable, restored so as to maintain their viability as habitats.
  
- Policy 8            Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants that bio-accumulate in the food chain or cause significant sub-lethal or lethal effects on those resources.

- Policy 9 Expand recreational use of fish and wildlife resources in coastal areas by increasing access to existing resources, supplementing existing stocks, and developing new resources.
- Policy 10 Further develop commercial finfish, shellfish, and crustacean resources in the coastal area.

**FLOODING AND EROSION HAZARDS POLICIES**

- Policy 11 Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.
- Policy 12 Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands and bluffs.
- Policy 13 The construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty years.
- Policy 14 Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development, or at other locations.
- Policy 15 Mining, excavation or dredging in coastal waters shall not significantly interfere with the natural coastal processes that supply beach materials to land adjacent to such waters and shall be undertaken in a manner that will not cause an increase in erosion of such land.
- Policy 16 Public funds shall only be used for erosion protective structures where necessary to protect human life, and new development that requires a location within or adjacent to an erosion hazard area to be able to function, or existing development; and only where the public benefits outweigh the long term monetary and other costs including the potential for increasing erosion and adverse effects on natural protective features.
- Policy 17 Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible.

**GENERAL POLICY**

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

### **PUBLIC ACCESS POLICIES**

- Policy 19      Protect, maintain, and increase the level and types of access to public water-related recreation resources and facilities.
- Policy 20      Access to the publicly-owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly-owned shall be provided in a manner compatible with adjoining uses.

### **RECREATION POLICIES**

- Policy 21      Water-dependent and water-enhanced recreation will be encouraged and facilitated and given priority over non-water-related uses along the coast.
- Policy 22      Development, when located adjacent to the shore, will provide for water-related recreation, whenever such use is compatible with reasonably anticipated demand for such activities, and the primary purpose of the development.

### **HISTORIC AND SCENIC RESOURCES POLICIES**

- Policy 23      Protect, enhance and restore structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the state, its communities or the nation.
- Policy 24      Prevent impairment of scenic resources of State-wide significance.
- Policy 25      Protect, restore or enhance natural and man-made resources that are not identified as being of State-wide significance, but that contribute to the overall scenic quality of the coastal area.

### **AGRICULTURAL LANDS POLICY**

- Policy 26      Conserve and protect agricultural lands in the State's coastal area.

### **ENERGY AND ICE MANAGEMENT POLICIES**

- Policy 27      Decisions on the siting and construction of major energy facilities in the coastal area will be based on public energy needs, compatibility of such facilities with the environment, and the facility's need for a shorefront location.
- Policy 28      Ice management practices shall not interfere with the production of hydroelectric power, damage significant fish and wildlife and their habitats, or increase shoreline erosion or flooding.
- Policy 29      Encourage the development of energy resources on the outer continental shelf, in Lake Erie and in other water bodies, and ensure the environmental safety of such activities.

## **WATER AND AIR RESOURCES POLICIES**

- Policy 30      Municipal, industrial, and commercial discharge of pollutants including, but not limited to, toxic and hazardous substances, into coastal waters will conform to state and national water quality standards.
- Policy 31      State coastal area policies and management objectives of approved local waterfront revitalization programs will be considered while reviewing coastal water classifications and while modifying water quality standards.
- Policy 32      Encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high.
- Policy 33      Best management practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters.
- Policy 34      Discharge of waste materials into coastal waters from vessels subject to state jurisdiction will be limited to protect significant fish and wildlife habitats, recreational areas and water supply areas.
- Policy 35      Dredging and filling in coastal waters and disposal of dredged material will be undertaken in a manner that meets existing State permit requirements and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands and wetlands.
- Policy 36      Activities related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills into coastal waters; all practicable efforts will be undertaken to expedite the cleanup of such discharges and restitution for damages will be required when these spills occur.
- Policy 37      Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into coastal waters.
- Policy 38      The quality and quantity of surface water and groundwater supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.
- Policy 39      The transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within coastal areas will be conducted in a manner that protects groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural land, and scenic resources.
- Policy 40      Effluent discharged from major steam electric generating and industrial facilities into coastal waters will not be unduly injurious to fish and wildlife and shall conform to state water quality standards.

- Policy 41 Land use or development in the coastal area will not cause National or State air quality standards to be violated.
- Policy 42 Coastal management policies will be considered if the State reclassifies land areas pursuant to the prevention of significant deterioration regulations of the federal clean air act.
- Policy 43 Land use or development in the coastal area must not cause the generation of significant amounts of acid rain precursors: nitrates and sulfates.

**WETLANDS POLICY**

- Policy 44 Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.

**DEVELOPMENT POLICIES**

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- POLICY 1 Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational, and other compatible uses.**
- POLICY 1A Improve the Sturgeon Point Marina facility and establish the lands upland of the marina for public use.**
- POLICY 1B Revitalize the Lake Erie Beach area of the waterfront.**
- POLICY 1C Revitalize and enhance the County and State Parks.**
- POLICY 1D Protect and improve stable residential areas.**

Explanation of Policy

Agencies must ensure that their actions further the revitalization of waterfront areas. The transfer or purchase of property, the construction of new public facilities and the provision of tax incentives to businesses are all examples of governmental means for spurring economic growth. When any such action or similar action is proposed, it must be assessed to determine if it would contribute to or adversely affect the revitalization of the Evans waterfront.

The revitalization of once dynamic waterfront areas, without consuming valuable open space outside of these areas, is an effective means of promoting economic growth. Waterfront redevelopment is also a useful means of rejuvenating and, in certain cases, stabilizing the residential and commercial areas adjacent to the waterfront area.

The intent of this policy is directly linked to a number of other policies; therefore, several issues must be considered:

1. Uses requiring a location abutting the waterfront must be given priority in any redevelopment effort (refer to Policy 2 for the means to effectuate this priority);
2. As explained in Policy 5, one reason for revitalizing previously developed and dynamic waterfront areas is that the costs for providing basic services to such areas is typically less than that of providing new services to areas not previously developed;
3. The likelihood for successfully simplifying permit procedures and expediting certain permitting or approval requirements (Policy 6) will be increased if a discrete area, and not the entire waterfront, is the focus for the effort. In turn, ease in obtaining permits should increase investment interests in these areas. Further, once the focused effort has succeeded, stabilization and revitalization of surrounding areas is more likely to occur.

An example of this is the proposed Evans Multi-Use Pathway. It is the intent of this amenity to link waterfront resources and improve access and tourism. By facilitating and completing each phase of this trail, impetus is provided for additional improvements and revitalization of public recreation facilities and other commercial areas along the waterfront.

Though local waterfront revitalization programs need not be limited to redevelopment, the Town and other governmental agencies are encouraged to identify areas as suitable for redevelopment, and establish redevelopment programs to bring about this change.

When an action is proposed to take place in an area of the waterfront that is considered as suitable for redevelopment, the following guidelines will be followed:

- a. Priority should be given to water-dependent and water-enhanced uses (see Policy 2);
- b. The action should enhance existing and anticipated uses;
- c. The action should serve as a catalyst to private investment in the area;
- d. The action should improve the deteriorated condition of a site and, at a minimum, must not cause further deterioration (e.g., a building could not be abandoned without protecting it against vandalism and/or structural decline);
- e. The action must lead to development that is compatible with the character of the area, with consideration given to scale, architectural style, density, and intensity of use;
- f. The action should have the potential to improve the existing economic base of the community and, at a minimum, must not jeopardize this base (e.g., waterfront development meant to serve consumer needs would be inappropriate in an area where no increased consumer demands were expected and existing development was already meeting demand);
- g. The action should enhance adjacent and upland views of the water and, at a minimum, must not eliminate views or otherwise affect views in an adverse manner; and

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

Resources should be focused on improving the Lake Erie Beach commercial district and residential area as a quality, lakefront neighborhood. This area should include a mix of uses that are developed in keeping with the rural character of the area, to reestablish the hamlet as a prosperous area of shoreline activity. Efforts should be focused on the residential area, as well as the commercial district, to bring balanced renewal to the area. The height and scale of new development along the waterfront in this area should not adversely impact views of the lake and should recognize the character and capacity of Lake Shore Road, which is a local, rural roadway. New development should enhance and support existing recreational and residential uses. The recommendations and implementation strategies outlined in the Lake Erie Beach Revitalization study (see Appendix C) should be put into action in an effort to achieve the vision for the hamlet.

The Sturgeon Point is a central focus area for tourism and the marina offers the only permanent boat dockage between the City of Buffalo and Sunset Bay. This area of the Town should be enhanced and improved to support a greater level of recreational use and open space preservation. The area upland of the marina should be improved for passive recreational activities, as well as to provide additional parking area for the marina. This upland area offers opportunities for scenic viewing, picnicking and other passive recreation, and education/interpretation in the protected open space portions of the site. The Town should also explore opportunities for the expansion of the marina to provide additional dockage and accommodate larger vessels. The Sturgeon Point Marina area, with the adjoining public lands, provides an opportunity to create a significant node of recreational activity that could include limited commercial uses to support tourism.

The County currently owns and operates Wendt Beach and Bennett Beach Parks. These parks offer opportunities for passive and active recreation and public access to Lake Erie. Each park offers amenities that are unique to the area. The County is encouraged to make necessary capital improvements to these areas to increase and enhance public use, including the revitalization of the Wendt Mansion for public use and the protection of the dunes, old growth vegetation, and archaeological resources at Bennett Beach. The Mansion is an historic resource that is vacant and requires repair. It is also subject to vandalism. The longer it goes without attention, the greater the investment will be to restore it for public use. In addition, Bennett Beach contains an area of important ecological and archaeological resources. The County must make every effort to protect these resources from further impacts. The public should be prohibited from physically accessing the sand dunes, and the old growth vegetation in the area, which have high resource value (see Policy 7), and should be protected from any incompatible disturbance. The County should also consider updating the portions of the Erie County Parks Master Plan that address Bennett Beach. The Plan should omit certain recommendations that suggest physical development at this site and better promote protection of the important natural and cultural resources. The Plan should also reflect the County's existing considerations for improvements at Wendt Beach. In addition, although only a small portion of the park falls within the Evans waterfront area, Evangola State Park is an essential recreational facility that should be effectively maintained and operated.

To enhance community character and maintain the quality of life along the waterfront in Evans, the potential adverse impacts of new development and redevelopment on existing land uses, natural resources and the local economy should be properly assessed and mitigated, as required. Development should reflect the recognition of existing site characteristics, limit disturbance to land and water, and foster visual compatibility with surrounding areas.

The existing residential neighborhoods along the waterfront are important to the overall character of the community and prosperity of the area. New uses in stable residential neighborhoods should be avoided when their size or scale would significantly impact the character of the area. New construction, redevelopment and associated screening, such as fences and landscaping, should not reduce or eliminate vistas that connect local residents or visitors to the waterfront, or views that are otherwise important to the surrounding area.

Public access improvements should also be emphasized as a part of new development or redevelopment to better establish the connection between residential areas and the waterfront. Linkages are also important and should be created through the development of, or connections to, the waterfront trail system.

**POLICY 2      Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters.**

Explanation of Policy

There is a finite amount of waterfront space suitable for development purposes. Consequently, while the demand for any given piece of property will fluctuate in response to varying economic and social conditions, on a regional and statewide basis, the only reasonable expectation is that long-term demand for waterfront space will intensify. The traditional method of land allocation, i.e, the real estate market, with or without local land use controls, offers little assurance that uses that required waterfront sites will have access to the shoreline. To ensure that “water-dependent” uses can continue to be accommodated along the Evans waterfront, agencies should avoid undertaking, funding or approving non water-dependent uses when such uses would preempt the reasonably foreseeable development of water-dependent uses.

A water-dependent use is an activity that can only be conducted on, in, over or adjacent to a water body because such activity requires direct access to that water body, and that involves the use of water as an integral part of such activity.

The following uses and facilities are considered as water-dependent:

1. Uses that depend on the utilization of resources found in coastal waters (e.g., fishing);
2. Recreational activities that depend on access to coastal waters (e.g., swimming, fishing, boating, wildlife viewing);

3. Structures needed for navigational purposes (e.g., buoys, lighthouses, etc.)
4. Flood and erosion protection structures (e.g., breakwaters, bulkheads, seawalls, etc.);
5. Facilities needed to store and service boats and ships (e.g., marinas, boat repair or storage facilities, etc.).
6. Uses requiring large quantities of water for processing and cooling purposes (e.g., wastewater or water treatment plants);
7. Scientific/educational activities which, by their nature, require access to coastal waters (e.g., certain meteorological and oceanographic activities); and
8. Support facilities that are necessary for the successful functioning of water-dependent uses (e.g., parking lots, snack bars, first aid stations, short-term storage facilities), although these uses should be sited inland from the water-dependent use they support, rather than on the shore.

In the Town of Evans, there is a finite amount of waterfront space suitable for development purposes. Consequently, while the demand for any given piece of property along the waterfront will fluctuate in response to varying economic and social conditions, on a Town-wide basis, the only reasonable expectation is that long-term demand for waterfront space will likely intensify. As there is a limited amount of land zoned for commercial use along the Evans waterfront, demand is expected to be primarily for residential use. However, where applicable, the Town should strive to develop additional water-related or enhanced commercial uses in the LWRA.

The traditional method of land allocation, i.e., the real estate market, with or without local land use controls, offers little assurance that a use that requires a waterfront site will, in fact, have access to Town waters. To ensure that water-dependent uses can continue to be accommodated within the Town, any public agency undertaking actions within the Town will be required to avoid undertaking, funding, or approving non-water dependent uses when such uses would preempt reasonably foreseeable development of water dependent uses; furthermore, such agencies will utilize existing programs, as appropriate, to encourage water dependent activities.

Water-dependent uses in the Town of Evans include the Erie County Sewer District No. 2 wastewater treatment plant, the Erie County water treatment plant, the Sturgeon Point Marina and boat launch ramp, Point Breeze boat launch ramp and the Town and County beaches, which are water-dependent recreational uses. In the foreseeable future, uses accommodated along the Evans waterfront are expected to be primarily a continuation of existing uses with revitalization and improvement of water-dependent and water-enhanced uses, specifically water-dependent recreational facilities. Particular emphasis is on the Sturgeon Point Marina area, where water-dependent use could be expanded, primarily for recreational use. In no instance should an existing water-dependent or water-enhanced recreational facility be replaced with a non-water dependent use. In addition to water-dependent uses,

those uses that are enhanced by a waterfront location should be encouraged to locate along the shore, though not at the expense of water dependent uses.

In addition to water-dependent uses, uses that are enhanced by a waterfront location are considered preferable to non-water dependent uses, and would be encouraged to locate along the shore (although not at the expense of a water-dependent use). A water-enhanced use is defined as a use or activity that does not require a location adjacent to or over coastal waters, but whose location on land adjacent to the shore adds to the public use and enjoyment of the water's edge. Water-enhanced uses are primarily recreational, cultural, retail, or entertainment uses. A restaurant that uses good site design to take advantage of a waterfront view is an example of a water-enhanced use. Although enhanced by its location, residential use is not necessarily considered water-enhanced and should not be located along the shoreline at the expense of other uses. Water-enhanced uses along the Evans waterfront include restaurants/bars, campgrounds (both public and private), conference centers and retreats, and recreational facilities. These types of uses are generally conducive to their surrounding waterfront environment and should be continued.

If there is no immediate demand for a water-dependent use in a given area, but a future demand is reasonably foreseeable, then temporary non-water-dependent uses should be considered preferable to a non-water-dependent or enhanced use that involves an irreversible or nearly irreversible commitment of land. Parking lots, passive recreational facilities, outdoor storage areas, and non-permanent structures are uses or facilities that would be considered as "temporary" non-water-dependent uses.

New water-dependent and water-enhanced uses proposed for development along the Evans waterfront should be sited and designed to enhance the surrounding area and avoid adverse impacts to significant coastal resources, including viewsheds. The best locations for uses of this nature would be in the Sturgeon Point Marina area (Sub-Area 1), in the commercial area of Sub-Area 2 in the vicinity of the beach clubs, and Lake Erie Beach. Consideration should be given to such factors as the protection of nearby residential areas from odors, noise and traffic and the preservation of natural protective features. Affirmative approaches should be employed so that water-dependent and water-enhanced uses, and adjacent uses, will complement one another. For example, a recreation-oriented water-dependent use area could be sited in an area already oriented towards tourism. For instance, the Sturgeon Point Marina would enhance, and in turn be enhanced by, nearby restaurants, motels and other water-enhanced or non-water oriented tourist activities. In addition, to help ensure the availability of waterfront land for water-dependent use, consideration should be given to the siting and design of any development on land adjacent to the water, and to the reservation of land suitable to accommodate the long-term space needs of water-dependent uses (e.g., by devoting such land to open space or temporary non-water dependent uses).

In the actual choice of sites where water-dependent uses will be encouraged and facilitated, the following guidelines should also be considered:

1. Competition for space, or the potential for it, should be indicated before any given site is promoted for water-dependent uses. The intent is to match water-dependent uses with suitable locations and thereby reduce any conflicts between competing uses that

might arise. Not just any site suitable for development should be chosen as a water-dependent use area. The choice of a site should be made with some meaningful impact on the real estate market anticipated. The anticipated impact could either be one of increased protection to existing water-dependent activities or else the encouragement of water-dependent development.

2. Most water-dependent uses, if they are to function effectively, will require basic public facilities and services. In selecting appropriate areas for the development of water-dependent uses, consideration should be given to the availability of public sewers, public water lines and adequate power supply. Access to public transportation, if a high number of person trips are to be generated, should also be considered.
3. Where recreational boating exists, or is planned, adequate access to navigation channels must be assured, as required.
4. When areas suitable for water-dependent uses are publicly owned, favored leasing arrangements should be given to such uses.
5. The promotion of water-dependent uses should serve to foster development as a result of the capital programming, permit expediting and other State and local actions that can be used to promote the site.
6. A primary objective of the policy is to create a process by which water-dependent uses can be accommodated well into the future. Agencies should, therefore, give consideration to providing for expansion and the long-term space needs and, where practicable, accommodate future demand by identifying more land than is needed in the near future.
7. Local land use controls, especially the use of zoning districts exclusively for waterfront uses, can be an effective tool of local government in assuring adequate space for the development of water-dependent uses.

**POLICY 3**      **Further develop the State's major ports of Albany, Buffalo, New York, Ogdensburg, and Oswego as centers of commerce and industry, and encourage the siting of land uses and development in these port areas, including that under the jurisdiction of state public authorities, that is essential to, or in support of, the waterborne transportation of cargo and people.**

Explanation of Policy

This State Coastal Management Policy is not applicable to the Town of Evans waterfront area as it does not include any of the State's major port facilities.

**POLICY 4      Strengthen the economic base of smaller harbor areas by encouraging the development and enhancement of those traditional uses and activities which have provided such areas with their unique maritime identity.**

Explanation of Policy

This State Coastal Management Policy is not applicable to the Town of Evans waterfront area as it does not include a small harbor, as defined by this policy.

**POLICY 5      Encourage the location of development in areas where public services and facilities essential to such development are adequate.**

Explanation of Policy

By its construction, taxing, funding and regulatory powers, government has become a dominant force in shaping the course of development. Through these government actions, development, particularly large-scale development, in the waterfront area will be encouraged to locate within, contiguous to, or in close proximity to, existing areas of concentrated development where infrastructure and public services are adequate, and where topography, geology, and other environmental conditions are suitable for, and able to accommodate, development.

As noted in the Inventory and Analysis, the Town of Evans waterfront is generally serviced by a public water system, and has a sound transportation system that can accommodate existing development. The waterfront is located within a public sewer district, but service is presently not available to the area north of Wendt Beach Park to approximately Delamater Road. There are also a couple small gaps in service along Lake Shore Road in Sub-Area 3.

For any action that would result in large-scale development or that would facilitate or serve future development, a determination shall be made as to whether the action is within, contiguous to, or in close proximity to an area of concentrated development where infrastructure and public services are adequate. The following guidelines shall be used in making that determination:

1.      Locations along the waterfront area may be considered suitable for development, if three or more of the following conditions prevail:
  - a.      Population density of the area surrounding or adjacent to the proposed site exceeds 1,000 persons per square mile,
  - b.      Fewer than 50 percent of the buildable sites (i.e., sites meeting lot area requirements under existing local zoning regulations) within a one-mile radius of the proposed site are vacant,
  - c.      The proposed site is served by or is near to public or private sewer and water lines,

- d. Public transportation service is available within one-half mile of the proposed site, and/or
  - e. A significant concentration of commercial activity is within one-half mile of the proposed site.
2. The following points shall be considered in assessing the adequacy of infrastructure and public services in the area proposed for development:
- a. Streets and roadways serving the proposed site can safely accommodate the peak traffic generated by the proposed land development,
  - b. The water needs of the proposed development (consumptive and fire fighting) can be met by the existing water supply system,
  - c. The existing wastewater treatment system can accommodate the sanitary waste generated by the development,
  - d. Energy needs of the proposed development (electricity, natural gas) can be accommodated by existing utility systems,
  - e. Storm water runoff from the proposed site can be accommodated by on-site and/or off-site facilities, and
  - f. Schools, police and fire protection are adequate to meet the needs of those expected to live, work, shop, or conduct business in the area as a result of the development.

It is recognized that certain forms of development may and/or should occur at locations that are not within or near areas of concentrated development. Thus, this policy does not apply to the following types of development projects and activities.

- 1. Economic activities that depend upon sites at or near locations where natural resources are present,
- 2. Development that, by its nature, is enhanced by a non-urbanized setting, (e.g., a resort complex, campgrounds, etc.),
- 3. Development that is designed to be a self-contained activity, (e.g., a small college, an academic or religious retreat, etc.),
- 4. Water-dependent uses with site requirements not compatible with this policy or when alternative sites are not available,
- 5. Development that, because of its isolated location and small scale, has little or no potential to generate and/or encourage further land development,

6. Uses and/or activities that should be located away from populous areas because of public safety considerations,
7. Rehabilitation or restoration of existing structures and facilities, and
8. Development projects that are essential to the construction and/or operation of the above uses and activities.

In certain areas where development is encouraged by this policy, the existing condition of public water and sewage infrastructure may require attention and improvements. Those agencies charged with allocating funds for investments in water and sewer facilities should give high priority to the needs of the Evans waterfront area so that full advantage may be taken or problems with existing infrastructure can be remedied in a fashion that allows for the promotion of waterfront revitalization.

In Evans, although wastewater treatment capacity may be available, certain areas are impacted by existing inflow and infiltration problems that must be addressed to eliminate potential adverse impacts. The County is encouraged to make every effort to remedy existing problems, particularly in the Sweetland Road and Point Breeze areas, to protect water quality and provide for adequate service.

**POLICY 6      Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.**

Explanation of Policy

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

For specific types of development activities, and in areas suitable for such development, agencies will make every effort to coordinate and synchronize existing permit procedures and regulatory programs, as long as the integrity and objectives of the regulations are not jeopardized. These procedures and programs will be coordinated within each agency. Also, efforts will be made to ensure that each agency's procedures are synchronized with those of other agencies at each level of government. Finally, regulatory programs and procedures will be coordinated and synchronized between levels of government, and if necessary, legislative and/or programmatic changes will be recommended. When proposing new regulations, an agency will determine the feasibility of incorporating the regulations within existing procedures, if this reduces the burden on a particular type of development and does not jeopardize the integrity and objectives of the regulations.

## FISH AND WILDLIFE POLICIES

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- POLICY 7**      **Significant coastal fish and wildlife habitats will be protected, preserved, and where practicable, restored so as to maintain their viability as habitats.**
- POLICY 7A**      **Locally important fish and wildlife habitats shall be protected and restored, where practicable.**
- POLICY 7B**      **Protect and preserve the old growth forest and primary sand dune formations in the vicinity of Bennett Beach.**
- POLICY 7C**      **Encourage community awareness and stewardship of natural resources along the waterfront.**
- POLICY 7D**      **The Eighteen-Mile Creek Significant Coastal Fish and Wildlife Habitat shall be protected, preserved and, where practical, restored so as to maintain its viability as habitat.**
- POLICY 7E**      **The Big Sister Creek Significant Coastal Fish and Wildlife Habitat shall be protected, preserved and, where practical, restored so as to maintain its viability as habitat.**

### Explanation of Policy

Habitat protection is recognized as fundamental to assuring the survival of fish and wildlife populations. Certain habitats are particularly critical to the maintenance of a given population and, therefore, merit special protection. Such habitats exhibit one or more of the following characteristics:

1. Are essential to the survival of a large portion of a particular fish or wildlife population (e.g. feeding grounds, nursery areas);
2. Support populations of rare and endangered species;
3. Are found at a very low frequency within a coastal region;
4. Support fish and wildlife populations having significant commercial and/or recreational value; and
5. Would be difficult or impossible to replace.

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

1. Destroy habitat values through direct physical alteration, disturbance or pollution of a designated area, or through the indirect effects of actions that would result in a loss of habitat; and/or

2. Significantly impair the viability of a habitat beyond the tolerance range of fish and wildlife species through degradation of existing habitat elements, change in environmental conditions, functional loss of habitat values, or adverse alteration of other physical, biological or chemical characteristics.

If an action reduces a vital resource (e.g., food, shelter, living space) or changes environmental conditions (e.g., temperature, substrate, turbidity) beyond the tolerance range of an organism, then the action would be considered to "significantly impair" the habitat. Indicators of a significantly impaired habitat may include reduced carrying capacity, changes in community structure (food chain relationships, species diversity), reduced productivity and/or increased incidence of disease and mortality.

The range of generic activities most likely to adversely affect significant coastal fish and wildlife habitats include, but are not limited to, the following:

1. Draining wetlands or ponds causing changes in vegetation or changes in groundwater and surface water hydrology.
2. Filling wetlands, shallow areas of streams, lakes, bays, estuaries, which may change the physical character of substrate (e.g., sandy to muddy), smother vegetation, or alter surface water hydrology.
3. Grading land results in vegetation removal, increased surface runoff, or increased soil erosion and downstream sedimentation.
4. Clear cutting causes a loss of vegetative cover, increases fluctuations in the amount of surface runoff, and/or increases streambed scouring, soil erosion and sediment deposition.
5. Dredging or excavation may cause changes in substrate composition, the potential release of contaminants otherwise stored in sediments, removal of aquatic vegetation, or changes in circulation patterns and sediment transport mechanisms.
6. Dredge spoil disposal may result in the shoaling of littoral areas or changes to circulation patterns.
7. Physical alteration of shore areas through channelization or construction of shore structure may change the volume and rate of flow or increase scouring and sedimentation.
8. Introduction, storage or disposal of pollutants such as chemical, petrochemical, solid wastes, nuclear wastes, toxic material, pesticide, sewage effluent, urban and rural runoff, leachate of hazardous and toxic substances stored in landfills may cause increased mortality or sub lethal effects on organisms, altering their reproductive capabilities, or reducing their value as food organisms.

The range of physical, biological, and chemical parameters that should be considered includes, but is not limited to, the following:

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

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

1. Avoidance of potential adverse impacts to ecologically sensitive areas, scheduling activities to avoid vulnerable periods in life cycles or the creation of unfavorable environmental conditions, and preventing fragmentation of intact habitat areas.
2. Minimization of unavoidable potential adverse impacts, including reducing the scale or intensity of the use or development, designing projects to result in the least amount of potential adverse impacts, choosing alternative actions or methods that would lessen potential impacts, using specific measures to protect habitat values from impacts that cannot be sufficiently avoided or minimized to prevent habitat destruction or significant habitat impairment, and/or implementing the specific protective measure included in the narratives for each State-designated Significant Coastal Fish and Wildlife Habitat (as outlined below).

There are two State-designated Significant Coastal Fish and Wildlife Habitats in the Town of Evans waterfront area (see Appendix B). These include Eighteen-Mile Creek and Big Sister Creek. Both areas provide important habitat for fish spawning and recreational fishing. Eighteen-Mile Creek is also archaeologically significant.

When a proposed action is likely to alter any of the biological, physical or chemical parameters as described in the habitat narratives for these areas beyond the tolerance range of the organisms occupying the habitat, the viability of that habitat would be significantly impaired or destroyed. Such action, therefore, would be inconsistent with this policy. A habitat impairment test must be met for any activity proposed in these areas. Any action determined to destroy or significantly impair the viability of the habitat would not be permitted.

**For Big Sister Creek:**

Big Sister Creek is one of the major tributary of Lake Erie and much of the channel remains relatively undisturbed. Stream ecosystems such as this, which provide valuable habitat for lake dwelling fish populations, are unusual in Erie County. While not included as part of the habitat, it should be noted that the sand dunes bordering the mouth of the creek are the only such formations on the Lake Erie shoreline in New York and are a designated unit of the National Coastal Barrier Resources System along the Great Lakes (indicating recognition of their ecological value). Big Sister Creek is especially significant because concentrations of several salmonid species enter the stream during their respective spawning period. Steelhead trout enter the creek during the fall and between late February and April, and runs of Coho and Chinook salmon and brown trout occur from late August through December (September through 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 no releases directly into Big Sister Creek. In addition to these salmonids, the creek supports a production warm water fishery, including smallmouth bass (which spawn in the creek), channel catfish, rock bass, white bass, carp and possibly freshwater drum and northern pike. As a result of the abundant fisheries resources in the creek, a significant number of anglers are attracted to the area. During salmonid runs, recreational fishing pressure extends well up to NYS Route 5. However, the creek is most heavily fished from the banks within Bennett Beach County Park.

A habitat impairment test must be met for any activity that is subject to consistency review to identify potential actions that may destroy the habitat or significantly impair the viability of the habitat. If a proposed action is subject to consistency review, then this habitat protection policy applies, whether the action is to occur within or outside of the designated habitat area. To assist in applying the habitat impairment test, the following are examples of generic activities that could potentially impact the Big Sister Creek habitat:

1. Any activity that degrades water quality, increases temperature or turbidity, or reduces the flows of the creek would adversely impact the fisheries resources in this area. Salmonid populations are vulnerable to disturbances only during their seasonal migrations into the creek. Warm water fish species, which are generally year-round residents of the creek, are most sensitive during spawning and incubation periods, from March through July.
2. Barriers to fish migration, whether physical, or chemical, would have a significant adverse impact on the fish populations of Big Sister Creek.
3. Clearing of riparian vegetation or other stream bank disturbances could reduce habitat quality and value.
4. Discharges of stormwater runoff containing sediments or chemical pollutants will also result in adverse impact on Big Sister Creek.

In addition, public access to the creek should be maintained and enhanced to ensure that adequate opportunities for use of the fisheries resources are available. However, the unique sand dune habitat

and old growth forest vegetation found at and around the mouth of the creek should be protected and preserved to avoid human disturbances that would adversely impact the integrity of these significant resources. Increased efforts should be made to prohibit public use and interference with what remains of the original dune system. Furthermore, the boundaries of the Big Sister Creek habitat should be re-evaluated and revised to cover the important cultural and natural resources that exist at the mouth of the creek.

### **For Eighteen-Mile Creek**

Eighteen-Mile Creek is the second largest tributary to Lake Erie in New York State and there are few comparable streams in the Great Lakes Plain ecological region. Undisturbed tributary streams that provide habitat for major spawning runs by salmonids and other lake-based fish populations are especially important for this region. Eighteen-Mile Creek is particularly significant because large concentrations of Coho salmon, Chinook salmon and brown trout migrate from Lake Erie into the creek each fall to spawn (September to November primarily). Steelhead migrates for spawning during the fall and between late 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. Eighteen-Mile Creek provides a major salmonid fishery for anglers in the region. Although access is somewhat limited due to the topography of the creek corridor, the creek still heavily utilized during more popular times of the year.

A habitat impairment test must be met for any activity that is subject to consistency review to identify potential actions that may destroy the habitat or significantly impair the viability of the habitat. If a proposed action is subject to consistency review, then this habitat protection policy applies, whether the action is to occur within or outside of the designated habitat area. To assist in applying the habitat impairment test, the following are examples of generic activities that could potentially impact the Eighteen-Mile Creek habitat:

1. Any activity that substantially degrades water quality, increases temperature or turbidity, reduces flows or alters water depths in the creek would adversely impact the fisheries resources of this area. These impacts would be especially detrimental during spawning and nursery periods and in the spring after salmonids are stocked in the creek.
2. Discharges of sewage or stormwater runoff containing sediments or chemical pollutants (including fertilizers, herbicides or insecticides) would adversely impact fish populations. Of particular concern are the potential effects of upstream disturbances, including water withdrawals, impoundments, stream bed disturbances and effluent discharges.
3. Barriers to fish migration, whether physical or chemical would have a significant impact on fish populations in the creek.
4. Impacts to existing woodlands bordering Eighteen-Mile Creek and its tributaries. These areas should be maintained to provide bank cover, soil stabilization and buffer areas.

5. Development of additional public access may be desirable in appropriate locations to ensure that adequate opportunities for compatible human uses of the fisheries resources are available. However, installation of breakwalls or jetties to create a harbor for refuge could induce substantial development of this unusual natural area, directly resulting in the loss of habitat value.
6. Disturbance of wetland vegetation, including submergent beds, through dredging, filling or building bulkheads would result in the direct loss of valuable habitat area and should be avoided.

Measures that can be taken to restore the Big Sister Creek and Eighteen-Mile Creek Significant Coastal Fish and Wildlife Habitats include:

1. Reconstructing lost physical conditions to maximize habitat values,
2. Adjusting adversely altered chemical characteristics to emulate natural conditions, and/or
3. Manipulating biological characteristics to emulate natural conditions by reintroducing indigenous flora and fauna.

As noted above under the discussion for Big Sister Creek, and in Sections 2.7C and 2.8B in the Inventory and Analysis, a significant stand of old growth hemlock and hardwood forest with trees well over 200 years old (some up to 500 years old), exists on the remnants of primary dune located within and just north of Bennett Beach, 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. There are eight acres of habitat in the park and additional acreage to the north and south. The sand dune formations at Bennett Beach County Park are not only recognized as a significant ecological resource, they are determined to be an important prehistoric archaeological site, and recorded as Site UB 2617 in the archaeological files of the Department of Anthropology at the State University of New York at Buffalo. It was also reported to the State Office of Parks, Recreation and Historic Preservation. 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, and that intact archaeological deposits, including prehistoric living surfaces, hearths and pits are well preserved within the sand dunes (and likely 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.

The ecological resources that exist in the Bennett Beach area are extremely unique and warrant the utmost protection. The creek corridor is a designated New York State Coastal Fish and Wildlife Habitat and the dunes and adjoining barrier features have been included in the National Coastal Barrier Resources system. However, it may be beneficial to incorporate the dunes and barrier features that exist in this area into the Big Sister Creek Significant Coastal Fish and Wildlife Habitat area and grant

additional special protections (such as the designation of the area as a Scenic Area of Statewide Significance) to guarantee preservation of the important resources that exist here. No development should be allowed in the park or adjacent areas that would result in the loss of vegetation, disturbance to the dunes and archaeological resources or other such adverse impacts.

Other habitats and creeks of local significance exist along the waterfront, including Reisch Creek, Pike Creek, Little Sister Creek, Delaware Creek, Fern Brook and Muddy Creek. There are also large areas of State-designated wetlands in Wendt Beach County Park. As with State-designated habitats, all areas of local ecological significance should be protected. Water quality degradation, erosion (coastal and streambank), loss of vegetation and other such adverse impacts must be avoided to protect the natural integrity of these areas.

Finally, community awareness and stewardship of natural resources along the waterfront should be encouraged through the support of community activities, including the cleanup of the lake shore, beach sweeping activities, and non-point pollution prevention education campaigns.

**POLICY 8      Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants that bio-accumulate in the food chain or cause significant sub lethal or lethal effects on those resources.**

Explanation of Policy

Hazardous wastes are unwanted by-products of manufacturing processes and are generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law [S27-0901(3)] as "waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (1) cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or otherwise managed." A list of hazardous wastes (NYCRR Part 366) will be adopted by DEC within 6 months after EPA formally adopts its list.

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

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

**POLICY 9      Expand recreational use of fish and wildlife resources in coastal areas by increasing access to existing resources, supplementing existing stocks, and developing new resources.**

Explanation of Policy

Recreational uses of coastal fish and wildlife resources include consumptive uses such as fishing and hunting, and non-consumptive uses such as scenic viewing, wildlife photography, bird watching and nature study. The educational and recreational value of coastal areas that possess a significant concentration of fish and wildlife resources is of great importance to the public. This is especially important in the Eighteen-Mile Creek gorge, Big Sister Creek and Lake Erie waters off Sturgeon Point and other areas of the waterfront, where salmon, yellow perch and walleye, among other species, abound. Other locations include the waters off Pt. Breeze and Evangola State Park, where Black Bass and Walleye are found. These areas are high-quality fishing areas and present unique opportunities for public enjoyment. Anglers are also known to fish other local creeks and streams in the area for recreation and opportunities to enhance or increase access to these local waterways should be pursued.

The recreational use of these areas and resources is to be maintained and increased, primarily through the continuation of the State fish stocking programs and provision of increased access and support facilities. Any efforts to increase use of recreational resources in the Town will be made in a manner that ensures the protection of fish and wildlife resources in Lake Erie and local creeks and streams and that takes into consideration other activities dependent on these resources. Such efforts must be done in accordance with existing State law and in keeping with sound management considerations. Such considerations include biology of the species, carrying capacity of the resources, public demand, costs and available technology.

The following guidelines should be considered by agencies as they determine the consistency of any proposed action with this policy:

1. Consideration should be made by agencies as to whether an action will impede existing or future utilization of the Town's recreational fish and wildlife resources.
2. Efforts to increase access to recreational fish and wildlife resources should not lead to over-utilization of that resource or cause impairment of the habitat. Sometimes such impairment can be more subtle than actual physical damage to the habitat. For example, increased human presence can deter animals from using the habitat area.
3. The impacts of increasing access to recreational fish and wildlife resources should be determined on a case-by-case basis, consulting the significant habitat narrative (see Policy 7) and/or conferring with a trained fish and wildlife biologist.
4. Any public or private sector initiatives to supplement existing fish stocks or develop new resources (e.g., creating private fee-hunting or fee-fishing facilities) must be done in accord with existing State law.

**POLICY 10** Further develop commercial finfish, shellfish, and crustacean resources in the coastal area by encouraging the construction of new, or improvement of existing on-shore commercial fishing facilities, increasing marketing of the state's seafood products, maintaining adequate stocks, and expanding aquaculture facilities.

Explanation of Policy

This State Coastal Management Policy is not applicable to the Town of Evans waterfront area as it does not include a commercial fishing, fish processing or shellfishing industry, as defined by this policy.

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## **FLOODING AND EROSION HAZARDS POLICIES**

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**POLICY 11** Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.

**POLICY 11A** Buildings and other structures within the Special Flood Hazard areas along the creeks and streams in the Town of Evans will be sited in a manner that minimizes damage to property and human life.

Explanation of Policy

The public health and safety is continuously threatened by flooding and erosion. The cost and endangerment to human life that can result from such natural occurrences requires utmost attention by the Town and other public agencies. This policy applies to the Coastal Erosion Hazard Areas and Areas of Special Flood Hazards, as identified on the Coastal Erosion Hazard Area maps and the Flood Insurance Rate Maps filed for the Town.

On the portions of the Evans waterfront identified as coastal erosion hazard areas, buildings and similar structures shall be set back from the shoreline a distance sufficient to minimize damage from erosion unless no reasonably prudent alternative site is available as in the case of piers, docks and other structures necessary to gain access to coastal waters to be able to function. The extent of the setback will be calculated, taking into account the rate at which land is receding due to erosion and the protection provided by existing erosion protection structures, as well as by natural protective features such as beaches, sandbars, spits, shoals, near shore areas, bluffs and wetlands. The only new structure allowed in coastal erosion hazard areas is a moveable structure as defined in 6NYCRR Part 505.2(x). Prior to its construction, an erosion hazard areas permit must be approved for the structure. Existing, non-conforming structures located in coastal erosion hazard areas may be only minimally enlarged.

In the areas around Fern Brook, Muddy Creek, and Big Sister Creek, during late winter and early spring, ice jams and melt waters generally result in localized flooding. In these areas, buildings and other structures must not be located or constructed in a manner that would create or exacerbate flooding or

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erosion. Compliance with FEMA and other local requirements is essential to ensure avoid potential impacts.

Where human lives may be endangered by major coastal storms, all necessary emergency preparedness measures should be taken, including disaster preparedness planning.

When determining consistency with this policy, the following general standards apply to new development, including new and substantially improved structures, in areas of Special Flood Hazard as regulated under Chapter 113 of the Town Code.

1. Subdivision Proposals, including proposals for manufactured homes and recreational vehicle parks and subdivisions:
  - a. Proposals shall be consistent with the need to minimize flood damage.
  - b. Public utilities and facilities, such as sewer, gas, electric and water systems, shall be located and constructed so as to minimize flood damage.
  - c. Adequate drainage shall be provided to reduce exposure to flood damage.
2. On streams without a regulatory floodway within Flood Zones A1 – A30 and AE, no new construction, substantial improvements or other development (including fill) shall be permitted unless:
  - a. It is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location; or
  - b. The Town agrees to apply to FEMA for a conditional Flood Insurance Rate Map revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping, as well as reimbursements to the Town for all costs incurred in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town for all costs related to the final map revision.
3. On streams with a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted in the floodway unless:
  - a. A technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during the occurrence of the base flood; or
  - b. The Town agrees to apply to FEMA for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping, as well as reimbursements to the Town for all feeds

and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town for all costs related to the final map revision.

The following standards shall apply to all new and substantially improved structures.

1. Anchoring. New structures and substantial improvements to structures in areas of Special Flood Hazard shall be anchored to prevent flotation, collapse or lateral movement during the base flood. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
2. New construction and substantial improvements to structures shall be undertaken with materials and utility equipment resistant to flood damage.
3. New construction and substantial improvements to structures shall be undertaken using methods and practices that minimize flood damage.
4. For enclosed areas below the lowest floor of a structure in a Special Flood Hazard Area, if base flood elevation data is available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and that are subject to flooding designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:
  - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided; and
  - b. The bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade.
5. Openings in structures may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

Enclosed areas located subgrade, on all sides, are considered as basement and are not permitted.
6. Machinery and equipment servicing a building must either be elevated to or above the base flood level or designed to prevent water from entering or accumulating within the components during a flood. This includes heating, ventilating and air-conditioning equipment, hot water heaters, appliances, elevator lift machinery and electrical junction and circuit breaker boxes. When located below the base flood elevation, a professional engineer's or architect's certification of the design is required.

7. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
8. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall.
9. On-site waste disposal systems (septic systems) shall be located to avoid impairment to them, or contamination from them, during flooding.

The following standards shall apply to all new or substantially improved residential structures located within Special Flood Hazard areas.

1. In Flood Zones A, A1 – A30, AE and AH, if base flood elevation data is available, new construction and substantial improvements shall have the lowest floor (including the basement) elevated to or above the base flood level.
2. Within Flood Zone A, when no base flood elevation data is available, new and substantially improved structures shall have the lowest floor (including the basement) elevated at least three feet above the highest adjacent grade.
3. Within Flood Zone AO, new and substantially improved structures shall have the lowest floor (including the basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community Flood Insurance Rate Map (at least two feet if no depth number is enumerated).
4. Within Flood Zones AO and AH, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.

The following standards shall apply to all new or substantially improved commercial, industrial or other non-residential structures located within Special Flood Hazard Areas.

1. Within Flood Zones A, A1 – A30, AE and AH, if base flood elevation data is available, new construction and substantial improvements of any non-residential structure, together with attendant utility and sanitary facilities, shall either:
  - a. Have the lowest floor (including the basement or cellar) elevated to or above the base flood elevation; or
  - b. Be flood proofed so that the structure is watertight below the base flood level with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

2. Within Flood Zone AO, new construction and substantial improvements of non-residential structures shall:
  - a. Have the lowest floor (including the basement or cellar) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's Flood Insurance Rate Map (at least two feet if no depth number is enumerated); or
  - b. Together with attendant utility and sanitary facilities, be completely flood proofed to that level to meet the flood proofing standard specified in subsection 1.b, above.
3. If the structure is to be flood proofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications and plans for construction. A flood proofing certificate or other certification shall be provided to the Flood Administrator that certifies that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of subsection 1.b, above, including the specific elevation (in relation to mean sea level) to which the structure is to be flood proofed.
4. Within Flood Zones AH and AO, adequate drainage paths are required to guide floodwaters around and away from structures on slopes.
5. Within Flood Zone A, when no base flood elevation data is available, the lowest floor (including the basement) shall be elevated at least three feet above the highest adjacent grade.

The following standards shall apply to all manufactured homes and recreational vehicles that are located within Special Flood Hazard Areas.

1. Recreational vehicles placed on sites in Flood Zones A1 – A30, AE and AH shall either be on the site fewer than 180 consecutive days, be fully licensed and ready for highway use, or meet the requirements for manufactured homes, as outlined in subsections 2, 4 and 5, below.
2. A manufactured home that is:
  - a. placed or substantially improved in an area of Special Flood Hazard that is on a site either outside of an existing manufactured home park or subdivision,
  - b. placed in a new manufactured home park or subdivision,
  - c. placed in an expansion to an existing manufactured home park or subdivision,  
or

- d. placed in an existing manufactured home park or subdivision where a home has incurred substantial damage as the result of a flood, shall be elevated on a permanent foundation such that the lowest floor is elevated to or above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Elevation on piers consisting of dry stacked blocks is prohibited. Methods of anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors.
3. A manufactured home to be placed or substantially improved in Flood Zones A1-A30, AE and AH, that is located in an existing manufactured home park or subdivision, that will not be placed on a site where a manufactured home incurred substantial damage, shall be:
  - a. Elevated in a manner required under subsection 2, above; or
  - b. Elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above the lowest adjacent grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Elevation on piers consisting of dry stacked blocks is prohibited.
4. In Flood Zone A, when no base flood elevation data is available, new and substantially improved manufactured homes shall be elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above the lowest adjacent grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Elevation on piers consisting of dry stacked blocks is prohibited.
5. In Flood Zone AO, the floor shall be elevated above the highest adjacent grade at least as high as the depth number specified on the Town's Flood Insurance Rate Map (at least two feet if no depth number is enumerated). Elevation on piers consisting of dry stacked blocks is prohibited.
6. Where practical, the relocation of existing structures and development that are exposed to flooding hazards away from the hazard is preferred over maintaining structures and development in place. Maintaining existing development and structures in hazard areas may be warranted for:
  - a. Structures that functionally require a location on the waterfront or in coastal waters,

- b. Water dependent uses that, by the nature of the use, require a shoreline location and cannot avoid exposure to hazards; or
- c. Sites in areas with extensive public investment, public infrastructure or major public facilities.

**POLICY 12**     **Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands and bluffs.**

**POLICY 12A**    **Ensure that the protections afforded by the Coastal Erosion Hazard Area designations adequately serve natural protective features along the Evans waterfront.**

**POLICY 12B**    **Adequately protect and preserve the dune formations that exist in Bennett Beach Park and the surrounding area in Sub-Area 2**

Explanation of Policy

Beaches, dunes, bluffs, and other natural protective features help safeguard coastal lands and property from damage, as well as reduce the danger to human life, resulting from flooding and erosion.

Excavation or disturbance of coastal features, improperly designed structures, inadequate site planning, or other similar actions failing to recognize the fragile nature and high protective value of natural erosion protection features, lead to the weakening or destruction of those landforms. Activities or development in, or in close proximity to, natural protective features must ensure that all such adverse actions are minimized or avoided. Primary dunes will be protected from all encroachments that could impair their natural protective capacity.

Areas of the Evans waterfront contain steep bluffs, primarily along the northern and southern reaches of the shoreline. Like many coastal communities, the waterfront is a favored location for residential development. Therefore, most of the primary dune that once protected the waterfront has been developed; however, remnants of primary dune exist in the vicinity of Bennett Beach. Beaches and near shore areas also span approximately 12 miles of shoreline, helping to stem the impacts of storm waves.

The remaining dune formations that exist at Bennett Beach County Park and in the surrounding area adjacent to the park needs to be adequately protected from further development or other impacts that would adversely affect their integrity and importance to the area. These resources are archaeologically and ecologically significant. 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 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. This 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, but outside of the boundaries for the Big Sister Creek significant coastal fish and wildlife area. Although the area has been designated as a segment of the National Coastal Barrier Resource system, the State should consider revising the boundaries of the State-designated Significant Coastal Fish and Wildlife Habitat to include the highly significant area of old growth vegetation to extend additional protection over this resource.

The dune and forest resources in the Bennett Beach area are very beautiful and provide extensive opportunities for scenic viewing. This aspect should be recognized as a part of the value of this area. New York State Division of Coastal Resources has developed a scenic assessment program that identifies the scenic qualities of coastal landscapes, evaluates them against criteria to determine their aesthetic significance and recommends areas for designation as Scenic Areas of Statewide Significance (SASS). SASS designation protects scenic landscapes through the review of projects that require state or federal permitting, funding or approval. The Bennett Beach area may be a candidate for such a designation in consideration of the geologic and ecological resources that exist in this area. The Town should work with the State to pursue such a designation. Consideration should be given to other similar areas of importance that could be assembled as a Lake Erie SASS.

Furthermore, the sand dune formations at Bennett Beach County Park are also archaeologically significant. Between 1991 and 2003, this area was investigated by the State University of New York at Buffalo and determined to be an important prehistoric and historic archaeological site. The site was repeatedly occupied by native populations of western New York throughout the last 2,500 to 3,000 years. Inspection of the area 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. Thus, efforts are required to protect and preserve these irreplaceable cultural resources.

The County has not effectively recognized the importance of these natural resources and is not providing adequate protection. The habitat area that extends onto private property is more difficult to protect; therefore, regulatory mechanisms and other measures are required to ensure that potential development actions do not destroy or otherwise result in adverse impacts to these resources. Increased efforts should be made to prohibit public use and interference with what remains of the original dune system. Furthermore, the boundaries of the Big Sister Creek habitat should be re-evaluated and revised to cover the important cultural and natural resources that exist at the mouth of the creek.

Waterfront lands that generally extend seaward of Lake Shore Road are included within the State-designated Coastal Erosion Hazard Area (CEHA). However, portions of this area are not clearly defined, leading to ambiguous determinations and difficulty in properly protecting resources. In particular, the area in the vicinity of Bennett Road and Big Sister Creek, including Bennett Beach, does not appear to be effectively protected. The lack of clarity on these maps has led to the development of areas of primary dune that should be protected. The Evans waterfront area contains floodplain, primary dune formations and large stands of old growth forest that fall outside the protection of the CEHA boundary. Therefore,

the CEHA boundary maps for the Town must be thoroughly reviewed and amended to protect important natural protective features and other natural resources along the waterfront.

The following guidelines shall be used in determining the consistency of proposed actions with this policy. In general, any activity or development in, or in proximity to, a natural protective features that may be permitted under the other State or local regulations must be consistent with this policy to prevent or minimize, to the greatest extent possible, potential adverse effects on these resources.

1. Near shore Areas, including those lands under water, beginning at the mean low water line and extending seaward in a direction perpendicular to the shoreline to a point where the mean low water depth is 15 feet, or to a horizontal distance of 1,000 feet from the mean low water line, whichever is greater.
  - a. Excavating, mining or dredging that diminishes erosion protection afforded by natural protective features in the near shore area is prohibited, except dredging for construction or maintenance of navigation channels, bypassing of sand around natural or man-made obstructions or artificial beach nourishment.
  - b. Clean sand or gravel of a compatible type and size is the only material that may be deposited within near shore areas.
2. Beach areas include the zone of unconsolidated material that extends landward from the mean low water line to the place where there is a marked change in the material or physiographic form, or to the line of permanent vegetation, whichever is most seaward, except where dune formations are present, the beach area extends to the upland toe of the dune.
  - a. Excavation or mining that diminishes the erosion protection afforded by beaches is prohibited.
  - b. Materials may be deposited on beaches only for the purpose of expanding or stabilizing beaches. Clean sand or gravel of a compatible type and size is the only material that may be deposited within beach areas.
  - c. Active bird nesting and breeding areas on beaches or other natural protective features must not be disturbed unless such disturbance is pursuant to a specific wildlife management activity approved in writing by NYSDEC.
3. Bluffs include any bank or cliff with a precipitous drop or rounded face adjoining a beach or body of water. The seaward limit of a bluff is the upland limit of its contiguous beach. Where no beach is present, the seaward limit is the mean low water line. The upland limit is 25 feet upland of the receding edge of the bluff.
  - a. Excavation or mining of bluffs is prohibited, except to provide shoreline access in appropriate areas in accordance with the provisions of this policy and other applicable regulations.
  - b. Any grading or other soil disturbance conducted on a bluff that causes or directs surface water over the receding edge is prohibited.

4. All development on bluffs is prohibited unless otherwise permitted by the following provisions:
  - a. Minor alterations of a bluff for new construction, modification or restoration of an erosion protection structure.
  - b. Bluff cuts for the provision of shoreline access, where the cut is made in a direction perpendicular to the shoreline, the ramps slope of the cut does not exceed a one on six gradient, the side slopes do not exceed a one on three gradient (unless terraced or otherwise structurally stabilized), side slopes and other disturbed non-roadway areas are stabilized with vegetation or other approved physical means, and completed roadways are stabilized and drainage is properly provided.
  - c. New construction, modification or restoration of walkways or stairways.
  - d. Active bird nesting and breeding areas on bluffs or other natural protective features must not be disturbed unless such disturbance is pursuant to a specific wildlife management activity approved in writing by NYSDEC.
5. The use of motor vehicles is strictly prohibited on beaches, beach vegetation, primary dunes and bluffs. Vehicles may only access beach areas for boat launching purposes and must be removed immediately thereafter.
6. Activities and development within natural erosion protection areas that have been designated by NYSDEC as Coastal Erosion Hazard Areas must comply, as required, with the provisions of Article 34 of the Environmental Conservation Law and its implementing regulations (6 NYCRR 505).
7. Manage navigation infrastructure to limit adverse impacts on coastal processes. Design channel construction and maintenance projects to protect natural resources and prevent destabilization of adjacent areas by:
  - a. Using dredging setbacks from established channel edges and designing finished slopes to ensure their stability.
  - b. Locating channels away from erodible features, where feasible.
  - c. Preventing adverse alteration of basin hydrology.
  - d. Managing marina operations and vessel speeds to prevent shoreline erosion from increased wave activity.

**POLICY 13     The construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty years as demonstrated in design and construction standards and/or assured maintenance or replacement programs.**

Explanation of Policy

Erosion protection structures are in certain locations along the Town’s shoreline. However, because of improper design, construction and maintenance, some fail to give the protection they were intended to provide. As a result, development is sited in areas where it is subject to damage or loss due to erosion. This policy will help ensure the reduction of such damage or loss.

In Coastal Erosion Hazard Areas, the construction, reconstruction or modification of any structures designed to reduce or prevent erosion, including groins, jetties, sea walls, revetments, bulkheads, breakwaters and artificial beach nourishment activities are subject to the following provisions:

1.     The construction, modification or restoration of erosion protection structures must not be likely to cause a measurable increase in erosion at the development site or at other locations along the shoreline.
2.     The construction, modification or restoration of erosion protection structures must minimize and, if possible, prevent adverse impacts on natural protective features, existing erosion protection structures and other natural resources, such as significant coastal fish and wildlife habitats.
3.     All erosion protections structures must be designed and constructed according to generally accepted engineering principals that have demonstrated success or, where sufficient data is not currently available, a likelihood of success in controlling long-term erosion. The protective measures must have a reasonable probability of controlling erosion on the immediate site for at least 30 years.
4.     All materials used in such structures must be durable and capable of withstanding inundation, wave impacts, weathering and other effects of storm conditions for a minimum of 30 years. Individual component materials may have a working life of less than 30 years only when a maintenance program ensures that they will be regularly replaced and maintained, as necessary, to attain the required 30 years of erosion protection.

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

Explanation of Policy

Erosion and flooding are processes that occur naturally. However, by his actions, man can increase the severity and adverse effects of those processes, causing damage to, or loss of property and endangering

of human lives. Those actions include: the use of erosion protection structures such as groins, or the use of impermeable docks that block the littoral transport of sediment to adjacent shorelands, thus increasing their rate of recession; the failure to observe proper drainage or land restoration practices, thereby causing run-off and the erosion and weakening of shorelands; and the placing of structures in identified floodways so that the base flood level is increased causing damage to otherwise hazard-free areas.

**POLICY 15 Mining, excavation or dredging in coastal waters shall not significantly interfere with the natural coastal processes which supply beach materials to land adjacent to such waters and shall be undertaken in a manner which will not cause an increase in erosion of such land.**

Explanation of Policy

Coastal processes, including the movement of beach materials or shoreline sediment by water or by excavation or dredging in near shore areas or in offshore waters that changes the supply and net flow of such materials can deprive shorelands of their natural regenerative powers. Dredging and excavation activities should be accomplished in a manner that does not cause a reduction of sediment supplies, and thus an increase of erosion, to down drift areas of the shoreline.

Dredging currently occurs for maintenance purposes at Sturgeon Point Marina and, as required, at the mouths of certain creeks to maintain flow and prevent flooding of adjacent areas. This activity should be carefully managed to avoid impacts to surrounding resources and dredge spoils should be properly disposed of, in accordance with all State requirements. Offshore mining is prohibited along the Evans waterfront or in off shore waters.

**POLICY 16 Public funds shall only be used for erosion protective structures where necessary to protect human life, and new development which requires a location within or adjacent to an erosion hazard area to be able to function, or existing development; and only where the public benefits outweigh the long term monetary and other costs including the potential for increasing erosion and adverse effects on natural protective features.**

Explanation of Policy

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

1. Expend public funds for the management or control of flooding only in areas that will result in proportionate public benefit. Give priority in the expenditure of public funds to actions that will protect public health and safety, mitigate areas prone to localized flooding and erosion, protect areas of intensive development, and protect substantial public investment (infrastructure, facilities, etc.). The following factors shall be applied when evaluating the expenditure of public funds for flooding and erosion control projects:
  - a. The project should be limited to those circumstances where public benefits exceed public costs;
  - b. The project should be prohibited for the exclusive purpose of flooding and erosion protection for private development (including structures, roads and other infrastructure);
  - c. Funding may be apportioned among each level of participating governmental authority according to the relative public benefit accrued.
  - d. Consideration must be given to the public benefits achieved from proposed flood or erosion control measures, including the economic benefits derived from the protection of public infrastructure and investment, the protection of water dependent commerce, the extent of public infrastructure investment, and the extent of existing or potential public use.
2. Protect public lands and public trust lands and the use of these lands when undertaking all erosion or flood control projects.
  - a. Whenever possible, retain ownership of public trust lands that have become upland areas due to fill or accretion resulting from erosion control projects.
  - b. Avoid losses or likely losses of public trust lands or use of these lands, including public access along the shore, which can be reasonably attributed to or anticipated to result from erosion protection structures
  - c. Provide and maintain compensatory mitigation of unavoidable impacts to ensure that there is no adverse impact to adjacent property, to natural resources, or to public trust lands and their use.

**POLICY 17      Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible.**

Explanation of Policy

This policy recognizes both the potential adverse impacts of flooding and erosion upon development and natural protective features in the coastal area, as well as the costs of protection against those hazards that structural measures entail. This policy also shall apply to the planning, siting and design of proposed activities and development, including measures to protect existing activities and development. To ascertain consistency with this policy, it must be determined if any one, or a combination of, non-

structural measures would afford the degree of protection appropriate both to the character and purpose of the activity or development, and to the hazard. If non-structural measures are determined to offer sufficient protection, then consistency with the policy would require the use of such measures, whenever possible.

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

1. Non-structural measures shall include, but not be limited to the use of minimum setbacks as provided for in ECL Section 34-108; and the strengthening of coastal landforms by:
  - a. the planting of appropriate vegetation on dunes and bluffs;
  - b. the installation of sand fencing on dunes;
  - c. the reshaping of bluffs to achieve an appropriate angle of repose so as to reduce the potential for slumping and to permit the planting of stabilization vegetation; and
  - d. the installation of drainage systems on bluffs to reduce runoff and internal seepage of waters which erode or weaken the land-forms.
2. Within identified flood hazard areas:
  - a. Avoid risk or damage from flooding by the siting of buildings outside the hazard area, and
  - b. Flood-proof buildings and locate them above the base flood elevation.
3. Use hard structural erosion protection measures for control of erosion only where:
  - a. Vegetative approaches to control erosion are not effective;
  - b. Construction of a hard structure is the only practical design consideration and is essential to protecting existing upland uses or future anticipated water-dependent uses;
  - c. The proposed hard structural erosion protection measures are limited to the minimum scale necessary and are based on sound engineering practices;
  - d. Practical vegetative methods have been included in the project design and implementation; and
  - e. Adequate mitigation is provided and maintained to ensure that there is no adverse impact to adjacent property or to natural coastal processes and natural resources and, if undertaken by a private property owner, does not incur significant direct or indirect public costs.

4. Develop sediment and erosion control guidelines for the stream corridors that discharge to Lake Erie to improve water quality and minimize the need for dredging and associated disposal costs. Coordinate this effort with the application of stormwater management minimum control measures, as well as the adjoining communities that lie within the watershed areas, in an effort to manage impacts resulting from actions undertaken in these areas.

## GENERAL POLICY

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

### Explanation of Policy

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

## PUBLIC ACCESS POLICIES

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**POLICY 19**     **Protect, maintain, and increase the level and types of access to public water-related recreation resources and facilities.**

### Explanation of Policy

Public access and recreation can attract tourists, improve the quality of life for residents and help to enhance the economic vitality of the waterfront. This policy calls for achieving balance among the following factors: the level of access to a water-related recreational resource or facility; the capacity of the resource or facility; and the protection of natural resources. The imbalance among these factors is due to access-related problems. Thus, priority must be given to improving physical access to existing and potential waterfront recreation sites. The water-related recreation resources and facilities in the Town that should receive priority for improved access are public beaches, boating facilities, fishing areas and waterfront parks. In addition, because of the greater competition for waterfront locations, this policy encourages mixed use areas and multiple-use of facilities to improve use and access.

In the Evans LWRA, there are a variety of water-related recreation resources that extend along the shoreline and are enjoyed by the public. These include the Hobuck Flats and Joel Harvey fishing access sites on Eighteen-Mile Creek, Sturgeon Point Marina, Wendt Beach County Park, Bennett Beach County Park, Purvis Landing, Evans Town Park, Lake Erie Beach Park and Evangola State Park. The County and State Parks and the Sturgeon Point Marina are regional destinations, while the other parks provide recreation and public access opportunities to local residents. The Sturgeon Point Marina provides the only available public dockage or boat launching facilities between the City of Buffalo and Cattaraugus Creek / Sunset Bay. Access to the waterfront parks is adequate.

Additional opportunities exist for improved public access at the terminus of Wendt Road. This is the former location of a boat launch ramp, but over time this facility fell into disrepair and was abandoned. However, the site is still utilized for informal access to the waterfront. This area is an excellent location for launching small, non-motorized watercraft, such as canoes and small boats that can be carried to the water. Access opportunities of this type are lacking along the waterfront. There is a small area that can be improved for parking and lighting available for public safety purposes. The Town should pursue the improvement of this area for additional public access and recreation (See Policy 21).

The Town should continue to develop improved opportunities for access and recreation at Sturgeon Point Marina through the development of the upland area for additional parking and passive recreation. The public fishing areas along Eighteen-Mile Creek are important recreational resources that should also be improved and protected. The Town should also take advantage of other opportunities that may come about in the future to improve and increase access to the shoreline.

Although existing access to each individual facility is sufficient, there is a need to provide safe and effective access to, and between, the waterfront parks for those who travel by non-vehicular means. The Town is currently working on developing a multi-use pathway that would span the length of Lake Shore Road. This pathway would connect all the water-related recreation facilities, as well as other cultural resources on the waterfront, providing safe and convenient access for pedestrian and bicyclists. To date, the Town has secured funding for portions of this amenity, but efforts must continue until the multi-use pathway is fully constructed. Completion of all phases of this pathway, with future linkage to the Village of Angola, is essential to improving and increasing public access to the waterfront. This pathway would also provide improved opportunities for recreation and fitness for local residents who currently utilize Lake Shore Road.

When determining the consistency of a proposed action with this policy, the following guidelines and provisions should be considered:

1. The existing access from adjacent or proximate public lands or facilities to public water-related recreation resources and facilities shall not be reduced. Nor, shall the possibility of increasing access in the future from adjacent or proximate public lands or facilities to public water-related recreation resources and facilities be eliminated. However, in the latter case, unless estimates of future use of these resources and facilities are too low to justify maintaining or providing increased public access, or unless such actions are found

to be necessary by the public body that has jurisdiction over such access as the result of a reasonable justification of the need to meet system-wide objectives.

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

- Access - the ability and right of the public to reach and use public coastal lands and waters.
- Public water-related recreation resources or facilities - all public lands or facilities that are suitable for passive or active recreation that requires either water or a waterfront location or are enhanced by a waterfront location.
- Public lands or facilities - lands or facilities held by the public sector in fee simple or less-than-fee simple ownership and to which the public has access or could have access, including access to underwater lands and the foreshore.

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

- a. The number of parking spaces at a public water-related recreation resource or facility is significantly reduced.
- b. The service level of public transportation to a public water-related recreation resource or facility is significantly reduced during peak season use and such reduction cannot be reasonably justified in terms of meeting system-wide objectives.
- c. Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
- d. Pedestrian access is diminished or blocked completely by public or private development.
- e. There are substantial increases in the following: already existing special fares (not including regular fares in any instance) of public transportation to a public water-related recreation resource or facility; and/or admission fees to such a resource or facility except where the public body having jurisdiction over such fares determines that such fare increases are necessary; and an analysis shows that such increases will significantly reduce usage by individuals or families and incomes below the State-established poverty level.

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

- a. Construction of public facilities that physically prevent the provision, except at great expense, of convenient public access to public water-related recreation resources and facilities.
  - b. Sale, lease, or other transfer of public lands that could provide public access to a public water-related recreation resource or facility.
  - c. Construction of private facilities that physically prevent the provision of convenient public access to public water-related recreation resources or facilities from public lands and facilities.
2. Any proposed project to increase public access to public water-related recreation resources and facilities shall be analyzed according to the following factors:
- a. The level of access to be provided should correlate with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.
  - b. The level of access to be provided shall not cause a degree of use that would exceed the physical capability of the resource or facility. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.
  - c. Any action for improving or increasing public access to water-related recreational facilities that involves State funding shall be open to all members of the public.
3. The Town should provide a level of public access and recreational use that takes into account the following factors:
- a. Proximity to business districts and adjacent residential areas,
  - b. Public demand for access,
  - c. The type and sensitivity of natural resources that could be effected by increased access,
  - d. The needs of special groups, such as the elderly or persons with disabilities, and
  - e. The potential for adverse impacts to adjacent land uses.
4. Where feasible, the Town should provide convenient, well-defined physical access to and along the Lake for water-related recreation.
5. Recognize and capitalize on the designation of Lake Shore Road as part of the New York State Seaway Trail.

6. Provide incentives for private development and redevelopment projects that provide public access and/or water-related recreational facilities.
7. Protect and maintain existing public access and recreational facilities by:
  - a. Preventing any on-site or adjacent development project or activity from directly or indirectly impairing physical access and recreation or adversely affecting the quality of such access.
  - b. Preventing physical deterioration of existing access and recreational facilities due to lack of maintenance or overuse.
  - c. Protecting and maintaining the supporting infrastructure for public access and recreational facilities.
  - d. Improving existing pedestrian access to the waterfront.

**POLICY 20**     **Access to the publicly-owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly-owned shall be provided and it shall be provided in a manner compatible with adjoining uses.**

**POLICY 20A**   **Support and encourage the continued development of a waterfront trail system that extends the full length of the waterfront.**

Explanation of Policy

In the Town's waterfront area, it is important to provide and maintain access to water-related recreational activities. Furthermore, access to the publicly-owned foreshore and lands immediately adjacent to the foreshore or water's edge should be provided for numerous activities and pursuits that require only minimal facilities for their enjoyment. Such access would provide for walking along a beach or to a vantage point from which to view the Lake. Similar activities requiring access would include bicycling, bird watching, photography, nature study, beachcombing, fishing, scuba diving and hunting.

For these activities, there are several methods of providing access that will receive priority attention of the Town. These include: the development of a waterfront trail system, the improvement of access to waterfront from outlying areas, such as the Village of Angola, and the promotion of mixed and multi-use development along the shore.

The Town is currently developing a multi-use pathway that would span the length of Lake Shore Road. This pathway would connect all public water-related recreation facilities, and provide safe and convenient access to the public foreshore. The Town has secured funding for portions of this amenity, but efforts must continue until the multi-use pathway is fully constructed. Completion of all phases of this pathway, with future linkage to the Village of Angola, is essential to improving and increasing public access to the waterfront. It is also essential for establishing a link in the regional effort to connect all

waterfront communities, allowing for public access throughout the County and western New York region.

The following guidelines will be used in determining the consistency of a proposed action with this policy:

1. Existing access from adjacent or proximate public lands or facilities to existing public coastal lands and/or waters shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or nearby public lands or facilities to public coastal lands and/or waters be eliminated, unless such actions are demonstrated to be of overriding regional or Statewide public benefit or, in the latter case, estimates of future use of these lands and waters are too low to justify maintaining or providing increased access. (See Policy 19 for definitions for “access” and “public lands or facilities”).
2. Public access from the nearest public roadway to the shoreline and along the coast shall be provided by new land use or development, except where
  - a. It is inconsistent with public safety, homeland security or the protection of identified sensitive natural resources;
  - b. Adequate access exists within one-half mile of the site.
3. In making any grant, lease, permit, or other conveyance of land now or formerly underwater, there shall be reserved such interests or attached such conditions to preserve the public interest in the use of state-owned lands underwater and waterways for navigation, commerce, fishing, bathing, recreation, environmental protection and access to the navigable waters of the State (public benefit). In particular, the granting of publicly owned underwater or formerly underwater lands to private entities will be limited to exceptional circumstances only.
4. While publicly-owned lands shall be retained in public ownership, traditional sales of easements on lands underwater to adjacent onshore property owners are consistent with this policy, provided such easements do not substantially interfere with continued public use of the public lands on which the easement is granted.
5. Provide additional physical public access and recreational facilities, where appropriate, throughout the waterfront.
  - a. Promote the acquisition of additional public lands to meet existing public access and recreational needs.
  - b. Provide for public access and recreational facilities on non-public waterfront lands as a secondary use.
  - c. Provide for public access from streets that terminate at the Lake.

- d. Provide access and recreational opportunities to all members of the public whenever access or recreation is directly or indirectly supported through federal or state projects or funding.
- e. Any transfer of public land holdings immediately adjacent to the lake should retain a public interest that will be adequate to preserve public access and recreational opportunities.
- f. Provide and improve appropriate physical access connections between public access sites, open space and Lake Erie waters.
- g. Restrict public access and recreation only where it may be incompatible with public safety and the protection of natural resources.

## RECREATION POLICIES

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**POLICY 21** Water-dependent and water-enhanced recreation will be encouraged and facilitated and will be given priority over non-water-related uses along the coast.

**POLICY 21A** Expand and improve the public marina and water-related recreational facilities at Sturgeon Point.

**POLICY 21B** Improve the terminus of Wendt Road and Purvis Landing to provide a location for launching small watercraft

### Explanation of Policy

Water-related recreation includes such obviously water-dependent activities as boating, swimming, and fishing, as well as certain activities that are enhanced by a waterfront location and increase access to the shoreline, such as pedestrian and bicycle trails, picnic areas, scenic overlooks and passive recreation areas that take advantage of lakefront scenery.

Water-related recreation development should be increased. These uses shall have a higher priority over non-water dependent uses, including recreation uses, provided the development of such uses is consistent with the preservation and enhancement of important natural resources, such as fish and wildlife habitats, important viewing areas, and historic and cultural resources; and provided demand (including future anticipated demand) exists. In addition, water-dependent recreational uses shall have priority over water-enhanced recreational uses. Determining a priority among water dependent uses will require a case by case analysis.

Among the types of water-dependent recreation, provision of adequate boating services to meet existing and future demand is encouraged by this policy. Harbors of refuge are particularly needed along Lake Erie. There is also a need for a better positional pattern of boating facilities to correct problems of overused, insufficient, or improperly sited marina and docking facilities. The siting of

boating facilities must be consistent with preservation and enhancement of other coastal resources and with their capacity to accommodate demand. The provision of new public boating facilities is essential in meeting this demand, but such public actions should avoid competition with private boating development.

The demand for additional marina, swimming and fishing facilities in Erie County is growing. The Town should evaluate the need to expand Sturgeon Point Marina to accommodate this increasing demand, particularly in light of the fact that this marina is the only docking refuge between Buffalo and Dunkirk. Consideration should be given to increasing the number of available slips, providing wider slips and improving adjacent support facilities. Any expansion of Sturgeon Point Marina will, as appropriate, include sufficient parking, park-like surroundings for passive recreation, adequate toilet facilities, and pump-out facilities for vessels. The area upland of the marina should also be improved for public use through the development of passive recreational amenities, parking and protected open space.

The terminus of Wendt Road was previously used for launching small vessels. This site has deteriorated and requires improvements to enable residents and others to more effectively launch small watercraft, such as canoes, kayaks and other non-motorized vessels. There are very few locations along the waterfront for this use and the Sturgeon Point Marina services larger, motorized vessels.

Purvis Landing is the former location of a boat launch ramp in Sub-Area 2. This small park offers access to the lake, but needs to be improved. The site offers opportunities for canoeing or kayaking, but parking is an issue. Use of the existing parking spaces was thwarted by the nearby residents, leading the Town to remove 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 at Purvis Landing for these uses.

**POLICY 22      Development, when located adjacent to the shore, will provide for water-related recreation, whenever such use is compatible with reasonably anticipated demand for such activities, and is compatible with the primary purpose of the development.**

Explanation of Policy

Many developments present practical opportunities for providing recreation facilities as an additional use of the site or facility. Therefore, whenever new development or redevelopment is located adjacent to the shore, these projects should, to the fullest extent permitted by existing law, provide for some form of water-related recreation use unless there are compelling reasons why any form of such recreation would not be compatible with the development, or a reasonable demand for public use cannot be foreseen. Current examples of this along the Evans waterfront include residential communities with associations that manage easements or facilities for providing access and recreation, and commercial establishments that offer public access and recreation along the Lake.

The types of development which can generally provide water-related recreation as a multiple use include, but are not limited to parks, roadways, bars and restaurants, public facilities, utility rights-of-way, nature preserves\*, sewage or water treatment facilities with large tracts of land\*, schools and similar institutions\*, and large residential subdivisions (typically 50 units or more).

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

Prior to taking action relative to any development, the Town will review applicable LWRP policies, other applicant plans and reports for local and regional recreation and, as necessary, consult with the County and/or State Office of Parks, Recreation, and Historic Preservation to determine appropriate recreation uses. Appropriate recreational uses that do not require substantial additional construction shall be provided at the expense of the project sponsor where the cost does not exceed two percent of total project cost.

In determining whether compelling reasons exist that would make recreation, as a multiple or accessory use, inadvisable, safety considerations should reflect a recognition that some risk is acceptable in the use of recreation facilities. Whenever a proposed development would be consistent with LWRP policies and the development could, through the provision of recreation and other multiple uses, significantly increase public access and use of the waterfront, then such development should be encouraged to locate adjacent to the shore.

## **HISTORIC AND SCENIC RESOURCES POLICIES**

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**POLICY 23**     **Protect, enhance and restore structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the state, its communities, or the nation.**

**POLICY 23A**   **Protect archaeologically significant sites in the vicinity of Bennett Beach and Eighteen-Mile Creek.**

### Explanation of Policy

Among the most valuable of the Town's man-made resources are those structures or areas that are of historic, archaeological, or cultural significance. The protection of these structures requires recognition of their importance by all agencies. Protection must include concern not just with specific sites but with areas of significance, and with the area that surrounds specific sites. This policy is not to be construed as a passive mandate, but mandates active efforts for protection and, when appropriate, to restore or revitalize historic and cultural resources through adaptive reuse. While the program is concerned with the preservation of all such resources within the coastal boundary, it lends focus on promoting the preservation of historic and cultural resources that have a distinct coastal relationship.

The structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the Town, State, or the Nation, which should be covered under this policy include the following:

1. A resource, which is in a federal or State park, that requires protection and preservation.
2. A resource listed on, nominated, or determined eligible to be listed on the National or State Registers of Historic Places.
3. A resource on or nominated to be on the State Nature and Historic Preserve Trust.
4. An archaeological resource that is on the State Department of Education's inventory of archaeological sites.
5. A local landmark, park, historic site or locally designated historic district that is located within the LWRA.

The historic and cultural resources of the Town are a reminder of the community's early development and its rich waterfront tradition. These resources are tangible links to the past development of the Town. They are important components in defining the community's distinct identity and heritage. Therefore, the effective preservation of historic and cultural resources must also include efforts to restore and revitalize these resources, where appropriate.

The Town of Evans waterfront area includes a number of historic, cultural and archaeological resources that warrant recognition, protection and preservation. These include Graycliff, the Wendt House at Wendt Beach, Michael's Tower on the Claddagh property, Cash cemetery, the Kellogg Estate and the Morseman House. The recognition and protection of these is essential to preserving the culture and history of the area. Graycliff is a resource of national significance that should continue to be restored and protected for public enjoyment. The Wendt Beach House is presently in a state of disrepair. This locally-important resource should be restored for public use and protected as an historic resource. The Morseman House and Cash cemetery are some of the last vestiges of the past that remain in the waterfront area that deserve recognition and preservation, as well as Wendt Mansion, Michael's Tower and the structures on the Kellogg Estate (See Policy 25).

The sand dune formations at Bennett Beach County Park, in Sub Area 2 are archaeologically significant. The area was investigated between 1991 and 2003 by the State University of New York at Buffalo and determined to be an important prehistoric and historic archaeological site. It was recorded as Sites UB 2617, UB2914, and UB2623 in the archaeological files of the Department of Anthropology, and was also reported to the State Office of Parks, Recreation and Historic Preservation. 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. A thorough survey of

the Bennett Beach area needs to be conducted by a qualified professional archaeologist to further document the resources in this area in an effort to develop appropriate mechanisms for their protection. No development activity or other disturbance should occur on or in the vicinity of the primary dune formations in this area to preserve the integrity of these important cultural resources.

The significance of the Bennett Beach area currently is recognized through the designation of all or certain resources in this area as a State-designated significant coastal fish and wildlife habitat, a coastal erosion hazard area and a segment of the National Coastal Barrier Resources system. In light of the ecological and archaeological importance of the Bennett Beach and Pine Lodge areas, the Town should further designate this portion of the waterfront as a Critical Environmental Area. Disturbance of any nature to the dunes and vegetation should be strictly prohibited. No building construction should occur on the beach that could potentially impact cultural resources and artifacts in the area. This portion of the waterfront must be recognized and protected. Consideration should also be given to capitalizing on the educational and interpretive characteristics of this area.

The dune and forest resources in the Bennett Beach area are also very beautiful and provide extensive opportunities for scenic viewing. This aspect should be recognized as a part of the value of this area. New York State Division of Coastal Resources has developed a scenic assessment program that identifies the scenic qualities of coastal landscapes, evaluates them against criteria to determine their aesthetic significance and recommends areas for designation as Scenic Areas of Statewide Significance (SASS). SASS designation protects scenic landscapes through the review of projects that require state or federal permitting, funding or approval. The Bennett Beach area is may be a candidate for such a designation in consideration of the geologic and ecological resources that exist in this area. The Town will work with the State to pursue such a designation. Consideration should be given to other similar areas of importance that could be assembled as a Lake Erie SASS.

Eighteen-Mile Creek is also a renowned area of archaeological significance. Actions undertaken in the vicinity of this resource should be treated as SEQR Type 1 actions to assess potential impacts to archaeological resources. All practical means should be taken to protect these resources. When development is proposed, a site survey should be undertaken to determine the presence or absence of archaeological or cultural resources in the project area. If resources are discovered as a result of the survey, a detailed evaluation should be conducted to provide adequate data to allow for a determination of significance of the resources. If the potential for impacts exists, adverse impacts should be minimized by redesigning the project, mitigating direct impacts and/or recovering significant data and resources prior to construction.

The Town has also identified an area of old growth vegetation located in the vicinity of Bennett Beach. This area should be recognized as a locally-significant natural landmark and should be protected as such.

All practicable means to protect structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the Town, State, or the Nation shall be deemed to include the consideration and adoption of any techniques, measures, or controls to prevent a significant adverse

change to such significant structures, districts, areas or sites. A significant adverse change includes, but is not limited to:

1. Alteration of or addition to one or more of the architectural, structural, ornamental or functional features of a building, structure, or site that is a recognized historic, cultural, or archaeological resource, or component thereof. Such features are defined as encompassing the style and general arrangement of the exterior of a structure and any original or historically significant interior features including type, color and texture of building materials; entry ways and doors; fenestration; lighting fixtures; roofing; sculpture and carving; steps; rails; fencing; windows; vents and other openings; grillwork; signs; canopies; and other appurtenant fixtures and, in addition, all buildings, structures, outbuildings, walks, fences, steps, topographical features, earthworks, paving and signs located on the designated resource property. (To the extent they are relevant, the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" shall be adhered to.)
2. Demolition or removal in full or part of a building, structure, or earthworks that is a recognized historic, cultural, or archaeological resource or component thereof, to include all those features described in 1., above, plus any other appurtenant fixtures associated with a building, structure or earthwork.
3. All proposed actions within 500 feet of the perimeter of the property boundary of the historic, architectural, cultural, or archaeological resource and all actions within an historic district that would be incompatible with the objective of preserving the quality and integrity of the resource. Primary considerations to be used in making judgment about compatibility should focus on the visual and positional relationship between the proposed action and the special character of the historic, cultural, or archaeological resource. Compatibility between the proposed action and the resource means that the general appearance of the resource should be reflected in the architectural style, design material, scale, proportion, composition, mass, line, color, texture, detail, setback, landscaping and related items of the proposed actions. With historic districts, this would include infrastructure improvements or changes, such as street and sidewalk paving, street furniture and lighting.

Impacts to historic and cultural resources should be avoided or minimized when it may not be possible to preserve the resource. Historic structures should be relocated only when such resources cannot be preserved in place. Repair of historic resources and features should be undertaken using recognized preservation methods then physical conditions warrant such repair. The historic character of significant resources in the LWRA shall be preserved by protecting historic materials and features as follows:

1. Evaluate the physical condition of important materials and features,
2. Stabilize materials and features to prevent further deterioration,

3. Protect important materials and features from inadvertent or deliberate removal or damage, and
4. Ensure the protection of historic elements through a program of non-intrusive maintenance of important materials and features.

Historic resources should be protected by ensuring that development is compatible with the historic character of the area or resource. Potential development should be designed to a size, scale, proportion, mass and with a spatial relationship that is compatible with historic resources in the immediate vicinity. In construction additions to historic structures, use appropriate design and construction to minimize adverse impacts to historic character and allow for the visual compatibility of the new and old sections of the structure.

This policy shall not be construed to prevent the construction, reconstruction, alteration, or demolition of any building, structure, earthworks or component thereof of a recognized historic, cultural or archaeological resource that has been officially certified as being imminently dangerous to life or public health. Nor shall the policy be construed to prevent the ordinary maintenance, repair, or proper restoration, according to the U.S. Department of Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" of any building, structure, site or earthwork, or component thereof, of a recognized historic, cultural or archaeological resource that does not involve a significant adverse change to the resource, as defined above.

**POLICY 24 Prevent impairment of scenic resources of State-wide significance.**

Explanation of Policy:

This State Coastal Management Policy is not applicable to the Town of Evans waterfront area as it does not include any scenic resources of State-wide significance.

**POLICY 25 Protect, restore or enhance natural and man-made resources which are not identified as being of State-wide significance, but which contribute to the overall scenic quality of the coastal area.**

Explanation of Policy

Waterfront landscapes possess inherent scenic qualities. The presence of water and the ever-changing views and visually interesting working landscape draw people to the water's edge. Due to their importance, scenic resources should be considered in balancing the wise use and conservation of the waterfront.

In the Town of Evans, the waterfront provides a diverse visual experience. Panoramic views of the Canadian shoreline and glimpses of the City of Buffalo skyline are ever present. The waterfront offers

exceptional sunsets, which are viewed over the lake. For this reason, Lake Shore and Old Lake Shore Road are designated segments of the New York State Seaway Trail, which is a National Scenic By-way. In addition, views of the lake are enhanced by seasonal changes, and wetlands, shorelines in natural condition, natural protective features and open space along the upland areas of the waterfront all contribute to scenic quality of the area. The visual character and quality of Lake Erie and the Evans shoreline, including sufficient visual access, are important resources that should be enhanced and protected.

The visual quality of the Town landscape is a major contributor to the community character of the Town of Evans; it is part of what makes the waterfront a jewel for the community. The waterfront also contains a variety of cultural elements that add to the landscape. These resources should be protected and enhanced. Structures or activities that introduce visual interruptions to the natural landscape along the shoreline, such as intrusive artificial light sources or massive structural intrusions into open areas, should be avoided.

Efforts should be made to improve and enhance the visual quality of the areas of activity along the waterfront, such as Lake Erie Beach, Sturgeon Point and portions of Grandview Bay, through appropriate streetscape design, characteristic signage (unique to the area) and other aesthetic improvements. Such efforts would aid in boosting the attractiveness of these areas, thereby making them more inviting locations for tourism and economic activity, and improving their overall connection to the waterfront.

Lake Shore and Old Lake Shore Roads are designated sections of the New York State Seaway Trail, which is designated as a National Scenic By-way. A number of locally significant cultural and recreational resources are located along this corridor including, Graycliff, Wendt and Bennett Beach County Parks, Sturgeon Point Marina, the Evans Town Park, and Lake Erie Beach Park. In addition, there are many sections of these roadways that offer excellent views of Lake Erie.

The sand dune formations and associated forest habitat at Bennett Beach County Park and in the vicinity of Pine Lodge 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 Bennett 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.

The sand dune formations at Bennett Beach County Park, in Sub Area 2, are not only recognized as a significant ecological resource, they are also archaeologically significant. The area was investigated between 1991 and 2003 by the State University of New York at Buffalo and determined to be an important prehistoric and historic archaeological site. It was recorded as Sites UB 2617, UB2914 and UB2623 in the archaeological files of the Department of Anthropology. It was also reported to the State Office of Parks, Recreation and Historic Preservation. 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 dune and forest resources in the Bennett Beach and Pine Lodge area are very beautiful and provide extensive opportunities for scenic viewing. This aspect should be recognized as a part of the value of this area. New York State Division of Coastal Resources has developed a scenic assessment program that identifies the scenic qualities of coastal landscapes, evaluates them against criteria to determine their aesthetic significance and recommends areas for designation as Scenic Areas of Statewide Significance (SASS). SASS designation protects scenic landscapes through the review of projects that require state or federal permitting, funding or approval. The Bennett Beach area may be a candidate for such a designation in consideration of the geologic and ecological resources that exist in this area. The Town will work with the State to consider such designation. Consideration should be given to other similar areas of importance that could be assembled as a Lake Erie SASS.

In recognition of this designation and these resources, the following should be considered:

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

When considering a proposed action, the Town shall first determine whether the action could affect a scenic resource of local significance. This determination would involve a review of the LWRP to ascertain if it shows identified scenic resources that could be affected by the proposed action, and a review of the types of activities proposed to determine if they would be likely to impair the scenic beauty of an identified resource. Impairment will include:

1. The irreversible modification of geologic forms;
2. the destruction or removal of vegetation;
3. the modification, destruction, or removal of structures, whenever the geologic forms, vegetation or structures are significant to the scenic quality of an identified resource;

4. and the addition of structures that, because of siting or scale, will reduce identified views or that, because of scale, form, or materials, will diminish the scenic quality of an identified resource.

The following siting and facility-related guidelines are to be used to achieve this policy, recognizing that each development situation is unique and that the guidelines will have to be applied accordingly.

Guidelines include:

1. Siting structures and other development such as highways, power lines, and signs, back from shorelines or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore;
2. Clustering or orienting structures to retain views, save open space and provide visual organization to a development;
3. Incorporating sound, existing structures (especially historic buildings) into the overall development scheme;
4. Removing deteriorated and/or degrading elements;
5. Maintaining or restoring the original land form, except when changes screen unattractive elements and/or add appropriate interest;
6. Maintaining or adding vegetation to provide interest, encourage the presence of wildlife, blend structures into the site, and obscure unattractive elements, except when selective clearing removes unsightly, diseased or hazardous vegetation and when selective clearing creates views of coastal waters;
7. Using appropriate materials, in addition to vegetation, to screen unattractive elements;
8. Using appropriate scales, forms and materials to ensure that buildings and other structures are compatible with and add interest to the landscape.

## **AGRICULTURAL LANDS POLICY**

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### **POLICY 26    Conserve and protect agricultural lands in the State's coastal area.**

#### Explanation of Policy

There are portions of the waterfront that are rural with large areas of open land, particularly in Sub-Area 3, where active farming occurs. Portions of Sub-Area 3 are situated in the Brant-Evans Agricultural District. This policy requires a concern for any potential loss of important agricultural lands in this area or potential actions that could result in a loss in active agricultural activity.

The first step in conserving agricultural lands is the identification of such lands. The following criteria have been used to identify important agricultural lands:

1. Land that meets the definition of the U.S. Department of Agriculture as being prime farmland, unique farmland, or farmland of statewide importance.
  - a. Prime farmland is defined by USDA Soil Conservation Service in CRF #7 Agriculture Part 657.5(a), January 1979. A list of the soil associations that meet this definition has been prepared for Erie County.
  - b. Unique farmland is defined by USDASCS in CRF #7 Agriculture Part 657.5(b). In the coastal area of New York all fruit and vegetable farming meets the terms of the definition.
  - c. Farmland of Statewide importance is defined by USDASCS in CRF #7 Agriculture Part 656.5(c). Lists of soil associations which constitute farmland of statewide importance have been prepared for Erie County.
2. Active farmland located within designated Agricultural Districts.
3. Areas identified as having high economic viability for farming.
4. Prime farmland, unique farmland, and farmland of statewide significance will not be identified as important agricultural land whenever it occurs as parcels of land less than 25 acres in size and these small parcels are not within a mile of areas of active farming.

Implementing a policy of promoting agricultural use of land must, to be practical, concentrate on controlling the replacement of agricultural land uses with non-agricultural land use as the result of some public action. The many other factors such as markets, taxes, and regulations that influence the viability of agriculture in a given area can only be addressed on a Statewide or national basis. This policy requires a concern for the loss of any important agricultural land. However, the primary concern must be with the loss of agricultural land when that loss would have a significant effect on an ability of agricultural uses in the area to continue to exist, prosper and expand.

It must be determined whether a proposed public action would result in the loss of important agricultural lands as identified in the waterfront area. If it is determined that an action would result in the loss of identified agricultural lands, but that loss would not have an adverse effect of the viability of agriculture in the surrounding area, then the action may be consistent with this policy. However, such action must be undertaken in a manner that would minimize the loss of important farmland. If the action is determined to result in a significant loss of important agricultural land, then the action is not consistent with this agriculture policy.

The following guidelines define what must be considered in making the above determinations:

1. A public action would likely significantly impair the viability of an important agricultural area if:
  - a. The action would occur on identified agricultural land and would:

- (1) Consume more than 10 percent of the land of an active farm,
    - (2) Consume a total of 100 acres or more of identified important agricultural land, or
    - (3) Divide an active farm with identified important agricultural land into two or more parts, thus impeding efficient farm operation or reducing the size of farmed acreages to less than 25 acres.
  - b. The action would result in environmental changes that may reduce the productivity or adversely affect the quality and use of any identified agricultural lands.
  - c. The action would create real estate market conditions favorable to the conversion of large areas of identified agricultural land to non-agricultural uses. Such conditions may be created by:
    - (1) Public water or sewer facilities to serve non-farm structures.
    - (2) Transportation improvements, except for maintenance of and safety improvements to, existing facilities that serve non-farm or non-farm related development
    - (3) Major non-agribusiness commercial development adjacent to identified agricultural lands
    - (4) Major public institutions
    - (5) Residential uses other than farm dwellings
    - (6) Any change in land use regulations applying to agricultural land that would encourage or allow land uses that are incompatible with the agricultural use of the land.
2. The following types of facilities and activities should not be construed as having adverse effects on the preservation of agricultural land:
  - a. Farm dwellings, barns, silos, and other accessory uses and structures incidental to agricultural production or necessary for supplementing farm family income.
  - b. Agricultural business development, which includes the entire structure of local support services and commercial enterprises necessary to maintain an agricultural operation.
3. The proposed action shall, to the extent practicable, be sited on any land not identified as important agricultural land or, if it must be sited on identified important agricultural

land, it should be done in a manner that avoids disturbance of land according to the following priority:

- a. Prime or unique farmland in orchards or vineyards,
  - b. Other prime farm land in active farming,
  - c. Farmland of Statewide importance in active farming,
  - d. Active farmland identified as having high economic viability,
  - e. Prime farmland not being farmed, and
  - f. Farmland of Statewide importance not being farmed.
4. Where possible, development should be undertaken in manner, such as conservation subdivision or clustering, that preserves land for continued or future agricultural use through such means as lease arrangements with farmers, direct undertaking of agriculture, or sale of surplus land to farmers. Agricultural use of such land should have priority over any other proposed multiple use of the land.

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## **ENERGY AND ICE MANAGEMENT POLICIES**

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

Explanation of Policy

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

The Town has no lands along the waterfront used or zoned for industrial use. The Town recognizes public energy needs, but also recognizes that the development of major energy facilities may endanger the natural and economic environment of the Evans Local Waterfront Revitalization Area.

The coastal area in the Town of Evans contains valuable resources, including fish and wildlife habitats of statewide significance, regulated freshwater wetlands, natural protective features including coastal erosion hazard areas, extensive areas of public parkland, and scenic and archaeological resources.

The benefits of developing energy facilities should be weighed against the potential economic and environmental impacts on natural resources and the public to ensure that any proposed facilities would be

consistent with, or conducive to, the character of the Evans waterfront. Land uses associated with mineral extraction may be considered less desirable for the waterfront. The same considerations should be given to energy facilities in areas adjacent to the Evans LWRA.

**POLICY 28 Ice management practices shall not interfere with the production of hydroelectric power, damage significant fish and wildlife and their habitats, or increase shoreline erosion or flooding.**

Explanation of Policy

Prior to undertaking actions required for ice management, an assessment must be made of the potential effects of such actions upon fish and wildlife and their habitats, flood levels and damage, rates of shoreline erosion damage, and upon natural protective features.

Following such an examination, adequate methods of avoidance or mitigation of such potential effects must be utilized if the proposed action is to be implemented. Ice management practices shall not interfere with infrastructure systems, nor impair significant fish and wildlife and their habitats or increase shoreline erosion or flooding.

**POLICY 29 Encourage the development of energy resources on the outer continental shelf, in Lake Erie and in other water bodies, and ensure the environmental safety of such activities.**

**POLICY 29A Conserve energy resources and promote alternative energy sources that are self-sustaining, including solar powered energy generation.**

Explanation of Policy

The Town recognizes the need to develop new indigenous energy sources. Among the various energy sources being examined are those which may be found in Lake Erie. However, the Town also recognizes that such development may endanger the environment and adversely impact important shoreline amenities and the quality of life in the community. The waterfront is the Town's recreational jewel and has the potential for increased tourism and economic development. Therefore, energy exploration or the development of energy resources on the bottom lands of Lake Erie should consider potential adverse impact on waterfront resources. In addition, State law currently prohibits the development of natural gas wells nearer than one-half mile from the shoreline, two miles from public water supply intakes and one thousand feet from any other structure or installation on or in Lake Erie. State law also prohibits the production of liquid hydrocarbons in Lake Erie, either alone or in association with natural gas.

Commercial mining and other mineral or gravel extractions activities are also considered inappropriate waterfront activities. These uses are also prohibited in the Evans LWRA.

The conservation of energy should be an important part of prudent future planning for the waterfront. Energy efficiency can be achieved through several means that fall under the jurisdiction of the Town, including:

1. Promoting the use of public transportation, wherever possible and practical;
2. Integrating modes of transportation (bicycle, pedestrian and vehicular);
3. Promoting energy efficient design in new development, particular LEED certification; and
4. Promoting greater energy generating efficiency through upgrades of existing public and private facilities.

## **WATER AND AIR RESOURCES POLICIES**

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**POLICY 30    Municipal, industrial, and commercial discharge of pollutants including, but not limited to, toxic and hazardous substances, into coastal waters will conform to state and national water quality standards.**

### Explanation of Policy

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

The Town has no lands used or zoned for industrial use along the waterfront and there are no known point sources outfalls aside from the outfalls for the Erie County wastewater treatment plant on Big Sister Creek and the outfall for the County Water Treatment Plant on Lake Erie.

**POLICY 31    State coastal area policies and management objectives of approved local waterfront revitalization programs will be considered while reviewing coastal water classifications and while modifying water quality standards; however, those waters already overburdened with contaminants will be recognized as being a development constraint.**

### Explanation of Policy

Pursuant to the Federal Clean Water Act of 1977 (PL 95-217), the State has classified its coastal and other waters in accordance with considerations of best usage in the interest of the public and has

adopted water quality standards for each class of waters. These classifications and standards are reviewable at least every three years for possible revision or amendment. Local Waterfront Revitalization Programs and State coastal management policies shall be factored into the review process for coastal waters. However, such consideration shall not affect any water pollution control requirement established by the State pursuant to the Federal Clean Water Act.

Surface waters in the Town, including the creeks and Lake Erie, have been classified for usage by the State. Best management practices should be implemented to ensure that the best usage classification is maintained, and where possible, improved. Issues with failing septic systems, sanitary sewer system inflow and infiltration and non-point source pollution should be identified and addressed so as to protect local water quality and maintain existing standards (see Policies 33 and 37).

**POLICY 32     Encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high, given the size of the existing tax base of these communities.**

Explanation of Policy

Alternative systems include individual septic tanks and other subsurface disposal systems, dual systems, small systems serving clusters of households or commercial users, and pressure or vacuum sewers. These types of systems are often more cost effective in smaller, less densely populated communities for which conventional facilities are too expensive. In unsewered areas of the waterfront where septic systems are still in use, proper maintenance practices must be promoted to protect water quality and ensure that systems are functioning effectively.

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

Explanation of Policy

Best management practices include both structural and non-structural methods of preventing or mitigating pollution caused by the discharge of stormwater runoff. At present, structural approaches for managing stormwater runoff throughout the waterfront area, such as the construction of retention basins or closed pipe systems may not be economically feasible, but may be required in accordance with the Town of Evan Stormwater Management Plan. Until funding for such projects becomes available, non-structural approaches, including street cleaning and management of non-point source pollution, will be encouraged (see Policy 37).

1. Prevent point source discharges to the surface waters of Lake Erie and local creeks and streams, and manage or avoid land uses that would:

- a. Exceed discharge limits specified by State Pollution Discharge Elimination System (SPDES) permits for industrial and municipal discharges
  - b. Exceed established and applicable effluent requirements or cause or contribute to the contravention of water quality classifications and use standards; or
  - c. Materially and adversely affect the quality of receiving waters.
2. Ensure effective treatment of sanitary waste and industrial discharges by:
- a. Maintaining efficient operation of sanitary wastewater and industrial waste treatment facilities;
  - b. Providing, at a minimum, effective secondary treatment for sanitary sewage;
  - c. Modifying existing sewage treatment facilities to provide improved nitrogen removal capacity;
  - d. Incorporating treatment beyond secondary, when funding is available to the extent economically feasible, with particular focus placed on nitrogen removal, as part of new or upgraded wastewater treatment plant design;
  - e. Reducing demand on treatment facilities by:
    - (1) reducing infiltration of excess water in collection and transport systems,
    - (2) eliminating unauthorized collection system hookups,
    - (3) pre-treating industrial waste,
    - (4) limiting discharge volumes and pollutant loadings to or below authorized levels, and
    - (5) requiring the installation of low-flow water conservation fixtures in all new development and when replacing fixtures in existing development.
  - f. Controlling and reducing the loadings of toxic materials into the surface waters of the Lake, creeks and streams by including limits on toxic metals as part of wastewater treatment plant effluent permits and by enforcing existing pre-treatment requirements.
  - g. Reducing or eliminating combined sewer overflows.
  - h. Providing and managing on-site wastewater disposal systems (septic) by:
    - (1) using on-site systems only when a connection with a public sewer system is not practical;
    - (2) protecting surface and groundwater against contamination from pathogens and excessive nutrient loading by keeping septic effluent separated from these resources and by providing adequate treatment of septic effluent; and

- (3) encouraging evaluation and implementation of alternative or innovative on-site sanitary waste systems and technologies to remediate systems that currently do not adequately treat or separate effluent.

**POLICY 34 Discharge of waste materials into coastal waters from vessels subject to state jurisdiction will be limited so as to protect significant fish and wildlife habitats, recreational areas and water supply areas.**

Explanation of Policy

The discharge of all untreated sanitary, rubbish, garbage and other solid or liquid wastes from vessels into the waters of Lake Erie is limited by New York State Law. Where coastal resources or activities require greater protection than afforded by this requirement, the State may designate vessel waste no discharge zones. Within these zones the discharge of all sanitary vessel waste, whether treated or not, is prohibited. Also, specific effluent standards for marine toilets have been promulgated pursuant to 6 NYCRR, Part 657.

To help protect off shore waters in the Town, a vessel waste pump-out station is available at Sturgeon Point Marina. Priority will be given to the enforcement of State Laws to protect water quality, particularly in and around the State-designated Significant Coastal Fish and Wildlife Habitats of Big Sister Creek and Eighteen Mile Creek, State, County and Town beaches, public water supply intakes and other important shoreline resources.

**POLICY 35 Dredging and filling in coastal waters and disposal of dredged material will be undertaken in a manner that meets existing State permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands and wetlands.**

Explanation of Policy

Dredging, filling, and dredge material disposal are activities that are needed for waterfront revitalization and development, such as maintaining navigation channels at sufficient depths, pollutant removal, stream channel maintenance and other coastal management needs. Such projects, however, may adversely affect water quality, fish and wildlife habitats, wetlands, and other important coastal resources. Often these adverse effects can be minimized through careful design and timing of the dredging or filling activities, proper siting of dredged material disposal sites, and the beneficial use of dredged material.

Maintenance dredging is currently undertaken, as needed, at Sturgeon Point Marina, with dredge spoils utilized for adjacent beach restoration. Dredging of the mouths of certain creeks is also essential to managing flooding and erosion in those areas. Such projects should be carefully managed and must satisfactorily demonstrate that potential adverse effects can be reduced to levels that satisfy State

permit standards set forth in regulations developed pursuant to Environmental Conservation Law, (Articles 15, 24, 25, and 34), and are consistent with policies pertaining to the protection and use of coastal resources (Policies 7, 12, 15, 25, 26 and 44). Marina operations and vessel speeds should be regulated to prevent shoreline erosion from increased wave activity. Furthermore, navigation channel construction and maintenance should be designed to prevent destabilization of adjacent areas by:

1. Using dredging setbacks from established channel edges and designing finished slopes to ensure their stability,
2. Locating channels away from erodible features, wherever feasible, and
3. Preventing adverse alteration of basin hydrology.

**POLICY 36      Activities related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills into coastal waters; all practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution for damages will be required when these spills occur.**

Explanation of Policy

Currently the only known activity involving petroleum use or transport occurs at the Sturgeon Point Marina, where it is stored and dispensed for recreational vessels. Other activities related to the shipment and storage of petroleum and other hazardous materials shall be prohibited in the Local Waterfront Revitalization Area (See Policy 39).

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

Explanation of Policy

The many creeks and streams in the Town are part of a larger watershed area that discharges to Lake Erie. Protecting the quality of these local surface waters is essential to the health and welfare of habitat areas. In an effort to protect water quality, best management practices shall be used to reduce sources of non-point source pollution (see Policy 38). These include, but are not limited to, encouraging a reduction in the use of lawn fertilizers and pesticide projects, proper disposal of motor oils and other petroleum products, septic system maintenance, reducing the use of road salts during the winter, organic farming and agricultural pest management practices, proper disposal of animal wastes, soil and erosion control, and surface drainage control techniques. The mitigation of sanitary sewer inflow and infiltration problems and improved management and maintenance of the County's wastewater system to prevent future problems is also important for the protection of local surface water quality. The Town should also promote public education to help local residents understand the importance of maintaining

septic systems and repairing/replacing failing systems, as outlined in the Town of Evans Stormwater Management Plan, which shall be adhered to.

Reduce non-point source pollution using management measures appropriate to specific land use or pollution source categories.

1. Urban land uses
  - a. For new development, manage total suspended solids in runoff to remain at pre-development loading levels.
  - b. For site development, limit activities that increase erosion or the amount or velocity of stormwater runoff.
  - c. For construction sites, reduce erosion and retain sedimentation on site, and limit and control the use of chemicals and nutrients.
  - d. For developed sites, limit the application of pesticides, herbicides and fertilizer products to reduce the potential for the pollution of stormwater runoff.
  - e. Plan, site and design roads and highways to manage erosion and sediment loss and limit the disturbance of land and vegetation.
  - f. Plan and design bridges to protect ecosystems.
  - g. For roads, highways and bridges, minimize to the greatest extent practical, the runoff of contaminants to surface waters.
2. Marinas
  - a. Site and design marinas such that currents will aid in flushing of the marina basin or the renewal of basin water regularly.
  - b. Assess potential impacts to water quality as a part of marina siting and design activities. Any new marina project shall utilize appropriate and adequate vessel pump-out technologies.
  - c. Properly manage stormwater runoff, discharges of hazardous substances, and solid waste disposal.
3. Hydro-modifications
  - a. Maintain the physical and chemical characteristics of surface waters, reduce adverse impacts and, where possible, improve the physical and chemical characteristics of surface waters in channels.
  - b. Minimize the impacts of channelization and channel modification on in-stream and riparian habitat, and identify opportunities to restore habitat.
  - c. Use vegetative means, to the greatest extent possible, to protect stream banks and shoreline from erosion.
4. Floatables and litter
  - a. Prohibit all direct and indirect discharges of refuse or litter into surface waters, or upon public lands contiguous to and within 100 feet of lake or tributary creek waters.
  - b. Limit the entry of floatable materials to surface waters through the proper containment and prevention of litter.
  - c. Remove and dispose of floatables and litter from surface waters and along the shoreline of the Lake.

- d. Implement pollution prevention and education programs to reduce the discharge of floatables and litter in Lake Erie and Town storm drains.
- e. Undertake regular maintenance and cleaning of storm drains that discharge to the lake and tributary creeks.

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

Explanation of Policy

Lake Erie is the primary source of drinking water in the Town of Evans and, therefore, must be protected. Much of the Town is serviced by the Erie County Sewer Authority's wastewater disposal and treatment system and all commercial discharges are regulated by State and Federal Law.

To the greatest extent possible, make efforts to improve the water quality of Lake Erie and the local creeks that flow to the Lake based on an evaluation of physical factors (pH, dissolved oxygen, dissolved solids, nutrients, odor, color and turbidity), health factors (pathogens, chemical contaminants and toxicity) and aesthetic and nuisance factors (oils, floatables, refuse and suspended solids). Minimize the disturbance of local creeks and streams, including their beds and banks, in order to prevent soil erosion, increased turbidity and irregular variation in velocity, temperature and water levels. The Lake and creeks should also be protected from the adverse impacts of excavation, fill, dredging (see Policy 35) and the improper disposal of dredged material.

Encourage the use of best management practices to prevent non-point source pollution (see Policies 33 and 37), including:

- 1. Limiting the application of fertilizers, herbicides and pesticides and avoiding the use of synthetic fertilizers that contribute nitrates and phosphorus to stormwater runoff;
- 2. Avoiding secondary discharges of pollutants, such as petroleum products to storm drains and ditches that discharge directly to surface waters; and
- 3. Properly cleaning up pet wastes and controlling litter.

**POLICY 39     The transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within coastal areas will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural land, and scenic resources.**

Explanation of Policy

The intent of this policy is to protect the public from sources of contamination and to protect waterfront resources in the Town from degradation through the proper control and management of wastes and hazardous materials. The definitions of terms "solid wastes" and "solid waste management facilities"

are taken from the New York's Solid Waste Management Act (Environmental Conservation Law, Article 27). Solid wastes include sludge from air or water pollution control facilities, demolition and construction debris and industrial and commercial wastes.

Hazardous wastes are unwanted by-products of manufacturing processes and are generally characterized as being flammable, corrosive, reactive, or toxic. A fundamental problem associated with the disposal and treatment of solid and hazardous wastes is the contamination of water resources, other related problems may include: filling of wetlands and littoral areas, atmospheric loading, and degradation of scenic resources. The treatment and disposal of solid or hazardous wastes is strictly prohibited in the waterfront area. Proper and effective solid waste disposal/removal should be planned for when undertaking any major development or redevelopment project in the waterfront.

The storage of, or facilities for the storage of, solid or hazardous wastes are not permitted in the Town of Evans Waterfront Revitalization Area pursuant to Section 200-40.1 of the Evans Zoning Ordinance, which strictly prohibits dumps or landfills anywhere in the Town. The transport of such waste shall not be permitted along Lake Shore Road or any other road in the waterfront area (with the exception of the collection of municipal solid waste). Transport along other roadways in the Town would be subject to State and Federal regulations to ensure public health, safety and welfare.

**POLICY 40      Effluent discharged from major steam electric generating and industrial facilities into coastal waters will not be unduly injurious to fish and wildlife and shall conform to state water quality standards.**

Explanation of Policy

The Town supports the State's position that major steam electric generating and industrial facilities shall "not discharge any effluent that will be unduly injurious to the propagation and protection of fish and wildlife, the industrial development of the State, the public health, and public enjoyment of the receiving waters." The Town further supports that no such use or facilities shall be located in the local waterfront revitalization area within its boundaries.

**POLICY 41      Land use or development in the coastal area will not cause National or State air quality standards to be violated.**

Explanation of Policy

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

To the greatest extent possible, the State Implementation Plan will be consistent with coastal lands and water use policies. Conversely, coastal management guidelines and program decisions with regard to land and water use and any recommendations with regard to specific sites for major new or expanded industrial, energy, transportation, or commercial facilities will reflect an assessment of their compliance with the air quality requirements of the State Implementation Plan.

The Department of Environmental Conservation will allocate substantial resources to develop a regulatory and management program to identify and eliminate toxic discharges into the atmosphere. The Town's Local Waterfront Revitalization Program will assist in coordinating major toxic control programming efforts in the coastal regions and in supporting research on the multi-media nature of toxins and their economic and environmental effects on coastal resources.

**POLICY 42 Coastal management policies will be considered if the State reclassifies land areas pursuant to the prevention of significant deterioration regulations of the federal clean air act.**

Explanation of Policy

The intent of this policy is to comply with State standards for controlling and preventing the degradation of air quality in the Town. New land uses and development or redevelopment should comply with the following:

1. Limit pollution resulting from new or existing stationary air contamination sources consistent with:
  - a. attainment or maintenance of any applicable air quality standards,
  - b. applicable New Source Performance Standards,
  - c. applicable control strategy of the State Implementation Plan, and
  - d. applicable Prevention of Significant Deterioration requirements.
2. Recycle or salvage air contaminants using best available air cleaning technologies.
3. Limit pollution resulting from vehicle and vessel movement or operation, including actions that directly or indirectly change transportation uses or operation, consistent with attainment or maintenance of applicable ambient air quality standards and applicable portions of any control strategy of the State Implementation Plan.
4. Restrict emissions of air contaminants to the outdoor atmosphere that are potentially injurious to human, plant and animal life, or that would unreasonably interfere with the comfortable enjoyment of life or property.

State air quality standards regulate chlorofluorocarbon pollutants. For actions with a potential impact on air quality, the Town shall assist the State, whenever possible, in the administration of its air quality statutes pertaining to chlorofluorocarbon compounds.

**POLICY 43      Land use or development in the coastal area must not cause the generation of significant amounts of acid rain precursors: nitrates and sulfates.**

Explanation of Policy

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

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**WETLANDS POLICY**

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**POLICY 44      Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.**

Explanation of Policy

Freshwater wetlands include marshes, swamps, bogs and flats supporting aquatic and semi-aquatic vegetation and other wetland vegetation as defined under the NYS Freshwater Wetlands Act and the NYS Protection of Waters Act.

The benefits derived from the preservation of freshwater wetlands include, but are not limited to:

1.      habitat for wildlife and fish, including a substantial portion of the State's commercial fin and shellfish varieties, and contribution to associated aquatic food chain
2.      erosion, flood and storm control
3.      natural pollution treatment
4.      groundwater protection
5.      recreational, educational and scientific opportunities
6.      aesthetic open space in many otherwise densely developed areas

There are a number of areas along the Evans waterfront that contain State and federally-designated freshwater wetlands. Wendt Beach County Park and the vacant lands adjacent to the A.J. Schmidt School are areas of particular concern. Any proposed activities that may affect these wetlands are subject to the provisions of Article 24 of the Environmental Conservation Law.

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

1. compliance with the statutory and regulatory requirements of the Freshwater Wetlands Act and Stream Protection Act; and
2. prevention of the net loss of wetlands by:
  - a. avoiding placement of fill or excavation of wetlands;
  - b. minimizing adverse impacts resulting from unavoidable fill, excavation or other activities;
  - c. providing compensatory mitigation for adverse impacts that may result from unavoidable fill, excavation or other activities remaining after all appropriate and practicable minimization has been accomplished; and
  - d. providing and maintaining adequate buffers between wetlands and adjacent or nearby uses and activities in order to ensure protection of the character, quality, value and function of the wetlands area.
  - e. Providing and maintaining buffers along creek corridors to provide protections from the impacts of upland uses and activities.
3. Where destruction or significant impairment of habitat values cannot be avoided, potential impacts of land use or development should be minimized through appropriate mitigation. Use mitigation measures that are likely to result in the least environmentally damaging alternative. Mitigation includes:
  - a. avoidance of potential adverse impacts, such as avoiding ecologically sensitive areas, scheduling activities to avoid vulnerable periods in life cycles or the creation of unfavorable environmental conditions, and preventing fragmentation of intact habitat areas;
  - b. minimization of unavoidable potential adverse impacts, including reducing the scale or intensity of the use or development, designing projects to result in the least amount of potential adverse impacts, and choosing alternative actions or methods that would lessen potential impacts; and
  - c. specific measures designed to protect habitat values from impacts that cannot be sufficiently avoided or minimized to prevent habitat destruction or significant habitat impairment.

## IV. PROPOSED LAND AND WATER USES AND PROPOSED PROJECTS

This section of the LWRP describes the proposed land and water uses for the Town of Evans waterfront area. Proposed projects are also briefly described in this section. The Proposed Land Use and Projects maps, illustrates the proposed land use patterns and identifies the location of proposed projects within the LWRP area.

### 4.1 PROPOSED LAND USES

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Land uses in the Evans LWRA are proposed in a manner that will continue the general patterns of existing development in each sub-area. Land use changes are proposed to protect waterfront resources, maintain the existing character of the community, and properly accommodate future development. In addition, the proposed land uses take into account the vision set forth in the Town's Comprehensive Plan. The generalized land use recommendations and the proposed projects shown on Maps [8A](#), [8B](#), and [8C](#) are intended to support the Coastal Management Policies contained in Section III.

Recommendations have been included to improve opportunities for public access, whether this means making improvements at existing parks or providing new opportunities for shoreline access. Emphasis is also placed on connecting existing parks and other waterfront facilities through a continuous trail system that would help to improve public access along the shoreline. The waterfront trail system would also link the Town with existing and proposed trails in adjoining communities. The objective is to allow the Evans waterfront to be a viable segment in a regional railway system. The Town long range goal for the waterfront is to make necessary improvements for residents to maintain and improve the quality of life, strengthen recreational uses to enhance public access and use of the waterfront, and revitalize certain areas to bring about economic development in support of tourism.

#### SUB-AREA 1

Sub-Area 1 is primarily comprised of rural residential uses and residential estates that are situated atop the steep bluffs that extend along the shoreline. The stretch along Eighteen-Mile Creek, although residential in nature, with steep topography, offers two good locations for recreational fishing access to the creek. The land uses in this area are not proposed for change, with the exception of the anticipation of some of the currently vacant lands being developed with additional residential uses.

There is a large property known as the Columban Center that is centrally located in this area. This property is currently used as a private religious retreat by the Catholic Diocese. In the future,

should this property cease to be owned by the Diocese, it provides an excellent location for a private conference center or private lodging (tourism oriented usage). There are very few locations for tourism-related use in Sub-Area 1, which is primarily residential, aside from Graycliff and the Sturgeon Point Marina. Furthermore, as there are no uses of this nature along the waterfront (or in the Town), it could help to enhance tourism and provide an alternative source of lodging in the Highland Derby area. Private commercial use would also put this land back on the Town's tax roll, helping to balance the tax base.

The lands immediately upland of the Sturgeon Point Marina are currently vacant and undeveloped. These lands are proposed for passive recreational use. The Town is in the process of acquiring this property from Erie County and it is their intention to develop the area with passive recreational uses as an extension of, and enhancement to, the marina property. A large part of this area would be protected, as it contains a large area of State-designated freshwater wetlands. However, the area that remains for public use would offer picnic area, scenic viewing from the top of the bluff behind the marina and additional parking for the marina.

## **SUB-AREA 2**

Sub-Area 2 contains a large extent of residential development, mixed with public and private recreational uses and a few public service facilities. There are also some isolated agricultural properties situated south of Larkin Road, in the northern portion of Sub-Area 2. Land use changes proposed for Sub-Area 2 include the expected development of certain vacant lands with residential uses. At present, there is no indication that the use of the agricultural lands will change. Aside from the following, no other significant changes are proposed for Sub-Area 2.

The Town is in the process of acquiring a large area of vacant land from Erie County, which is situated southeast of the Sturgeon Point Marina, off Sturgeon Point Road. This land has the potential for either passive recreation or other Town-related uses in association with the Sturgeon Point Marina.

The Sturgeon Point facility also has the potential for increased and better use. The potential exists to accommodate additional commercial uses on the upland portion of the marina site to improve public service, as well as generate greater income that could be reinvested in the property. This area could be improved as a multi-use recreational facility, including the expansion of the marina and use of adjacent lands.

In addition, the vacant property located at the terminus of Wendt Beach Road will be improved for recreational use. This land formerly provided public access for boat launching. The Town intends to make some minor improvements in this area to re-establish its use for public access and the launching of small, non-motorized vessels.

The former Angola Water Treatment Plant is situated directly south of Bennett Beach County Park. This site contains the abandoned Village of Angola Water Treatment Plant that once provided drinking water to the Town of Evans and Village of Angola. Since ceasing operations in the mid

1990's, this facility has remained vacant and unutilized. This property is located on the waterfront and offers opportunities for improved public access, tourism and economic development.

Finally, the Purvis Landing site is a narrow area of vacant land that provides access to Lake Erie. This former boat launch is underutilized and has the potential for improve use. Although it does not provide ample room for public parking, it does offer opportunities for greater use by local residents and those who utilize the proposed multi-use pathway through the provision of on-site enhancements and amenities.

### **SUB-AREA 3**

Similar to Sub-Areas 1 and 2, Sub-Area 3 is predominantly residential in nature. There are also some public and private recreational uses and some larger agricultural uses to the southeast. Aside from the transition of some small vacant parcels to residential use, no significant changes are planned for this area; the agricultural properties are expected to remain in use and the private recreational uses will continue.

The exception to this is the Lake Erie Beach area. The Town would like to see the Lake Erie Beach area become a more prominent and prosperous location along the waterfront. It currently offers a blend of recreational, commercial and residential uses, but is not all that it could be. The area suffers from residential blight and a lack of investment. Revitalization of, and additional commercial uses and improvements to, the nearby residential districts could help to bring about needed economic development activity for this area to achieve this goal. The revitalization of the Lake Erie Beach neighborhood could encourage increased tourism and improve the quality of life for local residents, as well. Commercial and residential revitalization would also enhance the use of Lake Erie Beach Park.

## **4.2 PROPOSED WATER USES/HARBOR MANAGEMENT**

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For reasons specified as follows, the Evans LWRP does not constitute a Harbor Management Plan pursuant to Section 922 of Article 42 of the Executive Law or the regulations promulgated in accordance with this law. Recreational boating and fishing is the primary water use along the Evans shoreline and is supported by the Sturgeon Point Marina. As described in the Inventory and Analysis (Section II), due to shoreline conditions, this is the only suitable and economically feasible location for a marina in the Town.

There are no other permanent docking facilities in the LWRA. There are no designated channels or other navigational infrastructure in the area, other than the entry channel to the marina basin. Aside from the navigational lights at the entrance channel to the harbor, temporary buoys that delineate designated swimming areas at Evans Town Park and Lake Erie Beach Town Park, are the only other navigational devices along the waterfront or in the open waters of Lake Erie. Dredging along the waterfront is

undertaken to maintain marina access and remedy shoreline flooding and erosion issues (maintenance) at the mouths of certain creeks.

The lack of boating infrastructure severely limits access to Lake Erie for recreational boating activities in the area, especially for Town residents that do not own waterfront properties. The boat ramp at the Sturgeon Point Marina is the only public facility along the entire waterfront that provides access opportunities for recreational boating on a seasonal basis. There is one private launch ramp at Point Breeze RV Resort that offers more restricted access. Furthermore, not all of the Town or County parks offer easy boating access for small craft (the beach clubs in Sub-Area 2 also offer limited access). However, the many waterfront parks do offer recreational access for swimming and other passive uses.

Plans for improving surface water use along the Evans shoreline include improving the terminus of Wendt Beach Road to allow for the launching of small, non-motorized vessels, as well as long-term improvements to enlarge the Sturgeon Point Marina. There are no plans for additional marina development or the creation of other harbor management infrastructure in the Evans waterfront area.

### **4.3 PROPOSED TOWN PROJECTS AND STUDIES**

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There are a number of projects proposed along the Town of Evans waterfront to improve opportunities for public access and recreation. As noted in the previous discussion, much of the shoreline is developed with private residential uses, limiting the potential for the general public (particularly residents living in inland areas of the Town) to enjoy the waterfront. However, Evans does benefit by having a number of public park facilities that offer water-related recreational opportunities for Town residents and others.

While there are a few water-enhanced uses along the waterfront in the form of bars and restaurants, the Sturgeon Point Marina (in Sub-Area 1) is the only true water-dependent public recreational use along the lakeshore. A key focus of the Town's waterfront revitalization strategy is to take advantage of the recreational tourism potential of the Evans waterfront. To this end, projects proposed for the area are (and should be) oriented around improving and increasing the public's ability to access and utilize local surface waters and providing additional or enhanced recreational amenities along the waterfront.

Another significant issue that needs to be addressed in the waterfront area is flooding. Although there are locations that may be subject to minor localized flooding, there are two specific locations that experience more serious and on-going seasonal flooding - - Big Sister Creek at NYS Route 5 and Fern Brook, near the Evans Town Park. Improvements are required to address impacts in both of these areas.

Projects proposed along the Town of Evans waterfront include the following.

#### **STURGEON POINT BLUFFS AND MARINA IMPROVEMENTS**

As previously discussed, the upland area behind the Sturgeon Point Marina is proposed for passive recreational improvements. For a number of years, the Town has been working to acquire an approximately 21-acre area from Erie County (north of Sturgeon Point Road, upland of the marina).

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The Town planned to redevelop these lands with passive recreational amenities that would complement the marina.

The results of environmental studies have indicated the existence of large areas of wetlands in this area, which has forced the Town to scale back on plans for the redevelopment of this land. Initially, plans included such things as a campground, an outdoor amphitheater, sledding hill, a series of interpretive and recreational trails and additional parking for the marina with connecting roadways. Current plans include an overlook at the top of the bluff for scenic viewing, an area for picnicking and passive recreation, and expanded parking area for the marina. The Town will continue to work toward achieving this project.

The Town is also in the process of acquiring approximately 31.75 acres of vacant land from Erie County, which is situated southeast of the Sturgeon Point Marina, south of Sturgeon Point Road. At present, it is anticipated that this land would be used for either passive recreation or another Town-related use in association with the Sturgeon Point Marina. Final end use has not been determined at this time, but should be evaluated in conjunction with improved use of the marina facility.

The Sturgeon Point facility, itself, also has the potential for increased and better use. The Sturgeon Point Advisory Committee prepared a report in 2006 recommending the expansion of the marina to accommodate more, and larger, vessels. Marina expansion would allow the Town to offer more recreational fishing opportunities, enhance tourism in the Sturgeon Point and Highland Derby areas and become a more prominent participant in the recreational use of Lake Erie.

Upland usage at the marina should also be evaluated to determine if additional commercial uses could be accommodated on this site to improve public service, as well as generate greater income for the Town that could be reinvested in the property and on-site property improvements. The Town should study the potential to improve and revitalize the Sturgeon Point Marina as a multi-use recreational facility, including the expansion of the marina and use of adjacent lands.

### **EVANS (LAKE SHORE ROAD) MULTI-USE TRAIL**

The Town of Evans has been working for years on the development of a multi-use pathway that would extend from the northern boundary of the Town, along Lake Shore Road, to the southern boundary with the Town of Brant. To date, the Town has secured funding for the first two phases of this project. However, the intent is to complete the trail in an effort to connect all local parks and waterfront resources and link the Town with adjoining municipalities as part of the regional trail system.

The Town desires to secure funding for the completion of the final phases, completing the connection between Sturgeon Point Road and the Marina with Eighteen-Mile Creek and the Town of Hamburg. The southern-most section, from Lake Erie Beach to Evangola State Park and the Town of Brant also needs to be designed and built. The completion of these two final phases would

enable the Town to achieve its goal of creating a full and beneficial trail system along the length of the waterfront.

**Seaway Trail – Lake Shore Road**



**Tunnel at Evans Town Park**



## **LAKE ERIE BEACH PARK IMPROVEMENTS**

Lake Erie Beach Park provides a backdrop for the Lake Erie Beach commercial district. This park was developed with funding secured with the State’s Environmental Protection Fund. Therefore, unlike the other Town parks that are restricted for use by Town residents, this park it is open to the general public. As such, it is more widely utilized than other Town parks and requires a higher degree of maintenance.

**Parking area at Lake Erie Beach Park**



The Town wishes to improve regulatory signage to help enforce use restrictions in an effort to cut back on maintenance requirements. The Town would also like to relocate the basketball court to a better location for improved use. This would also allow for improved parking. Furthermore, as the park was improved for handicapped accessibility, the Town would like to make improvements of this nature to provide fishing access to Muddy Creek. The construction of a handicapped accessible fishing platform along the creek would open up a wider area of the park to the disabled.

## **WENDT ROAD TERMINUS**

The end of Wendt Road was formerly used as a boat launching facility. Over the years, it has become deteriorated and no longer offers the boat launching opportunities it once did. The Town would like to see this area improved to once again serve the public need for a location for launching small craft. Although the Sturgeon Point Marina provides facilities for recreational boating, it caters to larger, motorized vessels. The public has expressed the need for a location for smaller vessels, such as canoes, row boats, etc., and the terminus of Wendt Road would fill this need. There is

sufficient room to create a small parking area; outdoor lighting still exists at the site. Additional clean up and some site restructuring would be required to improve the site for greater public use.

**Wendt Road Terminus**



**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 public access to the shoreline, beach, and excellent views of Lake Erie. It is also located along the path of the Evans Multi-Use Trail, which was recently funded and is in the design stages. This property measures 50 feet wide and 192 feet deep, which limits the extent of public use. Hence, the site is presently underutilized.

As this former boat launch site has the potential to offer greater opportunities to the public, the Town desires to improve this property with benches, picnic tables, a gazebo, and landscaping (trees and shrubs). The Town also intends to make the site more handicapped accessible through the construction of a boardwalk structure that would tie the upland with the beach. As a part of this effort, debris at the site and along the beach (from the former boat launch) would also be removed, improving public safety and overall accessibility. Improvements to this site will enhance opportunities for public access to the shoreline, add another stop for passive recreation along the multi-use trail and Seaway Trail, and benefit the local community.

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 these

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.

**Purvis Landing**



**LAKE ERIE BEACH REVITALIZATION**

As noted in the Inventory and Analysis, the Lake Erie Beach area of the Town includes a diverse residential neighborhood and a small commercial district that adjoins the park. This area is experiencing a number of issues including dilapidated housing and housing vacancies, Building Code violations, substandard roadway infrastructure, limited employment opportunities, crime and limited commercial goods and services. To address these concerns, the Town has authorized a study of the area to develop a comprehensive revitalization strategy. This study defined the neighborhood boundary, evaluated land use and neighborhood demographics, assessed economic needs and outlined key strategies and resources for the area. It involved an in-depth analysis of housing conditions, infrastructure, the economic marketplace, residential and commercial opportunities and Code enforcement efforts.

The goal of the Lake Erie Beach Neighborhood Revitalization Strategy, which was completed in September 2010, was to develop a Neighborhood Action Plan to address local issues and realize an improved hamlet area. The major elements of the Action Plan include goals and objectives, Code enforcement recommendations, strategic policies and future concepts, a future land use plan, key project recommendations and an implementation program that includes funding strategies. The

overall goal was to develop a program for strengthening the quality of life for residents and achieving a brighter economic future for the Lake Erie Beach hamlet area.

**Lake Erie Beach business district**



Key project recommendations and innovative strategies in this plan include (see C, which contains the Neighborhood Action Plan):

- Completing a multi-modal circulation network
- Upgrading utility infrastructure to standards
- Establishing a new model for residential housing,
- Creating a Lake Erie Beach Local Development Corporation,
- Create housing rehabilitation tax abatements,
- Leverage public property,
- Employ stormwater management,
- Update the zoning code, and
- Properly enforce the Housing Code and local land use laws comprehensively.

The commercial area of the Lake Erie Beach hamlet has the potential for the development of additional commercial facilities. One vision for this area, which is identified in the Plan, is to create a Lake Erie Beach marketplace and visitor’s center for tourism activity. This would follow the example set in the City of Dunkirk to achieve improvements in this area that could boost tourism and provide greater commercial and water-related opportunities for residents and visitors to the Town. The biggest challenge is securing the funding to establish the foundation for this project. The Plan, which is included in Appendix C, recommends that this project be something that would be overseen by the proposed Lake Erie Beach Local Development Corporation.

## **FERN BROOK FLOOD IMPROVEMENTS**

Fern Brook is another area of the Town that historically experiences annual flooding events. There was a project that was started in this area to remedy flood impacts that needs to be finished to fully mitigate the problems that occur here. In particular, the area between Waterman Road and the Evans Town Park needs to be dredged and re-banked to remedy flooding that occurs in the Town Park and adjacent area. Fern Brook flows through the Town Park and outlets to Lake Erie on the Town's beach. The outlet needs to be extended to include the portion of Fern Brook that extends from the Golf Course in the Waterman Road area. Improvements in this area could include the creation of a public trail along the creek that would connect into the Town Park.

**Fern Brook**



## **BEACH CLEANUP**

Each year the Town spends extensive time and effort to clean the beach at the end of each winter season. This involves the collection and removal of large volumes of debris that is dumped on local beaches by winter storms. The Parks Department would like to streamline the beach cleanup process and also develop a better way to remove and dispose of beach debris. This would involve the creation of a Town-wide composting facility.

The Town should also develop a Town-wide Post Storm Response Strategy to address:

- organic materials and other debris that collects along the Evans shoreline and at Town beaches;

- debris that accumulates along residential and commercial streets;
- debris that is conveyed by stormwater, ditches, culverts and paved surfaces;
- any other areas where debris is known to accumulate or be deposited during storm events.

This response strategy should include how storm debris would be collected and properly disposed of, and who would be responsible for coordinating the efforts and covering the costs. Efforts might include community/neighborhood volunteer group actions, depending on the volume, size and type of waste debris that requires removal (hazardous materials would need to be handled properly). Such an effort could be coordinated with the volunteers who currently conduct the Great Lakes Beach Sweep at the end of each summer season to pick up trash and other such debris.

**Storm debris along beach**



## V. TECHNIQUES FOR LOCAL IMPLEMENTATION

This section of the LWRP sets out implementation strategies for the Town of Evans LWRP. This section considers existing laws and sections of Evans Town Code that relate to the Policies, as well as identifying proposed laws, amendments and other Town actions necessary to support the Policies. A management structure for implementation and consistency review is presented, along with an outline of the financial resources that may be necessary to implement the LWRP.

### 5.1 EXISTING LAWS

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#### A. CHAPTER 64, BEACHES

Chapter 64 regulates the use of beaches along the Lake Erie shoreline in the Town of Evans. In accordance with Chapter 64, no person shall throw, deposit, carry or use any glass bottles or containers, whether empty or full, on or over any beach in the Town. The intent of this law is to protect the well-being and safety of citizens of the Town.

#### B. CHAPTER 95, PUBLIC ENTERTAINMENT; REFRESHMENT BUSINESSES

Chapter 95 requires the licensing of all amusements, live bands, refreshment businesses, restaurants and dance halls or other such establishments that allow dancing. Such licenses run for the calendar year and require annual renewal. This law also regulates the use, display or exhibition of fireworks. This license prohibits gambling of any kind or any disorderly, immoral, indecent or unlawful conduct or behavior.

#### C. CHAPTER 98, ENVIRONMENTAL QUALITY REVIEW

The intent of Chapter 98 is to implement, for the Town of Evans, the New York State Environmental Quality Review Act (SEQR) and Part 617 of the New York Code of Rules and Regulations, and to ensure that actions undertaken within the waterfront area are consistent with the policies and purposes of the Evans LWRP. Chapter 98 outlines the process required for SEQR and LWRP consistency review.

#### D. CHAPTER 101, EXCAVATIONS

Chapter 101 regulates the refilling of hazardous excavated lands and street excavations. Article I provides a means to require that the owners of excavated lands fill them or to authorize the Town to fill them in the event the owner fails to do so in an effort to remedy hazardous conditions. Article II regulates the manner in which excavations are made in or beneath streets, highways, roads, sidewalks, unimproved roads or public places in the Town.

**E. CHAPTER 113, FLOOD DAMAGE PREVENTION**

The purpose of Chapter 113 of the Town Code is to protect public health, safety, and welfare and minimize losses due to flood conditions in specific areas. In conformance with the requirements of the National Flood Insurance Program, and to qualify for participation in this program, this law outlines the standards for construction in areas of special flood hazard and restrictions on encroachments and other activities in designated floodways. The law also sets forth a process for obtaining a permit for this development in the floodplain. The entire LWRA shoreline is located within the regulated 100-year floodplain, as are the portions of Eighteen-Miles Creek, Pike Creek, Reisch Creek, Big Sister Creek, Little Sister Creek, Delaware Creek, Muddy Creek, and Fern Brook that fall within the LWRA.

**F. CHAPTER 132, MARINA**

The intent of Chapter 132 is to ensure the orderly operation of the Sturgeon Point

Marina and ensures the maximum public enjoyment of harbor facilities. Chapter 132 sets forth the dates for the seasonal operation of the marina and outlines the procedure and requirements for the issuance of permits for leasing of marina slips.

**G. CHAPTER 142, PARKS**

Chapter 142 regulates the use and operation of Town park facilities, setting hours of operation to control the use and preservation of these Town-owned properties and to prevent undue disturbance to residents and property owners situated adjacent to the parks. The after-hours use of Town park facilities requires prior approval of the Town Board.

**H. CHAPTER 149, PROPERTY MAINTENANCE**

This law recognizes the fact that junk vehicles, garbage and refuse that is abandoned or stored on private property, or unsafe and deteriorated structural or property conditions can constitute both a public and private nuisance and depreciates property values and community character. Therefore, Chapter 149 establishes basic and uniform property maintenance standards and a legal procedure for the removal of junk vehicles, debris and refuse, as required.

**I. CHAPTER 151, PUBLIC IMPROVEMENTS**

The intent of Chapter 151 is to regulate the construction of public improvements in the Town. Any work to be performed in relation to the installation and/or construction of any public improvements requires a permit. Permits are not issued until an applicant posts a surety bond in a sum equal to the work to be performed. Chapter 151 also outlines the requirements for the acceptance of working easements, where required.

**J. CHAPTER 168, SOLID WASTE**

Chapter 168 is the solid waste law of the Town. It regulates the separation, preparation, collection and disposal of municipal solid wastes and mandates recycling. Pursuant to Chapter 168, recyclable and non-recyclable waste from residential generators is collected and disposed of by private contractors authorized by the Town Board and must obtain a solid waste collection license from the Town Clerk.

#### **K. CHAPTER 170, STORM SEWERS**

Chapter 170 regulates non-stormwater discharges to the Town of Evans municipal storm sewer system (MS4) as required by federal and state law. Article I of this chapter establishes methods for controlling the introduction of pollutants into the system in order to comply with the requirements of the SPDES General Permit for MS4s. Chapter 170 prohibits illicit discharges and activities that would contaminate stormwater runoff, and requires the implementation of best management practices to control such discharges and activities.

#### **L. CHAPTER 172, STREAMS AND WATERCOURSES**

Pursuant to Chapter 172, no person, firm or corporation shall fill, divert or change or permit the filling, diversion or change of any stream or watercourse within the Town without a permit issued by the Town, unless authorized to do so by a State or Federal agency.

#### **M. CHAPTER 178, SUBDIVISION OF LAND**

Chapter 178 authorizes the Town Board to review and approve plats for the subdivision of land in conformance with the Town of Evans Zoning Code and Comprehensive Plan. The subdivision regulations set forth application/review procedures, plan specifications, design standards and required land improvements (road, drainage and utilities) for the minor and major subdivision of land in the Town. In addition to outlining the process for subdivision, Chapter 178 sets forth design standards for public improvements and preservation of trees and other natural features that add value to residential development and to the community, such as scenic vistas, historic sites, watercourses, beaches, woodlands and similar features.

#### **N. CHAPTER 186, TOPSOIL AND DRAINAGE PROTECTION**

The intent of Chapter 186 is to protect and preserve the natural beauty and value of property and to minimize public and private losses by regulating the removal, excavation or stripping of topsoil and alterations to topography within the Town. In accordance with Chapter 186, no person shall excavate, remove topsoil (including beach sand) or permanently alter topography for any reason other than the construction of an approved and permitted building or structure (or part thereof) or an appurtenant driveway or walkway, without a permit from the Code Enforcement Office.

#### **O. CHAPTER 190, VEHICLES ABANDONED**

The intent of this law is to help avoid, restrict and minimize damage or loss of wetlands in the Town, to ensure that wetlands are properly identified and that State and Federal requirements are met, and that additional design requirement for wetland impacts and mitigation are employed, as required.

#### **P. CHAPTER 193, VEHICLES AND TRAFFIC**

Chapter 193 sets forth general provisions for: the installation of traffic control devices, traffic regulations, parking provisions, and regulations for the use, removal, and storage of vehicles. Article VI of this chapter regulates the use of motor vehicles on any beach in the Town. The use of any automobile, motorcycle, motor scooter, mini-bike or any transportation device equipped with an

internal combustion engine or electric motor is prohibited on any real property owned or maintained by the Town as parklands or recreation lands. The use of any vehicle to launch or recover boats or to clean the beach is exempt from these provisions.

#### **Q. CHAPTER 196, WATER**

The purpose of Chapter 196 is to promote the general health, safety and welfare of the inhabitants of the Town through the regulation, supervision and control of the water system and supply of the Evans Water District. Receipt of water from or connection to the district requires approval from the Town Water Department. Chapter 196 regulates such things as fire hydrants, water meters, private service lines, tapping charges, and the installation of water facilities along new roads

#### **R. CHAPTER 198, WIND ENERGY CONVERSION SYSTEMS**

The Town recognizes that wind energy is an abundant, renewable and non-polluting energy resource and that its conversion to electricity can reduce dependence on non-renewable energy resources. Chapter 198 promotes the effective and efficient use of wind energy conversion systems and regulates the design, placement, construction, installation and/or modification of such systems for the purpose of protecting the health and safety of neighboring property owners and the general public, as well as the natural resources and aesthetics of the community. Upon the issuance of a Special Use Permit from the Town Board, wind energy conversion systems are restricted for commercial and residential use in certain zoning districts. The only zoning district in the LWRA where such a system would be permitted is the Agriculture and Open Space (AOS) district.

#### **S. CHAPTER 200 – ZONING**

Chapter 200 regulates and restricts (by district) the location, construction, and use of buildings and structures, and the use of land in the Town of Evans. The Zoning Code establishes districts, as well as uses and dimensional requirements for each district. This chapter of the Town Code also sets forth the procedures for obtaining special use permits, site plan review and zoning amendments. Chapter 200 outlines the duties and procedures of the Code Enforcement Officer and Zoning Board of Appeals. Overlay districts and Supplemental Regulations are also provided in the Zoning Code. The zoning districts found in the LWRA and their corresponding allowable uses are listed in more detail in Section II.

## **5.2 REVISIONS OF LOCAL LAWS NECESSARY TO IMPLEMENT THE LWRP**

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#### **A. CONSISTENCY REVIEW LAW**

Actions to be directly undertaken, funded or permitted within the local waterfront revitalization area must be consistent with the policies set forth in the Town of Evans LWRP. At present, consistency review is managed under Section 98-5 of the Environmental Quality Review Law. Through the adoption of a separate consistency review law, the Town can establish the legal framework required for the review of direct and indirect actions with the LWRP. This law shall be adopted as Chapter 98 of the Evans Town Code and will supersede and replace the existing Chapter 98 (See Appendix A).

## **B. ENVIRONMENTAL QUALITY REVIEW LAW**

Chapter 98 should be rescinded, as the Part 617 regulations effectively regulate environmental quality review in the Town. As the Town currently follows these regulations, which are more up to date than the Town's law, there is no need for a separate, stand-alone Town law. This law will be superseded and replaced, as noted above.

## **C. ZONING**

The Town of Evans regularly reviews and updates Chapter 200 as part of the implementation efforts for the Town of Evans 2010 Comprehensive Plan, and to keep the Code current and in line with local need and trends. To support the policies set forth in Section III and to implement the proposed actions presented in Section IV, certain zoning changes are recommended, including amendments to the existing zoning map (see Maps [9A](#) , [9B](#), and [9C](#), and Appendix D).

The Proposed Zoning maps identify the recommended zoning scheme to better guide development in a manner that protects the character of the community and encourages water-related uses along the waterfront. Several of the key map changes recommended are described below.

### **Sub-Area 1**

The Joel Harvey fishing access site is currently zoned for multi-family residential use (MFR-3). This site is an active recreational facility and should be rezoned as such. The adjoining parcel is owned by Erie County and is also zoned for multi-family residential use. This site should be rezoned to Public Facility (PF).

### **Sub-Area 2**

The Purvis Landing parcel is zoned Residential Two-Family (R-2). This site should be rezoned to Recreational Facility (RF).

### **Sub-Area 3**

With the exception of the Lake Erie Beach business district and the private beach clubs, which are zoned Neighborhood Business, all of Sub-area 3 is located in one of three single-family residential zoning districts. No changes are proposed for to the zoning map in Sub-area 3.

## **5.3 OTHER PUBLIC AND PRIVATE ACTIONS NECESSARY TO IMPLEMENT THE LWRP**

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### **FRANK LLOYD WRIGHT GRAYCLIFF ESTATE**

Built between 1926 and 1929, 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. Graycliff served as the Martin summer home from 1927 to the mid-1940s. Graycliff was designated a New York State Landmark in 1998 and is an important and world-renowned historic and architectural

resource. The Graycliff Conservancy, Inc. is a not-for-profit organization dedicated to restoring and preserving the estate as a publicly accessible landmark. The Conservancy has been overseeing a series of restoration efforts that began in 1998 to restore this resource to its original character and design. Current plans include increasing readiness for tourism, completion of restoration of building interiors, installation of a state-of-the-art fire suppression system, restoration of the historic landscape and restoration of the stair tower to the beach.

### **BIG SISTER CREEK FLOOD IMPROVEMENTS**

The Town has long sought to address the flooding problems that occur along Big Sister Creek at NYS Route 5. This area is subject to flooding impacts from ice jamming that occurs each year. Flooding in this area forces the closing of Route 5 and has resulted in tens of thousands of dollars in damage to surrounding properties, including the Town of Evans Historical Society. It has displaced residents, disrupted business and caused roadway damage to NYS Route 5 and Bennett Road. The Town desires funding to properly examine and mitigate flooding in this area to improve public safety and prevent future losses.

### **COASTAL EROSION MAP UPDATES**

Waterfront lands that generally extend seaward of Lake Shore Road are included within the State-designated Coastal Erosion Hazard Area (CEHA). However, portions of this area are not clearly defined, leading to ambiguous determinations and difficulty in properly protecting resources (Maps 7A, 7B, and 7C in Section II). In particular, the area in the vicinity of Bennett Road and Big Sister Creek, including Bennett Beach, does not appear to be effectively protected. The lack of clarity on these maps has led to the development of areas of primary dune that should be protected. The Evans waterfront area contains floodplain, primary dune formations and large stands of old growth forest that fall outside of the protection of the CEHA boundary. Therefore, the CEHA boundary maps for the Town need to be thoroughly reviewed and amended by the NYSDEC to adequately protect important natural protective features and other natural resources along the waterfront.

### **COUNTY WASTEWATER SYSTEM IMPROVEMENTS**

Erie County Sewer District No. 2 is experiencing inflow and infiltration problems in certain areas in the Town. The pumping stations in the Lake Erie Beach and Lake Street areas were upgraded in 2009, and continued upgrades are planned in 2010 in connection with the County's force main improvement project to resolve some of the problems. However, 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 County-funding becomes available.

### **COUNTY PARK IMPROVEMENTS**

#### **Bennett Beach**

Bennett Beach is a passive park that offers no formalized play fields or courts. It primarily consists of about 50 acres of beachfront, dunes and woodlands with limited facilities for the public. It is bisected by Lake Shore Road and by Big Sister Creek, which outlets to Lake Erie at the beach. Park facilities include a

comfort station, picnic area and parking lot. This park is the site of the historic Bennett estate and homestead, which offered camping and water related recreation for many years. This park still retains some of the historic landscape features that were once common along the Evans lakeshore, including a sand beach and one of the only areas of natural sand dunes on Lake Erie. Currently, the Town assists the County with maintenance and park operations.

The Erie County Parks Master Plan outlines a number of recommendations for this park (Appendix A, which includes excerpts from the plan). The Erie County Parks Master Plan sets forth two potential development or redevelopment scenarios for Bennett Beach. One scheme is based on a future acquisition of the former Angola Water Treatment Plant (see below), wherein the building would be either refurbished or reconstructed to offer restrooms, changing rooms, concessions/restaurant, a lifeguard station, outdoor patio space for scenic viewing and/or possible lodging facilities. The beach area and dunes would be protected and educational/interpretive information could be provided to tell the story of the natural shoreline conditions of Lake Erie. Meeting rooms could also be included in the structure for environmental education classes or/and on-site laboratory. The backshore area could be improved with volleyball courts and other beach related activities. The beach house could also offer kayaks or wind surfing equipment rentals.

A second scenario, which does not include the water treatment plant, recommends the construction of a new restroom facility to be strategically located between the beach and the parking area. Park patrons could proceed to the beach going past or through this facility. It would be similar to the beach/bath house that exists at Woodlawn Beach State Park and offer restrooms, changing rooms, first aid, lifeguard, concessions, lockers and a patio for scenic viewing. Under this scenario, a secondary shelter could be built on the bridge that crosses Big Sister Creek to provide an area for respite. Here again, interpretive and educational information could be included long the boardwalk and/or in the beach house to tell the story of the natural shoreline conditions of Lake Erie. Meeting rooms could also be included.

Under either scenario, a handicapped accessible boardwalk system would be constructed to connect with the bridge and extend through the existing “cut” in the natural sand dune to keep park patrons off/out of the dunes as they proceed to the beach and reduce further impacts and degradation. This new boardwalk would allow for the reinstatement and restoration of the dune with beach grasses and native vegetation that would prevent further water erosion and debris build-up following major storms along the lake. Other recommendations include improvements to the parking area, relocation of the site entrance to make ingress and egress at the park safer, maintenance of the woodlands (east of Lake Shore Road) as a preserve with interpretive trails and signage, increased/enhanced fishing access to Big Sister Creek, reduced lawn mowing, new native tree and indigenous plantings, and the establishment of a stronger connection between the park and the community.

The Town supports the recommendations to protect the dunes and make minor improvements for parking and street access. However, the environmental and archaeological significance of the park, as noted below, warrants a strategy that protects these resources and reduces public intrusion. The Town does not endorse any actions that would adversely impact sensitive resources or any recommendations

in the Erie County Parks Master Plan that might result in damage to or deterioration of the dunes. Therefore, some of the recommendations offered in the Plan are not supported by the LWRP. Collaboration or partnership with corporate or private interests is also recommended to enable necessary park improvements.

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 Bennett 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 C). The importance of this area cannot be understated and the acquisition of remaining private portions of this area for open space is recommended.

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.

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 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. As recommended by the University, a thorough survey of the Bennett Beach area should 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.

In light of the ecological and archaeological importance of the Bennett Beach and Pine Lodge areas, the Town should designate this portion of the waterfront as a Critical Environmental Area. Disturbance of

any nature to the dunes and vegetation should be strictly prohibited. No building construction should occur on the beach that could potentially impact cultural resources and artifacts in the area. This portion of the waterfront must be recognized and protected. Consideration should also be given to capitalizing on the educational and interpretive characteristics of this area.

Furthermore, the dune and forest resources in the Bennett Beach area are also very beautiful and provide extensive opportunities for scenic viewing. This aspect should be recognized as a part of the value of this area. New York State Division of Coastal Resources has developed a scenic assessment program that identifies the scenic qualities of coastal landscapes, evaluates them against criteria to determine their aesthetic significance and recommends areas for designation as Scenic Areas of Statewide Significance (SASS). SASS designation protects scenic landscapes through the review of projects that require state or federal permitting, funding or approval. The Bennett Beach area may be a candidate for such a designation in consideration of the geologic and ecological resources that exist in this area. The Town should work with the State to pursue such a designation. Consideration should be given to other similar areas of importance that could be assembled as a Lake Erie SASS.

In general, the resource value of the dunes at Bennett Beach, as well as the dunes and vegetation in the Pine Lodge area to the north, 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. Furthermore, it is recommended that the Erie County Parks Department consider updating the portion of the Erie County Parks Master Plan that addresses Bennett Beach to reflect significant need to protect the resources in this park. In light of what we now know about the significance of the dunes and other natural resources in this area, the County's plan needs to be revised to omit certain recommendations that suggest physical improvements to this area. Actions are needed to prevent the public from physically accessing the dunes, and to educate park patrons on the significance of the resources that exist in the area and the importance of protecting them from degradation.

### **Wendt Beach**

Wendt Beach is a 178-acre, multi-purpose park that is owned by Erie County. It offers both beach related and passive activities along the shoreline and active field sports on an expanse of mowed open lawns. There is also a large forested wetland that is associated with a tributary stream that flows through the park. There is also a continuous bluff that stands about 15 feet high along the entire inland edge of the beach.

Wendt Beach Park includes the historic Wendt Mansion, which is currently vacant. This structure is part of the remains of the former Wendt family estate (Ridgewood) and is subjected to vandalism that is threatening its integrity. It was built in the mid 1800's atop the dune overlooking Lake Erie. There are

other, smaller outbuildings that remain, including a log cabin (former guest house), a caretaker's cottage, garage with chauffeur's quarters and a horse stable (which was converted to public restrooms).

The Erie County Parks Master Plan outlines a number of recommendations for this park (Appendix A). As noted above, this site is part of a very important heritage area and the Wendt Mansion needs to be restored. Appropriate ways for adaptive re-use of this facility need might include a bed and breakfast inn, similar to the Glen Iris Inn at Letchworth State Park. Public/private partnerships should be considered as a means for restoration and reuse of the mansion. As with Bennett Beach, the Town of Evans currently assists the County with maintenance and park operations. In general, it is recommended that the Erie County Parks Department consider updating the portion of the Erie County Parks Master Plan that addresses Wendt Beach to reflect needed improvements to this park and the County's position on the re-use of the Wendt Mansion.

### **ANGOLA WATER TREATMENT PLANT**

The Angola Water Treatment Plant was used to process public water supply for the Town of Evans and Village of Angola. The plant was closed in the mid 1990's, after the Village of Angola contracted with Erie County for the bulk purchase of drinking water. This plant is situated at a prominent location along the waterfront and is owned by the Village of Angola. This site has the potential to be reused for greater public benefit. Its proximity to Bennett Beach, the availability of scenic views and other assets of this location offer opportunities for improved public access, tourism and economic development. Therefore, the facility could be re-established for lodging, limited entertainment or some other public use or public/private commercial enterprise.

### **EVANGOLA STATE PARK IMPROVEMENTS**

Evangola State Park is located at the southern end of the shoreline. Although much of the park is located in the adjoining Town of Brant, portions extend into Evans. This State park needs general maintenance and programming improvements to provide greater benefit to the general public.

## **5.4 MANAGEMENT STRUCTURE FOR IMPLEMENTING THE LWRP**

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All State and Federal actions proposed within the Town of Evans waterfront area shall be reviewed in accordance with the guidelines established by the New York State Department of State. The review of proposed actions for consistency with the policies and provisions of the Town of Evans LWRP, including site plan and subdivision applications, is currently undertaken by the Evans Code Enforcement Officer, in collaboration with the Planning Division. Any action that is proposed within the LWRA, and is subject to the Local Waterfront Revitalization Program Consistency Review Law, requires completion of a Waterfront Assessment Form (the Consistency Review Law and Waterfront Assessment Form are contained in Appendix A. For more guidelines, see Appendix H. T

## **5.5 FINANCIAL RESOURCES NECESSARY TO IMPLEMENT THE LWRP**

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It is recognized that the implementation of the proposed projects identified under Section IV will require funding from a combination of public and private sources. These costs may include capital outlays, maintenance costs and, in some cases, property acquisition. The costs for these projects are undetermined at this time. Where applicable, the Town will work diligently to secure funding through grants available through State and Federal program funds to support the implementation of the identified LWRP projects.

Private residential and commercial revitalization efforts are expected to continue in the Lake Erie Beach community, in the Sturgeon Point area and in other areas along the waterfront. The Town endorses these efforts and will ensure that they are undertaken in a manner consistent with the policies of the LWRP.

## VI. STATE AND FEDERAL ACTIONS AND PROGRAMS LIKELY TO AFFECT IMPLEMENTATION

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

Pursuant to the State Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42), the Secretary of State notifies affected State agencies of those agency actions and programs that are to be undertaken in a manner consistent with approved LWRPs. The following list of State actions and programs is that list. The State Waterfront Revitalization of Coastal Areas and Inland Waterways Act requires that a LWRP identify those elements of the program that can be implemented by the local government, unaided, and those that can only be implemented with the aid of other levels of government or other agencies. Such statement shall include those permit, license, certification or approval programs; grant, loan subsidy or other funding assistance programs; facilities construction, and planning programs that may affect the achievement of the LWRP. Federal agency actions and programs subject to consistency requirements are identified in the New York State Coastal Management Program and by implementing the regulations of the U.S. Coastal Zone Management Act.

The second part of this section is a more focused and descriptive list of State and federal agency actions that are necessary for further implementation of the LWRP. It is recognized that a State and federal agency's ability to undertake such actions is subject to a variety of factors and considerations; that the consistency provisions referred to above, may not apply; and that the consistency requirements cannot be used to require a State or federal agency to undertake an action it could not undertake pursuant to other provisions of law. Reference should be made to Section IV and Section V, which also discusses State and federal assistance needed to implement the LWRP.

6.1 STATE AND FEDERAL PROGRAMS THAT SHOULD BE UNDERTAKEN IN A MANNER CONSISTENT WITH THE LOCAL WATERFRONT REVITALIZATION PROGRAM

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**A. STATE AGENCIES**

OFFICE FOR THE AGING

- 1.00 Funding and/or approval programs for the establishment of new or expanded facilities providing various services for the elderly.

DEPARTMENT OF AGRICULTURE AND MARKETS

- 1.00 Agricultural Districts Program
- 2.00 Rural Development Program
- 3.00 Farm Worker Services Program
- 4.00 Permit and approval programs:
  - 4.01 Custom Slaughters/Processor Permit
  - 4.02 Processing Plant License
  - 4.03 Refrigerated Warehouse and/or Locker Plant License

DIVISION OF ALCOHOLIC BEVERAGE CONTROL/ STATE LIQUOR AUTHORITY

- 1.00 Permit and Approval Programs:
  - 1.01 Ball Park - Stadium License
  - 1.02 Bottle Club License
  - 1.03 Bottling Permits
  - 1.04 Brewer's Licenses and Permits
  - 1.05 Brewer's Retail Beer License
  - 1.06 Catering Establishment Liquor License
  - 1.07 Cider Producer's and Wholesaler's Licenses
  - 1.08 Club Beer, Liquor, and Wine Licenses
  - 1.09 Distiller's Licenses
  - 1.10 Drug Store, Eating Place, and Grocery Store Beer Licenses
  - 1.11 Farm Winery and Winery Licenses
  - 1.12 Hotel Beer, Wine, and Liquor Licenses
  - 1.13 Industrial Alcohol Manufacturer's Permits
  - 1.14 Liquor Store License
  - 1.15 On-Premises Liquor Licenses
  - 1.16 Plenary Permit (Miscellaneous-Annual)
  - 1.17 Summer Beer and Liquor Licenses
  - 1.18 Tavern/Restaurant and Restaurant Wine Licenses
  - 1.19 Vessel Beer and Liquor Licenses
  - 1.20 Warehouse Permit
  - 1.21 Wine Store License
  - 1.22 Winter Beer and Liquor Licenses

1.23 Wholesale Beer, Wine, and Liquor Licenses

DIVISION OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES

- 1.00 Facilities, construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Certificate of approval (Substance Abuse Services Program)
- 3.00 Permit and approval:
  - 3.01 Letter Approval for Certificate of Need
  - 3.02 Operating Certificate (Alcoholism Facility)
  - 3.03 Operating Certificate (Community Residence)
  - 3.04 Operating Certificate (Outpatient Facility)
  - 3.05 Operating Certificate (Sobering-Up Station)

COUNCIL ON THE ARTS

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Architecture and environmental arts program.

DEPARTMENT OF BANKING

- 1.00 Permit and approval programs:
  - 1.01 Authorization Certificate (Bank Branch)
  - 1.02 Authorization Certificate (Bank Change of Location)
  - 1.03 Authorization Certificate (Bank Charter)
  - 1.04 Authorization Certificate (Credit Union Change of Location)
  - 1.05 Authorization Certificate (Credit Union Charter)
  - 1.06 Authorization Certificate (Credit Union Station)
  - 1.07 Authorization Certificate (Foreign Banking Corporation Change of Location)
  - 1.08 Authorization Certificate (Foreign Banking Corp. Public Accommodations Office)
  - 1.09 Authorization Certificate (Investment Company Branch)
  - 1.10 Authorization Certificate (Investment Company Change of Location)
  - 1.11 Authorization Certificate (Investment Company Charter)
  - 1.12 Authorization Certificate (Licensed Lender Change of Location)
  - 1.13 Authorization Certificate (Mutual Trust Company Charter)
  - 1.14 Authorization Certificate (Private Banker Charter)
  - 1.15 Authorization Certificate (Public Accommodation Office – Banks)
  - 1.16 Authorization Certificate (Safe Deposit Company Branch)
  - 1.17 Authorization Certificate (Safe Deposit Company Change of Location)
  - 1.18 Authorization Certificate (Safe Deposit Company Charter)
  - 1.19 Authorization Certificate (Savings Bank Charter)
  - 1.20 Authorization Certificate (Savings Bank DeNovo Branch Office)

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

#### OFFICE OF CHILDREN AND FAMILY SERVICES

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Homeless Housing and Assistance Program.
- 3.00 Permit and approval programs:
  - 3.01 Certificate of Incorporation (Adult Residential Care Facilities)
  - 3.02 Operating Certificate (Children's Services)
  - 3.03 Operating Certificate (Enriched Housing Program)
  - 3.04 Operating Certificate (Home for Adults)
  - 3.05 Operating Certificate (Proprietary Home)
  - 3.06 Operating Certificate (Public Home)
  - 3.07 Operating Certificate (Special Care Home)
  - 3.08 Permit to Operate a Day Care Center

#### DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

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

#### DORMITORY AUTHORITY OF THE STATE OF NEW YORK

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

#### EDUCATION DEPARTMENT

- 1.00 Facilities construction, rehabilitation, expansion, demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Certification of Incorporation (Regents Charter)
  - 2.02 Private Business School Registration

- 2.03 Private School License
- 2.04 Registered Manufacturer of Drugs and/or Devices
- 2.05 Registered Pharmacy Certificate
- 2.06 Registered Wholesale of Drugs and/or Devices
- 2.07 Registered Wholesaler-Repacker of Drugs and/or Devices
- 2.08 Storekeeper's Certificate
- 3.00 Administration of Article 5, Section 233 of the Educational Law regarding the removal of archaeological and paleontological objects under the waters of the State.

EMPIRE STATE DEVELOPMENT/ EMPIRE STATE DEVELOPMENT CORPORATION

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

NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY

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

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

- 1.00 Acquisition, disposition, lease, grant of easement, and other activities related to the management of lands under the jurisdiction of the Department.
- 2.00 Classification of Waters Program; classification of land areas under the Clean Air Act.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 4.00 Financial assistance/grant programs:
  - 4.01 Capital projects for limiting air pollution
  - 4.02 Cleanup of toxic waste dumps
  - 4.03 Flood control, beach erosion, and other water resource projects
  - 4.04 Operating aid to municipal wastewater treatment facilities
  - 4.05 Resource recovery and solid waste management capital projects
  - 4.06 Wastewater treatment facilities
- 6.00 Implementation of the Environmental Quality Bond Act of 1972, including:
  - (a) Water Quality Improvement Projects
  - (b) Land Preservation and Improvement Projects including Wetland Preservation and Restoration Projects, Unique Area Preservation Projects, Metropolitan Parks Projects, Open Space Preservation Projects, and Waterways Projects.
- 7.00 Marine Finfish and Shellfish Programs
- 9.00 Permit and approval programs

Air Resources

- 9.01 Certificate of Approval for Air Pollution Episode Action Plan
- 9.02 Certificate of Compliance for Tax Relief – Air Pollution Control Facility
- 9.03 Certificate to Operate: Stationary Combustion Installation; Incinerator; process, exhaust or Ventilation System
- 9.04 Permit for Burial of Radioactive Material
- 9.05 Permit for Discharge of Radioactive Material to Sanitary Sewer
- 9.06 Permit for Restricted Burning
- 9.07 Permit to Construct; a Stationary Combustion Installation; Incinerator; Indirect Source of Air Contamination; Process, Exhaust or Ventilation System

Construction Management

- 9.08 Approval of Plans and Specifications for Wastewater Treatment Facilities

Fish and Wildlife

- 9.09 Certificate to Possess and Sell Hatchery Trout in New York State
- 9.10 Commercial Inland Fisheries Licenses
- 9.11 Fishing Preserve License
- 9.12 Fur Breeder’s License
- 9.13 Game Dealer’s License
- 9.14 Licenses to breed Domestic Game Animals
- 9.15 License to Possess and Sell Live Game
- 9.16 Permit to Import, Transport and/or Export under Section 184.1 (11-0511)
- 9.17 Permit to Raise and Sell trout
- 9.18 Private Bass Hatchery Permit
- 9.19 Shooting Preserve Licenses
- 9.20 Taxidermy License
- 9.21 Permit – Article 15, (Protection of Water) – Dredge and Deposit Material in a Waterway
- 9.22 Permit – Article 15, (Protection of Water) – Stream Bed or Bank Disturbances
- 9.23 Permit – Article 24, (Freshwater Wetlands)

Hazardous Substances

- 9.24 Permit to Use Chemicals for the Control or Elimination of Aquatic Insects
- 9.25 Permit to Use Chemicals for the Control or Elimination of Aquatic Vegetation
- 9.26 Permit to Use Chemicals for the Control or Elimination of Undesirable Fish

Lands and Forest

- 9.27 Certificate of Environmental Safety (Liquid Natural Gas/Liquid Petroleum Gas)
- 9.28 Floating Object Permit
- 9.29 Marine Regatta Permit
- 9.30 Navigation Aid Permit

Marine Resources

- 9.31 Digger's Permit (Shellfish)
- 9.32 License of Menhaden Fishing Vessel
- 9.33 License for Non Resident Food Fishing Vessel
- 9.34 Non Resident Lobster Permit
- 9.35 Marine Hatchery and/or Off Bottom Culture Shellfish Permits
- 9.36 Permits to Take Blue Claw Crabs
- 9.37 Permit to Use Pond or Trap Net
- 9.38 Resident Commercial Lobster Permit
- 9.39 Shellfish Bed Permit
- 9.40 Shellfish Shipper's Permits
- 9.41 Special Permit to Take Surf Clams from Waters other than the Atlantic Ocean
- 9.42 Permit – Article 25, (Tidal Wetlands)

Mineral Resources

- 9.43 Mining Permit
- 9.44 Permit to Plug and Abandon (a non-commercial, oil, gas or solution mining well)
- 9.45 Underground Storage Permit (Gas)
- 9.46 Well Drilling Permit (Oil, Gas and Solution Salt Mining)

Solid Wastes

- 9.47 Permit to Construct and/or operate a Solid Waste Management Facility
- 9.48 Septic Tank Cleaner and Industrial Waste Collector Permit

Water Resources

- 9.49 Approval of Plans for Wastewater Disposal Systems
- 9.50 Certificate of Approval of Realty Subdivision Plans
- 9.51 Certificate of Compliance (Industrial Wastewater Treatment Facility)
- 9.52 Letters of Certification for Major Onshore Petroleum Facility Oil Spill Prevention and Control Plan
- 9.53 Permit Article 36, (Construction in Flood Hazard Areas)
- 9.54 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
- 9.55 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
- 9.56 State Pollutant Discharge Elimination System (SPDES) Permit
- 9.57 Approval – Drainage Improvement District

- 9.58 Approval – Water (Diversions for Power)
- 9.59 Approval of Well System and Permit to Operate
- 9.60 Permit – Article 15, (Protection of Water) – Dam
- 9.61 Permit – Article 15, Title 15 (Water Supply)
- 9.62 River Improvement District Permits
- 9.63 River Regulatory District approvals
- 9.64 Well Drilling Certificate of Registration
- 9.65 401 Water Quality Certification
- 10.00 Preparation and revision of Air Pollution State Implementation Plan.
- 11.00 Preparation and revision of Continuous Executive Program Plan.
- 12.00 Preparation and revision of Statewide Environmental Plan.
- 13.00 Protection of Natural and Man-made Beauty Program.
- 14.00 Urban Fisheries Program.
- 15.00 Urban Forestry Program.
- 16.00 Urban Wildlife Program.

#### ENVIRONMENTAL FACILITIES CORPORATION

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

#### FACILITIES DEVELOPMENT CORPORATION

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

#### OFFICE OF GENERAL SERVICES

- 1.00 Administration of the Public Lands Law for acquisition and disposition of lands, grants of land and grants of easement of land under water, issuance of licenses for removal of materials from lands under water, and oil and gas leases for exploration and development.
- 2.00 Administration of Article 4 B, Public Buildings Law, in regard to the protection and management of State historic and cultural properties and State uses of buildings of historic, architectural or cultural significance.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition.
- 4.00 Administration of Article 5, Section 233, Subsection 5 of the Education Law on removal of archaeological and paleontological objects under the waters of the State.
- 5.00 Administration of Article 3, Section 32 of the Navigation Law regarding location of structures in or on navigable waters.
- 6.00 Section 334 of the State Real Estate Law regarding subdivision of waterfront properties on navigable waters to include the location of riparian lines.

DEPARTMENT OF HEALTH

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

DIVISION OF HOMES AND COMMUNITY RENEWAL and its subsidiaries and affiliates

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Financial assistance/grant programs:
  - 2.01 Federal Housing Assistance Payments Programs (Section 8 Programs)
  - 2.02 Housing Development Fund Programs
  - 2.03 Neighborhood Preservation Companies Program
  - 2.04 Public Housing Programs
  - 2.05 Rural Initiatives Grant Program
  - 2.06 Rural Preservation Companies Program
  - 2.07 Rural Rental Assistance Program
  - 2.08 Special Needs Demonstration Projects
  - 2.09 Urban Initiatives Grant Program
  - 2.10 Urban Renewal Programs
- 3.00 Preparation and implementation of plans to address housing and community renewal needs.

HOUSING FINANCE AGENCY

- 1.00 Funding programs for the construction, rehabilitation, or expansion of facilities.
- 2.00 Affordable Housing Corporation

JOB DEVELOPMENT AUTHORITY

- 1.0 Financing assistance programs for commercial and industrial facilities.

MEDICAL CARE FACILITIES FINANCING AGENCY

- 1.00 Financing of medical care facilities.

OFFICE OF MENTAL HEALTH

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Operating Certificate (Community Residence)
  - 2.02 Operating Certificate (Family Care Homes)
  - 2.03 Operating Certificate (Inpatient Facility)
  - 2.04 Operating Certificate (Outpatient Facility)

OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Establishment and Construction Prior Approval
  - 2.02 Operating Certificate Community Residence
  - 2.03 Outpatient Facility Operating Certificate

DIVISION OF MILITARY AND NAVAL AFFAIRS

- 1.00 Preparation and implementation of the State Disaster Preparedness Plan.

NATURAL HERITAGE TRUST

- 1.00 Funding program for natural heritage institutions.

NIAGARA FRONTIER TRANSPORTATION AUTHORITY (regional agency)

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

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

- 1.00 Acquisition, disposition, lease, grant of easement, or other activities related to the management of land under the jurisdiction of the Office.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 3.00 Funding program for recreational boating, safety, and enforcement.

- 4.00 Funding program for State and local historic preservation projects.
- 5.00 Land and Water Conservation Fund programs.
- 6.00 Nomination of properties to the Federal and/or State Register of Historic Places.
- 7.00 Permit and approval programs:
  - 7.01 Floating Objects Permit
  - 7.02 Marine Regatta Permit
  - 7.03 Navigation Aide Permit
  - 7.04 Posting of Signs Outside State Parks
- 8.00 Preparation and revision of the Statewide Comprehensive Outdoor Recreation Plan and the Statewide Comprehensive Historic Preservation Plan and other plans for public access, recreation, historic preservation or related purposes.
- 9.00 Recreation services program.
- 10.00 Urban Cultural Parks Program.
- 11.00 Planning, construction, rehabilitation, expansion, demolition or the funding of such activities and/or projects funded through the Environmental Protection Fund (Environmental Protection Act of 1993) or Clean Water/Clean Air Bond Act of 1996.

POWER AUTHORITY OF THE STATE OF NEW YORK

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

NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION

- 1.00 Corporation for Innovation Development Program.
- 2.00 Center for Advanced Technology Program.

DEPARTMENT OF STATE

- 1.00 Appalachian Regional Development Program.
- 2.00 Coastal Management Program.
  - 2.10 Planning, construction, rehabilitation, expansion, demolition or the funding of such activities and/or projects funded through the Environmental Protection Fund (Environmental Protection Act of 1993) or Clean Water/Clean Air Bond Act of 1996.
- 3.00 Community Services Block Grant Program.
- 4.00 Permit and approval programs:
  - 4.01 Billiard Room License
  - 4.02 Cemetery Operator
  - 4.03 Uniform Fire Prevention and Building Code

STATE UNIVERSITY CONSTRUCTION FUND

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

STATE UNIVERSITY OF NEW YORK

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

DEPARTMENT OF TRANSPORTATION

- 1.00 Acquisition, disposition, lease, grant of easement, and other activities related to the management of land under the jurisdiction of the Department.
- 2.00 Construction, rehabilitation, expansion, or demolition of facilities, including but not limited to:
  - (a) Highways and parkways
  - (b) Bridges on the State highways system
  - (c) Highway and parkway maintenance facilities
  - (d) Rail facilities
- 3.00 Financial assistance/grant programs:
  - 3.01 Funding programs for construction/reconstruction and reconditioning/preservation of municipal streets and highways (excluding routine maintenance and minor rehabilitation)
  - 3.02 Funding programs for development of the ports of Albany, Buffalo, Oswego, Ogdensburg and New York
  - 3.03 Funding programs for rehabilitation and replacement of municipal bridges
  - 3.04 Subsidies program for marginal branch lines abandoned by Conrail
  - 3.05 Subsidies program for passenger rail service
- 4.00 Permits and approval programs:
  - 4.01 Approval of applications for airport improvements (construction projects)
  - 4.02 Approval of municipal applications for Section 18 Rural and Small Urban Transit Assistance Grants (construction projects)
  - 4.03 Approval of municipal or regional transportation authority applications for funds for design, construction and rehabilitation of omnibus maintenance and storage facilities
  - 4.04 Approval of municipal or regional transportation authority applications for funds for design and construction of rapid transit facilities
  - 4.05 Certificate of Convenience and Necessity to Operate a Railroad
  - 4.06 Highway Work Permits
  - 4.07 License to Operate Major Petroleum Facilities
  - 4.08 Outdoor Advertising Permit (for off premises advertising signs adjacent to interstate and primary highway)
  - 4.09 Real Property Division Permit for Use of State Owned Property

- 5.00 Preparation or revision of the Statewide Master Plan for Transportation and sub-area or special plans and studies related to the transportation needs of the State.
- 6.00 Water Operation and Maintenance Program Activities related to the containment of petroleum spills and development of an emergency oil spill control network.

URBAN DEVELOPMENT CORPORATION and its subsidiaries and affiliates

- 1.00 Acquisition, disposition, lease, grant of easement, or other activities related to the management of land under the jurisdiction of the Corporation.
- 2.00 Planning, development, financing, construction, major renovation or expansion of commercial, industrial, and civic facilities and the provision of technical assistance or financing for such activities, including, but not limited to, actions under its discretionary economic development programs such as the following:
  - (a) Tax-Exempt Financing Program
  - (b) Lease Collateral Program
  - (c) Lease Financial Program
  - (d) Targeted Investment Program
  - (e) Industrial Buildings Recycling Program
- 3.00 Administration of special projects.
- 4.00 Administration of State funded capital grant programs.

DIVISION OF YOUTH

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

**B. FEDERAL ACTIVITIES AFFECTING LAND AND WATER USES AND NATURAL RESOURCES IN THE COASTAL ZONE OF NEW YORK STATE**

- I. ACTIVITIES UNDERTAKEN DIRECTLY BY OR ON BEHALF OF FEDERAL AGENCIES  
The following activities, undertaken directly by or on behalf of the identified federal agencies, are subject to the consistency provision of the Coastal Zone Management Act, its implementing regulations in 15 CFR Part 930, Subpart C, and the New York Coastal Management Program.

DEPARTMENT OF COMMERCE

- National Marine Fisheries Services
- 1.00 Fisheries Management Plans

DEPARTMENT OF DEFENSE

- Army Corps of Engineers
- 1.00 Proposed authorizations for dredging, channel improvements, break-waters, other navigational works, or erosion control structures, beach replenishment,

dams or flood control works, ice management practices and activities, and other projects with potential to impact coastal lands and waters.

2.00 Land acquisition for spoil disposal or other purposes.

3.00 Selection of open water disposal sites.

Army, Navy and Air Force

4.00 Location, design, and acquisition of new or expanded defense installations (active or reserve status, including associated housing, transportation or other facilities).

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

6.00 Establishment of impact, compatibility or restricted use zones.

DEPARTMENT OF ENERGY

1.00 Prohibition orders.

GENERAL SERVICES ADMINISTRATION

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

2.00 Disposition of Federal surplus lands and structures.

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

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

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

4.00 Expansion, abandonment, designation or anchorages, lightening areas or shipping lanes and ice management practices and activities.

DEPARTMENT OF INTERIOR

Fish and Wildlife Service

1.00 Management of National Wildlife refuges and proposed acquisitions.

Mineral Management Service

2.00 OCS lease sale activities including tract selection, lease sale stipulations, etc.

National Park Service

3.00 National Park and Seashore management and proposed acquisitions.

DEPARTMENT OF TRANSPORTATION

Amtrak, Conrail

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

Federal Aviation Administration

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

Federal Highway Administration

6.00 Highway construction.

St. Lawrence Seaway Development Corporation

7.00 Acquisition, location, design, improvement and construction of new and existing facilities for the operation of the Seaway, including traffic safety, traffic control and length of navigation season.

**FEDERAL LICENSES, PERMITS, AND OTHER FORMS OF APPROVAL OR AUTHORIZATION**

The following activities, requiring permits, or other forms of authorization or approval from federal agencies, are subject to the consistency provisions of the Coastal Zone Management Act, its implementing regulations in 15 CFR Part 930, Subpart D, and the New York Coastal Management Program.

DEPARTMENT OF DEFENSE

Army Corps of Engineers

- 1.00 Construction of dams, dikes or ditches across navigable waters, or obstruction or alteration of navigable waters required under Sections 9 and 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401, 403).
- 2.00 Establishment of harbor lines pursuant to Section 11 of the Rivers and Harbors Act of 1899 (33 U.S.C. 404, 405).
- 3.00 Occupation of seawall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the U.S. pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408).
- 4.00 Approval of plans for improvements made at private expense under Corps supervision pursuant to the Rivers and Harbors Act of 1902 (33 U.S.C. 565).
- 5.00 Disposal of dredged spoils into the waters of the U.S., pursuant to the Clean Water Act, Section 404, (33 U.S.C. 1344).
- 6.00 All actions for which permits are required pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
- 7.00 Construction of artificial islands and fixed structures in Long Island Sound pursuant to Section 4(f) of the River and Harbors Act of 1912 (33 U.S.C.).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

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

- 6.00 Permission and approval for the abandonment of natural gas pipeline facilities under Section 7(b) of the Natural Gas Act (15 U.S.C. 717f(b)).

ENVIRONMENTAL PROTECTION AGENCY

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

DEPARTMENT OF INTERIOR

Fish and Wildlife Services

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

Bureau of Ocean Energy Management Regulation and Enforcement

- 2.00 Permits to drill, rights of use and easements for construction and maintenance of pipelines, gathering and flow lines and associated structures pursuant to 43 U.S.C. 1334, exploration and development plans, and any other permits or authorizations granted for activities described in detail in OCS exploration, development, and production plans.
- 3.00 Permits required for pipelines crossing federal lands, including OCS lands, and associated activities pursuant to the OCS Lands Act (43 U.S.C. 1334) and 43 U.S.C. 931 (c) and 20 U.S.C. 185.

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

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

DEPARTMENT OF TRANSPORTATION

- 1.0 Construction or modification of bridges, causeways or pipelines over navigable waters pursuant to 49 USC 1455
  - 2.0 Permits for Deepwater Ports pursuant to the Deepwater Ports Act of 1974 (33USC 1501)
- Federal Aviation Administration
- 3.00 Permits and licenses for construction, operation or alteration of airports.

## **FEDERAL FINANCIAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS\***

The following activities, involving financial assistance from federal agencies to state and local governments, are subject to the consistency provisions of the Coastal Zone Management Act, its implementing regulations in 15 CFR Part 930, Subpart F, and the New York State Coastal Management Program. When these activities involve financial assistance for entities other than State and local government, the activities are subject to the consistency provisions of 15 CFR Part 930, Subpart C.

### **DEPARTMENT OF AGRICULTURE**

- 10.068 Rural Clean Water Program
- 10.409 Irrigation, Drainage, and Other Soil and Water Conservation Loans
- 10.410 Low to Moderate Income Housing Loans
- 10.411 Rural Housing Site Loans
- 10.413 Recreation Facility Loans
- 10.414 Resource Conservation and Development Loans
- 10.415 Rural Renting Housing Loans
- 10.416 Soil and Water Loans
- 10.418 Water and Waste Disposal Systems for Rural Communities
- 10.422 Business and Industrial Loans
- 10.424 Industrial Development Grants
- 10.426 Area Development Assistance Planning Grants
- 10.429 Above Moderate Income Housing Loans
- 10.430 Energy Impacted Area Development Assistance Program
- 10.901 Resource Conservation and Development
- 10.902 Soil and Water Conservation
- 10.904 Watershed Protection and Flood Prevention
- 10.906 River Basin Surveys and Investigations

### **DEPARTMENT OF COMMERCE**

- 11.300 Economic Development - Grants and Loans for Public Works and Development Facilities
- 11.301 Economic Development - Business Development Assistance
- 11.302 Economic Development - Support for Planning Organizations
- 11.304 Economic Development - State and Local Economic Development Planning
- 11.305 Economic Development - State and Local Economic Development Planning
- 11.307 Special Economic Development and Adjustment Assistance Program - Long Term Economic Deterioration
- 11.308 Grants to States for Supplemental and Basic Funding of Titles I, II, III, IV, and V Activities
- 11.405 Anadromous and Great Lakes Fisheries Conservation
- 11.407 Commercial Fisheries Research and Development
- 11.417 Sea Grant Support

11.427 Fisheries Development and Utilization - Research and Demonstration Grants and Cooperative Agreements Program

11.501 Development and Promotion of Ports and Inter-modal Transportation

11.509 Development and Promotion of Domestic Waterborne Transport Systems

#### COMMUNITY SERVICES ADMINISTRATION

49.002 Community Action

49.011 Community Economic Development

49.013 State Economic Opportunity Offices

49.017 Rural Development Loan Fund

49.018 Housing and Community Development (Rural Housing)

#### ENVIRONMENTAL PROTECTION AGENCY

66.001 Air Pollution Control Program Grants

66.418 Construction Grants for Wastewater Treatment Works

66.426 Water Pollution Control - State and Areawide Water Quality Management Planning Agency

66.451 Solid and Hazardous Waste Management Program Support Grants

66.452 Solid Waste Management Demonstration Grants

66.600 Environmental Protection Consolidated Grants Program Support Comprehensive Environmental Response, Compensation and Liability (Super Fund)

#### GENERAL SERVICES ADMINISTRATION

39.002 Disposal of Federal Surplus Real Property

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

14.112 Mortgage Insurance - Construction or Substantial Rehabilitation of Condominium Projects

14.115 Mortgage Insurance - Development of Sales Type Cooperative Projects

14.117 Mortgage Insurance - Homes

14.124 Mortgage Insurance - Investor Sponsored Cooperative Housing

14.125 Mortgage Insurance - Land Development and New Communities

14.126 Mortgage Insurance - Management Type Cooperative Projects

14.127 Mortgage Insurance - Mobile Home Parks

14.218 Community Development Block Grants/Entitlement Grants

14.219 Community Development Block Grants/Small Cities Program

14.221 Urban Development Action Grants

14.223 Indian Community Development Block Grant Program

#### DEPARTMENT OF INTERIOR

15.400 Outdoor Recreation - Acquisition, Development and Planning

15.402 Outdoor Recreation - Technical Assistance

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

**SMALL BUSINESS ADMINISTRATION**

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

**DEPARTMENT OF TRANSPORTATION**

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

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

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**6.2 STATE AND FEDERAL ACTIONS AND PROGRAMS NECESSARY TO FURTHER THE LWRP**

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**STATE PROGRAMS**

- A. Department of Environmental Conservation
  - Funding assistance with planning studies and/or design and construction of projects targeted to control and mitigate localized flooding problems in the Town's waterfront area, particularly along Fern Brook in Sub-Area 2.
  - Funding assistance through the Coastal Estuarine Land Conservation Area program for the protection and preservation of the old growth forest and dune formations and ecology in the Bennett Beach area.

- Funding assistance through the Environmental Quality Bond Act of 1972 for the land preservation and protection of the unique resources at Bennett Beach and for improvement projects at local parks in Evans.
  - Technical assistance with updates and revisions to the Coastal Erosion Hazard Area mapping.
  - Review and approval for septic system installation and replacement in non-sewered areas of the waterfront.
- B. Division of Homes and Community Renewal
- Funding and technical assistance with revitalization efforts in the Lake Erie Beach community.
- C. Environmental Facilities Corp.
- Funding assistance for the planning, design and construction of sewer extensions or other improvement projects within the Erie County Sewer Districts.
- D. Department of State
- Funding approval and technical assistance for LWRP implementation of various planning, design and construction projects, as outlined in Section IV of this Program.
  - Funding assistance through the Environmental Protection Fund for the land preservation and protection of the unique resources at Bennett Beach and for improvement projects at local parks in Evans.
- E. New York State Energy Research and Development Authority
- Funding and technical assistance with energy efficiency studies and projects.
- F. New York State Department of Transportation
- Funding assistance with the continued development of the Lake Shore Road Multi-Use Pathway.
- G. Department of Economic Development / Empire State Development Corporation
- Assistance is needed for the preparation of economic feasibility studies for the reuse of various deteriorated and unutilized structures, with the siting or improvement of public facilities, and with revitalization efforts in the Lake Erie Beach area.
  - Assistance with future expansion of the Sturgeon Point Marina or other on-site improvements to this area.
- H. Office of General Services
- Prior to any development occurring in the water or on the immediate waterfront, OGS will be contacted for a determination of the State's interest in

underwater or formerly underwater lands and for authorization to use and occupy such lands.

- I. Office of Parks, Recreation, and Historic Preservation
  - Funding assistance for the planning, design and construction of expansion or improvement projects at Evangola State Park.
  - Funding through the Land and Water Conservation Fund for the protection of the unique resources at Bennett Beach.
  - Funding for the restoration and preservation of the Wendt Mansion.
  - Funding approval under programs such as the Land and Water Conservation Fund and the Clean Water / Environmental Protection Fund for development of or improvements to waterfront parkland.
  - Funding is also needed to continue the multi-use trail development along the waterfront and for the continued improvements at the Sturgeon Point Marina.
  - Inclusion of the Bennett Beach area, and the ecological and archaeological resources found in this vicinity, as an area for conservation and recognition in the Statewide Comprehensive Outdoor Recreation Plan and Statewide Comprehensive Historic Preservation Plan.

#### FEDERAL PROGRAMS

- A. Department of Defense
  - Corps of Engineers, Buffalo District
  - 1. Review of any proposed action affecting a resource listed on the National Register of Historic Places, pursuant to the National Environmental Protection Act.
    - Technical assistance and funding for flood control projects on Big Sister Creek and Fern Brook.
    - Technical assistance and funding for dredging projects at the Sturgeon Point Marina.
- B. Federal Highway Administration
  - Funding and technical assistance for the design and construction of additional phases of the Evans Multi-Use Pathway.
- C. Department of Commerce
  - Funding and technical assistance for economic development projects in the Lake Erie Beach hamlet area.
- D. Department of Housing and Urban Development
  - Office of the Assistant Secretary for Community Planning and Development
  - 1. Funding under the Community Development Block Grant Program for improvements in the waterfront.

- E. SMALL BUSINESS ADMINISTRATION
  - Funding and technical assistance for local businesses along the waterfront to stimulate economic development.
  
- F. DEPARTMENT OF THE TREASURY
  - 1. Continuation of Incentives for Qualified Building Rehabilitation.
  - 2. Provision of appropriate tax-exempt status for non-profit agencies active in the coastal area.
  
- G. ECONOMIC DEVELOPMENT ADMINISTRATION
  - 1. Assistance under the Public Works and Economic Development Act for street improvements.

## VII. LOCAL COMMITMENT AND CONSULTATION

### 7.1 LOCAL COMMITMENT

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The Town of Evans initiated its efforts to prepare an update to the Local Waterfront Revitalization Program in 2008, at which time the Town established the Waterfront Advisory Committee to oversee and assist with the updating the existing program, which was adopted in 1986. The Waterfront Advisory Committee was comprised of ten members of whom nine were local residents. The Committee included representatives from the Evans Parks Department, the Economic Development Board, the Recreation Advisory Committee, the Sturgeon Point Advisory Board, the Conservation Advisory Board, and the Erie County Department of Environment and Planning. Support was also provided by the New York State Department of State, the New York State Department of Environmental Conservation and the New York State Office of Recreation and Historic Preservation. This committee met 17 times during the planning process to assist with the update of the LWRP.

To strengthen local commitment for the Town's planning efforts, the Waterfront Advisory Committee held two public information meetings to provide local citizens an opportunity to comment on significant issues and opportunities in the Town waterfront areas. These meetings were held on May 12, 2009 and June 3, 2010. The first meeting was held to introduce the LWRP to the public and provide an opportunity for local residents and stakeholders to provide input on the issues and opportunities they felt were important in the waterfront area. This meeting was well attended and numerous comments were gathered (see attached meeting summary). The second public information meeting offered an opportunity for additional public comments on the policies, proposed projects and other proposed actions for implementing the LWRP (see attached meeting summary). The information gathered at these meetings was utilized to further shape and finalize the LWRP findings and policies, as well as the outline of proposed projects and implementation actions outlined in the program.

Efforts were also made to reach out to community associations along the waterfront. The Town assembled a list of the active associations and organizations; a letter of invitation and accompanying informational materials were sent to each to schedule individual meetings. This letter and information was also sent to active businesses in the area. No responses were received by the Town indicating that there was no interest in this effort on the part of the local community organizations and businesses that were contacted.

Prior to the adoption of the updated LWRP, the Evans Town Board held a public hearing on the LWRP. This hearing provided the general public with an opportunity to hear a presentation on the draft LWRP, as well as to provide the Town Board with final input on the program.

Once the draft sections of the LWRP were finalized they were posted on the Town of Evans website for the public to review. Draft sections I through V were available prior to the second public information meeting to enable the public to review the proposed policies, recommendations and implementation strategies. A completed preliminary draft document was also posted online for public review prior to the Public Hearing.

The announcements for the information meetings and public hearing and the minutes of the meetings are included in Appendix F

## **7.2 CONSULTATION**

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During the course of updating the Evans LWRP, the Waterfront Advisory Committee forwarded draft sections of the revised program to the Department of State for their review and comments. In addition, draft documents were distributed to a number of involved and interested agencies to gather their comments on program findings, policies and recommendations. The local agencies that were contacted for their input included the Erie County Department of Environment and Planning, the New York State Department of Environmental Conservation, and the surrounding municipalities (Town of Hamburg, Village of Angola and the Town of Brant).

The draft LWRP was reviewed and accepted by the Evans Town Board and forwarded to the New York State Department of State. The Department of State initiated a 60-day review period for the draft program pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act and the State Environmental Quality Review Act (Appendix G). The draft LWRP was posted online and made available to Federal agencies, potentially affected State agencies, Erie County and the Town of Evans, Village of Blasdell and City of Lackawanna and any other entity interested in the program. Comments received on the draft document were reviewed by the Department of State and the Town, and changes were made to address the substantive comments. Thereafter, the final LWRP was adopted by the Town and presented to the New York State Secretary of State for approval, and to the National Oceanic and Atmospheric Administration for concurrence.

## APPENDIX A CONSISTENCY REVIEW LAW AND WATERFRONT ASSESSMENT FORM

### Town of Evans Local Waterfront Revitalization Program Consistency Review Law

Local Law No. 1 of the year of 2011

Be it enacted by the Town Board of the Town of Evans as follows:

#### GENERAL PROVISIONS

- I. Title  
This local law will be known as the Town of Evans Local Waterfront Revitalization Program (LWRP) Consistency Review Law.
  
- II. Authority and Purpose
  1. This local law is adopted under the authority of the Municipal Home Rule Law and the Waterfront Revitalization of Coastal Areas and Inland Waterways Act of the State of New York (Article 42 of the Executive Law).
  2. The purpose of this local law is to provide a framework for the agencies of the Town of Evans (Town) to incorporate the policies and purposes contained in the Town of Evans Local Waterfront Revitalization Program (LWRP) when reviewing applications for actions or direct agency actions located within the waterfront area; and to ensure that such actions and direct actions undertaken by Town agencies are consistent with the LWRP policies and purposes.
  3. It is the intention of the Town of Evans that the preservation, enhancement and utilization of the natural and manmade resources of the waterfront area of the Town occur in a coordinated and comprehensive manner to ensure a proper balance between protection of natural resources and the need to accommodate growth and economic development. Accordingly, this local law is intended to achieve such a balance, permitting the beneficial use of waterfront resources while preventing: loss and degradation of living waterfront resources and wildlife; adverse impacts to historic structures; diminution of open space areas or public access to the waterfront; disruption of natural waterfront processes; impairment of scenic, cultural or historical resources; losses due to flooding, erosion and sedimentation; impairment of water quality; or permanent adverse changes to ecological systems.
  4. The substantive provisions of this local law shall only apply while there is in existence a Town of Evans Local Waterfront Revitalization Program that has been adopted in accordance with Article 42 of the Executive Law of the State of New York.
  
- III. Definitions
  - A. "Actions" include all the following, except minor actions:

- (1) projects or physical activities, such as construction or any other activities that may affect natural, manmade or other resources in the waterfront area or the environment by changing the use, appearance or condition of any resource or structure, that:
    - (i) are directly undertaken by an agency; or
    - (ii) involve funding by an agency; or
    - (iii) require one or more new or modified approvals, permits, or review from an agency or agencies;
  - (2) agency planning and policymaking activities that may affect the environment and commit the agency to a definite course of future decisions;
  - (3) adoption of agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect waterfront resources or the environment; and
  - (4) any combination of the above.
- B. "Agency" means any public board, agency, department, office, other body, or officer thereof.
- C. "Coastal area" means that portion of New York State coastal waters and adjacent shorelands as defined in Article 42 of the Executive Law which is located within the boundaries of the Town of Evans, as shown on the coastal area map on file in the office of the Secretary of State and as delineated in the Town of Evans Local Waterfront Revitalization Program (LWRP).
- D. "Code Enforcement Officer" means the Building Inspector and/or Code Enforcement Officer of the Town of Evans
- E. "Consistent" means that the action will fully comply with the LWRP policy standards, conditions and objectives and, whenever practicable, will advance one or more of them.
- F. "Direct Actions" mean actions planned and proposed for implementation by an applicant or agency, such as, but not limited to, a capital project, rule making, procedure making and policy making.
- G. "Environment" means the physical conditions that will be affected by a proposed action, including land, air, water, minerals, flora, fauna, noise, resources of agricultural, archeological, historic or aesthetic significance, existing patterns of population concentration, distribution or growth, existing community or neighborhood character, and human health.
- H. "Local Waterfront Revitalization Program (LWRP)" means the Local Waterfront Revitalization Program of the Town of Evans, approved by the Secretary of State pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act

(Executive Law, Article 42), a copy of which is on file in the Office of the Town Clerk of the Town of Evans.

I. "Minor actions" include the following actions, which are not subject to review under this chapter:

- (1) repaving or widening of existing paved highways not involving the addition of new travel lanes;
- (2) street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities;
- (3) maintenance of existing landscaping or natural growth, except where threatened or endangered species of plants or animals are affected, or within Significant Coastal Fish and Wildlife Habitat areas;
- (4) granting of individual setback and lot line variances, except in relation to a regulated natural feature or a seawall or other shoreline erosion protection structure;
- (5) minor temporary uses of land having negligible or no permanent impact on waterfront resources or the environment;
- (6) installation of traffic control devices on existing streets, roads and highways;
- (7) mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns;
- (8) information collection, including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies, that do not commit the agency to undertake, fund or approve any action;
- (9) official acts of a ministerial nature involving no exercise of discretion, including building permits where issuance is predicated solely on the applicant's compliance or noncompliance with the relevant local building code;
- (10) routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment;
- (11) conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action;
- (12) collective bargaining activities;
- (13) investments by or on behalf of agencies or pension or retirement systems, or refinancing existing debt;

- (14) inspections and licensing activities relating to the qualifications of individuals or businesses to engage in their business or profession;
- (15) purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, storage of road de-icing substances, or other hazardous materials;
- (16) adoption of regulations, policies, procedures and local legislative decisions in furtherance of any action on this list;
- (17) engaging in review of any part of an application to determine compliance with technical requirements, provided that no such determination entitles or permits the project sponsor to commence the action unless and until all requirements of this Part have been fulfilled;
- (18) civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion;
- (19) adoption of a moratorium on land development or construction;
- (20) interpreting an existing code, rule or regulation;
- (21) designation of local landmarks or their inclusion within historic districts;
- (22) emergency actions that are immediately necessary on a limited and temporary basis for the protection or preservation of life, health, property or natural resources, provided that such actions are directly related to the emergency and are performed to cause the least change or disturbance, practicable under the circumstances, to waterfront resources or the environment. Any decision to fund, approve or directly undertake other activities after the emergency has expired is fully subject to the review procedures of this Part;
- (23) local legislative decisions, such as rezoning, where the Town of Evans determines the action will not be approved.

J. "Waterfront area" means the Waterfront Revitalization Area delineated in the Town's Local Waterfront Revitalization Program.

K. "Waterfront Assessment Form (WAF)" means the form, a sample of which is appended to this local law, used by an agency or other entity to assist in determining the consistency of an action with the Local Waterfront Revitalization Program.

#### **IV. Management and Coordination of the LWRP**

A. The Town of Evans Code Enforcement Officer, in consultation with the Planning Department, shall be responsible for coordinating the review of actions proposed within the Town's waterfront area for consistency with the LWRP. They will advise and assist applicants and make consistency determinations for the implementation of the LWRP,

its policies and projects, including physical, legislative, regulatory, administrative and other actions included in the program. No approval or decision shall be rendered for a proposed action in the Evans waterfront area without the issuance of a written determination of consistency from the Town.

- B. The Town Code Enforcement Officer shall coordinate with the New York State Department of State on the consistency review of actions proposed by Federal-and with other State agencies.
- C. The Town Code Enforcement Officer, in consultation with the Planning Division, shall assist the Town Board in making applications for funding from State, Federal, or other sources to finance projects under the LWRP.
- D. The Town Code Enforcement Officer, in consultation with the Planning Division, shall perform other functions regarding the waterfront area and direct such actions or projects as the Town Board may deem appropriate to implement the LWRP.

**V. Review of Actions.**

- A. Prior to approving, funding or undertaking an action proposed within the Town's waterfront area, the Code Enforcement Officer and the Planning Department will collaborate to evaluate the proposed action and make a determination that the action is consistent with the LWRP policy standards summarized in Subparagraph I herein. No action in the waterfront area shall be approved, funded or undertaken without such a determination.
- B. Whenever the Town receives an application for approval or funding of an action, or as early as possible in a Town Department's formulation of a direct action to be located undertaken in the waterfront area, the application or project information shall be referred to the Code Enforcement Officer, along with a copy of the completed within ten (10) days of its receipt.
- C. Upon receipt of an application for approval or funding, the Town Code Enforcement Officer shall coordinate with the Planning Department to consider whether the proposed action is consistent with the LWRP policy standards set forth in Subparagraph I herein. The Town Code Enforcement Officer shall require the applicant to submit all completed applications, Waterfront Assessment Form (WAF), Environmental Assessment Form (EAF), and any other information deemed necessary for the consistency-review and determination.

The Town Code Enforcement Officer, in consultation with the Planning Department, shall render its written determination to the applicant within thirty (30) days following receipt of the WAF, unless extended by mutual agreement of the Town Code Enforcement Officer and the applicant or Town. The written consistency determination shall indicate whether the proposed action is consistent or inconsistent with one or more of the LWRP policy standards, and shall elaborate in writing the basis for this

determination. In addition, any recommendations concerning modification of the proposed action, including the imposition of conditions, to make it consistent with LWRP policy standards shall be provided.

The Town shall maintain a file for each action made the subject of a consistency determination, including any recommendations made for mitigation. Such file shall be kept in the office of the Planning Division and made available for public inspection upon request.

- D. The Zoning Board of Appeals is the designated agency for making the determination of consistency for variance applications subject to this law. The Zoning Board of Appeals shall consider the written consistency determination of the Town Code Enforcement Officer and Planning Department in the event, and at the time, it makes a decision to grant such a variance and may impose appropriate conditions on the variance to make the proposed action consistent with the objectives of this law.
- E. Where an Environmental Impact Statement (EIS) is being prepared or required, the draft EIS must identify applicable LWRP policies standards in Subparagraph I and include a thorough discussion of the effects of the proposed action on such policy standards.
- F. Actions to be undertaken within the waterfront area shall be evaluated for consistency in accordance with the following summary of LWRP policy standards, which are derived from and further explained and described in Section III of the Town of Evans LWRP, a copy of which is on file in the Town Clerk's office and the Planning Office, and available for review during normal business hours. Applicants that undertake direct actions must also consult Section IV in making their consistency determination.

As appropriate, an action shall be consistent with the policy to:

- 1) Revitalize deteriorated and underutilized waterfront areas (Policy 1).
- 2) Retain and promote water-dependent uses (Policy 2, 21, 22).
- 3) Ensure that development occurs where adequate public infrastructure is available to reduce health and pollution hazards (Policy 5).
- 4) Streamline development permit procedures (Policy 6).
- 5) Protect significant and locally important fish and wildlife habitats from human disruption and contamination from hazardous substances (Policies 7, 8).
- 6) Maintain, promote and expand recreational fishing opportunities (Policies 9, 10).
- 7) Minimize flooding and erosion hazards through non-structural means, carefully-selected, long-term structural measures and the appropriate siting of structures (Policies 11, 12, 13, 14, 16, 17).
- 8) Safeguard economic, social and environmental interests in the waterfront area when major actions are undertaken (Policy 18).

- 9) Maintain and improve public access to the waterfront and to water-related recreational facilities, while protecting the environment (Policies 2, 19, 20, 21, 22).
- 10) Protect, enhance and restore historic and archaeological resources (Policy 23).
- 11) Protect and upgrade scenic resources (Policy 25).
- 12) Conserve and protect agricultural lands (Policy 26).
- 13) Site and construct energy facilities that are dependent upon the need for a waterfront or water location in a manner that would be compatible with the environment (Policies 27, 29, 40).
- 14) Prohibit ice management practices that could adversely impact significant fish and wildlife and their habitats and other waterfront resources (Policy 28).
- 15) Protect surface and ground waters from direct and indirect discharge of pollutants and from overuse (Policies 30, 31, 32, 33, 34, 35, 36, 37, and 38).
- 16) Perform dredging and dredge spoil disposal in a manner that is protective of natural resources (Policies 15, 35).
- 17) Handle and dispose of hazardous wastes and effluent in a manner that will not adversely affect the environment (Policies 8, 30, 36, 39).
- 18) Protect air quality (Policies 41, 42, 43).
- 19) Protect tidal and freshwater wetlands (Policy 44).

## **VI. Enforcement**

No action within the Town of Evans waterfront area, which is subject to review under this Law, shall proceed until a written determination has been issued indicating that the action is consistent with the Town's LWRP policy standards. In the event that an activity is being performed in violation of this law or any conditions imposed therewith, the Town Code Enforcement Officer shall issue a stop work order for all work to immediately cease. No further work or activity shall be undertaken on the project so long as a stop work order is in effect. The Code Enforcement Officer shall be responsible for enforcing this Law.

## **VII. Violations**

- A. A person who violates any of the provisions of, or who fails to comply with any condition imposed by this Law shall have committed a violation punishable by a fine not exceeding three hundred and fifty dollars (\$350.00) and/or a term of imprisonment not to exceed 15 days for a conviction of a first offense and punishable by a fine not to exceed two thousand dollars (\$2,000.00) and/or a term of imprisonment not to exceed 15 days for a conviction of a second or subsequent offense. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate and additional violation.

- B. The Code Enforcement Officer and the Town Attorney are authorized to institute any and all actions and proceedings necessary to enforce this local law. Any civil penalty shall be in addition to and not in lieu of any criminal prosecution and penalty. The Town may also enforce this local law by injunction or other civil proceeding.

**VIII. Applicability**

This Local law shall supersede and replace Chapter 98 – 7 Environmental Quality Review.

**IX. Severability**

The provisions of this local law are severable. If any provision of this local law is found invalid, such finding shall not affect the validity of this local law as a whole or any part or provision hereof other than the provision so found to be invalid.

**X. Effective Date**

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

# Town of Evans Waterfront Assessment Form

**A. INSTRUCTIONS (Please print or type all answers)**

1. Applicants, or in the case of direct actions, Town of Evans Departments, shall complete this WAF for proposed actions that are located within the Evans Local Waterfront Area and are subject to the consistency review law. This assessment is intended to supplement other information used by the Town of Evans in making a determination that the proposed action will be consistent with the policies of the Town of Evans Local Waterfront Revitalization Program. It is also helpful for making a determination of significance pursuant to the State Environmental Quality Review Act (SEQR).
2. Before answering the questions in Section C, the preparer of this form should review the policies and policy explanations contained in Section III of the Town of Evans Local Waterfront Revitalization Program (LWRP), a copy of which is on file in the Town Clerk's office and the Planning office. A proposed action should be evaluated as to its potential significant effects upon resources in the waterfront area.
3. If any questions in Section C on this form are answered "yes", then the proposed action may contravene the LWRP policy standards, as contained in the Town of Evans LWRP. Thus, the action should be analyzed in more detail and, if necessary, modified prior to making a final determination of consistency with the LWRP policy standards. If an action cannot be certified as consistent with the LWRP policy standards, it shall not be undertaken.

**B. DESCRIPTION OF SITE AND PROPOSED ACTION**

1. Type of Approval Action Requested (check all, as appropriate):

<input type="checkbox"/> Site Plan Approval	<input type="checkbox"/> Variance
<input type="checkbox"/> Rezoning	<input type="checkbox"/> Building Permit
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Other
<input type="checkbox"/> Special Use Permit	_____
2. Name of applicant: \_\_\_\_\_  
Mailing address: \_\_\_\_\_  
Telephone number: (        ) \_\_\_\_\_  
Property tax number: \_\_\_\_\_
3. Describe nature and extent of action: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Will the action be directly undertaken, require funding, or approval by a State or federal agency? Yes \_\_\_\_\_ No \_\_\_\_\_  
 If yes, which State or federal agency? \_\_\_\_\_  
 \_\_\_\_\_
5. Location of action (Street or Site Description and nearest intersection):  
 \_\_\_\_\_  
 \_\_\_\_\_
6. Size of site (acres): \_\_\_\_\_
7. Amount (acres) of site to be disturbed: \_\_\_\_\_
8. Present land use: \_\_\_\_\_
9. Present zoning classification: \_\_\_\_\_
10. Describe any unique or unusual landforms on the project site (i.e. bluffs, wetlands, other geological formations): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
11. Percentage of site that contains slopes of 15% or greater: \_\_\_\_\_
12. Streams, lakes, ponds or wetlands existing within or continuous to the project area?  
 (a) Name \_\_\_\_\_  
 (b) Size (in acres) \_\_\_\_\_
13. Is the property serviced by public water? Yes \_\_\_\_\_ No \_\_\_\_\_
14. Is the property serviced by public sewer? Yes \_\_\_\_\_ No \_\_\_\_\_

**C. WATERFRONT ASSESSMENT** (Check either "Yes" or "No" for each of the following questions). If the answer to any question above is yes, please explain in Section D any measures which will be undertaken to mitigate any adverse effects.

- |    |   |            |           |
|----|---|------------|-----------|
| 1. | Will the proposed action be located in, or contiguous to,   | <u>YES</u> | <u>NO</u> |
|    | or have a potentially adverse effect upon any of the resource areas found within the waterfront area (as identified in the Evans LWRP)? | ___        | ___       |
|    | (a) Significant fish or wildlife habitats?  | ___        | ___       |

	<u>YES</u>	<u>NO</u>
(b) Scenic resources of local or State-wide significance?	___	___
(c) Important agricultural lands?	___	___
(d) Natural protective features in a coastal erosion hazard area	___	___
(e) Designated State or federal freshwater wetlands	___	___
(f) Commercial or recreational use of fish and wildlife resources?	___	___
(g) Existing or potential public recreation opportunities?	___	___
(h) Structures, sites or districts of historic, archaeological or cultural significance to the Town of Evans, State or nation?	___	___

2. Will the proposed action involve or result in any of the following:

(a) Physical alteration of land along the shoreline, underwater land or surface waters?	___	___
(b) Physical alteration of two (2) acres or more of land located elsewhere in the waterfront area?	___	___
(c) Expansion of existing public services or infrastructure in undeveloped or low density areas of the waterfront area?	___	___
(d) Siting or construction of an energy generation facility not subject to Article VII or VIII of the Public Service Law?	___	___
(e) Excavation, filling or dredging in surface waters?	___	___
(f) Reduction of existing or potential public access to, or along, the shoreline?	___	___
(g) Sale or change in use of publicly-owned lands located on the shoreline or underwater?	___	___
(h) Development within a designated flood or erosion hazard area?	___	___
(i) Development on a beach, dune, bluff or other natural feature that provides protection against flooding or erosion?	___	___
(j) Construction or reconstruction of erosion protective structures?	___	___
(k) Diminished or degraded surface or groundwater quantity and/or quality?	___	___
(l) Removal of ground cover from the site?	___	___

3. PROJECT	<u>YES</u>	<u>NO</u>
(a) If a project is to be located adjacent to shore:		
(1) Does the project require a waterfront location?	___	___
(2) Will water-related recreation be provided?	___	___
(3) Will public access to the foreshore be provided?	___	___
(4) Will it eliminate or replace a water-dependent use?	___	___
(5) Will it eliminate or replace a recreational or maritime use or resource?	___	___
(b) Is the project site presently used by the community neighborhood as an open space or recreation area?	___	___
(c) Will the project protect, maintain and/or increase the level And types or public access to water-related recreation Resources or facilities?	___	___
(d) Does the project presently offer or include scenic views or Vistas that are known to be important to the community?	___	___
(e) Is the project site presently used for commercial or recreational fishing or fish processing?	___	___
(f) Will the surface area of any local creek corridors or wetland areas be increased or decreased by the proposal?	___	___
(g) Is the project located in a flood prone area?	___	___
(h) Is the project located in an area of high coastal erosion?	___	___
(i) Will any mature forest (over 100 years old) or other locally important vegetation be removed by the project?	___	___
(j) Do essential public services or facilities presently exist at or near the site?	___	___
(k) Will the project involve surface or subsurface liquid waste disposal?	___	___
(l) Will the project involve transport, storage, treatment or disposal of solid waste or hazardous materials?	___	___
(m) Will the project involve shipment or storage of petroleum products?	___	___

		<u>YES</u>	<u>NO</u>
(n)	Will the project involve the discharge of toxics, hazardous substances or other wastes or pollutants into coastal waters?	___	___
(o)	Will the project involve or change existing ice management practices?	___	___
(n)	Will the project alter drainage flow, patterns or surface water runoff on or from the site?	___	___
(p)	Will best management practices be utilized to control storm water runoff into coastal waters?	___	___
(q)	Will the project cause emissions that would exceed federal or State air quality standards or generate significant amounts of nitrates or sulfates?	___	___

**D. REMARKS OR ADDITIONAL INFORMATION TO SUPPORT OR DESCRIBE ANY ITEM(S) CHECKED "YES" (Add any additional sheets necessary)**

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If you require assistance or further information in order to complete this form, please contact the Evans Planning Department.

**Please submit completed form, along with one copy of a site/sketch plan to:**

Town of Evans Planning Department  
 8787 Erie Road  
 Angola, NY 14006  
 (716) 549-0945

Preparer's Name (Please print) : \_\_\_\_\_

Affiliation: \_\_\_\_\_

Telephone Number: (\_\_\_\_\_) \_\_\_\_\_

Date: \_\_\_\_\_



# TOWN OF EVANS

8787 Erie Road • Angola, NY 14006-9600  
www.townofevans.org

FRANCIS J. PORDUM, SUPERVISOR  
Telephone: (716) 549-5787

JONICA B. DiMARTINO, TOWN CLERK  
Telephone: (716) 549-8787

COUNCILMEN  
KEITH E. DASH  
PAUL T. COOPER

Supervisor Pordum moved and Councilman Cooper seconded,

**WHEREAS**, the Town of Evans originally adopted a Local Waterfront Revitalization Program (LWRP) in March 1986, and has recently undertaken the preparation of an amendment to update this program in cooperation and coordination with the New York State Department of State, and in accordance with the provisions of Article 42 of the New York State Executive Law; and

**WHEREAS**, the LWRP Consistency Review Law has been prepared under the review and guidance of the Town of Evans Waterfront Advisory Committee, with consultant planning services provided by Wendel Companies, the Town Planning Consultant; and

**WHEREAS**, Chapter 98 of the Evans Town Code (Environmental Quality Review) was adopted by the Town Board to implement the State Environmental Quality Review Act and to ensure that actions within the Town's Waterfront Area are consistent with policies and purposes of the LWRP; and

**WHEREAS**, the Evans Town Board, as Lead Agency, prepared an Environmental Assessment Form to identify and evaluate the potential impacts of adopting the Consistency Review Law, in accordance with the requirements of the State Environmental Quality Review Act (SEQRA) and Part 617 of the implementing regulations of Article 8 of the New York State Environmental Conservation Law; and

**WHEREAS**, the Town Board has determined that this action will not result in any anticipated adverse impacts to the natural, institutional, economic, developmental, or social resources of the Town, and prepared and adopted a SEQR Negative Declaration in this regard; and

**WHEREAS**, the Town Board held a public hearing on March 29, 2011 to gather public questions and comments on the Consistency Review Law and, in evaluation of this input, has determined that the Consistency Review Law is complete and ready for required review by all appropriate public agencies.

## NOW, THEREFORE, BE IT

**RESOLVED**, that the Town Board of the Town of Evans adopts proposed Local Law No. 1 of the year 2011, the Consistency Review Law, as Local Law No. 8 of the year 2011 to replace Chapter 98 of the Evans Town Code; and

## BE IT FURTHER

**RESOLVED**, that two certified copies of this resolution be given to the Planning Office.

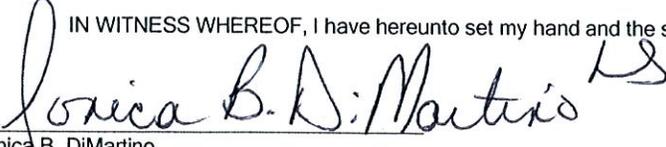
VOTE RESULT:            ADOPTED BY ROLL CALL  
Councilman Dash            Aye  
Councilman Cooper        Aye  
Supervisor Pordum        Aye

STATE OF NEW YORK  
COUNTY OF ERIE  
TOWN OF EVANS

I, Jonica B. DiMartino, Town Clerk of the Town of Evans, County of Erie, New York, DO HEREBY CERTIFY, that I have compared the foregoing with the original resolution adopted by the Town Board of the Town of Evans at a meeting of said Board held on the 19<sup>th</sup> day of October, 2011, and the foregoing is a true and correct transcript of said original resolution and of the whole thereof, and that said original resolution is on file in my office.

I DO FURTHER CERTIFY that each of the members of said Town Board had due notice of said meeting, and that Francis J. Pordum, Supervisor & Paul T. Cooper; Keith Dash, Councilmen, were present at such meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Evans, this 20<sup>th</sup> day of October, 2011.

  
\_\_\_\_\_  
Jonica B. DiMartino  
Town Clerk

## APPENDIX B HABITATS AND ENVIRONMENTALLY SENSITIVE AREAS

### COASTAL FISH & WILDLIFE HABITAT RATING FORM

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Name of Area: **Eighteen Mile Creek - Lake Erie**

Designated: **October 15, 1987**

County: **Erie**

Town(s): **Evans, Hamburg**

7½' Quadrangle(s): **Eden, NY**

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Score	Criterion
25	Ecosystem Rarity (ER) One of the two largest New York State tributaries of Lake Erie; relatively undisturbed streams of this size that provide habitat for lake-based fisheries are rare in the Great Lakes Plain ecological region.
0	Species Vulnerability (SV) No endangered, threatened or special concern species reside in the area.
9	Human Use (HU) One of the most popular fishing areas in western New York.
6	Population Level (PL) One of the top 4 salmonid spawning streams among Lake Erie tributaries; geometric mean: $(4 \times 9)^{\frac{1}{2}}$
1.2	Replaceability (R) Irreplaceable.

---

SIGNIFICANCE VALUE =  $[(ER + SV + HU + PL) \times R] = 48$

## **DESIGNATED HABITAT: EIGHTEEN MILE CREEK**

### **LOCATION AND DESCRIPTION OF HABITAT:**

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

### **FISH AND WILDLIFE VALUES:**

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

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

### **IMPACT ASSESSMENT:**

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

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

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

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

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

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

The *tolerance range* of an organism is not defined as the physiological range of conditions beyond which a species will not survive at all, but as the ecological range of conditions that supports the species population or has the potential to support a restored population, where practical. Either the loss of individuals through an increase in emigration or an increase in death rate indicates that the tolerance range of an organism has been exceeded. An abrupt increase in death rate may occur as an environmental factor falls beyond a tolerance limit (a range has both upper and lower limits). Many environmental factors, however, do not have a sharply defined tolerance limit, but produce increasing emigration or death rates with increasing departure from conditions that are optimal for the species.

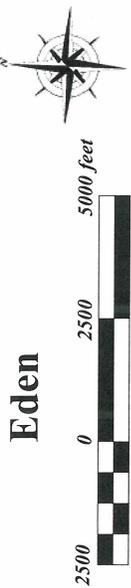
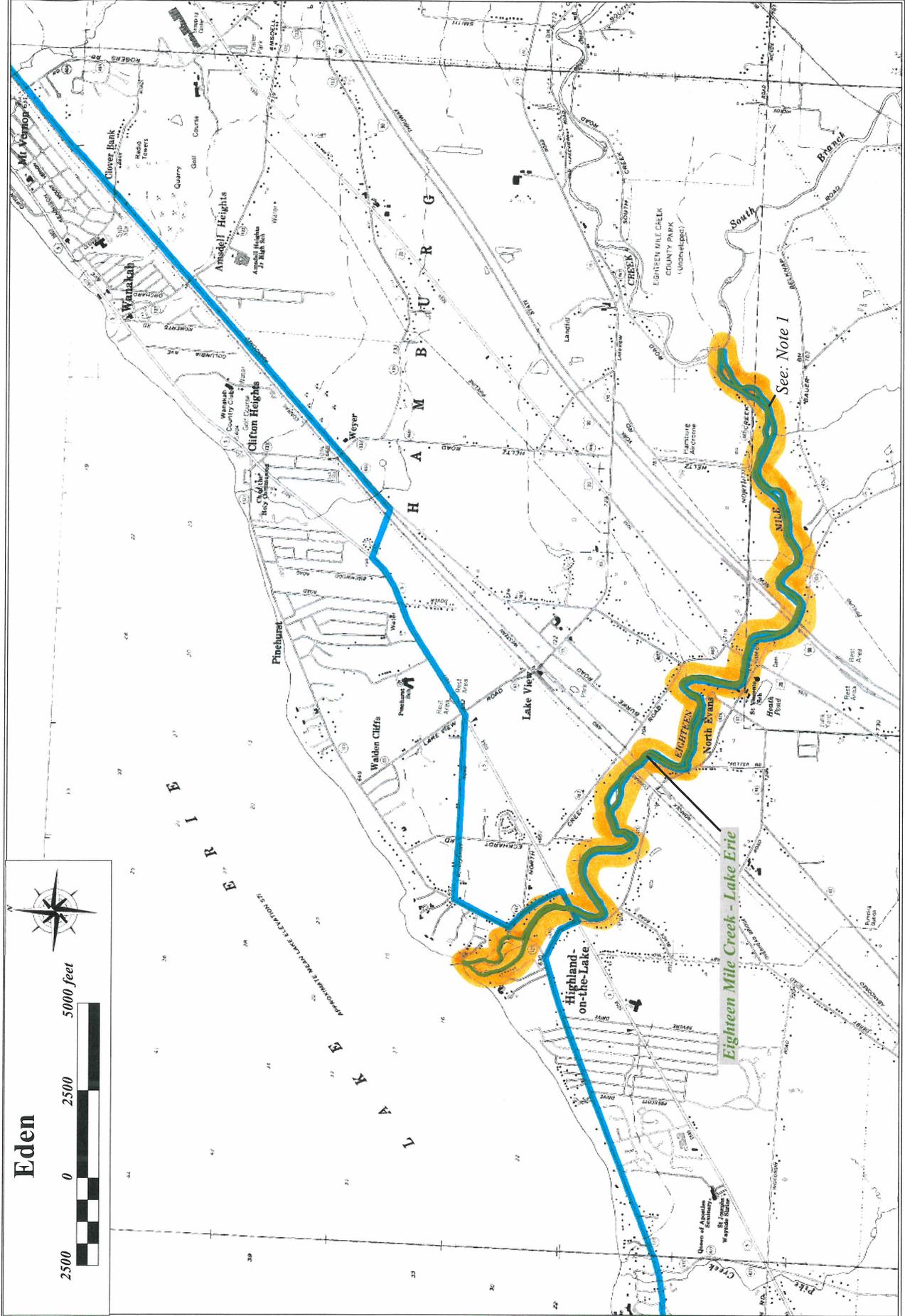
The range of parameters which should be considered in applying the habitat impairment test include but are not limited to the following:

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

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

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

for compatible human uses of the fisheries resources are available. However, installation of breakwalls or jetties to create a "harbor of refuge" could induce substantial development of this unusual natural area, directly resulting in the loss of habitat values.



# Eden

## COASTAL FISH & WILDLIFE HABITAT RATING FORM

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Name of Area: **Big Sister Creek**

Designated: **October 15, 1987**

County: **Erie**

Town(s): **Evans**

7½' Quadrangle(s): **Angola, NY**

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<u>Score</u>	<u>Criterion</u>
9	Ecosystem Rarity (ER) Relatively large, undisturbed, low gradient stream; one of the major tributaries of Lake Erie in Erie County.
0	Species Vulnerability (SV) No endangered, threatened or special concern species reside in the area.
4	Human Use (HU) Recreational fishery for salmonids and warmwater species attracts a significant number of Erie County residents.
4	Population Level (PL) One of about 4 tributary streams in Erie County where concentrations of salmonids and smallmouth bass occur during spawning periods.
1.2	Replaceability (R) Irreplaceable.

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SIGNIFICANCE VALUE = [( ER + SV + HU + PL ) X R]

= **20**

## **DESIGNATED HABITAT: BIG SISTER CREEK**

### **LOCATION AND DESCRIPTION OF HABITAT:**

Big Sister Creek is located approximately one mile northwest of the Village of Angola, in the Town of Evans, Erie County (7.5' Quadrangle: Angola, N.Y.). The fish and wildlife habitat is an approximate two mile segment of the creek, extending from N.Y.S. Route 5 to the mouth. This portion of Big Sister Creek is a relatively wide, low gradient, warmwater stream, with the lower half-mile forming an estuary of Lake Erie. The creek has a drainage area of approximately 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 of stormwater and treated sewage effluent. Below Lake Shore Road (County Route 98), Big Sister Creek flows through Bennett Beach County Park, which provides access to the area for fishing and swimming (at the lake). Before the creek empties into Lake Erie, it flows northward along a sandy barrier peninsula, which reaches elevations of approximately 20-30 feet above the lake.

### **FISH AND WILDLIFE VALUES:**

Big Sister Creek is one of the major Erie County tributaries of Lake Erie, and much of the channel (above County Route 98) remains in a relatively undisturbed condition. Stream ecosystems such as this, which provide valuable habitat for lake-dwelling fish populations, are unusual in the County. While not included as part of the habitat, it should be noted that the sand dunes bordering the mouth of the creek are the only such formations on the Lake Erie shoreline of New York, and are being evaluated by the National Park Service for possible inclusion in the national Coastal Barrier Resources System. 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-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 no releases directly into Big Sister Creek. In addition to these salmonids, the creek supports a productive warmwater 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, common terns (T), bank swallows, and raccoons, may sometimes occur in the area, but use of the area by these species is not known to be significant.

As a result of the abundant fisheries resources in Big Sister Creek, a significant number of Erie County anglers are attracted to the area. During salmonid runs, recreational fishing pressure extends well up to N.Y.S. Route 5. In general, however, the creek is most heavily fished from the banks within Bennett Beach Park, which provides good public access.

### **IMPACT ASSESSMENT:**

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

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

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

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

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

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

The *tolerance range* of an organism is not defined as the physiological range of conditions beyond which a species will not survive at all, but as the ecological range of conditions that supports the species population or has the potential to support a restored population, where practical. Either the loss of individuals through an increase in emigration or an increase in death rate indicates that the tolerance range of an organism has been exceeded. An abrupt increase in death rate may occur as an environmental factor falls beyond a tolerance limit (a range has both upper and lower limits). Many environmental factors, however, do not have a sharply defined tolerance limit, but produce increasing emigration or death rates with increasing departure from conditions that are optimal for the species.

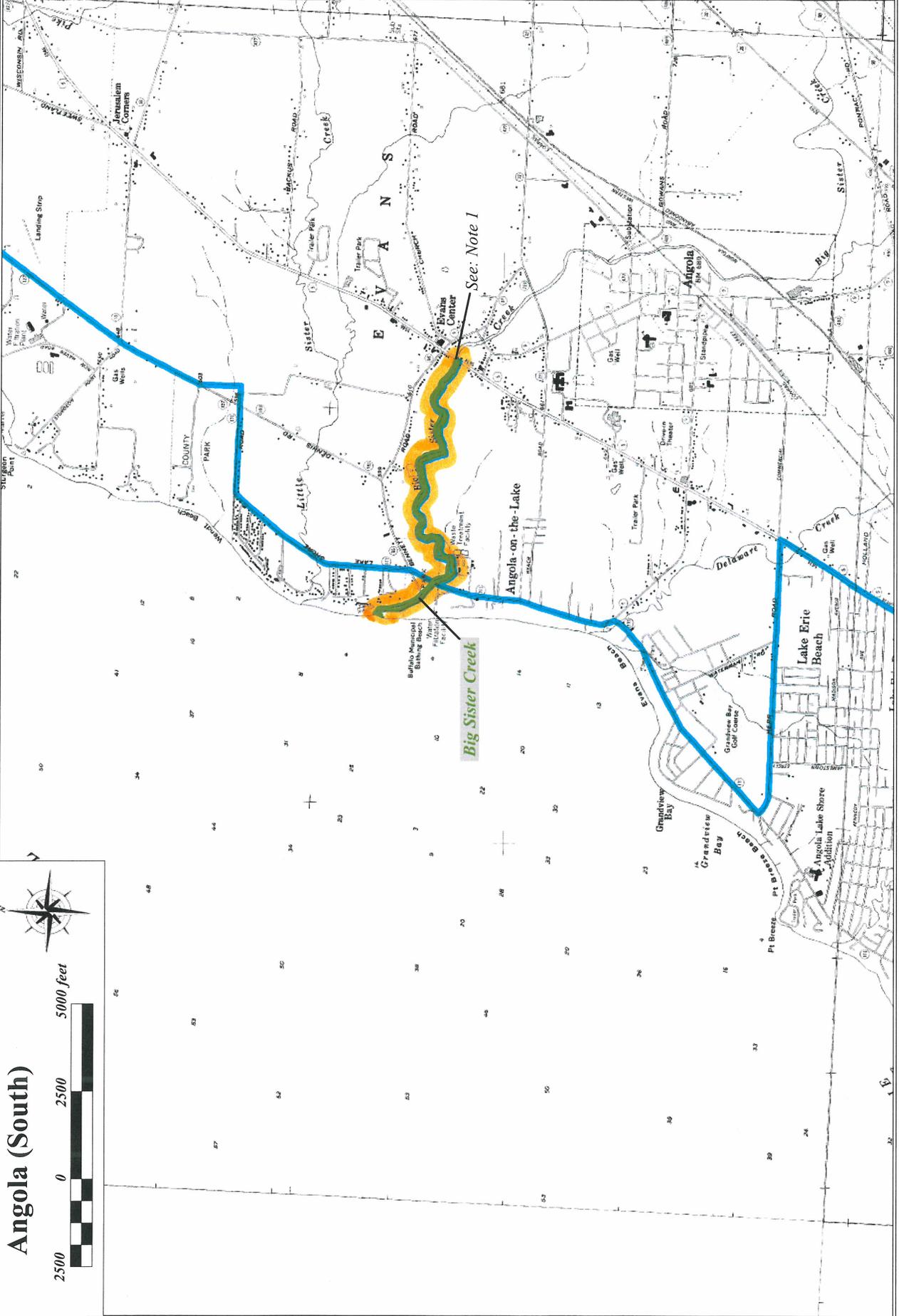
The range of parameters which should be considered in applying the habitat impairment test include but are not limited to the following:

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

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

Any activity that degrades water quality, increases temperature or turbidity, or reduces flows in Big Sister Creek would adversely affect the fisheries resources of this area. Salmonid populations are vulnerable to disturbances only during their seasonal migrations into the creek. Warmwater fish species, which are generally year-round residents of the area, are most sensitive during spawning and incubation periods, which

extend from March through July. Barriers to fish migration, whether physical or chemical, would have a significant impact on the fish populations in Big Sister Creek. Clearing of riparian vegetation, or other stream bank disturbances, could reduce habitat quality. Discharges of stormwater runoff containing sediments or chemical pollutants will also result in adverse impacts on Big Sister Creek. Public access to this area should be maintained or enhanced to ensure that adequate opportunities for human use of the fisheries resources are available.



# Angola (South)



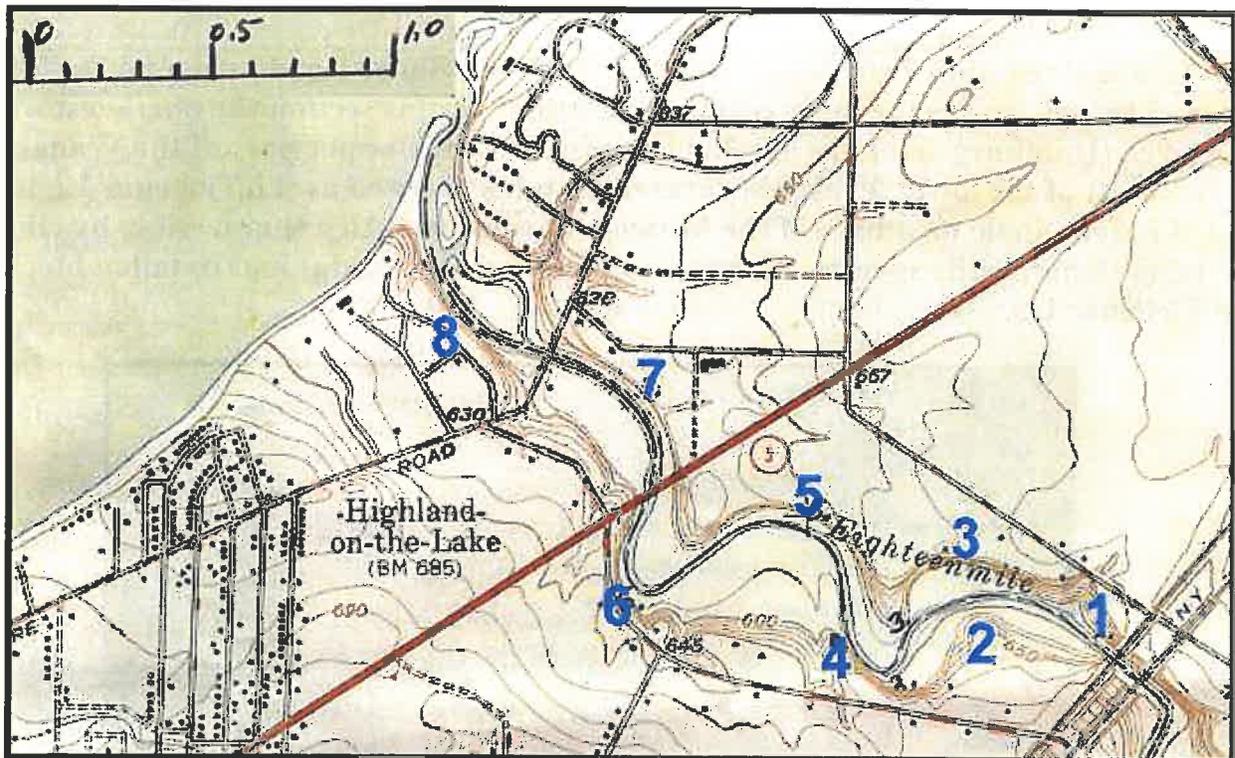
Big Sister Creek

See Note 1

See Note 1

## 18 Mile Creek, near Highland and North Evans, Erie Co., NY

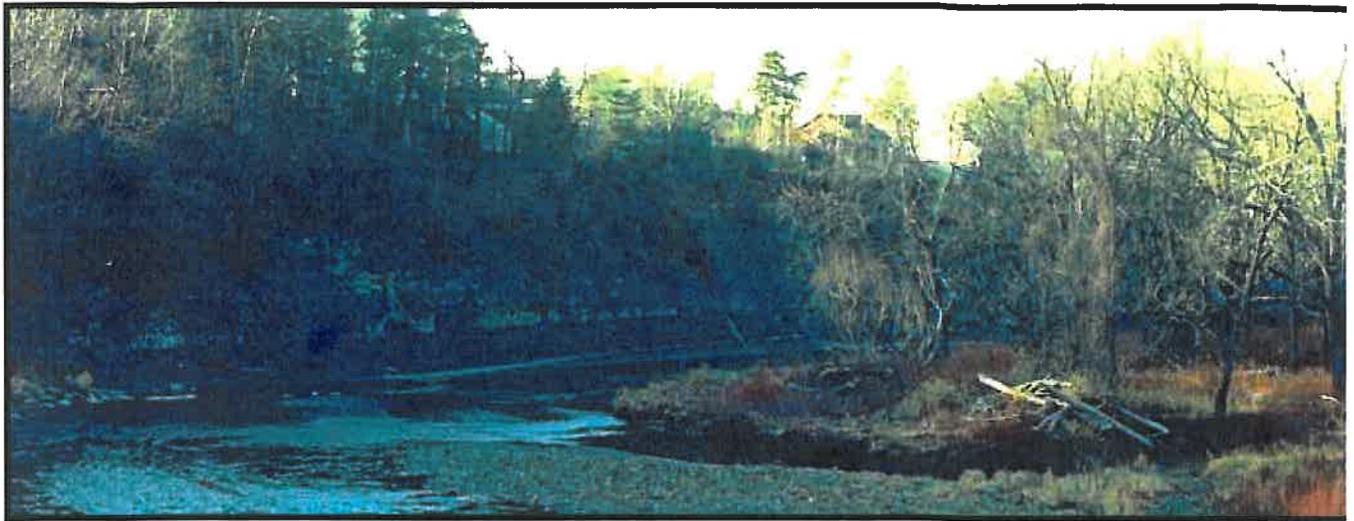
Eighteen (18) Mile Creek in Erie County is one of the best known exposures of the Ludlowville and Moscow Formations in Western New York. This locale, and the adjacent cliffs on Lake Erie, were the subject of two monographs by Amadeus Grabau (1898, 1899), and numerous subsequent studies to the present day. The Ludlowville and Moscow strata are exposed at the lower end of the creek, from its mouth at Lake Erie (a short distance north of Highland, NY) to North Evans, NY. The Creek at the stretch forms the boundary between the Towns of Evans (on the southwest bank) and Hamburg (on the northeast). The locality is most accessible by foot from Old Lake Shore Road where it crosses the creek, not far from its mouth. It should, however, be noted that there is no roadside parking permitted at this point. Grabau divided the exposures in the creek gorge into 8 sections, shown in the map below.



Map of 18 Mile Creek near its mouth at Lake Erie. Eden NY 7.5 minute quadrangle, 1949. The large blue numerals indicate the sections designated by Grabau. Scale is in km.

### Section 8

The section of 18 Mile Creek between its mouth at Lake Erie and the Old Lake Shore Road bridge was called Section 8 by Grabau. The Wanakah Member of the Ludlowville Formation is exposed in the cliff on the southeastern bank of the creek (the Evans side). However, accessibility is difficult at high water, and the land generally posted.



**Grabau's Section 8, 18 Mile Creek. View from the Old Lake Shore Road bridge looking downstream (Nov. 1999)**

## Section 7

**Grabau's Section 7 stretches from the Old Lake Shore Road bridge to the NY Route 5 bridge, and is the most readily accessible. In this section the northeast wall of the gorge (Hamburg side) has excellent exposures of the upper part of the Wanakah Shale (most of the lower levels are covered by talus), as well as the Tichenor Limestone and Windom Shale members of the Moscow Formation. All are accessible by climbing the talus slopes, while specimens may also be found in the talus and in fallen blocks of the Tichenor LS.**

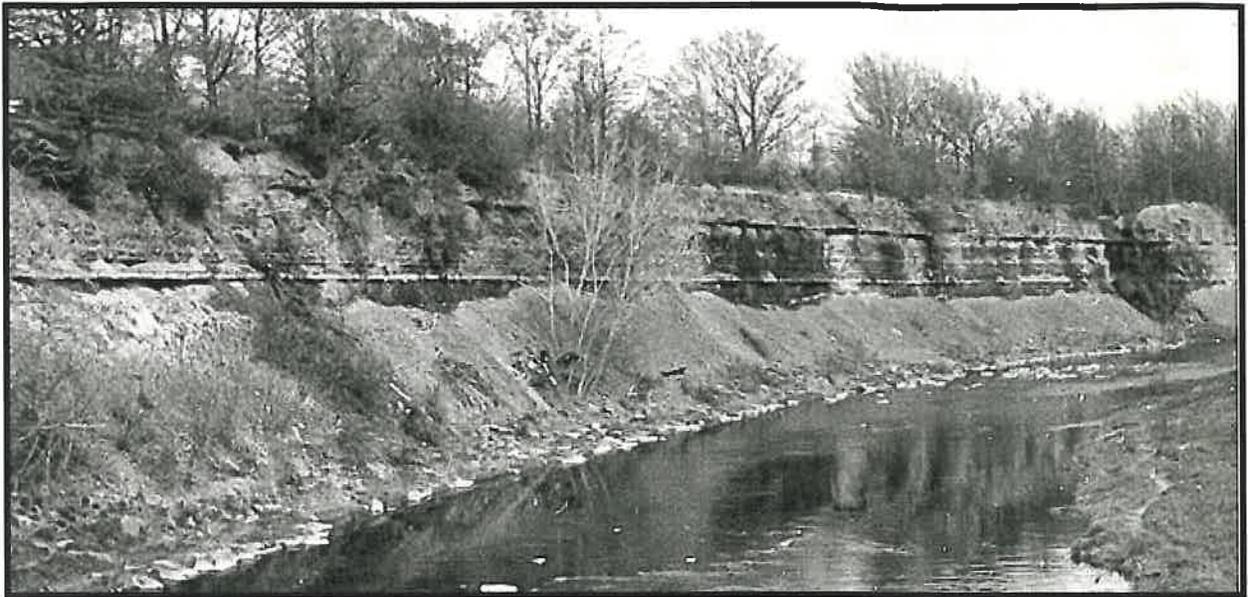


**18 Mile Creek, Section 7, looking upstream from the Old Lake Shore Road bridge, November, 1999.**

**The Tichenor Limestone forms a prominent protruding band half-way up the cliff in Section 7. The Tichenor is called the "Encrinal Limestone" by Grabau, due to the profusion of crinoid fragments in this layer. This member of the Moscow**

formation is approximately 30 to 37 cm thick in Section 7, consisting of two layers (KAW, personal observations). The upper, coarser grained layer is ~20-25 cm thick, while the lower layer is 11 to 12 cm thick. The distinction between the two layers is often quite prominent, especially on well weathered surfaces. The upper layer is more resistant, and weathers with a relatively smooth dark-gray to brown surface. The lower layer weathers more quickly, with an uneven pitted surface and a lighter color than the upper layer. However, the distinction between the two parts sometimes disappears, especially in the middle of the section. Large "heads" of the tabulate coral *Favosites* are occasionally seen in cross-section in the lower part of the Tichenor Ls in Section 7. Some of these contain petroleum filling the "cells" of the coral colony. Pyrite is also a common constituent of the Tichenor. Its oxidation leads to rusty brown staining of the weathered surfaces of the limestone band, especially, but not limited to, the lower portion. The Tichenor Ls is richly fossiliferous, but fossils are difficult to extract. Collecting is most easily done on fallen blocks at the base of the talus slopes near the creek's edge. The weathered surfaces occasionally yield excellent specimens, especially of bryozoa. This author has observed 56 different species in the Tichenor Ls at Section 7 and the nearby Lake Erie cliffs.

The top-most 2 meters of the Wanakah Shale is the most fossiliferous portion of the member exposed in Section 7, both in terms of number of species and number of individuals. This upper portion of the Wanakah Member is now termed the "Blasdell Bed" (Kloc, 1983). Originally, Grabau designated the contained prominent fossil horizons by their dominant fauna components. The uppermost fossiliferous bed (approximately 10 cm below the Tichenor Ls) was called the "*Stictopora* Bed" due to the abundance of the branching bryozoan *Sulcoretipora incisurata* (originally called *Stictopora*). Below this is the highly fossiliferous "Demissa Bed", located approximately 33 cm beneath the Tichenor Ls. This bed contains the brachiopod *Strophodonta demissa*, as well as many other brachiopods (including the large *Spinocyrtia granulosa*), bryozoa, pelecypods, gastropods, trilobites, crinoids, etc. The "*Athyris spiriferoides* Bed" of Grabau is located approximately 2.75 meters below the Tichenor Ls. This horizon, marked by a layer of concretions, contains the brachiopod *Athyris spiriferoides*, often with the two valves still articulated, and often bearing numerous species of epizoites. At present this bed is largely covered with talus, but is occasionally accessible. A micro-stratigraphic column of the Upper Wanakah Shale, including the distribution of different faunal groups, can be accessed here: [Wanakah Shale Microstratigraphic Column](#).



**Section 7, 18 Mile Creek, looking upstream from the Old Lake Shore Road bridge- a closer view of the cliffs in the middle of the section. The Tichenor Ls forms a persistent band a short distance above the talus, and is also found as fallen blocks at the creek edge. The Genundewa Ls forms another protruding band a short distance from the top of the cliff. Photograph taken approximately 1970.**



**Section 7, 18 Mile Creek, view downstream from the NY Rt. 5 bridge, November 1999. For reference, the indentation in the cliff, below the white house above, is the same as that seen in the extreme right edge of the 1970 picture above. The indentation has been cut by a small intermittent stream falling into the gorge at this point.**

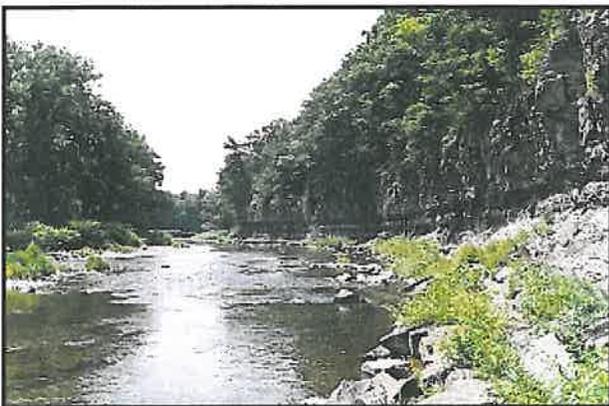
**Two thin shale layers, the Genesee Shale and the Penn Yan Shale, and the Genundewa Limestone (all of the Genesee Formation) are also observable near the top of the cliff, but are inaccessible for collecting at this section (except for fallen blocks). The Tichenor and Genundewa Limestones are much more resistant to weathering than**

the shales, and form two prominent protruding bands in the cliff that serve as excellent marker strata.

## Section 5

The northeastern bank of 18 Mile Creek upstream from the NY Rt. 5 bridge was called Section 5 by Grabau. In this section the Tichenor Ls forms a sidewalk-like walkway at the base of the cliff, and a small falls in the creek near the upper end of this section. The uppermost (and arguably the most fossiliferous) portion of the Wanakah Shale is exposed in the creekbed at the lower end of this section, and is accessible at low water (or with wading).

The Windom Shale is especially well exposed for collecting here. The lowest 2 feet (60 cm) of the Windom are the most fossiliferous here. At the very base of the Windom is the Ambocoelia Bed, containing innumerable individuals of the small brachiopod *Ambocoelia umbonata*. Above this is the Spinatrypa/Coral Layer, also known as the BayView Coral Bed. This layer contains the brachiopods *Spinatrypa spinosa* and *Pseudoatrypa devoniana*, and the large rugose corals *Heliophyllum halli*, *Cystiphyllodes americanum*, and *C. conifollis*. Above the Spinatrypa/Coral Layer is the more calcareous Smoke Creek Trilobite Bed. The brachiopods *Mucrospirifer consobrinus* and *Rhipidomella vanuxemi* are prominent here, as well as the small rugose corals *Stereolasma rectum* and *Amplexiphyllum hamiltoniae*. This layer also contains many individuals of the trilobite *Phacops rana*, generally as molts consisting of separated cephalon, thorax + pygidium, etc., although complete individuals are occasionally found.



(Left) Section 5, 18 Mile Creek, looking downstream from approximately the middle of the section. (Right) View of the section looking upstream from the lower end of the section. The Tichenor Ls forms the "sidewalk" in this section. Most of the exposed cliff in these views is the Windom Shale. The Genundewa Ls. is largely hidden by the vegetation at the top of the cliff. (Photos July 1997).

## Section 1

**Grabau's Section 1 of 18 Mile Creek is the most upstream section he described. It is approximately 2.2 km (as the crow flies) from the Lake Erie shore, and approximately 1.1 km from the hamlet of North Evans. Section 1 runs from the railroad (Conrail) bridge crossing the creek at the upstream end to a small lateral ravine extending northeast from the main gorge at the lower end.**

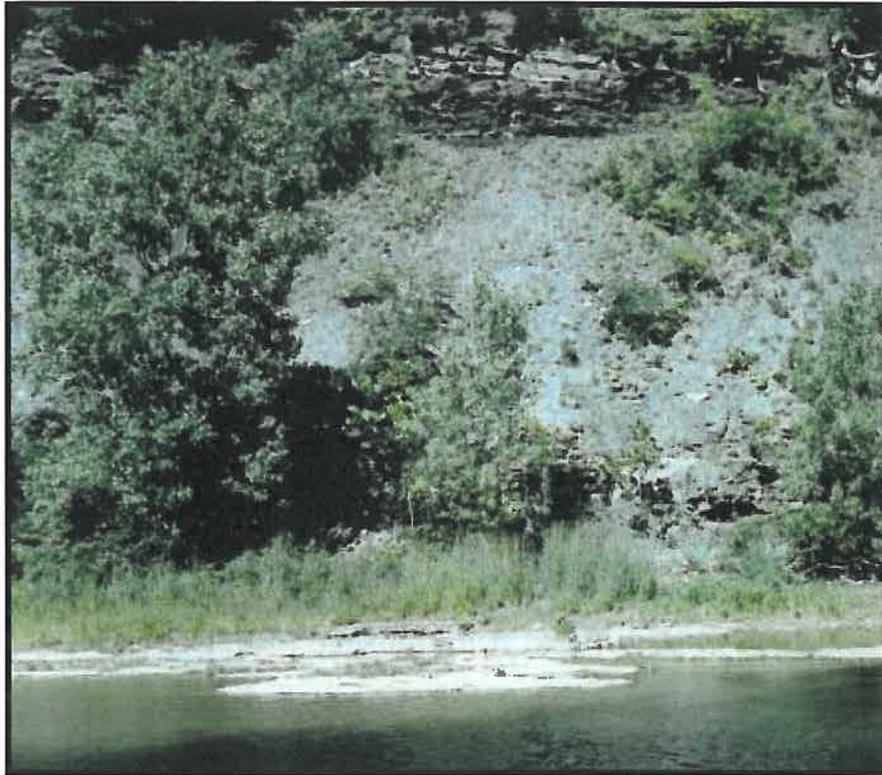


**Section 1, 18 Mile Creek, looking upstream from the south bank toward the Conrail railroad bridge over the creek. When this picture was taken (July 1996) the water level in the creek was high, and the Genundewa LS is just under water on the north bank.**

**The lowest stratum exposed is the top of the Windom Shale of the Moscow Formation of the Hamilton Group (i.e. Middle Devonian) in the stream bed and base of the cliff. The remainder of the exposed rock is Upper Devonian of the Genesee, Sonyea, and West Falls Formations of the Seneca Group. From the top of the exposure, the units are:**

- **the black Rhinestreet Shale (40 ft, 12.2m, of the West Fall Formation)**
- **the Sonyea Formation with the Cashaqua Shale (30 ft, 9.1 m) and the black Middlesex Shale (9.5 ft, 2.9 m)**
- **the Genesee Formation with the gray West River Shale (8.5 ft, 2.6 m) and the Genundewa and North Evans Limestones (combined thickness 1 ft, 30 cm).**

**The Leicester Pyrite, which unconformably overlies the Windom Shale in other parts of Western New York is absent in Section 1 of 18 Mile Creek, Similarly, the Penn Yan and Genesee Shales (of the Genesee Formation) are absent, or are represented by thin shale layers separating the North Evans Ls from the Genundewa Ls or beneath the North Evans, above the Windom Shale.**



Section 1, view of the north bank near the center of the section (July 1996), with blocks of the Genundewa Ls emergent at the waterline in the creek.

Of particular interest in Section 1 are the Genundewa and North Evans Limestones. The Genundewa Ls, called the "Styliolina Limestone" by Grabau, is comprized chiefly of the small conical shells of the cricoconarid *Styliolina fissurella* Hall. Some plant remains (branches or logs) are also present, as well as conodonts and occasional fish armor plates. The Genundewa varies from 4 to 8 inches in thickness (10 to 20 cm).

Underlying the Genundewa Ls is the North Evans Ls. This unit was termed the "Conodont Bed" by Grabau, who treats it as a part of the Genundewa Ls. The North Evans varies greatly in thickness, reaching a maximum of 10 to 13 cm in Section 1. Its contact with the Genundewa Ls also varies. At places it they are separated by a thin shale layer, while elsewhere they are in direct contact. The North Evans Ls is a coarse grained Ls made up of crinoid fragments, quartz sand, small pebbles, etc., suggesting that it is a sandbar deposit (see Brett, 1974). The primary interest in the North Evans for the paleontologist is the presence of large numbers of conodonts, arthrodire fish plates, cladodid shark teeth, and other fish remains. Thes conodonts and fish remains are phosphatic, and can thus be recovered from the rock by dissolution of the matrix with dilute acetic acid. The conodonts of the North Evans Ls have been extensively studied and figured by Bryant (1921). Buehler and Tesmer (1963) provide an extensive list of the conodont and fish remains in the North Evans/Genundewa combination. A

description of the stratigraphic units at Section 1 has recently been published by Over *et al.* (1999).

## References:

Bryant, W.L. (1921) The Genesee Conodonts. *Buffalo Soc. Nat. Sci. Bull.* 13, No. 2.

Buehler, E.J., and Tesmer, I.H. (1963) Geology of Erie County. *Buffalo Soc. Nat. Sci. Bull.* 21, No. 3.

Grabau, A.W. (1898, 1899) Geology and Palaeontology of Eighteen Mile Creek and the Lake Shore Sections of Erie County, New York. *Buffalo Soc. Nat. Sci. Bull.* 6, Pt. I, Geology; Pt. 2, Palaeontology.

Kloc, G.J. (1983) Stratigraphic Distribution of Ammonoids from the Middle Devonian Ludlowville Formation in New York. Unpublished M.S. Dissertation, SUNY at Buffalo, 73 pp.

Over, D.J., Baird, G.C, and Kirchgasser, W.T. (1999) Frasnian (lower Upper Devonian) Geology of Western New York as Seen along Eighteen Mile Creek and Route 20A: Submarine Discontinuities, Gravity Flows, and Mass Extinction. NYSGA 71st Annual Meeting Field Trip Guidebook, SUNY Fredonia, October 1-3, 1999. Sun. B8-Sun. B16.

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Page last revised Feb. 5, 2009

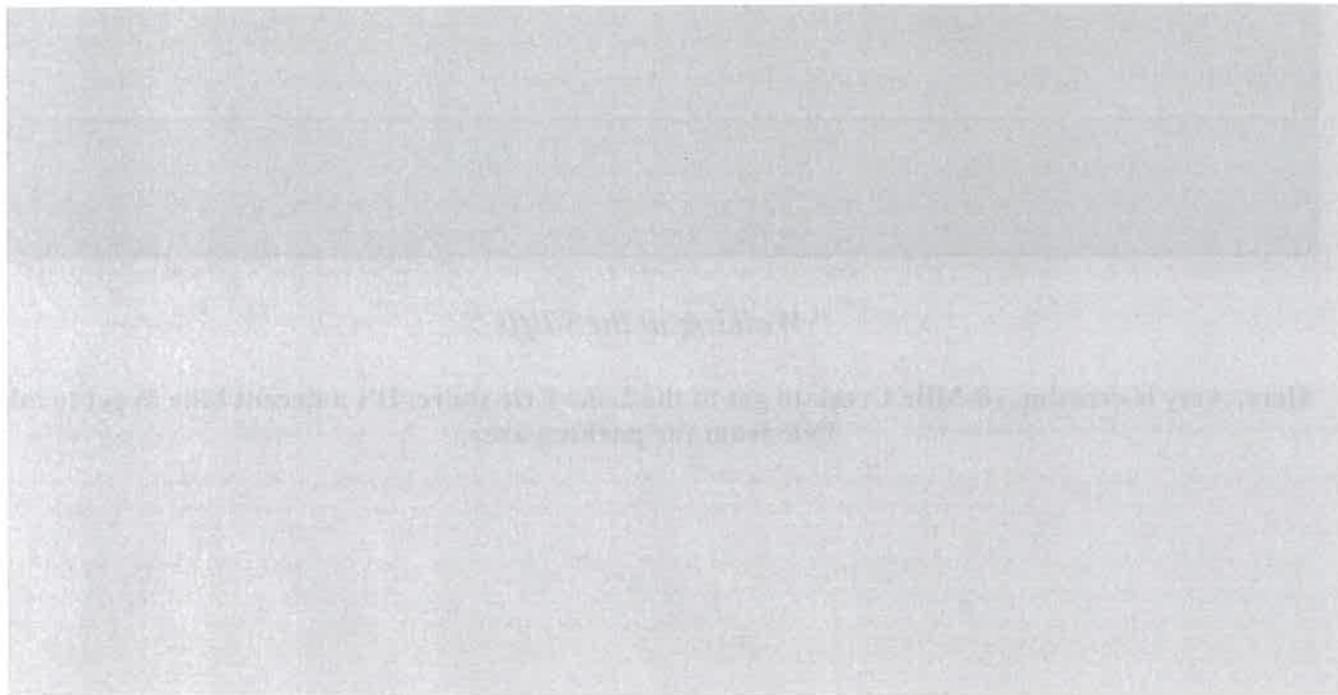
**Last Update: 7/12/04**

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**Location:  
18 Mile Creek, Lake Erie Cliffs of NY, and the Penn Dixie Paleontological and  
Outdoor Education Center.**

**~385 Million Years Old  
Middle Devonian, Givetian  
Hamilton Group, Ludlowville and Moscow Formations**

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***"360 Degree Panoramic View of the Lake Erie Shore Near 18-Mile Creek"***



*" Walking to the Cliffs "*

**Here, Amy is crossing 18-Mile Creek to get to the Lake Erie shore. It's a decent hike to get to lake Erie from the parking area.**



*" Collecting at the Cliffs "*

**Here, one can see Amy, Harris, and Renee. In the far background is Roy from Times Scientific. He found a little pocket of trilobites way back there. Although you can't see it, he has a 4 foot grin on his face.**

**Wrong Way Rob of Times Scientific was also suppose to come along. However he had a "sore throat." We felt bad and found some trilobites for him, however, they also had "sore throats" and couldn't come back with us.**



*" Paydirt "*

**Soon after we got there, we found one of the famous trilobite layers of the Hamilton Group. The image shows some of the enrolled trilobites we were finding.**

**Enrolled ones are far more common than prone trilobites. Also, you may notice many are still covered in matrix. They will stay covered until we get them home, where we can properly clean them with an air abrasive unit.**



*" A beautiful day in the life of two fossil collectors! "*

**In the far background to the left, where the cliffs end, is the opening of 18-Mile Creek into the sewer, oops, Lake Erie.**



*" We're not in Kansas anymore! "*

**Buffalo on the horizon. IMPORTANT WARNING: If you are looking for the four-legged kind, this web page may not be for you.**

[Additional site images](#)

Here is a [cross-section](#) of the cliff exposures, showing the formations.

## [View a sample of our fossils found at 18 Mile Creek](#)

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### About the Area

During this time period, in the Middle Devonian, a mountain building phase was beginning. This is called the Acadian Orogeny, and occurred when a landmass called Avalon collided into, what is today, eastern North America. This collision was the first step in the assembly of the supercontinent Laurussia. The collision of Avalon began to create a large mountain range called the Acadian Mountains along eastern North America. Rivers running down the Acadian mountains picked up sediments and carried them into the Catskill basin, a basin just west of the Acadian mountains and running parallel to it. This basin was flooded by the Kaskaskia Sea. The Kaskaskia epicontinental sea, was just west of the Acadian mountains. It covered New York west of the Hudson river, as well as many other states down to, what is today, the Gulf of Mexico. The sediments from the Acadian mountains eventually made their way into the Kaskaskia Sea. This occurred throughout the Middle and Late Devonian. The sediments flowing into the sea created sedimentary deposits that formed the sedimentary rock layers seen today in New York, and specifically those found at 18-Mile Creek. The most fossiliferous shale and mudstone at 18-Mile Creek tends to be the Wanakah shale of the Ludlowville formation and the Windom Shale of the Moscow formation.

During the Middle to Late Devonian period, the global climate was much warmer than it is today. Also, New York was almost on top of the equator. As a result, the warm shallow Catskill basin, spoken of earlier, was the home of a wide variety of creatures, such as coral reefs, and many other invertebrates, such as brachiopods, pelecypods, crinoids, cephalopods, red algae, and gastropods. The corals and algae contributed to the reef building of the time period. Trilobites were common in the Devonian as well, but by this point they were on the decline. By the end of the Devonian period, most were extinct.

In addition, the Devonian period is known by some as the "Age of Fishes." Armored fish, placoderms, and primitive sharks lived in the Devonian period. In fact, most modern fish can trace their ancestry back to that time period. By the end of the period, fish had evolved jaws and became the major predators of their time. The problem with these fish, however, is the fact they were mainly cartilaginous, meaning to us they do not fossilize much. However, the dermal armor, scales, and teeth did, and these parts become the major links to fish of that time period.

Note that the area of 18-Mile Creek is so large it is divided into eight distinct sections, with each housing differences in rock formations and, then, of course, fossil specimens. Found at the mouth of Eighteen Mile Creek is the Lake Erie Cliffs, which contains some of the same exposures as Eighteen Mile Creek. For clarification, it is this area and several of the other sections which contain fossils of trilobites, gastropods, corals, crinoids, brachiopods, pelecypods, and cephalopods. This is where we have mainly collected.

For a much more detailed explanation of this area, check out this site: [New York Paleontology](#)

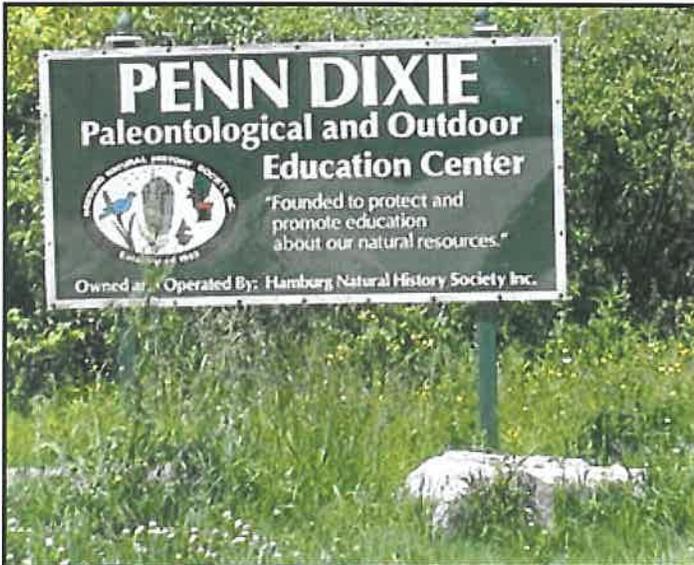
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## Where is it?



18-Mile Creek is about ten miles south of Buffalo, lying between the Towns of Evans (to the southwest) and Hamburg (to the northeast). More specifically, it is found off of Old Lake Shore Road (this road crosses the creek near its mouth), but be warned there is no public parking on this road. At the bridge over 18-mile creek, almost under it, there use to be a house with a nice man & a cute dog who let collectors and fishermen park there for a small fee. The state bought the land, and demolished the house. The last time I was there, there was an empty lot where his house use to be. Fisherman and fossil collectors still park in the lot. Once the state decides what to do with the land this parking situation could change.

**Be sure to obtain permission before collecting along 18-mile creek, as the cliffs are private property, and the owners do not like unannounced fossil collectors.** However, if you walk up the creek to the mouth, you will see cliffs along the shore of Lake Erie. Collecting fossils from the talus slopes and ones that wash up along the beach is currently tolerated.



Now if you want a more family orientated place to collect at, try the [Penn Dixie Paleontological and Outdoor Education Center](#). This is a "Fossil Park" that is situated in Hamburg, NY, near the 18-mile creek area. The Penn Dixie Education Center is situated on an old quarry that has exposed the same formations as found at 18-mile creek (however the trilobite layer is found by digging 1-2 feet below the surface).

The Penn Dixie Site is open to the public every Saturday from May through October, 9 AM to 12 noon

to collect fossils for a small fee. They also have a few "Family Fossil Fun Days" and "Junior Paleontologist Days" during the summer. Please visit their website for directions and updated and additional times they are open: [Penn Dixie Paleontological and Outdoor Education Center](#).

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### **Recomended Equipment:**

- Sturdy rock hammer and chisel (to split the rocks you find)
  - Protective eye equipment (yep its time to blow the dust off those old chemistry goggles!)
  - Newspaper/old towels/etc. - Some of these fossils are very brittle, and can break on your long trek to the car if you're not careful!
- 

### **Other Recomendations:**

- Some of the best fossils (and the fossils on this page) are found in the rubble that has already fallen at the base of the cliffs. This type of collecting is much safer and more exposure friendly then the "Run for your life, I just knocked down the cliff" alternative.
  - Also, most of the complete trilobites are found still partially/mostly inside the rock. I would suggest not "operating" on the potential complete fossil at the site, but taking it home and then carefully extracting it to see if it is complete.
  - Air abbrasive units tend to work the best at extracting these fragile fossils from the rock (all of our trilobites were extracted with a home-made air abrasive tool, which shoots baking soda at high speed).
  - Be sure to look in or near the water as well. In the shallow water, you can often find nice polished specimens of corals and various brachiopods.
  - Wear thick shoes; there are broken bottles all over the place.
  - Please note that almost all of the trilobite fossils we find here are only partial fragments. Very few are whole. Also, most of the whole ones are enrolled. Therefore, do not expect to find many complete trilobites, as it takes many trips to the site to find those elusive "trophy" specimens.
- 

### **Recomended Books:**

Devonian Biostratigraphy of New York  
International Union of Geological Sciences  
Subcommission on Devonian Stratigraphy, (Part 1 and Part 2)  
Editors: Willian A. Oliver, Jr. and Gilber Klapper  
July 1981, Washington D.C.

This is an incredibly informative book, however it is somewhat difficult to find. Your best bet is probably a University Library.

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### **Links:**

- [New York Paleontology](#)

Very good site for fossils of New york State

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# Fossils Found at the Ludlowville and Moscow Formations at the Lake Erie Cliffs on the mouth of 18 Mile Creek in NY

This page may take a while to load (there are 8.26 billion images to load).

Fossils here include:

[Trilobites](#)

The trilobites insisted on playing football with the pleurodictyum, and therefore had to be moved to a separate page

[Nautiloids](#), [Brachiopods](#), [Crinoids](#), [Coral](#), [Bryozoan](#), [Unidentified stuff](#)

(The smallest divisions in the ruler are 1/8")

## Nautiloids

? sp.  
Straight shelled Nautiloid



This appears to be some sort of poorly preserved straight shelled nautiloid.

**Formation:**

- Hamilton Group: Wanakah Member (Ludlowville Formation) or Windom Member (Moscow Formation)

**Age:**

- Middle Devonian, ~387 - 378 m.y.

**Location:**

- [Hamburg, Erie Co., NY](#)

**Size:**

- 

*Spyroceras* ?sp.



I beleive this is an imprint of a *Spyroceras* sp., a type of straight shelled nautiloid.

Sorry the scan is so bad..

**Formation:**

- Hamilton Group: Wanakah Member (Ludlowville Formation) or Windom Member (Moscow Formation)

**Age:**

- Middle Devonian, ~387 - 378 m.y.

**Location:**

- [Hamburg, Erie Co., NY](#)

**Size:**

- 



This is a tiny fragment of another one.

**Formation:**

- Hamilton Group: Wanakah Member (Ludlowville Formation) or Windom Member (Moscow Formation)

**Age:**

- Middle Devonian, ~387 - 378 m.y.

**Location:**

- [Hamburg, Erie Co., NY](#)

**Size:**

- 

## Brachiopods

*Athyris spiriferoides* (Eaton ....)



The easiest way to find these specimens is by slowly combing the beach at the water line.

**Formation:**

- Hamilton Group: Wanakah Member (Ludlowville Formation) or Windom Member (Moscow Formation)

**Age:**

- Middle Devonian, ~387 - 378 m.y.

**Location:**

• [Hamburg, Erie Co., NY](#)  
 Size:  
 •

***Longispina? mucronatus? (Conrad)***  
**pyratized shells**  
 For some reason, this type of brachiopod is often found pyratized



**These pyratized brachiopods are fairly common in these formations.**  
**Another one can be seen in the 1st Phacops image on this page.**

**Formation:**  
 • Hamilton Group: Wanakah Member (Ludlowville Formation) or Windom Member (Moscow Formation)  
**Age:**  
 • Middle Devonian, ~387 - 378 m.y.  
**Location:**  
 • [Hamburg, Erie Co., NY](#)  
**Size:**  
 • ~3/4" (18mm)



**Another one can be seen in the 1st Phacops image on this page.**

**Formation:**  
 • Hamilton Group: Wanakah Member (Ludlowville Formation) or Windom Member (Moscow Formation)  
**Age:**  
 • Middle Devonian, ~387 - 378 m.y.  
**Location:**  
 • [Hamburg, Erie Co., NY](#)  
**Size:**  
 • ~1/2" (12mm)

***Rhipidomella* sp. (Hall)**



**This is the front and back view of a Rhipidomella. These fossils are very flat and fragile**

**Formation:**  
 • Hamilton Group: Wanakah Member (Ludlowville Formation) or Windom Member (Moscow Formation)

	<p><b>Age:</b></p> <ul style="list-style-type: none"> <li>• Middle Devonian, ~387 - 378 m.y.</li> </ul> <p><b>Location:</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Hamburg, Erie Co., NY</a></li> </ul> <p><b>Size:</b></p> <ul style="list-style-type: none"> <li>• ~7/8" (22mm)</li> </ul>
--	--

***Spirifer macronatus* (Hall ...)**

	<p><b>In this first image, the two halves of the shell started to come apart before it fossilized, creating this interesting specimen. The second image shows how they are commonly found.</b></p> <p><b>Formation:</b></p> <ul style="list-style-type: none"> <li>• Hamilton Group: Wanakah Member (Ludlowville Formation) or Windom Member (Moscow Formation)</li> </ul> <p><b>Age:</b></p> <ul style="list-style-type: none"> <li>• Middle Devonian, ~387 - 378 m.y.</li> </ul> <p><b>Location:</b></p> <ul style="list-style-type: none"> <li>• <a href="#">near Hamburg, Erie Co., NY</a></li> </ul> <p><b>Size:</b></p> <ul style="list-style-type: none"> <li>•</li> </ul>
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	<p><b>Formation:</b></p> <ul style="list-style-type: none"> <li>• Hamilton Group: Wanakah Member (Ludlowville Formation) or Windom Member (Moscow Formation)</li> </ul> <p><b>Age:</b></p> <ul style="list-style-type: none"> <li>• Middle Devonian, ~387 - 378 m.y.</li> </ul> <p><b>Location:</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Hamburg, Erie Co., NY</a></li> </ul> <p><b>Size:</b></p> <ul style="list-style-type: none"> <li>•</li> </ul>
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	<p><b>This one is still in matrix</b></p> <p><b>Formation:</b></p> <ul style="list-style-type: none"> <li>• Hamilton Group: Wanakah Member (Ludlowville Formation)</li> </ul> <p><b>Age:</b></p> <ul style="list-style-type: none"> <li>• Middle Devonian, ~387 - 378 m.y.</li> </ul> <p><b>Location:</b></p> <ul style="list-style-type: none"> <li>• <a href="#">near Hamburg, Erie Co., NY</a></li> </ul> <p><b>Size:</b></p> <ul style="list-style-type: none"> <li>•</li> </ul>
--	--

<i>Stropheodonta demissa</i> (Conrad ...)	
	<p><b>Formation:</b></p> <ul style="list-style-type: none"> <li>• Hamilton Group: Wanakah Member (Ludlowville Formation) or Windom Member (Moscow Formation)</li> </ul> <p><b>Age:</b></p> <ul style="list-style-type: none"> <li>• Middle Devonian, ~387 - 378 m.y.</li> </ul> <p><b>Location:</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Hamburg, Erie Co., NY</a></li> </ul> <p><b>Size:</b></p> <ul style="list-style-type: none"> <li>•</li> </ul>

## Crinoids

**Whole crinoids are difficult to find. Usually just fragments are found.**



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**Crinoid column pieces are commonly found near the beach shore.**



**The lower crinoid column section has the bryozoan, *Leptotrypella* sp., encrusting it.**

**Formation:**

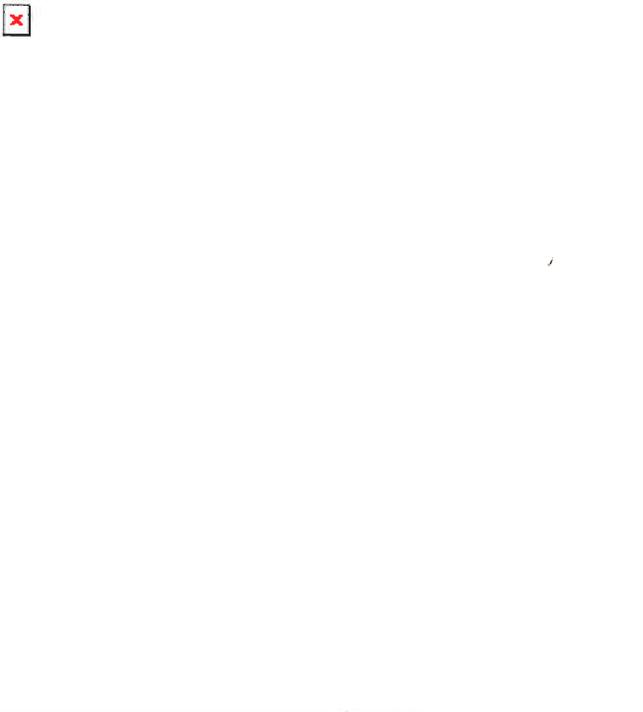
- Hamilton Group: Wanakah Member (Ludlowville Formation) or Windom Member (Moscow Formation)

**Age:**

- Middle Devonian, ~387 - 378 m.y.

**Location:**

- [Hamburg, Erie Co., NY](#)

	<p><b>Size:</b></p> <ul style="list-style-type: none"> <li>• ~1/4" Diameter (6mm)</li> </ul>
	<p><b>NO IMAGE YET: This fossil is still being prepped, and should be finished by early June.</b></p> <p><b>This is part of a crinoid calyx.</b></p> <p><b>Formation:</b></p> <ul style="list-style-type: none"> <li>• Hamilton Group: Wanakah Member (Ludlowville Formation)</li> </ul> <p><b>Age:</b></p> <ul style="list-style-type: none"> <li>• Middle Devonian, ~387 - 378 m.y.</li> </ul> <p><b>Location:</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Hamburg, Erie Co., NY</a></li> </ul> <p><b>Size:</b></p> <ul style="list-style-type: none"> <li>• ~1/4" Diameter (6mm)</li> </ul>

## Corals

<p><b><i>Pleurodictyum americanum</i></b> (single cell coral)</p>	
	<p><b>All of these specimens were found by carefully searching the beach at the water line.</b></p> <p><b>Notice the <i>Pleurodictyum</i> growing on a <i>Spirifer</i> in the lower image.</b></p> <p><b>Formation:</b></p> <ul style="list-style-type: none"> <li>• Hamilton Group: Wanakah Member (Ludlowville Formation) or Windom Member (Moscow Formation)</li> </ul> <p><b>Age:</b></p> <ul style="list-style-type: none"> <li>• Middle Devonian, ~387 - 378 m.y.</li> </ul> <p><b>Location:</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Hamburg, Erie Co., NY</a></li> </ul>

Size:

- 

***Stereolasma rectum***  
(horn coral)



**Abundant specimens can be found by searching the beach at the water line. Also, the ones at the water line tend to be polished by the waves.**

**Formation:**

- Hamilton Group: Wanakah Member (Ludlowville Formation) or Windom Member (Moscow Formation)

**Age:**

- Middle Devonian, ~387 - 378 m.y.

**Location:**

- [Hamburg, Erie Co., NY](#)

**Size:**

- 

## Bryozoan

***Hederella* sp.**



**This is an interesting image of *Hederella* sp. growing all over a piece of horn coral (*Stereolasma rectum*).**

**Formation:**

- Hamilton Group: Wanakah Shale Member (Ludlowville Formation)

**Age:**

- Middle Devonian, ~387 - 378 m.y.

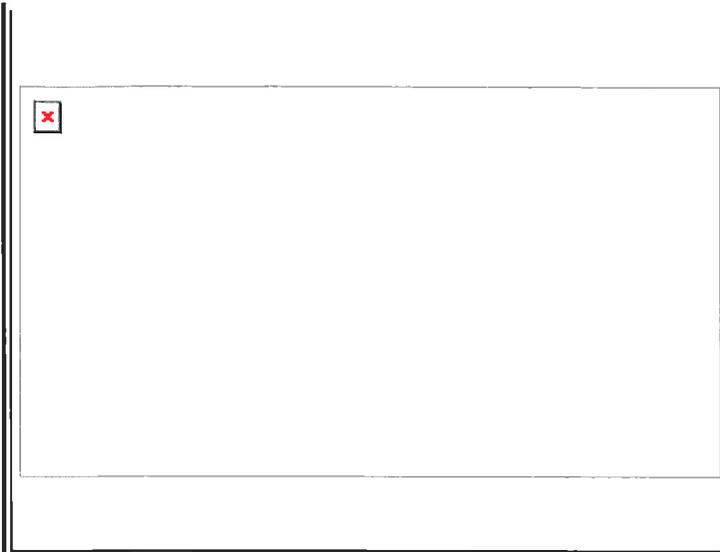
**Location:**

- [Hamburg, Erie Co., NY](#)

**Size:**

- 

***Rhombopora* sp.**



**NO IMAGE YET**

**This is a close-up of the Bryozoan on the matrix with the pyritized shell and the enrolled *Phacops* rana.**

**Formation:**

- Hamilton Group: Wanakah Shale Member (Ludlowville Formation)

**Age:**

- Middle Devonian, ~387 - 378 m.y.

**Location:**

- [Hamburg, Erie Co., NY](#)

**Size:**

- 

## Unidentified stuff

If you konw what any of this stuff is, please let me know, thanks!

Some kind of Nautoloid?



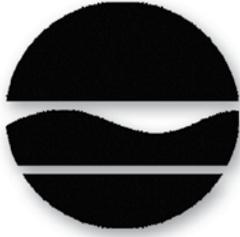
**Due to the poor preservation, I have no clue what this is.**

**The diagonal "striations" along the sides are also throwing me off (although they are probably the key to getting this thing**

	<p><b>identified). The striations can be seen better in the zoomed in image. Although, not clearly visible, these "striations" occur on both sides of the specimen, and appear to run its length.</b></p> <p><b>Formation:</b></p> <ul style="list-style-type: none"><li>• Hamilton Group: Wanakah Shale Member (Ludlowville Formation)</li></ul> <p><b>Age:</b></p> <ul style="list-style-type: none"><li>• Middle Devonian, ~387 - 378 m.y.</li></ul> <p><b>Location:</b></p> <ul style="list-style-type: none"><li>• <a href="#">Hamburg, Erie Co., NY</a></li></ul> <p><b>Size:</b></p> <ul style="list-style-type: none"><li>•</li></ul>
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[Back to Site Page](#)



New York State Department of

**ENVIRONMENTAL CONSERVATION**

www.dec.ny.gov

### Public Fishing Rights Maps

## Eighteen Mile Creek



Eighteen Mile Creek County Park Section

### Description of Fishery

Eighteen Mile Creek and its South Branch, located near Hamburg in Erie County, support an outstanding run of Lake Erie steelhead. Together these streams provide over 13 miles of angling opportunity. Steelhead can be found in the stream from mid-October into early May. There are 1.4 miles of public fishing rights easements on Eighteen Mile Creek. In addition, over two and a half miles of the main stream and the South Branch are open to the public in the Eighteen Mile Creek County Park, owned by Erie County. The main stem in the County Park is managed with a catch and release, artificial lures only regulation. The lower section of the creek offers good smallmouth bass angling opportunity in spring and summer.

### Trout Fishing Regulations

Eighteen Mile Creek and South Branch Eighteen Mile Creek from mouth upstream to the first impassable falls (except section below): **Trout and salmon; open all year, 12 inch minimum size, daily limit 3 per person.**

Eighteen Mile Creek in Erie County Park property: **Trout and salmon; open all year, catch and release, artificial lures only.**

Check fishing regulation guide for other Great Lakes tributary regulations that may apply.

### Primary Fish Species

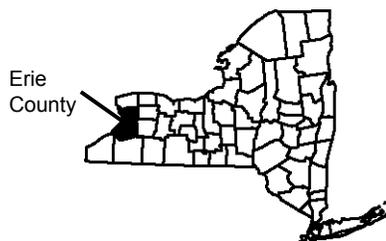
Rainbow Trout



Brown Trout



### Location



### About Public Fishing Rights

Public Fishing Rights (PFR's) are permanent easements purchased by the NYSDEC from willing landowners, giving anglers the right to fish and walk along the bank (usually a 33' strip on one or both banks of the stream). This right is for the purpose of fishing only and no other purpose. Treat the land with respect to insure the continuation of this right and privilege. Fishing privileges may be available on some other private lands with permission of the land owner. Courtesy toward the land-owner and respect for their property will insure their continued use.

These generalized location maps are intended to aid anglers in finding PFR segments and are not survey quality. Width of displayed PFR may be wider than reality to make it more visible on the maps. Please look for this PFR sign to ensure that you are in the right location and have legal access to the stream bank.



For more information on this creek or if you believe PFR marked areas on these maps are incorrect or missing PFR signs, please call the Region 9 Fisheries office: (716) 372-0645.

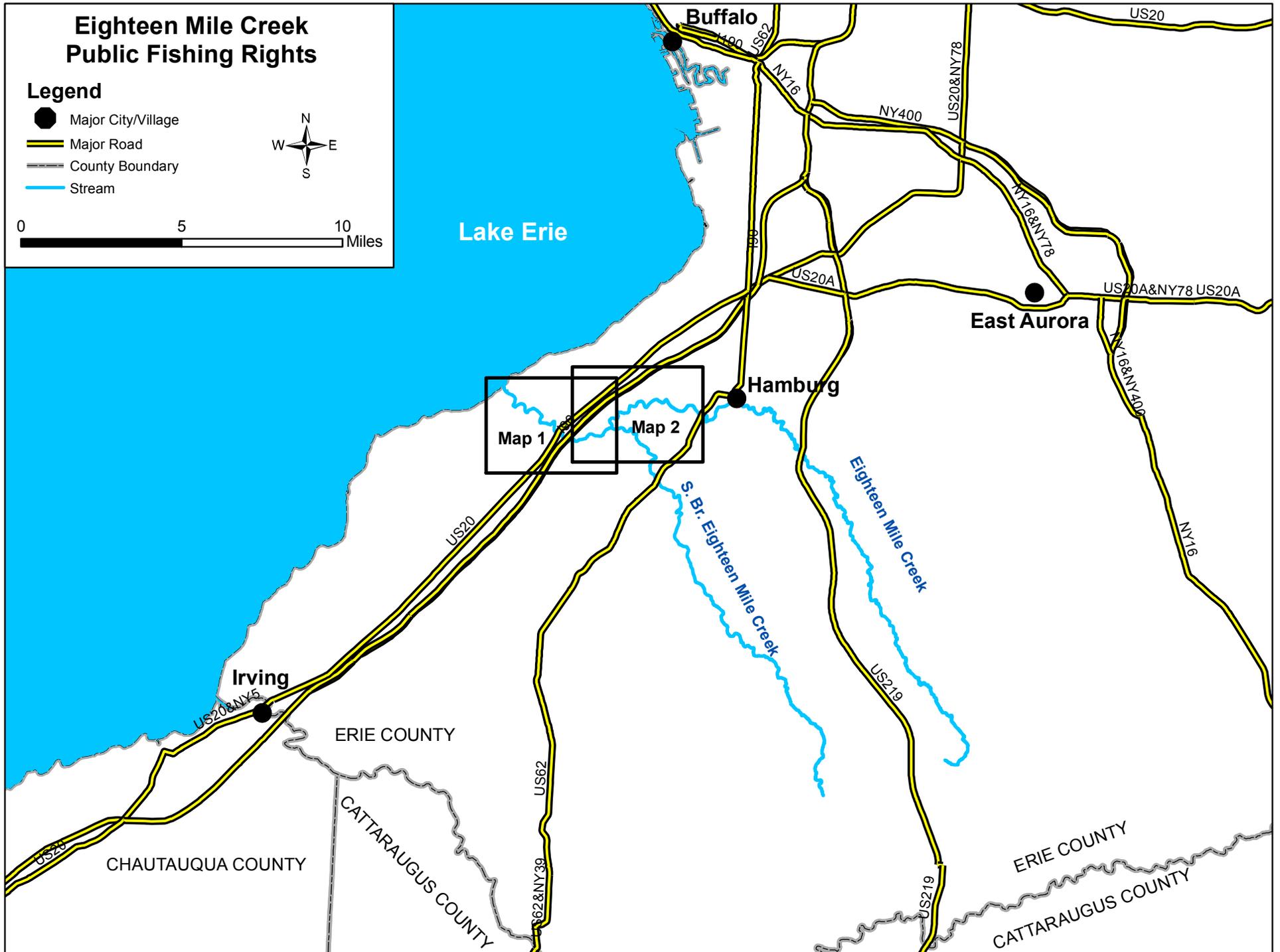
# Eighteen Mile Creek Public Fishing Rights

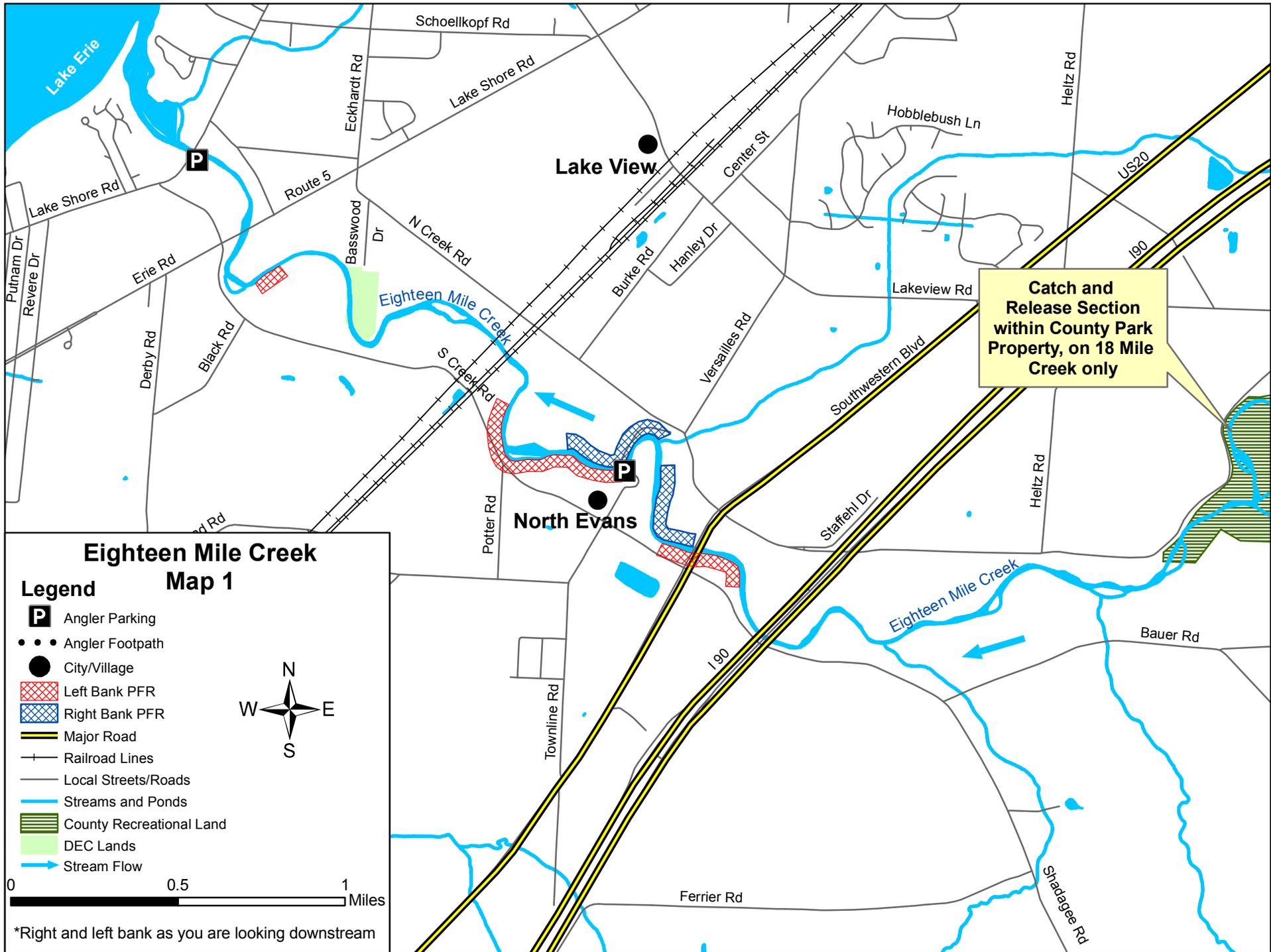
## Legend

- Major City/Village
- ▬ Major Road
- ▬ County Boundary
- ▬ Stream



0 5 10 Miles





### Eighteen Mile Creek Map 1

**Legend**

- P** Angler Parking
- Angler Footpath
- City/Village
- Red cross-hatched Left Bank PFR
- Blue cross-hatched Right Bank PFR
- Double yellow line Major Road
- Line with cross-ticks Railroad Lines
- Thin grey line Local Streets/Roads
- Blue line Streams and Ponds
- Green hatched County Recreational Land
- Light green DEC Lands
- Blue arrow Stream Flow

0 0.5 1 Miles

\*Right and left bank as you are looking downstream





UNIVERSITY AT BUFFALO  
STATE UNIVERSITY OF NEW YORK

COPY

**FILE**

Department of Anthropology  
Faculty of Social Sciences  
380 MFAC, Ellicott Complex  
Buffalo, New York 14261  
(716) 636-2414  
FAX (716) 636-3808

May 16, 1991

Ms. Karen Jung  
Town Planning Board  
Town of Evans  
42 North Main Street  
Angola, NY 14006

Re: Proposed Development at Bennett Beach, Town of Evans, NY

Dear Ms. Jung:

It has recently come to my attention that there is an important prehistoric archaeological site located in the sand dunes and along the banks of Big Sisters Creek at Bennett Beach in the Town of Evans. I am informing you of the presence of this site so that the proposed development of the beach property by Paul Snyder and the City of Buffalo will not adversely affect an important cultural resource.

The Bennett Beach site was reported to me by a local amateur archaeologist, and was recently inspected by a professional archaeologist on the staff of the Archaeological Survey, State University of New York at Buffalo. We have recorded the site as UB 2617 in the archaeological site files at the Department of Anthropology, and are reporting the site to the New York State Office of Parks, Recreation and Historic Preservation in Albany.

The available evidence indicates that the site was repeatedly occupied by the 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.

We strongly recommend that a thorough archaeological survey by a qualified professional archaeologist be conducted at the Bennett Beach property prior to any construction activities that could affect any archaeological contexts. A thorough survey would provide the developer, the property owner, and the Town of Evans with the information necessary to develop the property without the destruction of an irreplaceable cultural resource.

Please feel free to contact me at the above address or at 636-2297 if I can be of any assistance.

Sincerely,

Elaine B. Herold, Ph.D.  
Director, Archaeological Survey

**A Preliminary Description**

**of the**

**Bennett Beach (UB 2617), Bennett Bridge (UB 2914)  
and Bennett House Sites (UB 2623)**

**Town of Evans  
Erie County, New York**

**Reports of the Archaeological Survey  
Volume 35, Number 4**

**State University  
of New York  
at Buffalo**



**Department of Anthropology • Archaeological Survey**

*Submitted by Jim Buckle  
3-29-11  
@ Town LWRP Public Hrg*

Jim Bucki  
583-2720

A Preliminary Description of the  
Bennett Beach (UB 2617), Bennett Bridge (UB 2914)  
and Bennett House Sites (UB 2623)

Town of Evans,  
Erie County,  
New York

by

David A. Ingleman

Douglas J. Perrelli, Ph.D., RPA  
Principle Investigator

Reports of the Archaeological Survey, Volume 35, Number 4  
Department of Anthropology, State University of New York at Buffalo

June 2003

Submitted in partial fulfillment of an Archaeological Survey Internship  
APY 498 State University of New York at Buffalo

### **Bennett Beach Site UB 2617**

This section of the report presents a summarized description and interpretation of the prehistoric Bennett Beach site. The material utilized for this site description are both from collections at the SUNY at Buffalo Archaeological Survey and in the private collection of Mr. James Bucki of Derby, New York.

**Site Location.** The Bennett Beach site is located west of Old Lake Shore Road, essentially at the foot of Bennett Road in the Town of Evans, Erie County, New York (MCD 02913). The site is concentrated on the large dunes west of Big Sister Creek, however artifacts have been found on both sides of the creek bank. Photos 1-23 depict the site's setting at the time of investigations from the early 1990s to the early 2000s. The setting of the excavations at Locus C are depicted in Photos 24-25.

**Site Size/Boundaries: Horizontal.** The site is bounded by Lake Erie to the west; however it is likely that there are underwater prehistoric deposits in the lake, just off shore. Early and Middle Archaic lake shore sites in particular may now be submerged as the shore line has advanced significantly since then. Artifacts from the beach examined span an area about (900 ft) long from Dunes 3 to 4, and about (400 ft) from the lake water line to the creek. Prehistoric deposits inland, east of the creek are known only through Dr. Gramly's poorly documented examination. Because Bennett Beach is multi-component, the site size undoubtedly changed as different prehistoric groups used the site.

**Site Size/Boundaries: Vertical.** Because the site is mostly known through surface collections and controlled excavations have only occurred in one portion of the site (Locus C), the vertical limits of the site are poorly known. At Locus C several TUs were excavated, however the deepest excavation occurred in TU only to a depth of 20-30 cm below ground surface. Deeply buried deposits are expected both adjacent to Big Sister Creek and within the sandy ridge and sand dunes that are prominent topographic features within the site.

**Artifact Summary.** The artifact assemblage at the SUNY at Buffalo was analyzed in detail while artifacts from the and the Bucki collection are only highlighted here. A total of 1,873 prehistoric artifacts, including ecofacts are in the SUNY at Buffalo collection. A breakdown of artifacts by type is given in Table 4. In addition to this, Bucki has several thousand prehistoric artifacts in his personal collection from the site. Bucki claims that most of his collection came from Dune 3, mostly Locus E trending towards Locus F. A total of 168 historic artifacts were recovered from the Bennett Beach site (UB 2617) excavations in Locus C.

**Table 4.** Summary of Bennett Beach Site Prehistoric Artifacts in the SUNY at Buffalo Collection.

<b>Artifact</b>	<b>Count</b>	<b>Mass (g.)</b>
Fire Cracked Rock	391	38,940.85
Flakes	1178	866.3
Utilized Cobbles	20	8,197.5
Cores	34	739.9
Biface	2	14.1
Projectile Points	6	--
Miscellaneous Artifacts	48	--
Pre-historic Pottery	109	1031.1
Faunal	85	77.1
<b>Total</b>	<b>1,873</b>	<b>49,866.85</b>



**Photo 24.** James Bucki (left) and Douglas Perrelli at Locus C, during initial site reconnaissance in June 1991.



**Photo 25.** Shot of Locus C, facing northwest, depicting the setting during excavation by the Buffalo State College field school in 1997.

**Unique and Ceremonial Artifacts.** In the northeast, prehistoric ceremonial sites are often associated with prominent bluffs, large vistas and large bodies of water- all of which are present at Bennett Beach. The poorly documented work of Gramly reports to have recovered a slate gorget in a burial context near the Bennett House site. Because Bennett Beach provides a variety of life sustaining and potentially ritually significant resources, use as a ceremonial site seems likely. For example, turtle and clam/muscle shells are unique beach resources important in Iroquoian ritual and are available at Bennett Beach. During excavation in Locus C, excavators uncovered a recently deceased snapping turtle including all of the shell and articulated bones. Though this find was modern in age, snapping turtles were an important resource for making turtle shell rattles.

Unique and potentially ceremonial artifacts recovered from the site include an ornamental stone pendant (Photo 67) from Locus C excavations, and shell pendent (Photo 68) from the surface of Dune 3, now in the Bucki collection.

A clay obtuse-angle elbow pipe was surface collected from Dune 3 and remains in the Bucki collection, awaiting further study (Photo 69). The pipe appears stylistically similar to late Early Woodland period Middlesex focus, plain obtuse-angle elbow pipes of stone (Ritchie 1980: 202). These pipes are widely prevalent on Adena and Middlesex sites. Middlesex is associated with Adena culture and placed later temporally than the Meadowood phase of the Early Woodland (c. 360-610 BCE) (Ritchie 1980: 204, Granger 1979: 25).

The pipe can be interpreted as part of a tobacco ritual, possibly similar to those observed at fishing sites as noted by early European explorers. For example, Jesuits witnessed Huron men praying and sacrificing tobacco to the spirits at fishing camps (Perrelli 2001:61). Of course, ceremonial use is not implicit, because smoking certainly functioned as a form of relaxation and enjoyment. Native smoking pipes in historic times were primarily made and used by men unlike most other pottery made and used by women (Perrelli 2001:63). The Petun and Neutral –the historic inhabitants of Western New York- are particularly known as cultivators and traders of large quantities of native tobacco (*Nicotiana rustica*) (Fenton 1978:22, Perrelli 2001:65). The pipe has never been cleaned, in order to preserve any incrustations for residue and C-14/AMS analysis. Study of the residue in the bowl of the pipe may contribute to the study of regional smoking practices, and tobacco horticulture.

**Local Context.** In terms of setting, Bennett Beach has affinities to at least two other Lake Erie Eastern Basin shore prehistoric fishing camp sites in New York State. The Peacock site (UB 817) is located in the town of Barcelona, Chautauqua county, where Chautauqua Creek flows into Lake Erie about 35 km south west of Bennett Beach. One of the greatest similarities is that the creek enters Lake Erie at an angle, creating a peninsula of land, having the greatest amount prehistoric activity. However, Big Sister Creek enters Lake Erie at Bennett Beach at a much greater angle than Chautauqua Creek flowing into Lake Erie. Significantly, the Peacock site lacks sand dunes. The Peacock site was summarized by Marian White as "...a site with a predominate Middle Woodland occupation and some Late Woodland occupation...The site could have been used as a Late Woodland farming station or fishing camp (UB site files)."

Peacock was visited by White but not thoroughly investigated. The site collection at SUNY Buffalo was made by a local collector. At the time of recording, it was the only known Late Woodland lake shore site thought to be a fishing camp. Artifacts included small net sinkers, 26 thick Levana points, five Jack's Reef Pentagonal, one Jack's Reef Corner Notched point, and non-collared, cord-roughened, grit tempered pottery. The Jack's Reef Corner Notched and Pentagonal type, and to a lesser degree, Levana points are associated with the Kipp Island phase of the Middle Woodland. The Late Woodland occupation is slight, but diagnostic artifacts include one broken Madison point, eight cord-roughened body shreds from three different vessels, and 31 shell tempered "sherdletes."

Ritchie thought that Kipp Island culture was produced when Intrusive Mound Culture of Ohio, interacted with local Point Peninsula culture. Kipp Island sites are located on waterways where many species of fish could be obtained in abundance. Kipp Island in eastern New York has been radiocarbon dated from 310 +/- 100 to 630 +/- 100 CE (Ritchie 1969: 118-119). These characteristics, and associated diagnostic artifacts seem to fit the Peacock site. The presence of Kipp Island cultural diagnostic artifacts from the Peacock site and the absence of the same phase at the Bennett Beach site could be significant. It is possible that due to fish movements, creek movements, or cultural reasons the Bennett Beach site stopped being used for fishing during this period.

The Donovan site (UB 2401) was originally recorded by Houghton (#69) and Parker (#55) early in the twentieth century. Houghton's description is the most useful, as he describes the site as a camp situated on a high bluff north of the mouth of Eighteen Mile Creek. Houghton goes on to note the presence of notched points, a chalcedony drill, a stone with pitting, and a shale sinker "for a fishing line, around which a notch has been sawed." This could imply a net-sinker similar to those found at Bennett Beach, or possibly a weight for hook and line fishing. The location on the high bluff is also reminiscent of the Bennett Beach dunes and sandy ridges (UB Site Files). UB 2864 is also located at the mouth of Eighteen Mile Creek, and may in fact be the same site. This is a recently located surface site, presumably Archaic, which produced flint chips and one Archaic point, however, no fishing tackle.

Other lakeshore sites consist of mostly burial and village sites, ranging from the Middle Woodland to the Late Woodland. At the mouth of Cattaraugus Creek, there was a burial mound, UB 707. The Ripley or Dewey's Knoll site (UB 113) is summarized as a Late Woodland village and cemetery, located about 45 km south west of Bennett Beach. Another Parker site, (ACP #70), the Lotus Bay site (UB 2402) was described as a multi-component village site. This site differs from the others in that there is no creek directly present at this site, and Parker mentions no fishing tools or activities.

Although not on Lake Erie, Bennett Beach may share the closest affinity to the Martin site of Grand Island. The Martin Site is a multi-component, prehistoric fishing camp, located on Grand Island along the Niagara River near Lake Erie. The site was recurrently occupied from the Early Archaic to the Late Woodland, however the Middle Woodland appears to be the period of most intensive occupation. The fishing tackle consisted of 53 net sinkers. Fish remains consist of walleye, freshwater drum, channel catfish, lake sturgeon, muskellunge, white bass, largemouth bass and smallmouth bass. Interestingly, despite excellent bone preservation conditions, no fish hooks or harpoons of bone, shell, antler, or wood were recovered (Zubrow and Buerger 1994).

**Site Integrity.** Though Bucki reported finding two discrete depositional layers eroding out of the dunes, the site integrity remains unclear in the dune area. It is important to note that the majority of the pottery fragments are large, suggesting little post depositional breakage. Most importantly, the dunes particularly seem to be natural and undisturbed. If excavated these dunes have the potential to yield a great deal of information. The dunes are dynamic in nature and shift location, exposing new cultural material to the weathering elements. Features appear to be in situ, however, historic debris such as ferrous metal objects have been observed to appear very near the feature areas on the dunes. Radiocarbon dates must be obtained from the organic material collected from features and from pottery encrustations. It is hoped that such testing could shed light on the age, cultural affiliation and integrity of the features and the sites associated artifacts. Locus C is regularly graded to promote sand deposition and this area is probably too disturbed to yield any further valuable archaeological information. However, the excavation in this area commenced shortly after it was exposed by dune erosion and the results are thought to be valid. There is also a possibility that in yet untested areas, the ancient flood plain of Big Sister Creek now buried under alluvial deposits could yield good, stratified, archaeological data about Bennett Beach's earliest inhabitants.

**Adequacy of Site Boundaries.** The Bennett Beach site limits are poorly known. Though surface collections along the public portion of the beach have located several loci of prehistoric activity, the portion of the park inland of Big Sister Creek, as well as north and south of the park remain uninvestigated.

**Significance.** Bennett Beach appears to be the largest prehistoric site known to exist on the New York State Lake Erie shore, with the exception of the Ripley site, which is located a considerable distance to the south. The Bennett Beach site appears to have been situated to take advantage of the abundant fish resources available at Big Sister Creek and Evans Bar. Evidence for this hypothesis appears in the form of the hundreds of net sinkers that have been collected at the Bennett Beach site. Other resources were undoubtedly also collected at this location, as the unique habitat found here provide several extractive opportunities. The site may have also served ritual functions.

**Research Potential.** Bennett Beach's research potential is very high. This site has the potential to provide us with an example of a fishing campsite, perhaps one the largest in the region. The best represented component at Bennett Beach appears to be the Owasco culture. This is problematic as Hart and Brumbach (2003) have recently suggested that Owasco is not a valid cultural historical unit, and recommend discontinuing its use. However, they supply no alternative construction for the sites and artifacts previously assigned to this period. Further research at Bennett Beach has the potential to contribute information to this recently discovered gap in the otherwise some what well known prehistoric cultural historical sequence defined in New York State. Radiocarbon dates from pottery sherds will no doubt be instrumental in discovering the chronologic placement of the dominate Owasco like pottery at Bennett Beach.

Opinions differ on the timing of the emergence of fishing as a subsistence activity. Some argue that in the Eastern Woodlands, fishing developed in the Early Archaic and others argue for a Late Archaic start (Petersen et al. 1984). Cleland describes the evolution of the prehistoric fishery in the northern Great Lakes, as cumulative technological process, where by new techniques of fishing were added, but methods were not retired. As Cleland summarized, "Thus, we see in the northern Great Lakes region the development of spearing and angling during the Late Archaic, the addition of harpoons and net fishing during the Middle Woodland, and the continued use of all of these techniques during the Late Woodland (Cleland 1982:773)." Cleland (1982) proposed that the greatest number of fish were taken in the fall and spring. In the spring, when waters reach 5 to 10 degrees centigrade, the spawning run is triggered, and fish move into rivers and creeks that flow into lakes. In the fall, lake spawning fish generally congregate on silt-free, shallow-water, gravel shoals and reefs from late November and December (Cleland 1982:768).

Conversely, Petersen et al (1984: 199-223) argue that net fishing became an economic endeavor in the eastern part of North America for the earliest Archaic people. They list net fishing as a diagnostic trait of the Early Archaic transition from the Late Paleo Indian period. They however, do not dispute the post Late Archaic developments described by Cleland (1982). Martin (1989) argues that gill nets were in use Middle Woodland. She cites a lack of differentiation in site locations between Middle and Late Woodland

sites as support for her argument. There is also debate as to the mechanism that enabled the new subsistence activity. Some argue that fishing started as a response to increased population densities, others argue that it was an opportunistic response to new aquatic resources produced by environmental changes, which in turn produced an increased in population (Fagan 2000:371).

The Bennett Beach site appears to be situated as to take advantage of these two seasonal fisheries. The Evans Bar, located about 1 mile off the shore of Bennett Beach, is a rocky or gravely, shallow water shoal important for spawning fish. Today the Evans bar, and a similar landform off of Van Buren Point, near Dunkirk New York are the premier fish holding localities in the Eastern Basin of Lake Erie (Donald Einhouse Appendix A: Interviews, Appendix C). Big Sister Creek also holds abundant fish resources and provides spawning habitat for several fish species (New York State Department 1987, Appendix B). These data suggest that the Bennett Beach site has the potential to provide information potentially significant in the Inland Shore Fishery debate.

Further, fisheries biologists believe that historically walleye spawned in Big Sister Creek. Recent attempts by the New York State DEC, Lake Erie Unit to rehabilitate walleye spawning in Big Sister Creek have failed, and the program has been discontinued (Donald Einhouse Appendix A: Interviews). The NYS DEC Lake Erie Unit has however, expressed interest in finding archaeological evidence of walleye spawning in Big Sister Creek to corroborate their theory (Donald Einhouse Appendix A: Interviews, Appendix C). This type of multidisciplinary, applied archaeology, geared at solving contemporary environmental problems is what van der Leeuw and Redman (2002:597) see as the "future of archaeology."

However, there are some notable limitations to the research potential of this site. Heavy, historic foot-traffic on the site probably began as soon as the Bennett Homestead opened its doors to summer guests in 1875, and sustained a high level, in its later and present function as a public beach. During this time, obvious artifacts such as pottery vessels, and large stone and copper tools were undoubtedly removed by countless visitors as curiosities. This should result in a biased sample with more small pottery frags, and chert debitage than large sherds and projectile points or bifaces. The dunes, and with them intact prehistoric features were undoubtedly partially destroyed. It is curious then why early archaeologists, such as Houghton and Parker did not know of them. Perhaps the dunes were in a n-transform, resulting in burial, and only in the twentieth century did they erode out enough to be noticed. Both the launching and landing of small boats off the beach, involving dragging the vessels across the beach must have been detrimental to features, especially those exposed on the surface at surface Locus C. This rationale led to the archaeology at Locus C, essentially salvage work. Construction and subsequent demolition of the Buffalo Bathing Bath House (MDS 12) could have disturbed the prehistoric deposits associated with Locus C. Also, Dr. Gramly's work at the site remains wholly undocumented. This is most unfortunate due to the sensitive nature of the burial deposits he may have encountered.

Pg. 3 UB 2617 site description, cont.

C. Discussion: The Bennett Beach site (UB 2617) is eligible for the National Register of Historic Places based on the above criteria. A total of 1,500 prehistoric artifacts are in the SUNY at Buffalo collection, and a much more extensive collection remains in the possession of an amateur collector, Mr. James Bucki. Bucki claims that most of his collection came from Dune 3, mostly Locus E trending towards Locus F. A total of 168 historic artifacts were recovered from the Bennett Beach site (UB 2617) excavations in Locus C, however it is considered to have a low research potential.

Prehistoric cultural material recovered is consistent with the Early, Middle and Late Woodland phases of occupation, with a less well-represented Late Archaic component. Prehistoric pottery, at UB spans from the Early Woodland to Iroquoian (n=109) fragments. Site characteristics are consistent with a recurrently occupied, seasonal fall and spring fishing camp.

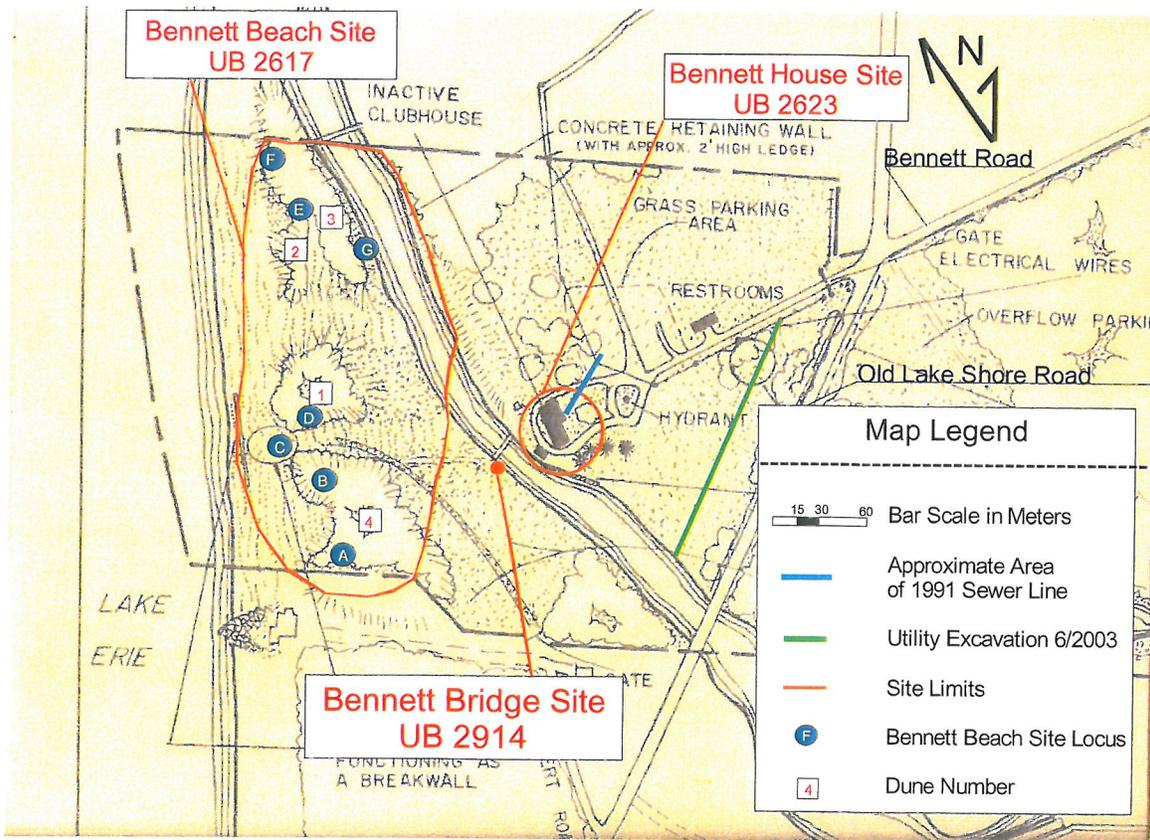
The site point collection includes Madison points (post 1100 AD), Levana points (c. 900- 1200 AD), both from the Late Woodland, Meadowood points, (c. 500 BC) from the Early Woodland, an Orient Fish Tail Point (c. 1044-763 BC) from the transitional Late Archaic to Early Woodland (Ritchie 1961:31,33,35,39), unidentified stemmed points, probably belonging to the Late Archaic (c. 3500 BC) and a large slate spear point which is un-dated. The spear point could have been used as a digging tool, an ice cutter for winter ice fishing, or to dispatch large fish (i.e. walleye, sturgeon) after landing them (Cleland 1982:763). A total of 109 prehistoric pottery fragments were recovered that are in the SUNY at Buffalo collection. Of these, 9 were described as Middle Woodland, 4 as Vinette 2, 36 as Owasco, and 9 as Iroquoian. The remainder were too deteriorated or damaged to classify.

The artifact assemblage is rounded out by rough bifaces, debitage, simple blade tools, a circular stone pendent, a (late Early Woodland?) clay smoking pipe, thermally altered chert, and sand stone flakes. Utilized cobbles, excluding thermally altered rocks, make up a small percentage of total artifacts recovered, only 20 total (13 net sinkers included). A pile of net sinkers was found on the surface of a dune without other artifactual association. Net sinkers from the site average 438.825g, while the average for the pile is 478.4083g. There are 1,873 total prehistoric artifacts in the SUNY Buffalo collection (excluding all ecofacts), as well as historic (n=307) artifacts.

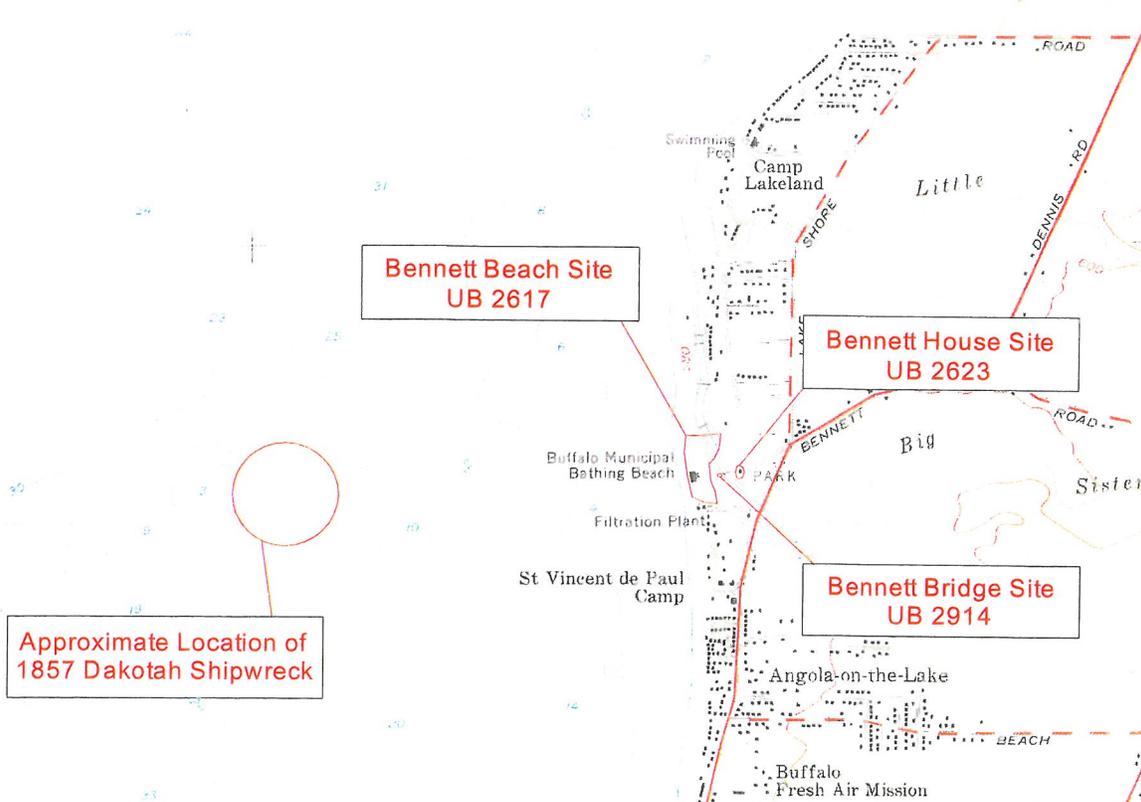
The six features documented at Bennett Beach probably represent the traces of the living or activity floors of structures, as excavators thought, or the remains of smoking racks used to preserve fish, although no post molds for such a rack have been identified.

9) **Photography** See Reports of the Archaeological Survey, Vol. 35, No. 4, Photos 1-??.

10) Map References USGS 7.5' Quad Name Angola, New York  
 UTM coordinates 662600m E 4733100 N



**CONFIDENTIAL: SITE LOCATIONS NOT FOR PUBLIC RELEASE**



### Bennett House site (UB 2623)

This section of the report presents a description of the historic Bennett House site and includes a New York State prehistoric site inventory form. The Bennett House, also known as the Bennett Homestead site was identified inventoried with the OPRHP by the Erie County Historic Resources Survey in 1981 (USN 029-13-0008, Appendix C). The UB Archaeological Survey began site documentation in 1991 when the house layout was mapped by Elaine Herold and Douglas Perrelli conducted the first archaeological investigations at the site. Five Shovel Test Pits were excavated under the floor of an addition, after work crews, in the process of renovating the structure, removed the floor boards, to expose dirt floors. Unfortunately, the City of Buffalo showed a wanton disregard for the historic potential of this site and the structure was demolished sometime after 1993 and before 2003.

**Context.** The historic context of the Bennett House site relates to the change from an isolated 1820's homestead and lodge boarding east-west travelers in sparsely populated frontier country before the roads were improved; to a popular destination for middle class, urbanite summer vacations once road and rail infrastructure improved in the late nineteenth to early twentieth century. The area developed a summer cottage and recreation industry that dominated the local economy until the today (Town of Evans 2005).

Joseph Bennett's exciting and prominent life began in Vermont in 1803. He was a drummer boy during the war of 1812 and when he was 15 he sailed on trading vessel that covered Cayuga Lake. However, Joseph's training in navigation and nautical arts ended in 1820 when his father Samuel moved the family to a farm plot in Williamsville. Nine years later his family moved to Evans, where he would live for more than 80 years. Bennett is best understood through his own journal writings that have been transcribed and are on file at the Town of Evans Historical Society (Bennett n.d.).

Joseph or "Deacon" Bennett first came to the Evans area in November 1820, when his father Samuel moved the entire family from a home in Amherst. They traveled along the shore of Lake Erie, headed for the Western Reserve, Ohio with a horse team and wagon as well as any possessions the family could carry, all traveling on foot. By evening, the Bennett family decided to stop at the next boarding location they found to rest for the night. They came upon an empty log house and stayed the night and the next day while waiting for an ice storm to pass. The next day, Aaron Salisbury and several other locals convinced the family to stay and occupy the empty house. Samuel Bennett made improvements to the house and took a tavern license, and kept a 'log house hotel.' Three days after arriving in Evans, the young Joseph Bennett put on ice skates and skated down to the mouth of Big Sister Creek, adjacent to the project area. This was the first time that Bennett saw the land that would soon become a possession of his family and stay as such until after his death (Greene 1997:5-52).

Bennett entered the lake trade early in his youth he bought and captained the small-sloop the "Ohio" in 1824 (Smith 1884:575). Later, Bennett spent three years in Pennsylvania's Susquehanna Valley where he supervised crews blasting new canals where he met and married 19-year-old Mary Roat, of Englishtown, New Jersey. Bennett moved back to Evans in 1829 and purchased the home of Mr. Aldrich in 1830 for \$3,500 which would become known as the Bennett House (UB 2623) (Vogel 1979). Bennett added two rooms and finished off the inside with lath and plaster. Also in 1830 Bennett's wife Mary developed breast cancer and went to live with an oncologist in Locke (now Lockport) for a year and a half. Bennett paid the doctor \$10 down payment, plus room and board and another \$10 after successful treatment of the cancer (Bennett n.d.).

Joseph Bennett was a prominent local man at this time holding many elected public offices. Bennett helped organize the Baptist Church at Evans Center in the early 1830s, and served as superintendent of the Sabbath school for forty-seven years (Smith 1884:579). By 1840 he had become a militia captain and was working to resolve disputes in maritime disasters. He worked on the Erie Canal, was a postmaster in Evans, served a term in Albany as an assembly member, and served as the Town of Evans coroner and supervisor for many terms, starting in 1841. Bennett, although a religious man, was not part of the temperance movement. According to his journal by at 1853 Bennett was attending Anti-temperance movement parties and drinking "healthy quantities of whisky" a favorite drink (Bennett n.d.).



Photo 83. Picture of Joseph Bennett, date unknown (courtesy Evans Historical Society).

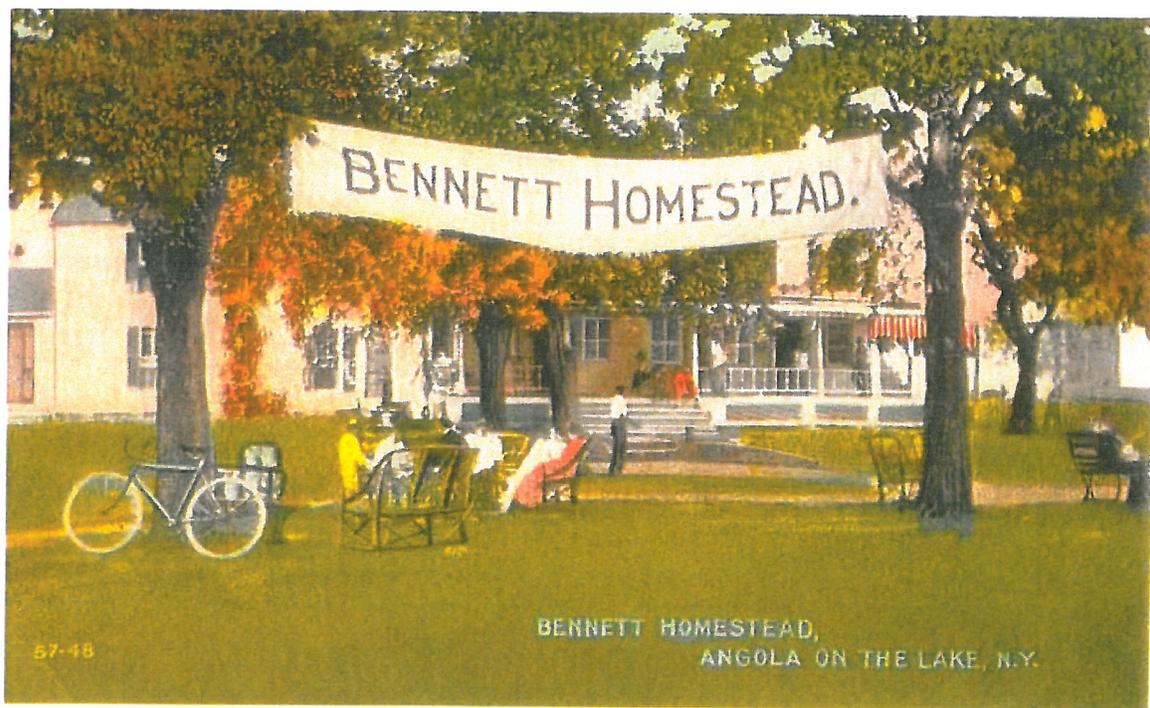


Figure 19. Front of the Bennett Homestead, probably dating to 1908.

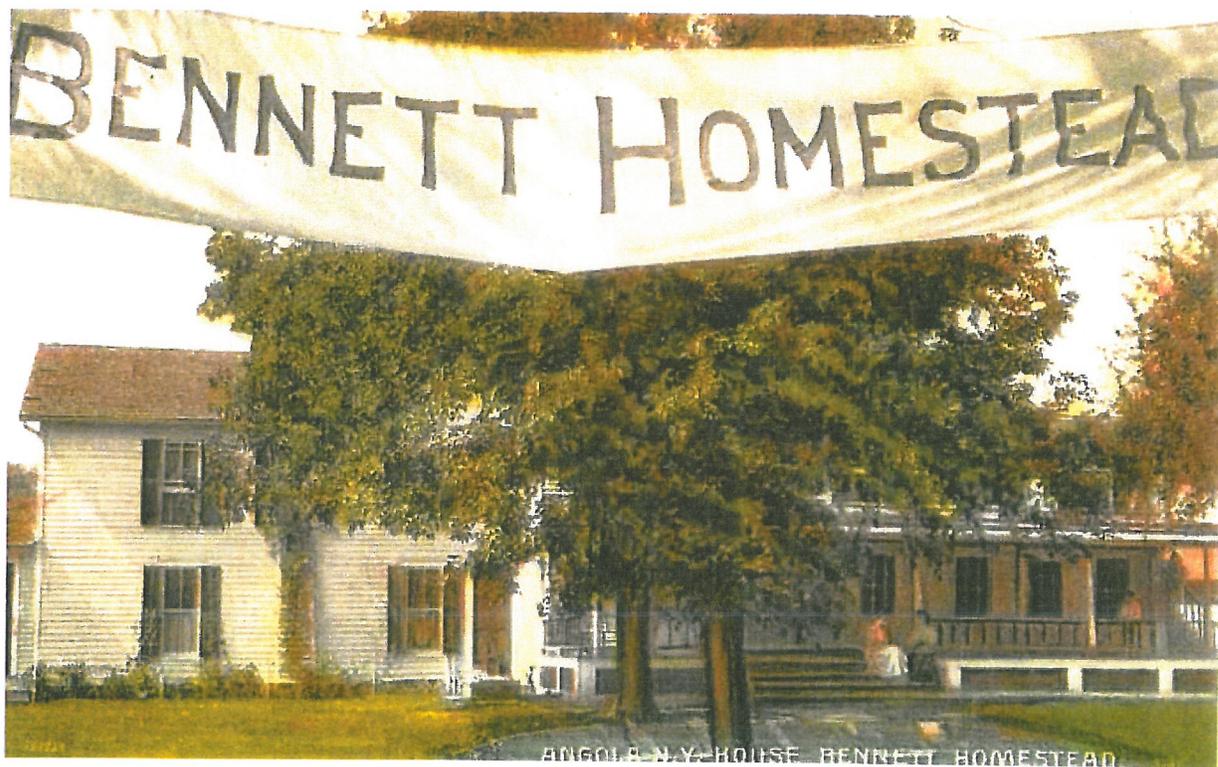
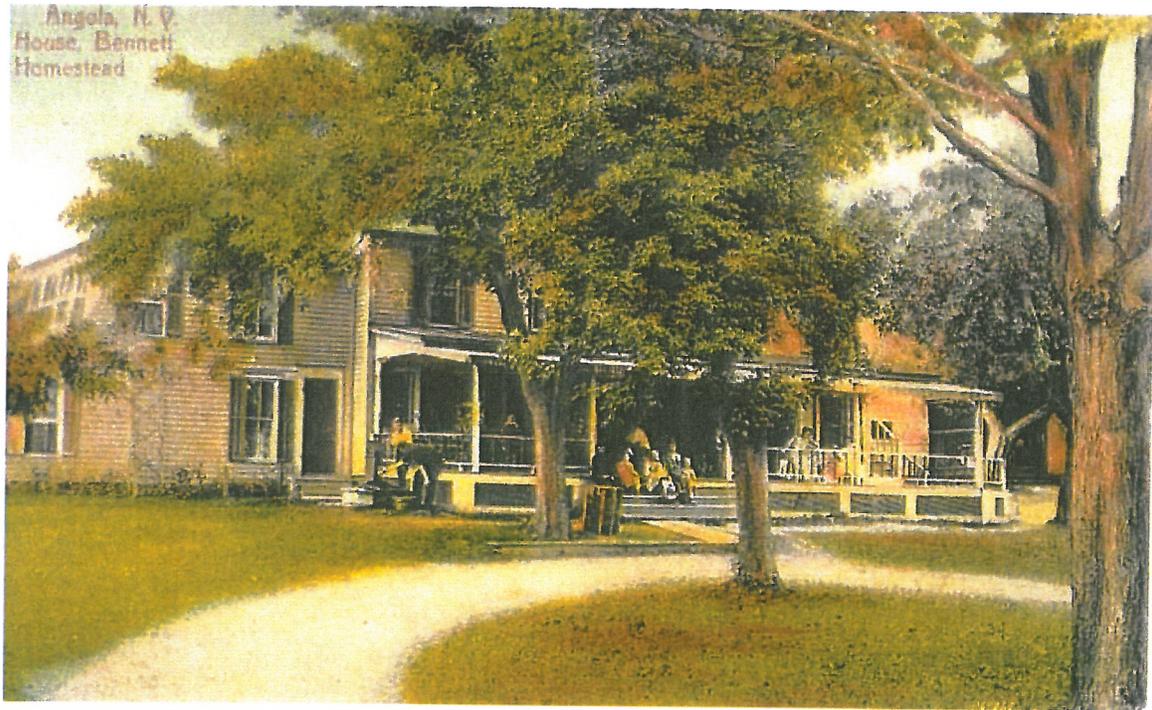
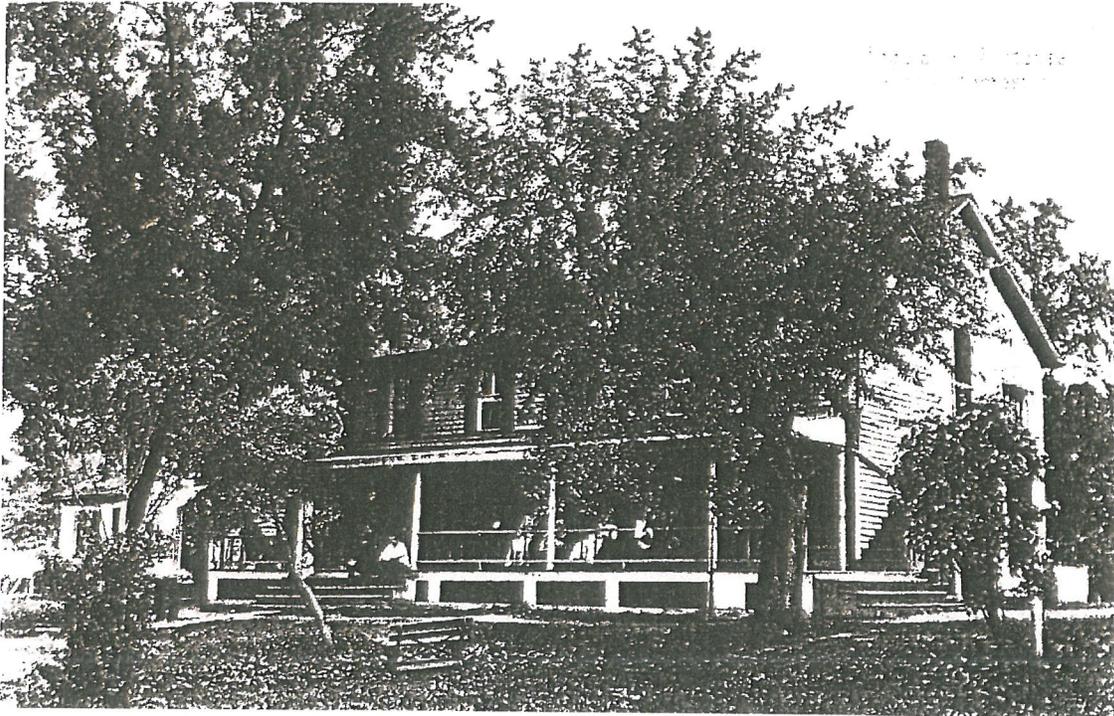


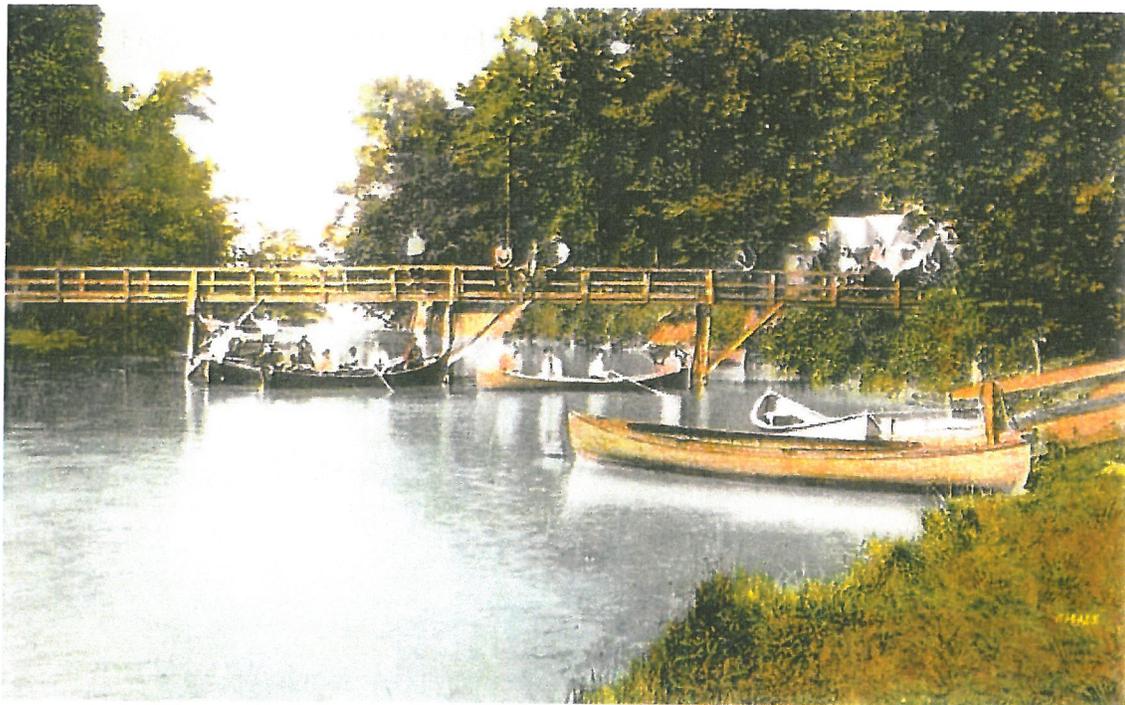
Figure 20. Similar view as previous, probably dates to around the same time.



**Figure 21.** Postmarked August 3, 1908. Shows old chain bucket wooden pump. Also trunk by side of road. Allie Seeley is first person on left, front row.



**Figure 22.** Post card depicting Bennett House, facing southwest. Note activity on the porch. From James Bucki collection.



**Figure 23.** Post card view downstream depicting Bennett Homestead bridge over Big Sister's Creek.



**Figure 24.** Post card depicting Bennett Homestead bridge over Big Sister's Creek.

**Site Size.** The site limits are somewhat arbitrarily defined as encompassing the entire extent of the Bennett Homestead including the primary structure and a small outbuilding located 13.8 m to the west as documented in 1981 and 1991, plus a buffer zone. This area measures about 35m (north to south) by about 25 m (east to west). This site area is probably misleading, as several important and associated activities no doubt occurred much farther away from the building complex. Unfortunately, the only documented archaeological investigations at the site are limited to five Shovel Test Pits (STPs) dug at irregular intervals under the floor boards of an addition to the original house, before the whole structure was demolished. The layout of the site as documented in 1991, including STP locations is depicted in Figure 35.

**Site Location.** The Bennett House site is located in the Town of Evans, Erie County, New York (MCD 02913). The site encompasses the former Bennett House and its immediate surrounding area. Photos 84-89 depict the site's setting at the time of investigations in 1991. The site is situated east of Big Sister Creek, west of Old Lake Shore Road, essentially at the foot of Bennett Road.

**Site Characteristics.** The site is situated on the Lake Erie Plain, near the present shore line. It is located just slightly inland, just past a large sand ridge that runs parallel to the shoreline. This topographically prominent feature may have provided some shelter to this structure from the otherwise strong, prevailing westerly winds that come off the lake.

**Architecture.** At the time of inventory, the estimated construction date for the original portion of the house was circa 1830. Additions were noted to have occurred in 1880, 1882 and 1884 to accommodate summer boarders (Appendix C). In 1991 Herold working on information from two local informants, Jack Empke of the Evans Historical Society and Judy Cowe identified the original portion of the house as the two story high, one room deep section with a cellar (Figure 35). The style of the original house section may be best describes as representative of the folk I-House style (McAlester and McAlester 1984:96-97).

**Artifact Summary.** The material found in both the surface collection and the five STPs excavated seem to be consistent with a rural nineteenth century homestead, of the type expected to be associated with a structure like the former Bennett Homestead. A very large amount of material was recovered from the limited field work conducted here including burlap frags, unidentified cloth frags, 1 woven basket frag, 1 leather piece, 1 metal button, 1 leather baseball glove, one while ball clay pipe stem and one pipe bowl, 14 bone, 2 undecorated white wear fragment, 1 green bottle glass, 1 red transfer print whiteware, 2 blue transfer print white wear, 1 black transfer printed whiteware, 1 aqua bottle fragment, 9 olive green bottle glass, 1 wooden utensil handle, 29 brick frags, 62 mortar, 12 machine cut nail, 3 green window glass, 7 clear window glass frags. A full list of materials recovered is presented in Table 20.

**Features.** Considerable evidence for features was discovered by Perrelli's investigations in 1991. These include possibly burnt soil and ash deposits in shovel test profiles and a filled in, stone lined well located to the west of the structure. Sheet midden deposits are often associated with early to mid nineteenth century structures (Versaggi 2001). However, after 1875, the year Bennett transformed his land into a beach resort, sheet middens accumulation may have decreased due to an increased effort to keep the land in near pristine condition. However, at this same time, artifactual deposits and features indicating a sudden increase in summer boarders should be expected.

**Integrity.** The integrity of the deposits at the time of Perrelli's field investigations appears to have been very high. The floor boards had recently been removed and artifacts occurred on the surface, including bottle glass fragments, a wooden utensil handle and a leather baseball glove. The shovel test profiles too displayed evidence of complex stratigraphy with good context. However, since the Bennett House was razed, sometime between 1993 and 2003, no archaeological investigations have occurred at this site. It is likely that the integrity of the site deposits was severely handicapped by this demolition.

**Historic Research Potential.** This study represents only a preliminary examination of the site. Additional data would be needed to characterize its deposits further. Initial results suggest it has considerable research potential. The research potential for the site is especially high, because the site is clearly associated with Joseph Bennett's rise to prominence in the local community during the period that it archived significance in the mid to late nineteenth century.

**Potential Impacts.** No impacts are planned for the site. However, if construction or other earthmoving activities occur at or near this site, an archaeological survey will need to be conducted to assess the existence and integrity of any associated cultural deposits.

**Recommendations.** Because this initial survey indicates that the Bennett House site has the potential to yield important information on the history of western New York, it appears to be eligible for inclusion on the National Register of Historic Places under Criterion D. However, because the site is also associated with Joseph Bennett, an influential early settler who led a prominent life, it may also be eligible under Criterion B. Therefore, before any disturbances to the site are executed, a thorough archaeological investigation should be performed. The site limits likely extend farther than those depicted here, however no testing has been conducted to confirm this. No evidence of former farm outbuildings or semi-permanent structures built for the resort goes in the later eighteenth and early twentieth century have been identified. Before any disturbances are carried out anywhere within the Bennett Beach Park limits are carried out, a complete cultural resource study will be necessary to assess the research potential of that area. An OPRHP historic site inventory form is presented below.

## RECOMMENDATIONS

The Bennett Beach site and vicinity has great potential to increase our knowledge of history and prehistory at the local and regional scales. Preservation and stewardship of the archaeological resources at Bennett Beach is of the utmost importance. Before further activities that could impact any part of Bennett Beach or adjacent areas is commenced, Phase 1A/B reconnaissance surveys should be conducted. Because of the incredible research potential of this site, it is important that no more archaeological data is lost to human activity. A five meter (15 ft) shovel test grid across the entire park, except for the beach area is recommended to test for prehistoric and historic deposits. Natural conditions such as dune erosion are also damaging the archaeological integrity of the site. Therefore, the preservation of the dune structure should be addressed. Vegetation blocks and grass could be inexpensive solutions for preserving the dunes.

The remains of the 1857 wreck of the *Dakotah* provide interesting research opportunities to study a underwater archaeological site, possibly yielding insight to 19<sup>th</sup> century commercial shipping on the Great Lakes. Various methods of identifying underwater cultural resources exist. The SCUBA method is probably the most efficient and effective way to investigate this site and local amateur divers have identified the wreck and use this method informally (OTA 1987:38). Conservation of underwater resources is important and should also be considered. Excavation of any underwater cultural resources should not commence unless there is a threat to these materials or a sufficient research design exists. If these initial criteria are met, excavation should only continue if the archaeologist can ensure that the conservation of the recovered underwater cultural resources (Hamilton 1996:43).

The most important and immediately accessible data that should be studied further exists in the form of collections held by James Bucki and the Marian E. White Museum/Archaeological Survey, University at Buffalo. More in-depth study of these large and diverse collections will yield a wealth of information about the site with local and regional implications. Extensive lithic and ceramic assemblages have been recovered along with faunal and paleo-botanical material from features.

Historic resources are also abundant and important. The site is associated with the life of prominent local Joseph Bennett and relates to the development of the tourism and summer resort industry he helped to develop. This industry remains a mainstay of the local economy today. The story of the development of a frontier boarding house and farmstead into a large summer resort is vividly detailed in Bennett's journal, lending the historic research potential a special and well-developed context. Archaeological deposits can help tell this story.

## Justification On the Need for Erie County to Protect and Purchase Pine Lodge

Statement by Bruce Kershner,  
Professional Forest Ecologist and  
National Old Growth Forest Authority

The Pine Lodge property is a nationally rare environmental treasure and would be irreplaceable if lost to development. It would serve the population of Buffalo metro area and Erie County by clearly making a superb addition to adjacent Bennett Beach County Park.

It should be noted that Pine Lodge was *twice* placed into New York State's Official Open Space Plan's top 10 priorities for Region 9 to be acquired as public open space/park. Specifically, it fell into the Region's top 10 priorities twice as "Lake Erie Shoreline Open Space & Lake Access" and as "Old Growth Forest Sites."

What should be realized is the alternative to NOT purchasing it: the high likelihood that the site will be more intensively developed, as can be seen with the cottage developments along the rest of the shore in the direction of Buffalo:

- o lake shore erosion would greatly increase, since the protective barrier of the currently stable sand dune would be destabilized when its forest is removed due to cottage construction
  - o river erosion would greatly increase here as well since the old growth forest protects the mouth of Big Sister Creek
  - o the scenic assets that the site now provides for Bennett Beach users and the surrounding neighborhood would be endangered by replacing it with "just another" lake cottage development
  - o the opportunity for the public to enjoy the recreational and open space use of a sizable, undeveloped, exceptionally scenic lake shore property would be lost
- The ecological significance and uniqueness of Pine Lodge rates "nationally significant."
- o The Pine Lodge property contains several acres of Old Growth Hemlock Forest
  - o This site is *one of only two sites in the world* where old growth hemlock grows on sand dunes! The other site is in a *national park* in the Midwest.
  - o This site is the *oldest forest on the entire coast of Lake Erie*, both the U.S. and Canadian shores. The trees have verified as reaching ages of to 525 years old, probably older.
  - o The trees in this ancient forest are *tied as the oldest living things in New York State*
  - o Besides being an ecological, scenic and scientific treasure, *this primeval forest is an outstanding "Living Historic Monument."* It is the only place along the lakefront of Erie County to see the original historic landscape of the Native Americans, before Europeans came here. It should be considered as important and irreplaceable as a historic building or archeological Indian village dating back to the 1500s. *If such a human-made historic treasure was found, would there be any doubt that it should be purchased and protected?* It would be an invaluable educational resource for the children and the public of Erie County.

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The analysis and conclusions set forth in the independent consultant's report are clear and concise.

- “The forest community on the site is hemlock-northern hardwood forest. Trees on this parcel have been dated from 200-500 years old. A hemlock forest itself is not uncommon. What makes Pine Lodge unique is that it is growing on a Great Lakes dune. **There is only one other plant community like this in the world, Sleeping Bear National Park in Michigan.**”
- “...it is the community (the assemblage of plants and animals) and its presence on a sand dune that makes Pine Lodge a **locally, regionally and globally rare and unusual forest.**”
- **“Excepting forest communities on vertical rocky cliffs, 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 Allan Seger Natural Area (Pennsylvania) in the northeastern United States.”**
- “Due to <sup>severe</sup> ~~serve~~ limitations for site construction and the sensitive and rare ecological system related to vegetation and dune structure, Great Lakes Environmental, deems the construction of a single-family home or any structure on the dune at Pine Lodge would [be] detrimental to the ecosystem of the site. The property owner’s proposal includes the construction of a 125-foot retaining wall and planting of stabilizing vegetation to sustain the dune. **In our opinion these measures or any mitigating measures will not maintain the ecological integrity of the dune.**”
- This report addresses 10 separate development issues, ranging from soils and erosion to vegetation and archeology and the negative impacts on each individual issue, cumulatively the adverse impacts of these issues would be devastating to the integrity of the dune and the long term health of the old growth trees and this rare ecosystem.

OLD GROWTH FOREST SITE REPORT  
Western New York Old Growth Forest Survey  
Niagara Frontier Botanical Society

DATE: 17 Feb 96  
12 May 96

additional notes Oct. 15, 2003

1. LOCATION:

SITE NAME: Pine Lodge Site

IDENTIFICATION NUMBER: E-12

COUNTY: Erie

TOWN: Evans

DIRECTIONS: The site is in Angola-on-the-Lake, NY. Exit NYS Thruway at Angola and proceed north toward Lake Erie on Eden-Evans Road. Cross NYS Routes 20 and 5 to Lakeshore Road. Turn right and proceed past the intersection with Bennett Road and past Bennett Beach Park. The first driveway on the left after Bennett Beach leads to the old Pine Lodge. The Pine Lodge grove occurs on a sand dune directly behind the old lodge on the eastern side of the mouth of Big Sister Creek. It faces directly on Lake Erie. Remnants of this community continue along the sand dune slope below a row of summer homes east of the Pine Lodge grove.

2. MAP:

3. SIZE/SHAPE: 2-3 acres, roughly rectangular on 18 acre property

4. OWNERSHIP: Lenn Lease Inc., Box 155, Cheektowaga, NY 14222

5. FOREST COMPOSITION: (D)-dominant *Hemlock-Northern hardwoods forest*

OVERSTORY

*Tsuga canadensis* (D)  
*Fagus grandifolia*  
*Prunus serotina*  
*Magnolia acuminata*  
*Pinus strobus*  
*Quercus rubrum*  
*Populus sp. (deltoides)*

UNDERSTORY

*Berberis sp.* (alien)  
*Prunus virginiana* (D)  
*Acer rubrum*  
*M. acuminata*  
*Taxus sp.*  
*Lonicera canadensis*  
*Lonicera sp.* (alien?)  
*Sambucus racemosa*  
*Ribes americanum* (alien)  
*Rubus sp.*  
*Cornus sericea*

SAPLING LAYER

A. rubrum

GROUND LAYER

Trillium grandiflorum  
 Maianthemum canadense (D)  
 Smilacian racemosa (D)  
 Polygonatum biflorum  
 Solidago sp.  
 Aster sp.  
 Impatiens sp.  
 Erythronium americanum  
 Aralia nudicalis  
 Osmunda regalis  
 Thalictrum dioicum  
 Polygonum cuspidatum (alien)  
 Arisaema triphyllum  
 Equisetum sp.

6. CORE SAMPLE DATA:

We counted rings on two stumps located on the sand dune slope facing the lake within a few hundred feet east of the Pine Lodge grove. These trees are of average to slightly small size for this site.

Stump #1 - Tsuga canadensis - 18 1/2" diam. 10' from the base - 315 years  
 Stump #2 - T. canadensis - 22" diam. at 20' from base - 376 years; at 24' from base - 334 years. Using 40 years/4 feet of growth, we estimate this tree to be 576 years old.

We cored one tree in the Pine Lodge grove.

\* Core #1 - T. canadensis - 58" circ. - <sup>191</sup>~~222~~ rings with 3/4" inch of the core unretrievable. This sample was hard to read. We conservatively estimate the tree to be <sup>216-220</sup>~~250~~ years old.

7. DISTURBANCE: Pine Lodge was in the 19th and early 20th century a picnic and camping ground. It has seen much disturbance including the construction of paths, a Japanese garden, tent platforms, cabins, and a lakeside observation platform. Most of these cultural items are now removed and what remain are ruins. Undoubtedly, the owners removed dead trees and fallen limbs in the past. However, we do not believe that the site was ever logged commercially.

8. SLOPE/ASPECT: 30 degrees lakeside, flat to 15 degrees landside, facing west

\* Core recounted and corrected in lab by C. Rosenberg. The core is available for inspection

9. **RECOMMENDATIONS AND COMMENTS:** Lenn Lease Inc. has no address other than a post office box and no phone number. We believe that most of the trees in this grove are probably old-growth specimens. Some may be 500 years or older, and many are over 200 years old. Therefore, this grove (along with Leolyn Woods at Lilydale) represents the highest density of old-growth trees and possibly the oldest trees (outside of the cliff cedars at Letchworth State Park) in our region. Its location directly on Lake Erie is unique. The site also has an interesting social history. Recommended for further study. *Hemlock forest on sanddune may also be unique in state or region.*

10. **CONTACT PERSON:** This informant is knowledgeable on local history but not on the botany of Pine Lodge

NAME - Bill Houston

ADDRESS - 11 Glenwood, Angola, NY 14006

PHONE - (716) 549-2079

**SURVEY MEMBERS:**

Bruce Kershner, 353 Fruitwood Terrace, Williamsville, NY 14221:

(716) 634-7158. *21 PARK LANE COURT WILLIAMSVILLE 14221*

James Battaglia, ~~10430 Boyd Road, Clarence, NY 14031-2213~~: (716)

~~757-8855~~. *626-1950*

Michael Siuta, 55 Norma Drive, West Seneca, NY 14218: (716) 822-2544.

Charles Rosenberg, 6797 Tonawanda Creek Road, Lockport NY 14094:  
(716) 434-9403.

Glen Gelinas, 1480 Ridge Road, West Seneca, NY 14218: (716) 825-7760.

Top  
of  
DUNE

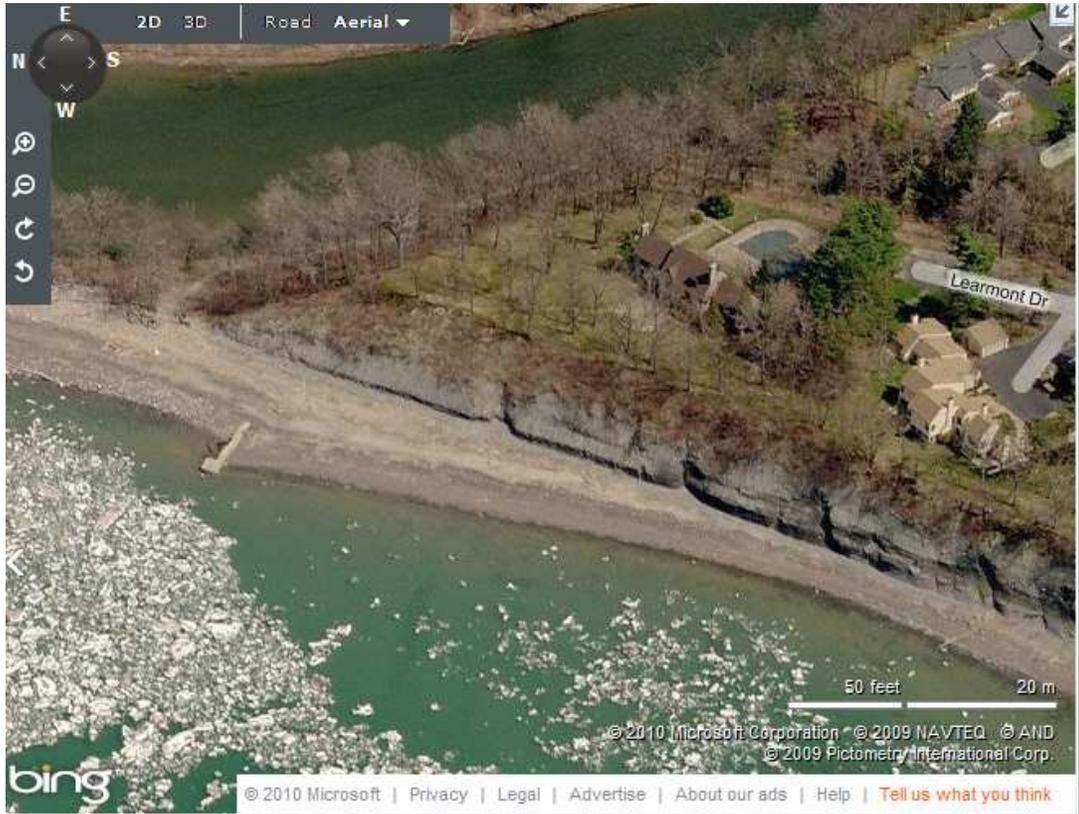


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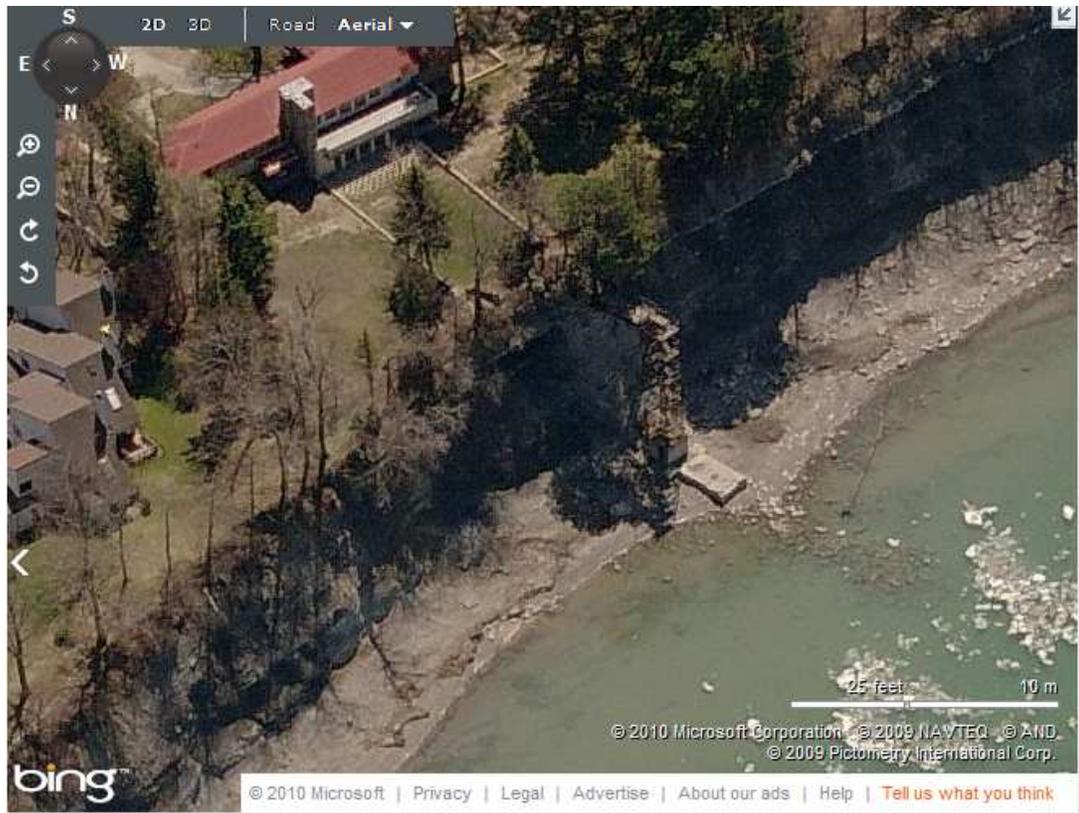
Lake  
Eric

## **Aerial Photographs of the Evans Shoreline**

Shoreline Features in Sub – Area 1:

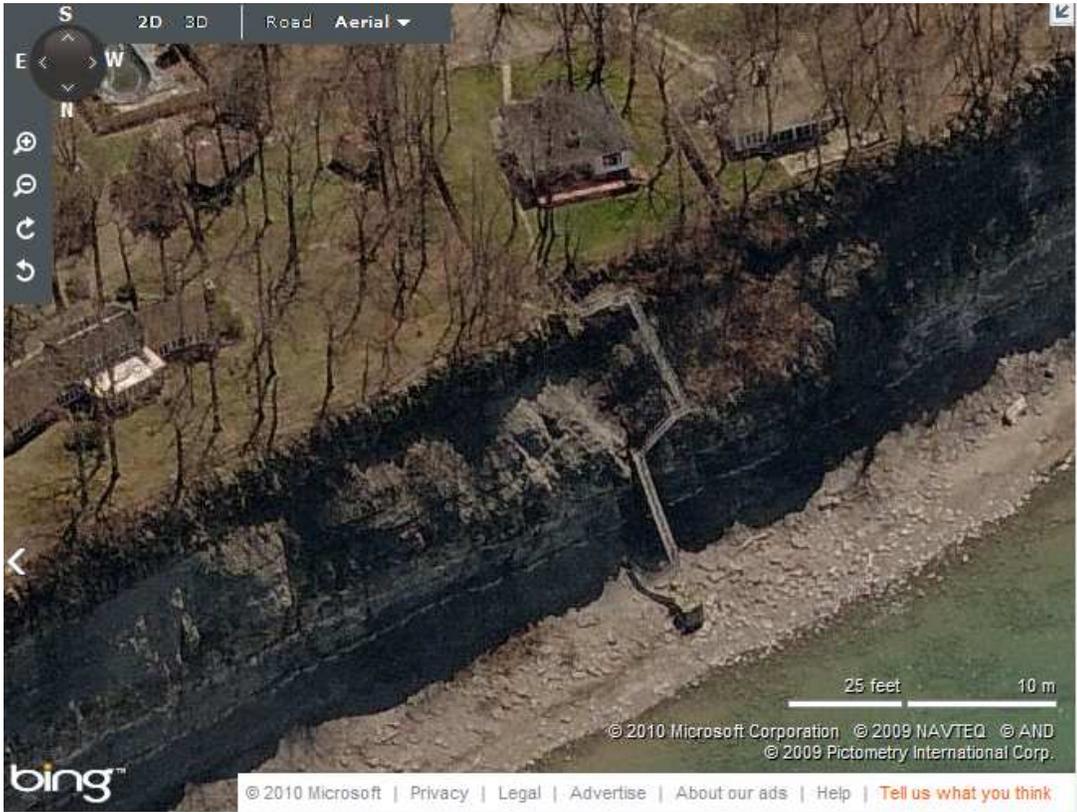


Below Bluffs at Eighteen Mile Creek

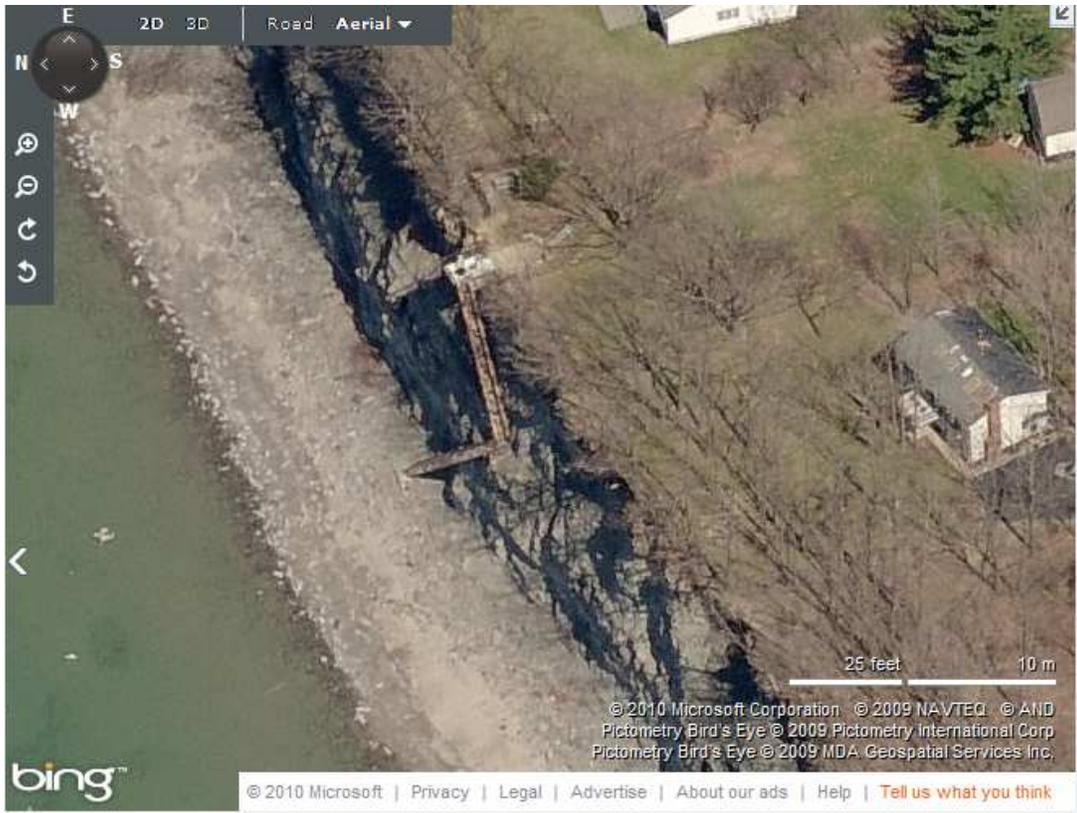


Graycliff, with remnants of stairway to beach

Shoreline Features in Sub – Area 1:

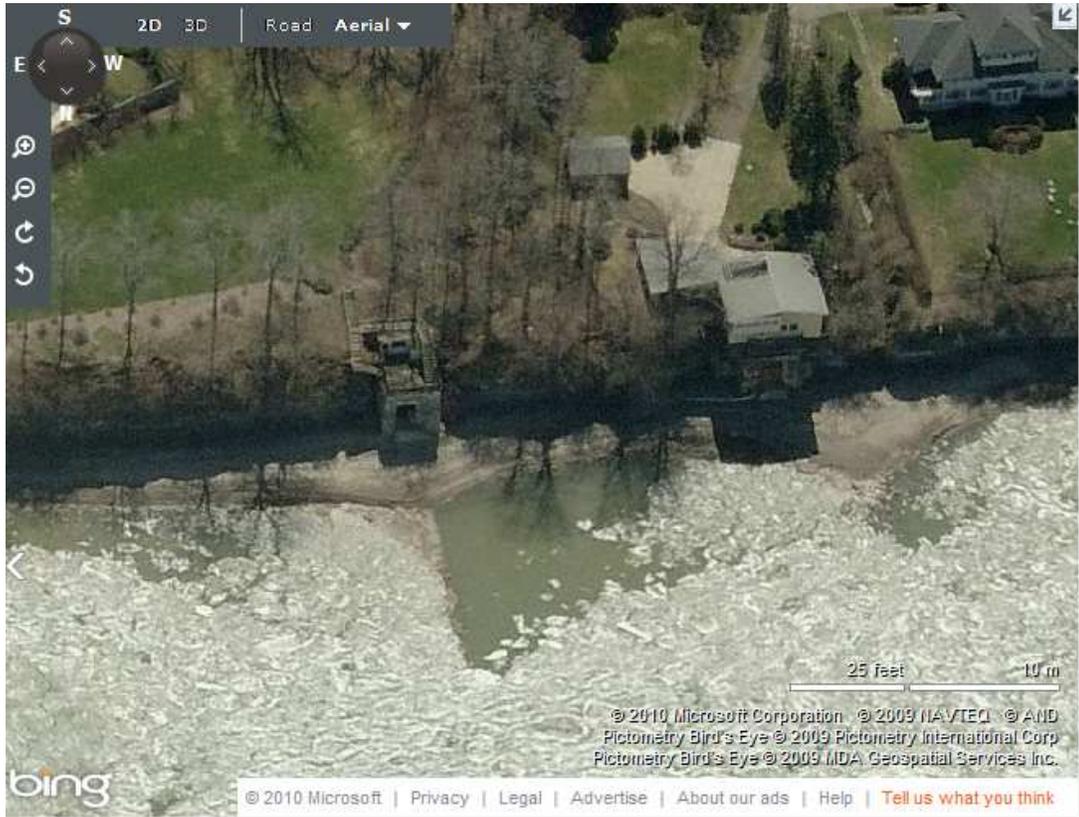


Private property south of Hamilton Drive with stairway to beach

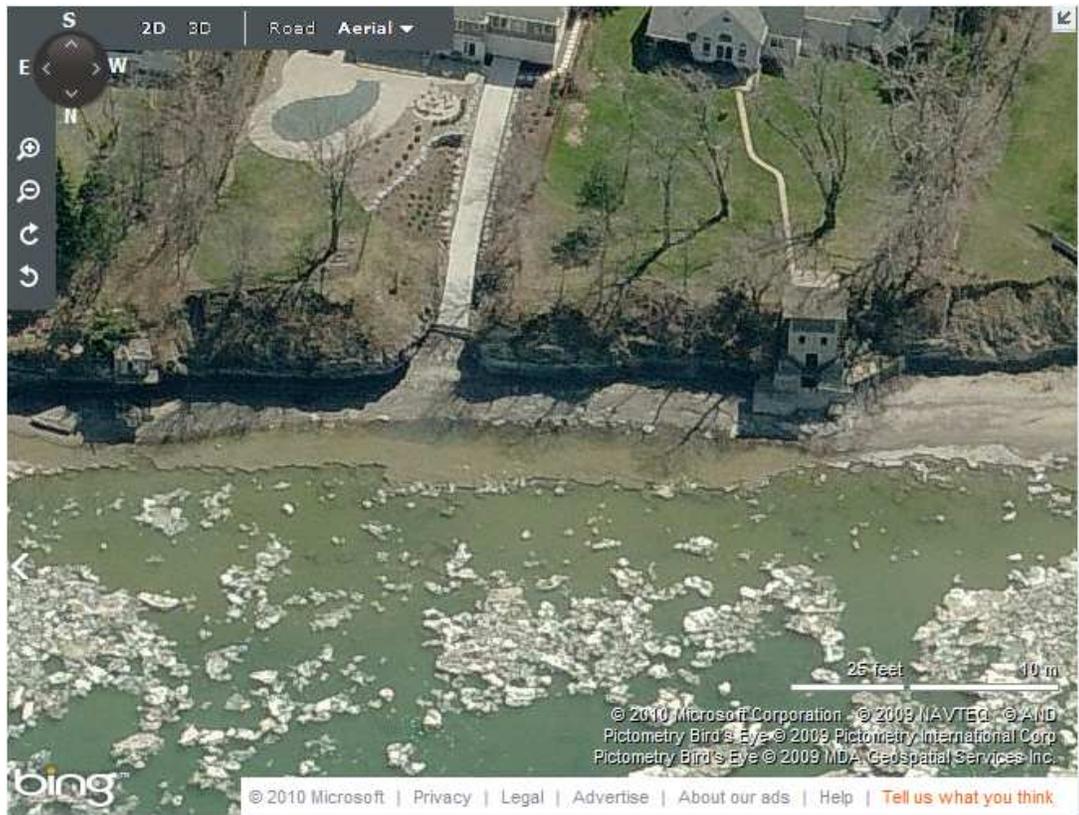


Deteriorated stairway access on private land, seaward of Nettle Creek Drive

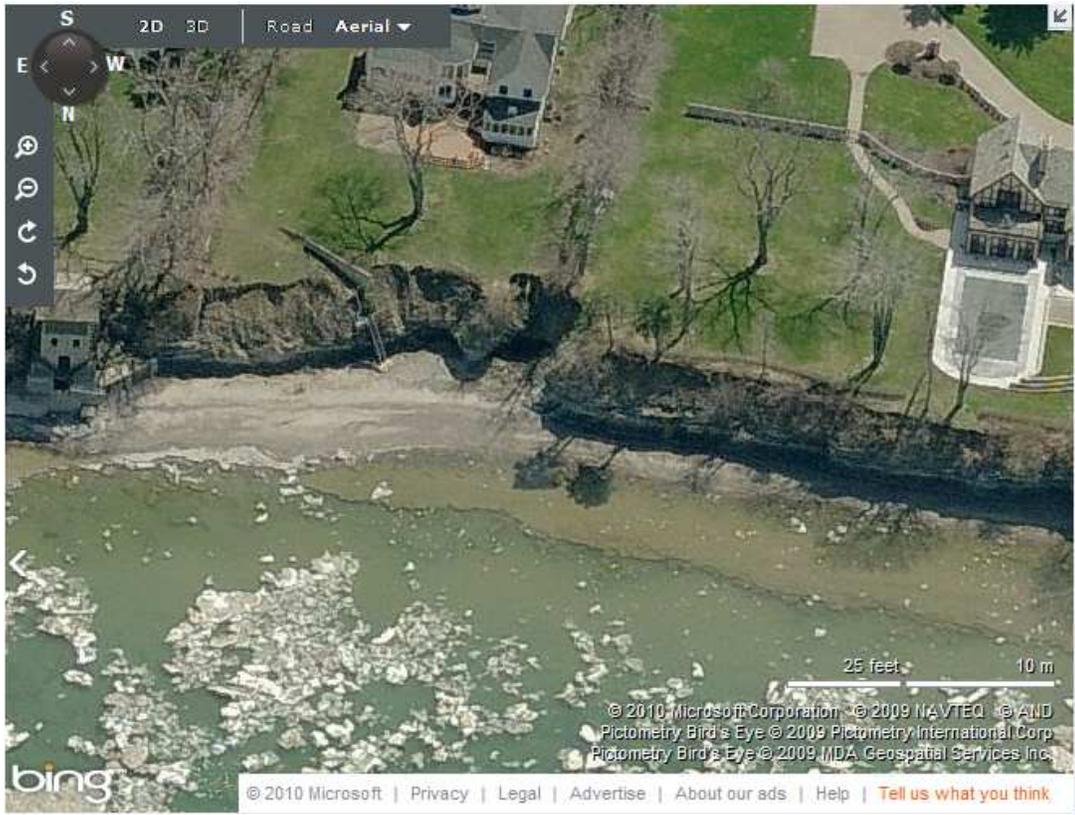
### Shoreline Features in Sub – Area 1:



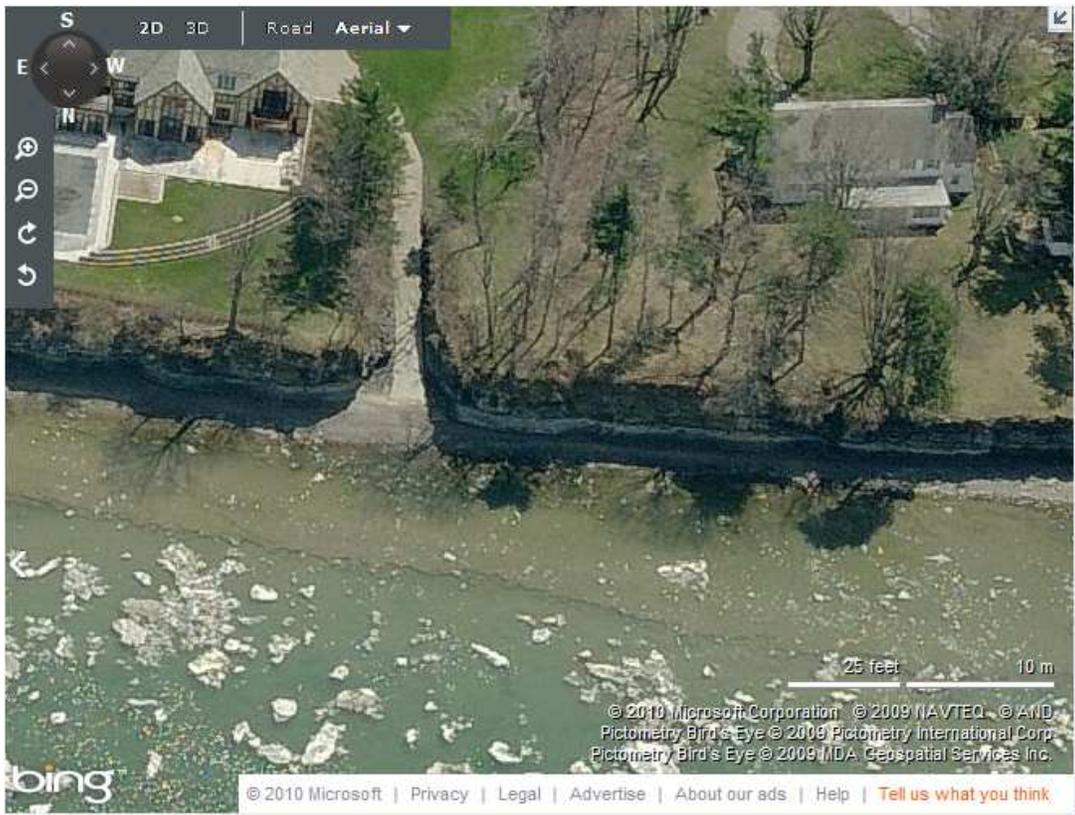
### Properties seaward of Bell Heights Road /Kimberly Lane



Shoreline Features in Sub – Area 1:

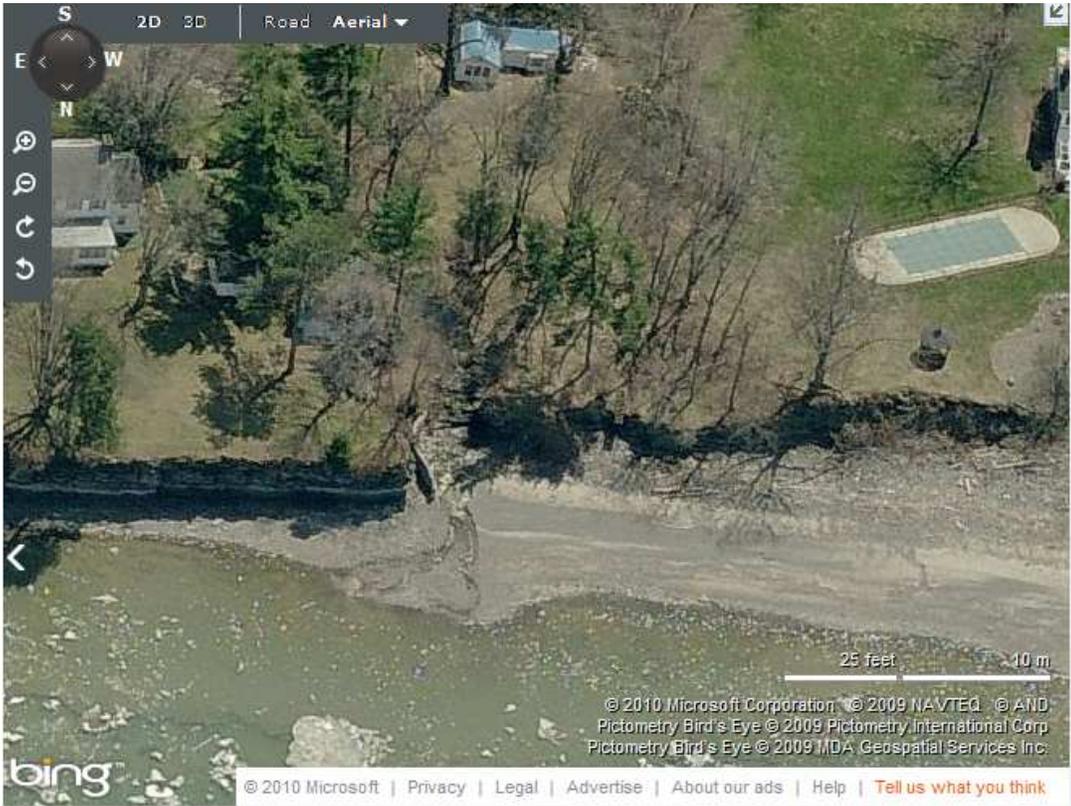


Shoreline properties located between Bell Heights Road and Kimberly Drive

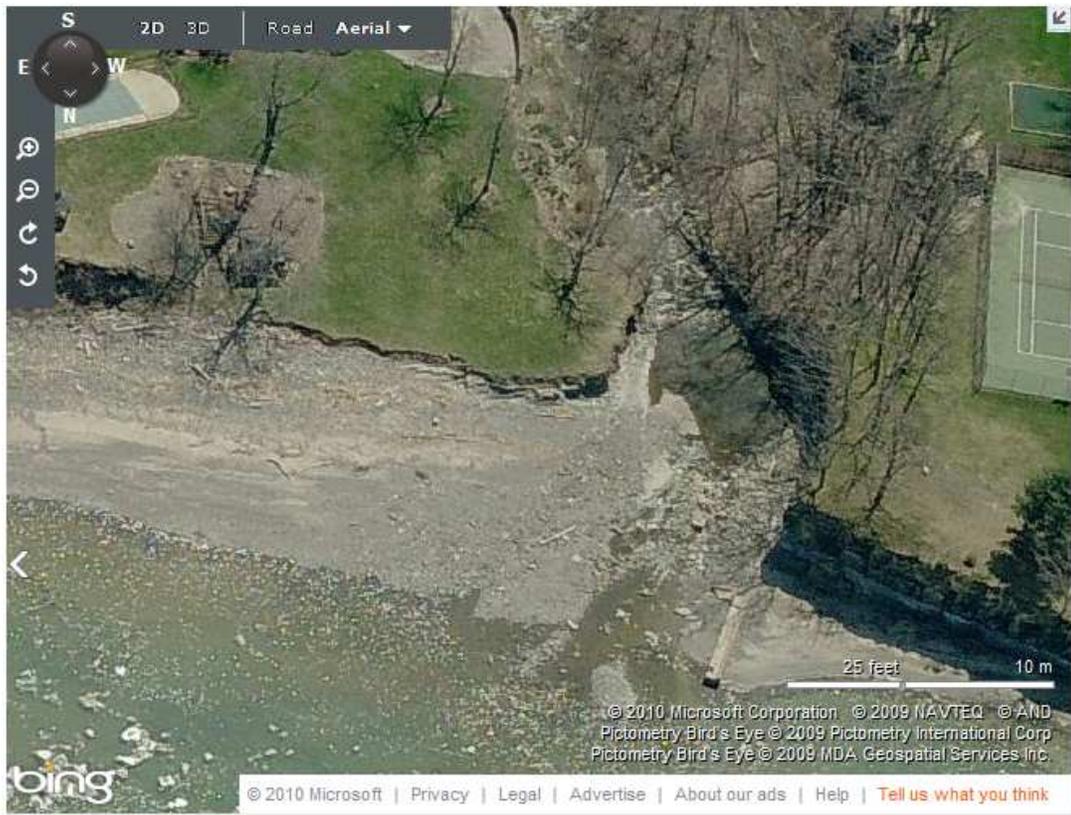


Shoreline property situated north of Kimberly Drive

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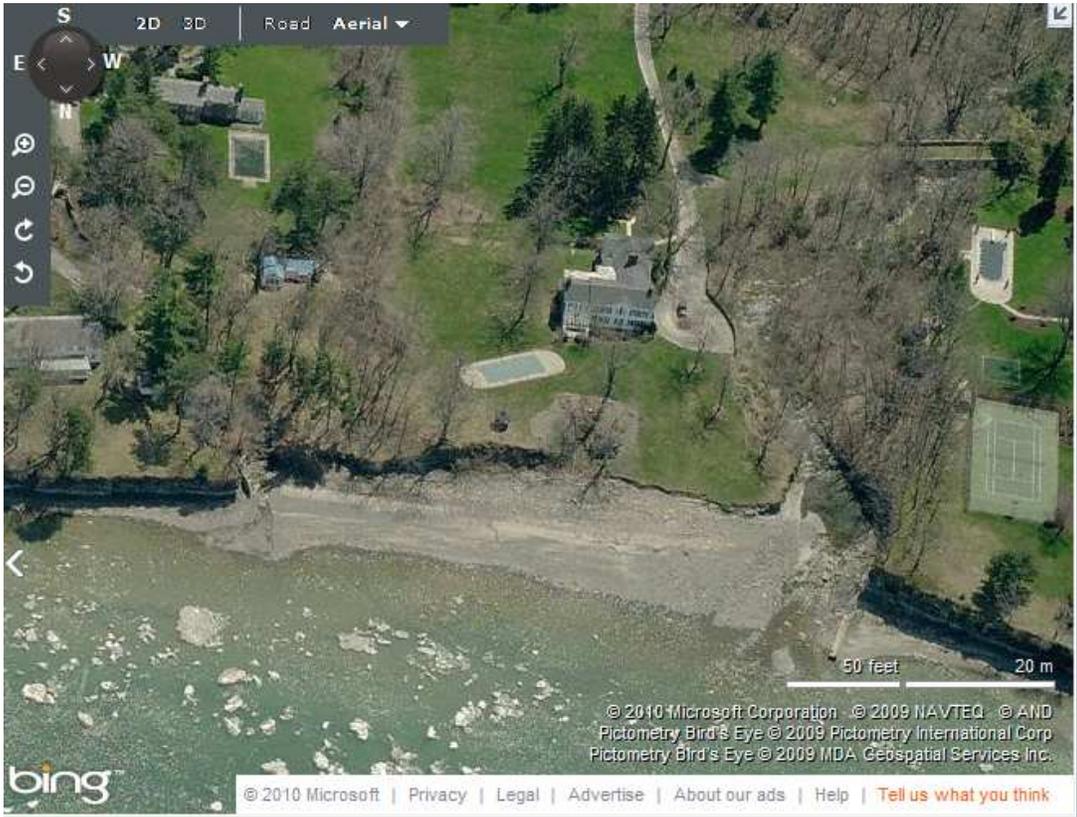


Mouth of Reich Creek

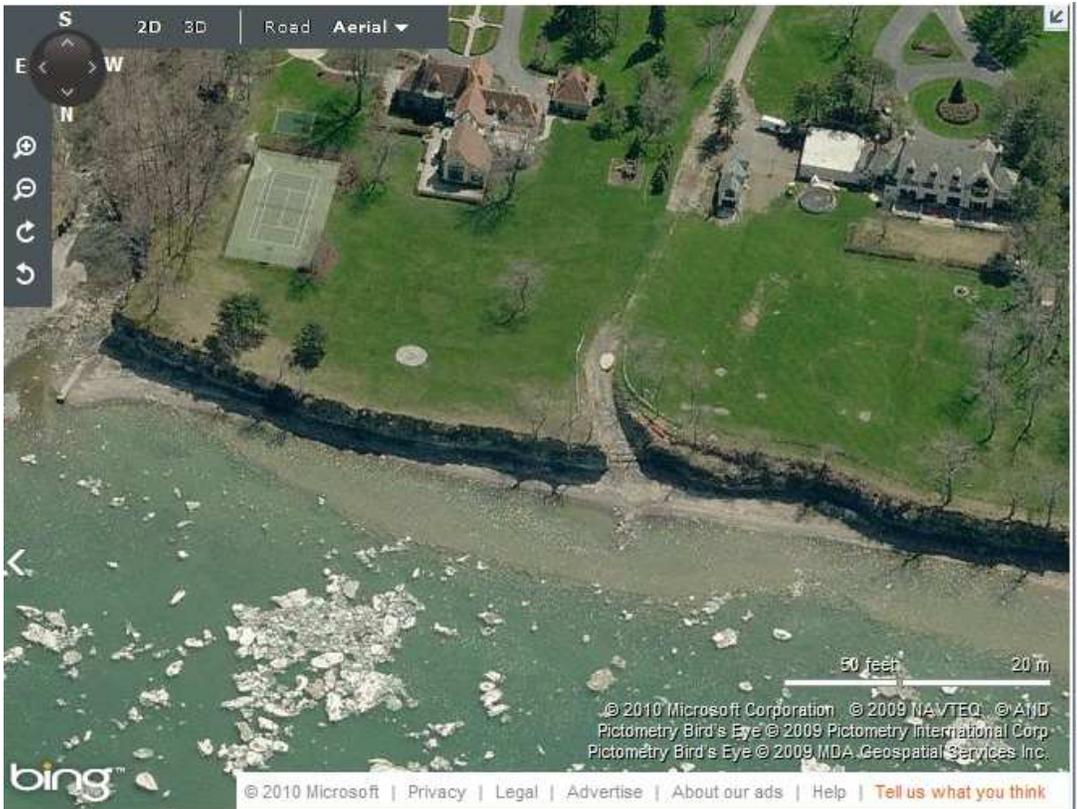


Mouth of Pike Creek

Shoreline Features in Sub – Area 1:

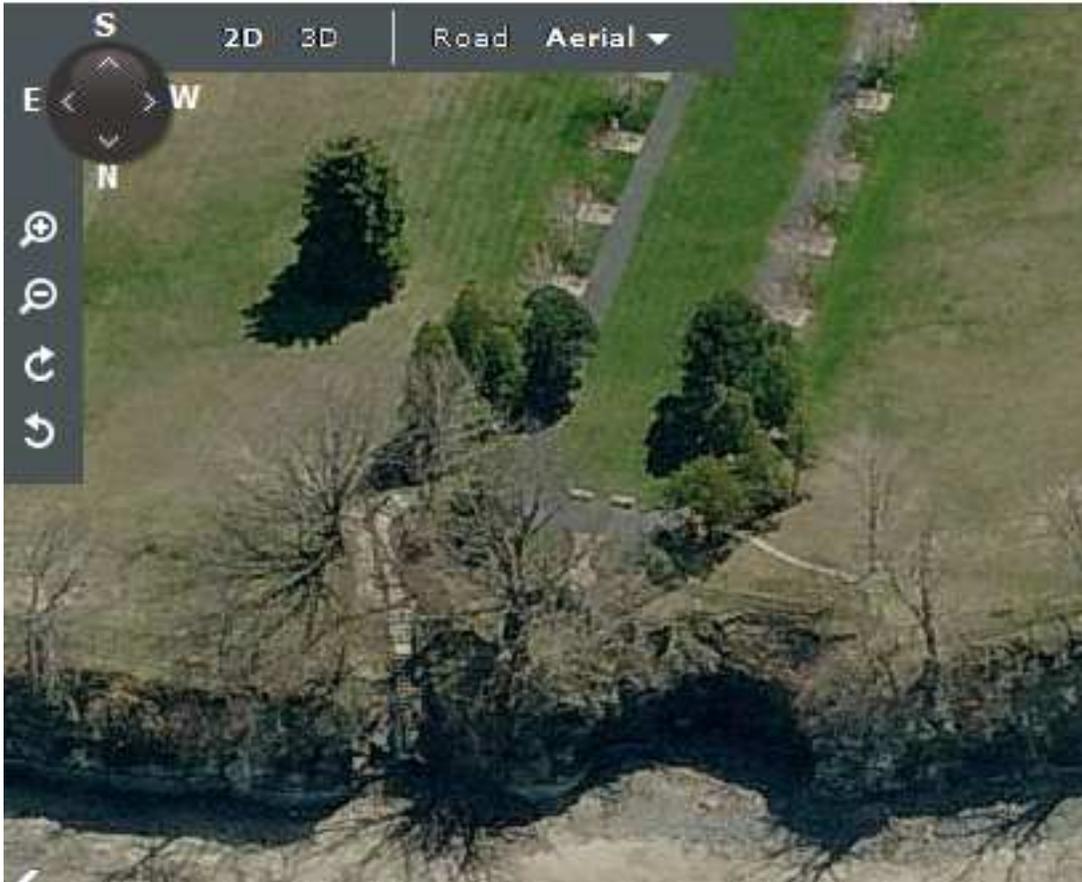


Mouths of Reisch and Pike Creeks

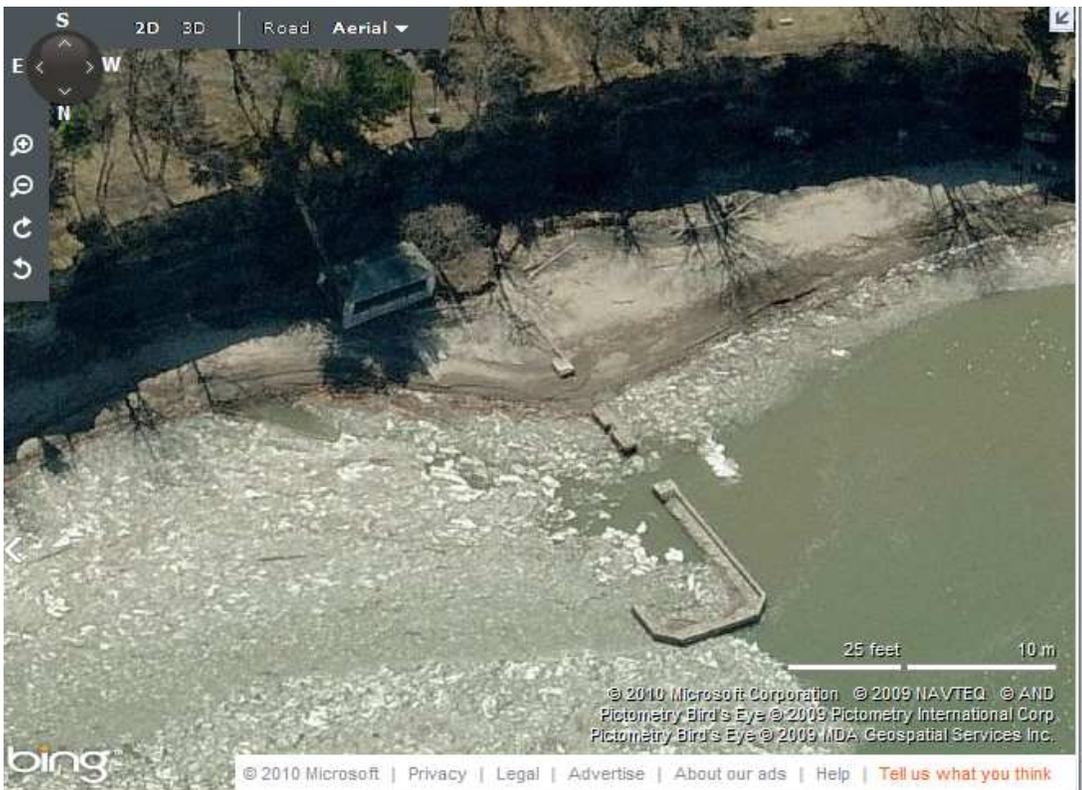


Just north of Pike Creek mouth (near Sweetland Road)

Shoreline Features in Sub – Area 1:

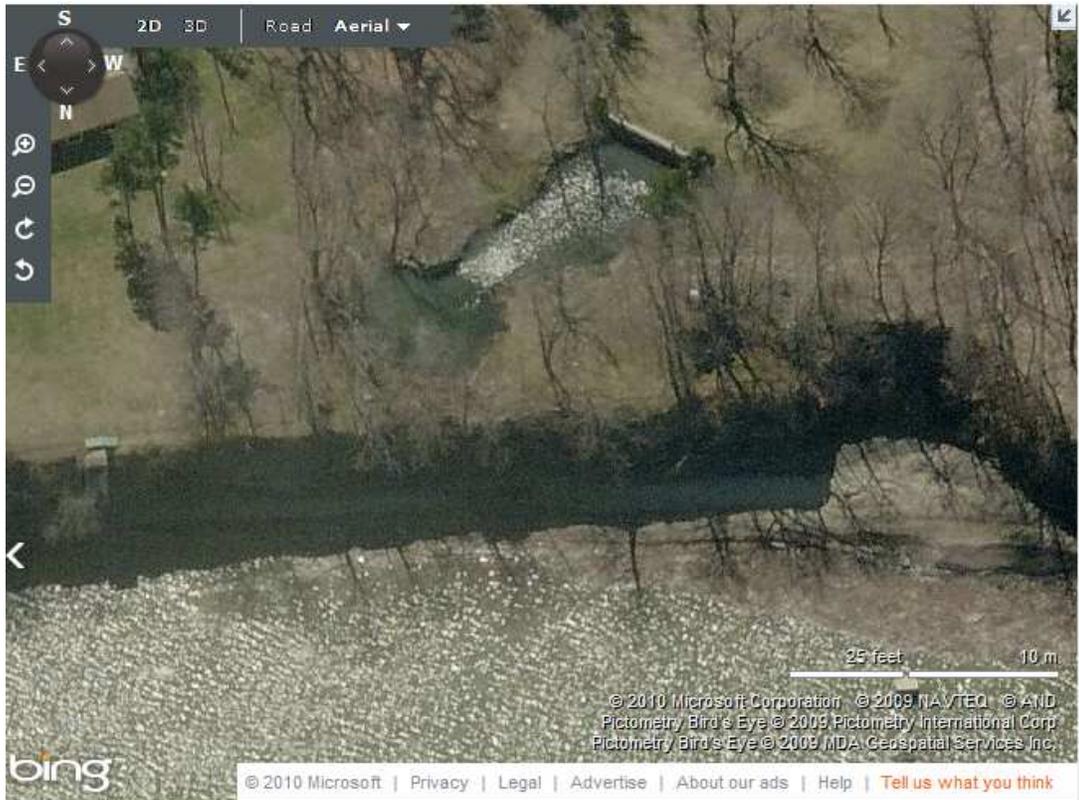


Columban Center - North of intersection of Sweetland and OLS Rd.

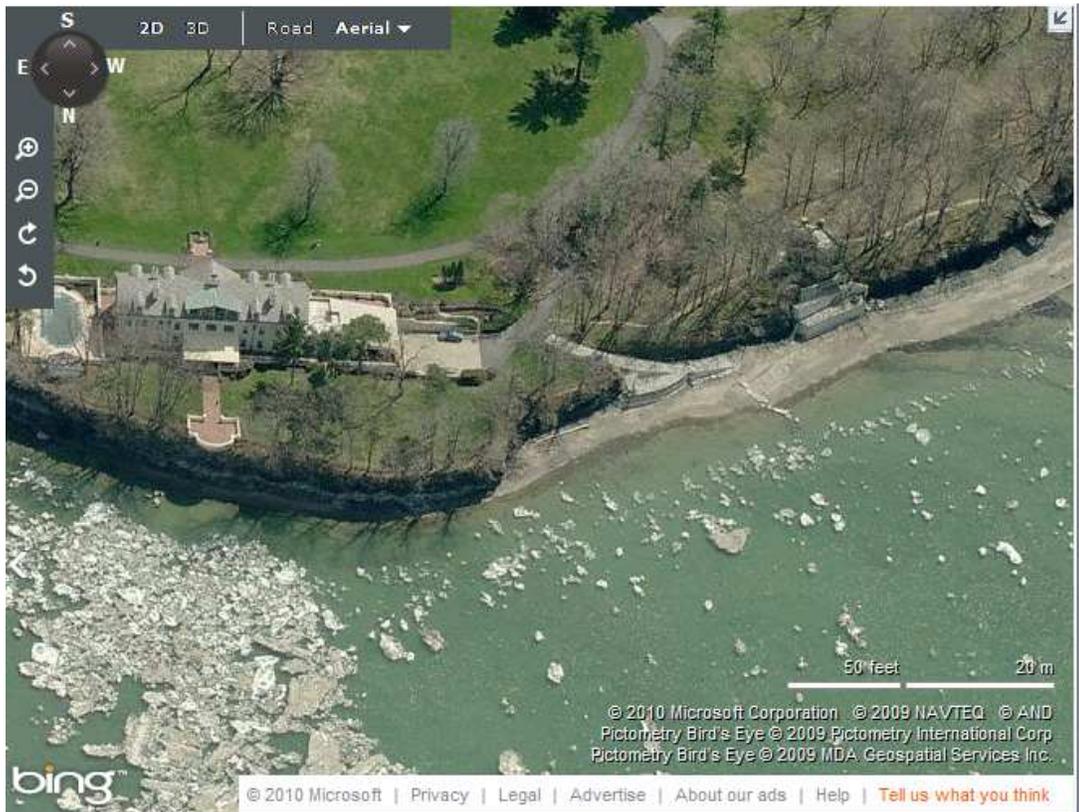


Directly north of Woodcliff Drive

Shoreline Features in Sub – Area 1:

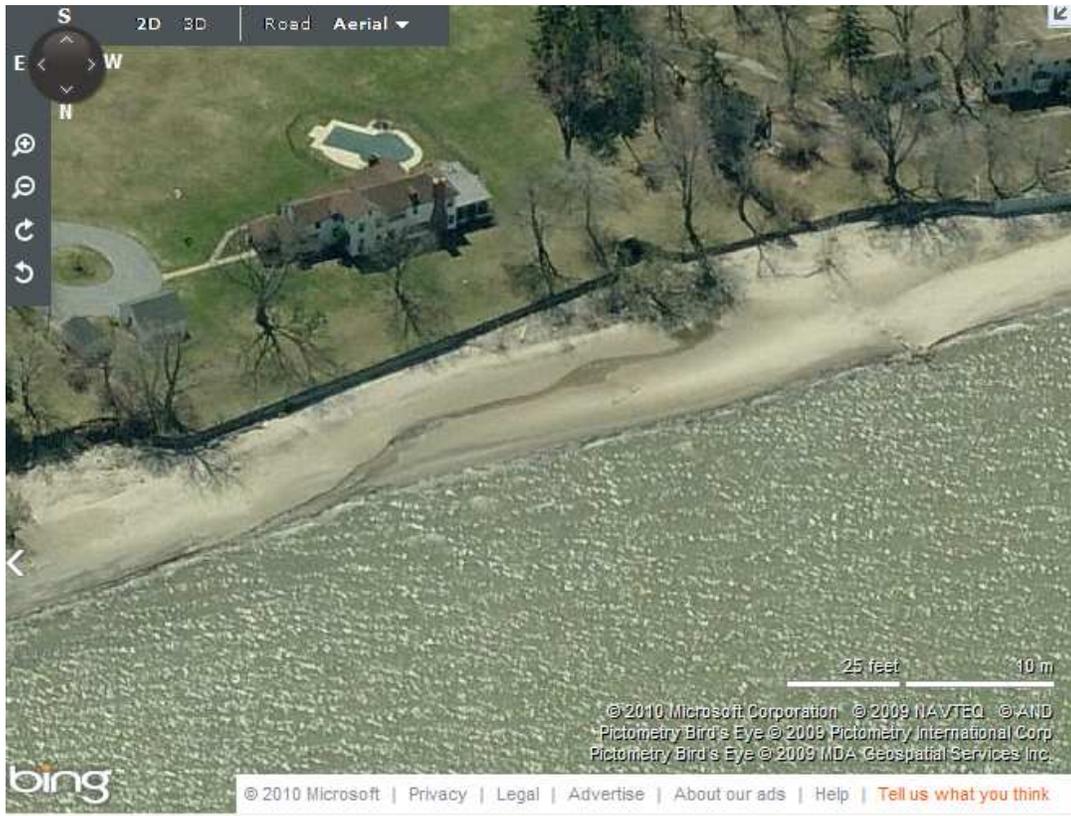


Seller's estate (?) – immediately south of historic Michael property

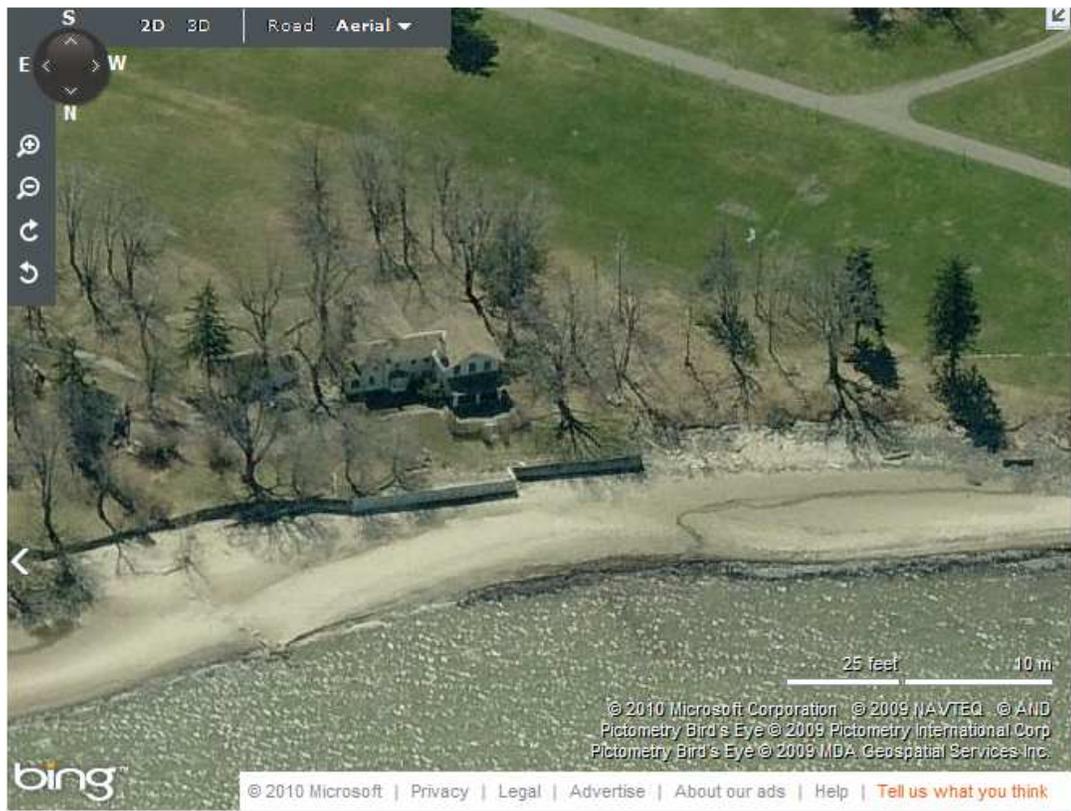


Historic Michael property (north of Sturgeon Pt)

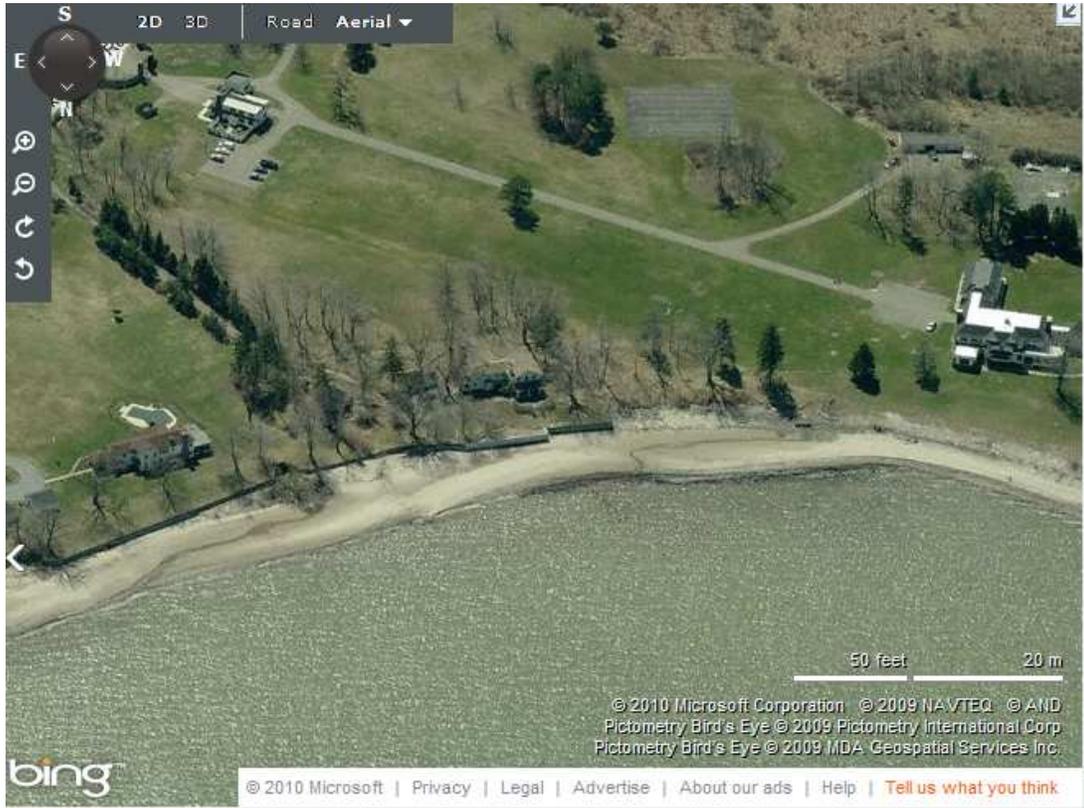
### Shoreline Features in Sub – Area 1:



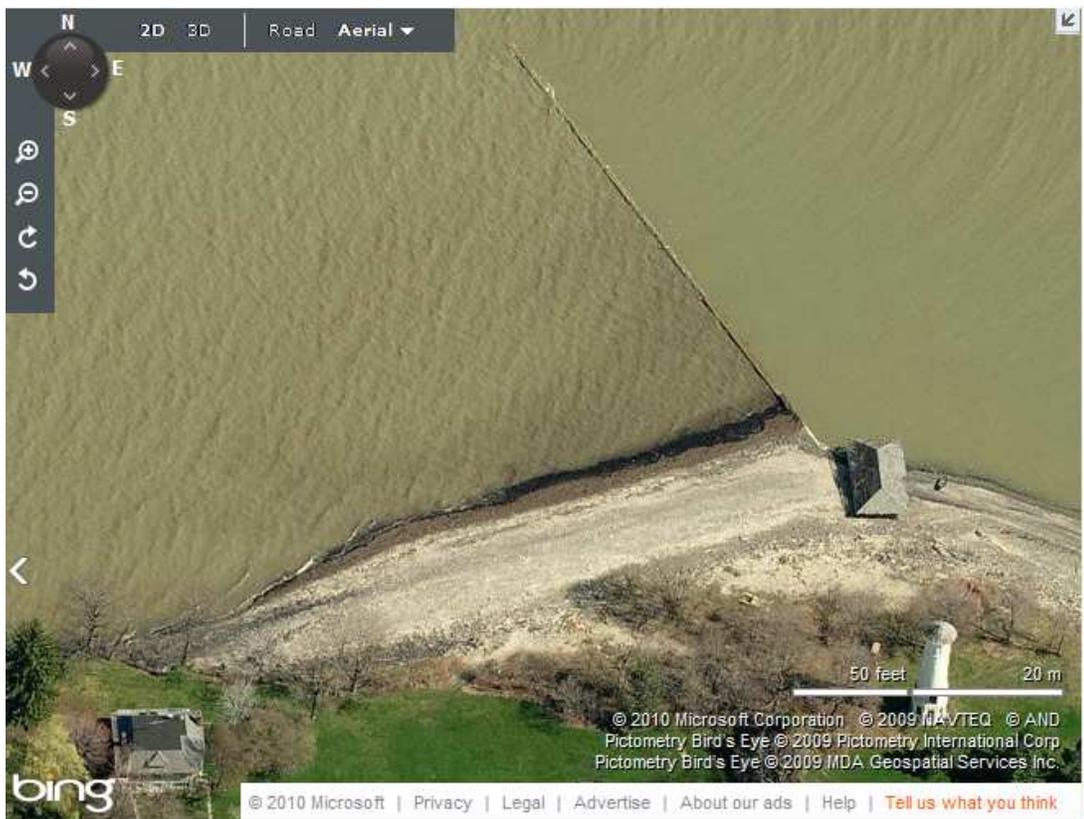
### Seawalls along property immediately north of the Claddagh Commission



Shoreline Features in Sub – Area 1:

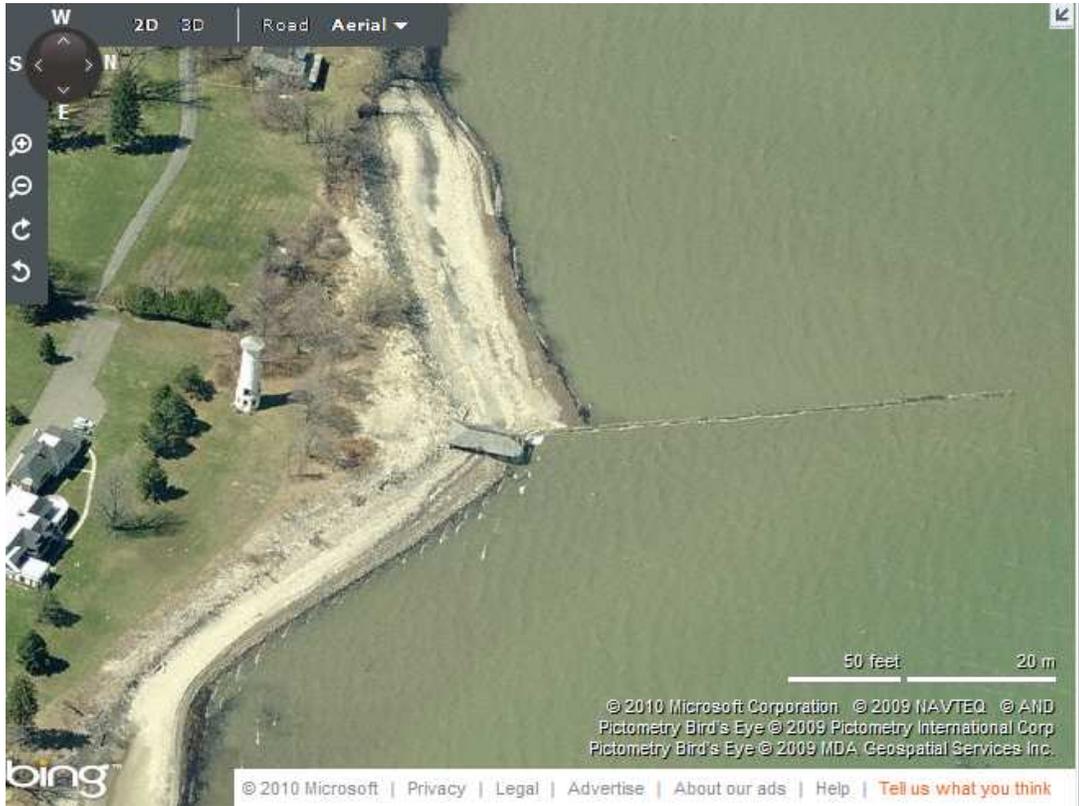


Wider view of seawalls immediately north of Claddagh Commission (at right of picture)

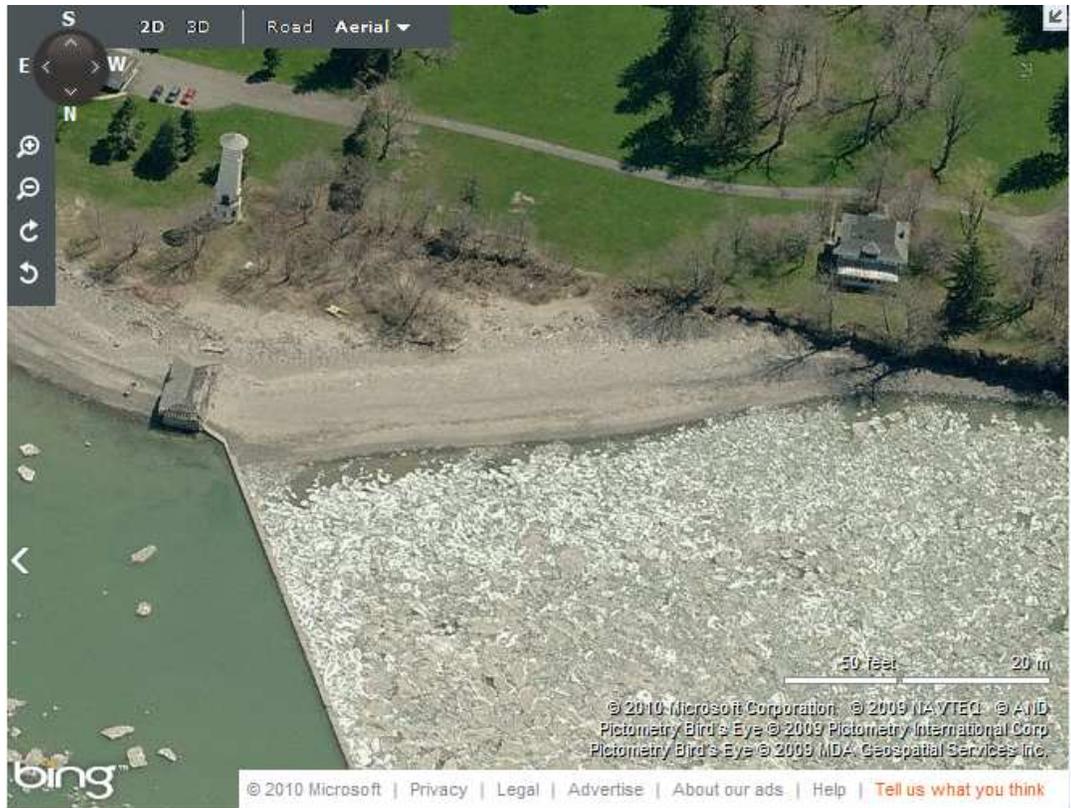


Claddagh jetty

Shoreline Features in Sub – Area 1:

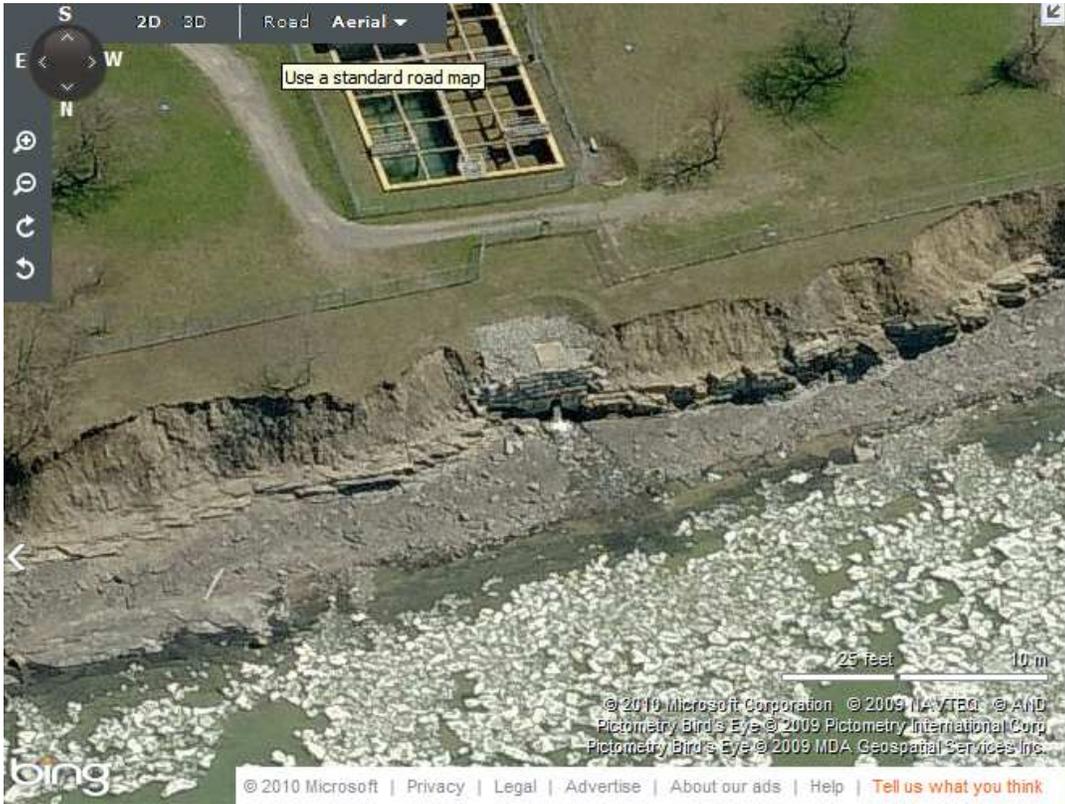


Claddagh Jetty

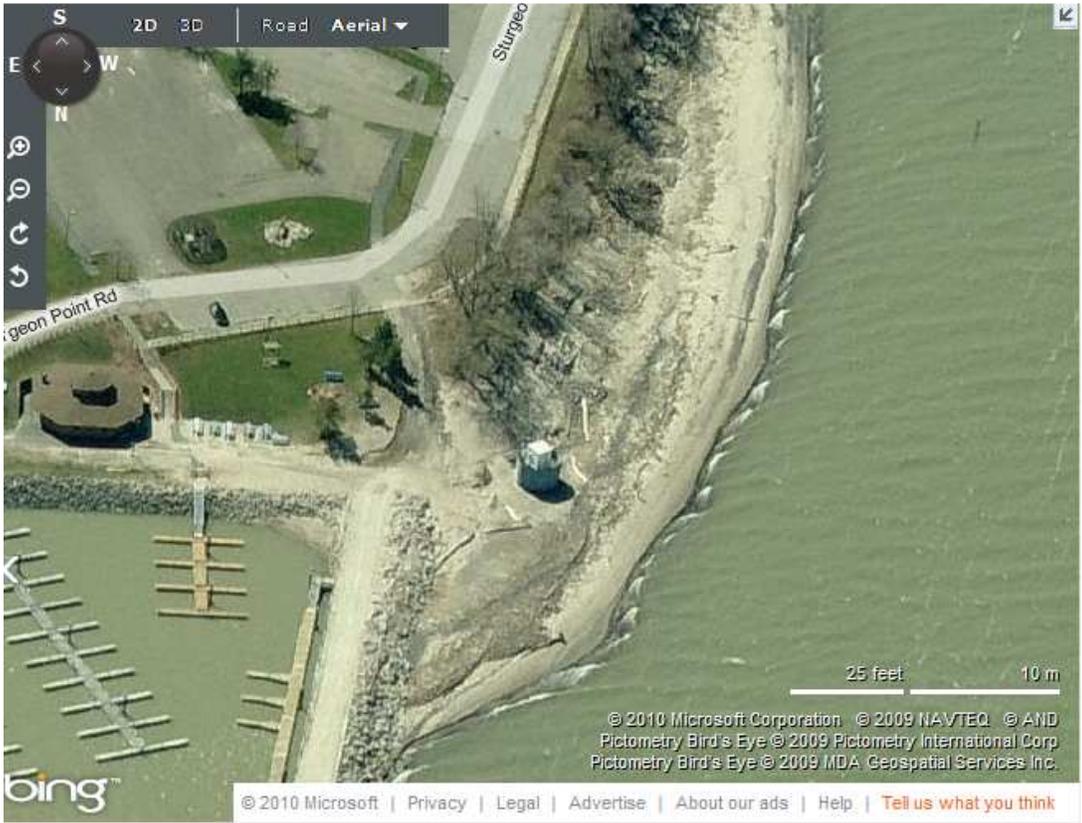


Claddagh jetty

Shoreline Features in Sub – Area 1:

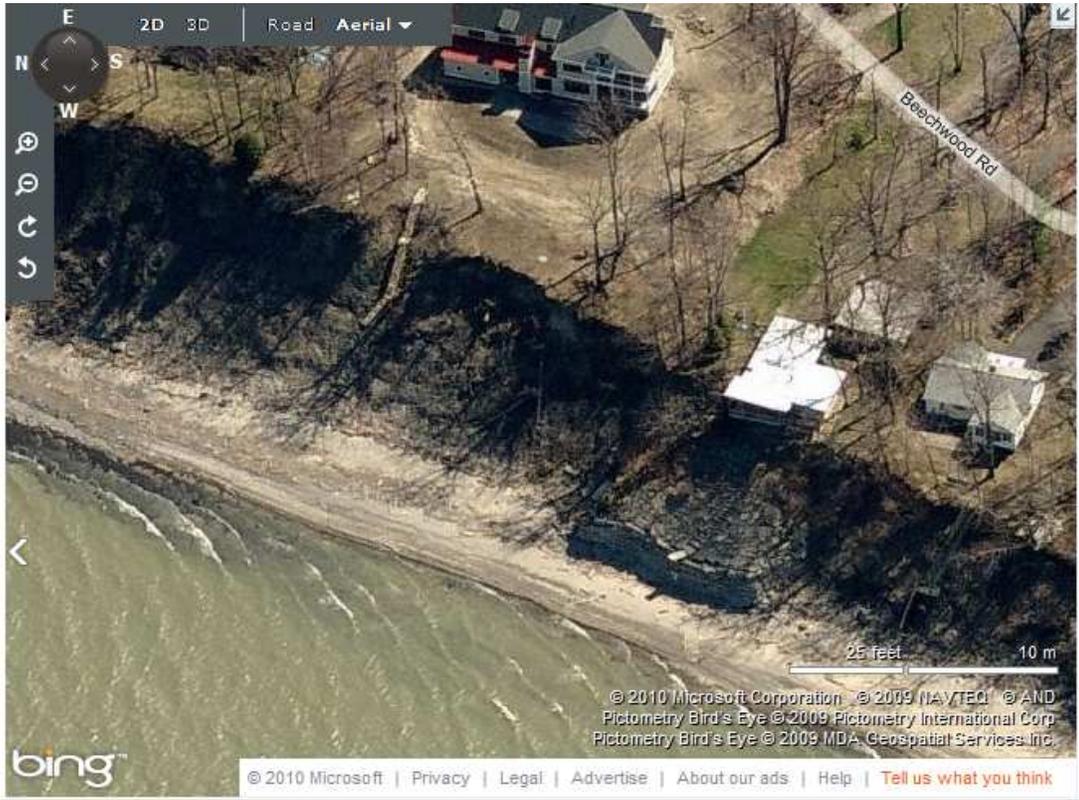


Erie County Water Treatment Plant outfall

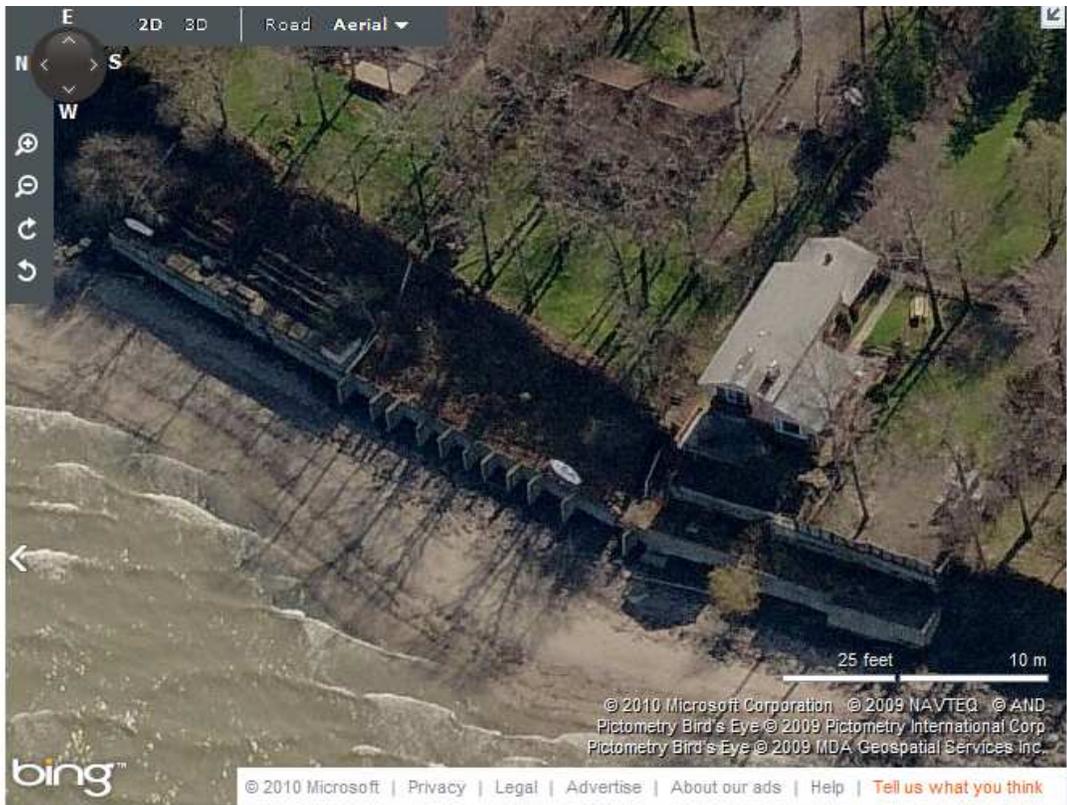


Beach area to the south of Sturgeon Point Marina, at the southern end of Sub-Area 1

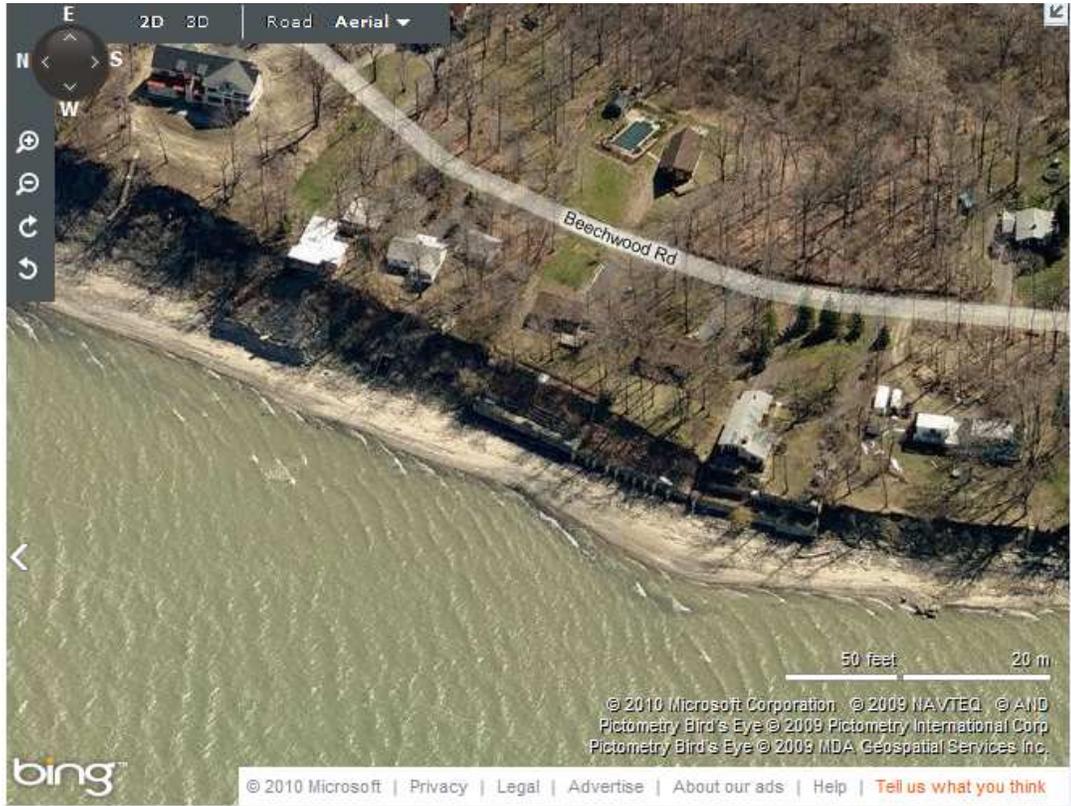
Shoreline Features in Sub – Area 2:



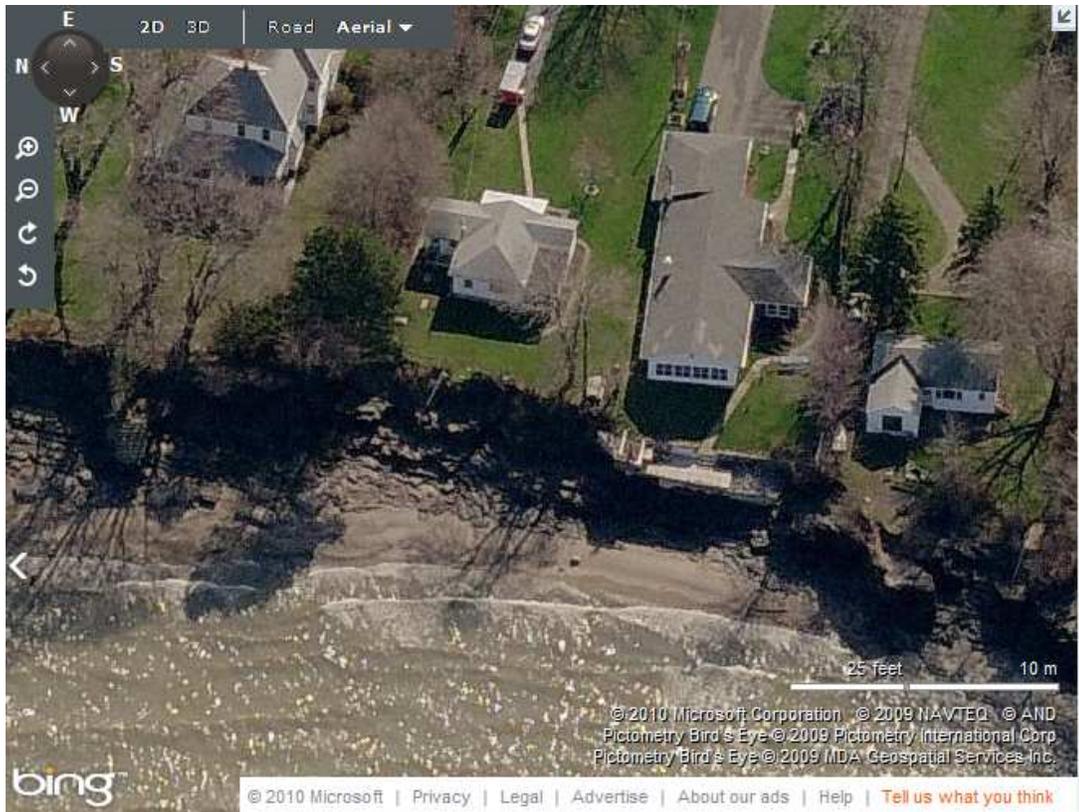
Shoreline along Beechwood Road, south of Sturgeon Point, with stairs and seawalls



## Shoreline Features in Sub – Area 2:

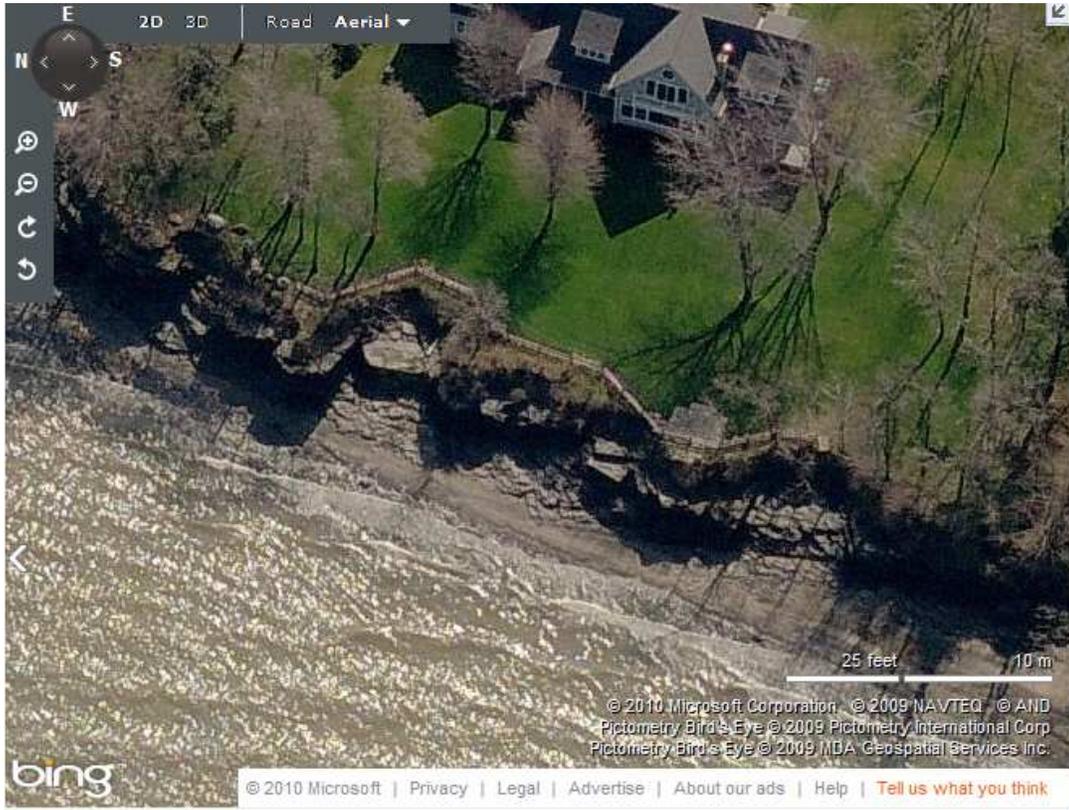


Beechwood Road shoreline

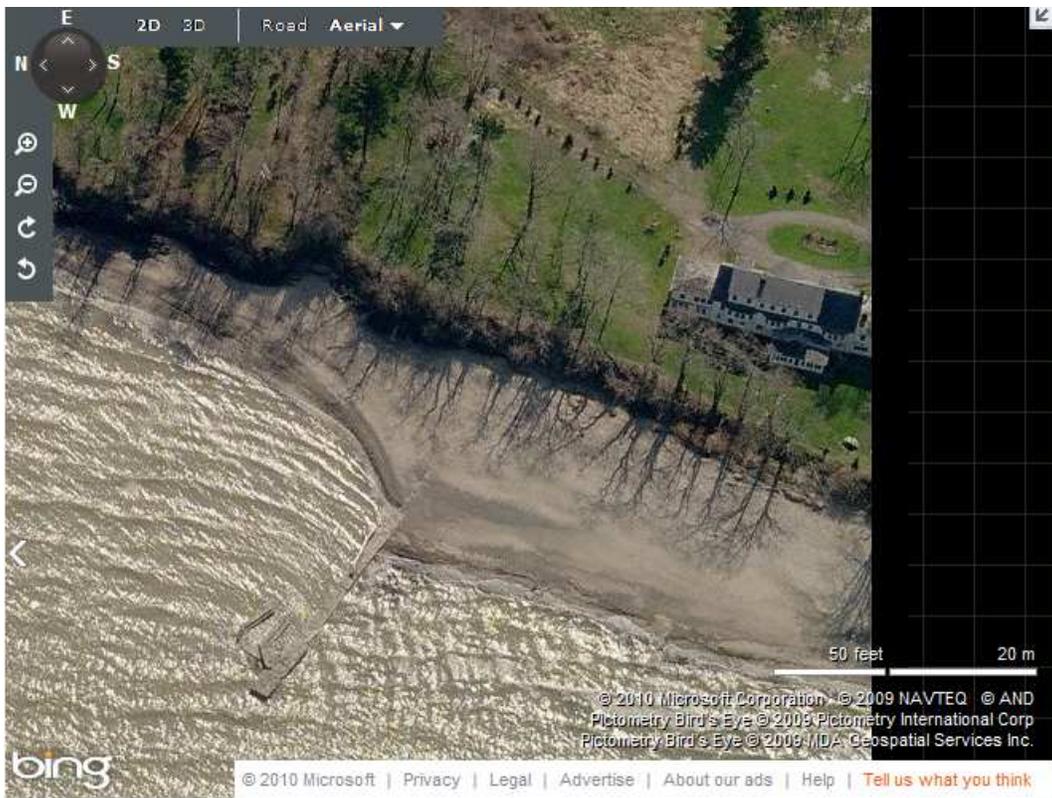


Shoreline along Beechwood Road at Larkin Road

Shoreline Features in Sub – Area 2:

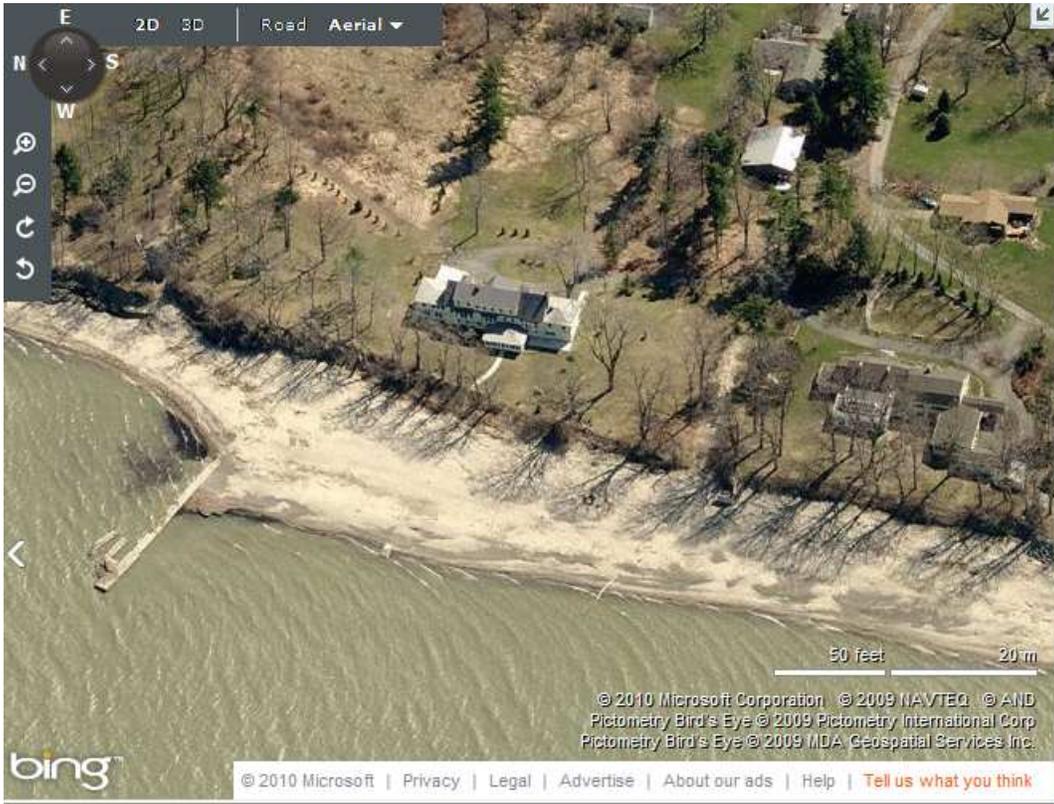


South of Larkin Road

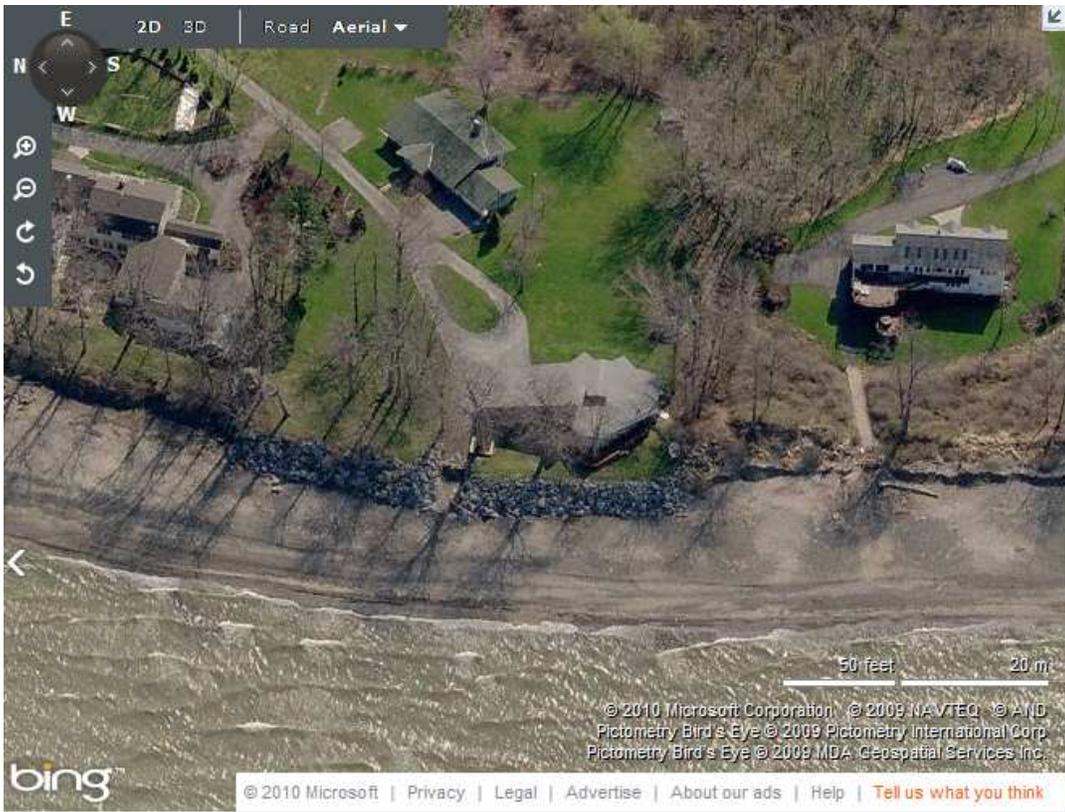


Private dock or dock remnants, south of Larkin Road

Shoreline Features in Sub – Area 2:

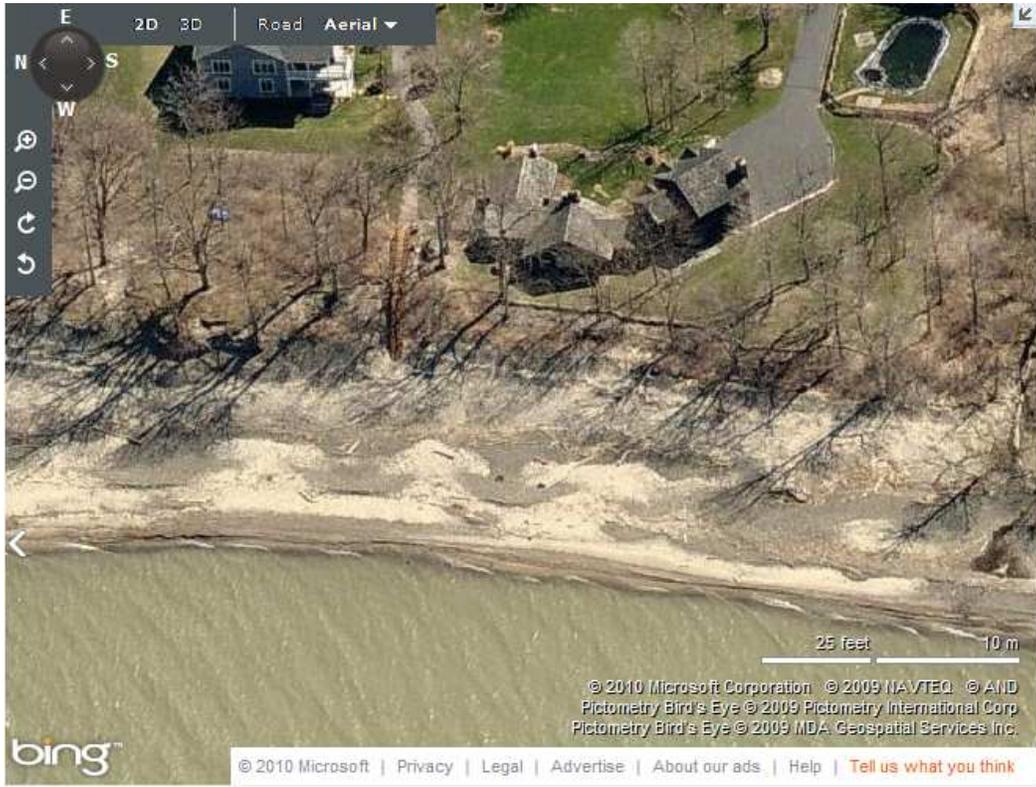


Wider view of shoreline, south of Larkin Road

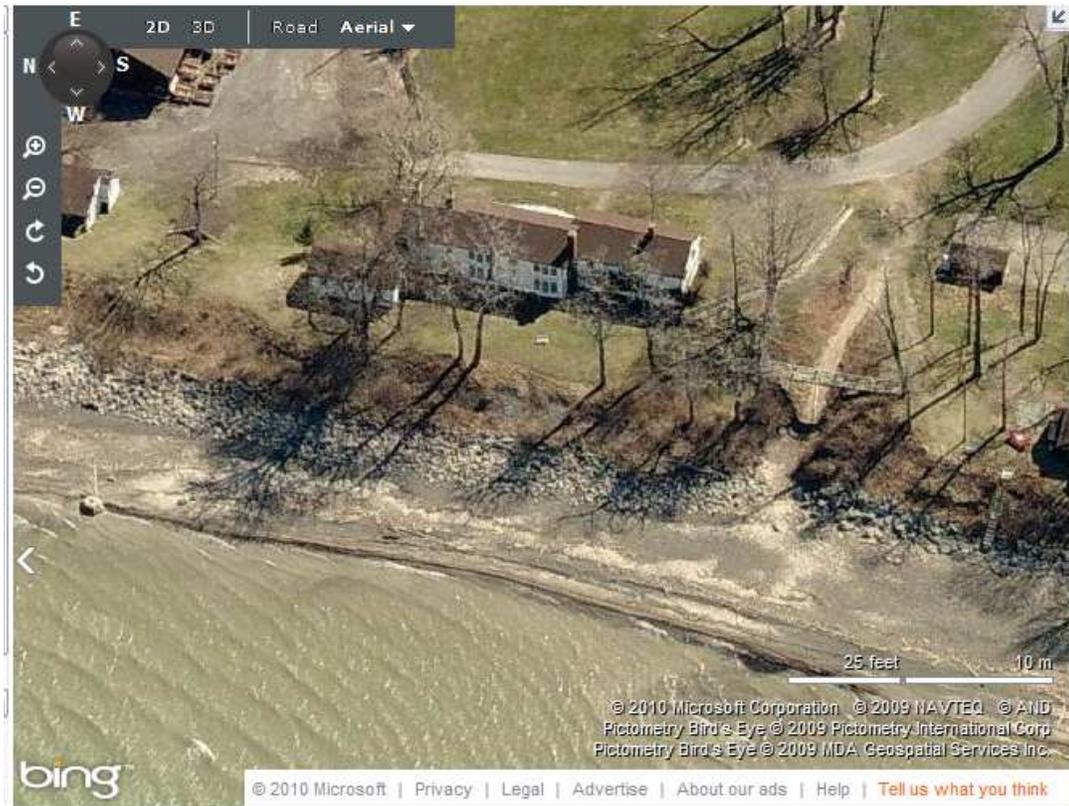


South of Larkin Road, approaching Windover Farms

Shoreline Features in Sub – Area 2:

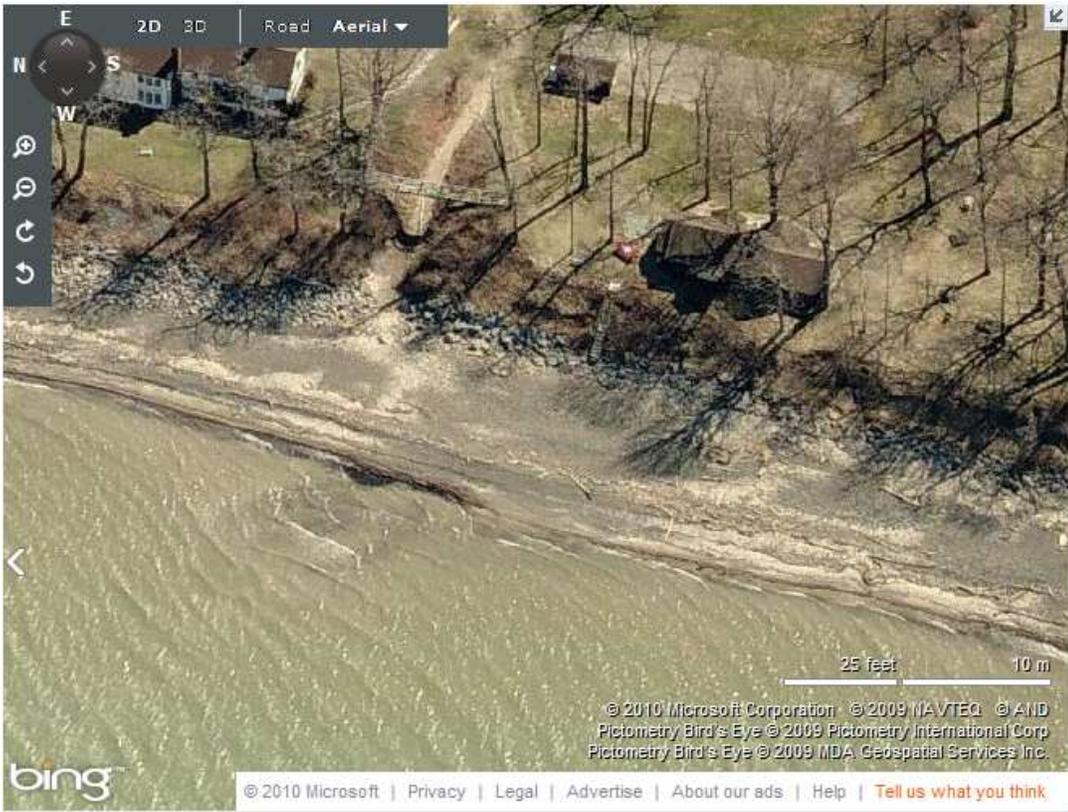


Terminus of Windover Road

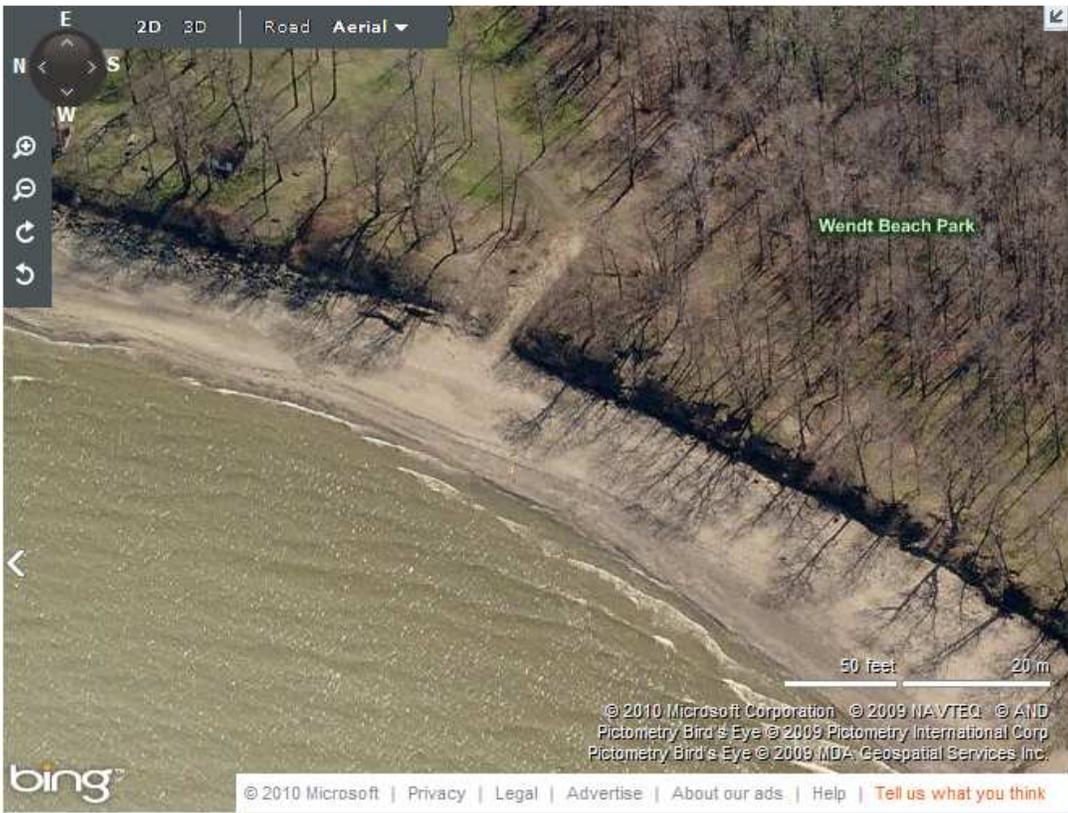


Wendt Beach County Park – showing historic Wendt House

Shoreline Features in Sub – Area 2:

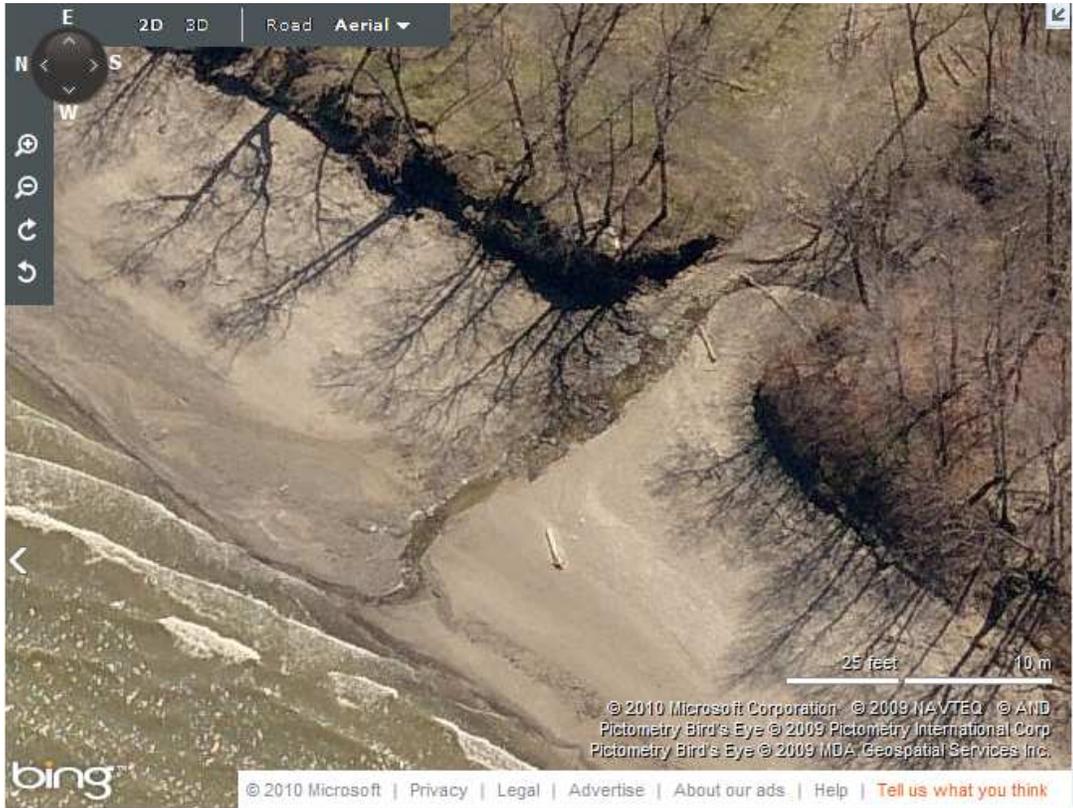


Wendt Beach County Park

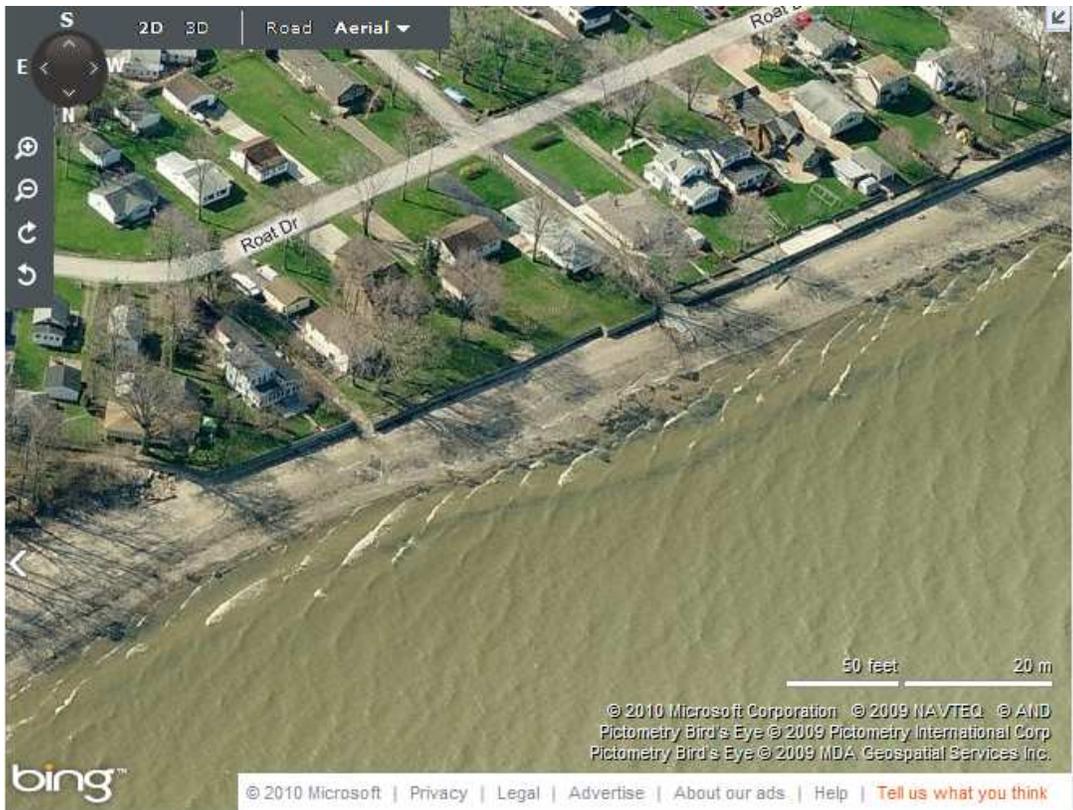


Wendt Beach County Park

## Shoreline Features in Sub – Area 2:

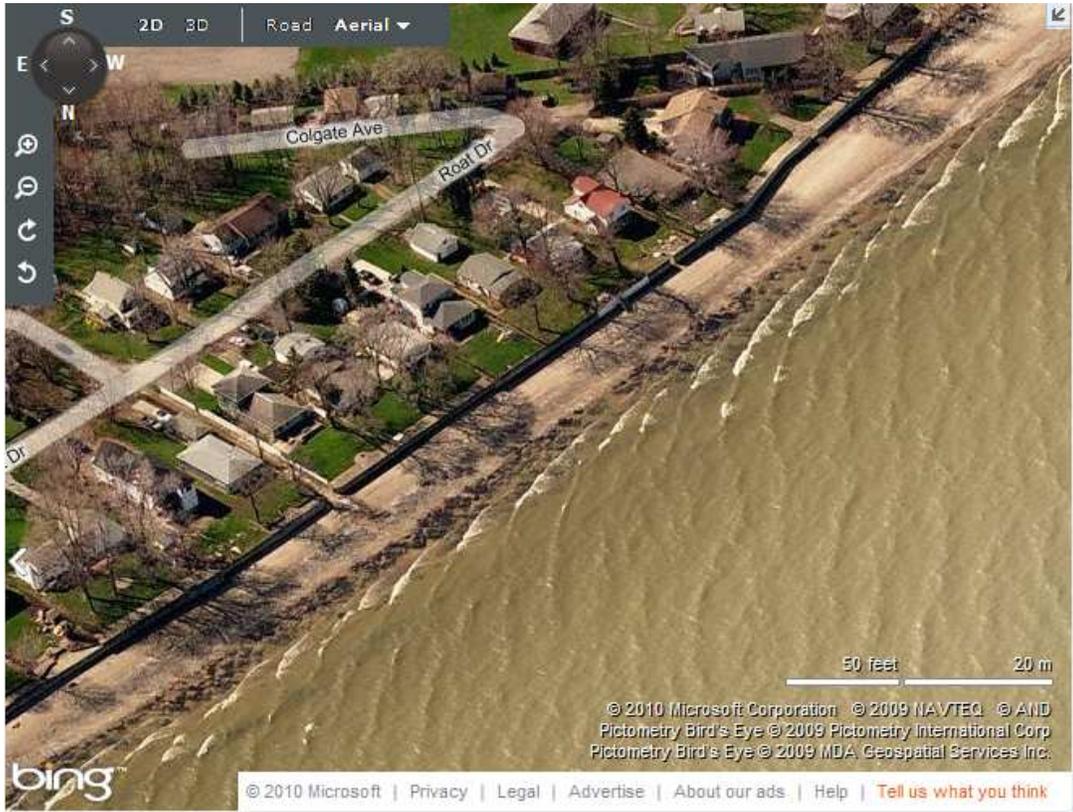


Mouth of tributary stream that flows through Wendt Beach Park

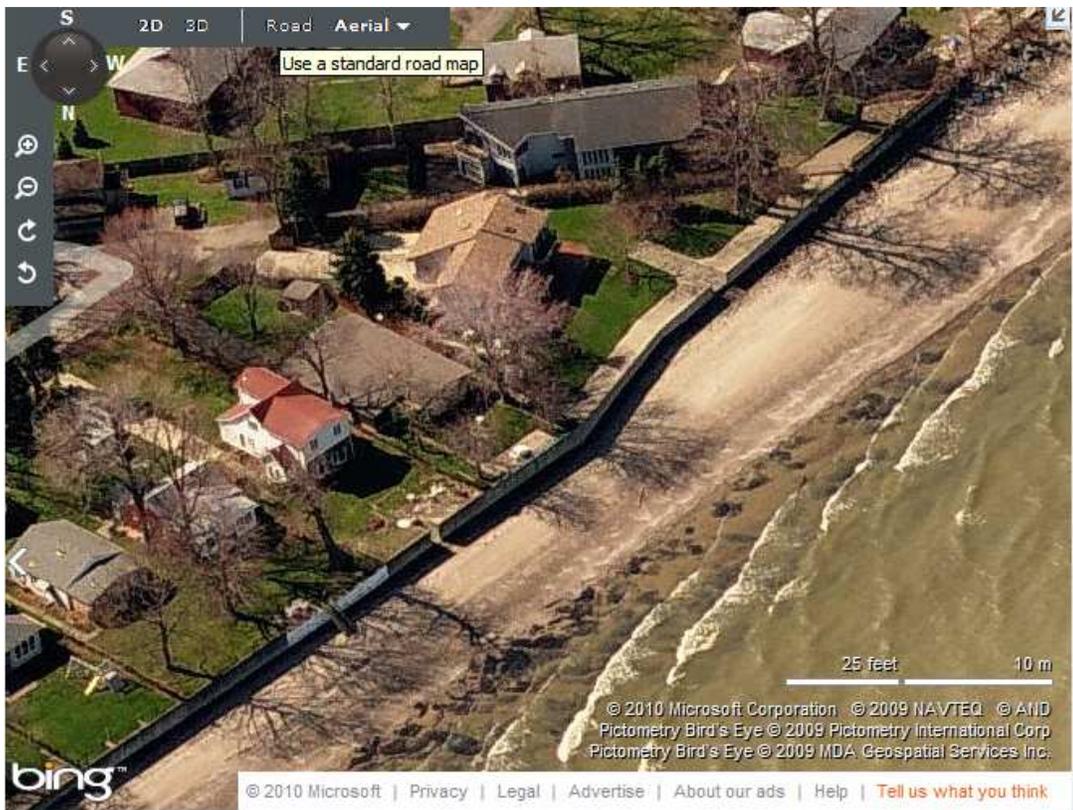


Roat Acres residential area, south of Wendt Beach County Park

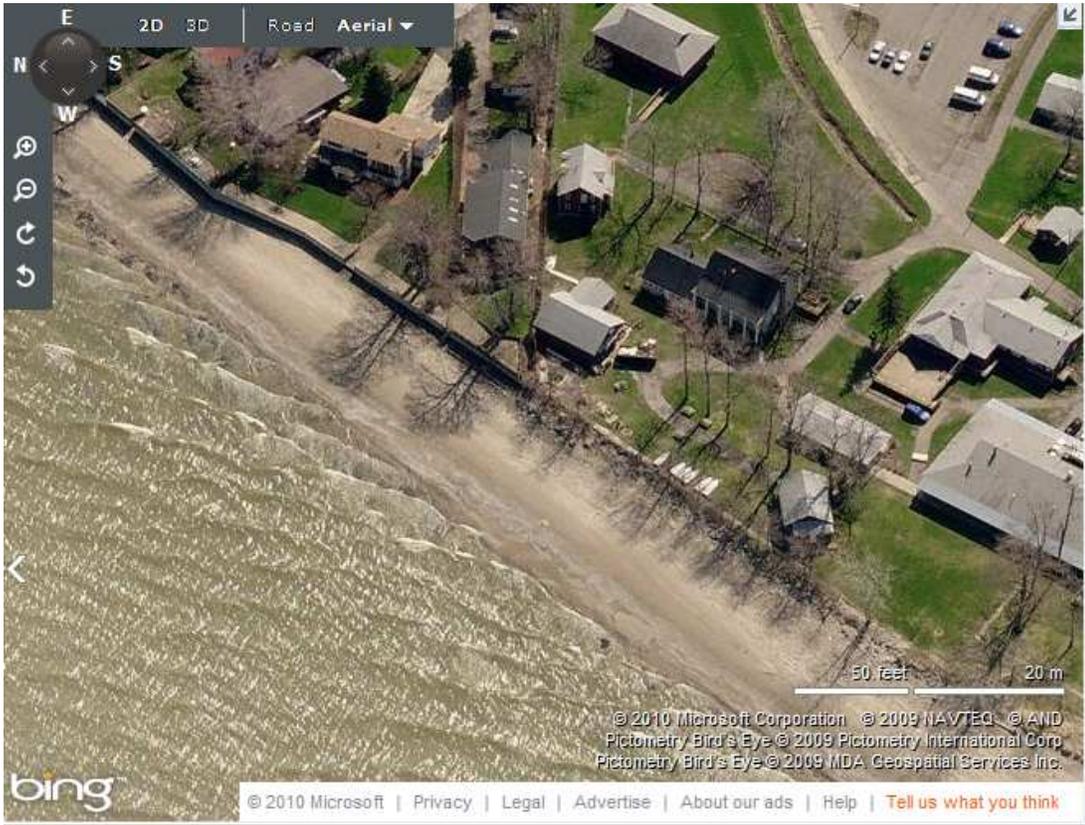
## Shoreline Features in Sub – Area 2:



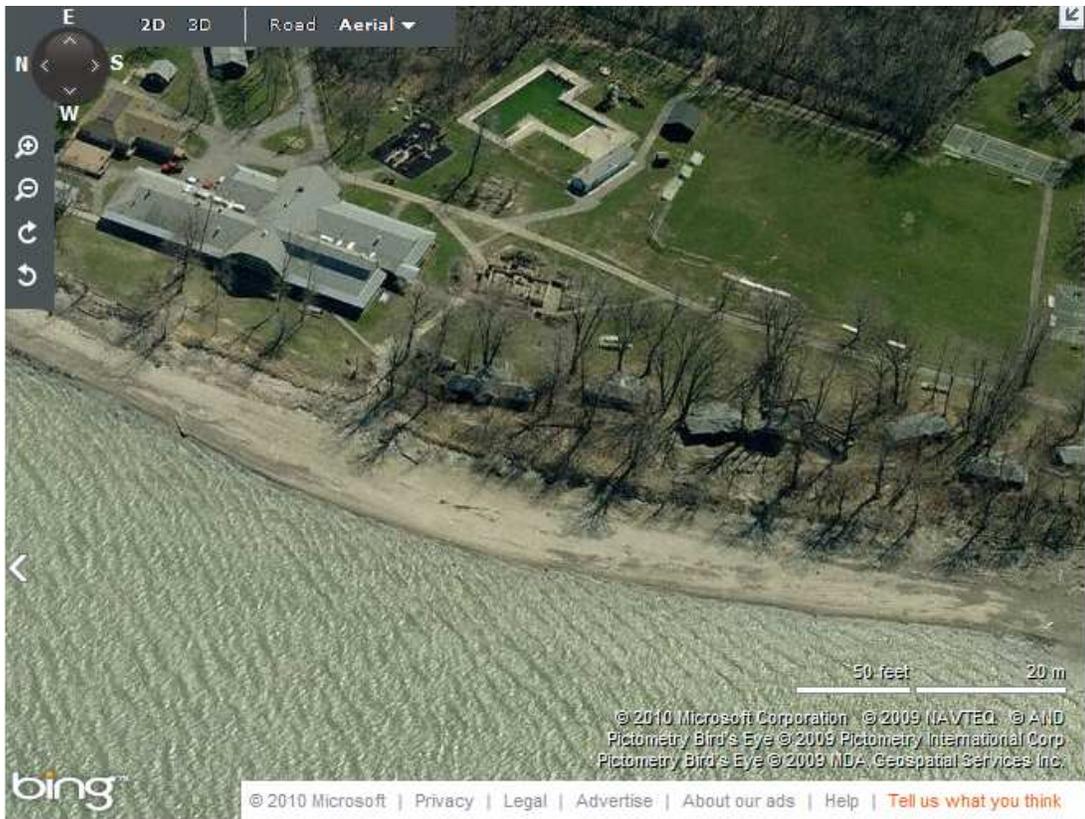
## Shoreline views of seawalls in Roat Acres community



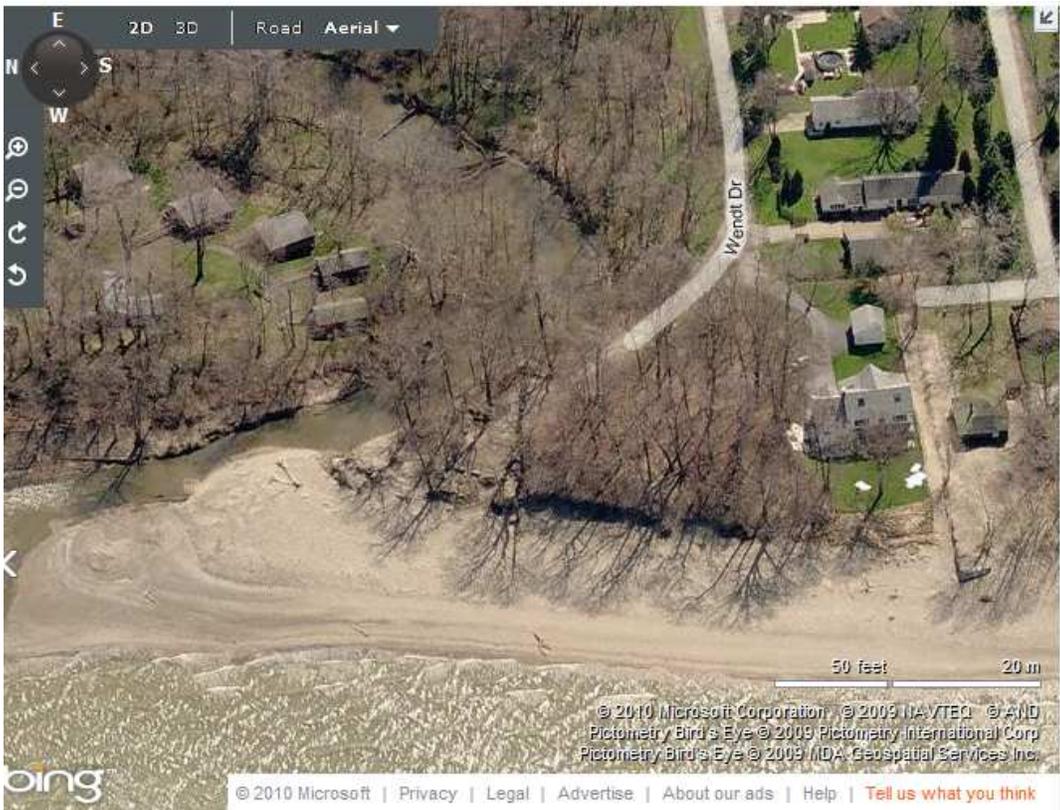
Shoreline Features in Sub – Area 2:



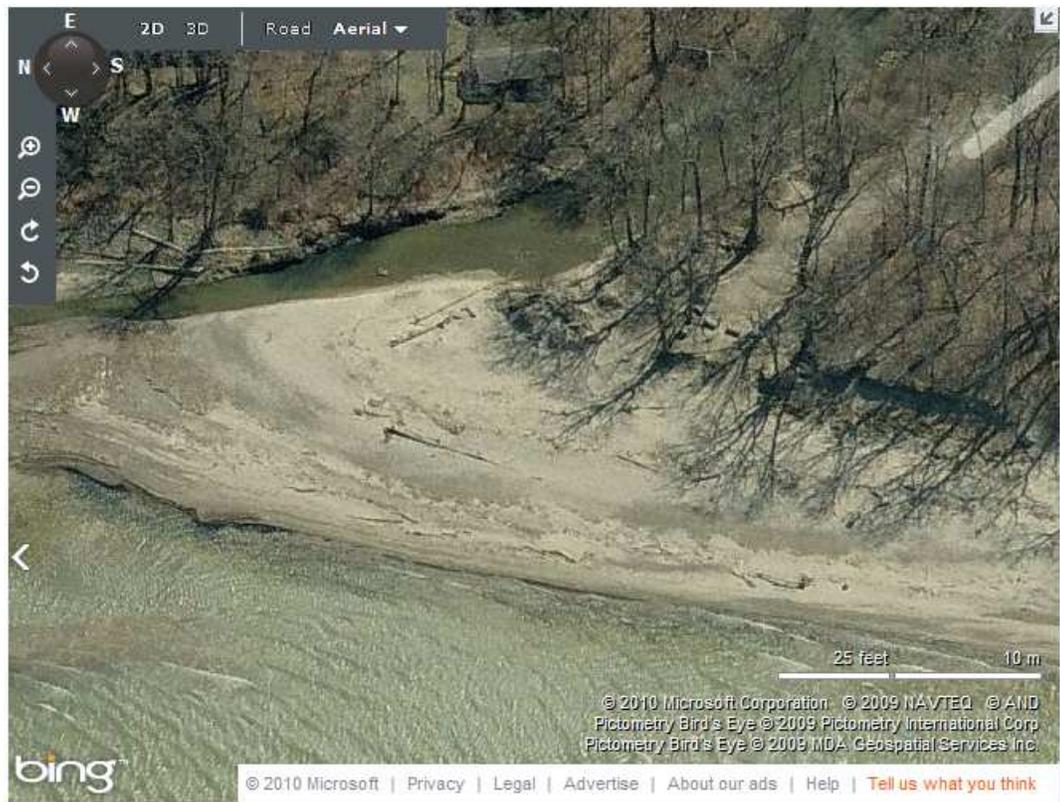
Shoreline views of Cradle Beach Camp, south of Roat Acres



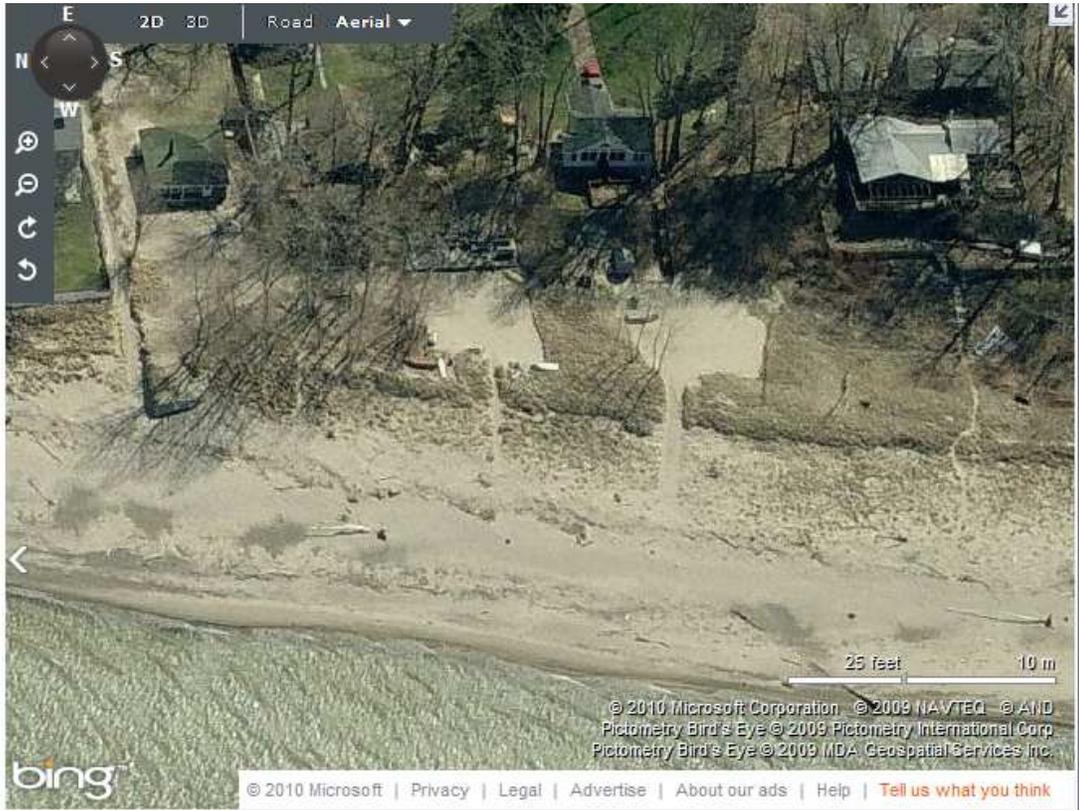
Shoreline Features in Sub – Area 2:



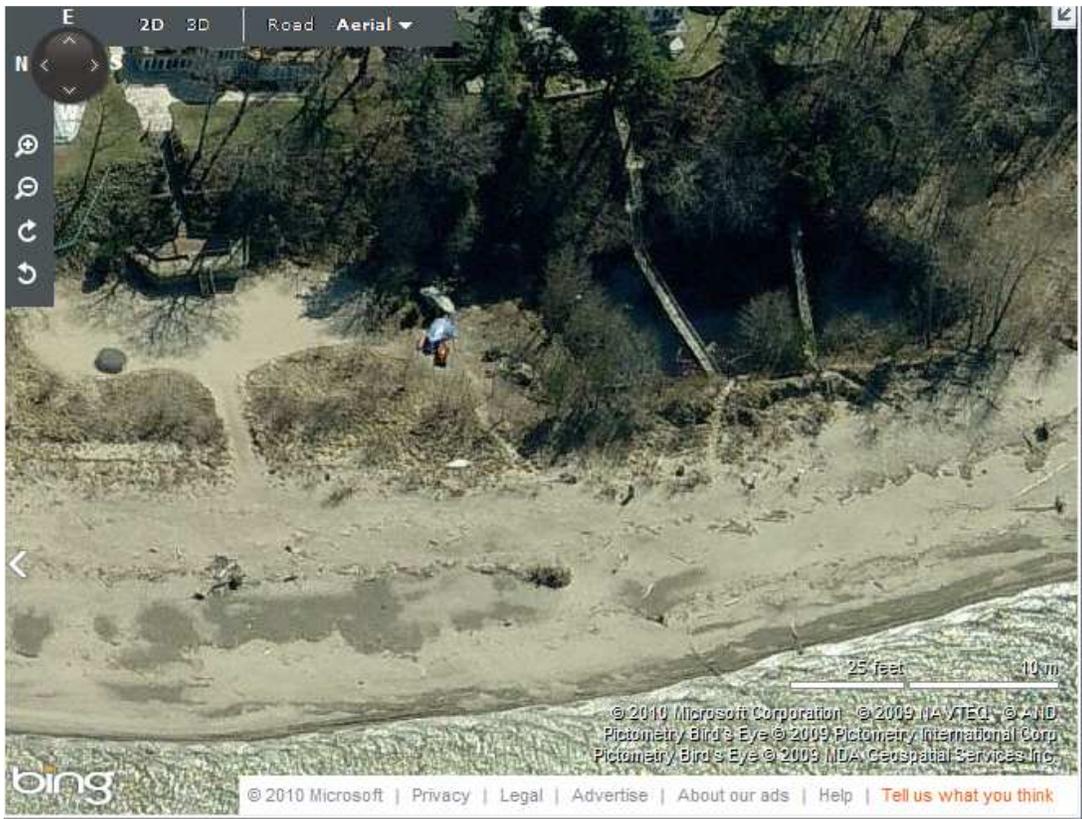
Views of the mouth of Little Sister Creek at the terminus of Wendt Road



Shoreline Features in Sub – Area 2:



Shoreline view, immediately south of Wendt Road terminus

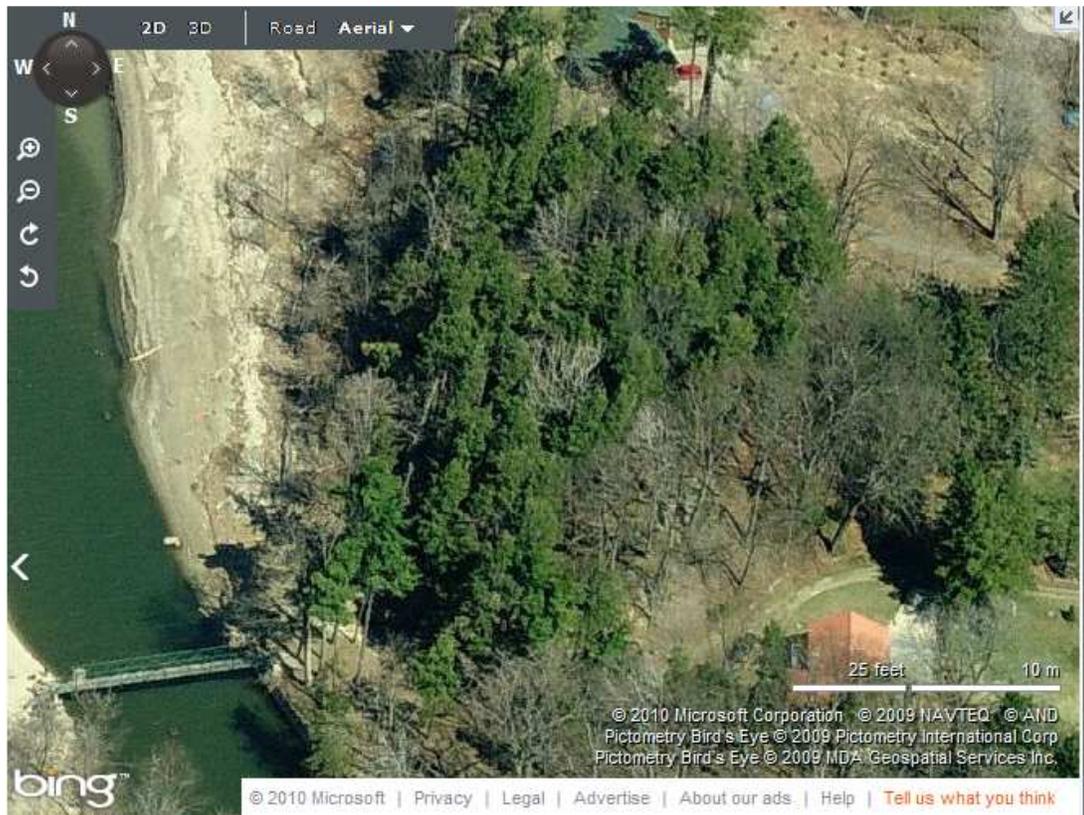


Pineridge community, along Hillside Drive (where homes were built atop the primary dune)

Shoreline Features in Sub – Area 2:

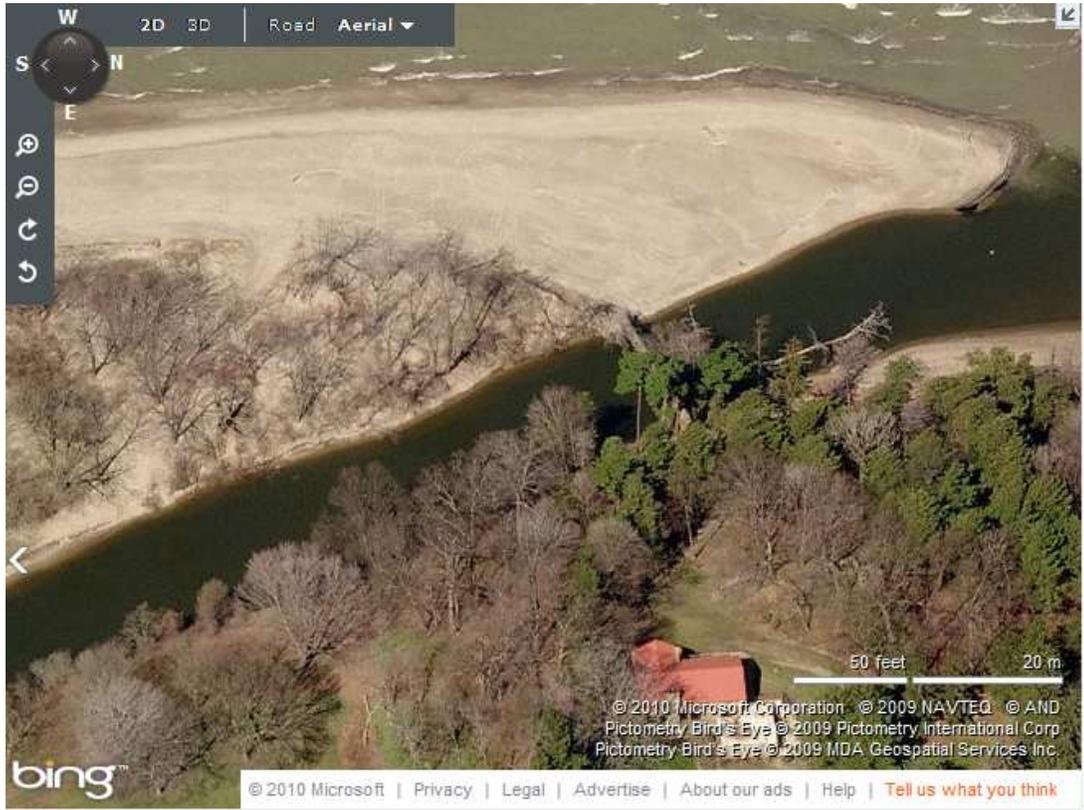


Mouth of Big Sister Creek, showing the historic Pine Lodge and vegetated dune

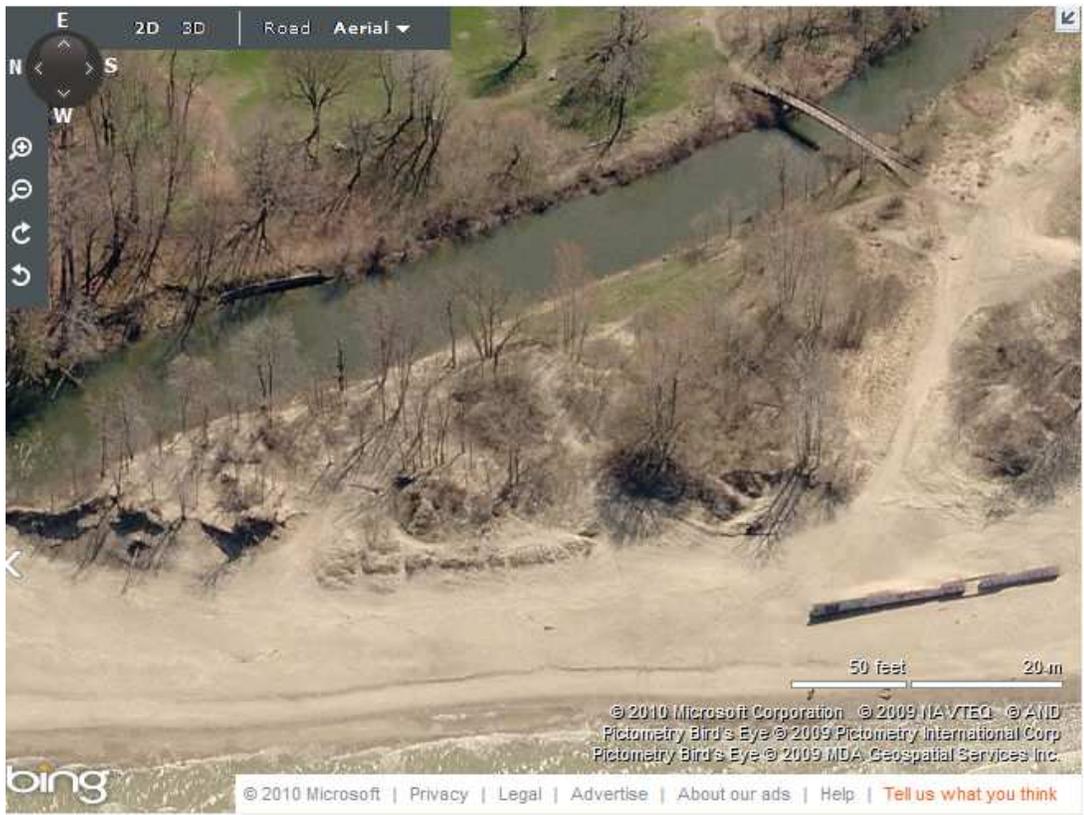


Another view of the Pine Lodge and Hemlock-forested dune north of Bennett Beach

Shoreline Features in Sub – Area 2:

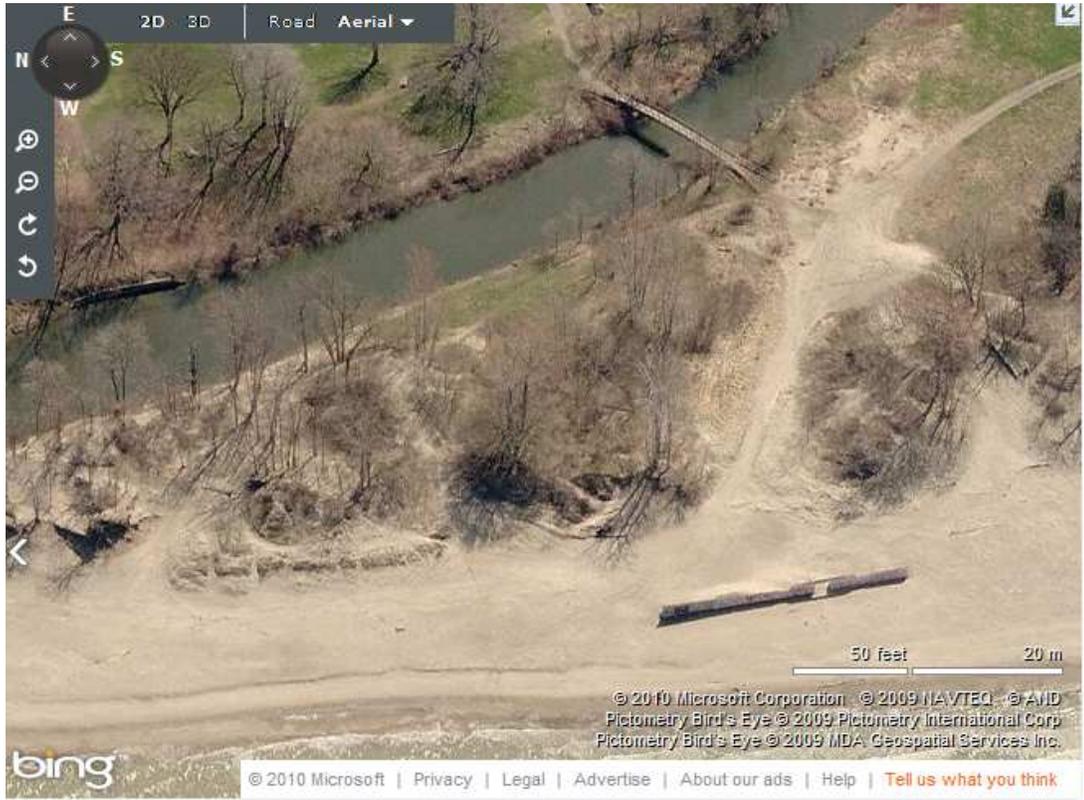


Mouth of Big Sister at Bennett Beach, showing sand bar/peninsula

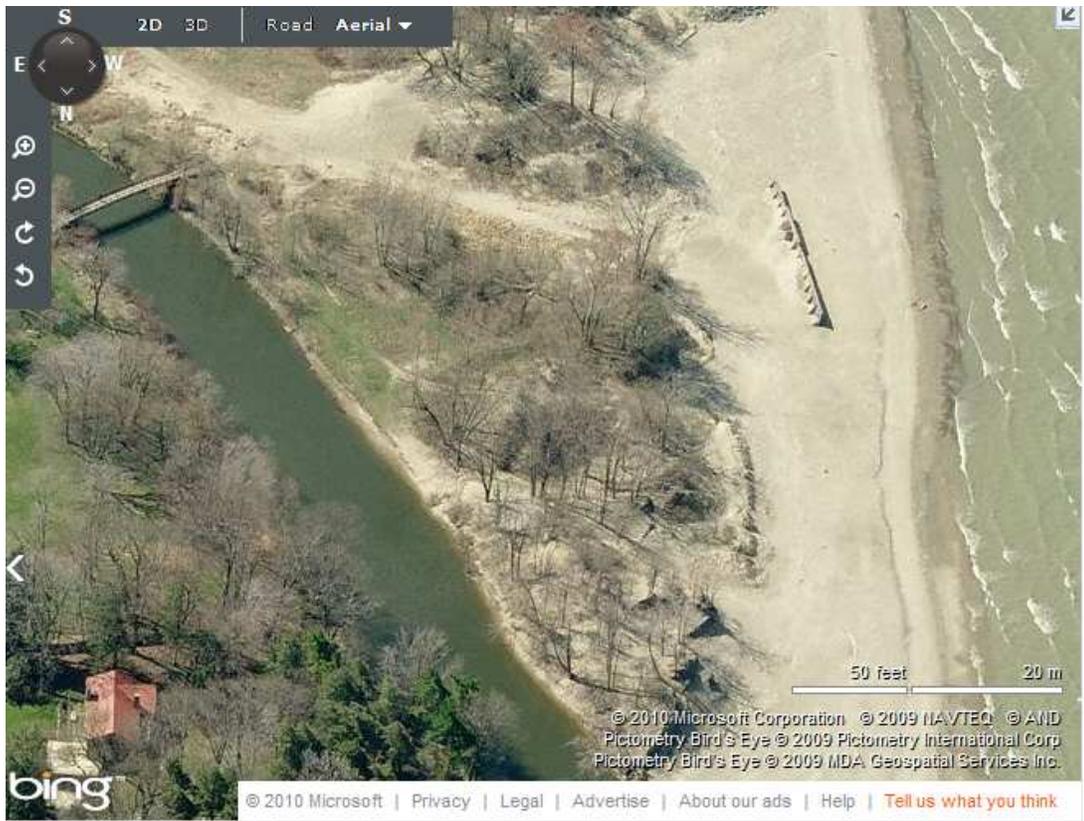


Bennett Beach, showing the bridge crossing and dunes

Shoreline Features in Sub – Area 2:

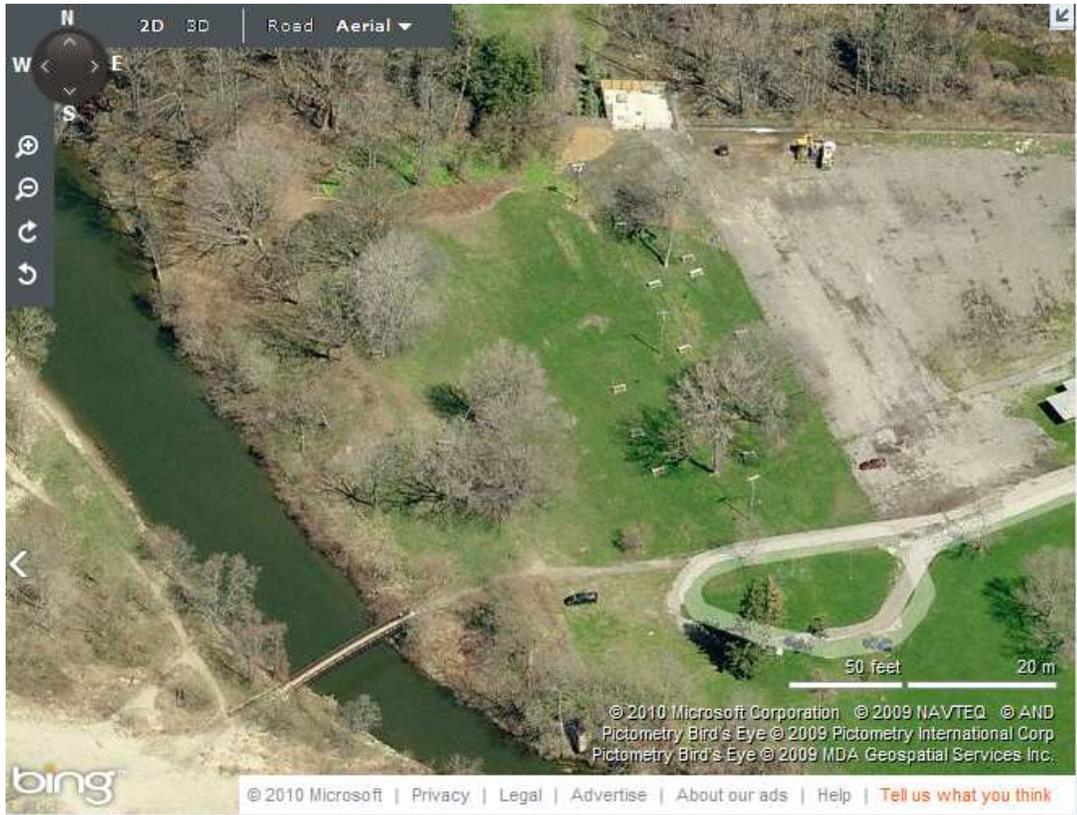


Bennett Beach dunes, showing abandoned concrete foundation on beach

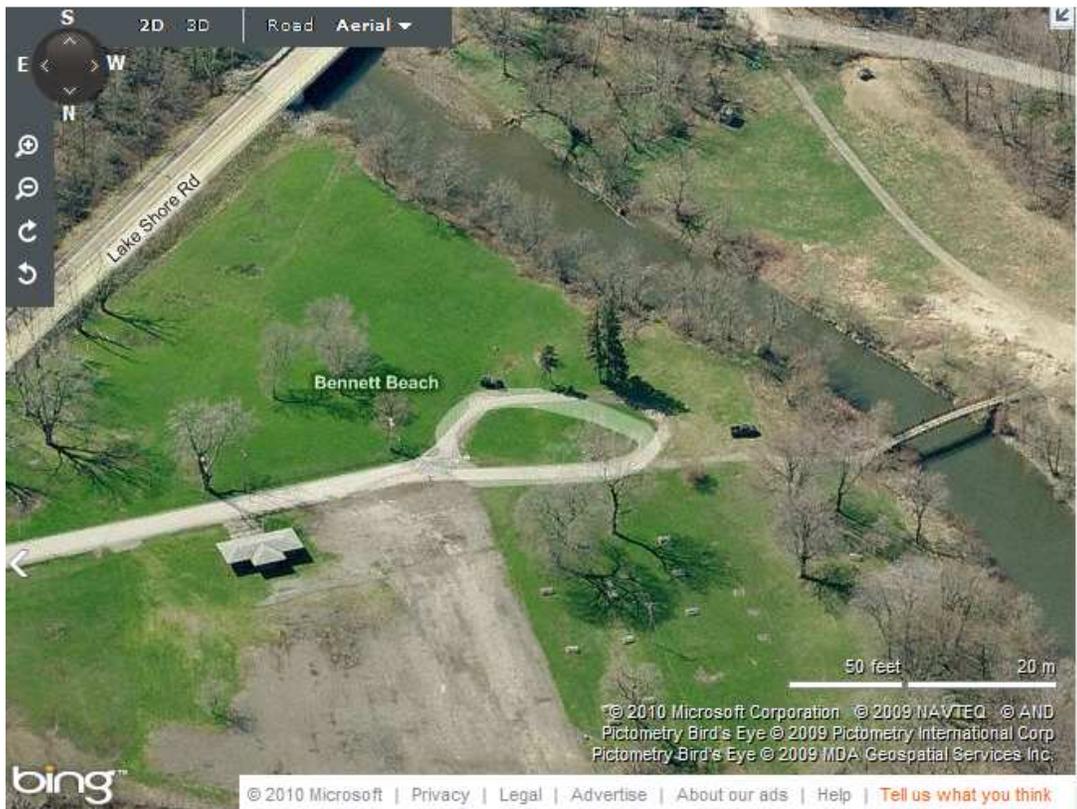


Another view of Big Sister Creek and Bennett Beach

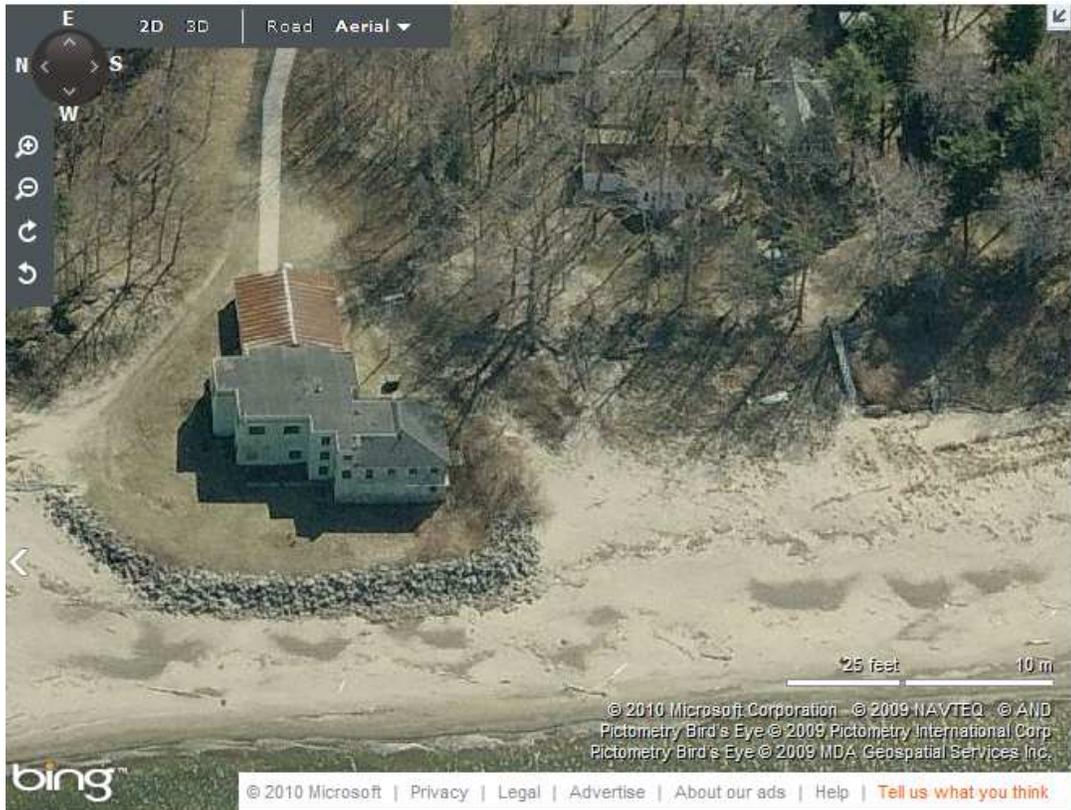
## Shoreline Features in Sub – Area 2:



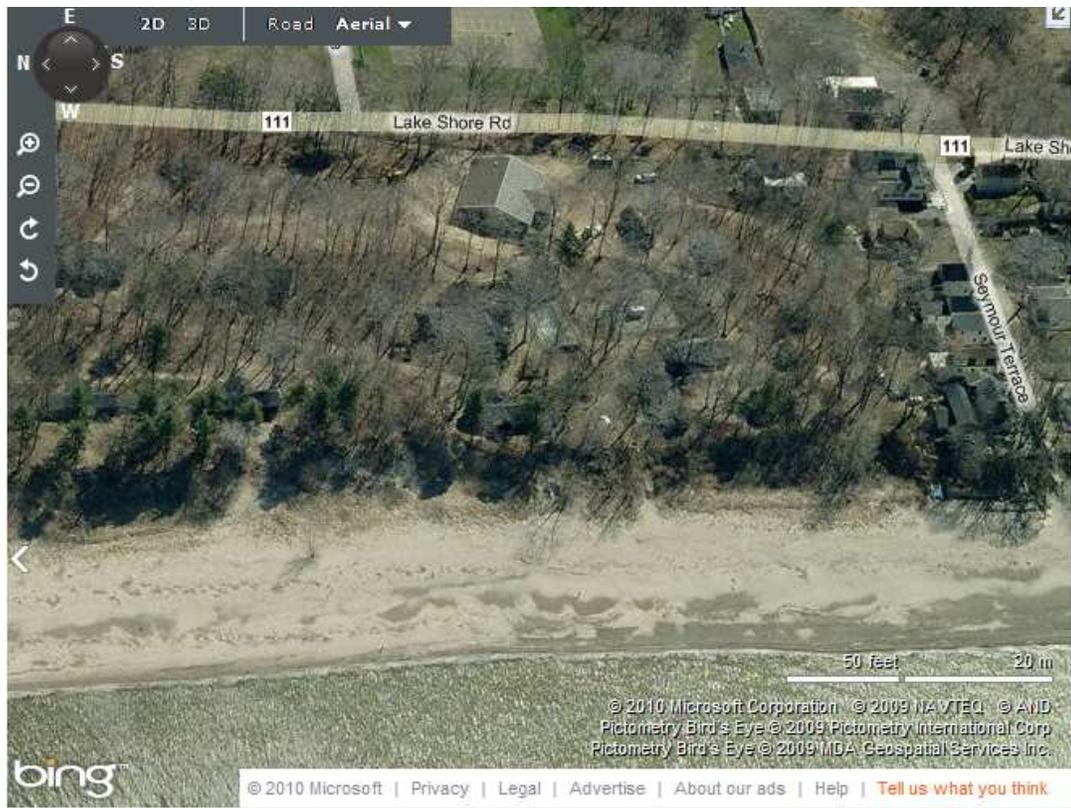
## Interior views of Bennett Beach County Park



Shoreline Features in Sub – Area 2:

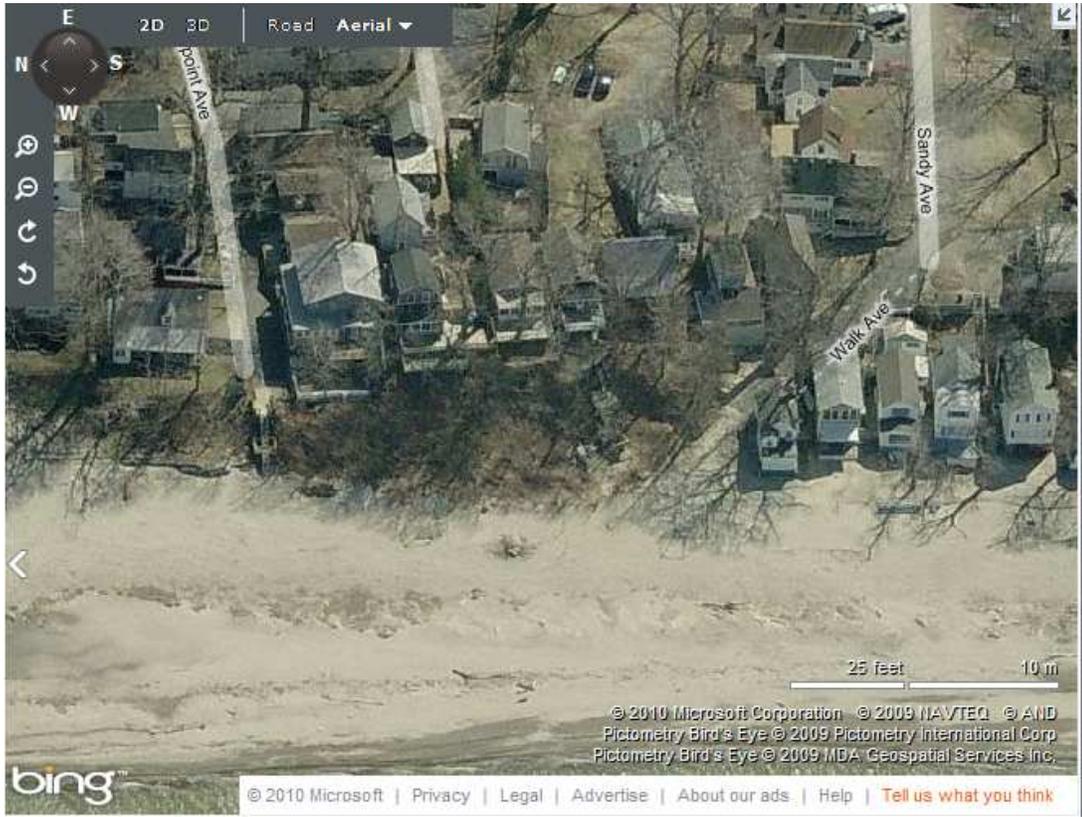


View of the abandoned Angola Water Treatment plant, just south of Bennett Beach

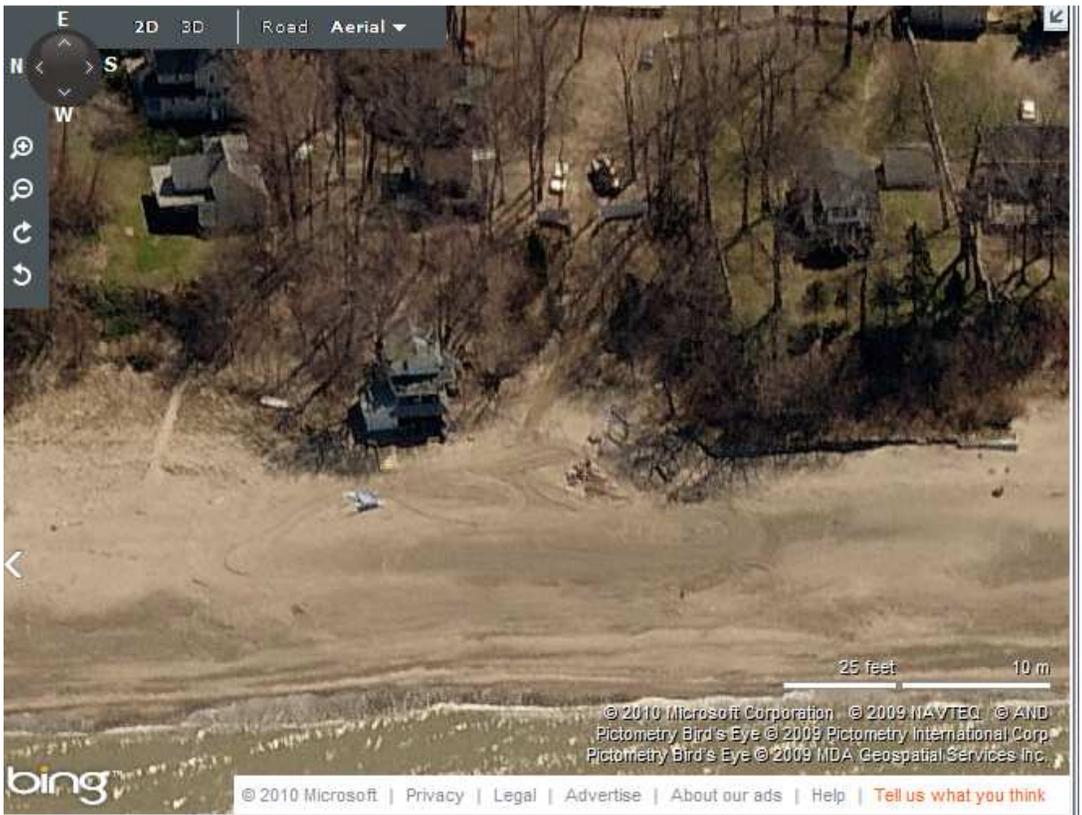


Shoreline view of St. Vincent de Paul Camp

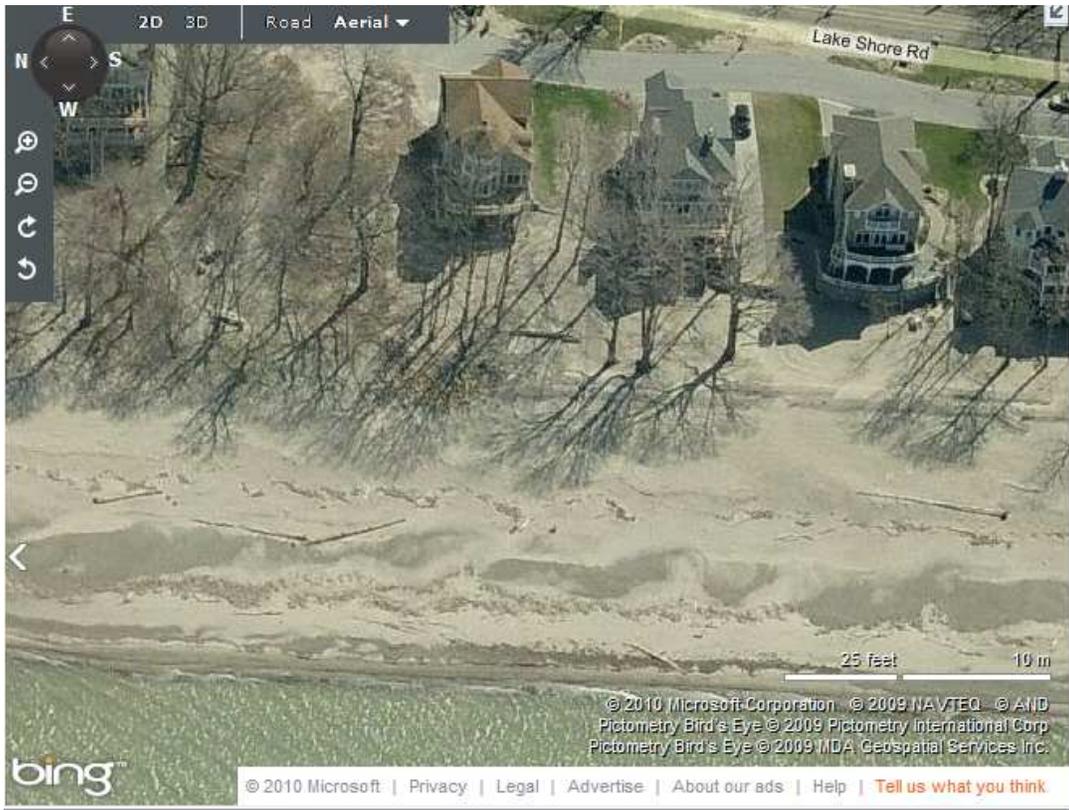
Shoreline Features in Sub – Area 2:



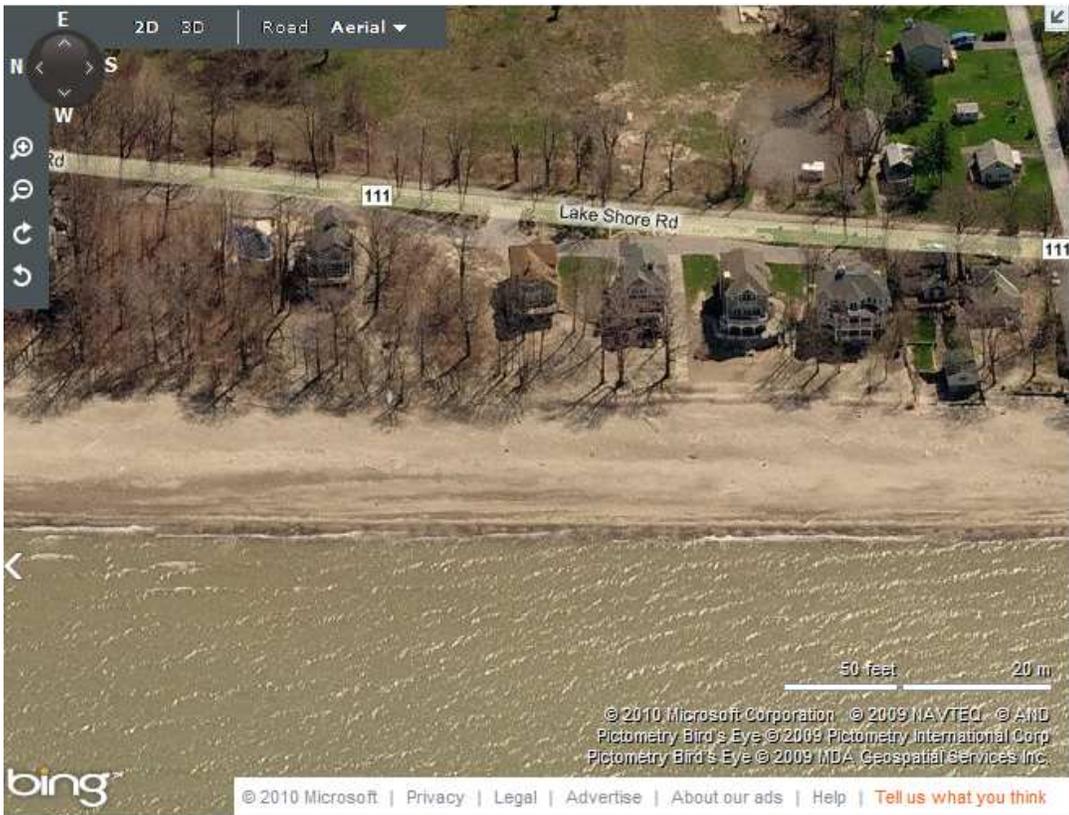
Shoreline views of the Lake Bay Grove community – Angola on the Lake



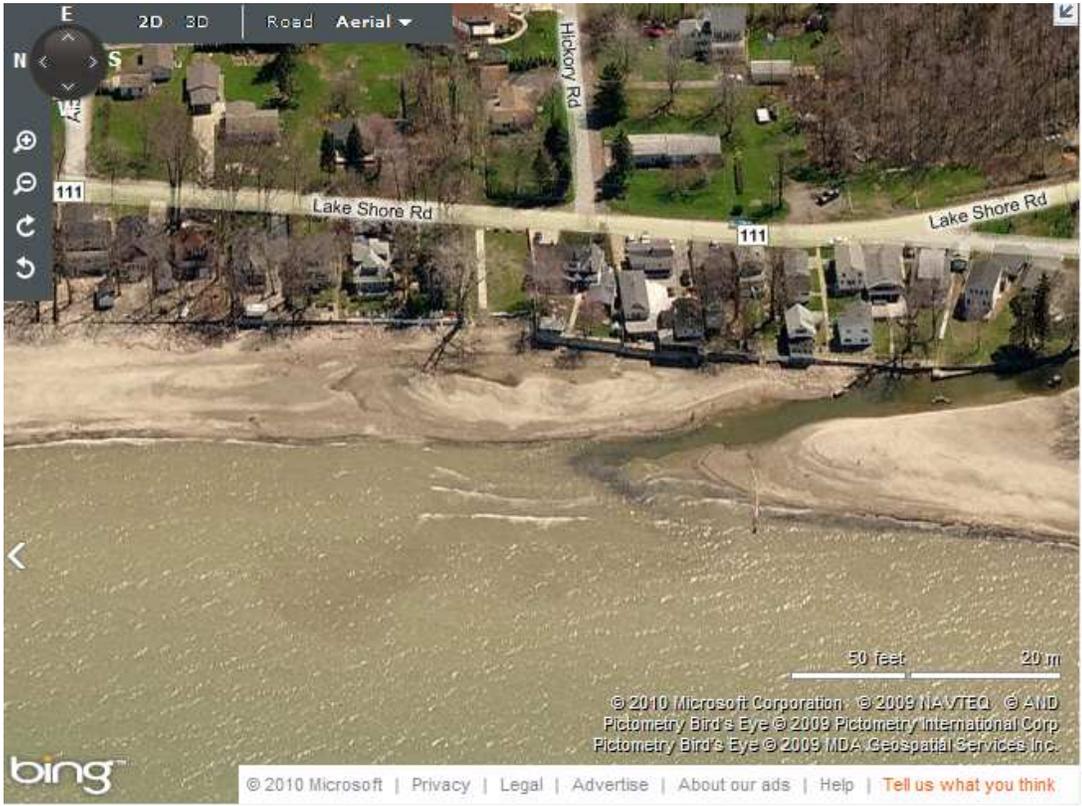
Shoreline Features in Sub – Area 2:



Views of the Grandview Bay Beach Club residential community



Shoreline Features in Sub – Area 2:

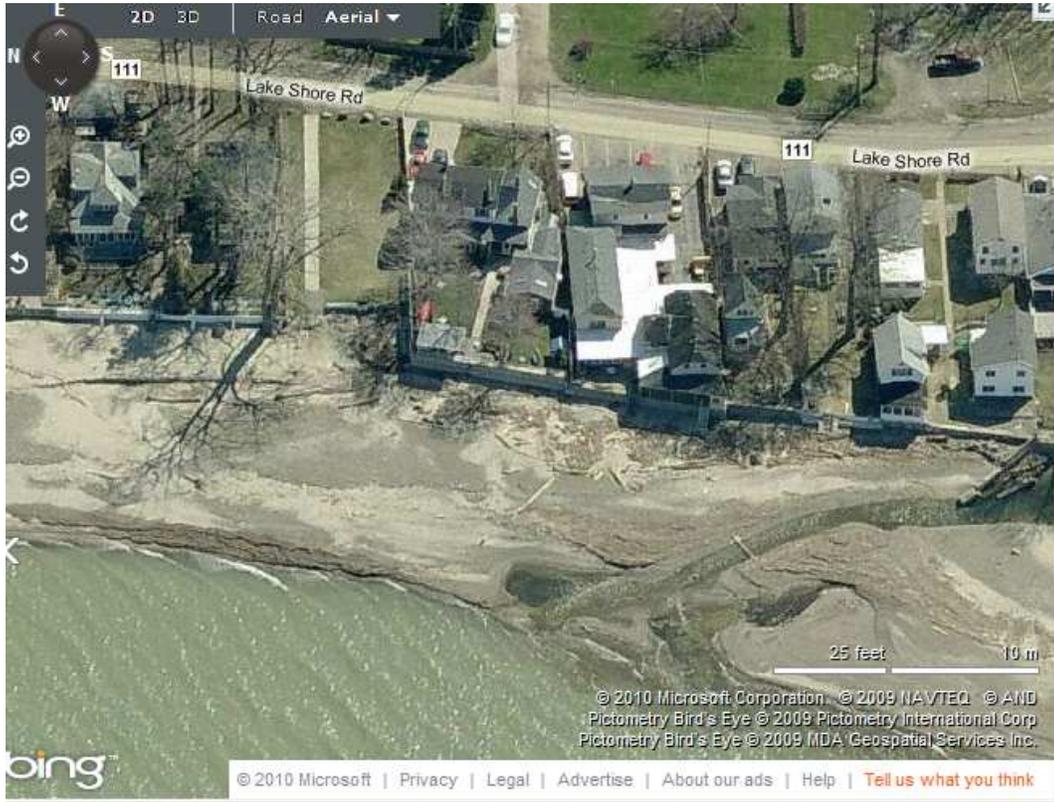


Lake Bay Grove at Hickory Road, with Purvis Landing at center of view

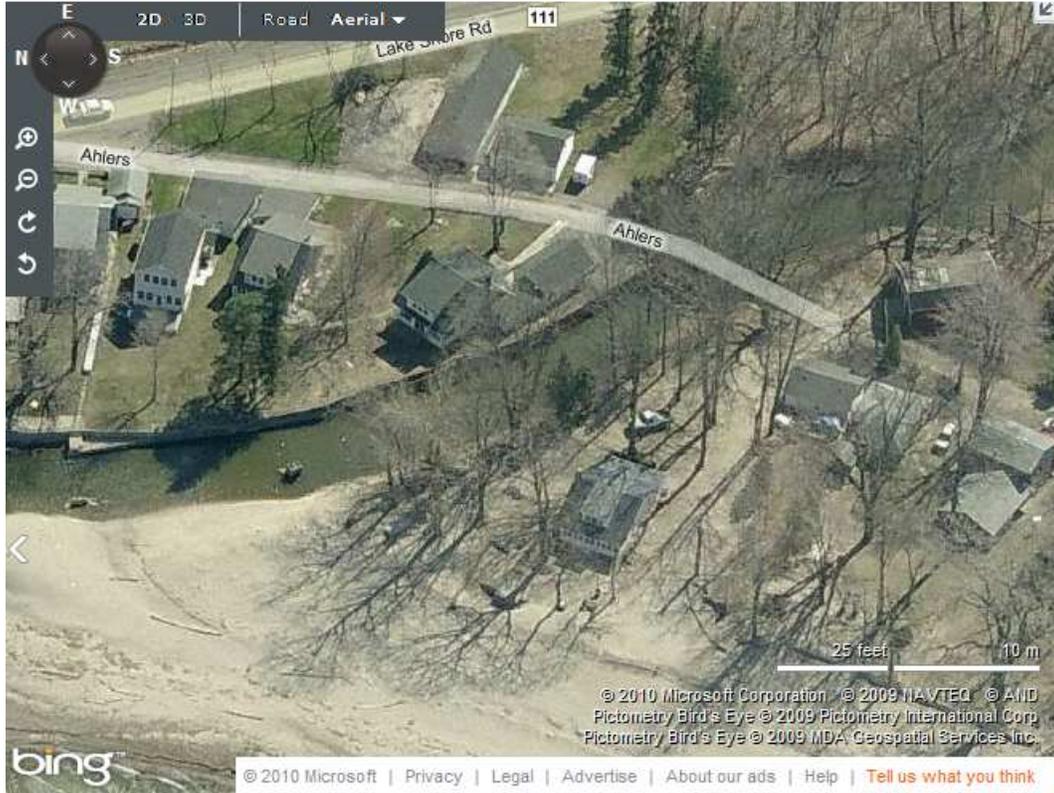


Mouth of Delaware Creek, just south of Purvis Landing

Shoreline Features in Sub – Area 2:

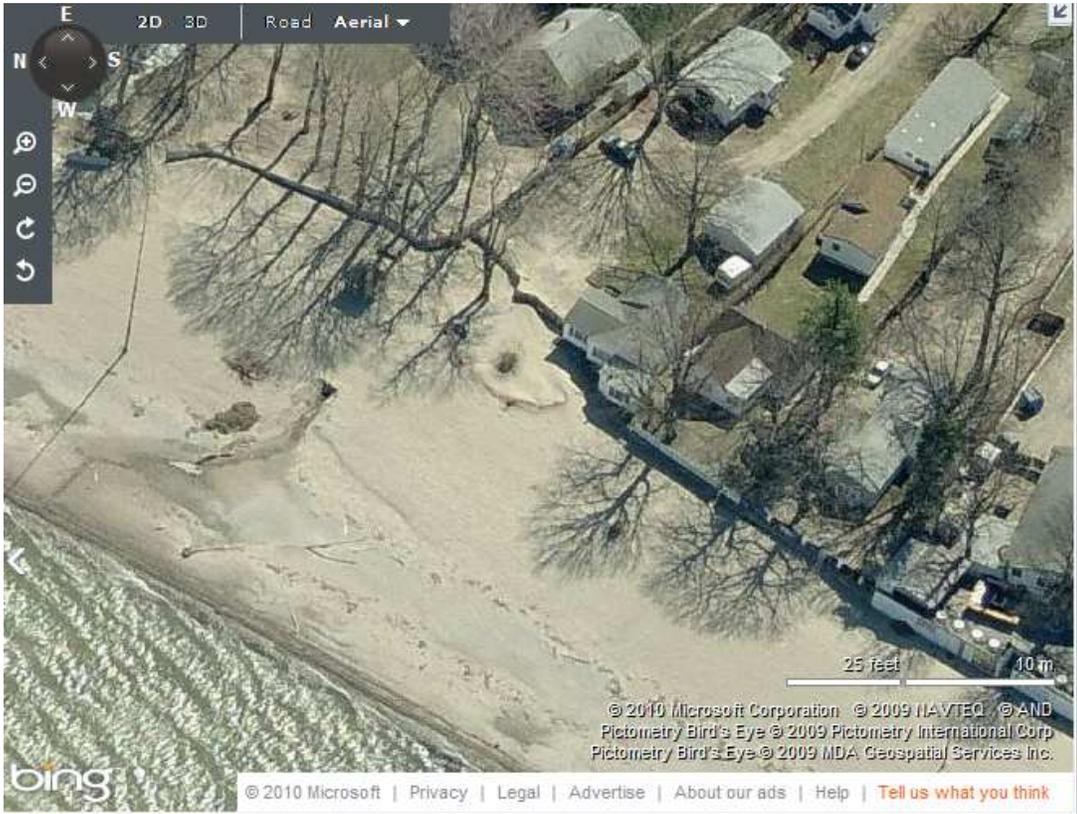


Purvis Landing at Delaware Creek mouth

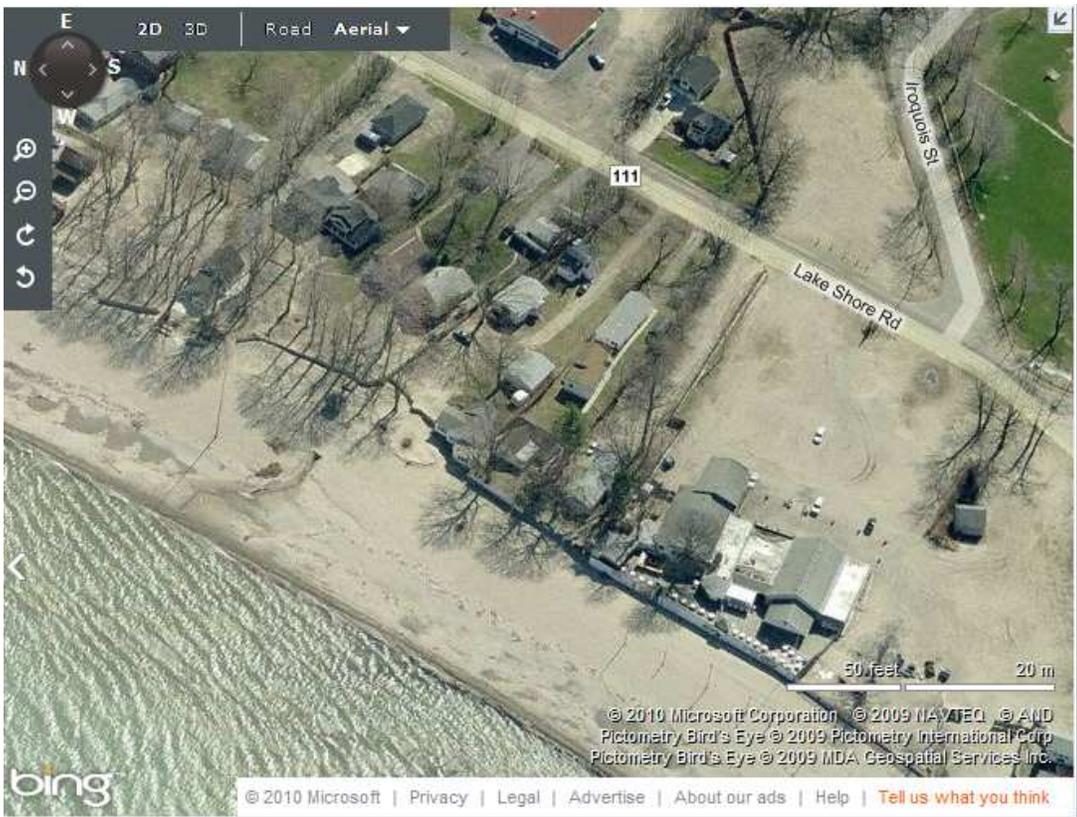


Delaware Creek / Angola on the Lake – at the southern end of Sub-Area 2

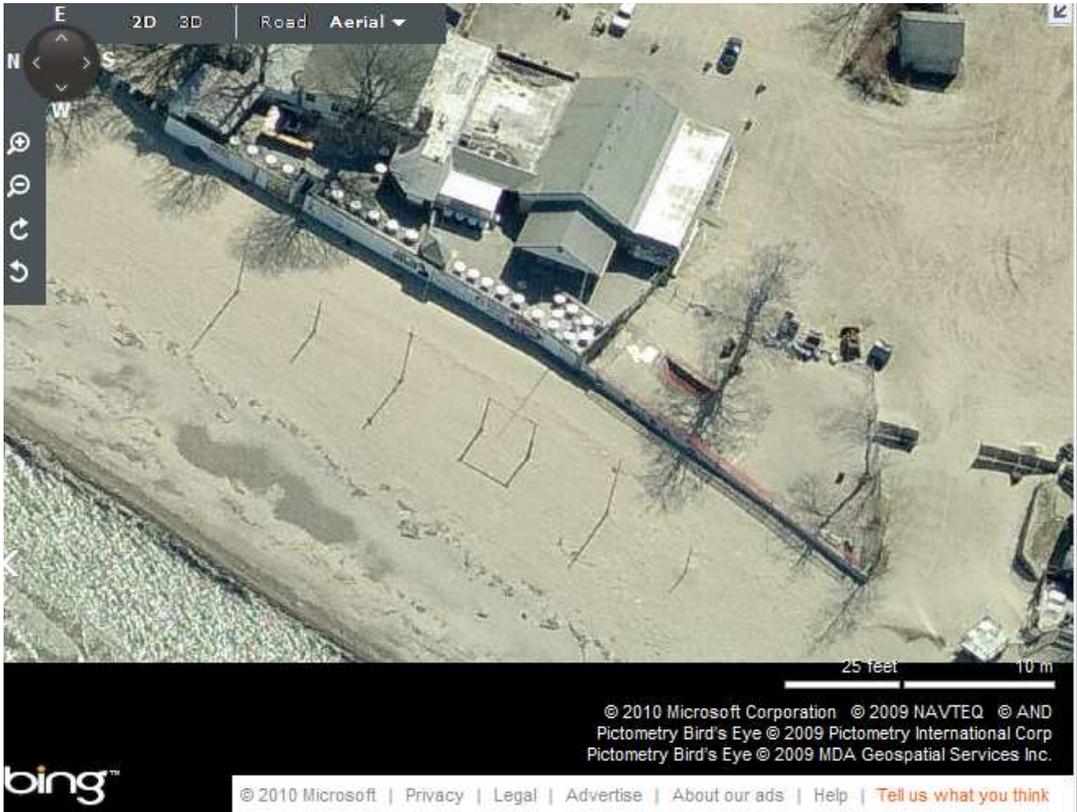
Shoreline Features in Sub – Area 3:



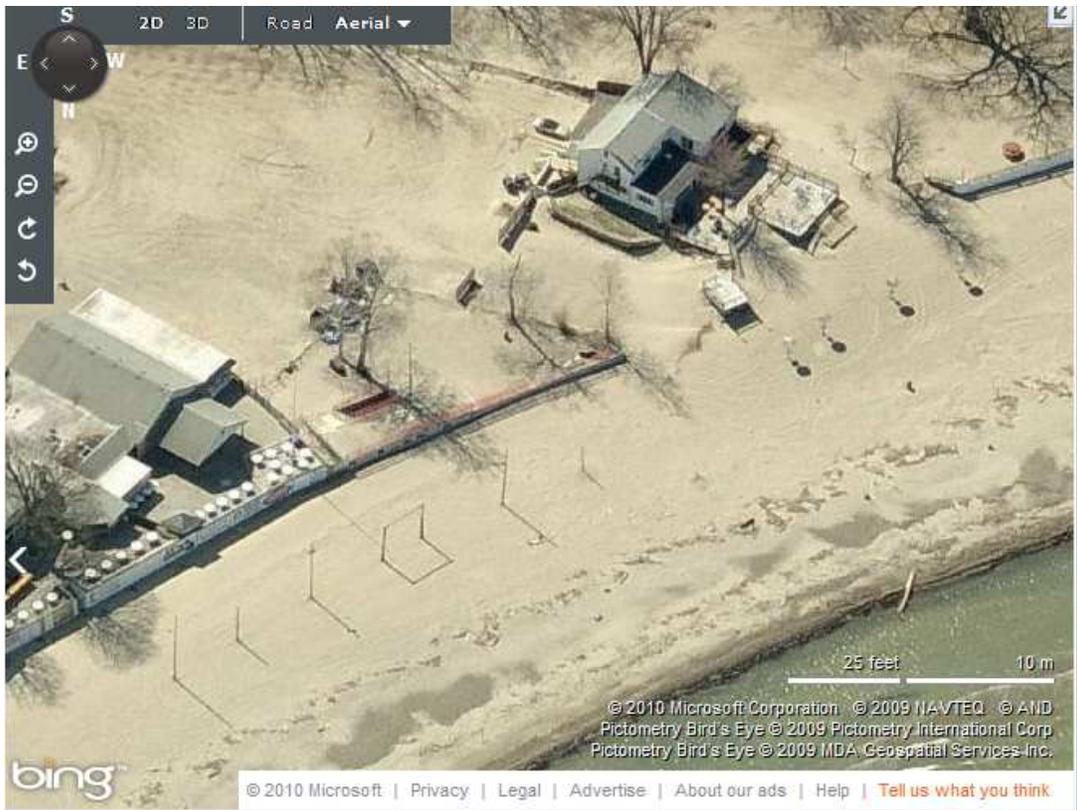
Seawalls along the Evans Beach shore and Mickey Rats/Captain Kidd's Beach Clubs



Shoreline Features in Sub – Area 3:

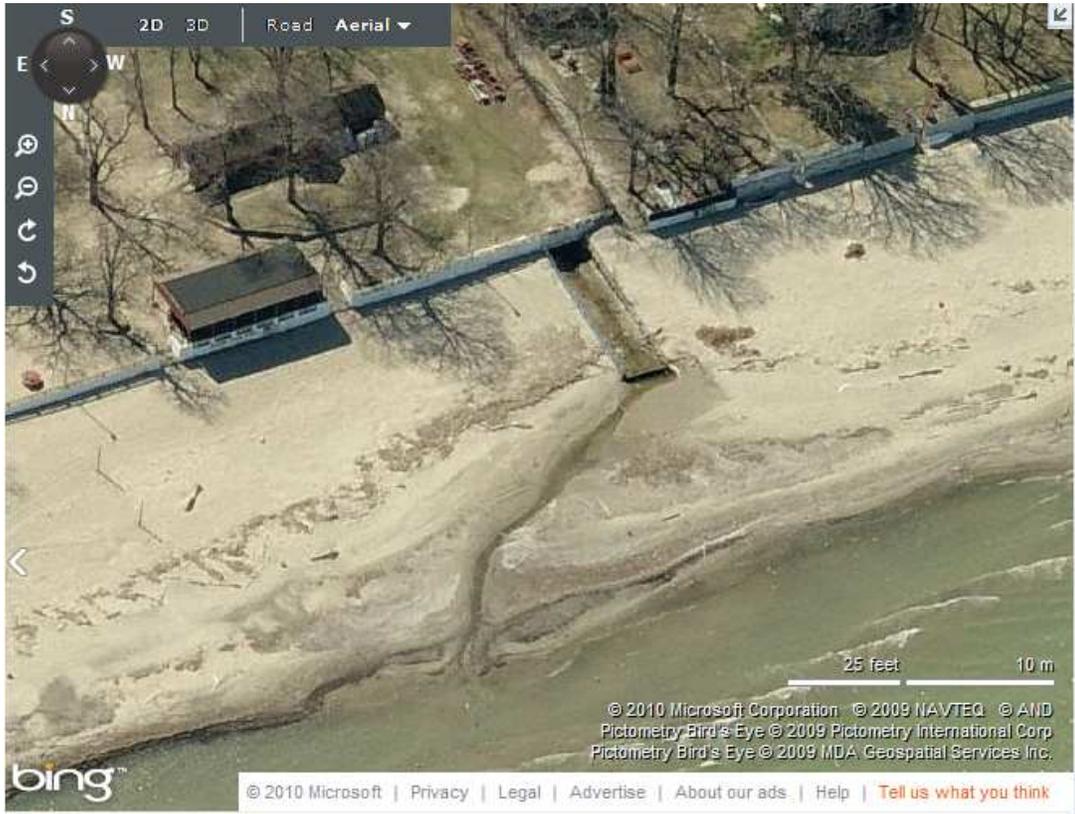


Mickey Rats / Captain Kidd's Beach Club, immediately north of Evans Town Beach

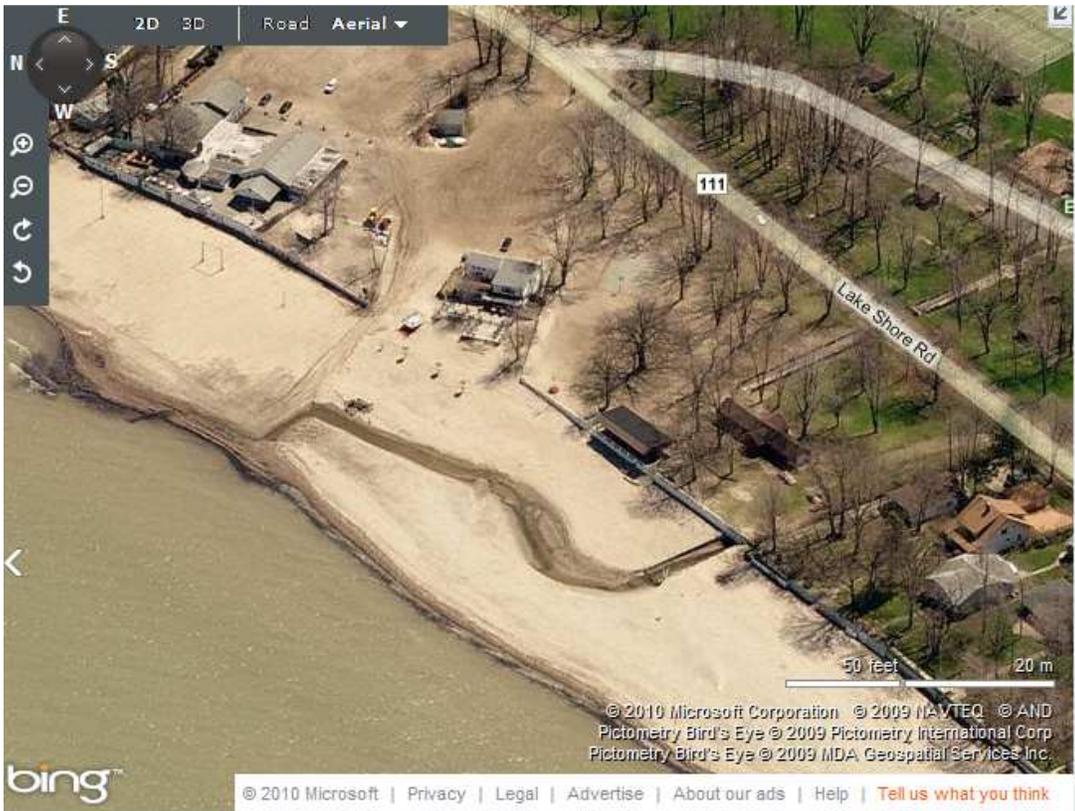


South Shore Beach Club (near center of view)

Shoreline Features in Sub – Area 3:

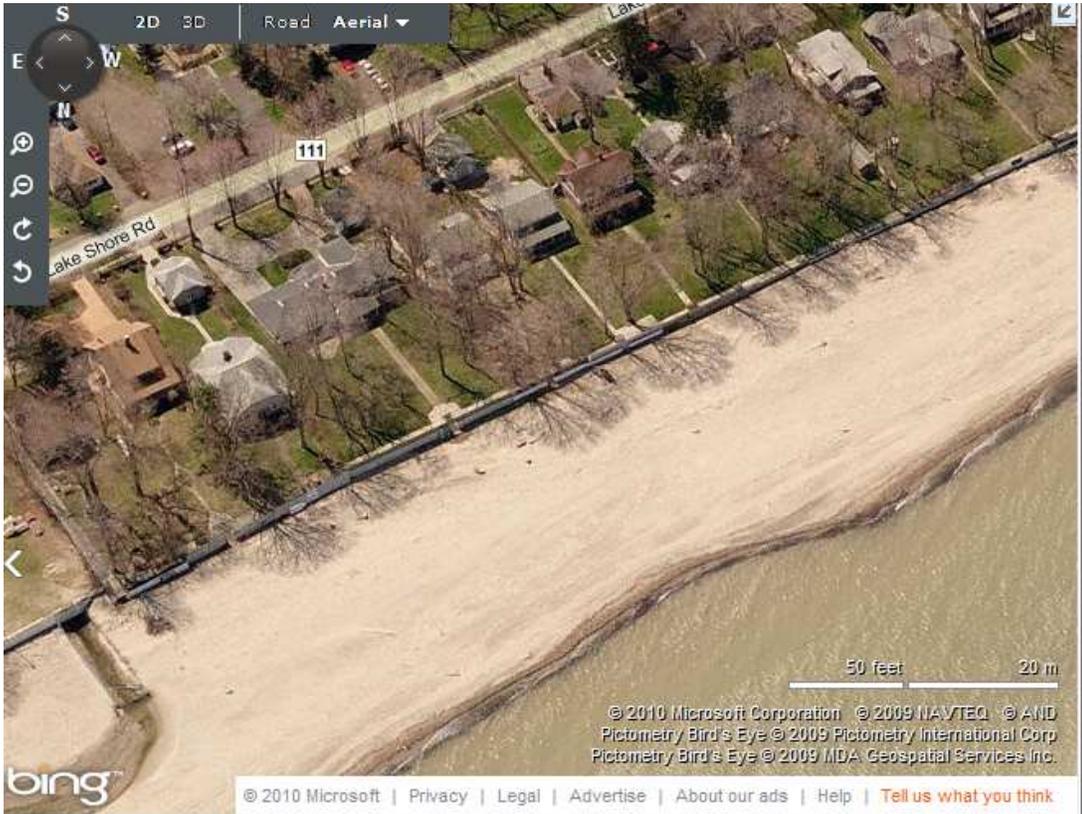


Shoreline of Evans Town Beach, showing outfall for Fern Brook

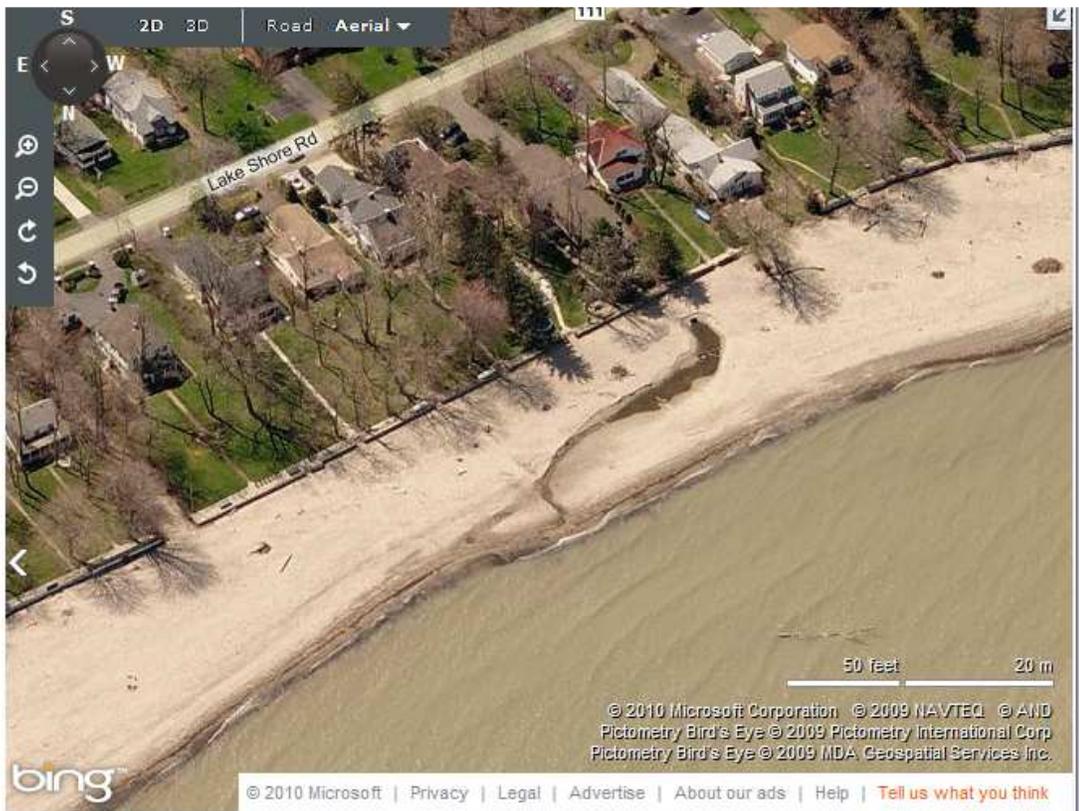


Evans Town Beach, showing roadway underpass that links beach and interior park areas

Shoreline Features in Sub – Area 3:

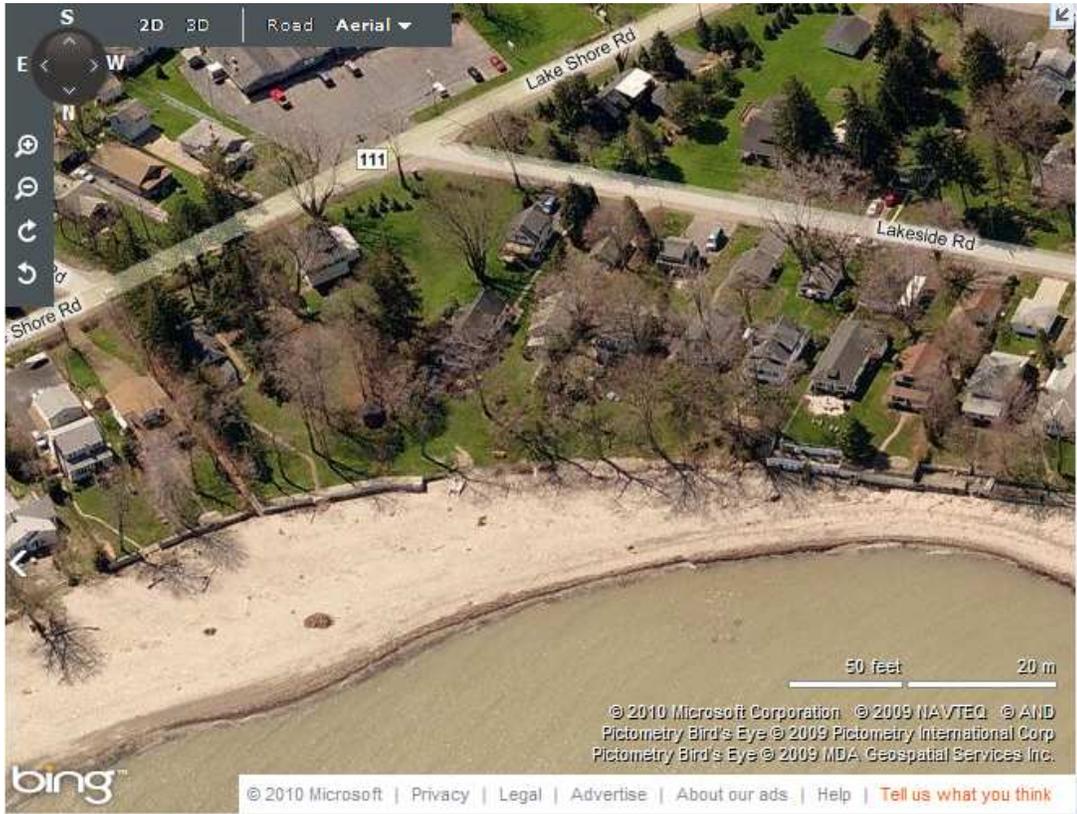


View of shoreline and seawalls, immediately north of Evans Town Beach

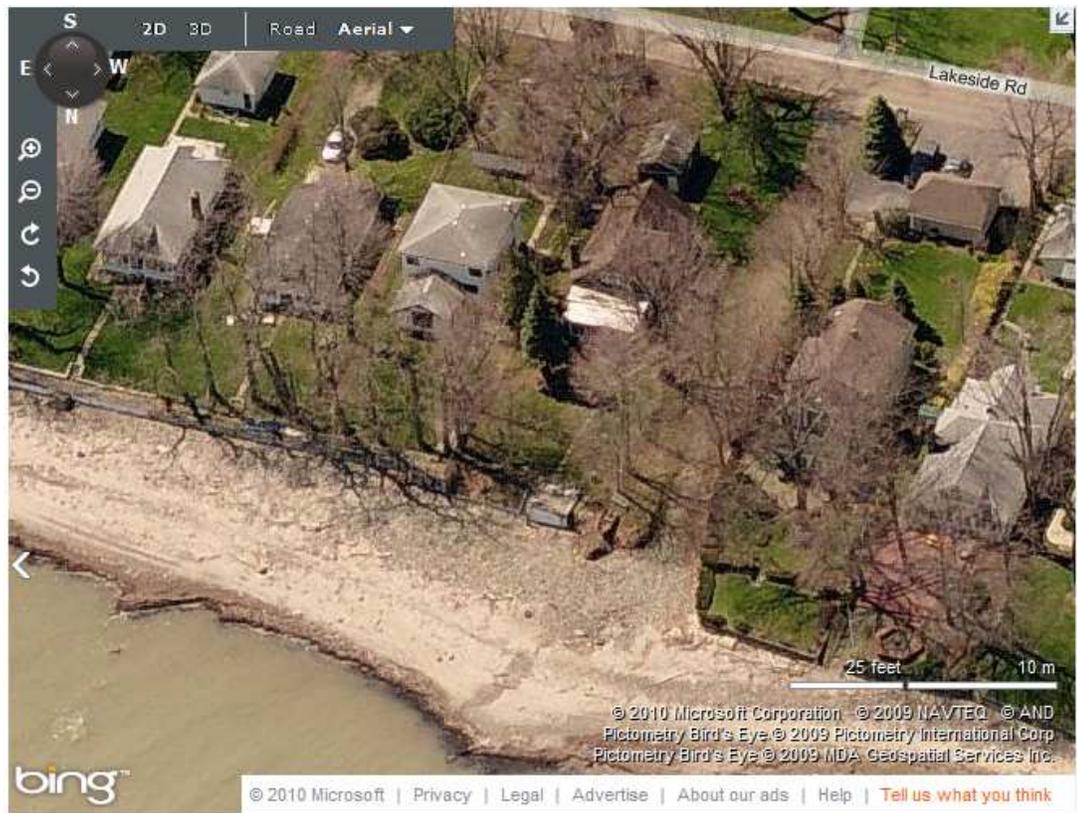


View of the shoreline of Evans Beach area, near Waterman Road

Shoreline Features in Sub – Area 3:

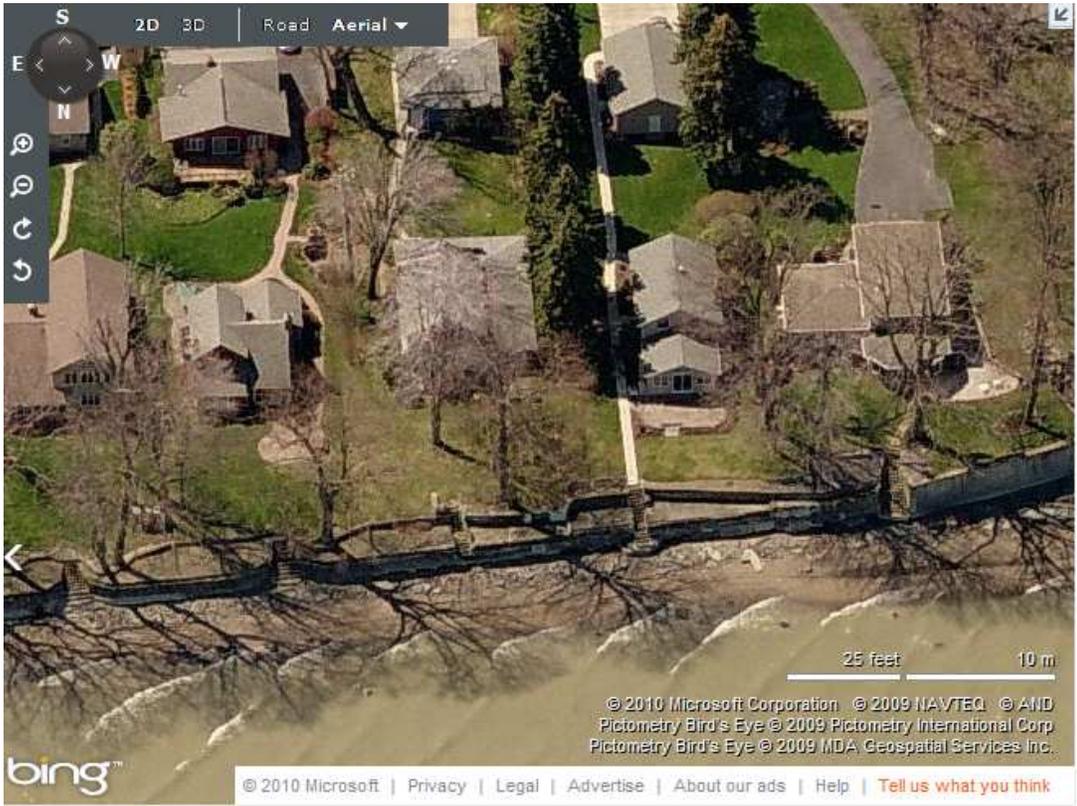


Entrance to Grandview Bay community (north side)

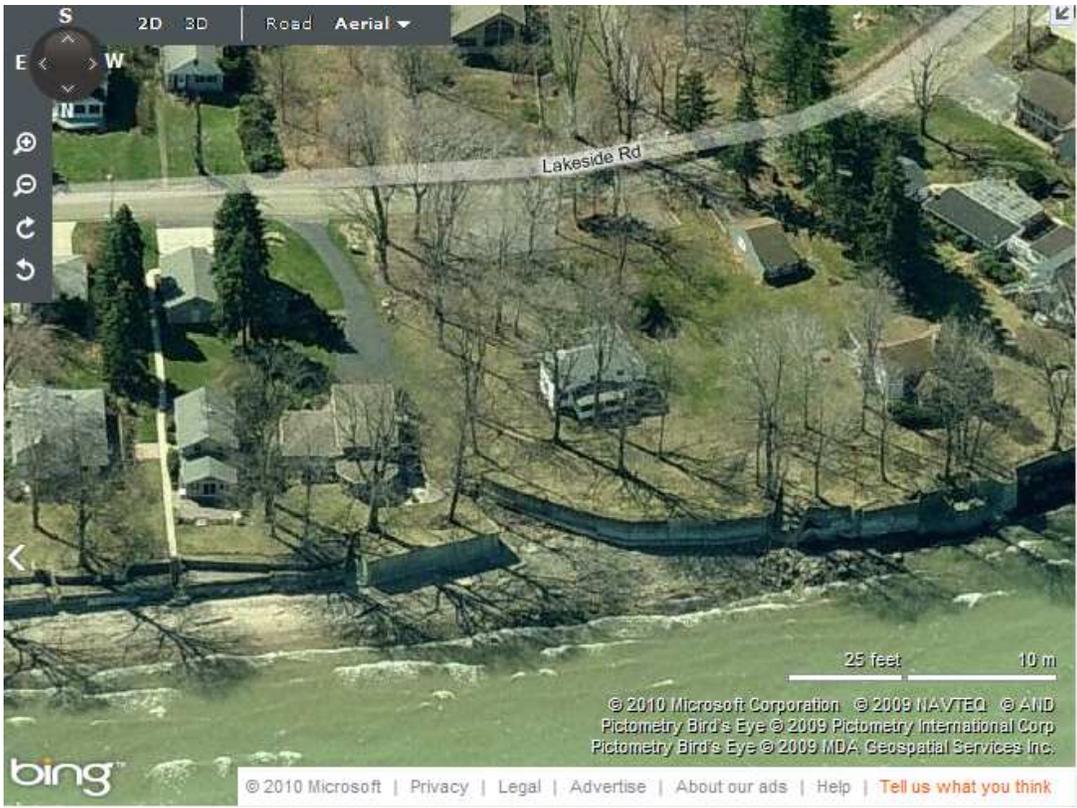


Grandview Bay community (north side), showing public access pathway to beach

Shoreline Features in Sub – Area 3:

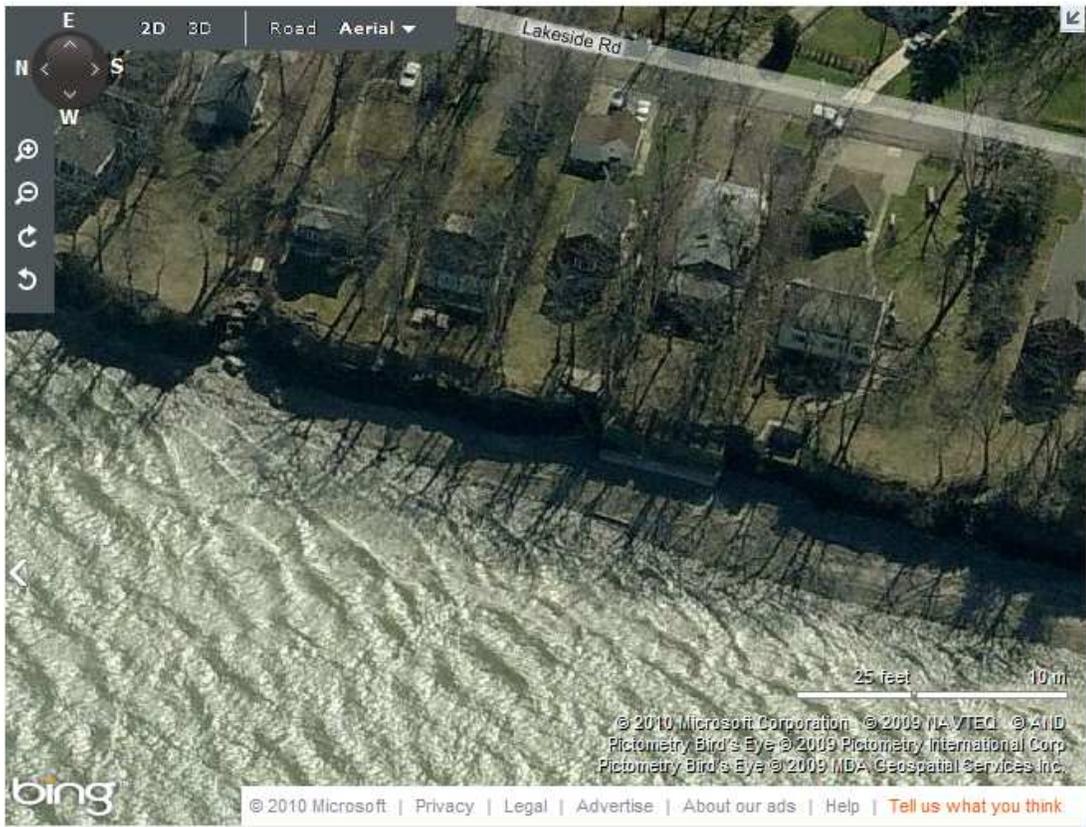


Seawalls with stairway access along the shoreline of Grandview Bay residential community

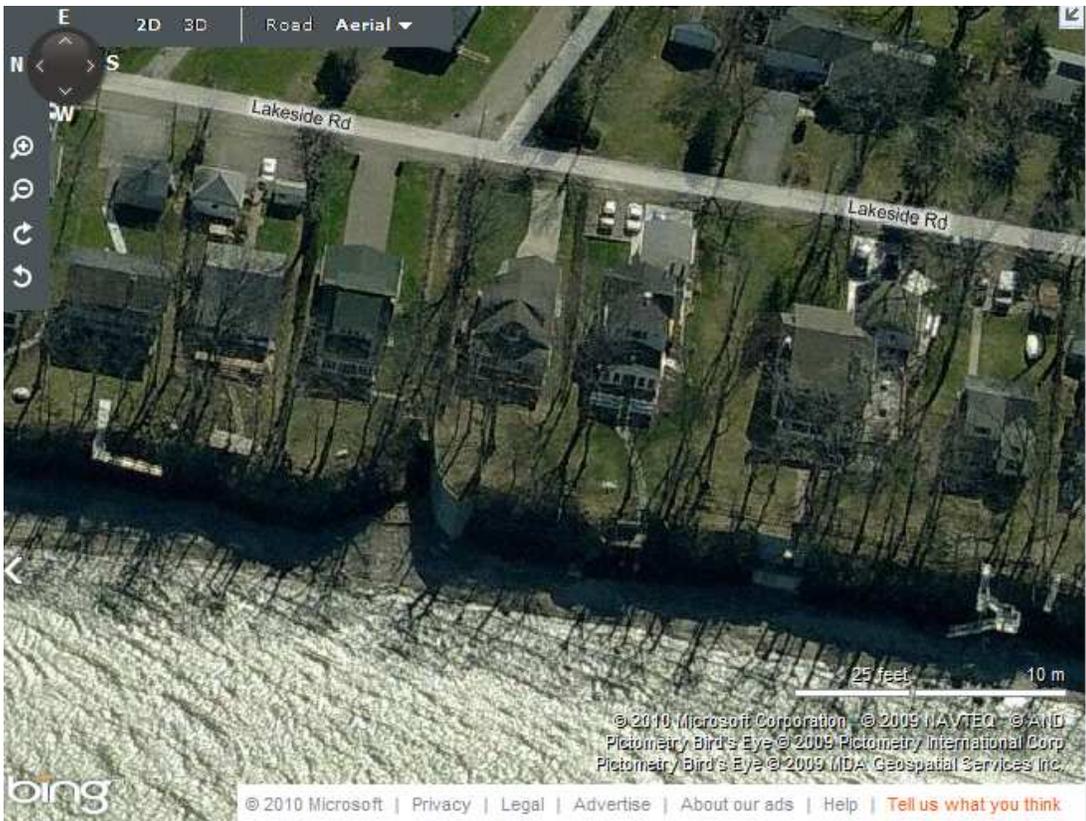


Additional views of seawalls along Grandview Bay

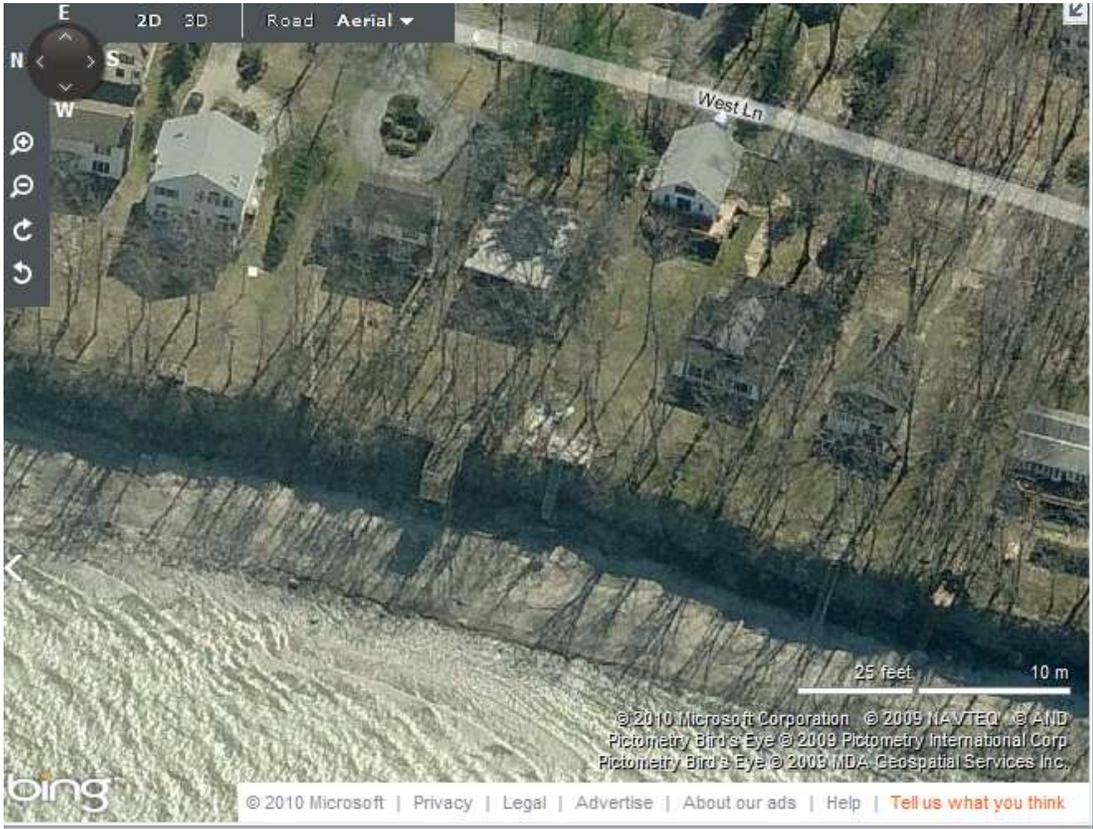
### Shoreline Features in Sub – Area 3:



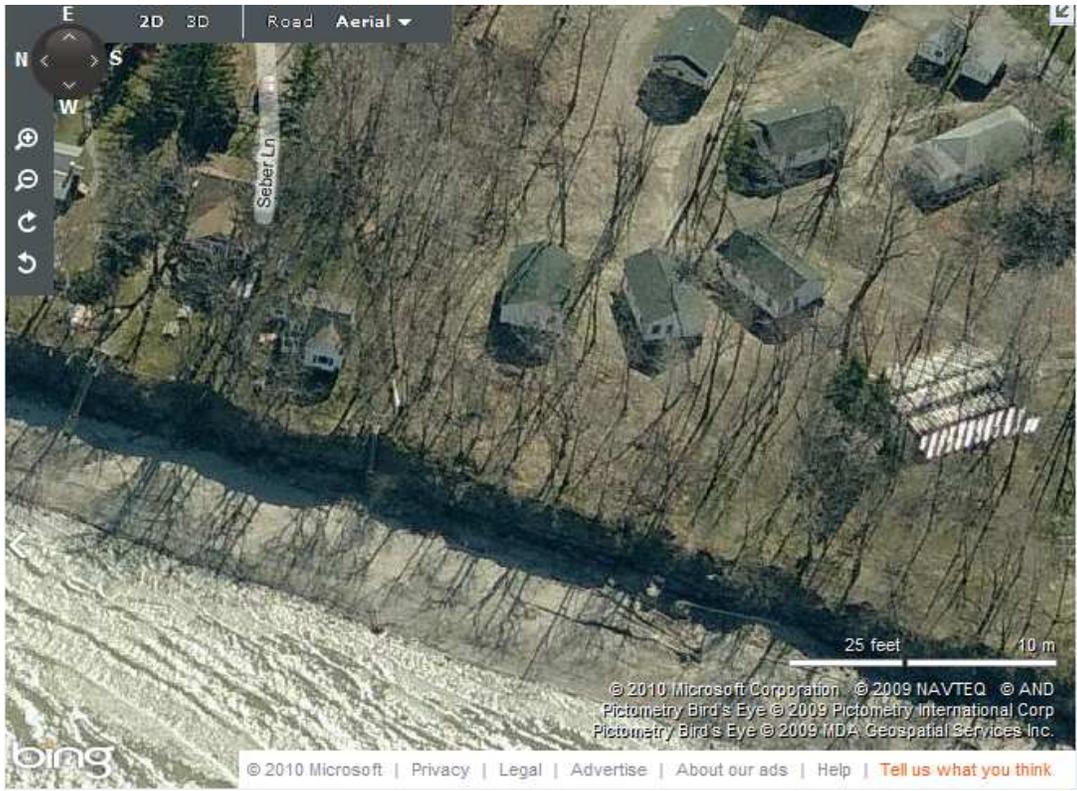
Views of Grandview Bay showing public access pathways to beach



Shoreline Features in Sub – Area 3:

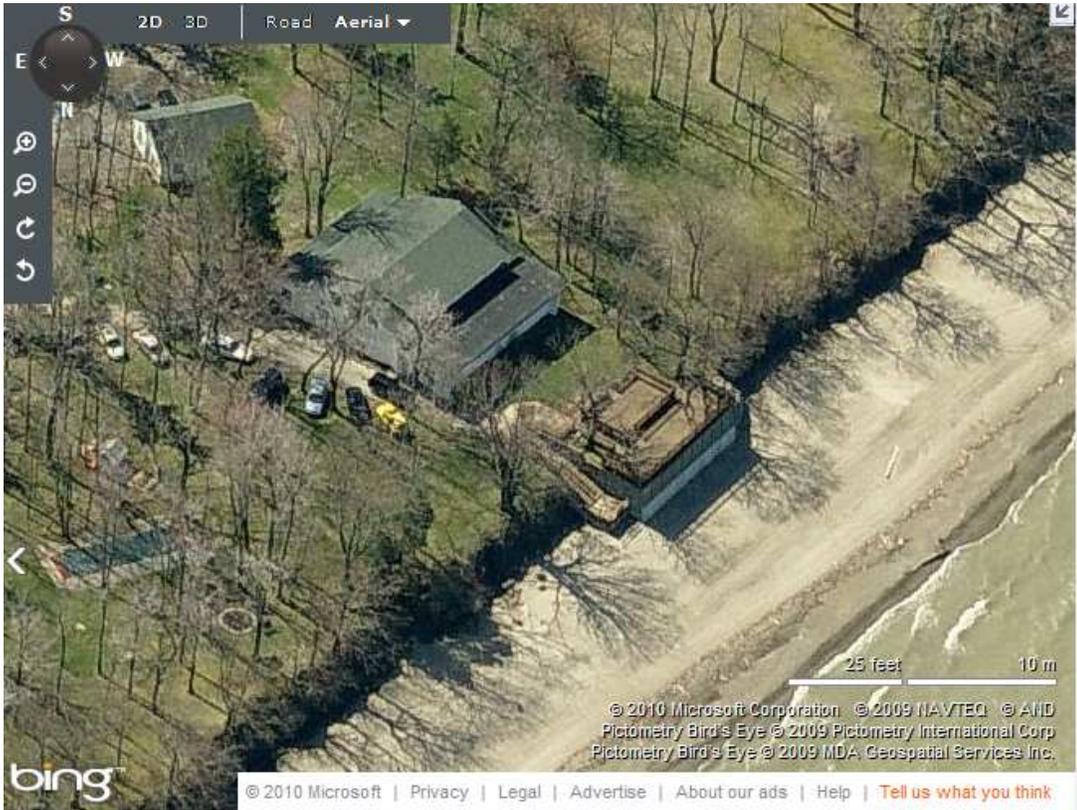


Southern end of Grandview Bay, just north of Camp Pioneer

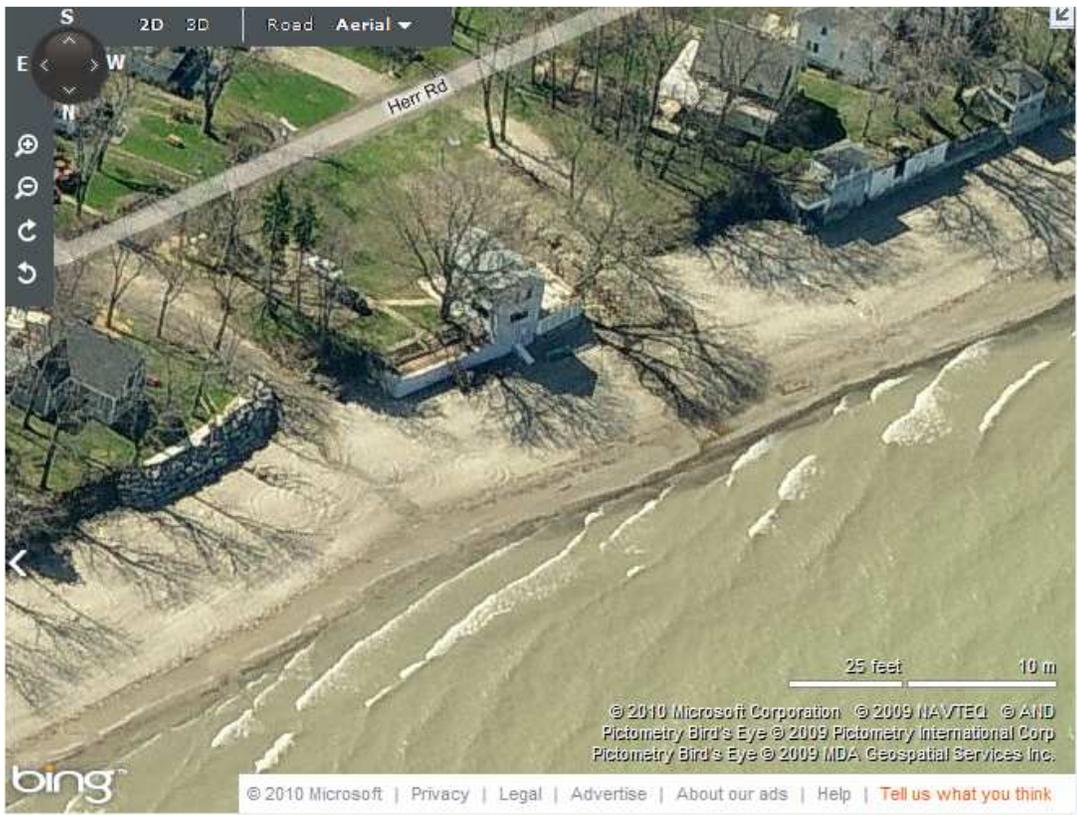


Views of the Camp Pioneer shoreline

Shoreline Features in Sub – Area 3:

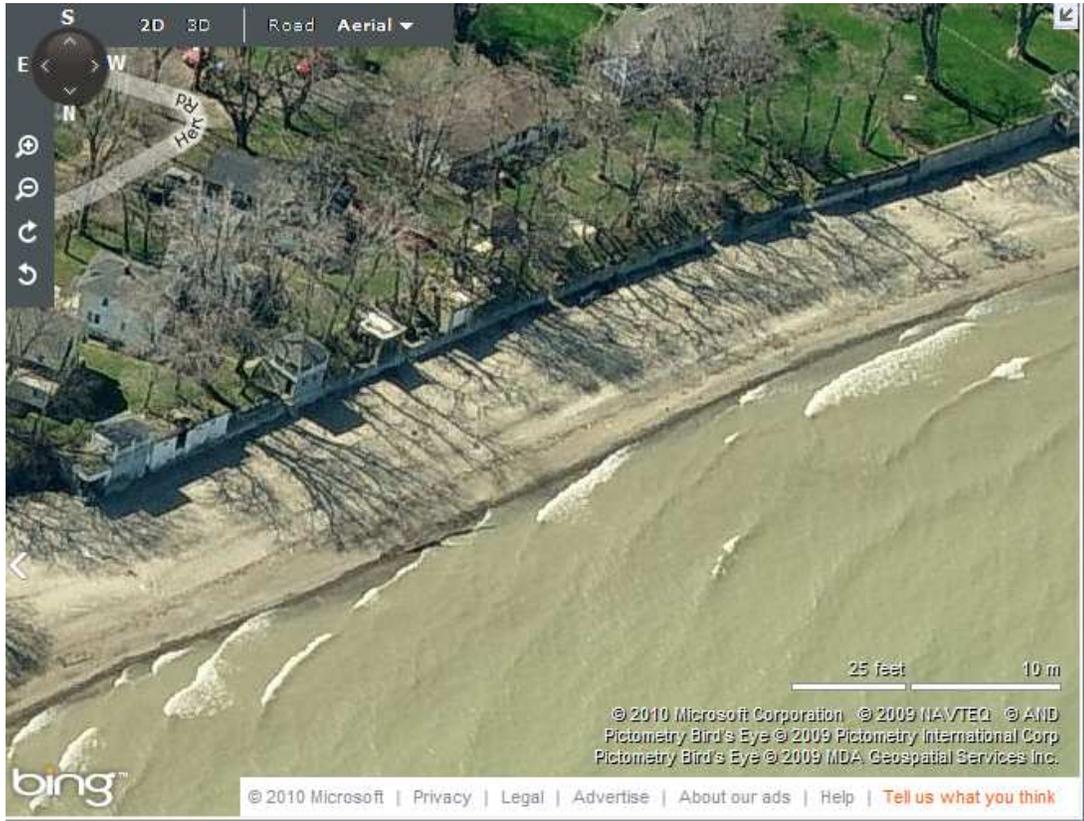


Camp Pioneer shoreline, showing beachside structure with stairway access to beach

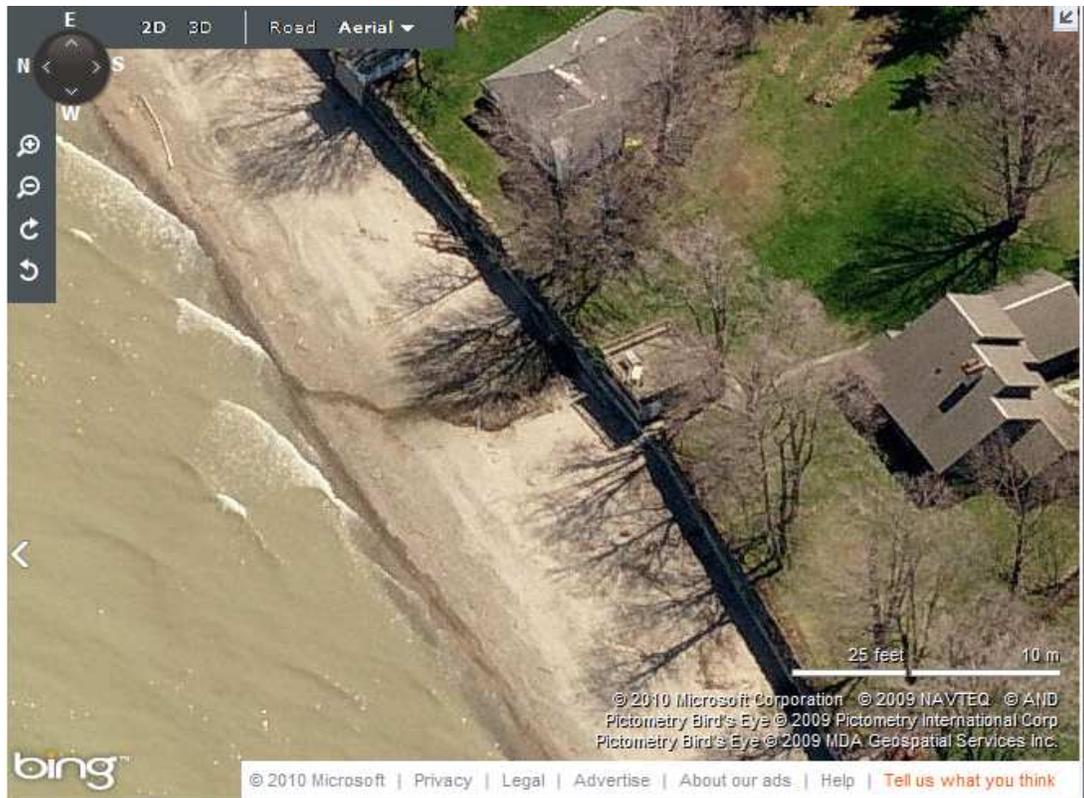


Shoreline view, immediately south of Camp Pioneer

Shoreline Features in Sub – Area 3:

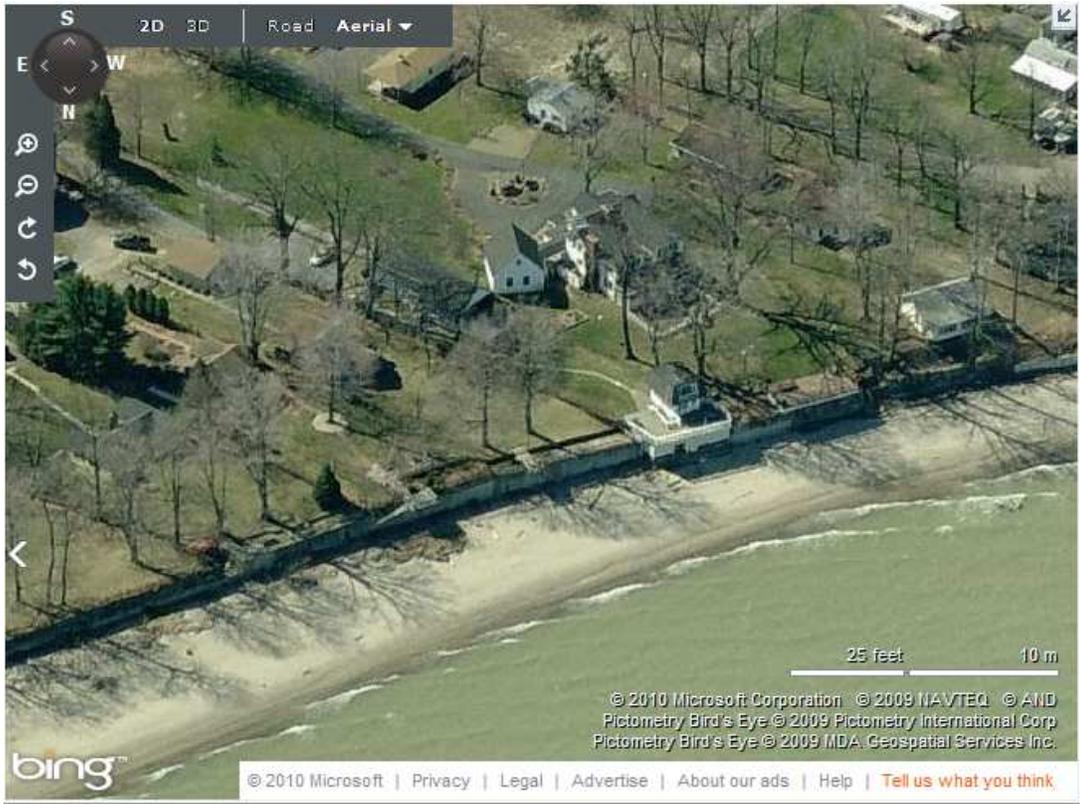


Views of the Sylvan Community Association residential area south of Camp Pioneer

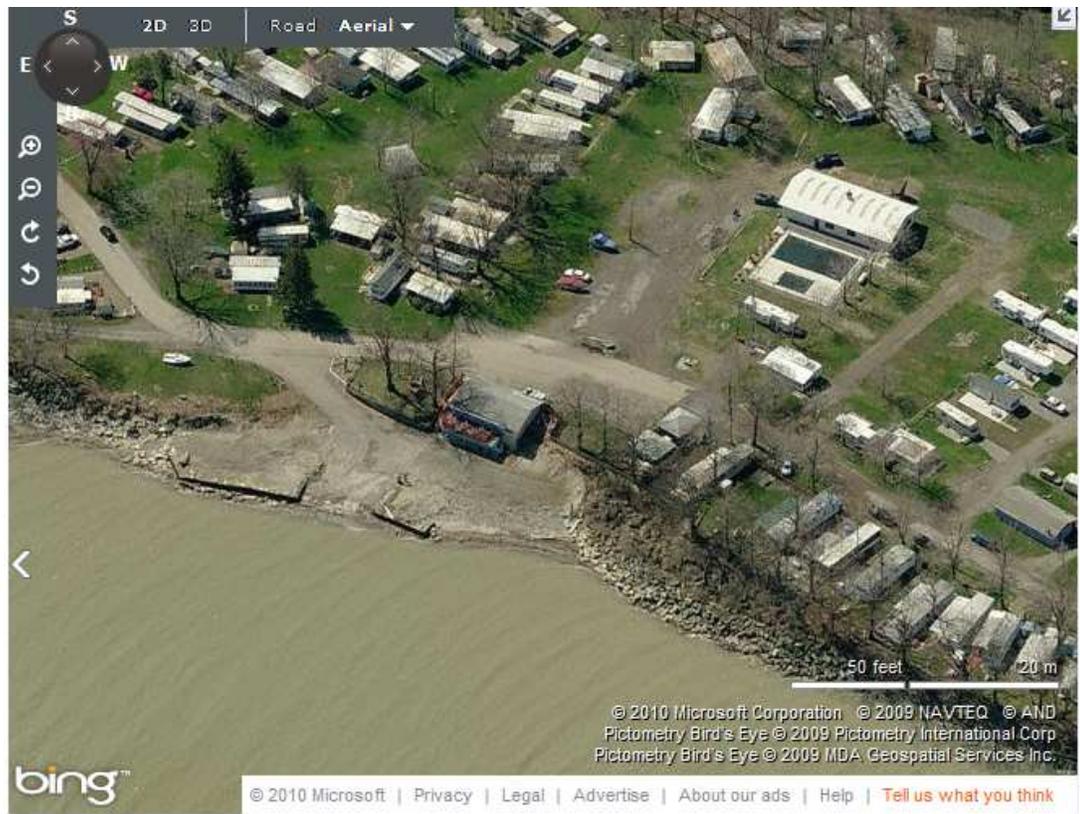


Shoreline view along Eagle Bay area, north of Point Breeze resort

Shoreline Features in Sub – Area 3:

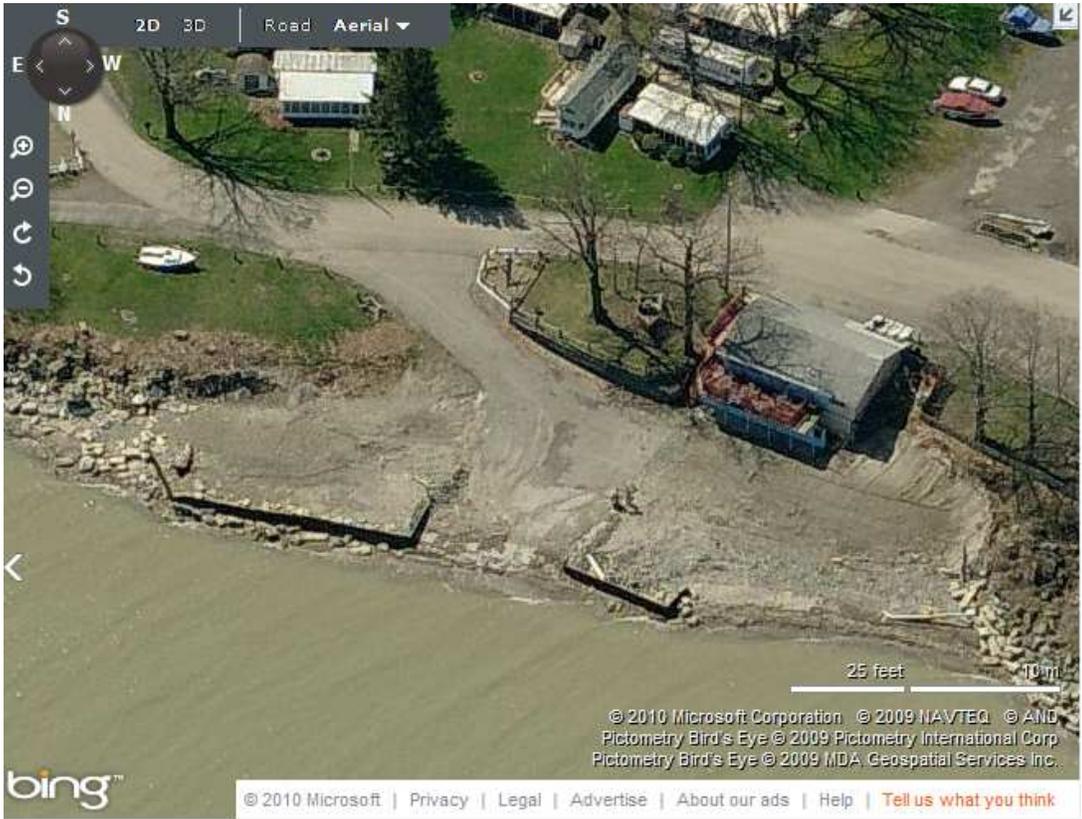


View of Eagle Bay area, seaward of AJ Schmidt Elementary School

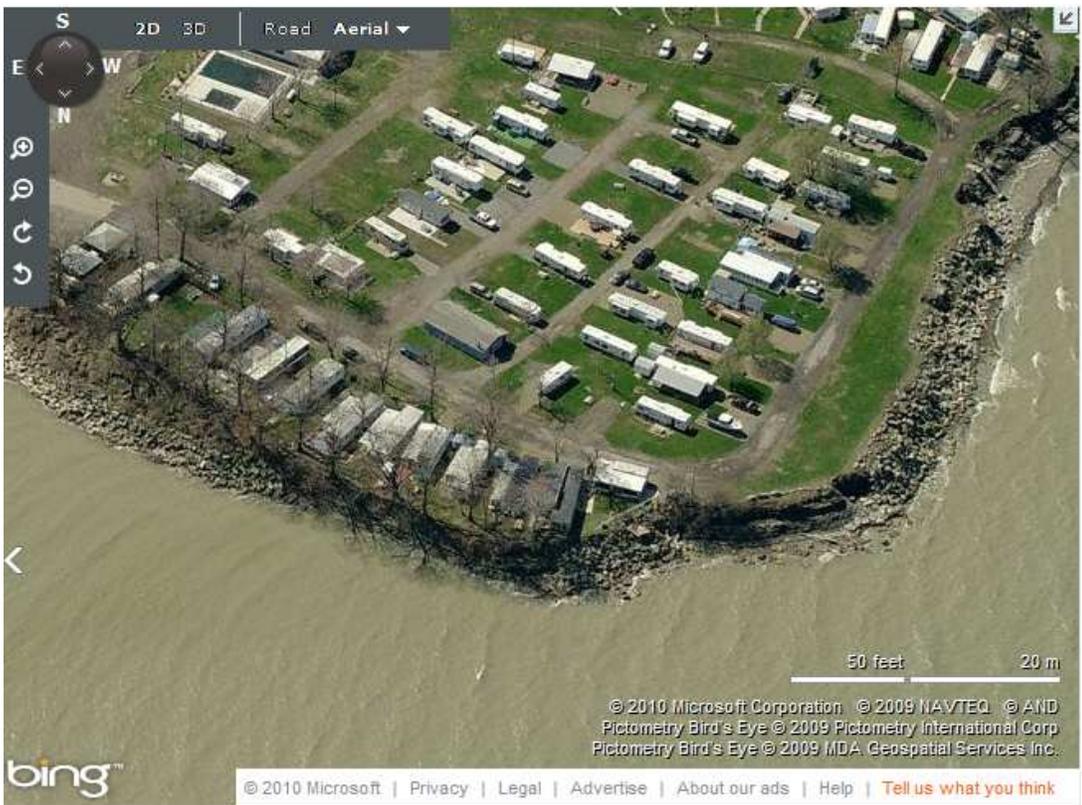


Point Breeze RV Resort, showing shoreline and boat launch ramp

### Shoreline Features in Sub – Area 3:

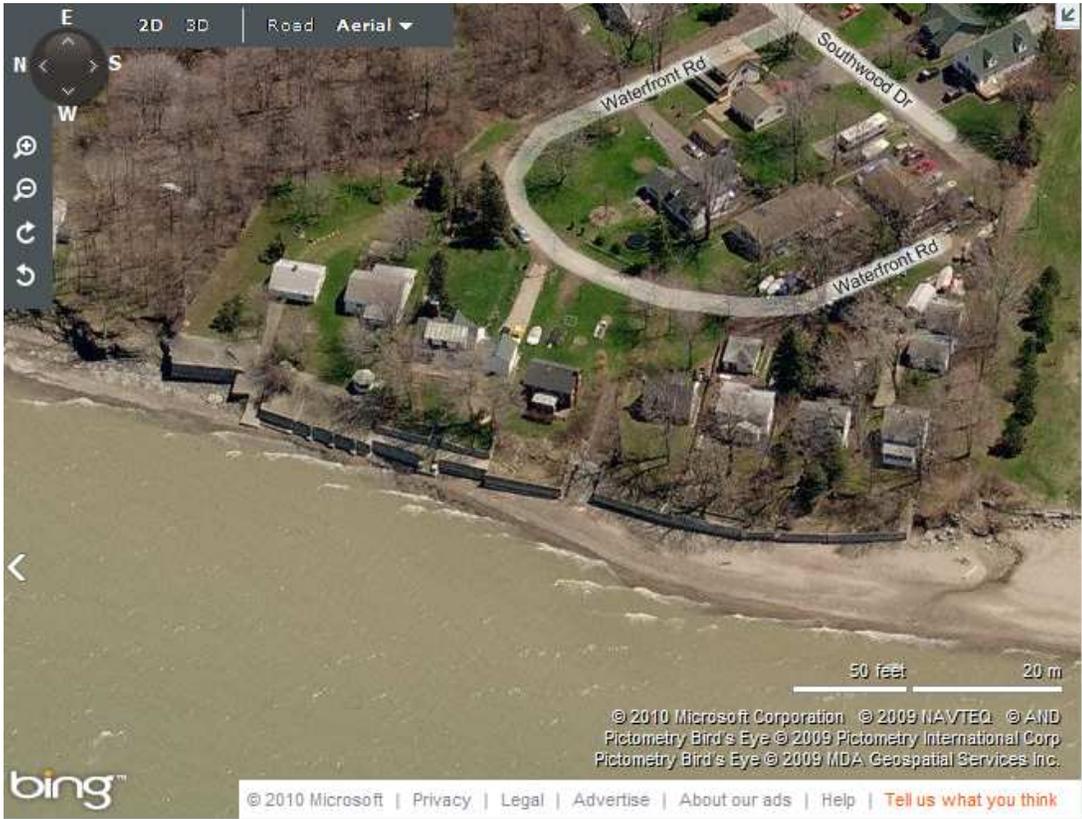


### Point Breeze RV Resort boat launch

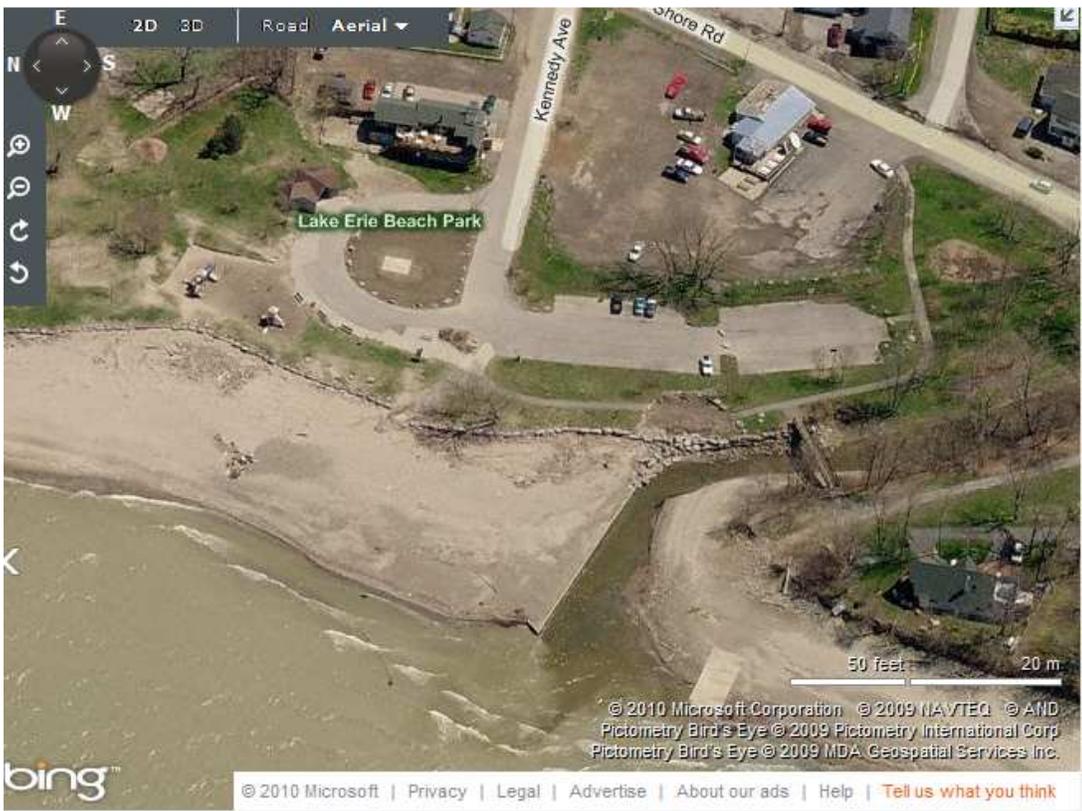


### Shoreline of the Point Breeze RV Resort property

Shoreline Features in Sub – Area 3:

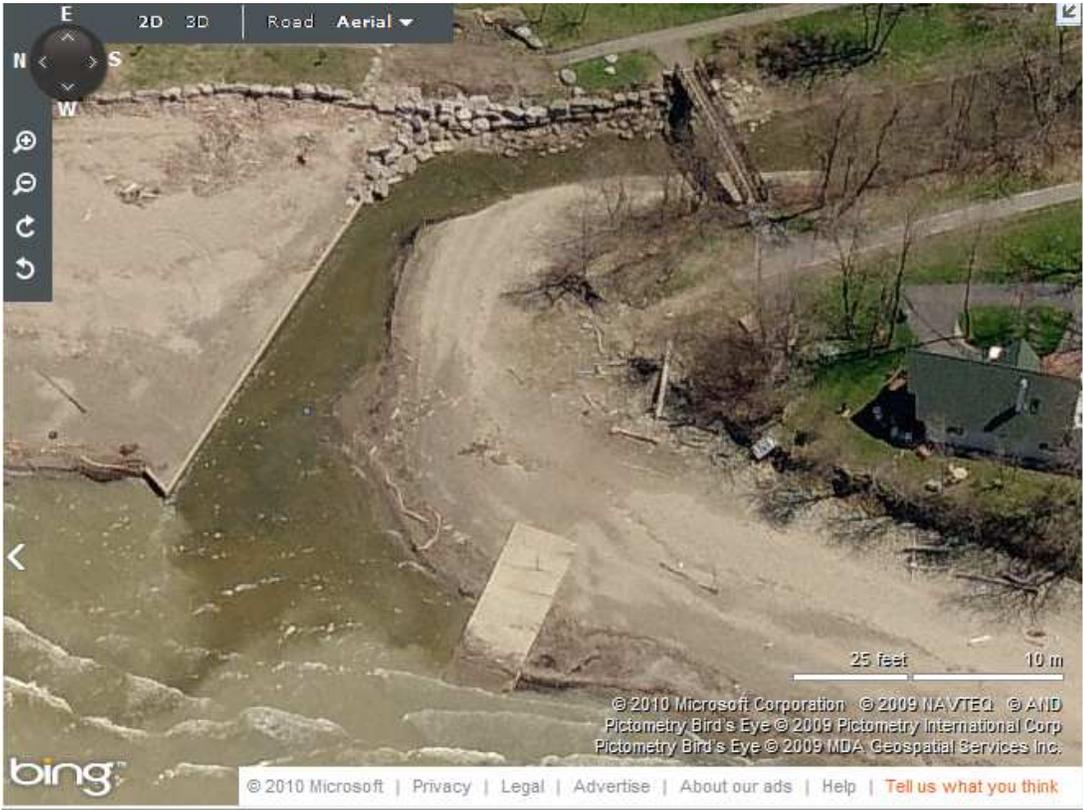


Seawalls along the Southwood Drive area, south of Point Breeze resort



Lake Erie Beach Town Park, showing beach and mouth of Muddy Creek

Shoreline Features in Sub – Area 3:



Wider view of the mouth of Muddy Creek

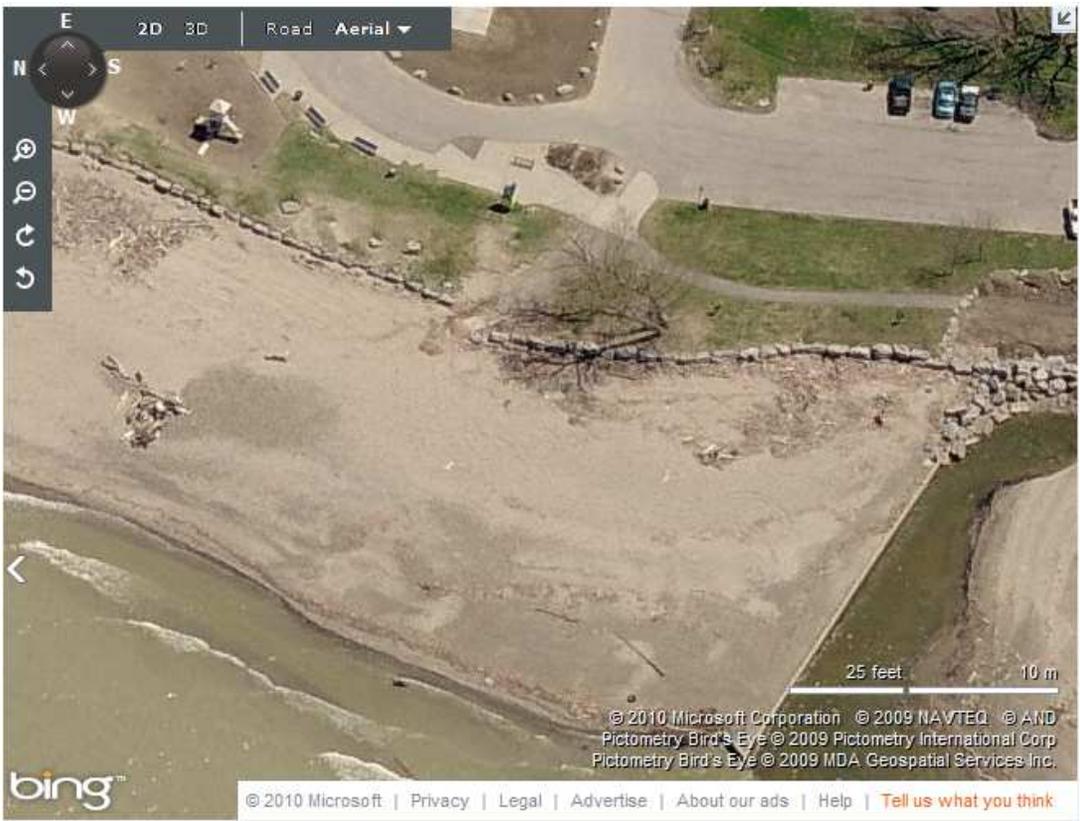


Lake Erie Beach hamlet area

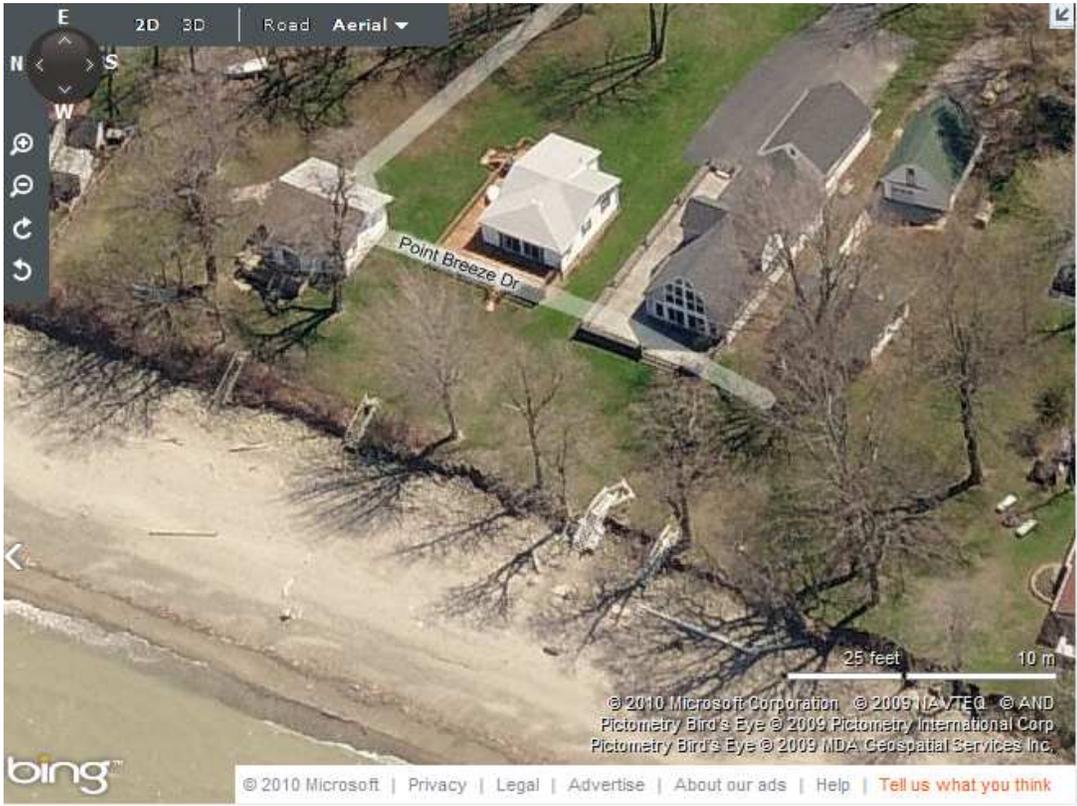
### Shoreline Features in Sub – Area 3:



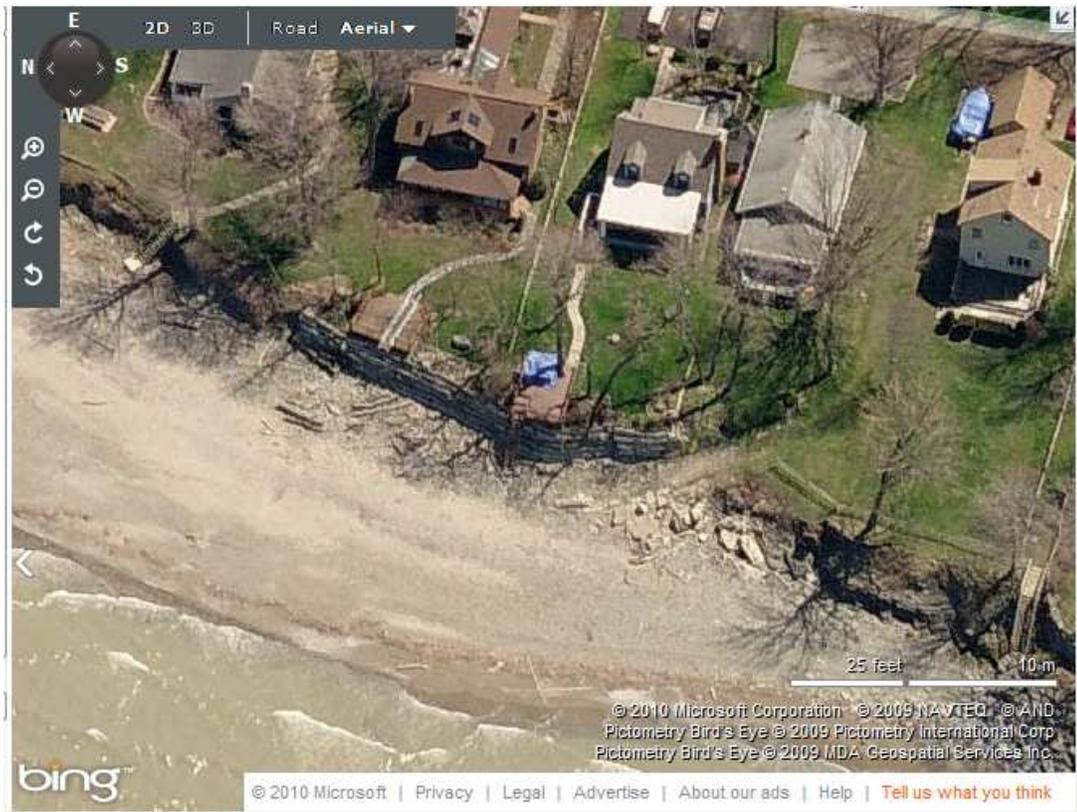
### Additional views of Lake Erie Beach Town Park



Shoreline Features in Sub – Area 3:

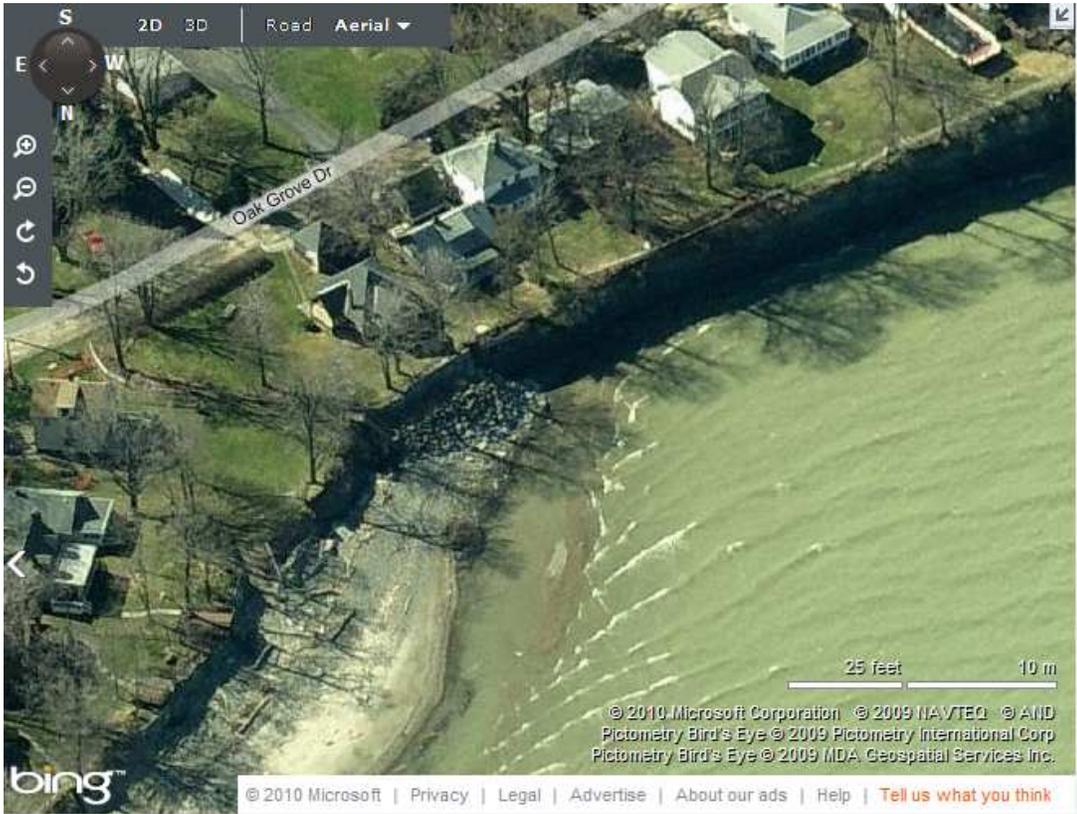


Shoreline view, south of Lake Erie Beach Park, showing stairway access to beach

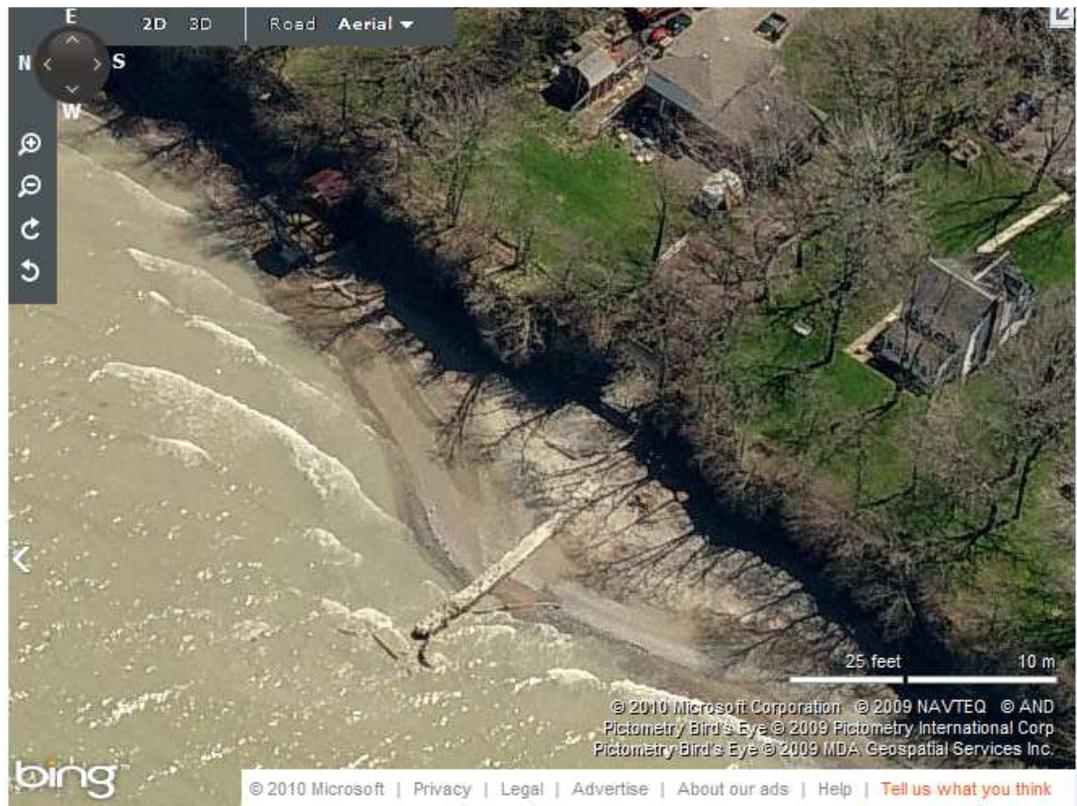


Shoreline view of the Oak Grove residential community, south of Lake Erie Beach

Shoreline Features in Sub – Area 3:

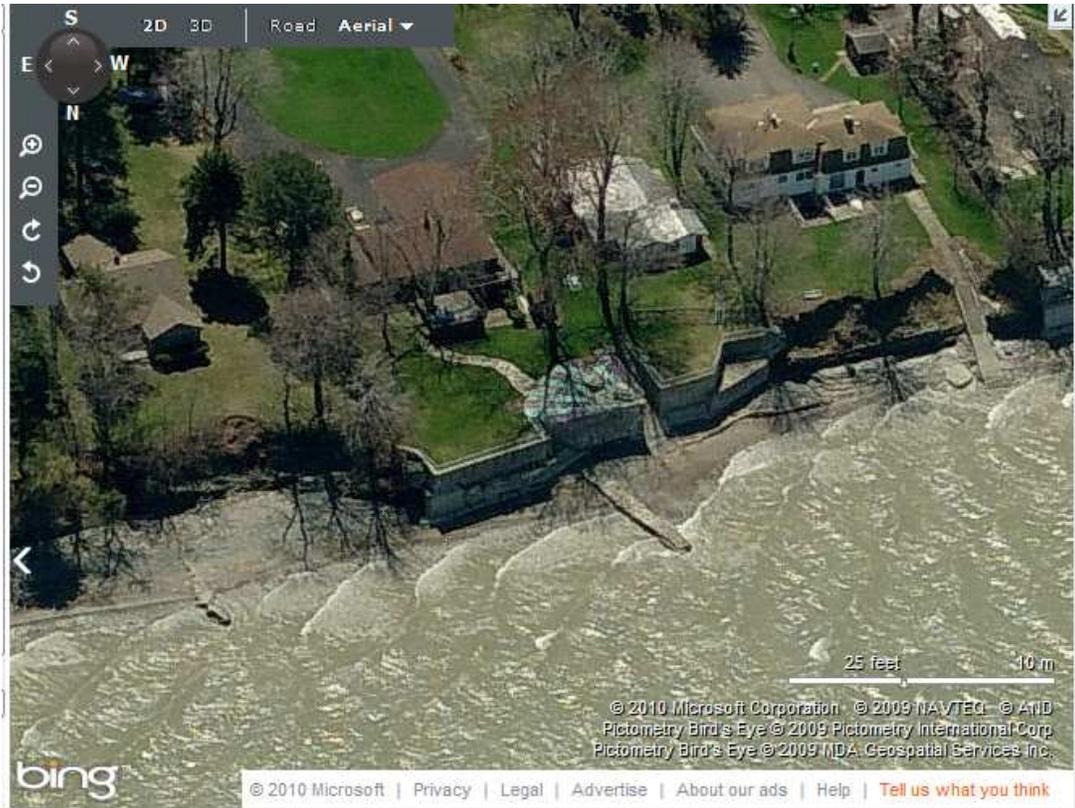


South end of the Oak Grove community, showing increasing elevation of shoreline

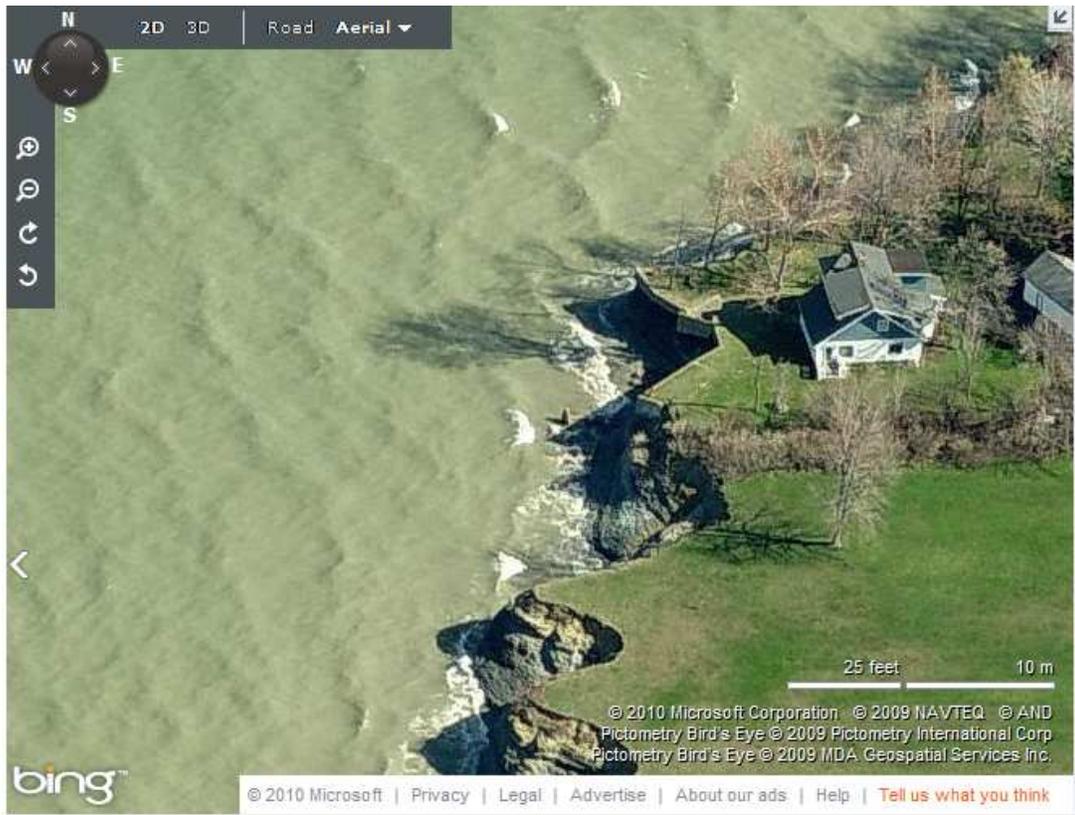


Shoreline along Shore Meadows community, at Middle Lane, with remnant dock

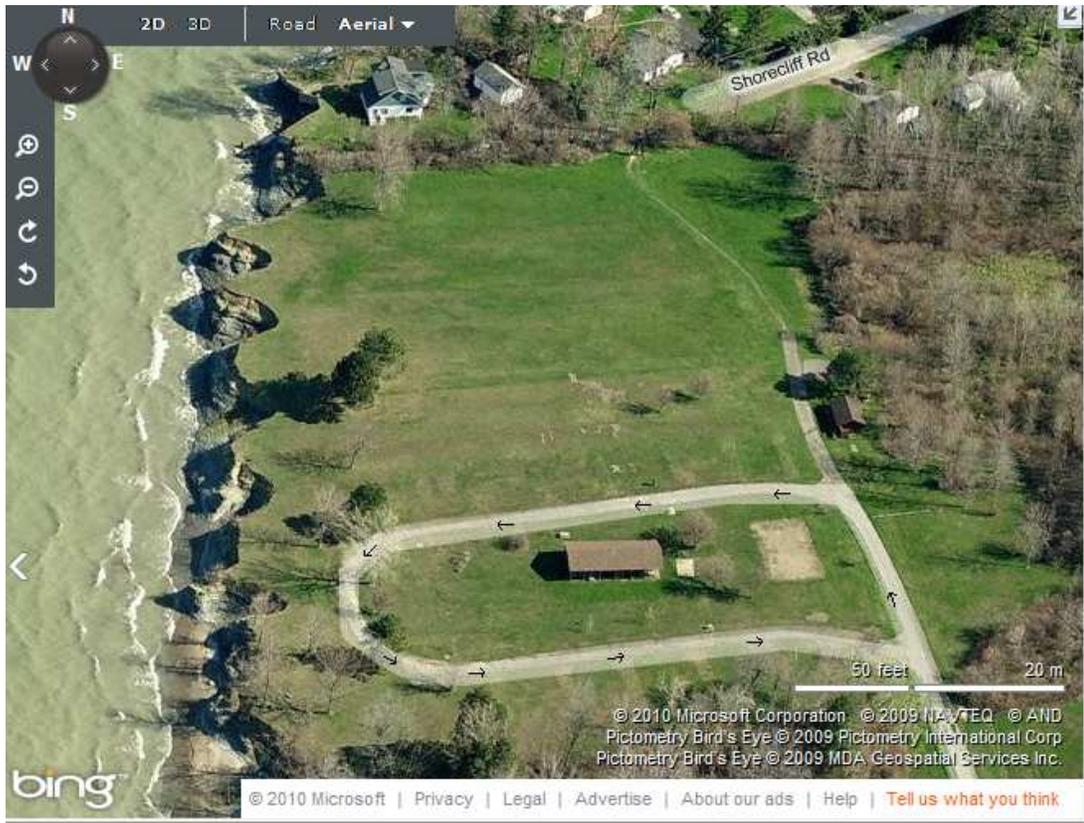
### Shoreline Features in Sub – Area 3:



Views of the shoreline at the southern end of the Shore Meadows community

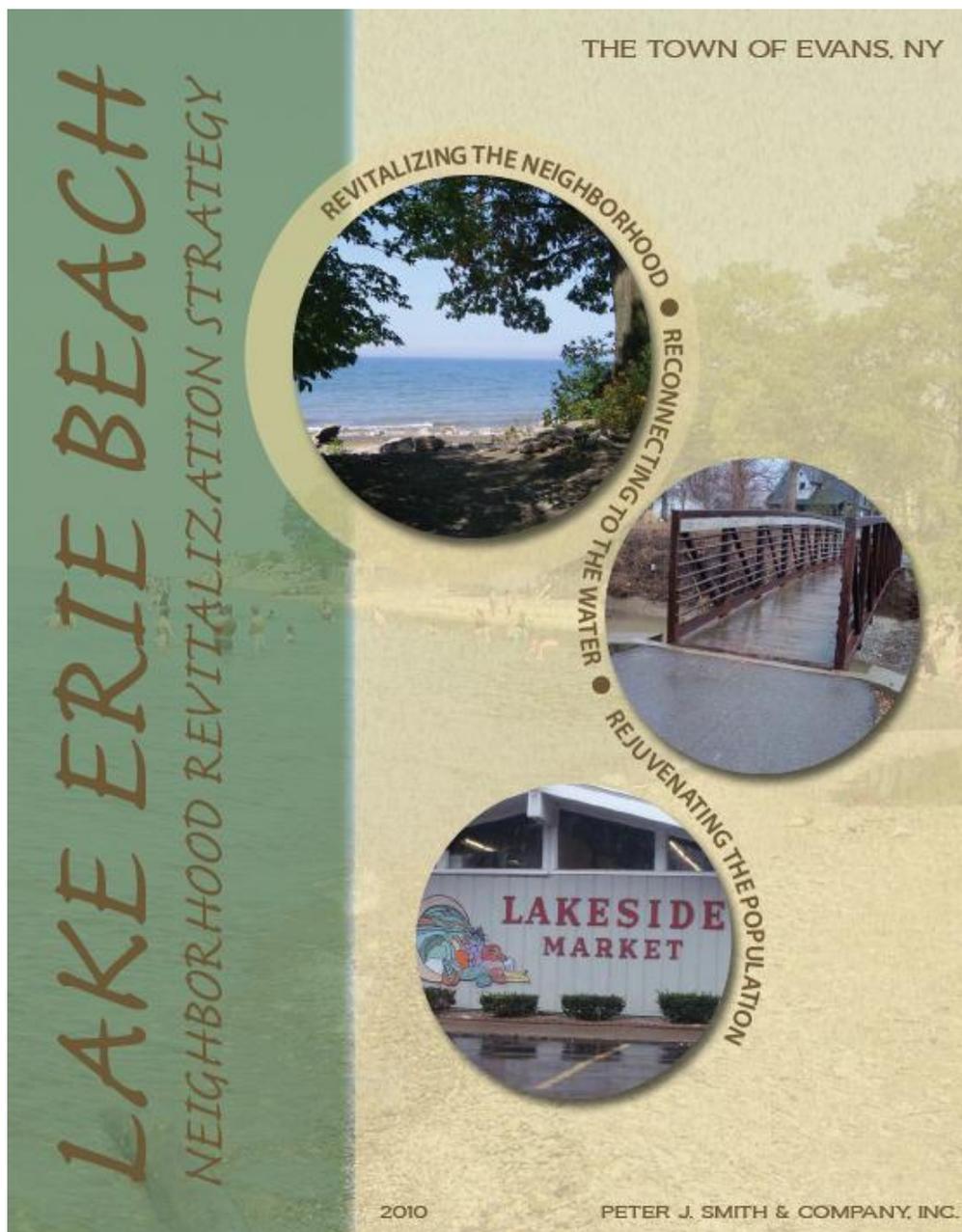


Shoreline Features in Sub – Area 3:



Shoreline along the northern end of Evangola State Park

**APPENDIX C LAKE ERIE BEACH NEIGHBORHOOD  
REVITALIZATION STRATEGY - NEIGHBORHOOD  
ACTION PLAN**



# Acknowledgments

## Town of Evans

Mr. Fran Pordum, Supervisor  
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Mr. Russ Manguso, Parks Director  
Mr. Ernest Masullo, Chief of Police  
Mr. Edward Michalski, Superintendent of Highways  
Ms. Julie Roach, Senior Recreation Director

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Ms. Mary Hosler, Evans Bank  
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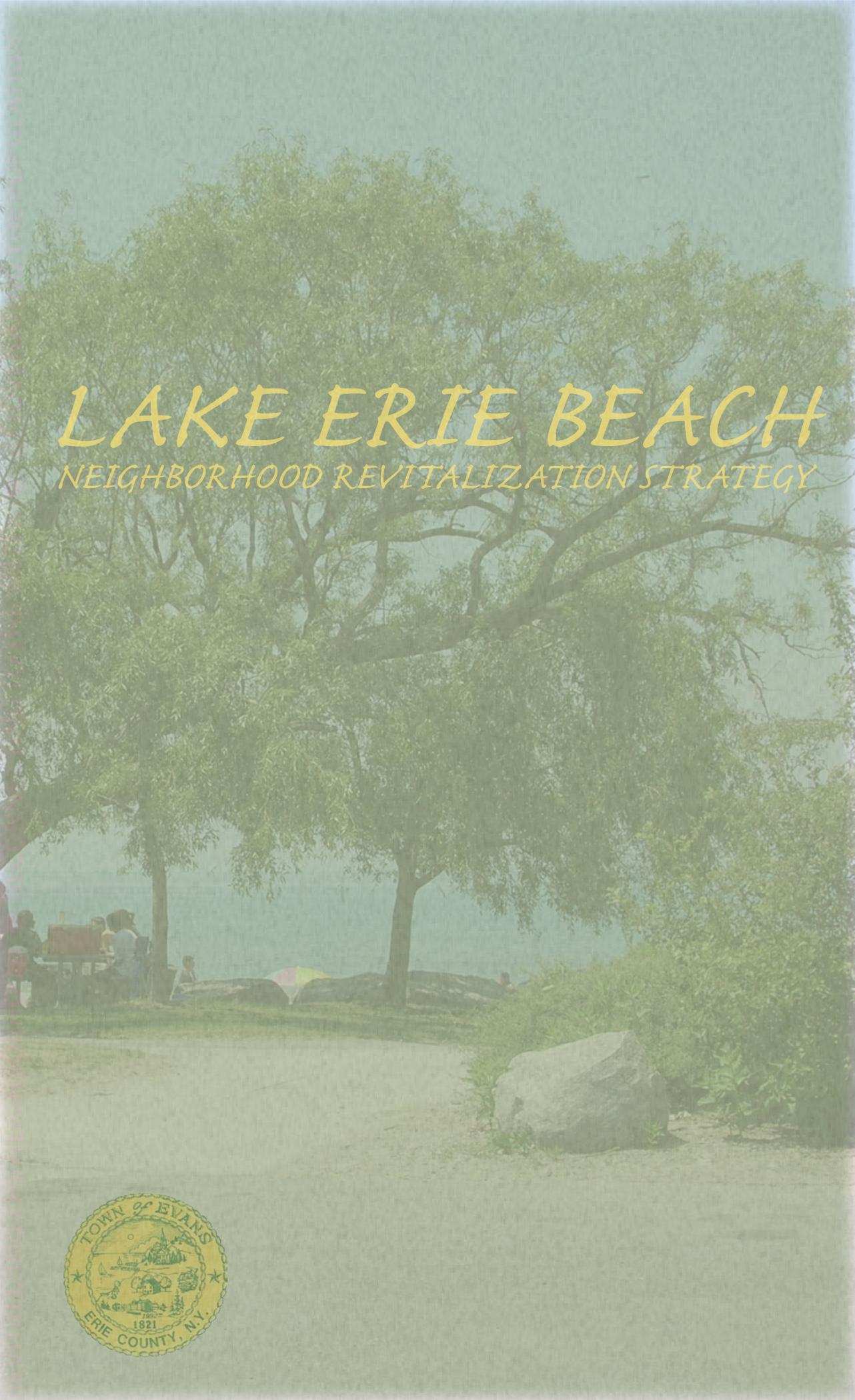
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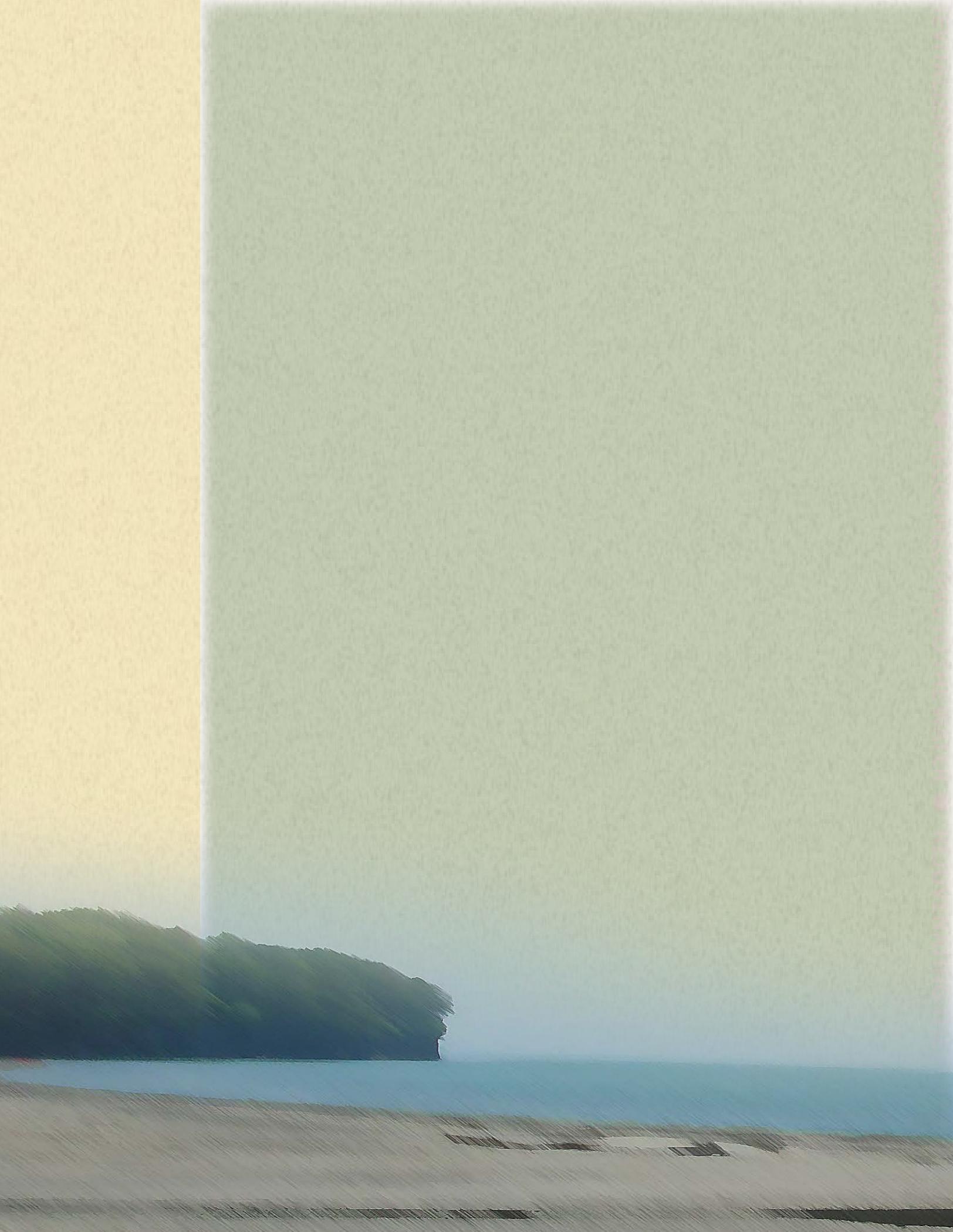


# LAKE ERIE BEACH

NEIGHBORHOOD REVITALIZATION STRATEGY

# EXECUTIVE SUMMARY





# “Such Roads, O Such Roads”

– Evans Resident, Joseph Bennett, on the poor condition of infrastructure in Erie County, early 1800s

Lake Erie Beach is a beautiful waterfront community, comprised of picturesque lakefront views, mid-twentieth century vacation cottage housing and small, local businesses dotting the landscape. The unique location of the neighborhood along the shores of its namesake coupled with a leisure-like atmosphere provides occasion for a one-of-a-kind place to live, work and enjoy.

The Town of Evans has commissioned the Lake Erie Beach Neighborhood Revitalization Strategy in an effort to take advantage of the tremendous opportunities that the neighborhood presents. The Strategy aims to capitalize upon the many waterfront and natural assets that surround a traditionally cottage community to create a sustainable neighborhood centered around a multi-modal, recreation-based transportation network. A path for community mobilization is designed to set forth opportunities for the residents of Lake Erie Beach to become involved in their own neighborhood and have a direct stake in its future. The strategy identifies specific means by which local residents can become empowered, working together to serve as the driving force for change. These efforts will be complementary to a series of key project recommendations defined for local governments implement to enhance the overall conditions of the neighborhood.

## 1.1 A Tool for the Neighborhood

The Neighborhood Revitalization Strategy is designed to function as a tool to facilitate progress in Lake Erie Beach. Recommendations within the strategy have been specifically identified with the understanding that public funding sources are often difficult to obtain and the necessity for local initiatives to have realistic and implementable outcomes. The intention of the Strategy document is to be used as a framework for grant funding applications, prioritizing projects, financial requirements and providing potential funders with an overall vision in which their efforts will serve as an integral piece of the puzzle. The document also gives guidance to local residents and business owners who choose to take a greater stake in the future of Lake Erie Beach. It identifies opportunities for the public to work together and have a significant impact upon their own quality of life.

Overview

# Lake Erie Beach Neighborhood Revitalization Strategy

## 1.2 Project Boundary Definition

Lake Erie Beach is the southwestern most neighborhood in the Town of Evans. As its namesake suggests, it borders along the shores of Lake Erie and extends east to Route 5. Lake Erie Beach neighbors Grandview Bay to the north and stretches south to Evangola State Park.

This document aims to provide a strategic revitalization plan for all of Lake Erie Beach, with recommendations established for the entire neighborhood. In addition to the neighborhood-wide project area, a smaller study boundary has also been defined according to an established set of criteria. This study area is bound by Herr Road to the North, Route 5 to the east, Old Lake Shore Road to the West and Reeves Road, Utica Street and Lancaster Avenue to the south. This boundary includes census tract 155.02, block groups three and four, which meet income requirements to qualify for both the Revitalization Strategy project funding, in addition to potential future grant funding for Lake Erie Beach. Supplementing the block groups, the boundary also includes the residential streets bound by Utica Street, Lancaster Avenue, Old Lake Shore Road and West Pleasant Avenue based upon these areas having similar socio-demographic qualities to the block groups as well as similar housing vacancy and roadway infrastructure challenges. While the recommendations in this strategy are made for the entire Lake Erie Beach Neighborhood, many opportunities for funding will be based upon the qualifications of the study area boundary. Figure 1-1, below identifies the project area of Lake Erie Beach, including the smaller study area boundary.

Project Boundary

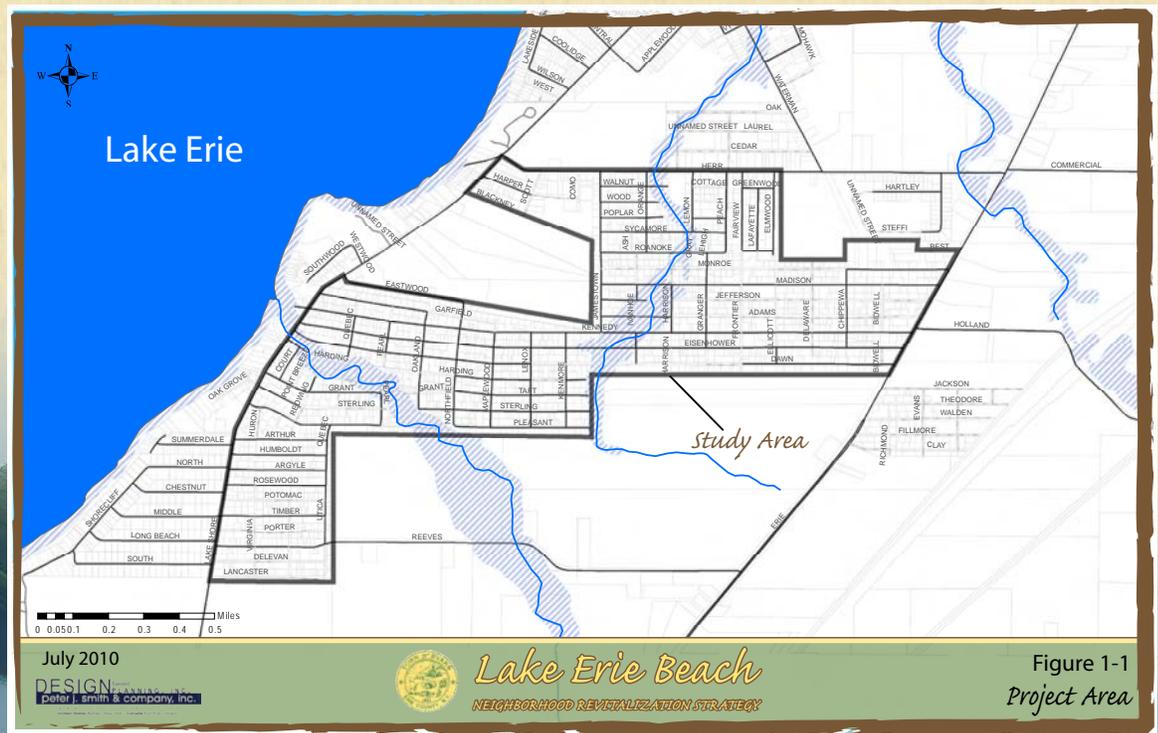


Figure 1-1  
Project Area

# Lake Erie Beach Neighborhood Revitalization Strategy

## 1.3 Core Project Recommendations

Adoption of the Neighborhood Revitalization Strategy by the Town of Evans is a commitment to a more prosperous future for Lake Erie Beach. Following are the priority action items to achieve that goal:

- Create a *Complete Circulation Network* according to the Transportation and Infrastructure Plan
  - Priority Road Upgrades include Multi-modal Greenway Streetscapes along the major thoroughfares of Kennedy Avenue, Eisenhower Avenue, Jamestown Street and Fairview/Frontier Avenue, incorporating shared bicycle and pedestrian paths as well as improved lighting for safe travel.
  - Development of the Multi-Purpose trail network with the completion of the Town of Evans Bicycle path along Old Lake Shore Road and Creek-way Trail Spurs along Muddy Creek and Fern Brook
- Establish a *Lake Erie Beach Local Development Corporation (LEB LDC)* as the central community mobilization engine, providing residents the opportunity to take ownership and have an impact upon their own community. Within scope of the LEB LDC should include:
  - Develop and manage the Lake Erie Beach Marketplace and Visitor's Center – a commercial retail incubation facility in the Neighborhood Center District
  - Establish and manage a Lake Erie Beach Farmer's Market
  - Neighborhood event planning – concerts, clean-ups, children's activities
  - Grant funding procurement
- Introduce a *new model for residential construction* and rehabilitation
  - Based on a modern interpretation of the traditional cottage residence, new housing development in Lake Erie Beach should respect the scale, style and density of the local built environment.
- Employ *Innovative Housing Stabilization Strategies*
  - Home rehab tax abatements
  - Rehabilitation Grants
  - Code enforcement
  - Storm water management
- Develop a *resident-defined "resort" neighborhood* by encouraging new growth in restaurants, bed & breakfasts and specialty retail

Core Recommendations

# *Vision*

*The Lake Erie Beach neighborhood can become a vibrant, year-round waterfront community with a family atmosphere. By enhancing our housing stock, infrastructure, recreational facilities, commercial vibrancy and natural resources, the neighborhood will evolve into a great place to raise a family, operate a business, vacation or retire. The future of Lake Erie Beach will include a high quality of life for permanent residents, seasonal homeowners and visitors.*



*Lake Erie Beach Park is among Evans' most picturesque landscapes*



*Typical cottage-style housing in Lake Erie Beach*



*Infrastructure improvements will function as the backbone for the revitalization of Lake Erie Beach*

# Lake Erie Beach Neighborhood Revitalization Strategy

The goals and objectives further the vision of Lake Erie Beach. They serve as a guide for the Neighborhood Revitalization Strategy and articulate what the neighborhood ultimately intends to achieve over the coming years. The goals and objectives are the standard against which the accomplishments of the Plan are measured. They are realistic and attainable and are flexible enough to accommodate changes in the forces that might influence how the vision is achieved and how the Strategy is implemented.

The Neighborhood Revitalization Strategy details goals and objectives for seven elements of the community, these elements include: Housing, Circulation, Infrastructure & Utilities, Land Use, Waterfront & Access, Recreation and Business & Tourism

## Housing Goal

---

Develop a high quality housing stock consisting of rehabilitated properties, new construction, planned development and mixed use, with a focus upon accommodating permanent residents in addition to seasonal tourists.

### Objectives

- Identify potential funding sources for housing rehabilitation that can be appropriated on a town-wide basis and/or by individual residents.
- Make known and available opportunities for existing residents to purchase vacant and/or publicly owned properties adjacent to their current homes.
- Formulate strategies to eliminate structures presently located on problematic sites limited by access or vulnerable to environmental impacts such as flooding or erosion.
- Increase housing diversity by encouraging new residential development in a variety of sizes to satisfy target markets. These developments could include single-family homes, patio homes, and/or mixed-use development where appropriate.
- Ensure that housing codes are enforced consistently throughout the neighborhood.
- Explore the potential for the development of Planned Unit Developments (PUDs) which include a master plan for residences, commercial space, transportation and recreation, focusing upon integration with the rest of the Lake Erie Beach community.
- Establish both perception and reality of a safe Lake Erie Beach community.
- Develop a maintenance strategy to ensure that neighborhood housing lots are clean and well maintained.

# Goals & Objectives

# Lake Erie Beach Neighborhood Revitalization Strategy

## Circulation Goal

---

Create a complete circulation system that provides functional and safe access to all neighborhood homes, public connections with the water and recreation areas, and integrates into a multi-modal system that accommodates vehicles, pedestrians and bicycles.



### Objectives

- Prioritize neighborhood roadways for redevelopment based upon present condition, importance to the circulation system and potential for neighborhood stabilization.
- Identify underdeveloped and unnecessary neighborhood roadways to be abandoned by the Town.
- Provide location for the development of a multi-use trail along Lakeshore Road, extending from the Evans Town Park, through the Lake Erie Beach Neighborhood, to Evangola State Park.
- Develop a pedestrian network that incorporates multi-use paths, trails and sidewalks, designed to best connect the neighborhood to community amenities and the water.
- Create waterfront public access points, improving permeability between the neighborhood and its greatest asset, Lake Erie.
- Ensure that pedestrian infrastructure and important public spaces have ample and appropriate lighting.

## Infrastructure & Utilities Goal

---

Develop an infrastructure and utility system that meets present day standards and is in locations prioritized for development.



### Objectives

- Improve all water lines in the Lake Erie Beach Neighborhood to a six inch diameter standard according to right of ways identified as improved or to be improved in the Circulation Network Improvements Plan.
- Maintain and improve sanitary sewer system to minimum 8" diameter standards throughout the neighborhood according to right of ways identified as improved or to be improved in the Transportation & Infrastructure Plan.
- Utilize storm water management techniques to reduce flooding within the Lake Erie Beach Neighborhood.
- Ensure that all new development is adequately serviced by water and sewer infrastructure.
- Ensure storm water management is considered for all new construction to reduce or eliminate storm water runoff impacts upon existing development.

# Lake Erie Beach Neighborhood Revitalization Strategy

## Recreation Goal

---

Enhance recreational opportunities, both on land and in the water, for residents and visitors.



### Objectives

- Enhance access between neighborhood residents and public recreation facilities and amenities.
- Provide a variety of recreational opportunities available to both permanent residents and visitors.
- Continue the development of a Town-wide multi-use trail system that provides for both recreational opportunities and the establishment of a commuter route connecting local population centers, businesses and major public amenities.
- Enhance the neighborhood's relationships and connection with Evangola State Park.
- Expand summertime programming for local youth.
- Provide separation between recreational uses and alcohol-related establishments.

## Waterfront & Access Goal

---

Maximize access to the water and public beaches for the enjoyment of residents and visitors, alike.



### Objectives

- Strike a balance between public and private waterfront use, ensuring that activities of seasonal visitors do not infringe upon the shoreline quality of life.
- Make better use of Lake Erie Beach Park by providing community programming for local residents and to serve as a draw for daily visitors.
- Maximize public space and provide multiple points of access along the water.

# Lake Erie Beach Neighborhood Revitalization Strategy

## Land Use Goal

---

Encourage the development of a primarily residential community with accommodations for commercial development along major thoroughfares that meets the needs of both year round residents and seasonal visitors.



### Objectives

- Organize land use in the Lake Erie Beach community in a manner that supports residential and commercial development.
- Identify opportunities for adjacent residential parcels to be combined into a single property.
- Identify parcels for potential rezoning into land uses that foster the development of a neighborhood commercial core, fitting to the character and scale of Lake Erie Beach.
- Maintain and enhance natural features, including the neighborhood's tree canopy.

## Business Development & Tourism Goal

---

Provide business and commercial development opportunities that foster the growth of locally-owned retail, food service and hospitality establishments that employ and serve local residents as well as seasonal visitors.



### Objectives

- Ensure that the location, style and scale of commercial and mixed use properties are in keeping with the existing character of Lake Erie Beach.
- Expand opportunities for residents of Lake Erie Beach to be employed locally within their own community.
- Explore opportunities to develop businesses integral to a waterfront community including small hotels, inns, bed & breakfasts, sit-down restaurants and unique retail.
- Identify locations for appropriate visitor accommodations, such as Bed and Breakfasts.
- Ensure that the activities of seasonal and daily visitors do not produce detrimental impacts upon the quality of life in Lake Erie Beach.

# Lake Erie Beach Neighborhood Revitalization Strategy

# Planning Principles

## 1.5 Planning Principles

The Neighborhood Action Plan for Lake Erie Beach is based on a series of key planning principles. The principles support the vision articulated and align with the Town's objectives for revitalizing the neighborhood. The principles draw from opportunities identified throughout the study process and are consistent with successful waterfront neighborhoods. They have guided the physical organization of Lake Erie Beach as illustrated in the Opportunities Plan and renderings contained within this document. It is important to note they are not ranked in terms of priority or importance. Rather, principles should be considered collectively when pursuing revitalization initiatives

### *Focus Growth*

Based on the vision, goals and objectives, focus new growth within and complementary to the existing residential and commercial neighborhoods.

### *Protect Natural Features*

Protect natural features of the neighborhood in a manner that enhances environmental quality and integrate them into the development patterns to enhance their recreational value and the character of the community.

### *Encourage Redevelopment*

Prioritize the redevelopment of existing vacant and dilapidated properties for new residential and commercial growth.

### *Enable Local Commercial Growth*

Foster the development of traditional neighborhood commercial centers which provide the opportunity for the establishment and growth of local retail and service-oriented business to serve the Lake Erie Beach population and seasonal visitors.

### *Create an Integrated Circulation Network*

Create a circulation network that enhances connectivity throughout the neighborhood and creates a multi-modal system of vehicular, bicycle and pedestrian circulation, linking the residential population with commercial nodes and the Lake Erie waterfront.

### *Preserve Community Character*

Preserve the rural cottage atmosphere of Lake Erie Beach through the redevelopment of the existing building stock and the development of new residential and commercial structures that are of similar scale and style.

# Lake Erie Beach Neighborhood Revitalization Strategy

## Immediate Success

### 1.6 Immediate Success

Even prior to its completion, the Lake Erie Beach Neighborhood Revitalization Strategy has already experienced significant success. Since the project began two major grant funding awards have been obtained by the Town of Evans and Erie County, totaling more than \$500,000 of direct investment into the neighborhood. This funding will be utilized to improve housing conditions throughout the neighborhood as well as provide strategic upgrades to the roadway network, according to the Transportation and Infrastructure Plan detailed in the Neighborhood Action Plan.

#### Housing Rehabilitation

The New York State Affordable Housing Corporation has awarded Erie County \$180,000 in grant funding for housing rehabilitation. This money will be matched by an additional \$120,000 in Community Development Block Grant (CDBG) funding already secured by the County. The total package, \$300,000, will be split between Lake Erie Beach and another area within Erie County.

Funds from this award will be utilized solely for rehabilitation of the existing housing stock. Specific areas of focus include the following:

- Basic structural defects
- Foundational problems
- Mold re-mediation
- Elimination of lead-based paint hazards
- Handicap accessibility compliance
- Replacement of deficient water and septic systems

Research and narrative from a preliminary draft version of the Lake Erie Beach Neighborhood Revitalization Strategy was utilized in the application for these funds.

#### Transportation & Infrastructure Improvements

The 2010 Erie County Community Development Block Grant (CDBG) Action Plan has awarded \$435,000 for the improvement of dirt roads in the Lake Erie Beach project area. This funding will be immediately applied towards fulfilling the priority improvement roads identified in the Transportation and Infrastructure Plan. Established as a priority east-west thoroughfare, Dawn Avenue will be cleared and paved from Lenox to Granger. One final block will be cleared and prepared for paving between Granger and Frontier, which can be expected to be completed when the next round of new funding allows.

NEIGHBORHOOD ACTION PLAN

LAKE ERIE BEACH  
NEIGHBORHOOD REVITALIZATION STRATEGY





# The Road to the Future



## 2.1 *The Future of Lake Erie Beach*

The Future of Lake Erie Beach, as defined in the Vision, Goals and Objectives is a flourishing, year round community with a quality housing stock, defined neighborhood centers supporting local business and a comprehensive, multi-modal circulation network. The following Opportunities Plan for the Neighborhood is a graphic representation of the potential physical reorganization of Lake Erie Beach. The concept for Lake Erie Beach has been developed to achieve a number of the objectives that town and local residents have identified for the neighborhood, including:

- enhancing residential livability
- preservation of the community's character
- improving access and circulation
- establishing new connectivity to the water
- accommodating new recreational opportunities
- strengthening local commercial centers
- increasing the safety and attractiveness of the roadways

The concept defines areas in which the infrastructure require upgrades as well as locations for new or rehabilitated residential and commercial development to accommodate future growth in a sustainable and organized fashion. **Figure 2-1** on page 17 is the Opportunities Plan.

# Lake Erie Beach Neighborhood Revitalization Strategy

## 2.1.1 Circulation

The organizing principle of the Opportunities Plan is the development of a multi-modal neighborhood access and circulation system. The focus of this system is to provide integrated connectivity between the residential population, the neighborhood commercial core and major assets, especially Lake Erie.

Old Lake Shore Road features a reconstructed streetscape to function as the focal point of the neighborhood and provide a distinct character representative of a small-town beach-side community. Along each side of the road, 12-foot pedestrian walkways are proposed, including at least six feet of unobstructed right of way. The walkways will connect into the newly constructed sidewalks along Kennedy Avenue, to form a pedestrian-oriented neighborhood center. This promenade connects will connect into the Town of Evans Multi-Purpose Path, linking to the Evans Town Park to the north and Evangola State Park to the south. The promenade will be physically buffered from the traffic on Old Lake Shore Road with landscaping, street furniture and street trees. The road will be lit with period fixtures appropriate to the mid-twentieth century in which Lake Erie Beach was considered to be in its heyday.

The Opportunities Plan places a premium on establishing sufficient and safe access to beach-front amenities. Kennedy and Eisenhower streets could be upgraded to function as the primary east-west greenway streets, extending the length of the neighborhood from Old Lake Shore Road to Route 5. Upgrades would include separated shared bicycle and pedestrian paths as well as neighborhood lighting to allow for safe pedestrian access. The roads would also be marked for bicycle travel to make drivers more aware of bicycle traffic. Jamestown Street and Fairview/Frontier Avenue should be developed similarly as the North-South collectors. Diagrams for 40' and 50' greenway streetscapes are in **Figure 2-2** on page 18.



*Photo-Simulation of Creekbed Multi-use Trail along Muddy Creek - peter j. smith & company*



# Lake Erie

Lake Erie Beach Marketplace & Seaway Trail Visitor Center

Public Beach Walk

Public-Private Marina

Fern Brook Greenway

Muddy Creek Greenway

Flood-Prevention Retention Pond

### Legend

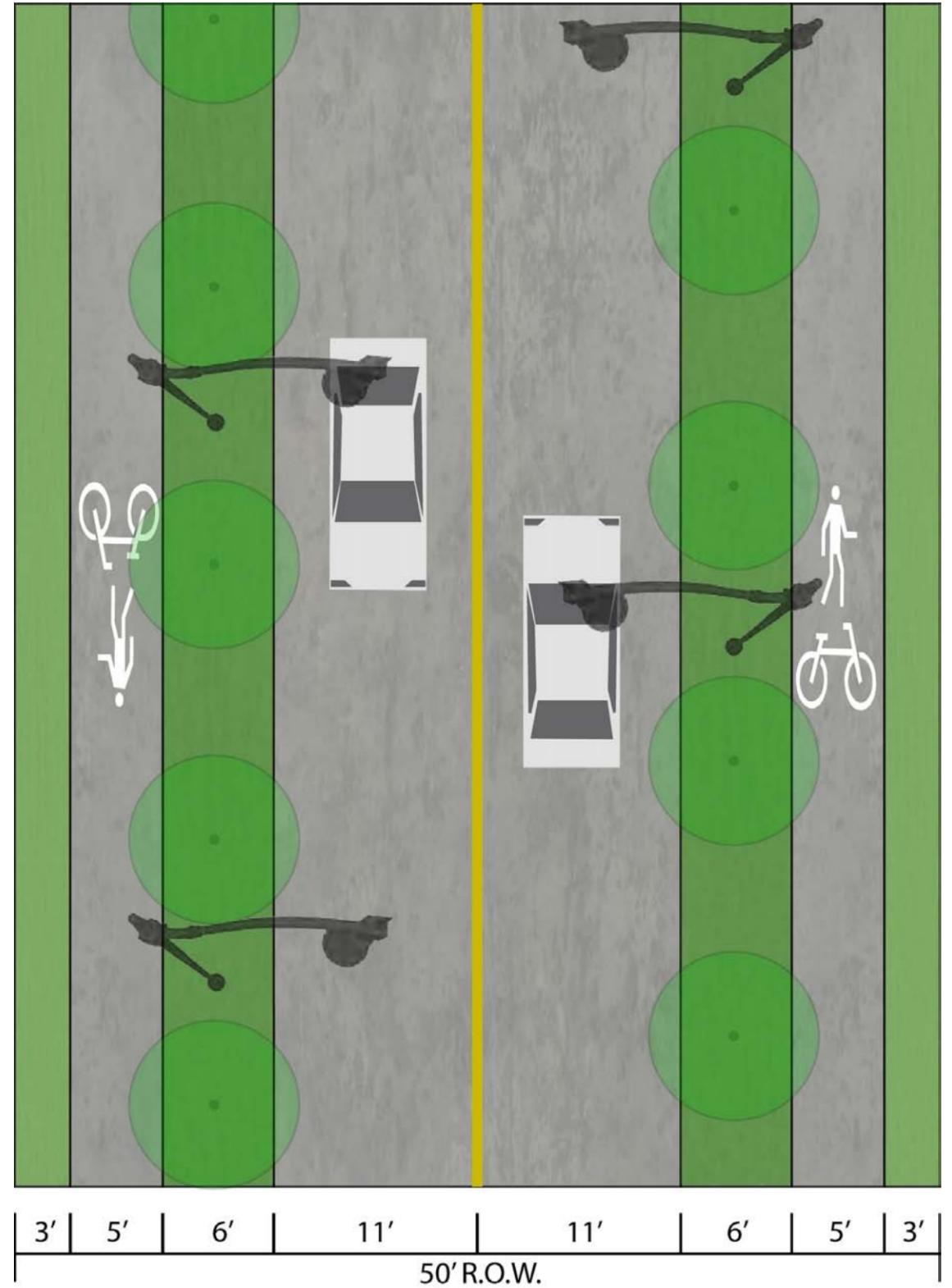
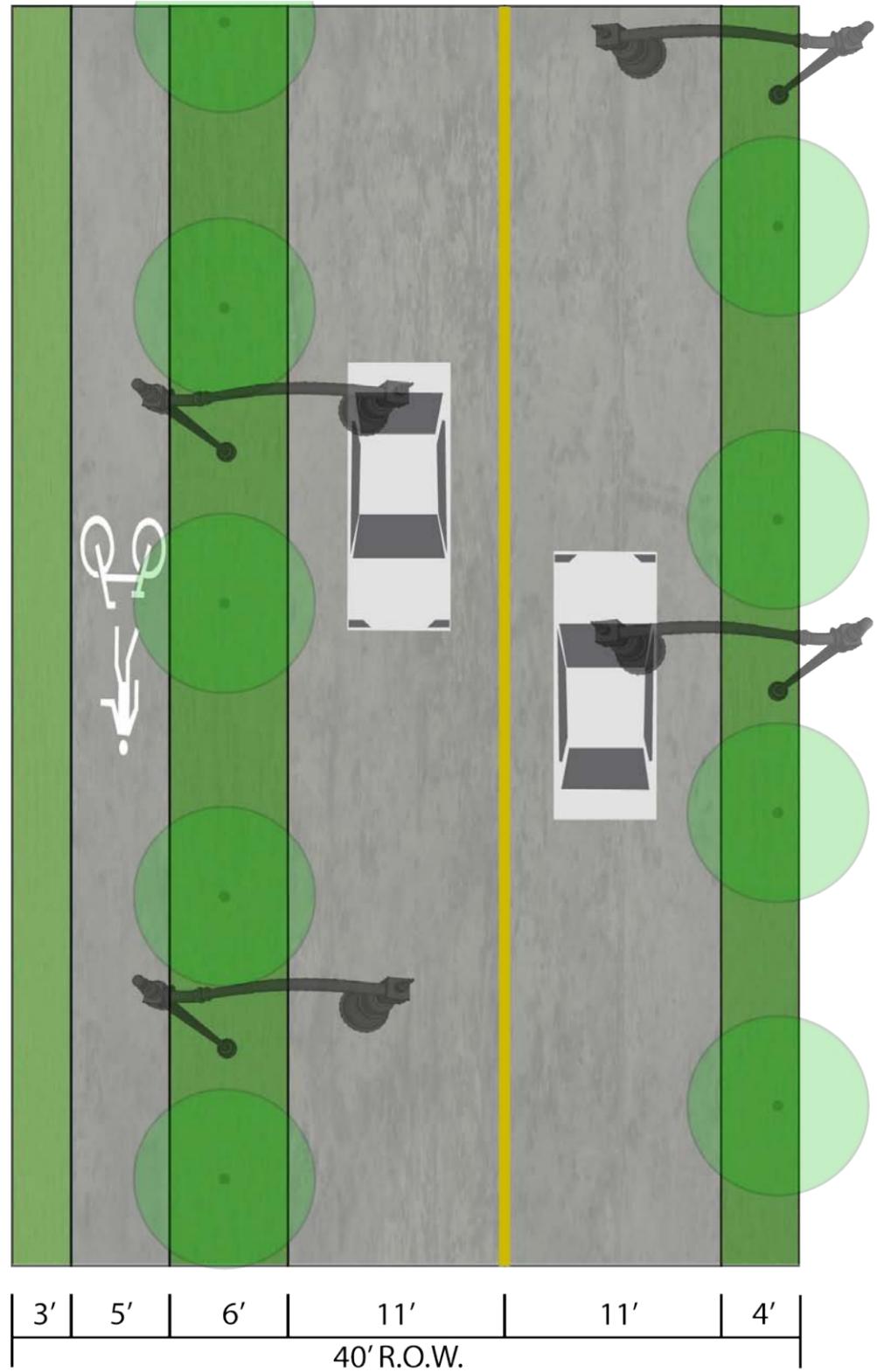
- Mixed-use/Commercial
- Public & Recreation
- Planned Unit Development
- Water-Related Commercial
- Highway Commercial
- Gateway Commercial
- Greenway Streetscape
- Road Upgrade Priority
- Multi-Use Trail Network
- Gateway Opportunity
- Water Access Point



# Lake Erie Beach

NEIGHBORHOOD REVITALIZATION STRATEGY

Figure 2-1  
 Opportunities Plan



2010

DESIGN<sup>based</sup>  
PLANNING, INC.  
peter j. smith & company, inc.  
www.pjscompany.com  
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# Lake Erie Beach

NEIGHBORHOOD REVITALIZATION STRATEGY

Figure 2-2  
Greenway Streetscape Plans

# Lake Erie Beach Neighborhood Revitalization Strategy

Multi-use trails could be constructed along the two creek-ways that extend through the neighborhood. These trails would function as spurs off of the Lake Erie Beach section of the planned bicycle system and connect the amenities of Lake Erie Beach Park, Evans Town Park and Evangola State Park. Dilapidated and at-risk housing along the banks of Muddy Creek should be removed and replaced by small, minimally developed pocket parks with opportunities for fishing access. The objective is to establish continuous opportunity for recreation throughout the neighborhood, provide safe bicycle and pedestrian access to the Lake, establish new locations for fishing and reduce hazardous living conditions due to structural, infestation and mold conditions created by the creek floodplain.

Gateways would be established at each significant entrance point to the neighborhood along the major thoroughfares. These gateways would provide a new “front door” to Lake Erie Beach with representative signage and traffic calming elements to slow vehicles through the use of medians, raised crosswalks and changes in paved elements.

## 2.1.2 Land use

A local commercial core for the neighborhood centers around the intersection of Old Lake Shore Road and Kennedy Avenue. This district will extend along the east side of Old Lake Shore Road from Garfield to Dawn Avenue. These parcels will be improved as commercial and mixed use structures ranging from one to two stories, with commercial retail on the first floor and residential or accommodations on any floors above. The primary stimulating element of the commercial center would be the development of a Lake Erie Beach Marketplace and Visitor Center, featuring a mix of small scale retail and restaurant establishments, along with a Seaway Trail Visitor and Information Center. This publicly developed facility would function as a small business incubator, fueling the economic growth of the neighborhood’s commercial core.



*Photo-Simulation of Pedestrian-Oriented Neighborhood Commercial Center (Old Lake Shore Road & Kennedy Avenue)*  
- peter j. smith & company

# Lake Erie Beach Neighborhood Revitalization Strategy

Sidewalks would be constructed throughout the district with prominent crosswalks at Garfield, Kennedy, Eisenhower and Dawn Avenues. Commercial and pedestrian development continues west across Old Lake Shore Road, Kennedy Avenue, and terminates at the entrance to Lake Erie Beach Park. Recreational land along the remainder of the west side of Old Lake Shore Road could be expanded and maintained to preserve Lake Erie vistas. Not only would this center provide for a concentrated pedestrian-friendly commercial core for the growth of small and local business, but would also allow for commercial development to occur in a manner that maintains the small-town beach-front atmosphere of Lake Erie Beach.

In addition to the redevelopment of existing residential and commercial cores of Lake Erie Beach, land has been designated for new physical growth. Highway commercial development should occur along Route 5, providing for larger scale business growth centering around intersections with local collectors, such as Herr Road and Kennedy Avenue. This will allow for the neighborhood

to grow its local employment base without compromising the character of Lake Erie Beach. Planned unit development (PUD) has been identified for land located west of Utica Avenue, between Pleasant and Reeves. Anchored by the north-south collector of Northfield, the PUD would feature clustered residential development, with modern style cottages and planned recreational space that takes advantage of the wooded qualities of the site. The development would feature a continuation of the existing Lake Erie Beach street

grid and would be centered around the recreational intersection of the creek-way trails, connecting Lake Erie Beach Park with the Evans Town Park and Evangola State Park.



*Photo-Simulation of Rehabilitated Commercial Property in the Neighborhood Commercial Center  
- peter j. smith & company*

## 2.1.3 Recreational Amenities

Complementing the recommended creek-way multi-use trails, recreational amenities throughout the neighborhood would be expanded with improved beach access along the Lake Erie shoreline. A publicly advertised beachwalk could be located along the entire navigable shore of Lake Erie, clearly indicating the shoreline as a publicly accessible entity. Lake Erie Beach Park would be expanded around the commercial core fronting Kennedy Avenue to connect to Old Lake Shore Road, and permanently preserve valuable waterfront views. The Town should explore the public and/or private development of a small marina facility that is open for use by all local residents; an opportunity presently exists in connection with the existing Point Breeze Resort. Finally, land surrounding the Anthony J. Schmidt Elementary School would be further developed for programmed recreation such as sports fields and tennis courts to serve the Lake Shore school district, with use provided additionally for Lake Erie Beach residents.

## 2.2 Key Project Recommendations

The Opportunities Plan presents the physical vision for the future of Lake Erie Beach. The following section outlines specific recommendations detailing the means by which that vision of a more vibrant Lake Erie Beach can be achieved.

### Complete the Multi-Modal Circulation Network

The establishment of a safe and functional circulation network is the most important implementation priority for the Lake Erie Beach neighborhood. The Town needs to ensure that residents as well as visitors to the neighborhood have connectivity throughout Lake Erie Beach, including public access to the water. The future transportation network will be a multi-modal system providing comprehensive access to pedestrians and bicyclists, in addition to automobiles. The central feature of the transportation improvement plan is the establishment of a grid system, in which the major thoroughfares are paved and improved as greenway streetscapes, with bicycle and pedestrian accommodations, traversing the entire neighborhood. Kennedy and Eisenhower Avenues will function as the primary east-west thoroughfares, with Jamestown Street and Fairview/Frontier Avenue will be developed as the north-south thoroughfares. Along the lengths of these roads with 50 foot right of ways, the streets will be redesigned to feature two 11 foot automobile lanes and two five foot shared bicycle and pedestrian paths on each side, with six foot buffers, between. This streetscape plan is detailed in **Figure 2-2** on page 18. Figure 2-3 on page 23 illustrates the Transportation and Infrastructure Plan. Figure 2-4 on the following page presents the final improved roadway network, according to recommendations.

# Lake Erie Beach Neighborhood Revitalization Strategy

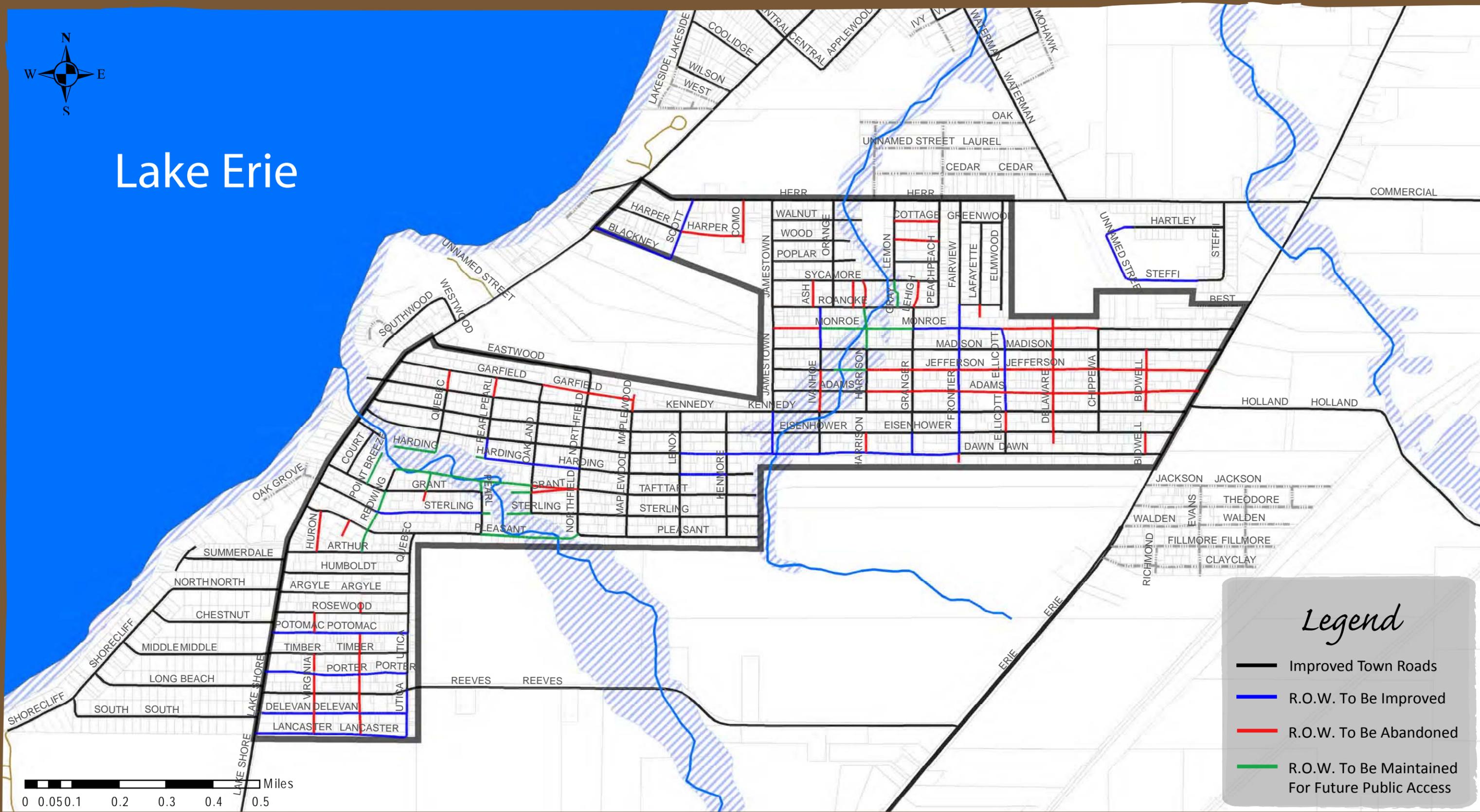
Additional road improvements have been prioritized, completing the neighborhood circulation grid and ensuring residents have safe access and connectivity to primary grid thoroughfares. Additional Town right of ways connecting to Muddy Creek and Fern Brook have been identified for ongoing public ownership and maintenance, but not improvement in order to maintain access to these important environmental amenities as well as a portion of Red Wing Street from Grant to Arthur which may continue to be used as a neighborhood bicycle route. Table 2-1 identifies a phasing schedule for recommended roadway improvements.

## Table 2-1 Road Improvement Phasing

Phase	Street	From	To	Length (feet)	Road Cost (\$150/LF)	Waterline Cost (\$80/LF)	Contingency, legal & admin. Costs (35%)	Total Cost (Road & Water)	Phase Total Cost
1	DAWN	Lenox	Granger	2747	Funded	Funded	N/A	N/A	Funded
	DELEVAN	Past Red Wing	Utica	754	Funded	Funded	N/A	N/A	
	HARDING	Pearl	Oakland	576	Funded	N/A	N/A	N/A	
	POTOMAC	Old Lake Shore	Utica	1605	Funded	N/A	N/A	N/A	
	UTICA	Reeves	Lancaster	558	Funded	N/A	N/A	N/A	
2	DAWN	Granger	Frontier	553	\$82,950	\$44,240	\$22,295	\$149,485	\$857,728
	FAIRVIEW	Nashville	Monroe	277	\$41,546	\$22,158	\$22,296	\$86,001	
	FRONTIER	Monroe	Dawn	1502	\$225,300	\$120,160	\$120,911	\$466,371	
	JAMESTOWN	Kennedy	Dawn	502	\$75,300	\$40,160	\$40,411	\$155,871	
3	DELEVAN	Old Lake Shore	Past Red Wing	949	\$142,350	\$75,920	\$76,395	\$294,665	\$895,713
	GRANGER	Eisenhower	Dawn	255	\$38,212	\$20,379	\$20,507	\$79,098	
	PORTER	Old Lake Shore	Utica	1681	\$252,150	\$134,480	\$135,321	\$521,951	
4	BLACKNEY	Old Lake Shore	Scott	970	\$145,500	N/A	\$50,925	\$196,425	\$760,540
	HARDING	Oakland	Northfield	1104	\$165,600	N/A	\$57,960	\$223,560	
	HARDING	Lenox	Kenmore	554	\$83,100	N/A	\$29,085	\$112,185	
	PEARL	Dawn	Harding	371	\$55,613	N/A	\$19,465	\$75,078	
	SCOTT	Herr	Blackney	757	\$113,550	N/A	\$39,743	\$153,293	
5	ELLICOTT	Monroe	Kennedy	990	\$148,500	\$79,200	\$79,695	\$307,395	\$1,117,118
	IVANHOE	Roanoke	Madison	498	\$74,700	\$39,840	\$40,089	\$154,629	
	MONROE	Granger	Ellicott	1049	\$157,350	\$83,920	\$84,445	\$325,715	
	STERLING	Red Wing	Pearl	1275	\$191,250	N/A	\$66,938	\$258,188	
6	LANCASTER	Old Lake Shore	Utica	1794	\$269,100	\$143,520	\$144,417	\$557,037	\$795,716
	HARTLEY	Steffi Extension	Hartley	331	\$49,599	N/A	\$17,360	\$66,959	
	STEFFI	Steffi	Steffi Extension	848	\$127,200	N/A	\$44,520	\$171,720	
	Steffi Extension	Hartley	Steffi	582	\$87,259	N/A	\$30,541	\$117,800	
<b>Cumulative Cost</b>						<b>\$803,977</b>	<b>\$1,143,316</b>	<b>\$4,473,423</b>	



# Lake Erie



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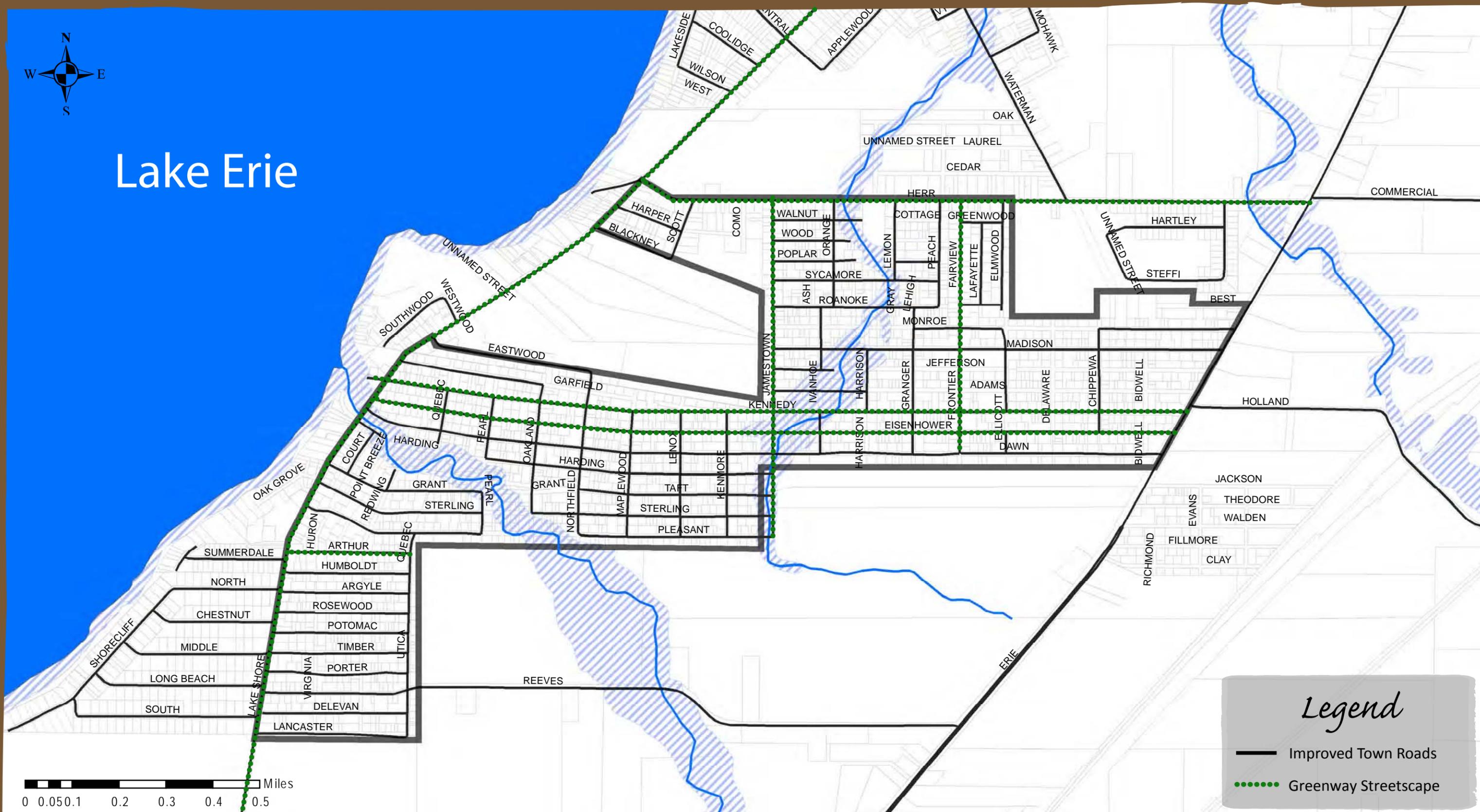
## Lake Erie Beach

NEIGHBORHOOD REVITALIZATION STRATEGY

Figure 2-3  
 Trans. & Infrastructure Plan



# Lake Erie



*Legend*

-  Improved Town Roads
-  Greenway Streetscape

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# Lake Erie Beach

NEIGHBORHOOD REVITALIZATION STRATEGY

Figure 2-4  
*Future Road Network*

# Lake Erie Beach Neighborhood Revitalization Strategy

Remaining Town-owned right of ways determined to be non-essential to the neighborhood circulation network, due to limited connectivity and low levels of residential service, are recommended for abandonment and sale to adjacent land owners. Tables 2-2 and 2-3 identify roadway segments identified for abandonment and to be retained for public use, respectively.

## Table 2-2 R.O.W For Abandonment

Street	From	To	Length (feet)
ADAMS	Harrison	Route 5	3927
ASH	Sycamore	Roanoke	317
BIDWELL	Eisenhower	Dawn	256
BIDWELL	Madison	Kennedy	745
COMO	Herr	Dead End	523
COTTAGE	Lemon	Peach	533
DELAWARE	Dead End	Dead End	1501
ELLCOTT	Kennedy	Eisenhower	250
ELLCOTT	Monroe	Madison	247
FRONTIER	Monroe	Dawn	113
GARFIELD	Oakland	Maplewood	1090
GRANT	Oakland	Northfield	488
GRAPE	Fairview	Lafayette	332
HARPER	Scott	Como	740
HARRISON	Eisenhower	Dawn	233
HURON	Pleasant	Arthur	502
IVANHOE	Jefferson	Kennedy	495
JEFFERSON	Harrison	Route 5	4044
LAFAYETTE	Nashville	Dead End	157
LEHIGH	Sycamore	Roanoke	329
MAPLEWOOD	Dead End	Kennedy	208
MONROE	Ellicott	Chippewa	1144
MONROE	Jamestown	Ivanhoe	555
PARKER	Lemon	Peach	530
PEARL	Garfield	Kennedy	235
PLUM	Sycamore	Roanoke	321
QUEBEC	Garfield	Kennedy	236
QUEBEC	Grant	Dead End	125
REDWING	Dead End	Rosewood	131
REDWING	Potomac	Lancaster	1221
TAFT	Oakland	Northfield	549
TEXAS	Pleasant	Dead End	210
VIRGINIA	Rosewood	Potomac	235
VIRGINIA	Timber	Lancaster	916

## Table 2-3 R.O.W to be Retained

Street	From	To	Length (feet)
GRANT	Oakland	Northfield	241
GRAY	Sycamore	Roanoke	337
HARDING	Dead End	Quebec	499
HARDING	Dead End	Oakland	689
HARRISON	Roanoke	Madison	497
JEFFERSON	Dead End	Harrison	386
MONROE	Ivanhoe	Granger	1099
PLEASANT	Pearl	Northfield	1169
POINT BREEZE	Dead End	Grant	418
QUEBEC	Quebec	Harding	106
QUEBEC	Taft	Grant	231
REDWING	Grant	Arthur	794
STERLING	Dead End	Oakland	288
STERLING	Pearl	Dead End	104
TAFT	Red Wing	Oakland	1625

# Lake Erie Beach Neighborhood Revitalization Strategy

The road improvements are complemented by a system of pedestrian and bicycle ways designed to safely connect all areas of the neighborhood seamlessly to the commercial center along Old Lake Shore Road, the waterfront and recreational amenities. That commercial center functions as the pedestrian core of the neighborhood and is linked to residents through sidewalk amenities and multi-purpose pathways. The primary bicycle connector will be the planned Town of Evans Bike path along Old Lake Shore Road. This path will travel the north-south length of the neighborhood, through Lake Erie Beach Park and provide immediate connections to Evangola State Park, the Evans Town Park and points north. Spurs are planned to branch off of this primary route into the neighborhood along existing environmental rights of ways. The Fern Brook Path will extend off of the Old Lake Shore Bike Path at the Town Park, north of Lake Erie Beach, reaching into the neighborhood and connecting into the Muddy Creek spur. The Muddy Creek Spur will serve as the east-west path from the Old Lake Shore Bike Path at Lake Erie Beach, connecting with the Fern Brook spur and extending south to Reeves road, where the path will connect back into the Old Lake Shore path.

## Upgrade Utility Infrastructure to Standards

Utility service in Lake Erie Beach faces similar challenges to the presently underdeveloped roadway network. In many areas, waterlines are substandard and sanitary sewers are non-existent. It is recommended that improvements are made to bring water and sewer utility service up to standard at each right of way designated by the transportation plan as improved or to be improved.



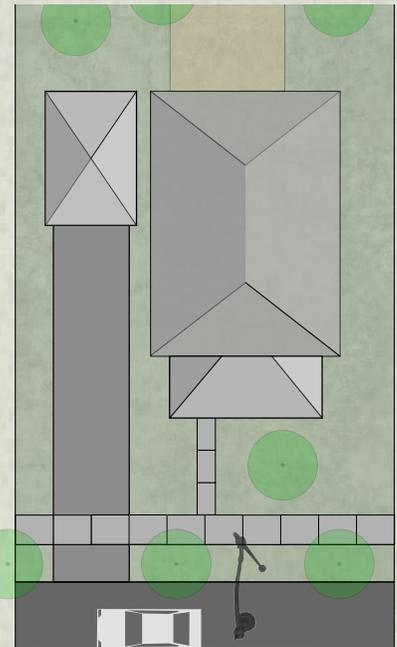
*Work Progressing on the Town of Evans Waterline and Road Improvements  
- peter j. smith & company*

## Establish a New Model for Residential Housing

Fundamental to the revitalization of Lake Erie Beach is the creation of housing opportunities that can stabilize the local market and provide for new growth. While the priority will be placed upon rehabilitation of the existing housing stock, new housing development should also be considered as an integral part of the neighborhood's future. Residents have expressed, overwhelmingly, that their desire is to retain the cottage atmosphere of the neighborhood as Lake Erie Beach grows. It is imperative that new development maintains this character, compatible with existing homes and architectural styles.

The Town of Evans should establish a new model for housing development in Lake Erie Beach that allows for the continued eclectic collection of architectural style, yet maintains the size, scale, density and pattern of development that already exists throughout the neighborhood. New housing should provide affordable opportunities for new residents to come to Lake Erie Beach and for existing residents to improve their own quality of life. By adjusting zoning regulations for the Lake Erie Beach R-2 district, lowering the minimum required square footage per dwelling unit and narrowing minimum lot frontage to reflect traditional development patterns, the Town can foster the growth of new high quality and affordable housing that strengthens the neighborhood's character. Architectural design of new homes should be allowed to significantly vary from highly traditional design to more contemporary styles that feature a mix of modern materials and minimalist style. Diagrams on this page provide examples of potential variations in new housing development, each that would be appropriate to Lake Erie Beach. These designs are each able to be constructed on a 50' x 100' residential lot, conform to existing setback regulations and feature driveways, detached garages as well as private outdoor space in the rear.

Example Site Plan on a 50' x 100' lot  
- peter j. smith & company



Diagrams on this page provide examples of potential variations in new housing development, each that would be appropriate to Lake Erie Beach. These designs are each able to be constructed on a 50' x 100' residential lot, conform to existing setback regulations and feature driveways, detached garages as well as private outdoor space in the rear.

The home on the right is designed in a more traditional single-family residential style that would likely be utilized as a primary residence. The home on the left features a minimalist contemporary loft design that would be suitable for year-round occupancy or seasonal use. Each would maintain and enhance the existing style and character of development in Lake Erie Beach, while providing affordable opportunities for new home construction.



Architectural examples of homes developed under the New Housing Model for Lake Erie Beach - peter j. smith & company

## Create Lake Erie Beach Local Development Corporation (LEB LDC)

The Town of Evans should seek to establish a Local Development Corporation for the Lake Erie Beach neighborhood to facilitate the vibrancy and growth of the community. This organization will be able to provide focused attention and initiatives specifically oriented for the revitalization of Lake Erie Beach. The board of directors should be comprised of volunteers from the Town of Evans, local businesses and neighborhood residents, overseeing the day-to-day activities of a paid executive director and potential additional staff. The scope of the Local Development Corporation should include the following:



*The Dunkirk Boardwalk Market provides an excellent example of a publicly developed and managed retail incubation facility*

- Development and Management of the Lake Erie Beach Marketplace and Visitor's Center
- Planning & operation of public events at Lake Erie Beach Park
- Lake Erie Beach Farmer's Market
- Organization of periodic community clean-ups
- Inform the Town of Evans of neighborhood code violations
- Local monitoring of the multi-use trail network for maintenance issues
- Grant funding procurement

The Lake Erie Beach Local Development Corporation would be funded through a combination of grants, neighborhood membership, revenue from the Lake Erie Beach Marketplace and Visitor's Center and income generated by events. This corporation would provide a central organizing body with the sole objective of improving vibrancy in Lake Erie Beach. It should be noted that while all of the following recommendations fall under the scope of the proposed Lake Erie Beach Local Development Corporation, each recommendation should also be considered independent of the LDC and is able to be implemented by the Town of Evans in partnership with another community entity, such as the Southtowns Rural Preservation Corporation. In this scenario, it is recommended that a community association, specifically for Lake Erie Beach be formed to carry out recommendations for the LEB LDC, while grant funding opportunities

Specifically, the Lake Erie Beach Local Development Corporation or community association would be involved in the following initiatives:

# Lake Erie Beach Neighborhood Revitalization Strategy

## Lake Erie Beach Marketplace & Visitor Center

The Lake Erie Beach Local Development Corporation, under the guidance and direction of the Town of Evans should pursue the development of a commercial development incubation facility. Located in the Lake Erie Beach Neighborhood Commercial Center, the facility would provide market-rate commercial retail and food service space to local businesses that service the neighborhood and seasonal visitors. It would serve to stimulate new commercial development in the area by providing small, affordable spaces in a desirable location. Being a publicly developed project, it also has the opportunity to begin the reformation of the Lake Erie Beach neighborhood commercial core, setting a valuable precedent for the scale, style and design for future commercial development. The structure itself should place a premium upon its accessibility to pedestrians and bicyclists, featuring an orientation directly adjacent to the sidewalk, primarily fronting the street, with automobile parking located to the rear. In addition to the retail space, the building will also house a visitors center with public rest rooms and providing information about the surrounding community as well as the Great Lakes Seaway Trail national scenic byway, along Old Lake Shore Road.



Taking precedence from the recently developed and successful City of Dunkirk Boardwalk Market, this facility can be expected to house five to eight food and retail establishments in spaces ranging from 300 to 500 square feet. Rents should average \$7.50 to \$10 per square foot and be structured to require higher payments during peak seasons and relief during colder months. For example, a space may rent for \$350 per month from April to November and \$175 from December to March.



The Local Development Corporation should develop an application process to carefully evaluate prospective businesses and ensure the right mix, which should include destination retailers such as restaurants in addition to smaller businesses and specialty retail that rely upon consistent foot traffic. Daily management of the facility will be the responsibility of the Lake Erie Beach Local Development Corporation. Among priority recommendations is for the Town of Evans and the LEB LDC is to secure grant funding for the development of a business plan for the Marketplace.

# Lake Erie Beach Neighborhood Revitalization Strategy

## Organize Community Events & Programming

Each Fourth of July, Lake Erie Beach Park and the surrounding neighborhood is inundated with thousands of visitors who arrive to enjoy the waterfront, local businesses and events. Events should be programmed throughout the summer months that cater to the local community and to a lesser extent, draw visitors from throughout the Buffalo-Niagara region. Most events should take place at Lake Erie Beach Park. When indoor space is required, the corporation could also utilize the Anthony J. Schmidt Elementary School and Lake Erie Beach Volunteer Fire Company facilities. Events should include the following:



*Community Concerts provide common gathering and celebration space for neighborhoods*

- Organized children’s activities
- Youth street hockey and basketball tournaments
- Small community concerts & entertainment
- Homeowner rehabilitation workshops

The Local Development Corporation’s ability to plan events specifically for the Lake Erie Beach neighborhood will stimulate additional activity and vibrancy throughout the neighborhood.

This will also allow the Corporation to have greater influence regarding the population that the neighborhood can attract.

## Establish Lake Erie Beach Farmer’s Market



*Weekly farmer's market's inject vitality into a community*

*\*both photos courtesy of the Elmwood Village Association*

Farmer’s Markets are continually becoming significant players in community food sourcing and distribution. However, their value extends far beyond simply providing fresh produce for a community at a convenient location. Farmer’s markets inject vitality to a district, drawing people out of their homes to the neighborhood center, functioning as an open venue for community gathering and socialization. They provide an opportunity for residents to directly support their local economy, purchasing locally produced goods directly from the farmers and supporting vendors. Presently, the Town of Evans and directly neighboring communities do not have a local Farmer’s Market.

# Lake Erie Beach Neighborhood Revitalization Strategy

It is recommended that the Lake Erie Beach Local Development Corporation organize and manage a weekly farmers market at Lake Erie Beach to serve neighborhood residents and draw from nearby communities. The ideal location for the market would be at Lake Erie Beach park, providing plenty of open space for the market, ample on site parking and will be the future pedestrian and bicycle access hub of the neighborhood. Market permit fees paid by participating farmers would provide operational revenue to the LDC.

## Procure Grant Funding

A major aspect of the scope of the Lake Erie Beach Local Development Corporation includes the procurement of grant funding for operational expenses, programs and capital projects for the neighborhood. The LDC should prioritize the continual pursuit of grant funding in the following topic areas:

- Housing Rehabilitation
- Business Development
- Neighborhood Events & Programming
- Recreational Facilities
- Environmental Conservation
- Community-wide capital projects (such as way-finding signage)

Prior to the formation of the LDC, grant funding should continue to be procured and administered by the Southtowns Rural Preservation Corp.

## 2.3 Innovative Strategies

Complementing the key project recommendations to be pursued by the Town of Evans, a number of innovative strategies have also been developed to stimulate progress for Lake Erie Beach. Following are the major strategies the Town should employ in the neighborhood.

### Create Housing Rehabilitation Tax Abatements

Housing assessments and strenuous property tax rates were a consistent theme of discussion throughout each piece of the public participation program. Residents have expressed a continued concern that an inordinate tax burden has been placed upon their homes. Consequently, many residents are hesitant to make improvements to their residences for fear of immediate reassessment, resulting in an even higher property tax on their home. The results are disinvestment in the neighborhood, allowing the local built environment to deteriorate to present condition. Similarly, the high tax rates function as a disincentive for developers to invest in new housing in Lake Erie Beach.

# Lake Erie Beach Neighborhood Revitalization Strategy

As of August 2010, the Town of Evans is in the process of developing a Residential Tax Enhancement (RTE) program. This program is designed specifically to incentivize investment in residential properties throughout the town, including both new construction as well as improvements to existing homes. Qualifying homes include one to three family dwelling units, owner-occupied homes as well as investment properties. The Tax Enhancement program offers five-year tax abatements on the improved value of the homes. For the first year, homeowners will experience a 50% abatement on the taxable value of their new home or improvement to their existing residence. Each year, the abatement reduces by 10% until the sixth year in which the improvements will be taxed at 100% of their assessed value. It is recommended that this program, in its proposed form, be implemented by the Town of Evans, marketed and offered to residents in the Lake Erie Beach neighborhood.

## Leverage Public Property



*Preservation of natural rights of way can provide for future recreational opportunities*

Throughout the Lake Erie Beach Neighborhood, the Town of Evans and Erie County, collectively, owns more than 70 vacant parcels of land. It is recommended that ownership of each of the properties, presently held by the County, be transferred to the Town of Evans. This would allow for local control of lands, which are subject to municipal planning and zoning. For lands that are to remain public, the municipality would be able to perform necessary maintenance as well as drive their redevelopment, perhaps for recreational use. Finally, Town ownership would provide direct

contact with local residents who may be interested in acquisition. Following this transfer of ownership, one of two options should be enacted upon for each parcel:

- Retain Town of Evans Ownership for future public conservation/use
- Make parcel available for sale to adjacent landowner or developer

For properties that front the natural right of ways of Muddy Creek and Fern Brook, Town ownership should be retained for three purposes:

- Ensure municipal access for maintenance and environmental re-mediation
- Preserve public right of way for trail spurs of the Town of Evans Bike Path
- Prevent future development upon ecologically sensitive and unstable lands

Furthering these purposes Evans should also develop a framework to acquire additional parcels along the natural right of ways as they become abandoned, foreclosed or available for sale.

# Lake Erie Beach Neighborhood Revitalization Strategy

Properties not fronting a natural right of way should be made available by the Town of Evans for sale. Priority should be given for purchase by adjacent homeowners interested in expanding their properties. If interest does not exist, these properties should be sold to developers interested in constructing in fill housing, appropriate to the scale and style of homes in Lake Erie Beach. As a means of facilitating the annexation process, Evans should revise section 178-5 of the Town Code definition for a subdivision to read as follows:

“The division of any parcel of land as of the effective date of this chapter into two or more lots, plots, sites or other divisions of land for immediate or future sale or for building development with or without the creation of one or more new streets, excluding the division of any parcel of land into two lots for the express purpose of bringing an adjacent property into zoning conformance. This exclusion shall apply only when the separated lot directly adjacent to the nonconforming property is the minimum amount required to bring the nonconforming property into zoning compliance. The nonconforming property and separated property must be combined into one lot at the time of the completion of the property division. The sale or exchange of parcels of land between adjacent or adjoining property owners or where such sales do not create additional lots shall not be considered a subdivision of land. The sale or exchange of parcels of land between adjacent or adjoining property owners or where such sales do not create additional lots shall not be considered a subdivision of land.”

## Employ Storm Water Management

The Town of Evans should employ progressive storm water management techniques as a means to combat persistent flooding that is experienced in the Lake Erie Beach Neighborhood. Presently, the Town zoning code provides guidance for storm water management, however further definition should be provided, including more specific references to the design and control manuals which provide the technical criteria established for development. The Town should also pursue the development of a Comprehensive Storm water Management Plan for Lake Erie Beach and surrounding neighborhoods. Prior to the development of such a plan, the Town Zoning Code should be amended to include the following storm water management techniques to encourage low-impact storm water development in Lake Erie Beach:



*The Muddy Creek Floodplain is a primary contributor to storm water problems in Lake Erie Beach*

# Lake Erie Beach Neighborhood Revitalization Strategy

- Use of bio-retention cells to provide a storage area away from buildings and roadways where water collects and filters into the soil. These may include permanent ponds, grass buffers, sand beds, planting soil and vegetation
- Use of vegetated swales to channel storm water overflow away from structures and roadways to a management facility, such as a retention pond.
- Use of filter strips along and within large impervious surfaces such as parking lots. These can be designed as landscape features, featuring vegetated water detention areas or sand filters to absorb water and filter out pollutants.
- Reduce and disconnect impervious areas, such as parking lots, to reduce volume and velocity of runoff, allowing water to be gradually collected and filtered.
- Utilize permeable pavement surfaces, where possible, on roadways and parking lots to accommodate water collection, storage and filtration.
- Encourage vegetative roof systems on new public and private structures to reduce impermeable surfaces created by buildings and provide natural water collection and filtration without runoff.
- Preserve existing woodlands and naturalized areas, wherever possible, to provide natural water collection and filtration.

## Update Zoning Code

The Town of Evans zoning code is the rule of law influencing development in the Town of Evans and Lake Erie Beach. The Town's code pertinent the Lake Erie Beach neighborhood should be updated to provide for the development that has been envisioned for the Neighborhood. Specifically, within the neighborhood commercial center, commercial zoning should be expanded to allow for additional development and be complemented by a set of design standards to enhance and protect the character of the district as the pedestrian-accessible focal point for the Lake Erie Beach Neighborhood. Recommended zoning updates are identified in further detail within the Future Land Use Plan.

## Housing Code & Enforcement

### Enforce Local Laws Comprehensively

There are sufficient regulations in place to control the appearance of neighborhoods. Enforcement of these laws is necessary to correct issues facing Lake Erie Beach. If there is going to be strict enforcement, it should be carried out comprehensively. Property maintenance, unsafe building violations, and rules concerning the storage of recreational vehicles should all be enforced.





# *Lake Erie Beach Neighborhood Revitalization Strategy*

## **Enforce Junk and Recreational Vehicle Storage Provisions of Zoning Code**

Since many residents own and store recreational vehicles on their property, enforcement of this provision, which restricts junk and recreational vehicles from being stored on residential property often creates strong reactions within the neighborhood population. Consequently, the enforcement of this provision has not been strictly applied to the neighborhood. Many homes throughout Lake Erie beach have one or more recreational vehicles stored in their front, side and rear yards, in plain sight from the public right of way. This has resulted in substantial visual blight on the neighborhood and a common source of complaint throughout the public input program. The Town should begin a no-tolerance policy of enforcement of the vehicle storage provisions. Alternative solutions should be provided for recreational vehicles, such as a local public storage lot for Lake Erie Beach residents, allowing them to lease secure space for their vehicles.

## **Amend Minimum Floor Area of Dwellings**

The Zoning Code provides for a variety of housing options and contains districts for commercial uses. There will need to be rezoning in order to implement the revitalization strategy, but it will not be necessary to create a new district tailored to the Lake Erie Beach neighborhood. Consideration should be made to amend the minimum floor area of dwellings within the R-2 district in order to expand the market of potential owners to those who can only afford or only require smaller dwellings but are perfectly capable of maintaining their property and add to the character of the community. A recommended new minimum floor area for the R-2 district in Lake Erie Beach is 700 - 900 square feet for one story units and 900 - 1,100 square feet for two story units.

## **Revise Subdivision Regulations**

Residential lots in the Lake Erie Beach neighborhood significantly vary in frontage widths, with most original lots non-conforming to the present 80-foot minimum frontage. This requirement makes parcel development in Lake Erie Beach difficult without annexation of adjacent properties. The requirement is also out of character with the historic density of cottage development in Lake Erie Beach and promotes construction of housing that is out of scale with the existing built environment. It is recommended that the zoning code be revised to require a 50-foot minimum frontage on lots developed within the R-2 district of Lake Erie Beach. This revision will allow for development with greater compatibility with the existing housing stock in the neighborhood, as is recommended in this strategy.

## 2.4 Future Land Use

The Future Land Use Plan serves as the basis for future updates of the Town's Zoning Regulations within Lake Erie Beach. The Future Land Use Plan combines the ideals from the Opportunities Plan with a consideration of existing land use patterns. The Plan focuses on preserving the existing residential development and providing further definition and opportunity for recommended neighborhood commercial center developments, identifying specific parcel allocation for land use. The future land use plan should be utilized as a rationale for an update to the Town of Evans Zoning Code within the Lake Erie Beach neighborhood. The following are descriptions of specific land uses envisioned for Lake Erie Beach.

### 2.4.1 Single Family Residential

The vast majority of land located within the study area boundary is designated as single-family residential land. This district aims to maintain and continue present development patterns in Lake Erie Beach with the rehabilitation and construction of single-family detached housing. New housing should keep in character with existing structures, providing a range of housing styles, but generally limited to less than 2,000 square feet in size. It is also recommended that the Town of Evans revise its minimum dwelling unit size for this zone to allow residences to be constructed as small as 700 square feet. The Town should also permit minimum lot frontages of 50 feet to allow existing parcels to be viable for development and maintain existing construction densities.

### 2.4.2 Neighborhood Commercial Center

The Neighborhood Commercial Center is focused along Old Lake Shore Road, surrounding the intersection with Kennedy Avenue. This district is planned for moderate density commercial and mixed use structures, ranging from one to two stories, which commercial retail, restaurant or service entities occupying the first floors and residential or office space on any floors above. The scale of each commercial unit should be limited to a maximum of 5,000 square feet to accommodate small and local retail business growth. The streetscape design for this neighborhood emphasizes pedestrian and bicycle access, providing sidewalks and appropriate lighting along Old Lake Shore Road and Kennedy Avenue. New buildings should be constructed in an urban form, fronting the street and located directly adjacent to the sidewalk. Parking should be located in the rear of the structures, with shared access encouraged to limit ingress and egress points along the street. Special design consideration should be given to each new structure and its impact upon waterfront views from Old Lake Shore Road and residential development. Ancillary to the zoning code update for the neighborhood commercial center, the Town of Evans should also adopt a set of design guidelines that regulate and enforce the above-mentioned aspects of the districts built environment.



## **2.4.3 Gateway Commercial**

The Gateway Commercial district is located along Route 5, south of Herr Road and adjacent to the Lake Erie Beach Neighborhood. The function of this district is two-fold. First, it provides opportunities for small-scale, highway-related commercial development along Route 5 and directly accessible to the Lake Erie Beach Neighborhood. It is recommended that commercial structures in this area be limited to less than 25,000 square feet and development geared primarily towards restaurant and convenience-related services. The district's second and perhaps more important function is to serve as an eastern gateway to Lake Erie Beach. Development should be centered around the primary east-west thoroughfares of Kennedy and Eisenhower Avenues. Way-finding Signage should be incorporated at the intersection of Kennedy alerting travelers to the neighborhood and indicating direction to the neighborhood commercial center, to the west, and Lake Erie Beach Park.

## **2.4.4 Highway Commercial**

At the intersection of Route 5 and Herr Road is the Highway Commercial District. This land use is intended to maintain and provide continuation of existing development in that area, which caters to automobile-related commercial development. New development should be prohibited from located within the adjacent floodplain and each proposed project should be strictly reviewed for flooding impacts in adjacent neighborhoods.

## **2.4.5 Recreation Commercial**

Recreation Commercial development is targeted for the lands presently occupied by the Point Breeze RV Resort. This district is in keeping with the current use and is intended to preserve these lands in perpetuity for water-related uses, in the event that the current occupant no longer utilizes the site. Opportunities should be pursued to identify public-private partnerships with the resort to further develop marine-related facilities that can be utilized by both the resort and neighborhood residents.

## **2.4.6 Recreation**

Recreation is planned for lands presently used for recreation and public-oriented use. Included in this designation are the Camp Pioneer facilities, which are open for use by local residents as well as the Lake Erie Beach Fire Hall and Anthony J. Schmidt Elementary School, currently public facilities which offer community use. The Opportunities Plan for Lake Erie Beach envisions all of these recreational facilities to be linked by a comprehensive multi-use pathway network.

## 2.4.7 **Planned Unit Development**

A planned unit development zone should be permitted for the vacant land south of Pleasant Avenue and north of Reeves Road. A planned unit development provides for more planning flexibility than traditional zoning, use and lot layout, but are also an avenue for requiring more non-traditional requirements. The zone should require the use of cluster development, maintaining small lot sizes and preserving 50% of the development's total land area for recreation or conservation. Planned development should require the creation of parkland along the Muddy Creek multi-use trail and create bicycle linkages to residential lots. Road infrastructure should be designed according to the existing grid system in Lake Erie Beach and provide continuation of established right of ways already developed in the neighborhood. Design requirements should be placed upon the housing, requiring structures that conform to the style, density and scale of existing cottage homes in the Lake Erie Beach neighborhood, establishing a maximum square footage for development and maintaining similar minimum floor areas as are recommended for the R-2 district.

## 2.5 **Strategic Policy**

Strategic policy is developed within the context of the Revitalization of Lake Erie Beach with the purpose of providing guidance to the Town of Evans with regards to day-to-day actions that concern the neighborhood. On the following page is a series of policy statements that the Town should adopt in reference to Lake Erie Beach.



# Lake Erie Beach Neighborhood Revitalization Strategy

## Administration/Grants

- The Neighborhood Revitalization Strategy should be updated at regular intervals.
- The Town of Evans should expedite the review and approval of development proposals consistent with the Neighborhood Revitalization Strategies, local land use, zoning and other regulations.
- Opportunities for public-private partnerships to implement development projects should be identified and pursued.

## Development

- Development consistent with the Opportunities Plan of the Lake Erie Beach Neighborhood Revitalization Strategy should be promoted.
- Lake Erie Beach development should be concentrated within previously developed commercial and residential areas, protecting the natural environment and preserving open space.
- New residential development should be required to be of similar scale and style to the existing housing stock in the Lake Erie Beach neighborhood.
- The use of incentives to spur economic growth should be encouraged.
- Support for the local business community by Lake Erie Beach residents should be promoted.
- Efforts to diversify the Neighborhood's economic base should be encouraged.
- Commercial development should be concentrated along major thoroughfares and at important intersections, as identified in the Lake Erie Beach Neighborhood Revitalization Strategy, designed to enhance the pedestrian and bicycle-friendly nature of Lake Erie Beach along Old Lake Shore Road.
- Commercial development should be encouraged in areas designated in the Opportunities Plan.

## Circulation & Infrastructure

- The development of unimproved roads identified in the Transportation & Infrastructure Plan should be followed accordingly.
- The private sale of right of ways identified for abandonment in the Transportation and Infrastructure Plan should be permitted to adjacent landowners who require them for access.
- Adequate water and sewer infrastructure along all improved roadways should be developed.
- A multi-modal circulation network which provides safe travel for pedestrians, bicycles and automobile throughout the Lake Erie Beach Neighborhood should be established.

## Environment

- The public acquisition of environmentally sensitive lands, especially within the creek floodplains, for public recreation and/or conservation purposes should be a priority.
- Land developers should be required to make every effort feasible to retain as much of the natural landscape as possible including trees, wetlands, topography and other important or unique features.
- Animal species and their habitats, on both land and in water should be protected.
- Development will be regulated so that it does not infringe upon protected open space, floodplains, wetlands and other important viewshed areas.

# Lake Erie Beach Neighborhood Revitalization Strategy

## 2.6 Implementation

As Evans seeks to implement the actions necessary to realize the vision for Lake Erie Beach, the Town should follow a set of guidelines, designed to provide a framework for addressing the recommended actions and strategies in the plan, as well as actions that are proposed and implemented in the future.

- Guideline 1**      The appropriate boards and commissions should be assigned the responsibility of developing strategies and actions to implement the Neighborhood Revitalization Strategy.
  
- Guideline 2**      The Neighborhood Revitalization Strategy serves as the official action plan for Lake Erie Beach and its recommended measures should be adopted by the Town of Evans and implemented accordingly.
  
- Guideline 3**      The Town should expedite review and approval of development proposals deemed consistent with the Neighborhood Revitalization Strategy and future land use plan
  
- Guideline 4**      Revisions, amendments and deletions of Goals, Objectives and Policies or to the Neighborhood Revitalization Strategy itself should be recommended by the Lake Erie Beach Neighborhood Revitalization Strategy Task Force, Lake Erie Beach Local Development Corporation and referred to the Town Council for review and possible action
  
- Guideline 5**      The Lake Erie Beach Revitalization Strategy will be the guiding document for the formation and mission of the Lake Erie Beach Local Development Corporation.

### 2.2.1 Implementation Matrix

As the Town of Evans adopts the Lake Erie Beach Neighborhood Revitalization Strategy as a guiding document for the future of the community, the most important phase becomes implementation. It is essential to develop strategies to ensure that implementation occurs and the vision developed in the Strategy comes to life. The implementation matrix below is a series of action-oriented tactics to bring the plan into reality. The Implementation Strategy is organized in a way that is straightforward, useful and comprehensive as the document itself. For each action item, a time frame and if available, an estimated cost are given for the completion. Responsibility is assigned for each recommendation, designating the parties that must carry out the action. It is anticipated that new actions for implementation will be developed during periodic updates to replace those that have been successfully implemented.



# Lake Erie Beach Neighborhood Revitalization Strategy

## 2.6.1 Implementation Matrix

Table 2-4 Implementation Matrix

Category	Action	Responsibility	Est. Cost	Timeframe	
Administration	A	Adopt the Lake Erie Beach Neighborhood Revitalization Strategy	Town Board, Planning, Community Development, Erie County	N/A	Immediate
	B	Revise zoning regulations according to Future Land Use recommendations	Town Board, Planning, Community Dev., Zoning Board	N/A	Immediate
	C	Transfer ownership of all vacant county-owned properties to the Town of Evans	Erie County, Town Board, Town Assessor	N/A	Immediate
	D	Inform adjacent landowners of availability of public properties for annexation	Planning, Community Dev.	N/A	Short-Term
	E	Establish Residential Tax Enhancement Program	Town Board, Community, Dev., Evans Economic Dev. Community, Town Assessor	N/A	Short-Term
	F	Amend R-2 zoning to allow for 50' frontage on residential lots	Town Board, Planning, Community Dev. Code Enforcement, Zoning Board	N/A	Immediate
	G	Revise recreational vehicle provisions of Town code to permit storage of one recreational vehicle, however requiring that it be completely screened from public sight	Town Board, Planning, Community Dev. Code Enforcement, Zoning Board	N/A	Short-Term
	H	Amend R-2 zoning minimum floor area for dwellings to 700 - 900 sqft single story units and 900 - 1,100 sqft multi-story units	Town Board, Planning, Community Dev. Code Enforcement, Zoning Board	N/A	Immediate
	I	Develop a Storm water Management Plan	Town Board, Planning, Community Dev., Code Enforcement, Erie County	\$30 - \$40K	Medium-Term
	J	Procure grant funding for the acquisition of parcels within and along environmental rights of way	Town Board, Planning, Community Dev., Erie County	\$100K Fund	Medium-Term
	K	Acquire available properties along Muddy Creek and Fern Brook as they become available as a means to protect the natural rights of way and prevent new housing from developing in the floodplains	Town Board, Planning, Community Dev.	N/A	Long-Term
	L	Amend Town Code sub-division definition with recommended wording to provide for annexation	Town Board, Planning, Zoning Board	N/A	Immediate

Immediate = within 1 year    Short Term = 1-3 Years    Medium = 3-5 years    Long Term = 5+ years

# Lake Erie Beach Neighborhood Revitalization Strategy

Category		Action	Responsibility	Est. Cost	Timeframe
Infrastructure	M	Construct Phase III of the Evans Multi-use Pathway from Evans Town Park to Evangola State Park	Town Board, Planning, Community Dev., Erie County	\$700K	Short-Term
	N	Construct Creek-bed Multi-use Paths along Muddy Creek & Fern Brook	Town Board, Planning, Community Dev., Erie County	TBD	Medium-Term
	O	Construct a Sidewalk Network according to the Opportunities Plan	Town Board, Planning, Highway Department, Erie County	TBD	Medium-Term
	P	Construct appropriate, pedestrian-oriented roadside lighting according to the Opportunities Plan	Town Board, Planning, Highway Department, Erie County	TBD	Medium-Term
	Q	Adopt Transportation and Infrastructure Plan and Improve unpaved roadways according to priorities	Town Board, Planning, Highway Department	N/A	Short-Term & Ongoing
	R	Improve water and sewer infrastructure to current standards according to the Transportation and Infrastructure Plan	Planning, Community Dev., Highway Dept., Town Engineer, Erie County	N/A	Short-Term & Ongoing
	S	Continue to pursue CDBG Funds for Infrastructure Improvements	Planning, Community Dev., Highway Dept., Town Engineer, Erie County	N/A	Immediate & On-going
Local Development Corporation/Community Association	T	Secure grant funding for the establishment of the Lake Erie Beach Local Development Corp.	Community Dev., Southtowns Community Development Corporation	\$100K Start-Up	Short-Term
	U	Establish the Lake Erie Beach Local Development Corp.	Town Board, Community Dev., LEBNRS Task Force, Local Community	N/A	Short-Term
	V	Secure grant funding to develop a business plan for the Lake Erie Beach Marketplace & Visitor Center	LEB LDC	\$5K - \$10K	Short-Term
	W	Develop Lake Erie Beach Marketplace and Visitor Center	Town Board, Planning, Community Dev. LEVLDC	\$3M - \$5M	Medium/Long-Term
	X	Establish Lake Erie Beach Farmer's Market	LEB LDC, Community Dev.	\$1K - \$5K	Short/Medium-Term
	Y	Pursue grant funding sources identified in the financing matrix to fund improvement recommendations	Community Dev. Planning, LEB LDC	N/A	Immediate & On-going
	Z	Market Neighborhood Commercial Center to destination restaurant, specialty retail and hospitality industries	LEB LDC, Community Dev.	N/A	Short/Medium-Term
	AA	Establish Seaway Trail Information & Visitor's Center Kiosk	Community Dev., LEB LDC	\$20K - \$25K	Long-Term
	BB	Establish Summer Neighborhood Concert Series at Lake Erie Beach Park	LEB LDC	\$5K - \$10K	Medium-Term
	CC	Organize home rehabilitation workshop series	LEB LDC, Community Dev.	\$500 - \$1,000	Short-Term
DD	Organize Bi-annual Neighborhood Clean-ups	LEB LDC	N/A	Short-Term	

Immediate = within 1 year    Short Term = 1-3 Years    Medium = 3-5 years    Long Term = 5+ years

## **2.7 Grant Financing**

Many of the action items identified in the Implementation Matrix will have no identifiable cost associated with them and would be included in annual budgetary expenses for the Town of Evans. However, several projects recommended in the Lake Erie Beach Neighborhood Revitalization Strategy, such as road improvements, multi-purpose trail projects, the Marketplace and Visitor Center project, will require outside and project specific funding. It is the intention of this strategy for the Lake Erie Beach Local Development Corporation to be established as a means to pursue grant funding for the neighborhood. The matrix on the following page provides the Town of Evans and the proposed Lake Erie Beach Local Development Corporation with an inventory of potential grant funding sources to that should be pursued as means for realizing the vision of the Neighborhood Revitalization Strategy.

# Lake Erie Beach Neighborhood Revitalization Strategy

## Table 2-5 Grant Financing Matrix

Source Name	Type of Funding (Operations, Capital Projects, etc.)	Funding Range	Fields of Interest					Eligible Applicants (municipality, Non-Profit, Individuals, etc.)	Deadline	Application Source / Website	Phone	Email
			Housing	Urban / Community Development	Environment	Recreation	Business / Economic Dev.					
HUD Neighborhood Stabilization Program	Purchase, demolition and landbanking of abandoned or foreclosed properties	N/A	X					State Government, County Government, Local Government, Non-profit	1-Feb	<a href="http://www.recovery.gov">www.recovery.gov</a>		
HUD Neighborhood Initiative Grant	Economic Stimulation Activities	N/A	X	X	X	X		Those entities specifically named by Congress	1-Dec	<a href="http://www.hud.gov">www.hud.gov</a>	(212) 264-2885 x3445	Therese.J.Frawell@hud.gov
Community Development Block Grant Entitlement Grants	Training, Technical Assistance, Capital Projects, Home Rehabilitation	N/A	X	X			X	County Government, Local Government	1-Sep	<a href="http://www.recovery.gov">www.recovery.gov</a>		
Assisted Housing Green Retrofit Program	Capital Projects, Training, Technical Assistance	N/A	X		X			County Government, Local Government	1-Jun	<a href="http://www.recovery.gov">www.recovery.gov</a>		
Tax Credit Assistance Program	Capital Projects	N/A	X					County Government, Local Government	1-Feb	<a href="http://www.recovery.gov">www.recovery.gov</a>		
Rural Housing Preservation Grants	Home Rehabilitation	Up to \$100K	X					Public Agencies, Non-profit	28-Jun-10	<a href="http://www.wdc.usda.gov">www.wdc.usda.gov</a>	(585) 343-0443	Bonnie.Edwards@wdc.usda.gov
NYSDHCR Low-Income Housing Trust Fund Program	Home Rehabilitation	Up to \$125,000 per unit	X					Non-Profit Organizations	N/A	<a href="http://www.housing.ny.gov">www.housing.ny.gov</a>		
United States Dept. of Agriculture - Rural Business Enterprise Programs	Matching/Challenge Funds	N/A	X			X		State Government, County Government, Local Government, Non-profit	1-Dec	<a href="http://www.usda.gov/wps/portal/usda/arra?navid=USDA_RECOVERY">www.usda.gov/wps/portal/usda/arra?navid=USDA_RECOVERY</a>	(585) 343-0442	
United States Dept. of Agriculture - Rural Business Opportunity Grant	Training, Technical Assistance	\$250,000	X			X		State Government, County Government, Local Government, Non-profit	1-Jun	<a href="http://www.usda.gov/wps/portal/usda/arra?navid=USDA_RECOVERY">www.usda.gov/wps/portal/usda/arra?navid=USDA_RECOVERY</a>	(585) 343-0443	
Communities at Work Fund	Community and Economic Development, Job Creation, Small Business and Microenterprise Dev.	N/A	X			X		Non-Profit Organizations	N/A	<a href="http://www.communitiessatworkfund.com">www.communitiessatworkfund.com</a>	(215) 320-3246	info@
US Dept. of Commerce Economic Development Administration	Community and Economic Development, Job Creation	N/A	X			X		Non-Profit Organizations	N/A	<a href="http://www.eda.gov">www.eda.gov</a>	(202) 273-4781	eda.webmaster@eda.doc.gov
Local Initiative Support Corporation (LISC)	Affordable Housing Preservation, Community Development, Seed Money	N/A	X	X	X	X		Non-Profit Organizations	N/A	<a href="http://www.lisc.org">www.lisc.org</a>	(716) 852-3430	aarmstrong@lisc.org
The Cameron Baird Foundation	General	N/A					X	Non-Profit Organizations	N/A	Western New York Grantmakers	(716) 845-6000	
The Baird Foundation	Capital Campaign, Equipment, General Operating Support, Matching/Challenge Support	Up to \$30,000		X	X	X		Non-Profit Organizations	N/A	<a href="http://www.bairdfoundation.org">www.bairdfoundation.org</a>	(716) 883-2429	efs@
Community Foundation for Greater Buffalo	Programs, Equipment, General Operating Support, Personnel, Capital Construction	N/A	X	X	X	X		Non-Profit Organizations	1-Feb	<a href="http://www.cfgb.org">www.cfgb.org</a>	(716) 852-2857	mail@cfgb.org

# Lake Erie Beach Neighborhood Revitalization Strategy

Source Name	Type of Funding (Operations, Capital Projects, etc.)	Funding Range	Fields of Interest					Eligible Applicants (municipality, Non-Profit, Individuals, etc.)	Deadline	Application Source / Website	Phone	Email
			Housing	Urban / Community Development	Environment	Recreation	Business / Economic Dev.					
Companions in Courage Foundation	General	N/A		X				Non-Profit Organizations	N/A	Western New York Grantmakers	(716) 856-4200	
East Hill Foundation	Building/Renovation, Equipment, Program Development	N/A	X	X	X	X		Non-Profit Organizations	1-Aug	<a href="http://www.easthillfdn.org">www.easthillfdn.org</a>	(716) 204-0204	<a href="mailto:info@easthillfdn.org">info@easthillfdn.org</a>
The Robert J. and Martha B. Fierle Foundation	General Operating Support	N/A	X					Non-Profit Organizations	N/A	Western New York Grantmakers	(716) 626-0700	
First Niagara Bank Foundation	General (no operating expenses)	N/A	X	X	X	X		Non-Profit Organizations	Spring & Fall	Western New York Grantmakers	(716) 625-7503	<a href="mailto:patricia.barry@fnfg.com">patricia.barry@fnfg.com</a>
Gibraltar Steel Corporation Contributions Program	Annual Campaigns, Capital Campaigns, Continuing Support, Endowments, General Operating Support, Loaned Talent, Sponsorships, Use of Facilities	N/A		X	X	X		Non-Profit Organizations	N/A	<a href="http://www.gibraltarl.com">www.gibraltarl.com</a>	(716) 826-6500	
Grigg-Lewis Foundation, Inc.	Building/Renovation, Capital Campaigns, Continued Support, General Operating Support, Equipment, Program Development	N/A	X					Non-Profit Organizations	N/A	<a href="http://www.griggewis.org">www.griggewis.org</a>	(716) 478-0002	<a href="mailto:griggewis@griggewis.org">griggewis@griggewis.org</a>
Hahn Family Foundation	General Operating Support, Matching/Challenge Support, Program Development, Seed Money (Farming)	N/A	X	X	X			Non-Profit Organizations	N/A	Western New York Grantmakers	(716) 447-7828	
National Fuel Gas Company Contributions Program	Matching/Challenge Support, Community Development	N/A	X					Non-Profit Organizations	N/A	<a href="http://www.nationalfuelgas.com">www.nationalfuelgas.com</a>	(716) 857-7861	
The John R. Olshei Foundation	Matching/Challenge Support, Community Development, Program Development, Seed Money	N/A	X	X	X	X		Non-Profit Organizations	N/A	<a href="http://www.olsheifdt.org">www.olsheifdt.org</a>	(716) 856-9493	<a href="mailto:info@olsheifdt.org">info@olsheifdt.org</a>
The Richard W. Rupp Foundation	General Operating Support	N/A	X					Non-Profit Organizations	N/A	Western New York Grantmakers	(716) 876-2129	
The Margaret L. Wendt Foundation	Program-related Investments/Loans	N/A	X	X	X	X		Non-Profit Organizations	N/A	Western New York Grantmakers	(716) 855-2146	
The Western New York Foundation	Building/Renovation, Capital Campaigns, Seminars, Land Acquisition, Matching/Challenge Support, Seed Money, Program Development, Program-related Investments/Loans, Technology Assistance	N/A	X	X	X	X		Non-Profit Organizations	Quarterly	<a href="http://www.wnyfoundation.org">www.wnyfoundation.org</a>	(716) 883-4954	<a href="mailto:info@">info@</a>

*Lake Erie Beach Neighborhood Revitalization Strategy*



# LAKE ERIE BEACH

NEIGHBORHOOD REVITALIZATION STRATEGY

# ASSETS & CONSTRAINTS







### 3.1 Neighborhood Challenges

Historically, the Lake Erie Beach neighborhood was developed as seasonal resort community offering weekend and summer vacation homes for workers in the City of Buffalo and the surrounding Western New York Region. The housing stock is composed largely of cottage-style structures built as recreational second homes. These cottage homes range in age between 50 and 80 years and are interspersed with additional structures dating back to the late nineteenth century and new home construction.

Adjacent to the residential neighborhood, commercial nodes have developed over time along the Town's major thoroughfares. The largest commercial area serving Lake Erie Beach is along Route 5 near the intersections of Herr Road and Lake Street. This area features convenience and restaurant establishments, a supermarket, small businesses, pharmacies and convenience shopping. Much of the built commercial environment along Route 5 is constructed without uniform style or site planning. The second commercial node is located along Lakeshore Road, running through the western portion of the neighborhood. This area features a mix of restaurant and entertainment establishments, along with local services and retail.

**Figure 3-1** on page 53 illustrates the Assets and Constraints Plan.

\*historic photos courtesy of Town Historian, Cheryl Delano

Inventory

# Lake Erie Beach Neighborhood Revitalization Strategy

## 3.1.1 Housing Conditions

The Lake Erie Beach neighborhood is faced with a myriad of unique housing challenges, many of which directly relate to the neighborhood's original status as a second home resort community. Original homes in the neighborhood were not constructed to the same standard as most housing in the Western New York region. Many residences were not built with central heat, permanent foundations or dedicated automobile access. Presently many of these properties continue to experience a level of disinvestment that threatens the long-term viability of the neighborhood as well as the health of residents.

A comprehensive review of more than 2,300 parcels in the study area was conducted as an assessment of present housing and land use conditions in Lake Erie Beach. Specific evaluations were completed for 1,752 of the primary structures and their accompanying property lots. Each was evaluated on a scale of one to five (1-poorest, 2-poor, 3-OK, 4-Good, 5-excellent). Of the neighborhood properties, 759 were rated as good or excellent and 890 were considered OK. The remaining 105 properties were giving a rating of poor or poorest, citing a number of significant detrimental conditions. Among the prevalent housing stock deficiencies include the following:



**Vacancy** – there are more than 1,000 vacant properties in the Lake Erie Beach community. Many of those properties are simply undeveloped; however, more than 40 of those properties include vacant structures. An additional approximately 225 properties are seasonal residences which are typically vacant for more than half of the year. The vacancies are cause for significant concerns and

windshield surveys confirm that many of those properties are subject to ongoing maintenance, structural and property clutter issues. As of 2009, the Lake Erie Beach neighborhood has experienced a more than 16% vacancy rate.



**Block and crumbling foundations** – many of the homes in the Lake Erie Beach neighborhood were never constructed with permanent foundations. Others have since been placed upon temporary block foundations to elevate the structure from ground conditions and the environment. Of properties identified as significant concerns in the project area, 71, or 68%, were determined to have significant foundation issues.

# Lake Erie Beach Neighborhood Revitalization Strategy



**Structural destabilization** – as noted, the historic cottage development that occurred in the Lake Erie Beach neighborhood was not originally constructed to the same standards as primary residences of the time. Deterioration of the structural integrity of these homes has occurred at more rapid rates than primary residences of harder construction. Many homes in the area show signs of significant structural dangers, including 70 properties, or 67%, of those cited in poor or poorest condition.



**Dilapidated roofing** – throughout the neighborhood, roofing continues to be an ongoing maintenance issue. Dozens of roofs are in need of patching, replacement and structural repair. The neighborhood's proximity to Lake Erie, with more extreme weather and wind conditions present a very specific threat to homes lacking proper roofing. Forty nine properties, or 47%, labeled as poor or poorest condition are experiencing significant roof issues.



**Substandard siding** – as Lake Erie Beach began to transition from a seasonal resort community to a more permanent population in mid-century, the area has coined its own derogatory term: “Point Breeze Siding”. The term refers to the exterior condition of much of the housing of the area which was often temporarily patched with simple tar paper or other cheap materials. Siding continues to be a main concern in the neighborhood, ranging from poor aesthetics or damaged materials to houses that are missing entire sections of their siding. Of the properties rated in one of the two lowest condition categories, 76%, 80 properties, have had siding cited as a major concern.



**Lot size** – Lot sizes present ongoing constraints to development in Lake Erie Beach. More than one third of the properties in Lake Erie Beach have a lot frontage of less than 50 feet and many as small as 20 feet. Fifty two properties, which equates 50% of dwellings in the project area that were rated as of poor or poorest condition, were determined to have lot sizes and neighboring compatibilities that are detrimental to the value and viability of the property.

# Lake Erie Beach Neighborhood Revitalization Strategy



**Flooding and moisture** – properties particularly located in the Muddy Creek Floodplain, as well as along parts of Dawn and Eisenhower avenues, experience continued flooding and moisture issues. Proliferation of mold is a significant health issue in these homes. Infestation and the unconstrained growth of vegetation and moss upon and around the homes also gradually causes roof, siding and structural damage. Homes in these areas remain

vulnerable to serious health and structural issues despite re-mediation efforts to the homes themselves.

Significant concentrations of poor housing conditions were found in four distinct areas. The first is in the southwestern portion of the neighborhood, south of Potomac Avenue. These homes are largely on unimproved roadways with difficult access. The Muddy Creek floodplain area is a second area with a concentration of poor housing conditions. Much of this can be contributed to the challenging environmental conditions associated with the Creek and its frequent flooding. Many of the houses show clear signs of structural damage, unrestrained vegetation growth and non-existent foundations, expedited by the flooding conditions. The remaining concentrated areas of housing dilapidation are more centralized in the neighborhood, bound by Jamestown, Herr, Fairview and Kennedy Avenue. These areas also experience disinvestment that appears to correlate with the lack of road access or an improved transportation circulation system.

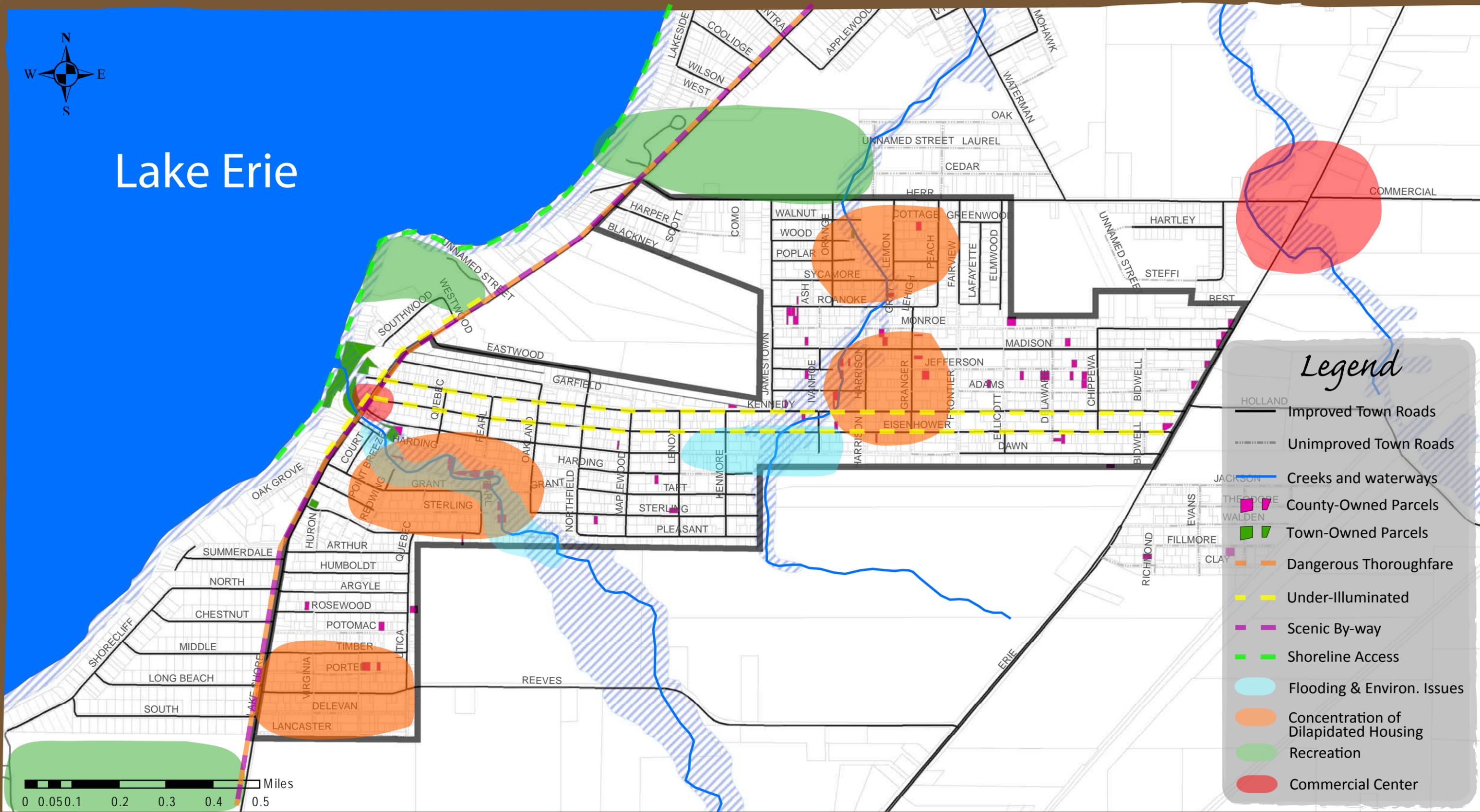
## 3.1.2 Infrastructure

### 3.1.2.1 Roadway Conditions

The original development of Lake Erie Beach occurred privately with properties parceled off along private, unpaved access roads. Over time, most of the road rights of ways in the neighborhood were taken over by the Town of Evans for maintenance and operations. Through present day, Evans, along with Erie County, has gradually improved the roadway infrastructure with paving and widening the travel width to current access and emergency service standards. Portions of several local side streets with less importance to the overall circulation system have been sold to property owners for private drives. Currently, more than one third, over five linear miles, of the circulation network remains unimproved in Lake Erie Beach and nearby areas. Nearly one mile of those roads are presently under construction and scheduled for completion in 2010.

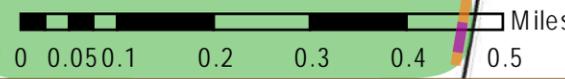


# Lake Erie



## Legend

- Improved Town Roads
- Unimproved Town Roads
- Creeks and waterways
- County-Owned Parcels
- Town-Owned Parcels
- Dangerous Thoroughfare
- Under-Illuminated
- Scenic By-way
- Shoreline Access
- Flooding & Environ. Issues
- Concentration of Dilapidated Housing
- Recreation
- Commercial Center





# *Lake Erie Beach Neighborhood Revitalization Strategy*

Characteristics of unimproved roadways range in quality from passable dirt roads, to deteriorated rights of way with significant holes or ruts, to roads that have been completely obstructed by creek beds, vegetation and trees. These conditions cause problems for the neighborhood access and circulation system. Kennedy and Eisenhower serve as the primary east-west thoroughfare through the neighborhood. Dawn Avenue could potentially serve as a third east-west through route; however, six blocks at its center remain unimproved and impassable. Zero fully improved north-south thoroughfares exist, complicating access for residents north of Monroe Avenue, as they are forced to typically make several turns to reach a thoroughfare and subsequently gain access to Old Lake Shore Road to the west or Route 5 to the east. Jamestown Avenue has the greatest potential for establishment as a north-south thoroughfare, as it would only need to be improved from Kennedy Avenue to Dawn Avenue. Fairview has potential to serve as a second north-south thoroughfare with improvement between Roanoke and Dawn Avenues. In the southwest area of the neighborhood, Muddy Creek forms a physical road impasse, completely segregating housing to its north and south. However, this is perhaps a lesser concern as most residential development south of Muddy Creek has direct access to Old Lake Shore Road. There is a need to prioritize the road upgrades in a manner which has the most significant positive impact upon the overall circulation system.

These unimproved roads have significant impacts upon the housing values and conditions in Lake Erie Beach. In many cases where a road is unimproved, owners or buyers are unable to secure bank loans for improvements or purchase because the infrastructure is regarded as a significant liability to the long term value and viability of the property. The resulting circumstance leads to property owners who are uninterested and/or unable to maintain and improve their property. These properties are then often left vacant or rented to low income populations who also do not typically have a vested interest in the maintenance of the property.

## **3.1.2.2 Pedestrian & Bicycle Safety**

Bicyclists and pedestrians are impacted by the unimproved roads throughout Lake Erie Beach. Rights of ways in the neighborhood are relatively narrow, typically ranging between 40 and 50 feet, with some areas as narrow as 25 feet. Coupled with a lack of sufficient shoulders, designated striping and streetlights, the roads create a very dangerous condition for walking and cycling in Lake Erie Beach, especially at nighttime. As a result, the majority of the neighborhood is denied non-motorized access to the lakefront. Because of the dense development of structures throughout the neighborhood, it is unlikely that the improved right of ways can accommodate further widening of the roads. Therefore accommodations must be created to safely provide for sufficient pedestrian and bicycle access.

# Lake Erie Beach Neighborhood Revitalization Strategy

Old Lake Shore Road presents significant dangers to local pedestrian, bicycle and automobile traffic. The road serves as one of two main north-south thoroughfares, the other being Route 5, running along the east and west borders of the neighborhood. It offers connections between shoreline access points throughout the Town, including within Lake Erie Beach, north at the Evans Town Park, as well as for larger beach destinations. The corridor also serves several commercial nodes throughout the Town of Evans including entertainment and night life establishments, restaurants and local business. Therefore, Old Lake Shore Road experiences significant pedestrian and automobile traffic volume throughout the summer months. However, the only sidewalks present along Old Lake Shore road are north of Lake Erie Beach and restricted to the west side of the road. Consequently, pedestrians are forced to walk along the road's narrow shoulder to travel between commercial and recreational amenities. As mentioned in other sections, the Town has planned for the development of multi-use trail through the neighborhood. However, the Lake Erie Beach section will be the third of three construction phases for the trail and is currently several years away from being built.

### 3.1.2.3 Water Utility

Water infrastructure in the Lake Erie Beach neighborhood is also a significant constraint to development and threatens the ongoing safety of local residents. The fire code standard for waterline diameters is six inches at a minimum. Many properties in the neighborhood contain water lines less than six inches, with some as narrow as one to two inches in diameter. Areas especially lacking in water infrastructure including the streets south of Pleasant Avenue, side roads connecting west of Jamestown Avenue and additional right of ways scattered throughout Lake Erie Beach.

## 3.2 Neighborhood Assets

### 3.2.1 Recreation

Lake Erie Beach offers public and recreational assets unique to Western New York. For a population of only a few thousand residents, the community offers tremendous diversity including Town owned parks and facilities like Anthony J. Schmidt Elementary and Lake Erie Beach Park, a State Park, a privately owned recreational resort as well as a church-run recreational retreat that is open for use by all local residents. There is also a local fire hall along Old Lake Shore road. Each of these public facilities is well developed and programmed for active use and recreation. Playgrounds, community buildings, sports facilities, and seasonal lodging at Camp Pioneer are features. The only major public or recreation property that contains significant room for new growth without removing previous programming is approximately 7 additional acres behind Anthony J. Schmidt elementary school.

# *Lake Erie Beach Neighborhood Revitalization Strategy*

While Lake Erie Beach certainly offers an impressive number of recreational opportunities, they are under-used by the local community. Several of the facilities cater to a regional population, such as the state park and Camp Pioneer. However, more importantly, there is extremely limited local connectivity between the park facilities and residential populations. It has been cited throughout the public participation program that Lake Erie Beach is a dangerous community for pedestrians and bicyclists due to the narrow roadways, lack of lighting and, on Old Lake Shore road, high traffic speeds and limited automobile sight lines. Pedestrians do not have sidewalks to walk to the beach or local trails to ride their bicycles. Currently, the Town of Evans is planning the development of a trail connecting the Evans Town Park to the north with Evangola State Park to the south; however this project is several years off with no dedicated funding source. For these recreational facilities to reach their full use potential by local residents and for the homes in the area to reap the benefit of having such amenities, a non-motorized circulation system must be established.

## **3.2.2 Publicly Owned Properties**

Publicly-owned lands can present a significant opportunity for a neighborhood because the municipality has control over the intention and use for the land. A government can designate the land for public use and benefit, it can decide to sell it to a developer with a specific intention for economic development or it can leverage its parcels to improve neighborhoods through land-banking or providing homeowners the opportunity to expand their own real estate.

Outside of Lake Erie Beach Park, the Town of Evans owns three properties within the neighborhood, including a cemetery on Old Lake Shore Road as well as a vacant residential property on Wood Avenue. The third property the Town owns is along Muddy Creek, extending into the neighborhood from Old Lake Shore road. This is an extremely valuable piece of land for the Town to maintain possession of for two reasons. First, it prevents new development along this portion of the Muddy Creek floodplain. Secondly, it is important for the Town to have control of the lands along one of its best natural features, potentially for future public use as a recreational amenity.

In addition to the Town-owned lands in Lake Erie Beach, Erie County owns 69 properties throughout the neighborhood. Each of these properties are vacant residential lots without improvements. Thirty six of the lots are located along paved roads, however, the remaining 33 properties are either located upon unimproved roads or do not have any frontage to the road at all. Eighteen of these properties are located along creek beds and/or within a floodplain. Eleven of those eighteen are specifically located within the Muddy Creek Floodplain. For the same reasons as the Town-owned property along Muddy Creek, this is an advantageous position for the government to have control over the future development of lands surrounding the neighborhood's natural features.

# Lake Erie Beach Neighborhood Revitalization Strategy

Six properties are situated along the western side of Route 5. The potential for these properties may include a coordinated effort for commercial development along the highway corridor. The remaining properties are scattered throughout the neighborhood upon varying roadway conditions. The Town and County must develop a strategic plan for the futures of each of these properties, which may include preservation or redevelopment for public use, sale to private developers or sale to adjacent landowners for property expansion.

## 3.3 Commercial & Residential Market Assessment

### 3.3.1 Overview of Potentials for Lake Erie Beach

The Lake Erie Beach neighborhood has the potential to achieve transformation. By setting achievable goals, and creating a product that will fill existing gaps in the marketplace, Lake Erie Beach can thrive as a mixed use community with an invaluable waterfront location. During the course of the study, residents and local specialists were asked to define the qualities that would define the type of “resort” community Lake Erie Beach might strive to become in the future. The qualities most agreed upon include:

- High Quality Housing Development and/or Rehabilitation of Homes
- Lodging
- High Quality or “Destination” Dining Establishment
- Specialty Retail

Most participants also indicated that while new business was vital, an entrepreneurial spirit is also required to “kickstart” new development and provide opportunity for the local population. The following section outlines potentials for each “resort” development category, and how these categories can capture existing markets to achieve success.

### 3.3.2 Housing

Current land use regulations and trends in the Town enable developers to construct the industry “standard”: a suburban-character home of approximately 1,400 to 2,400 feet with significant frontage and setbacks. Information gleaned from focus groups and personal interviews with local developers and real estate agents indicates that this model is not currently successful in the Lake Erie Beach neighborhood. It often takes a developer many months, even years, to sell properties of this type and is therefore a disincentive for new development. Research of current real estate trends and continued conversations with local specialists indicate a market of regional Western New York buyers searching for a different type of home:

- “Empty Nesters” – Local couples whose children have grown and who now have less space requirements
- Senior Citizens – Local seniors who would appreciate a more manageable property with a space layout that enables a single story lifestyle

# Lake Erie Beach Neighborhood Revitalization Strategy

- “Snowbirds” – Buyers who may spend only part of their year in Western New York and have fewer space needs
- Duel Home Residents – Local buyers who may already own a home in Western New York and have an interest in a property near the Lake
- “New Generation” – Local buyers, whether young or older, who embrace the concept of a simpler lifestyle with a more manageable property



*Home on Ashland Avenue in Buffalo, NY  
- photo taken by peter j. smith & company, inc.*

To capture these markets and capitalize upon the unique character of Lake Erie Beach, a new model for housing should be considered. The character of new and rehabilitated housing could represent a “Cottage” character similar to the photograph pictured below:

The model home in Lake Erie Beach could incorporate a smaller total floor plate of approximately 700 to 1,200 square feet with smaller frontage, side and rear setbacks.

The Town can amend current land use regulations to enable development of this type. Colors, materials, and landscaping could all be guided through development of Town design standards that would ensure quality and a consistent character.

Opening Lake Erie Beach to new markets of buyers by creating a new model for home ownership is one of the most significant potentials for the future of Lake Erie Beach.

### 3.3.3 Lodging

Residents and local specialists indicated that the lack of any local lodging in Lake Erie Beach hindered economic growth and development of the area. A supply search on [www.switchboard.com](http://www.switchboard.com) indicates that the Lighthouse Inn, located approximately 7 miles south of Evans in the Town of Irving, is the closest full service hotel in the area. There is a large cluster of business and leisure hotels located approximately 13 miles to the north in Hamburg, NY.



*Virginia Bed & Breakfast*

# Lake Erie Beach Neighborhood Revitalization Strategy

Local demographics and the seasonal nature of Lake Erie Beach would not indicate a capacity to compete with the significant cluster of Hamburg hotels. However, Lake Erie Beach could evolve with the development of smaller-scale lodging establishments that could include bed & breakfasts or small Inn's or quality resort motels.

## 3.3.4 Destination Dining

A “Destination” dining establishment could be defined as a restaurant with a unique character that attracts patrons from outside of the local community<sup>1</sup>. Focus groups and interviews with local business owners and residents indicate that the lack of a destination dining establishment in the Lake Erie Beach neighborhood is a detriment to positive development for the area.



*Unique Destination Restaurant - Key West, FL*

A regional supply search of restaurants conducted using [www.switchboard.com](http://www.switchboard.com) indicates that there is a lack of “destination” dining within a nearly ten mile radius of the Town of Evans. The Colony Restaurant in Irving could arguably be considered the closest example of a “Destination” dining experience.

Ideally, the development of a Destination Dining establishment in Lake Erie Beach could be the initiative of a local or regional entrepreneur. However, even attracting a small quality resort-oriented chain restaurant could meet the goals of providing local jobs for residents and elevating the overall “resort” atmosphere of the community.

## 3.3.5 Specialty Retail

Encouraging unique, specialty retail development in the Lake Erie Beach neighborhood is a challenge that could be met with some assistance from the Town of Evans. Public input participants and local specialists were excited and encouraged by the development of the Dunkirk Boardwalk Market in the City of Dunkirk, NY and requested further information regarding its development and level of success. The City of Dunkirk offers a similar unique waterfront location on Lake Erie and shares many of the same socioeconomic characteristics of the Town of Evans.

<sup>1</sup> Urban Land Institute. Dollars and Sense of Shopping Centers, 2007.

## Lake Erie Beach Neighborhood Revitalization Strategy

The Dunkirk Boardwalk market was developed over a two year period by the City of Dunkirk Development Department. Originally, the building was designed to function as an incubator for local entrepreneurs interested in retail development. The current mixture of uses includes a blend of restaurant and retail development. There are eight commercial spaces which are each approximately 300-500 square feet in size. The City works diligently to ensure an appropriate tenant mix and restricts the type of product sold strictly within its lease agreement to ensure proper tenant character<sup>2</sup>.

Rents are reasonable and are adjusted seasonally; for example, total rent might be reduced by as much as half in the winter. 2009 rates were reported to be approximately \$360/month in Summer and 180/month in Winter<sup>3</sup> There is currently a waiting list for tenants; future phases are reported to include the construction of a second facility with a total of 14-15 retail spaces. The City currently believes that a Local Development Corporation would be the ideal manager for the facility, but reports success with the current municipal management function.



Boardwalk Market - Dunkirk, NY

<sup>2</sup> Interview with Cory Alstrum from City of Dunkirk Development Office

<sup>3</sup> Ibid.

## 3.4 Primary & Secondary Market Trends

Future transformation of Lake Erie Beach must be initiated by the local market, then eventually gain momentum with the assistance of a regional Western New York market. The following section highlights local and regional demographic and socioeconomic characteristics of the Town of Evans, some surrounding neighbors for comparison, and Erie County as a whole.

### 3.4.1 Local Area Demographics – Population 2009

	Lake Erie Beach	Highland On the Lake	Angola on the Lake	Evans town	Erie County
2009 Population	2,753	3,413	4,139	17,111	921,497
2009 Households	1,068	1,217	1,693	6,626	375,368
2009 Average Household Size	2.58	2.8	2.42	2.57	2.37
Population Density per sq. mile	1,333	2,049	856	409	883
2000-2009 Pop: Annual Growth Rate	-0.6	0.2	-0.5	-0.3	-0.3
2014 Total Population	2,658	3,385	4,017	16,731	900,279
2009-2014 Pop: Annual Growth Rate	-0.7	-0.2	-0.6	-0.4	-0.5

Source: ESRI & peter j. smith & company, inc.

The statistical snapshot of present conditions in Lake Erie Beach show a smaller neighborhood that is experiencing general decline. In 2009, Lake Erie Beach had a population of 2,753 residents. As an older neighborhood, it features a density of more than 1,300 residents per square miles, more than 3 times the density of the Town of Evans as a whole and 450 more people per square mile than Erie County. Moving into the future, similar to many older neighborhoods, Lake Erie Beach is projected to lose 0.7% of its residents on an annual basis, or approximately 100 residents (3.6%) by 2014. This is the fastest rate of decline among any of the areas studied, including the Town of Evans and Erie County.

### 3.4.2 Local Area Demographics – Housing 2007

	Lake Erie Beach	Highland On the Lake	Angola on the Lake	Evans town	Erie County
Housing Units	1,285	1,278	2,004	7,601	424,727
Occupied	1,068	1,218	1,693	6,626	375,368
Owner Occupied	79.7%	83.3%	73.7%	78.4%	64.5%
Renter Occupied	20.3%	16.7%	26.3%	21.6%	35.5%
% Vacant	16.3%	4.9%	14.5%	12.8%	11.6%

Source: ESRI & peter j. smith & company, inc.

# Lake Erie Beach Neighborhood Revitalization Strategy

Housing information from 2007 indicates that Lake Erie Beach has an approximately four to one ratio of owner-occupied housing to rental units. This is fairly consistent with trends across the Town of Evans and exhibits a higher rate of owner-occupied housing than is found throughout Erie County on the whole. Alarming among the data is the high rate of vacancy (16.3%), which is approximately four times the level of vacancy in the Highland on the Lake neighborhood and almost 50% higher than the vacancy rate for Erie County. It can be inferred that a portion of this vacancy can be related to dilapidated conditions of some homes and limited growth in construction of dwelling units to draw new residents.

## 3.4.3 Local Area Demographics – Age 2009

	Lake Erie Beach	Highland On the Lake	Angola on the Lake	Evans town	Erie County
0-19	25.0%	27.0%	26.5%	25.3%	25.3%
20-39	25.8%	23.1%	22.0%	22.8%	24.2%
40-65	39.7%	41.6%	37.9%	40.0%	37.0%
65 and over	9.6%	8.2%	13.7%	12.0%	13.5%
Median Age	39.3	39.8	41.1	41.3	40.4
Source: ESRI & peter j. smith & company, inc.					

Of note, the Lake Erie Beach features a population that is statistically younger than that of other areas included in the demographic study. The median age of the neighborhood is just over 39 years, which the Town of Evans is more than 41 years old and Erie County has a median age of more than 40. The primary reason for this trend is the presence of a population between 20 and 39 years old that accounts for a greater percentage of the total population than any of the other areas. This age, early- to mid-adulthood, likely coincides with the affordable nature of housing in Lake Erie Beach.

## 3.4.4 Local Area Demographics – Income and Employment 2009

Income	Lake Erie Beach	Highland On the Lake	Angola on the Lake	Evans town	Erie County
Under 25K	21.2%	9.4%	18.2%	16.1%	23.8%
25k -50K	33.2%	16.7%	33.4%	26.9%	25.0%
50K-75K	27.0%	30.1%	20.1%	24.2%	21.2%
75K-100K	10.2%	27.2%	13.6%	16.7%	14.6%
100K +	8.5%	16.7%	14.6%	16.1%	15.3%
Median HH Income	\$45,843	\$68,395	\$47,603	\$57,524	\$51,150
Average HH Income	\$53,151	\$72,366	\$60,429	\$64,699	\$63,415
2009 Unemployment Rate	14.3	6.9	10.7	10	10.3
Source: ESRI & peter j. smith & company, inc.					

# Lake Erie Beach Neighborhood Revitalization Strategy

Lake Erie Beach experiences a high unemployment rate of more than 14%, almost 50% more than both the Town of Evans and Erie County, and more than double the unemployment found in Highland on the Lake. Similarly, the neighborhood also exhibits much lower household incomes, with a median household income of approximately \$45,000. These figures provide support for the perception of Lake Erie Beach as an economically challenged community with limited employment opportunities.

## 3.4.5 Local Area Demographics – Value of Owner Occupied Home 2009

	Lake Erie Beach	Highland On the Lake	Angola on the Lake	Evans town	Erie County
Under 50K	2.4%	6.1%	9.7%	7.1%	4.8%
50K-60K	7.5%	0.6%	2.7%	3.3%	2.0%
60K-70K	3.5%	1.7%	2.7%	2.4%	1.8%
70K-80K	8.9%	3.9%	4.9%	5.0%	3.0%
80K-90K	8.0%	4.3%	3.4%	4.2%	3.1%
90K-100K	9.6%	5.9%	3.1%	4.7%	4.3%
100K-125K	24.1%	21.5%	14.3%	14.9%	13.4%
125K-150K	21.6%	26.0%	20.8%	19.8%	18.2%
150K-175K	10.0%	18.1%	12.8%	14.5%	14.5%
175K-200K	2.0%	4.8%	10.4%	8.7%	10.8%
Over 200K	2.4%	6.8%	15.2%	15.4%	24.1%
Median Value	\$110,427	\$130,634	\$135,956	\$135,605	\$149,091
Average Value	\$113,936	\$133,548	\$148,565	\$147,954	\$171,714
Source: ESRI & peter j. smith & company, inc.					

Home values in Lake Erie Beach are reflective of other trends found throughout the neighborhood, a declining population, high unemployment and low household income. The median home value in the neighborhood is \$110,000, which is \$25,000 less than the Town of Evans on the whole and nearly \$40,000 below the median value across Erie County. However, these lower values are likely the result of a combination of poor housing conditions as well as smaller housing sizes than are typically found elsewhere.

## 3.5 Code & Enforcement Evaluation

### 3.5.1 Code Evaluation

This section examines various Chapters of the Town of Evans Code concerning development and upkeep of property in order to maintain or improve the character of neighborhoods. Each relevant chapter was examined for objective, scope of authority, contradictions and missing elements. This examination was conducted to determine whether sufficient regulations are in place and to determine if any changes are needed in order to implement a revitalization plan for the Lake Erie Beach neighborhood. An evaluation of each the relevant laws are presented by chapter followed by recommendations for addressing any deficiencies in the laws of the Town of Evans with regard to Lake Erie Beach.

#### **Chapter 74 – Unsafe Buildings**

The Unsafe Buildings Law provides a mechanism for people to report that an unsafe structure is present. The Building Inspector is responsible for inspecting the premise and filing a report of the condition of the subject structure. If the structure is deemed unsafe by the building inspector, he/she may then issue a notice to secure or remove the structure. The inspector may take action to have the structure secured or removed at the cost of the property owner.

In cases where a structure is determined unsafe, this law provides the means to have the situation corrected.

#### **Chapter 149 - Property Maintenance**

The Property Maintenance law in the Town of Evans regulates junk vehicles, garbage and refuse abandoned or stored on private property. The Law also regulated unsafe and deteriorating structures. Among the provisions in the law are the following:

- Junk vehicles shall not be stored unless in a structure or secured beneath a cover.
- Broken or missing glass must be repaired or replaced.
- Exterior of buildings must be free of buckled, sagging, broken, partially missing, rotted or decayed walls, doors, and windows.
- Stairs and porches shall be maintained in safe condition.
- Exteriors subject to rotting shall be treated with paint or other preservative.
- Buildings shall be maintained free of pests.
- Property shall be maintained to not allow for growth in excess of 10”.

# *Lake Erie Beach Neighborhood Revitalization Strategy*

The Code Enforcement officer is responsible for enforcing the Property Maintenance Law. The Law gives him/her the authority to issue a notice of violation. The CEO also has authority to file an accusatory instrument requiring the violator to appear in court and answer to the violation. Once a notice is served the landowner has to correct the violation within a given time period. If a violation is not corrected, the CEO may take action to re-mediate the violation and the cost of re-mediation plus a 25% surcharge is levied on the property. The violator may also be subject to a fine of up to \$250 for each week the violation goes uncorrected.

Violations of this law are clearly spelled out and authority is given to correct violations. There is enough regulation within this law to see that properties do not present a nuisance to surrounding properties.

## **Chapter 158 Rental or Unoccupied Premises**

The Rental or Unoccupied Premises Law is principally aimed at making sure that rental properties meet standards for the safety and welfare of the occupants. A permit is required for these properties, which allows the Building Inspector to evaluate these structures for adequate facilities and utilities and structural integrity. The Law helps protect against “slum lords”. The law also has provision against unsafe abandoned properties. This provision offers the same recourse against unsafe property as the Unsafe Buildings Law. The Rental or Unoccupied Premises Law specifically grants demolition as an option to remedy the problem. The cost of demolition would be levied upon the property. In the Unsafe Building Law, this option is only implied.

## **Chapter 175 – Streets and Sidewalks**

The Streets and Sidewalks Law provides minimum specification for the design and construction of streets and sidewalks before they can be dedication of the street can be accepted by the Town Board. While there is more detail in this law, many of the provisions are contained in the subdivision regulations. There is a conflict with the right-of-way width between the two documents. The subdivision regulations only require a fifty foot right-of-way while this law requires sixty feet. This law would only apply to new subdivisions within the study area. Many of the unimproved roads in the study area have already been dedicated to the Town who is now responsible for the road upgrades. If some portion of the study area is redeveloped by a developer, the new roads would be subject to the requirements of this law. Most of the provisions of this law are standard minimum specifications.

## **Chapter 178 – Subdivision of Land**

The Subdivision of Land Law provides a mechanism for lots to be divided into smaller lots. There are also regulations for infrastructure improvements necessary to serve the newly created lots. The Law contains the standard elements of most subdivision regulations.

# *Lake Erie Beach Neighborhood Revitalization Strategy*

The land within the study area has already been substantially subdivided. There are only a few lots in the study area large enough to undergo a major subdivision. A few properties may still be subdivided into a few lots, qualifying as a minor subdivision. The Subdivision regulations provide a simple process for minor subdivisions. The study area was subdivided prior to the creation of the present subdivision regulations. There are provisions in the current subdivision regulations that would require the installation of streets with an appropriate surface and sub-base. Some of the streets within the study area would not be allowed under the current subdivision regulations.

Missing from the subdivision regulations is a mechanism for combining lots. It is unclear how one would go about acquiring plots and surrounding right of ways for the purpose of redevelopment with a new subdivision layout.

## **Chapter 200 - Zoning**

The Zoning Ordinance divides the town into districts and regulates types of uses permitted, lot dimensions, minimum standards for structures and a variety of other standards aimed at maintaining a given character within each district. Districts are divided into five categories including agriculture, residential, commercial, community service, and industrial.

Agricultural districts are designed to protect farmland from development pressure. Minimum lot sizes in these districts range from 3 to 5 acres.

Residential districts are broken into six separate districts which vary in density and type of development. The R-1 and R-1L districts are intended for single family developments with an average density of 3.5 and 1.5 units per acre respectively. The R-2 District is intended of a mix of single and two-family dwellings with an average density of 4 units per acre. The MFR-3 District allows a mix of attached and detached dwelling units at an average density of 8 units per acre. The MFR-4 District is intended for medium density multifamily developments with an average density of 14 units per acre. The district also regulates the distance between buildings of the same development. The MHD Districts provides areas for mobile home developments. There are provisions that apply to all residential districts. One of these regulations restricts the parking of boats, campers, and recreational vehicles in any residential district unless completely housed with a structure. This regulation seems excessive and is unenforced. Many Lake Erie Beach residents are in violation of this regulation.

There are three commercial districts. The Neighborhood Commercial (NB) District is intended for small scale commercial developments to meet the needs of the surrounding neighborhood without adversely affecting the character of the area. The General Commercial (CG) District allows for larger scale commercial developments. The Motor Vehicle Service (MS) District expands the General Commercial district to permit auto related commercial establishments such as vehicle sales, auto parts sales, and auto repair shops.

# *Lake Erie Beach Neighborhood Revitalization Strategy*

There are two industrial districts with varying intensity. The Community Facilities districts are created for public and recreational facilities. There are also regulations that apply to all districts. The regulations deal mainly with parking requirements and sign control.

The entire study area is zoned R-2, which allows a mix of single and two family dwellings. The minimum lot size is 10,000 square feet for single-family dwellings and 15,000 square feet for two-family dwellings. There is a 30 foot front and rear yard setback and a minimum lot frontage of 80 feet, 90 feet for corner lots. Minimum side yard setback is 5 feet. Maximum lot coverage of buildings within the R-2 District is 35%. Minimum floor area is also regulated. For a one story structure, the minimum floor area is 1,100 square feet per dwelling unit. For two story structures, the minimum floor area is 1,400 square feet per unit. The minimum floor area regulation precludes the construction of small dwellings that may be desirable to potential new Lake Erie Beach residents.

Zoning districts surrounding the study area include R-1 on the west side; R-1L on the north and east side; and Agriculture Open Space (AOS) on the south side. There is also a Neighborhood commercial located on the west side of Lake Shore Road. Rezoning will be necessary to invite additional commercial activity and residential development near the study area.

# Lake Erie Beach Neighborhood Revitalization Strategy

## 3.6 Public Input

The purpose of the public input program for the Neighborhood Revitalization Strategy is to build support and understanding for the plan and to incorporate the visions of the community's stakeholders in the strategy and its development process.

For the Lake Erie Beach Revitalization Strategy, a public input program was designed to ensure residents and stakeholders were given ample opportunity to participate in the planning process. The following elements were incorporated:

- Focus Groups – Three focus groups were conducted as part of the planning process. Focus Groups are facilitated discussions on a few questions with stakeholders and experts identified in particular topic areas.
- Interactive Public Workshops – The interactive public workshops are designed to allow the public to give their individual input as well as to collaborate with other residents and participants.
- Stakeholder Interviews – A series of Stakeholder interviews is conducted throughout the plan development process as a means to identify and extract particular information, insight and expertise from the community.

### 3.6.1 Focus Groups

Three Focus Group sessions were held as part of the planning process on April 6, 2010. The Focus Groups are facilitated discussions on a limited number of questions. Focus Group participants are selected for invitation to the discussions because they are recognized as experts in their fields either by vocation or avocation.

Lake Erie Beach Focus Group participants were asked about the character of Lake Erie Beach, what the community's focus over the next 20 years should be and the opportunities and challenges currently facing the neighborhood. Discussion topics and participants were identified with the support of the Revitalization Strategy Steering Committee. The Focus Group input is used along with the other sources of public input to assist in the identification of matters of special concern among the residents and members of special interest groups and those with special areas of expertise within the neighborhood and Town of Evans.

The opinions and views expressed during these and other public input sessions help to lay the basis of the goals and objectives for the strategy, which express the vision of the future for Lake Erie Beach. These sessions also help alert the consultant and Committee to issues of special concern about which they may not have been aware.

# *Lake Erie Beach Neighborhood Revitalization Strategy*

The Focus Group sessions are designed to spark thoughtful conversations among participants and between participants and the facilitating consultant. The object is to create an atmosphere where participants felt comfortable enough to air their views and opinions with confidence. The questions for discussion were provided to the participants in printed form at the beginning of the session. The facilitator reviewed each question, gave participants a few minutes to jot down some thoughts and responses and then went around the room ensuring everyone had an opportunity to weigh in on each question. This format was generally followed for all the questions. The following focus groups were conducted:

- Real Estate and Developers
- Neighborhood and Advocacy
- Business & Commercial Base

## **3.6.1.1 Real Estate & Developers Focus Group**

There were seven participants in the Real Estate and Developers Focus Group held April 6, 2010. Participants were first asked to express what make Lake Erie Beach unique and to describe the character of the neighborhood by completing the sentence “Lake Erie Beach is...” Participants characterized the neighborhood as a family oriented community that has transformed from a seasonal neighborhood to more year-round residents, however still containing a mix of each. The group noted the poor condition the housing, but also that rehabilitation of older homes has been an increasing trend and that the neighborhood is unique due to its affordability, while also being close to a major amenity such as the Lake Erie. In discussing the challenges faced by the neighborhood, several major themes emerged from the group. Overwhelmingly agreed upon by the group was the perception that inordinately burdensome taxes are a major issue constraining development in the neighborhood. High assessments, even upon vacant lots, have given the impression that the Town of Evans is not development friendly. Small lot sizes are also seen as a constraint, especially given the Town code which does not permit the development of homes smaller than 1,100 square feet without a variance. The neighborhood is also challenged with a lack of local amenities such as retail shopping, which forces residents to travel north to Hamburg or south to Dunkirk for basic goods. Also the condition of the housing, along with many absentee landlords is degrading the appeal of the neighborhood.

Participants were then asked to identify improvements to the public realm (roads, community facilities, trails, infrastructure, etc.) that would best further local real estate and development. Road improvements was the first item identified, as the many unimproved roads often present a major hurdle for prospective buyers applying for a mortgage on an unimproved road. Lighting needs to be improved, along with the development of sidewalks and paths to improve pedestrian and bicycle friendliness. Participants also requested that access to the water be enhanced.

# Lake Erie Beach Neighborhood Revitalization Strategy

Among the significant future real estate and development opportunities in the neighborhood include restaurant and commercial development. It was suggested that commercial development could be highly successful in the neighborhood if supported by marketing. Planned Unit Development was also supported at the focus group as a means to diversify the local housing opportunities. Finally, the group suggested that the neighborhood needs to build upon existing amenities and attractions with the development of local accommodations such as a bed and breakfast.

Finally, the participants were asked to prioritize their top three things that the strategy should focus upon. One participant offered that the neighborhood needs to be “staged,” with improved curb appeal, meaning that land and open space needs to be cleaned, housing improved and local thoroughfares should have gateway amenities with the Lake Erie Beach brand to give a “Welcoming Appeal.” Others suggested that the Town of Evans needs to be on board, offering local development incentives, removing regulatory constraints and enforcing building codes. Finally, access needs to be improved with trails and paths connecting to the Lake.

## 3.6.1.2 Neighborhood & Advocacy Focus Group

There were 13 participants in the Neighborhood and Advocacy Focus Group held April 6, 2010. Participants were first asked to express what make Lake Erie Beach unique and to describe the character of the neighborhood by completing the sentence “Lake Erie Beach is...” The group described the neighborhood as in transition to a place with more year-round residents and a high concentration of lower socioeconomic levels. Residents expressed their pride in the neighborhood’s lakefront living and the uniqueness of having an abundance of waterfront access when compared to the rest of the New York State Lake Erie shoreline, citing that approximately 10% of all water access to Lake Erie between Buffalo and Erie, PA is in the Town of Evans. The natural features of the neighborhood are also seen as important factors for the local quality of life.

Participants discussed the many challenges facing the Lake Erie Beach neighborhood. They expressed that the neighborhood has experienced significant disinvestment as homes have fallen into disrepair, with ownership that is not willing to rehabilitate. There was also the feeling that the Town is not involved enough in strengthening the neighborhood, establishing high taxes and assessments, providing a lack of infrastructure such as sidewalks, lighting and improved roads. The unimproved infrastructure and small parcel sizes make it difficult for new development to occur. Environmental factors were also cited as major concerns. Flooding is prevalent throughout the neighborhood, especially along Muddy Creek and Eisenhower Avenue. The area business base is limited, restricting local job opportunities as well as resources for residents to shop or obtain services. Finally, a general apathy among residents was cited as reasoning for a lack of community pride that would lead to maintenance and investment in the neighborhood.

## *Lake Erie Beach Neighborhood Revitalization Strategy*

Improving the “curb appeal” of Lake Erie Beach was the focus of discussion around how elements of the public realm should be enhanced. While, not necessarily public, properties in plain sight and prime locations need to be cleaned up. Suggestions were made to offer more public parking and access to the beach. Non-motorized access needs to be enhanced through the development of new sidewalks, bicycle paths, street lighting and handicap facilities. Participants also felt that the Town needs to take action to address drainage issues plaguing local residences. Additional suggestions were made to enhance community and recreation facilities, such as a community center featuring basketball, tennis and/or youth activities.

The group felt extremely strongly that continued residential development should be focused upon the redevelopment of existing homes along with the construction of new single family homes. It was expressed that the “cottage atmosphere” holds the most appeal for Lake Erie Beach and that new development should stay consistent with that character. It was also stated that Muddy Creek presents significant structural and health issues to the homes within its floodplain and that these residences should be removed.

The focus group was lastly asked to prioritize the top three things that the Strategy could do to improve local housing and quality of life. Among the prominent themes expressed was to strengthen the Town enforcement of housing codes, forcing rehabilitation, removing clutter from lots and regulating illegal activities such as recreational fires. The result should be a system that incentivizes neighborhood improvements of the status quo. These Town efforts could be complemented by the establishment of a housing court as well as a more “grass roots” approach through the development of a beautification committee to organize community cleanups and garbage collection. The group also cited several infrastructure upgrades that the Strategy should recommend, such as new sidewalks, park enhancements, road improvements and bicycle paths. The group discussed a desire to have a multi-modal system where residents can safely travel between their home and the beach-front without the use of an automobile. Several participants also expressed a need to improve the marketing of Lake Erie Beach. Suggestions were made for the development of a visitors’ center, or more simply marketing brochures to educate visitors to the local amenities in the neighborhood and surrounding areas. One participant summed up his thoughts stating that the goal should be “to enhance and project a safe, friendly home environment where people want to live, visit and talk proudly about.”

# *Lake Erie Beach Neighborhood Revitalization Strategy*

## **3.6.1.3 Business & Commercial Base Focus Group**

There were six participants in the Business and Commercial Base Focus Group held April 6, 2010. Participants were first asked to express what make Lake Erie Beach unique and to describe the character of the neighborhood by completing the sentence “Lake Erie Beach is...” The overwhelming sentiment was that the neighborhood is a “great summer place” with access to the water, a resort feel and great potential for the future. The size of the neighborhood contributes to a close-knit atmosphere where everyone knows everyone. However this “small town” character also contributes to the feeling that the community is often not willing to allow change and growth to happen.

The Town of Evans was referenced by participants as prohibitive to business growth with a process that is not streamlined, forcing applicants to “jump through hoops” to obtain loans and funding. Zoning laws are too residential and should allow for more business development. These circumstances make it too difficult for business to bring new opportunities into Evans. Participants also cited a lack of parking and pedestrian amenities as an obstacle that limits the number of customers that are willing to spend in the Lake Erie Beach neighborhood. Finally, each participant felt strongly that visitor accommodations such as a hotel need to be established in Lake Erie Beach, providing greater numbers and diversity to the customer base.

Of the public realm, sidewalks and parking were the most significant improvements that are needed to improve business conditions in the area. Presently, it is not safe to walk along Old Lake Shore road, but people do so constantly throughout the summer months and “someone gets killed every year.” A trail or sidewalks need to be constructed along its length through the neighborhood to increase safety and accommodate more pedestrians. Questions were raised as to why the planned Town of Evans bike path was not being constructed first in the Lake Erie Beach portion of the Town where the greatest population density exists.

Hotel accommodations and restaurants were the number most important businesses that participants felt needed to be developed in Lake Erie Beach. Coupled with more specialized retail and “souvenir shops,” the neighborhood could increase its visitor draw from throughout the Western New York region. One participant strongly advocated for the development of “business clusters” so that they could support one another. One cluster would be from Lake Street to the Town Park, the next from Lakeside to the Grandview Golf Course and the third would be from the Lake Erie Beach fire hall to Muddy Creek.

# Lake Erie Beach Neighborhood Revitalization Strategy

Finally, participants were asked to prioritize the most important initiatives that the revitalization strategy should be targeting. It was felt that the Town should be more business friendly, removing red tape, zoning constraints and making it easier to obtain loan funding. The area should also identify ways to attract a larger customer base, such as through the development of accommodations and condominiums. One business owner offered that bringing in 100 additional people per week and extending the summer season would be a tremendous boon to his bottom line. Finally, the group reiterated the value of pedestrian infrastructure improvements, coupled with great access to the Lake Erie beach-front.

## 3.6.3 Public Forums

### 3.6.3.1 Issues & Opportunities Forum

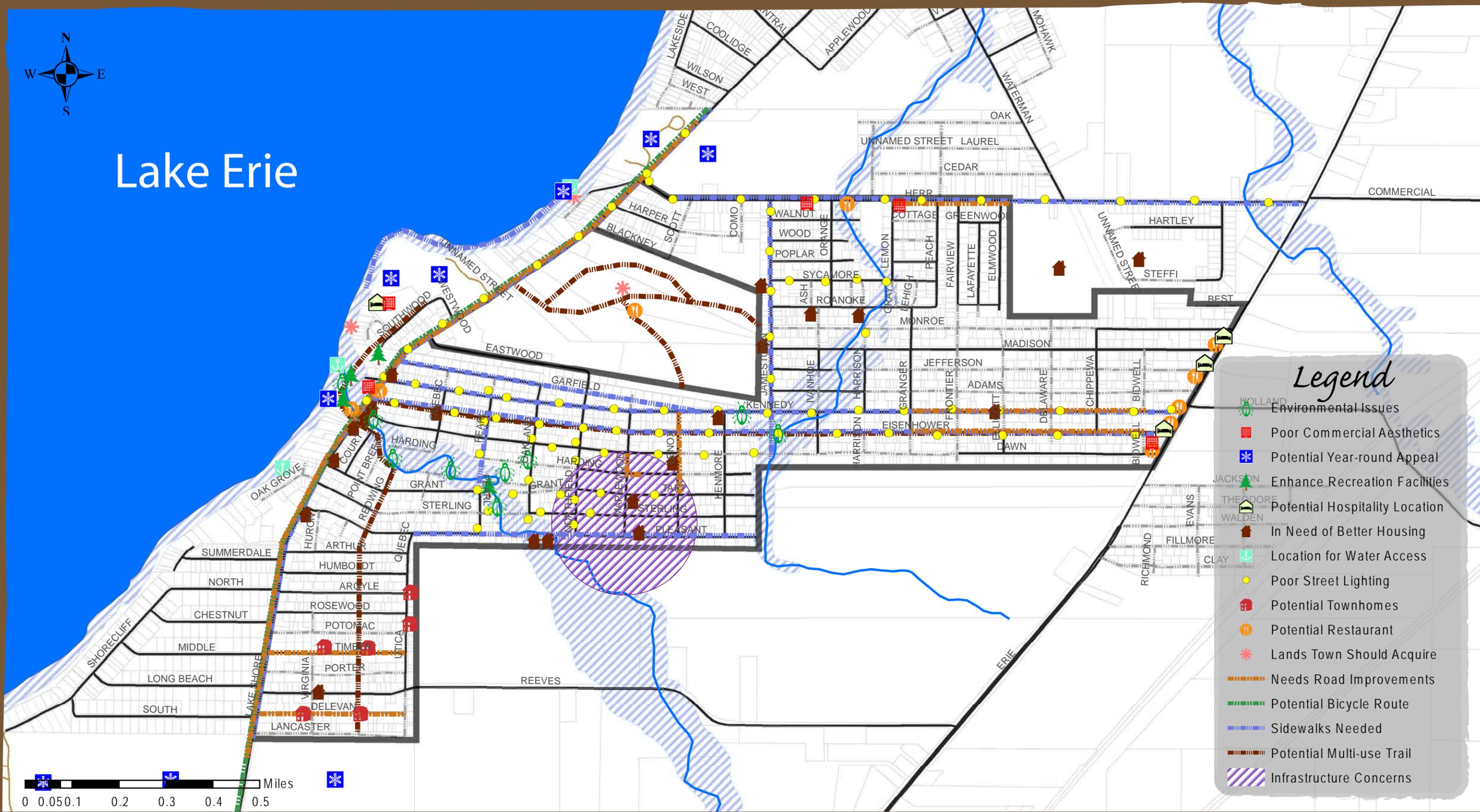
The first public workshop was held April 8 at the Anthony J. Schmidt Elementary School. The workshop featured background information about the Strategy and planning process as well as an interactive portion. The interactive portion of the program encouraged both individual input as well as group consensus building. The purpose of the meetings was to educate the public about the plan and the importance of the Plan and to identify issues that should be addressed through the planning process. By using both individual and group input techniques, the workshop sought to encourage collaboration and cooperation in problem identification and solutions.

Participants were given workbooks and seated at tables in groups. Each table had a large map of the town. The workbooks asked for individual feedback in the issue areas of housing and land use, circulation, economy and recreation and community services. Each section asked the participant to individually rate each of four or five statements identifying the level to which they strongly agreed, agreed, neither agreed nor disagreed, disagreed or strongly disagreed with the statement. Then, working as a group and using the maps, participants identify areas where issues are prevalent – for example, where sidewalks are needed, areas for open space preservation, etc. At the end of the session, groups of participants identify the top three issues from among all of the items identified and discussed over the course of the evening and present these findings to the assembled group.

The tabulated outcome of these workshops as well as the opinions and views expressed during these and other public input sessions help to lay the basis of the goals and objectives for the plan which express the vision of the future for the Lake Erie Beach neighborhood. These sessions also help alert the consulting team to issues of special concern about which they may not have been aware. **Figure 3-2** on the following page is a synthesis map of all the maps that were created by the groups during the session.



# Lake Erie



## Legend

- Environmental Issues
- Poor Commercial Aesthetics
- Potential Year-round Appeal
- Enhance Recreation Facilities
- Potential Hospitality Location
- In Need of Better Housing
- Location for Water Access
- Poor Street Lighting
- Potential Townhomes
- Potential Restaurant
- Lands Town Should Acquire
- Needs Road Improvements
- Potential Bicycle Route
- Sidewalks Needed
- Potential Multi-use Trail
- Infrastructure Concerns



2010

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# Lake Erie Beach

NEIGHBORHOOD REVITALIZATION STRATEGY

Figure 3-2  
Public Input Map



# Lake Erie Beach Neighborhood Revitalization Strategy

## 3.6.1.1 Housing & Land Use

Workshop participants were generally in consensus in regards to the housing and land use issues in Lake Erie Beach. Ninety percent agreed that the overall aesthetic of development in the neighborhood needs to be improved. Environmental factors are a major concern as nearly all participants (96.7%) agreed or strongly agreed (76.7%) that environmental factors cause significant problems for local housing. Not one participant disagreed with that notion. Disagreement, however, was evident in the types of new housing should be developed in Lake Erie Beach. One half of those who attended the workshop felt that the neighborhood needs to diversify the types of housing development that occur, however nearly as many, 46.7%, disagreed or strongly disagreed (26.7%) with more diversity in housing type. This indicates that there is strong desire to maintain the existing character of Lake Erie Beach and its built environment. The following table displays the tabulated results of the workbook survey:

Housing & Land Use	Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
The overall aesthetic quality of residential and commercial development in Lake Erie Beach should be better.	76.7%	13.3%	0.0%	10.0%	0.0%
Environmental factors (such as flooding, erosion, wetlands, etc.) cause significant problems for Lake Erie Beach housing.	76.7%	20.0%	3.3%	0.0%	0.0%
Mixed-use developments with both commercial and residential components should be encouraged in Lake Erie Beach.	30.0%	23.3%	23.3%	10.0%	13.3%
Lake Erie Beach needs to develop more diverse housing styles including single-family homes, apartments, townhomes and condominiums.	30.0%	20.0%	3.3%	20.0%	26.7%
Source: peter j. smith & company, inc.					

Roadway conditions and safety are major concerns for Lake Erie Beach residents. More than 86% of participants felt that road conditions in the neighborhood were a concern and 83.3% expressed that pedestrian safety is an. Strong agreement was expressed for the development of pedestrian and bicycle amenities such as official bicycle lanes, sidewalks and improved street lighting. Finally, nearly 80% of participants agreed that there needs to be more sufficient access to the waterfront in the neighborhood. The results of the participants' evaluation of the local circulation and access system are shown on the next page:

# Lake Erie Beach Neighborhood Revitalization Strategy

Circulation & Access	Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
I am concerned with the roadway conditions in the neighborhood.	65.5%	20.7%	3.4%	10.3%	0.0%
Pedestrian safety is an issue in Lake Erie Beach and there is a need for more sidewalks in the neighborhood.	70.0%	13.3%	0.0%	10.0%	6.7%
There is a need for official bicycle lanes on Lake Erie Beach Roadways.	66.7%	16.7%	3.3%	0.0%	13.3%
Ample street lighting is lacking in the neighborhood.	46.7%	26.7%	16.7%	3.3%	6.7%
Sufficient waterfront access is lacking in the neighborhood.	70.0%	6.7%	13.3%	10.0%	0.0%

Source: peter j. smith & company, inc.

It was evident throughout the workshop that participants were very encouraging for new economic growth in the Lake Erie Beach neighborhood, but many differed according to how the area should grow its commercial core. More than 62% of participants felt that retail and restaurant establishments need to grow in Lake Erie Beach. Similarly, 55.1% felt that there was the opportunity for accommodations, such as a bed and breakfast, to be developed and nearly 60% expressed that the neighborhood has potential to serve as a year-round attraction. There was not nearly as much support for commercial office development. Almost 40% of participants disagreed or strongly disagreed (29.6%) that there should be new commercial office development, in addition to 22.2% who expressed no opinion on the issue at all. The following chart outlines the results of the participants evaluation of priorities for local economic development:

Economy	Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
Lake Erie Beach needs to foster the development of new commercial retail and restaurant businesses.	34.5%	27.6%	17.2%	6.9%	13.8%
Lake Erie Beach has potential as a tourism destination that has potential year-round appeal.	20.7%	37.9%	17.2%	10.3%	13.8%
Lake Erie Beach needs to foster development of its local hospitality industry, such as a hotel, motel or bed and breakfast.	31.0%	24.1%	24.1%	10.3%	10.3%
Lake Erie Beach needs to identify land that could be redeveloped for commercial development such as offices.	29.6%	11.1%	22.2%	7.4%	29.6%

Source: peter j. smith & company, inc.

# Lake Erie Beach Neighborhood Revitalization Strategy

Finally, participants were asked to weigh in on the community services and recreational opportunities offered in the Lake Erie Beach neighborhood. The most controversial of the issues was the discussion of whether the Town is doing a good job of keeping up with current and future infrastructure needs in the neighborhood. While 34.4% felt that the Town was doing a good job, 43.8% disagreed, expressing that the Town was not adequately keeping up with infrastructure needs. Well more than half of the participants felt that the neighborhood would benefit from the further development of recreational amenities. Sixty four percent felt that a comprehensive trail system is needed for recreation and commuting and more than 70% felt that the Town of Evans should acquire land for future parks, open space and community facilities. Finally, there was 100% agreement that the Town of Evans should preserve, develop and enhance its natural assets such as beaches, creeks and forests for public enjoyment and recreation. The following table includes the full evaluation results of participants at the workshop:

Recreation & Community Services	Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
The Town of Evans is doing a good job of keeping up with current and future needs for infrastructure, including gas, electric, cable, storm water and sanitary sewer.	24.1%	10.3%	20.7%	13.8%	31.0%
A comprehensive trail system for recreational and transportation purposes is needed in the neighborhood.	51.7%	10.3%	13.8%	10.3%	13.8%
The Town should acquire land now for future parks, open space, and community facilities.	53.6%	17.9%	7.1%	10.7%	10.7%
The Town of Evans should preserve, develop and enhance its natural assets such as beaches, creeks and forests for public enjoyment and recreation.	82.1%	17.9%	0.0%	0.0%	0.0%

Source: peter j. smith & company, inc.

Participants in the workshop were then organized into small groups and given a large map of the neighborhood to spatially define their major concerns. Coinciding with each of the statements given in the evaluations above, each group was asked to identify major categorical areas of concern on the map as well as the major opportunities that the neighborhood holds.

# *Lake Erie Beach Neighborhood Revitalization Strategy*

Among the major themes expressed on the maps were transportation infrastructure concerns and opportunities for improvement. Locations identified as in need of road improvements were all of Old Lake Shore Road, Timber and Delevan Avenues in the southern areas of the neighborhood, Lenox Street, parts of Herr Road as well as the eastern portions of Kenney and Eisenhower Avenues. Kennedy and Eisenhower were also identified as priorities for sidewalk installation, as well as Garfield Avenue, Pleasant Avenue and Jamestown Street which could serve as a north-south pedestrian connector. The length of Old Lake Shore Road was also suggested for sidewalk development to improve pedestrian safety and connectivity. Bicycle routes and trails were suggested for varying locations throughout the neighborhood, including along Old Lake Shore Road and Eisenhower Avenue. An additional trail was also suggested to run generally north-south along the Red Wing Street right of way, which is a largely undeveloped roadway.

Improved street lighting is identified as a major need throughout the residential neighborhood, with specific emphasis placed along the major through-roads of Kennedy and Eisenhower. The intersection of Kennedy with Old Lake Shore as well as with Route 5 has been identified as locations with opportunities for new commercial development. Similarly, growth in the hospitality industry is also identified as a potential in each of these general areas. Finally, the groups collectively identified environmental concerns throughout the neighborhood. Primarily, flooding was cited as the major issue, with occurrences concentrating around the Muddy Creek and Fern Brook floodplains.

### **3.6.3.1 Strategies Forum**

A second public workshop was held on May 20, 2010 at the Lake Erie Beach Volunteer Fire Hall. The purpose of this meeting was to allow the public to consider and evaluate the draft vision, goals and objectives of the Revitalization Strategy, as well as preliminary recommendations. Thirty-nine Lake Erie Beach and Town of Evans residents were in attendance to view a presentation given by consultant peter j. smith & company, inc. and offer feedback on the current progress of the Strategy.

The Meeting began with a brief description of the purpose and structure of the Revitalization Strategy and continued with a summary of previous public input activities as well as the inventory section of the plan. The consultant presented the Vision that was developed for Lake Erie Beach, along with 8 accompanying goals; one for each of the major categorical areas included in the study: Housing, Circulation, Infrastructure and Utilities, Recreation, Waterfront and Access, Land Use, Tourism and Business Development. Finally, the participants were presented the Opportunities Plan which represents the future potentials for development and projects proposed for Lake Erie Beach. Photo-simulations were shown to visually express the major elements of the Opportunities Plan

Participants were then given the opportunity to ask questions and participate in public discussion of the plan, as well as fill out a comment sheet which was subsequently submitted to the Lake Erie Beach Neighborhood Revitalization Strategy Task Force. The general discussion centered around the following topics:

# Lake Erie Beach Neighborhood Revitalization Strategy

- Concern over current roadway upgrade projects
- Impact of improvements upon taxes and how improvements would be funded
- Overwhelming support for trail development
- Concern over use of eminent domain to obtain private property
- Clarification of Opportunities Plan concepts

Participants, as well as those who notified the Task Force as interested in the workshop but were unable to attend were given comment sheets to express their opinions, ideas and concerns. Following are comments which were submitted via the comment sheet:

- Emphasis should be placed on infrastructure
- Complete sewer trunks
- Sidewalks or paved shoulders along the length of Eisenhower, Kennedy and Old Lake Shore for pedestrian and bicycle traffic
- #1 need is hike & bike trail parallel to Old Lake Shore Road
- Upgrade Herr Road and possibly other major access roads to support 40+ MPH, similar to Lake Street
- Beech Rd. access to beach from Herr Road Extension washes out because drainage is inadequate and not maintained
- Seasonal residents are at a disadvantage with participation because of project timeline.
- Not aware of any public access in Camp Pioneer
- Glad to see changes finally coming
- Examine Promise Community Grant, which provides \$400,000 to \$500,000 in funding for a 1 year planning grant.
- Does the Town have a grant writer?
- As far as the Plan so far – I love it!
- Get out of the “old” thought of being a resort area!!!
- More Police Patrols.
- Roads – sidewalks – close open ditches.
- Better houses.
- More lighting.

# Lake Erie Beach Neighborhood Revitalization Strategy

- We would like to see sidewalks on at least one side of Old Lake Shore Road – very unsafe conditions for people walking to the beach and park.
- More speed limit signs should be posted on Old Lake Shore Road as well as Eisenhower and Kennedy.
- Police need to monitor “speedsters” and fined accordingly! Especially on Old Lake Shore Road.
- Backyards behind our property look like “JUNK YARDS.” Should have laws enforced to clean up their properties. All three houses around us are a disgrace to our community!
- Great concept and one that has been successfully employed in several WNY revitalization plans.
- Get the sidewalks and the roads fixed and they will come.
- The residential area needs code enforcement – Big Time!
- Please get code enforcement to take down orange construction fencing at corner of Old Lake Shore and Kennedy – has been there for 4 years!
- Can the abandoned liquor store at Old Lake Shore and Eisenhower be reclaimed from Lake Erie Beach Fire? That property and the one across the street and the former hardware store are the key properties for renewal.
- I have resided here 37 years and would live no where else in this world.
- More development equals more traffic, noise, litter, pollution and congestion. I moved here to get away from “more.”
- Lake Erie Beach is an ideal retreat from stress of labor and earning a living.
- The development of a multi-modal trail system along one side of Muddy Creek must take into account the failed sewage systems of housing.
- Existing occupied homes should be required to “pump up” their sewage to the existing collection system. – Right of ways may be required for this.
- A 50’ natural buffer of vegetation should be preserved along all watercourses within the Town.
- Trails should allow for all-season use so that snowmobiling and skiing are allowed. – This will encourage winter visitors to the area.
- Any new subdivision of land should only be allowed with the longest dimension of all lots running east-west to allow for future FREE energy capture on the building roofs.
- New subdivisions of land should not be allowed in or adjacent of any NYSDEC wetland.

# Lake Erie Beach Neighborhood Revitalization Strategy

- It is impossible to have new sewers, water service, police and fire protection and roads/streets at no cost to local gov't. Are the taxpayers able to pay this bill?
- Tax incentive to improve existing housing would be more reasonable.
- Evans needs trail along Old Lakeshore Road, affordable restaurant and affordable entertainment, for example, to serve as attractions to residents.
- Trails in flood prone areas should be crushed gravel and stone construction
- Conversion of at least one building to a bed and breakfast with a coffee shop on first floor should be encouraged near Lake Erie Beach Park.
- Where drainage ditches are enclosed in smooth piping, with limited drop-inlets, the existing surface above them must have a mowable swale that drains to the inlets.
- The expansion of parking at Lake Erie Beach Park by reacquiring the "sold parcel" appears reasonable and needed. The installation of an auto boat launch site would promote greater use of the park.
- Restrooms must be open during park "open hours." The park must be monitored during its "open hours," perhaps by adjacent business owners.
- Unlivable housing must be improved or removed promptly (no more than 3 years) to encourage the investment in upgrading adjacent housing. The Town must be prepared to remove derelict former housing. The un-housed lot splitting between adjacent owners should be encouraged.

All comments discussed during the workshop as well as those received on the public meeting comment sheet were considered and many were incorporated into the final Neighborhood Revitalization Strategy. This report will serve as a record of public participation, including comments that do not necessarily fall under the scope of the project, yet are still important for consideration by the Town in future planning.

### 3.6.3.2 Final Presentation Forum

The third and final public workshop was held on Wednesday, July 28, 2010 at the Lake Erie Beach Volunteer Fire Hall. At this meeting, the consultants presented the final recommendations and draft document of the Revitalization Strategy, giving residents the opportunity to make final comments on the Strategy. The consultant also outlined implementation initiatives for the plan, along with some responsibilities and timelines for the key recommendations.

At the final presentation, the Consultant and Town of Evans also took the opportunity to offer residents the opportunity to express their interest in becoming involved with new initiatives recommended by the plan. Interested residents were asked to indicate to the Town that they would like to receive more information about becoming involved in the community. Resident involvement will be an extremely important piece for the realization of the vision of the Lake Erie Beach Neighborhood Revitalization Strategy.

# Lake Erie Beach Neighborhood Revitalization Strategy

Finally, the consultants also presented some of the initial successes that draft versions of the plan have already achieved, including a \$300,000 home rehabilitation grant that will be split between Lake Erie Beach and one other Western New York neighborhood, as well as more than \$400,000 in road improvement funds which were reallocated within the neighborhood according to the Transportation and Infrastructure Plan.

As with the previous Strategies Public Forum, participants were once again given the opportunity to ask questions and participate in public discussion of the plan, as well as fill out a comment sheet which was subsequently submitted to the Lake Erie Beach Neighborhood Revitalization Strategy Task Force. The general discussion centered on the following topics:

- Questions regarding the recommended improvements to Dawn Ave.
- Support for trail development
- Concern that the strategy recommends a higher density of development
- Concern regarding code enforcement

Participants, were again given comment sheets to express their opinions, ideas and concerns. Following are comments which were submitted via the comment sheet:

- How about a steel pier with shops, restaurants, fishing and walking
- How about approaching Evans bank for placing an office in Point Breeze
- Increase police presence to discourage groups of teens from hanging out in the area around the beach and keep the area user-friendly for families
- Code enforcement is still non-existent
- Court St. dwellings have one new roof and one new porch built after hours without permits in the last 2 days. Code enforcement gives quality of life
- Bicycle paths that go by substandard houses with junk cars, boats and RVs are a waste of money
- Fines implemented to ensure action of property owner
- Need to help families improve their homes – to bring them up to snuff
- Recommendation – in order to put up a new build home – you should have to remove an old cottage or decrepit home
- Get local businesses involved
- Improve the existing assets that are already here
- Not sure squeezing tiny houses in tight places is the answer – that sounds wrong
- Some very interesting ideas

# Lake Erie Beach Neighborhood Revitalization Strategy

- Infrastructure including drainage and sidewalks are vital
- We need bike path built as soon as possible
- An Evans Bank branch (or some other bank) at the current Pat's Pizza/Just Pizza site would be a great addition – bank branches attract other businesses
- Please consider maintaining town ownership of Redwing – kids often use this R.O.W. as a bicycle path – otherwise kids would have to use Old Lake Shore Road which is unsafe due to the hill
- Road improvements are prioritized – why aren't all recommendations?
- Town has existing low interest revolving loan program
- Previously, during discussions of a larger marina at Point Breeze Camp, there was a proposal to widen Herr Road to accommodate larger boats/trailers. Since Dawn is targeted for improvements – perhaps plans should be made to allow large boats/trailers on Dawn.
- The conditions around AJ Schmidt is wetlands
- Since Dawn is being paved, why not make Dawn the Multi-modal road? Why go to the expense on Kennedy and Eisenhower?
- Need to get Park Entrance out of Stroh's
- Business Incubator Bldg: Point Breeze is a seasonal Retail Area – Dunkirk is a city – lots of people. Businesses would have 3 months at best to make ago of biz

As with the previous forums, all comments discussed during the workshop as well as those received on the public meeting comment sheet were considered and many were incorporated into the final Neighborhood Revitalization Strategy. This report will serve as a record of public participation, including comments that do not necessarily fall under the scope of the project, yet are still important for consideration by the Town in future planning.



PETER J. SMITH & COMPANY, INC.

## APPENDIX D LOCAL REGULATIONS

### Chapter 113 FLOOD DAMAGE PREVENTION

- |  |  |
|--|--|
| § 113-1. Findings.   | § 113-13. Permit application.                              |
| § 113-2. Purpose.  | § 113-14. Powers and duties of local administrator.        |
| § 113-3. Objectives.   | § 113-15. General standards.                               |
| § 113-4. Word usage and definitions.                           | § 113-16. Standards for all structures.                    |
| § 113-5. Applicability.  | § 113-17. Residential structures.                          |
| § 113-6. Basis for establishing areas of special flood hazard. | § 113-18. Nonresidential structures.                       |
| § 113-7. Interpretation and conflict with other laws.          | § 113-19. Manufactured homes and recreational vehicles.    |
| § 113-8. Severability.   | § 113-20. Appeals board.                                   |
| § 113-9. Penalties for offenses.                               | § 113-21. Conditions for variances.                        |
| § 113-10. Warning and disclaimer of liability.                 | Attachment A Model Floodplain Development Application Form |
| § 113-11. Designation of local administrator.                  | Attachment B Sample Certificate of Compliance              |
| § 113-12. Floodplain development permit; fees and costs.       |  |

[HISTORY: Adopted by the Town Board of the Town of Evans 1-16-2002 by L.L. No. 2-2002. (This local law superseded former Ch. 113, Flood Damage Prevention, adopted 5-18-1994 by L.L. No. 4-1994, as amended.) Amendments noted where applicable.]

#### GENERAL REFERENCES

- |  |   |
|--|---|
| Building construction — See Ch. 70.        | Subdivision of land — See Ch. 178.              |
| Environmental quality review — See Ch. 98. | Topssoil and drainage protection — See Ch. 186. |
| Marinas — See Ch. 132.                     | Zoning — See Ch. 200.                           |
| Streams and watercourses — See Ch. 172.    |   |

#### § 113-1. Findings.

The Town Board of the Town of Evans finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Town of Evans and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this chapter is adopted.

**Chapter 113**  
**FLOOD DAMAGE PREVENTION**

- |  |  |
|--|--|
| § 113-1. Findings.   | § 113-13. Permit application.                              |
| § 113-2. Purpose.  | § 113-14. Powers and duties of local administrator.        |
| § 113-3. Objectives.   | § 113-15. General standards.                               |
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| § 113-7. Interpretation and conflict with other laws.          | § 113-19. Manufactured homes and recreational vehicles.    |
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**§ 113-1. Findings.**

The Town Board of the Town of Evans finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Town of Evans and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this chapter is adopted.

**§ 113-2. Purpose.**

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- C. Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwaters.
- D. Control filling, grading, dredging and other development which may increase erosion or flood damages.
- E. Regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.
- F. Qualify for and maintain participation in the National Flood Insurance Program.

**§ 113-3. Objectives.**

The objectives of this chapter are to:

- A. Protect human life and health.
- B. Minimize expenditure of public money for costly flood-control projects.
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- D. Minimize prolonged business interruptions.
- E. Minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines, streets and bridges, located in areas of special flood hazard.
- F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood-blight areas.
- G. Provide that developers are notified that property is in an area of special flood hazard.
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

**§ 113-4. Word usage and definitions.**

- A. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meanings they have in common usage and to give this chapter its most reasonable application.
- B. As used in this chapter, the following terms shall have the meanings indicated:

**APPEAL** — A request for a review of the local administrator's interpretation of any provision of this chapter or a request for a variance.

**AREA OF SHALLOW FLOODING** — A designated AO, AH or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one-percent-or-greater annual chance of flooding to an average annual depth of one to three feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**AREA OF SPECIAL FLOOD HAZARD** — The land in the floodplain within a community subject to a one-percent-or-greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, A99, V, VO, VE or V1-V30. It is also commonly referred to as the "base floodplain" or "100-year floodplain."

**BASE FLOOD** — The flood having a one-percent chance of being equaled or exceeded in any given year.

**BASEMENT** — That portion of a building having its floor subgrade (below ground level) on all sides.

**BUILDING** — See "structure."

**CELLAR** — See "basement."

**CRAWL SPACE** — An enclosed area beneath the lowest elevated floor, 18 inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.

**DEVELOPMENT** — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

**ELEVATED BUILDING:**

- (1) A nonbasement building:
  - (a) Built, in the case of a building in Zone A1-A30, AE, A, A99, AO, AH, B, C, X or D, to have the top of the elevated floor or, in the case of a building in Zone V1-V30, VE or V, to have the bottom of the lowest horizontal structure member of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers) or shear walls parallel to the flow of the water; and
  - (b) Adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood.
- (2) In the case of Zone A1-A30, AE, A, A99, AO, AH, B, C, X or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters.

- (3) In the case of Zone V1-V30, VE or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is complete before the effective date of the floodplain management regulations adopted by the community.

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** — The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

**FEDERAL EMERGENCY MANAGEMENT AGENCY** — The federal agency that administers the National Flood Insurance Program.

**FLOOD BOUNDARY AND FLOODWAY MAP (FBFM)** — An official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The FBFM delineates a regulatory floodway along watercourses studied in detail in the Flood Insurance Study.

**FLOOD ELEVATION STUDY** — An examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations or an examination, evaluation and determination of flood-related erosion hazards.

**FLOOD HAZARD BOUNDARY MAP (FHBM)** — An official map of a community issued by the Federal Emergency Management Agency where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.

**FLOOD INSURANCE RATE MAP (FIRM)** — An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY** — See "flood elevation study."

**FLOOD or FLOODING:**

- (1) A general and temporary condition of partial or complete inundation of normally dry land areas from:
  - (a) The overflow of inland or tidal waters.
  - (b) The unusual and rapid accumulation or runoff of surface waters from any source.
- (2) "Flood" or "flooding" also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water accompanied by a severe storm

or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in Subsection (1)(a) above.

**FLOODPLAIN or FLOOD-PRONE AREA** — Any land area susceptible to being inundated by water from any source. (See “flooding.”)

**FLOODPROOFING** — Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOODWAY** — See “regulatory floodway.”

**FUNCTIONALLY DEPENDENT USE** — A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding and ship repair facilities. The term does not include long-term storage, manufacturing, sales or service facilities.

**HIGHEST ADJACENT GRADE** — The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

**HISTORIC STRUCTURE** — Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (a) By an approved state program as determined by the Secretary of the Interior; or
  - (b) Directly by the Secretary of the Interior in states without approved programs.

**LOCAL ADMINISTRATOR** — The person appointed by the community to administer and implement this chapter by granting or denying development permits in accordance with its provisions. This person is often the Code Enforcement Officer, Building Inspector or employee of an engineering department.

**LOWEST FLOOR** — The lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building’s “lowest floor,” provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter.

**MANUFACTURED HOME** — A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a recreational vehicle.

**MANUFACTURED HOME PARK OR SUBDIVISION** — A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**MEAN SEA LEVEL** — For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**MOBILE HOME** — See "manufactured home."

**NATIONAL GEODETIC VERTICAL DATUM (NGVD)** — As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

**NEW CONSTRUCTION** — Structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by the community, and includes any subsequent improvements to such structure.

**NEW MANUFACTURED HOME PARK OR SUBDIVISION** — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

**ONE-HUNDRED-YEAR FLOOD or 100-YEAR FLOOD** — See "base flood."

**PRINCIPALLY ABOVE GROUND** — At least 51% of the actual cash value of the structure, excluding land value, is above ground.

**RECREATIONAL VEHICLE** — A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

**REGULATORY FLOODWAY** — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in § 113-14B.

**REPETITIVE LOSS** — Flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such

flood event, on the average, equals or exceeds 25% of the market value of the structure before the damaged occurred.

**START OF CONSTRUCTION** — Includes substantial improvement and means the initiation, excluding planning and design, of any phase of a project or physical alteration of the property and shall include land preparation, such as clearing, grading and filling; installation of streets and/or walkways; excavation for a basement, footings, piers or foundations; or the erection of temporary forms. It also includes the placement and/or installation on the property of accessory buildings (garages or sheds), storage trailers and building materials. For manufactured homes, the “actual start” means affixing of the manufactured home to its permanent site.

**STRUCTURE** — A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

**SUBSTANTIAL DAMAGE** — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT** — Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. The term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of an historic structure, provided that the alteration will not preclude the structure’s continued designation as an historic structure.

**VARIANCE** — A grant of relief from the requirements of this chapter which permits construction or use in a manner that would otherwise be prohibited by this chapter.

#### **§ 113-5. Applicability.**

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the Town of Evans, Erie County, New York.

#### **§ 113-6. Basis for establishing areas of special flood hazard.**

A. The areas of special flood hazard for the Town of Evans, community number 360716, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- (1) Flood Insurance Rate Map (multiple panels) Index No. 3602400001-0019, whose effective date is February 2, 2002.

(2) A scientific and engineering report entitled "Flood Insurance Study, Town of Evans, New York, Erie County" dated February 2, 2001.

B. The above documents are hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and/or maps are on file at the Building Inspector's office.

**§ 113-7. Interpretation and conflict with other laws.**

A. This chapter includes all revisions to the National Flood Insurance Program through November 1, 1989, and shall supersede all previous laws adopted for the purpose of flood damage prevention.

B. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety and welfare. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or that imposing the highest standards shall govern.

**§ 113-8. Severability.**

The invalidity of any section or provision of this chapter shall not invalidate any other section or provision thereof.

**§ 113-9. Penalties for offenses.**

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted or altered and no land shall be excavated or filled without full compliance with the terms of this chapter and any other applicable regulations. Any infraction of the provisions of this chapter by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Town of Evans from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this chapter for which the developer and/or owner has not applied for and received an approved variance under §§ 113-20 and 113-21 will be declared noncompliant and notification sent to the Federal Emergency Management Agency.

**§ 113-10. Warning and disclaimer of liability.**

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create

liability on the part of the Town of Evans, any officer or employee thereof or the Federal Emergency Management Agency for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

**§ 113-11. Designation of local administrator.**

The Building Inspector is hereby appointed local administrator to administer and implement this chapter by granting or denying floodplain development permits in accordance with its provisions.

**§ 113-12. Floodplain development permit; fees and costs.**

- A. Purpose. A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and ensuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in § 113-6, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the local administrator and may include but not be limited to plans, in duplicate, drawn to scale and showing the nature, location, dimensions and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing.
- B. Fees. All applications for a floodplain development permit shall be accompanied by an application fee as set by the Town Board. In addition, the applicant shall be responsible for reimbursing the Town of Evans for any additional costs necessary for review, inspection and approval of this project. The local administrator may require a deposit of not more than \$500 to cover these additional costs.

**§ 113-13. Permit application.**

The applicant shall provide the following information as appropriate; additional information may be required on the permit application form:

- A. The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in Zone A1-A30, AE or AH or Zone A if base flood elevation data is available. Upon completion of the lowest floor, the permittee shall submit to the local administrator the as-built elevation, certified by a licensed professional engineer or surveyor.
- B. The proposed elevation, in relation to mean sea level, to which any new or substantially improved nonresidential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall submit to the local administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.
- C. A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in § 113-16C, Utilities.

- D. A certificate from a licensed professional engineer or architect that any nonresidential floodproofed structure will meet the floodproofing criteria in § 113-18, Nonresidential structures (except coastal high-hazard areas).
- E. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in § 113-6, when notified by the local administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.
- F. A technical analysis, by a licensed professional engineer, if required by the local administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.
- G. In Zone A, when no base flood elevation data is available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or five acres.

#### **§ 113-14. Powers and duties of local administrator.**

Duties of the local administrator shall include but not be limited to the following:

- A. Permit application review. The local administrator shall conduct the following permit application review before issuing a floodplain development permit. The local administrator shall:
  - (1) Review all applications for completeness, particularly with the requirements of § 113-13, Application for a permit, and for compliance with the provisions and standards of this chapter.
  - (2) Review subdivision and other proposed new development, including manufactured home parks, to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of §§ 113-15 through 113-19 and, in particular, § 113-15A, Subdivision proposals.
  - (3) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The local administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination. If the proposed development may result in physical damage to any other property or fails to meet the requirements of §§ 113-15 through 113-19, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and resubmit the application.

- (4) Determine that all necessary permits have been received from those governmental agencies from which approval is required by state or federal law.
- B. Use of other flood data.
- (1) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate Map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the local administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, including data developed pursuant to § 113-13G, as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this chapter.
  - (2) When base flood elevation data is not available, the local administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard for the purposes of this chapter.
- C. Alteration of watercourses. The local administrator shall:
- (1) Notify adjacent communities and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse and submit evidence of such notification to the Regional Director, Region II, Federal Emergency Management Agency.
  - (2) Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- D. Construction stage.
- (1) The local administrator shall, in Zones A1-A30, AE and AH and also Zone A, if base flood elevation data is available, upon placement of the lowest floor or completion of floodproofing of a new or substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or floodproofed elevation in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by the same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).
  - (2) Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The local administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop-work order for the project unless immediately corrected.
- E. Inspections. The local administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if

requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.

F. Stop-work orders.

- (1) The local administrator shall issue or cause to be issued a stop-work order for any floodplain development found ongoing without a development permit. Disregard of a stop-work order shall subject the violator to the penalties described in § 113-9 of this chapter.
- (2) The local administrator shall issue or cause to be issued a stop-work order for any floodplain development found noncompliant with the provisions of this chapter and/or the conditions of the development permit. Disregard of a stop-work order shall subject the violator to the penalties described in § 113-9 of this chapter.

G. Certificate of compliance.

- (1) In areas of special flood hazard, as determined by documents enumerated in § 113-6, it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the local administrator stating that the building or land conforms to the requirements of this chapter.
- (2) A certificate of compliance shall be issued by the local administrator upon satisfactory completion of all development in areas of special flood hazard.
- (3) Issuance of the certificate shall be based upon the inspections conducted as prescribed in Subsection E, Inspections, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.

H. Information to be retained. The local administrator shall retain and make available for inspection copies of the following:

- (1) Floodplain development permits and certificates of compliance.
- (2) Certificates of as-built lowest floor elevations of structures, required pursuant to Subsection D(1) and (2), and whether or not the structures contain a basement.
- (3) Floodproofing certificates required pursuant to Subsection D(1) and whether or not the structures contain a basement.
- (4) Variances issued pursuant to §§ 113-20 and 113-21.
- (5) Notices required under Subsection C, Alteration of watercourses.

**§ 113-15. General standards.**

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in § 113-6:

- A. Subdivision proposals. The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):
- (1) Proposals shall be consistent with the need to minimize flood damage.
  - (2) Public utilities and facilities, such as sewer, gas, electrical and water systems, shall be located and constructed so as to minimize flood damage.
  - (3) Adequate drainage shall be provided to reduce exposure to flood damage.
- B. Encroachments.
- (1) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:
    - (a) The applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location; or
    - (b) The Town of Evans agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Evans for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Evans for all costs related to the final map revision.
  - (2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in § 113-6, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:
    - (a) A technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during the occurrence of the base flood; or
    - (b) The Town of Evans agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Evans for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Evans for all costs related to the final map revisions.

**§ 113-16. Standards for all structures.**

- A. Anchoring. New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse or lateral movement during the base flood. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

## B. Construction materials and methods.

- (1) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
- (2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
- (3) Enclosed areas.
  - (a) For enclosed areas below the lowest floor of a structure within Zone A1-A30, AE or AH and also Zone A, if base flood elevation data is available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:
    - [1] A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided; and
    - [2] The bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade.
  - (b) Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters. Enclosed areas subgrade on all sides are considered basements and are not permitted.

## C. Utilities.

- (1) Machinery and equipment servicing a building must either be elevated to or above the base flood level or designed to prevent water from entering or accumulating within the components during a flood. This includes heating, ventilating and air-conditioning equipment, hot-water heaters, appliances, elevator lift machinery and electrical junction and circuit breaker boxes. When located below the base flood elevation, a professional engineer's or architect's certification of the design is required.
- (2) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall.
- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

**§ 113-17. Residential structures.**

The following standards, in addition to the standards in § 113-15A, Subdivision proposals, and § 113-15B, Encroachments, and § 113-16, Standards for all structures, apply to structures located in areas of special flood hazard as indicated:

- A. Within Zones A1-A30, AE and AH and also Zone A, if base flood elevation data is available, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above the base flood level.
- B. Within Zone A, when no base flood elevation data is available, new and substantially improved structures shall have the lowest floor (including basement) elevated at least three feet above the highest adjacent grade.
- C. Within Zone AO, new and substantially improved structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in § 113-6 (at least two feet if no depth number is specified).
- D. Within Zones AH and AO, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.

**§ 113-18. Nonresidential structures.**

The following standards apply to new and substantially improved commercial, industrial and other nonresidential structures, in addition to the requirements in § 113-15A, Subdivision proposals, and § 113-15B, Encroachments, and § 113-16, Standards for all structures.

- A. Within Zones A1-A30, AE and AH and also Zone A, if base flood elevation data is available, new construction and substantial improvements of any nonresidential structure, together with attendant utility and sanitary facilities, shall either:
  - (1) Have the lowest floor, including basement or cellar, elevated to or above the base flood elevation; or
  - (2) Be floodproofed so that the structure is watertight below the base flood level with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- B. Within Zone AO, new construction and substantial improvements of nonresidential structures shall:
  - (1) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); or
  - (2) Together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in Subsection A(2).
- C. If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications and plans for construction. A

floodproofing certificate or other certification shall be provided to the local administrator that certifies that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Subsection A(2), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.

- D. Within Zones AH and AO, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.
- E. Within Zone A, when no base flood elevation data is available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

**§ 113-19. Manufactured homes and recreational vehicles.**

The following standards, in addition to the standards in § 113-15, General standards, and § 113-16, Standards for all structures, apply, as indicated, in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard.

A. Recreational vehicles.

- (1) Recreational vehicles placed on sites within Zones A1-A30, AE and AH shall either:
  - (a) Be on site fewer than 180 consecutive days;
  - (b) Be fully licensed and ready for highway use; or
  - (c) Meet the requirements for manufactured homes in Subsections B, D and E.
- (2) A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect-type utilities and security devices and has no permanently attached additions.

B. A manufactured home that is placed or substantially improved in Zones A1-A30, AE and AH that is on a site either outside of an existing manufactured home park or subdivision as herein defined, in a new manufactured home park or subdivision as herein defined, in an expansion to an existing manufactured home park or subdivision as herein defined or in an existing manufactured home park or subdivision as herein defined on which a manufactured home has incurred substantial damage as the result of a flood shall be elevated on a permanent foundation such that the lowest floor is elevated to or above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Elevation on piers consisting of dry stacked blocks is prohibited. Methods of anchoring may include but are not limited to use of over-the-top or frame ties to ground anchors.

C. A manufactured home to be placed or substantially improved in Zones A1-A30, AE and AH in an existing manufactured home park or subdivision that is not to be placed on a site on which a manufactured home has incurred substantial damage shall be:

- (1) Elevated in a manner such as required in Subsection B; or
- (2) Elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36

inches in height above the lowest adjacent grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Elevation on piers consisting of dry stacked blocks is prohibited.

- D. Within Zone A, when no base flood elevation data is available, new and substantially improved manufactured homes shall be elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above the lowest adjacent grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Elevation on piers consisting of dry stacked blocks is prohibited.
- E. Within Zone AO, the floor shall be elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map enumerated in § 113-6 (at least two feet if no depth number is specified). Elevation on piers consisting of dry stacked blocks is prohibited.

**§ 113-20. Appeals board.**

- A. The Zoning Board established by the Town Board shall hear and decide appeals and requests for variances from the requirements of this chapter.
- B. The Zoning Board shall hear and decide appeals when it is alleged that there is an error in any requirement, decision or determination made by the local administrator in the enforcement or administration of this chapter.
- C. Those aggrieved by the decision of the Zoning Board may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- D. In passing upon such applications, the Zoning Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter and:
  - (1) The danger that materials may be swept onto other lands to the injury of others.
  - (2) The danger to life and property due to flooding or erosion damage.
  - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
  - (4) The importance of the services provided by the proposed facility to the community.
  - (5) The necessity to the facility of a waterfront location, where applicable.
  - (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
  - (7) The compatibility of the proposed use with existing and anticipated development.
  - (8) The relationship of the proposed use to the Comprehensive Plan and floodplain management program of that area.
  - (9) The safety of access to the property in times of flood for ordinary and emergency vehicles.

- (10) The costs to local governments and the dangers associated with conducting search-and-rescue operations during periods of flooding.
  - (11) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
  - (12) The costs of providing governmental services during and after flood conditions, including search-and-rescue operations and maintenance and repair of public utilities and facilities, such as sewer, gas, electrical and water systems and streets and bridges.
- E. Upon consideration of the factors of Subsection D and the purposes of this chapter, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter.
- F. The local administrator shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency upon request.

**§ 113-21. Conditions for variances.**

- A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of ½ acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that the items in § 113-20D(1) through (12) have been fully considered. As the lot size increases beyond the ½ acre, the technical justification required for issuing the variance increases.
- B. Variances may be issued for the repair or rehabilitation of historic structures upon determination that:
- (1) The proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure.
  - (2) The variance is the minimum necessary to preserve the historic character and design of the structure.
- C. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that:
- (1) The criteria of Subsections A, D, E and F of this section are met.
  - (2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.
- D. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- E. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- F. Variances shall only be issued upon receiving written justification of:
- (1) A showing of good and sufficient cause;

- (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
- (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense; create nuisances; cause fraud on or victimization of the public; or conflict with existing local laws or ordinances.

G. Written notice.

- (1) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that:
  - (a) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
  - (b) Such construction below the base flood level increases risks to life and to property.
- (2) Such notification shall be maintained with a record of all variance actions and provided to the Federal Emergency Management Agency and to the NYSDEC upon request.



# TOWN OF EVANS

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FRANCIS J. PORDUM, SUPERVISOR  
Telephone: (716) 549-5787

JONICA B. DiMARTINO, TOWN CLERK  
Telephone: (716) 549-8787

## COUNCILMEN

KEITH E. DASH  
PAUL T. COOPER

Supervisor Pordum moved and Councilman Cooper seconded,

WHEREAS, in conformance with the policies and recommendations of the Town of Evans Local Waterfront Revitalization Program, the Town wishes to rezone 3 parcels, and

WHEREAS, the following properties have been considered for rezoning:

- a .25± acre parcel, known as Purvis Landing site, located on the lake side of Lake Shore Road, between Albeeville and Hickory Roads, Angola, NY 14006, from Residential Two-Family (R-2) to Recreational Facility (RF);
- a 2.86± acre parcel known as the Joel Harvey Fishing Access site, located at 6409 Lake Shore Road, Derby, NY SBL# 193.00-1-7.1, from Multi-Family Residential (MFR-3) to Recreational Facility (RF);
- an 8.80± acre parcel owned by Erie County Sewer District #2, located at 6413 Lake Shore Road, Derby, NY SBL# 193.00-1-9, from Multi-Family Residential (MFR-3) to Public Facility (PF), and

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the Environmental Conservation Law, SEQR (State Environmental Quality Review), the Evans Town Board as SEQR Lead Agency, determined that the action is an unlisted action and completed Short Environmental Assessment Forms, and

WHEREAS, the Evans Town Board held a Public Hearing on December 14, 2011 to receive input from the public and has taken a look at the potential social, economic and environmental impacts of this proposed action, and

WHEREAS, the Evans Town Board, in accordance with the State Environmental Quality Review Act (SEQRA) has determined that the said rezonings will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public and is consistent with social and economic considerations.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans, in accordance with Part 617 of the SEQR regulations hereby determines that the rezoning of the above-said properties is not anticipated to result in any significant adverse environmental impacts and, therefore, issues a negative declaration for this action. Based upon this determination of non-significance, no further review under SEQR is required. (Addendum B SEQRA Short Environmental Assessment Form)

AND BE IT FURTHER RESOLVED, that the Evans Town Board authorizes the Town Planning Director to conduct all necessary filings pursuant to the SEQR requirements for Unlisted Actions and that a copy of this resolution be provided to the Planning Office.

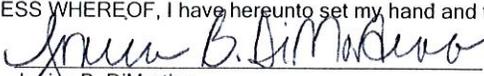
VOTE RESULT: ADOPTED  
AYES- Dash, Cooper, Pordum  
NAYS- none

STATE OF NEW YORK  
COUNTY OF ERIE  
TOWN OF EVANS

I, Jonica B. DiMartino, Town Clerk of the Town of Evans, County of Erie, New York, DO HEREBY CERTIFY, that I have compared the foregoing with the original resolution adopted by the Town Board of the Town of Evans at a meeting of said Board held on the 14<sup>th</sup> day of December, 2011, and the foregoing is a true and correct transcript of said original resolution and of the whole thereof, and that said original resolution is on file in my office.

I DO FURTHER CERTIFY that each of the members of said Town Board had due notice of said meeting, and that Francis J. Pordum- Supervisor & Paul T. Cooper- Councilman, Keith Dash- Councilman were present at such meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Evans, this 19<sup>th</sup> day of December, 2011.

  
\_\_\_\_\_  
Jonica B. DiMartino  
Town Clerk

# APPENDIX E EXCERPTS / RECOMMENDATIONS FROM THE ERIE COUNTY PARKS MASTER PLAN



## 3.0 WATERFRONT PARKS

### 3.1 BENNETT PARK

#### DESCRIPTION

Bennett Beach is a special place along the eastern shoreline of Lake Erie, having one of the last remaining natural sand beaches and dunes. This unique lakefront park is approximately 50 acres in size and is located in the Town of Evans. Old Lakeshore Road splits the park into two halves, with the western half as “beach-related” open space and the remainder as an undeveloped natural wooded area. The park is also bisected from the northwest to the southeast by Big Sister Creek, which is an attractive fishing spot. A pedestrian bridge provides access from an existing parking area over to the beach. In general, the park is very flat, except for the large sand dunes and an 8’ high berm north of the bridge along the Creek.

Limited facilities exist at Bennett Beach, including a comfort station located at the parking area. The former Bennett Mansion was removed from the park a few years ago. Also, on the beach are old concrete foundation remains, approximately 30’ long, which act as a break wall against erosion (however, it may inhibit natural dune processes). The old Angola Water Treatment Facility sits abandoned just to the south of the Bennett Beach property.

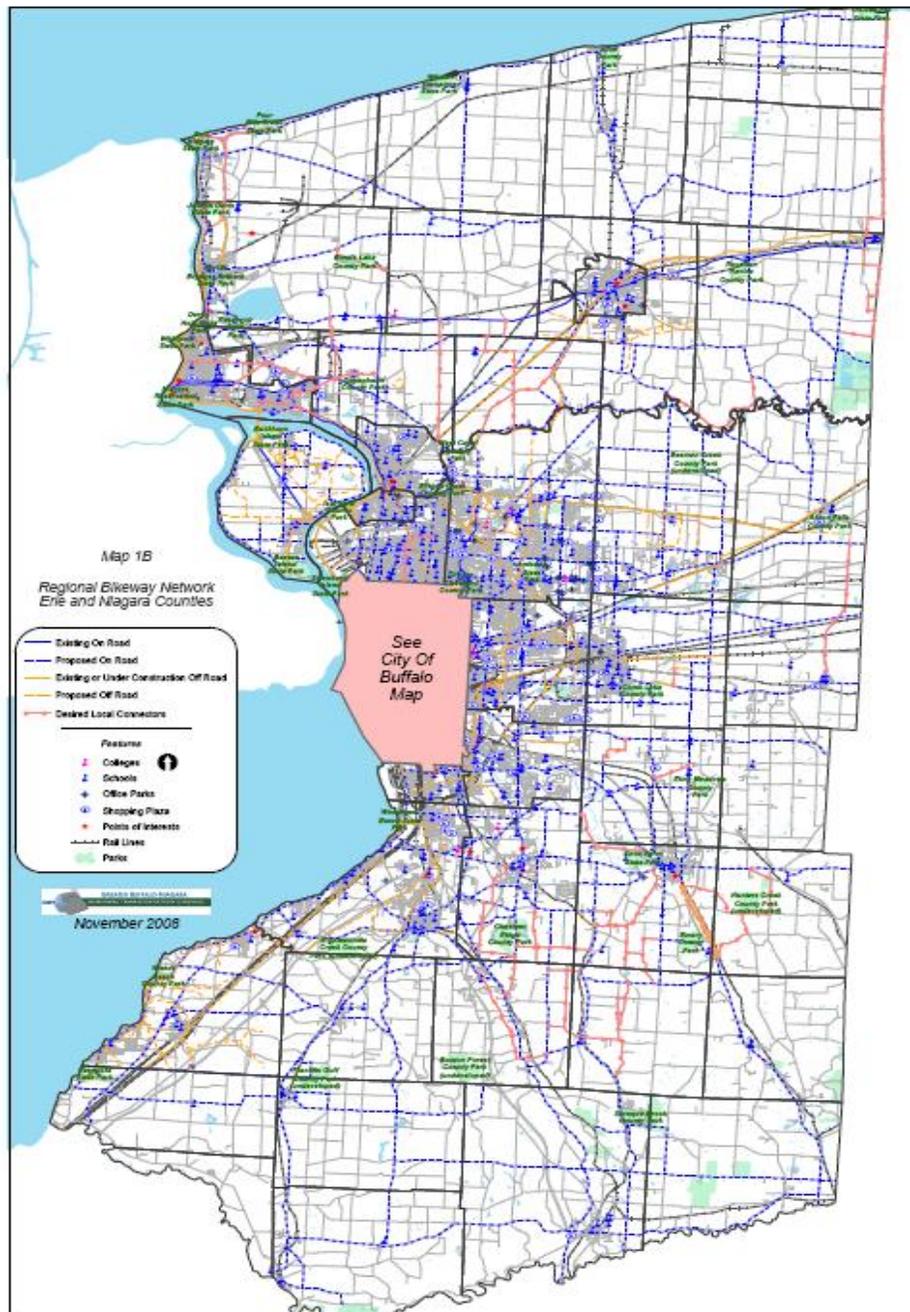
#### PARK AND AREA HISTORY

Bennett Beach sits on the site of the old Bennett Estate. The property was originally acquired by the City of Buffalo, and more recently was acquired by Erie County. While most beaches along the eastern Lake Erie shoreline have either been destroyed, altered or are under private ownership, Bennett Beach is one of the very few publicly held waterfront parks in this part of the County. Bennett Beach still retains some of the historic landscape features that once were so common along the Lakeshore, including a natural sand beach and impressive sand dunes. In addition, there are back-dune wetlands remaining and the natural dynamics of Big Sister Creek’s outlet into the Lake.

#### EXISTING PARK FEATURES AND FACILITIES

- Restroom structure
- Pedestrian bridge
- Picnic area
- Natural sand beach and dunes
- Fishing access

# APPENDIX E EXCERPTS / RECOMMENDATIONS FROM THE ERIE COUNTY PARKS MASTER PLAN AND THE 2008 BICYCLE AND PEDESTRIAN MASTER PLAN GOALS AND OBJECTIVES



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## 2.0 REGIONAL WATERFRONT TRAIL SYSTEM

In contrast to the shorter trail loops between county parks and population centers described in Volume 3, the Regional Waterfront Trail System (RWTS) totals over 88 miles of pathways along Erie County's waterfronts. The RWTS in aggregate will create a facility that is clearly a regional asset connecting various points of county-wide significance. The purpose of this section is to provide the framework to facilitate the planning, funding, design and construction of a completed facility. Please refer to the RWTS Map Figure 5.2 for orientation relevant to this text.

The Erie County Regional Waterfront Trail system will be a continuous network of pathways connecting parks, waterfront areas, businesses and neighborhoods. The completed facility will provide for safe, identifiable and maintainable means of alternative transportation while providing recreational opportunities and improved access to the County's extensive waterfront. The Erie County Trail network is both a backbone for waterfront connectivity and the embodiment of a principle. The principle is the belief that open space and waterfront areas are public assets and that generous, green, easily accessible space at the water's edge is a necessary part of any waterfront development. This study reinforces the vision that someday the recreational trails will pass through all waterfront activity centers throughout the County. What has been successfully accomplished with the built Riverwalk along the County's northern waterfront must continue along the southern waterfront to complete the vision. A completed facility will provide pedestrians, bicyclists, joggers, skaters, strollers, skiers and others with an opportunity for improved quality of life, which will make for a better Erie County. To that end, this system is being coordinated with the Greater Buffalo-Niagara Regional Transportation Council (GBNRTC) and its member agencies.

A completed Trail system would also advance the vision of making this network a state owned and operated facility. Being one of New York State's great waterfronts, worthy of a first-class amenity, the RWTS would allow for the completion of a continuous Trail System

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from Fort Niagara on Lake Ontario to Evangola State Park in southern Erie County.

The impacts of a completed waterfront trail facility will be far reaching and justify the capital expense necessary for implementation of the RWTS. When completed, the facility will provide the following specific benefits to the residents of the County as well as the tourists who visit the area:

1. *Increased public access to the waterfront.*
2. *Unprecedented linkage of local attractions, most of which are currently seen as disconnected and isolated from each other and from adjacent land-uses.*
3. *Increased economic development by increasing traffic, and therefore the commercial potential of the waterfront. The RWTS is a low-tech, relatively inexpensive way to expand the use and profitability of the County and its waterfront.*
4. *Reduced traffic congestion by allowing and encouraging safe bicycle and pedestrian travel between neighborhoods, the waterfront and various attractions.*
5. *Increased recreational opportunities and green space for the region's residents, for whom the RWTS will be a symbol of their inclusion in waterfront life.*
6. *Increased integration of the County's recreational opportunities including the City's magnificent Olmsted Parks which will be linked to the waterfront and to each other through the greenway network.*
7. *Increased educational opportunities through elements such as the Industrial Heritage Trail on the Buffalo River, historic markers along the RWTS, linkage to the proposed Cobblestone Historic District in downtown Buffalo and through the impact of simply bringing the public to areas with such a rich and varied history.*
8. *Enhanced quality of life and health to the Great Lakes human and wildlife communities as waterfront access leads to public concern for the areas significant natural resources.*

- 
9. *The RWTS could also function in many places as a buffer, protecting the County's waterways from structures that might otherwise be placed right at the water's edge.*

## **2.1 DESCRIPTION AND STATUS:**

The entire Trail System will be comprised of a network of individual trail segments that are at various stages of development ranging from early conceptual planning to built and in-use. The following text will serve to describe each segment and its current status. The format places emphasis on the primary waterfront alignment beginning at the Erie Canal to the north and moving south along the Niagara River, the Inner Harbor and then Lake Erie. Each segment of this facility's "backbone" is identified with numbers 1 - 16. Letters are used to identify the significant connecting linkages from adjacent communities to the primary trail, again, beginning in the north and moving south. These linkages include:

- A. *The Ellicott Creek Trail in the Town of Amherst*
- B. *Two-Mile Creek Trail in the Town of Tonawanda*
- C. *The Sherwood Greenway in the Town of Tonawanda*
- D. *The Beaver Island Bike Path in the Town of Grand Island*
- E. *The West River Trail in the Town of Grand Island*
- F. *The Scajaquada Pathway in the City of Buffalo*
- G. *The Industrial Heritage Trail in the City of Buffalo*
- H. *The Buffalo River Greenway in the City of Buffalo*
- I. *The Lake Road Trail in the Town of Evans*

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## 2.2 PRIMARY WATERFRONT RECREATION TRAIL SEGMENTS

Again, we refer to exhibit Figure 5.2 for a coordinated orientation with the following text.

### I. **AMHERST CANALWAY TRAIL:** CONSTRUCTED / IN USE

This segment, approximately 5.7 miles in length, is situated along the south edge of Tonawanda Creek and the Erie Canal in the Town of Amherst. Built in two phases, one in 1980 and the other in 1984, the trail begins at the Amherst Museum at New Road and currently ends at Sweet Home Road. It consists of both off-road and limited on-road segments. The Town of Amherst maintains the trail. Please note the NY State Canal Corporation will be constructing an off-road trail from the Amherst Museum northward along the Erie Canal all the way to the City of Lockport and beyond.

The key linkages of this segment include:

- THE FUTURE CANAL TRAIL TO LOCKPORT
- AMHERST VETERANS CANAL PARK
- AMHERST NATURE VIEW PARK

### 2. **ERIE CANALWAY TRAIL (PHASE 3):** PROPOSED / NOT FUNDED

Approximately 2.0 miles long, this segment is situated along the south side of Tonawanda Creek between Sweet Home Road and Niagara Falls Boulevard. Designed in concept only, this is the last remaining segment of the north end of the RWTS. It is anticipated that the Town of Amherst will maintain the trail once completed.

The key potential linkage of this segment includes:

- ROUTE 62, NIAGARA FALLS BOULEVARD

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### **3. ERIE CANALWAY TRAIL (PHASE 2): PROPOSED AND FUNDED**

This segment situated between Niagara Falls Boulevard and the City of Tonawanda/Town boundary line. Approximately 2.0 miles long, the project will go out for construction bids by the Fall of 2003. Once constructed, it will consist of approximately 1 mile off-road trail and 1 mile on-road.. It is anticipated that the Town of Amherst will maintain the east end of the trail and Erie County will maintain the west end.

The key potential linkage of this segment include:

- ROUTE 62, NIAGARA FALLS BOULEVARD
- ELLICOTT CREEK COUNTY PARK
- ELLICOTT CREEK TRAILWAY

### **4. ERIE CANALWAY TRAIL (PHASE 1): CONSTRUCTED / IN USE**

This 2.2 mile segment, meanders along the south bank of the Erie Canal/Tonawanda Creek between the City/Town of Tonawanda border and the Niagara River. At the confluence with the river, it connects with NYS Bike Route 5 (into Niagara County) and continues south along the Niagara River. This segment is situated in the City of Tonawanda and consists primarily of off-road segments. Noteworthy of this segment is the fact that it passes through the heart of an active commercial area jointly shared by the Cities of Tonawanda and North Tonawanda. The majority of it has been operational since 2001. Maintenance of this segment is still under review..

The key linkages of this segment include:

- THE CITY OF TONAWANDA CENTRAL BUSINESS DISTRICT
- GATEWAY HARBOR PARK
- NYS BIKE ROUTE 5
- THE RIVERWALK

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## 5. THE RIVERWALK: CONSTRUCTED / IN USE

Probably the most heavily used segment of the entire network, the Riverwalk is approximately 13 miles in length and traverses the east shore of the Niagara River from the Erie Canal/Tonawanda Creek south to downtown Buffalo. This popular segment consists of a generous 13 foot wide pavement that is off-road the entire length with one exception along Niagara Street. This exception travels “on-road” or “on sidewalk” along the Ferry Street/Hampshire Avenue section of Niagara Street. This condition is less than ideal compared to the balance of the Riverwalk, however, site constraints including the Black Rock Channel and the I-190 make this area very difficult and cost prohibitive to develop an “off-road” trailway. To date, there are no proposed improvements for this stretch of the Riverwalk.

The most heavily used area of this segment is in the linear waterfront parks of Niawanda and Isle View in the City and Town of Tonawanda respectively. The use was so heavy in this area that certain segments had to be widened in recent years to accommodate the crowds. A 3 mile section just south of the South Grand Island Bridge detours away from the waters edge and runs off-road but parallel to River Road through the industrial area of the Town of Tonawanda. The northern most portion of the Buffalo section was constructed in 2000 and the balance of the Buffalo Riverwalk has been recently renovated. However, more work remains to bring certain areas of the older section up to acceptable design standards. The Erie County Parks Department maintains the Riverwalk.

The key linkages of this segment include:

- NIAWANDA PARK
- TWO MILE CREEK TRAIL
- VETERANS MEMORIAL PARK
- ISLE VIEW COUNTY PARK
- THE GRAND ISLAND BIKE PATH

- THE FUTURE CHERRY FARM PARK
- THE FUTURE SHERWOOD GREENWAY
- OLMSTED'S HISTORIC RIVERSIDE PARK
- ERIE COUNTY'S ONTARIO STREET BOAT LAUNCH
- ERIE COUNTY'S TOWPATH PARK
- THE SCAJAQUADA PATHWAY
- SQUAW ISLAND PARK
- BRODERICK PARK / BIRD ISLAND PIER
- THE PEACE BRIDGE AND CANADA'S TRAILWAY NETWORK
- OLMSTED'S HISTORIC FRONT PARK AND PARKWAY SYSTEM
- LASALLE PARK
- ERIE BASIN MARINA
- BUFFALO'S INNER HARBOR, NAVAL PARK AND GREENWAY PLAZA
- DOWNTOWN COMMERCIAL AREAS
- THE PROPOSED INDUSTRIAL HERITAGE TRAIL AND BUFFALO RIVER GREENWAY

## **6. THE OUTER HARBOR / ROUTE 5 TRAILWAY: PROPOSED AND FUNDED**

This segment begins in downtown Buffalo where the Riverwalk ends at the foot of Main Street and the Buffalo River. The proposed length is approximately 3.2 miles and runs south to Gallagher Beach. In absence of an on-grade Route 5 bridge, the northern portion of this segment is the most challenging as the trail proposed runs “off-road” between the north edge of the River and industrial structures, with portions “on-road” across the Ohio Street bridge connecting back with Route 5/Furhman Boulevard along the lakeshore. At the intersection of Ohio Street and Furhman Boulevard, a future spur could split north up to the outer harbor area as the main railway turns south to connect with the existing asphalt path at the south end of the Small

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Boat Harbor. Maintenance of this segment is to be determined.

The key linkages of this segment include:

- BUFFALO'S INNER HARBOR, NAVAL PARK AND GREENWAY PLAZA
- DOWNTOWN COMMERCIAL AREAS
- THE PROPOSED INDUSTRIAL HERITAGE TRAIL AND BUFFALO RIVER GREENWAY
- THE FUTURE IMPROVED TIMES BEACH AREA
- THE OUTER HARBOR AREA (FESTIVAL GROUNDS, BUFFALO YACHT CLUB, ETC.)
- THE SMALL BOAT HARBOR
- TIFT FARM NATURE PRESERVE
- GALLAGHER BEACH

## **7. SMALL BOARD HARBOR/GALLAGHER BEACH: CONSTRUCTED / IN USE**

This 0.8 mile segment runs along the west side of Furhman Boulevard around the south parking area for the Small Boat Harbor (0.5 miles) and directly adjacent to the Gallagher Beach area (0.3 miles). The 0.5 mile section is asphalt pavement and was constructed in 1996. The 0.3 mile section is made of some asphalt but is primarily made of wood along a formal boardwalk that defines the beach area. The Niagara Frontier Transportation Authority owns and maintains this segment.

The key linkages of this segment include:

- SMALL BOAT HARBOR
- GALLAGHER BEACH

## **8. TIFT STREET CONNECTION: PLANNED AND FUNDED**

The City of Buffalo recently won a Congestion, Mitigation and Air Quality (CMAQ) grant for the design and construction of this 0.5 mile 10' wide off-road segment along the west edge of Furhman Boulevard from Gallagher Beach south to the existing pedestrian

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bridge over the Union Ship Canal. Construction is expected to begin in the Spring of 2004. The City of Buffalo will own and maintain this segment.

The key linkages of this segment include:

- GALLAGHER BEACH
- TIFFT NATURE PRESERVE
- THE FUTURE UNION SHIP CANAL DEVELOPMENT
- THE TIFFT STREET PLAY FIELDS 0.4 MILES TO THE EAST

## **9. UNION SHIP CANAL TO MILESTRIP ROAD: PROPOSED/ NOT FUNDED**

Included in this segment is the short section from the Union Ship Canal to Ridge Road which is currently defined as an on-road trail (running along the old abandoned portion of Furhman Boulevard). It needs to be planned and constructed properly as a truly off-road multi-use trail and should be included with the following defined section.

The State DOT is currently studying Route 5 between Ridge Road and Milestrip as part of the Southtowns Connector Study. The EIS for this study is scheduled for completion in the summer of 2003. Included in the design options is a proposed 2.8 mile off-road trail along the west edge of Route 5. It would connect to the existing off-road trail at Woodlawn Beach. There is no current funding available, however, once the planning is done and approved, the trail could be separated from the road project and funded and built prior to any future road improvements. Maintenance of this segment is to be determined.

The key linkages along this segment include:

- THE FUTURE UNION SHIP CANAL DEVELOPMENT
- THE FUTURE BETHLEHEM STEEL DEVELOPMENT
- WOODLAWN BEACH STATE PARK

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## **10. WOODLAWN BEACH: CONSTRUCTED / IN USE**

This 0.5 mile existing asphalt multi-use trail was in approximately 2000, as part of the Milestrip/Route 5 interchange improvements. It meanders along the west side of Route 5 directly adjacent to Woodlawn Beach State Park. Ownership and maintenance of this segment is still under review.

The key linkages of this segment include:

- WOODLAWN BEACH STATE PARK

## **11. HOOVER ROAD AREA: PROPOSED AND FUNDED**

This approximately one mile segment, which runs from the Woodlawn trail at the north end of Hoover Road and Route 5 south to Old Big Tree Road and Route 5, has recently been funded. The Town of Hamburg was awarded an NYS Environmental Protection Fund (EPF) grant to design and build this combined off-road (approximately 2/3 of a mile) and on-road (approximately 1/3 of a mile) trail segment. Construction is anticipated to begin during the summer of 2004. The Town of Hamburg will be responsible to maintain this segment.

The key linkages of this segment include:

- WOODLAWN BEACH AREA
- HOOVER BEACH RESIDENTIAL/RESTAURANT AREA

## **12. OLD BIG TREE ROAD TO OLD LAKE SHORE ROAD: PROPOSED AND FUNDED**

This 4.5 mile segment is currently being studied by the NYSDOT for reconstruction of Route 5 between Old Big Tree Road to the north and Old Lake Shore Road to the south. The study is further analyzing three design options, all of which include an on-road bicycle accommodation, either a 14' wide shared lane or a 5' wide dedicated bike lane. An off-road trail is not possible in this segment due to the proposed travel lane designs in relation to the width of the right-of-

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way and the desires of the waterfront residents along the segment. Sidewalks, however, are proposed on both sides of the road. The project is funded for construction sometime in 2007 or 2008. It is anticipated that future maintenance of this segment will be performed by the State.

The key linkages of this segment include:

- HAMBURG TOWN PARK AND BEACH

### **13. OLD LAKE SHORE ROAD IN HAMBURG: NEITHER PROPOSED OR FUNDED**

This approximately 3.1 mile segment is one of two segments along the Regional Waterfront Trail System that is not proposed. This segment is defined by Old Shore Road at Route 5 on the north end, along Old Lake Shore Road south to Eighteen Mile Creek, all within the Town of Hamburg. There have been preliminary discussions by the Town to plan closing this gap but to date there have been no immediate steps taken (such as grant applications). This will be the Town's next priority after segment #10, defined previously, is underway.



### **14. TOWN OF EVANS MULTI-USE PATH: PROPOSED / NOT FUNDED (EXCEPT FOR SEGMENT #15 BELOW)**

The Town of Evans used grant money to study the development of a multi-use trail along Old Lake Shore Road from the north town line at Eighteen Mile Creek south to Evangola State Park. This 13.7 mile segment is planned to be mostly off-road, crossing at various points to either side, with a few minor sections on-road where space is limited. Only one segment, #15 defined below, is funded; however, the Town of Evans is aggressively pursuing funding sources to complete the entire length. Determination of who will eventually maintain the trail once completed has yet to be made.

Key linkages of this segment include:

- STURGEON POINT MARINA
- WENDT BEACH COUNTY PARK

- 
- BENNETT BEACH COUNTY PARK
  - EVANS TOWN PARK AND BEACH
  - CAMP PIONEER
  - LAKE ERIE BEACH PARK

**15. TOWN OF EVANS MULTI-USE PATH:  
PROPOSED AND FUNDED (BETWEEN WENDT  
BEACH COUNTY PARK AND EVANS TOWN  
PARK)**

The Town of Evans recently received a Federal Transportation Equity Act for the 21st Century (TEA 21) grant for the design and construction of an approximately 2.8 mile trail along Old Lake Shore Road between Wendt Beach and Town Park. The trail will be off-road and meanders along either side of the road, depending on the right-of-way and field conditions. Design will be completed in 2003 and construction is expected to begin in the spring of 2004. Once completed, determination of who maintains the trail will need to be made.

Key linkages of this segment include:

- WENDT BEACH COUNTY PARK
- BENNETT BEACH COUNTY PARK
- EVANS TOWN PARK
- FUTURE LINKAGE TO THE VILLAGE OF ANGOLA

**16. EVANGOLA STATE PARK:  
CONSTRUCTED / IN USE**

There is an existing 1.2 mile, 8' wide off-road multi-use asphalt trail in this segment of the Regional Waterfront Trail System. New York State owns and maintains this trail as it runs along Old Lake Shore Road through Evangola State Park. There are other trails in Evangola State Park that connect this trail to the beach.

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**17. EVANGOLA PARK TO THE  
CATTARAUGUS INDIAN  
RESERVATION:  
NEITHER PROPOSED OR FUNDED**

This 1.1 mile segment along Old Lake Shore Road between Evangola State Park and the Cattaraugus Indian Reservation, is the final gap in the entire Waterfront Regional Trail System. To date, there is no proposal to complete the link, however, there appears to be ample space to continue the off-road pathway from Evangola State Park along the west side of Old Lake Shore Road.

The following segments represented by letters and beginning in the north and moving south, identify the significant connecting linkage from the adjacent communities to the primary waterfront trail.

**A. ELLICOTT CREEK TRAILWAY:  
CONSTRUCTED / IN USE**

Constructed mainly within the Town of Amherst, this very popular off-road multi-use trail link is approximately 5 miles long and runs from the Maple Road/North Forest trailhead, northwest along the meandering Ellicott Creek to Niagara Falls Boulevard across from Ellicott Creek Park. The Town of Amherst maintains this segment. An extension of this trail through Ellicott Creek Park in Tonawanda was completed in 2001. It terminates at the Erie Canal.

The key linkages of this segment include:

- AMHERST MEMORIAL HILL GROVE
- TOWN OF AMHERST MUNICIPAL GOLF COURSE
- AMHERST PEPSI CENTER
- UNIVERSITY AT BUFFALO, NORTH CAMPUS
- ROUTE 62, NIAGARA FALLS BOULEVARD
- ELLICOTT CREEK COUNTY PARK
- ERIE CANALWAY TRAIL

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## **B. TWO MILE CREEK GREENWAY: CONSTRUCTED / IN USE**

This trail linkage, approximately 2 miles in length, is situated along Two Mile Creek through the Town and City of Tonawanda. The south end, approximately 0.5 miles is on-road, adjacent to the Town golf course, with the balance of the trail off-road, meandering along either side of the Creek northward to the Niagara River and the Riverwalk. This greenway is maintained by the Erie County Parks Department.

The key linkages of this segment include:

- SHERIDAN PARK/GOLF COURSE
- THE FUTURE SHERWOOD GREENWAY
- VETERANS MEMORIAL PARK
- ISLE VIEW COUNTY PARK AND RIVERWALK
- NIAWANDA PARK

## **C. SHERWOOD GREENWAY: PLANNED AND FUNDED**

This trailway linkage is planned as an approximately 1.8 mile off-road multi-use recreational pathway that extends the Two Mile Creek Greenway to the Riverwalk at Sheridan Drive. This segment is entirely in the Town of Tonawanda aligned through private property (Praxair, Inc.) for the first 1/5 and within the south right-of-ways of Woodward Avenue West and Sheridan Drive the remaining 4/5th's. New York State recently announced a \$2.1 million dollar grant for design and construction of this pathway, expected to be completed by 2005. Once completed it will be owned and maintained by the Town of Tonawanda.

The key linkages of this segment include:

- SHERIDAN PARK/GOLF COURSE
- TWO MILE CREEK GREENWAY
- THE RIVERWALK

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**D. BEAVER ISLAND BIKE PATH:  
CONSTRUCTED / IN USE**

This off-road segment runs from the South Grand Island Bridge along South Parkway to Beaver Island State Park. The bike path is approximately 3.5 miles in length. It runs through a residential area of the island providing easy access to Beaver Island State Park. The path connects Grand Island and its parks to the Niagara Riverwalk in the Town of Tonawanda.

The key linkages of this segment include:

- THE RIVERWALK
- I-190
- BEAVER ISLAND STATE PARK

**E. WEST RIVER TRAIL:  
PROPOSED / NOT FUNDED**

This segment runs approximately 9 miles along the Niagara River from the existing trail at Beaver Island State Park to Buckhorn Island State Park. The proposed trail is off road between West River Parkway and the River. However, a couple of ideas are being considered, including closing one lane of the Parkway to traffic, but keeping it green for pedestrians.

Reference to Grand Island Boulevard should also be made. The GBNRTC is proposing more of a direct bicycle route through Grand Island along the Boulevard. Currently, the concept is proposed, but not funded.

The key linkages of this segment include:

- BEAVER ISLAND STATE PARK
- NIKE BASE PARK
- BUCKHORN ISLAND STATE PARK

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**F. SCAJAQUADA PATHWAY  
(PHASES I AND II):  
CONSTRUCTED / IN USE**

This 2.1 mile trail linkage connects Delaware Park with Niagara Street just short of the existing Riverwalk. The 10' wide asphalt off-road pathway meanders along the north bank of the Scajaquada Creek intersected by two at grade crossings on Grant and Niagara Streets. The initial phase was built in 1992 and the second phase was built in 1999. The City of Buffalo Department of Public Works, Parks and Streets maintains this linkage.

**I. SCAJAQUADA PATHWAY (PHASE III):  
PROPOSED AND FUNDED**

This final phase of the Scajaquada Pathway will complete the missing section for a continuous link to the Niagara Riverwalk. The pathway alignment begins west of Niagara Street, crosses Scajaquada Creek and runs north along the east side of the I-190 and into the US Army Corps parking area where it meets the Riverwalk. The pathway is presently in final design and construction is expected to begin in the summer of 2003. The City will also maintain this final segment.

The key linkages of this segment include:

- DELAWARE PARK AND THE SURROUNDING CULTURAL INSTITUTIONS
- BUFFALO STATE COLLEGE
- GRANT/AMHERST COMMUNITY
- RIVERWALK

**G. INDUSTRIAL HERITAGE TRAIL:  
PROPOSED / NOT FUNDED**

This trail linkage is unique in that it is a proposed tour route for pedestrian, bicyclist and motorists along the City streets and sidewalks in and around the mouth of the Buffalo River. The impetus behind this trail is the display and interpretation of the many existing grain elevators on Kelly Island and along South Park Avenue, Ohio Street, Smith Street and St. Clair Street. The proposed plan was developed in 1996 by the Industrial Heritage Committee, Inc., who are continually

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looking for potential funding sources. A small section is being funded and constructed as part of the Inner Harbor Project.

The key linkages along this segment includes:

- THE BUFFALO INNER HARBOR
- DOWNTOWN COMMERCIAL AND INDUSTRIAL AREAS
- THE BUFFALO RIVER GREENWAY

#### **H. BUFFALO RIVER GREENWAY: PROPOSED / NOT FUNDED**

The City of Buffalo (via the Buffalo Greenways Implementation Plan) and the Friends of the Buffalo Niagara Rivers (via the Buffalo River Greenway Plan) have completed the needed planning efforts. The trail meanders along both sides of the River, along the banks, adjacent streets and neighborhoods and through the local parks. Cazenovia Creek is also included in this greenway trail making this segment a true greenway network. The intent is that as new development occurs in the area, the trail be included and be built in phases. Simultaneous to these efforts, the Friends are continually looking for funding sources.

The key linkages of this segment include:

- CONWAY PARK
- SMITH STREET PARK
- BAILEY AVENUE PARK
- SENECA BLUFFS PARK
- MONGOVAN PARK
- STACHOWSKI/HOUGHTON PARK
- CAZENOVIA PARK
- HILLERY AND BUTLER PARKS

## I. TOWN OF EVANS BIKE PATH: PLANNED/ NOT FUNDED

This 1.3 mile stretch of pathway is planned to connect the proposed bike path along Old Lake Shore Road to the Village of Angola. The off-road pathway would run along the north side of Lake Avenue. Once completed it will be owned and maintained by the Town of Evans.

### 2.3 CONCLUSION

In all, the RWTS is comprised of 88 miles of trails, of which 36 miles are existing (41%) and 52 miles have yet to be built. Through review of the existing and proposed trail segments that comprise the Regional Waterfront Trail System, the following conclusions and recommendations are made to advance Erie County's planning of the waterfront as a regional asset:

- *It is clear there is a strong desire by most waterfront municipalities to improve their existing, or plan, design and build new linkages to create a continuous waterfront trail system. An organized process and program needs to be developed and followed for optimum coordination between these municipalities and the County to facilitate completion of the trail.*
- *One such avenue is coordination with the GBNRTC Bicycle and Pedestrian Subcommittee and the NYSDOT in development of the Shoreline Trail, which extends from Fort Niagara in Niagara County on Lake Ontario, south to Evangola State Park. There is overlap between Erie County's Regional Waterfront Trail System, the Shoreline Trail and NY State's Seaway Trail. Not to be overlooked, and equally important is the necessary coordination with the Buffalo Greenway Implementation Plan.*
- *As part of the coordination efforts, the various unbuilt segments of the Waterfront Trail need to be evaluated in a forum that will help set the regional priorities. This*

*“Strong consideration should be given to making the system a NY State owned and operated facility.”*

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*will serve to focus energy and resources on targeting specific segments for funding sources.*

- *The two segments with no proposals advanced (#13 in the Town of Hamburg and #17 in the Town of Brant ) should move into a planning cycle to prompt dialogue at a regional level on how and when it is best to complete the missing segments.*
- *In order to efficiently advance a completed Waterfront Trail System, a plan should be developed to educate the public about trail systems, with emphasis on the improved quality of life issues and answers to the most common concerns raised by the public. An education program geared for disseminating factual information would off-set the misinformation being commonly held, particularly regarding safety, security and property value concerns.*
- *To prepare for a public awareness process, case study research and documentation should be performed. This effort would promote factual and understandable information to the public in a consistent manner throughout the County, regardless of what municipality a trail is proposed in. Issues that need to be addressed include, but are not limited to: maintenance responsibilities/ procedures, liability concerns, property value impacts, safety/ security issues, etc.*
- *In order to promote trail system expansion to the public, consistent supervision and proper maintenance of the existing waterfront trails is of utmost importance. For example, there is a marked difference between the Ellicott Creek Trail and the Scajaquada Pathway and how each is managed. Inter-municipal agreements and procedures need to be developed and followed in order to have a consistent Regional Waterfront Trail System.*
- *Along a similar vein, it is recommended that design standards be developed and incorporated into the Trail System. A design vocabulary of consistent or at least compatible site furnishings, signage, historic markers, pavement markings, interpretation, trailheads, etc.*

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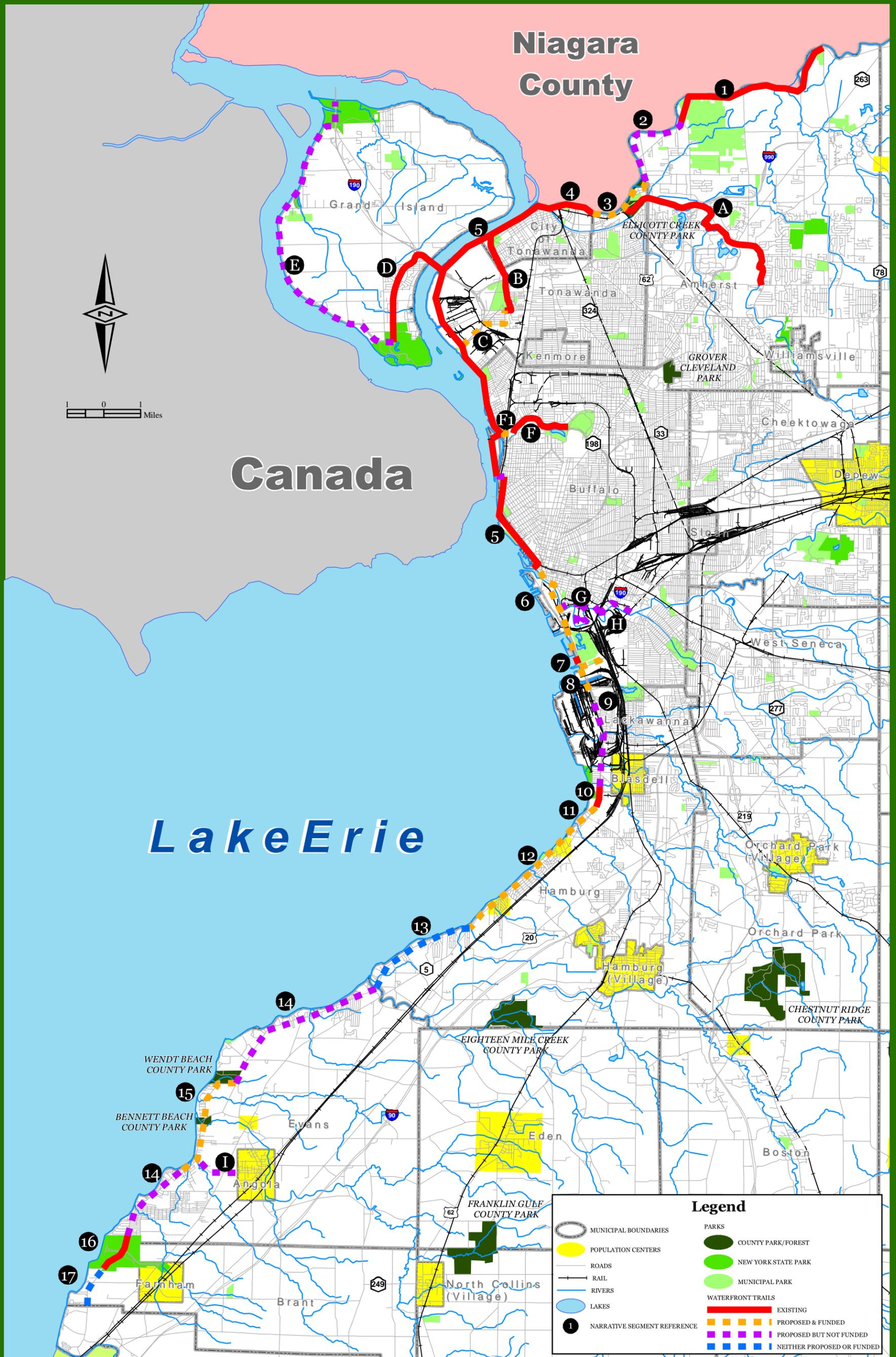
*should be established sooner rather than later to allow the next segments to set the stage with the agreed upon standards.*

- *Where possible, through the greenspaces adjacent to the system, develop secondary connector trails to the primary Waterfront Trail. For example, new trails in Evangola State Park would connect the beach to the Waterfront Trail.*
- *Finally, once the Regional Waterfront Trail System is completed, strong consideration should be given to making the system a NY State owned and operated facility. Erie County's trail success could be coupled with a Niagara County trail system to combine for a true regional waterfront asset. Imagine a continuous State Park Trail System beginning at Fort Niagara to the north and connected some 80 miles later to Evangola State Park to the south. State highlights along the way would include the Niagara Reservation, Beaver Island State Park, the proposed Buffalo Outer Harbor State Park and Woodlawn Beach State Park. Our beautiful State shoreline could then easily compliment that of our neighbors across the water in Ontario, Canada.*

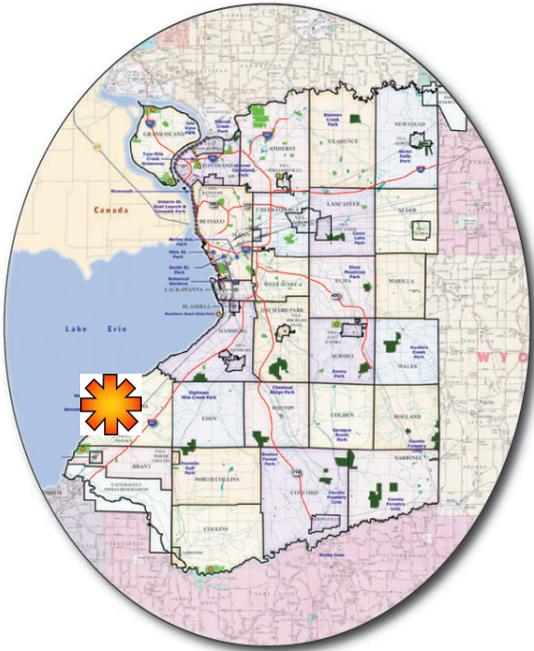


# Regional Waterfront Trail System

Figure 2-1







### 3.0 WATERFRONT PARKS

#### 3.1 BENNETT PARK

##### DESCRIPTION

Bennett Beach is a special place along the eastern shoreline of Lake Erie, having one of the last remaining natural sand beaches and dunes. This unique lakefront park is approximately 50 acres in size and is located in the Town of Evans. Old Lakeshore Road splits the park into two halves, with the western half as “beach-related” open space and the remainder as an undeveloped natural wooded area. The park is also bisected from the northwest to the southeast by Big Sister Creek, which is an attractive fishing spot. A pedestrian bridge provides access from an existing parking area over to the beach. In general, the park is very flat, except for the large sand dunes and an 8’ high berm north of the bridge along the Creek.

Limited facilities exist at Bennett Beach, including a comfort station located at the parking area. The former Bennett Mansion was removed from the park a few years ago. Also, on the beach are old concrete foundation remains, approximately 30’ long, which act as a break wall against erosion (however, it may inhibit natural dune processes). The old Angola Water Treatment Facility sits abandoned just to the south of the Bennett Beach property.

##### PARK AND AREA HISTORY

Bennett Beach sits on the site of the old Bennett Estate. The property was originally acquired by the City of Buffalo, and more recently was acquired by Erie County. While most beaches along the eastern Lake Erie shoreline have either been destroyed, altered or are under private ownership, Bennett Beach is one of the very few publicly held waterfront parks in this part of the County. Bennett Beach still retains some of the historic landscape features that once were so common along the Lakeshore, including a natural sand beach and impressive sand dunes. In addition, there are back-dune wetlands remaining and the natural dynamics of Big Sister Creek’s outlet into the Lake.

##### EXISTING PARK FEATURES AND FACILITIES

- Restroom structure
- Pedestrian bridge
- Picnic area
- Natural sand beach and dunes
- Fishing access

It has been said that an “Old Growth” forest, with trees between 200 years and 500 years old, exists on the property immediately adjacent to the park to the north.

### LOCAL CONTEXT

Bennett Beach is located approximately 23 miles south of downtown Buffalo, at the intersection of Old Lakeshore Road and Bennett Road. The beach-front property to both the north and south of Bennett Beach is primarily single family residential, with most housing options historically “summer” or “seasonal” cottages owned by people in the greater Buffalo area. Areas to the east of the park are generally low density, rural residential developments. Traveling south from Bennett Beach is the thickly settled hamlet of Lake Erie Beach (Evans), a popular summer resort area with a few seasonal commercial establishments. Recent years have seen more year round residents, as residential Lakefront property has become a very “hot” commodity. The lakefront areas to the north of Bennett Beach along Old Lakeshore Road are traditionally comprised of larger estates, many dating back to the early 1900s.

### RECREATIONAL CONTEXT

Bennett Beach is a passive-oriented park, offering no structured playing fields or courts.

Wendt Beach is another County-owned lakefront park situated only one mile to the north of Bennett Beach. However, Wendt Beach is of a much different character, with the distinct and historic mansion setting, stony beach (non-sand), and the expansive soccer fields.

### CURRENT ISSUES AND PROBLEMS

- *Bennett Beach does not appear to be maximizing its potential.*
- *The parking lot is poorly defined and in poor condition*
- *The existing restroom structure is inadequate and “out of character” for this beautiful lakefront setting*
- *The Old Concrete foundation on the beach is both an eyesore and a potential safety hazard in the future.*
- *The walk from the parking area to the beach is difficult on the ill-defined pathway.*



#### NEARBY PARKS WITH UNIQUE FEATURES

(WITHIN A 5-MILE RADIUS)

##### Town of Evans:

- Ayer-Stevenson Wildlife Sanctuary  
*A 20-acre wildlife sanctuary*
- Evans Town Park  
*A resident-only beach park*
- Lake Erie Beach Park
- Sturgeon Point Marina  
*Town owned and operated marina*

##### Village of Angola:

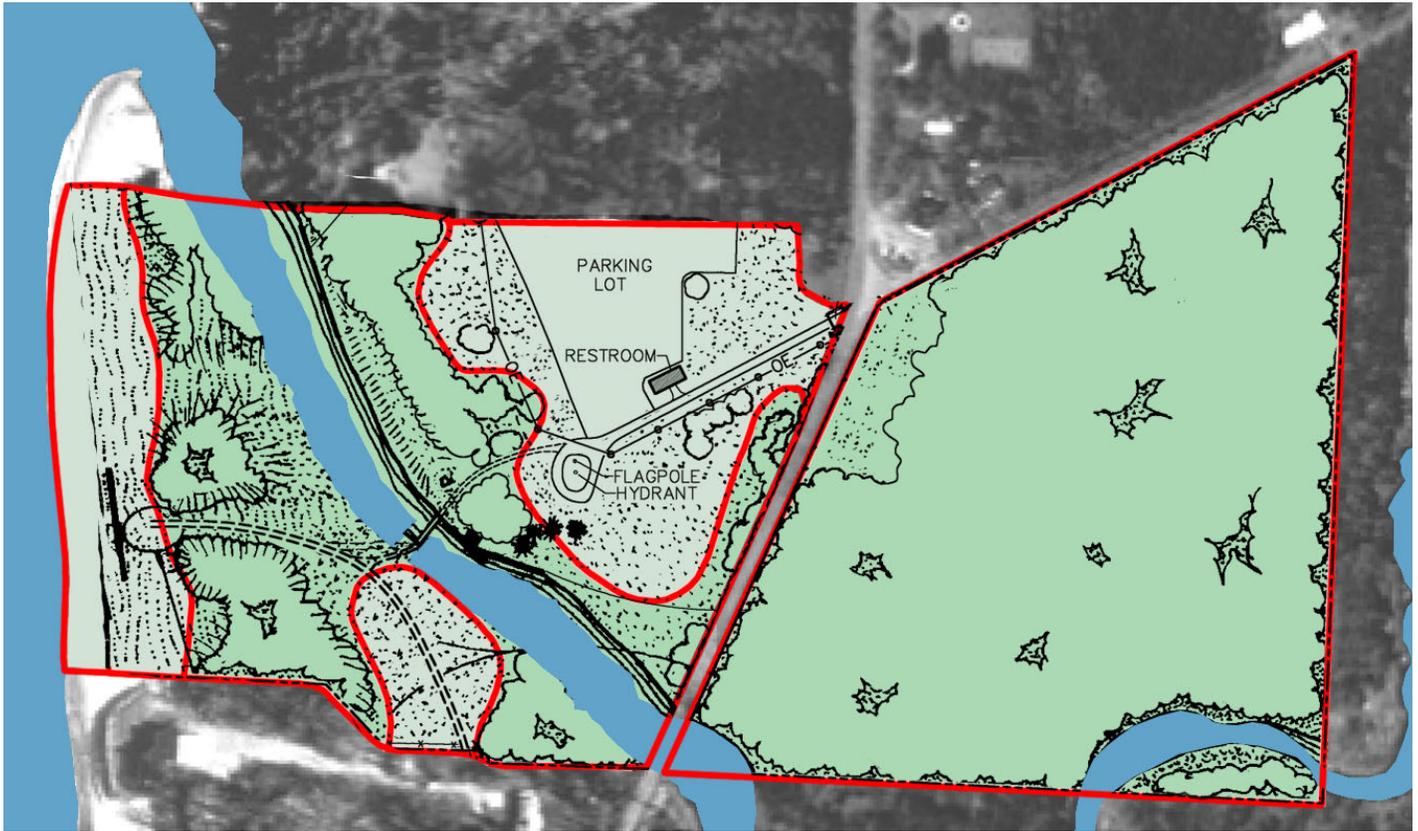
- Point Breeze Campground  
*A private marina with camp sites*
- Angola Rollercade

##### Town of Hanover:

- Evangola State Park  
*A 733-acre state park with beach access*

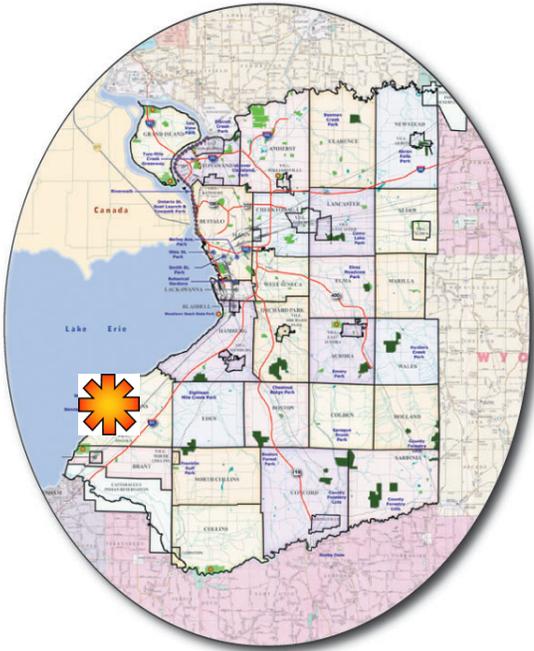
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<b>Legend</b>		<b>Nature Reserve Zones</b>	<b>Recreation Zones</b> <i>(Active and Passive)</i>	<b>Heritage Zones</b>	<b>Service Zones</b>
	Nature Reserve Zone	Includes significant natural features or areas that require management to ensure the long-term protection of the natural heritage, i.e. woodlands, wetlands, natural open space areas (meadows), waterways, ravines, gorges and escarpment faces, steep slopes, etc.	Includes the 'maintained' landscape areas of the parks in which facilities development is permitted to support low to moderate intensity recreation activities, i.e. sports fields, specialized activities, picnic areas, campgrounds, parking lots, etc.		
	Recreation Zone				
	Heritage Zone				
	Service Zone				
	Zone Boundary				
		 <small>North</small>			

## Bennett Beach Park MANAGEMENT ZONES



### 3.4 WENDT BEACH PARK

#### DESCRIPTION

Wendt Beach is a 178-acre, multi-purpose park with both beach-related, passive activities and active recreational offerings. The featured attractions at the park are the historic Wendt Mansion, the stony beach (non sand) and vegetated bluff and the numerous soccer fields. The park has two distinct characters; one is the expanse of mowed soccer fields and open lawns you see upon entering at the western edge of the park; the other is the more natural “heritage” setting near the lake, with the historic mansion, outbuildings, natural shoreline and large wooded areas. Both appear to serve different user types and activities. A park roadway bisects the park through the center from east to west.

Just inland from the south end of the beach the park includes a forested wetland area with protected plant species such as Trillium. Roughly half the park is forested, mostly on the south side. A bluff approximately 15 feet high runs the entire inland edge of the beach

#### PARK AND AREA HISTORY

The Wendt beach property has a long and storied history. The Park sits on the old estate of Henry W. Wendt, Jr., which the family later renamed “The Ridgewood.” The existing historic Wendt Mansion, with outbuildings and old stable structure, is reminiscent of an earlier era of influence, when the wealthy families of Buffalo recreated along the lakeshore during the summer months. The structure was built in the 1800s along the top of the dune and later moved to its current location. The interior of the main house is a remembrance of beautiful hardwood floors, a spiral staircase and railings of dark wood, window seats and bay windows, many of which overlook the lake and beach areas.

Some of the outbuildings also were part of the earlier estate. This includes the log cabin (once a playhouse and guest house), a caretaker’s cottage, a garage with chauffeur’s quarters, horse stables (now public restrooms), and the old pump house, where water brought in from the Lake was stored in a large tank and pumped through pipes to outside spigots for watering the gardens.

#### EXISTING PARK FEATURES AND FACILITIES

*Wendt Beach is a unique park within the Erie County system. It is on the Lake, and yet is not a natural sand beach. Given its size, Wendt beach has become more of a multi-purpose recreation area, with its picnic areas, and numerous soccer fields. Specific features include:*

- *Stony surfaced swimming beach.*
- *Historic Wendt Mansion*
- *Superintendent’s Residence*
- *Office*
- *Maintenance garage*
- *Storage Building*
- *Concession Building*
- *Life Guard Cabin (Old Log Cabin)*
- *Bath House / restrooms (Old Horse Stables)*
- *Pump House*
- *Play equipment*
- *Baseball diamond*
- *Pedestrian bridge between the mansion and lifeguard station*

## LOCAL CONTEXT

Located in the Town of Evans approximately 20 miles south of Downtown Buffalo, Wendt beach is less than one mile north of Bennett Beach and is accessible via Old Lakeshore Road. The Wendt Beach property marks a transition point along Old Lakeshore Road where the larger properties and estates to the north towards Sturgeon Point and beyond transitions to the smaller seasonal “cottage” properties to the south towards the center of Evans and hamlet of Lake Erie Beach. In general, most of the area is rural in character.

## RECREATIONAL CONTEXT

Wendt Beach has a distinct and historic mansion setting, which overlooks a stony beach (non-sand). One must drive through a wide-open field area that is used for the local soccer clubs.

Bennett Beach Park is another County-owned passive-oriented park, offering no structured playing fields or courts one mile to the south of Wendt Beach.

## CURRENT ISSUES AND PROBLEMS

- *The Mansion is in need of extensive updating and repair if it is to be fully useable and “marketable.”*
- *The maintenance facility location detracts from the “Heritage” setting around the mansion.*
- *There is no appropriate “gateway” feature for such a beautiful park setting.*
- *The entrance to the park (through the mowed athletic fields) gives no idea that this is actually a “beach” park.*
- *The parking lot near the beach is in very poor condition*
- *The newer concession building is out of character from the beautiful beach and heritage setting.*

## MASTER PLAN RECOMMENDATIONS

- *Restore the historic Wendt Mansion. This is a very important “heritage” area within the County parks System. Identify potential adaptive re-use that compliments the park uses.*
  - *Secure National Register of Historic Places status for the house and setting.*
  - *Potential uses include and Inn/Bed & Breakfast similar to the Glen-Iris Inn at Letchworth State Park; a wedding/conference facility, restaurant or tea room, meeting*

### NEARBY PARKS WITH UNIQUE FEATURES

(WITHIN A 5-MILE RADIUS)

#### **Town of Evans:**

- Ayer-Stevenson Wildlife Sanctuary  
*A 20-acre wildlife sanctuary*
- Evans Town Park  
*A resident-only beach park*
- Lake Erie Beach Park
- Sturgeon Point Marina  
*Town owned and operated marina*

#### **Village of Angola:**

- Point Breeze Campground  
*A private marina with camp sites*
- Angola Rollercoade

#### **Town of Hanover:**

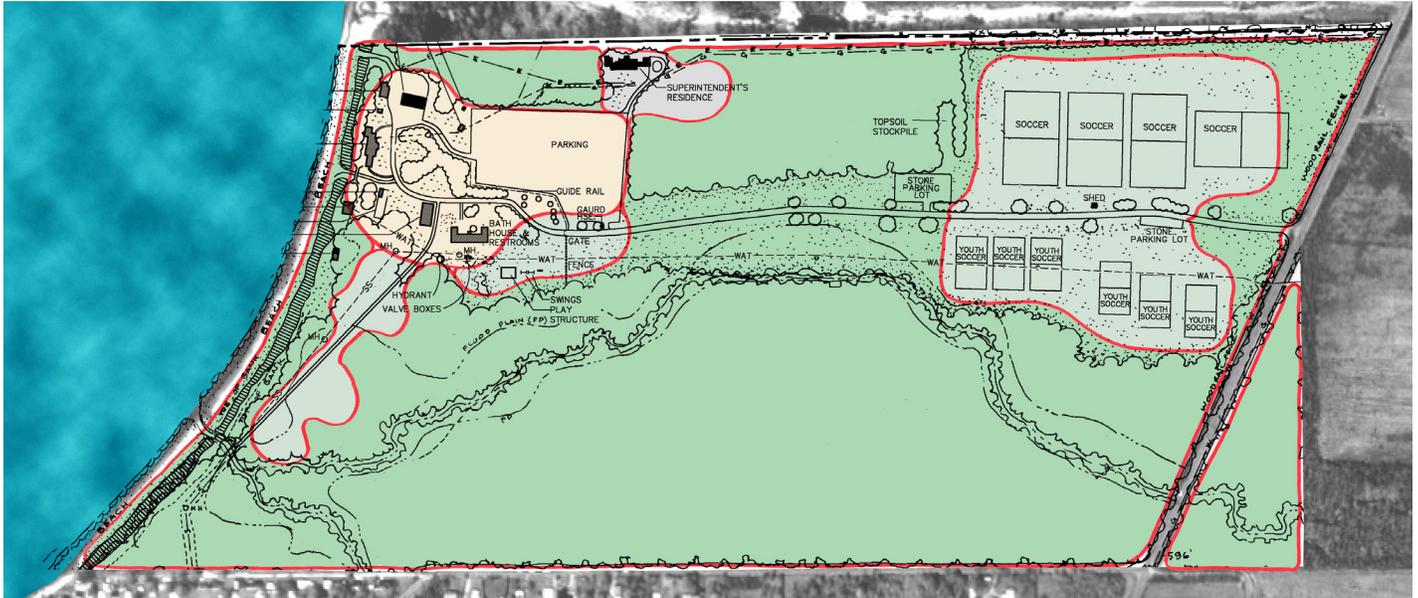
- Evangola State Park  
*A 733-acre state park with beach access*

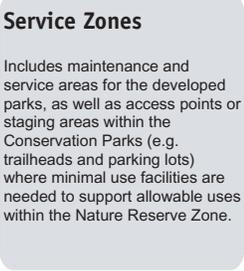
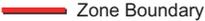
- facility, etc;
  - Consider a public/private partnership when redeveloping this historic structure.
  - Develop / restore a gracious landscape setting around the historic mansion with formal lawn, gardens, strolling paths, tree lined entrance road;
  - Similar to the Emery Inn, the entire structure should be decorated with “period” furnishings. This authentic restoration could provide a “museum-like” setting, with photos and documents of the park’s history, the earlier history of the Wendt Homestead and Farm, etc. A small gift shop could be provided to sell local park-related items, historical maps, etc.
- *Relocate maintenance facility away from historic mansion and to a more inconspicuous spot adjacent to the superintendent’s house (off the back of the parking lot);*
- *Reorganize roadway and pedestrian zones to separate future “mansion” functions from public beach area;*
- *Horses have always played a big role in the history of the Wendt Estate, and the plan recommends restoring / rehabilitating the old horse stables (current concessions) into a historically accurate horse stables again which “looks” and “feels” like it is once again a part of the Mansion setting.*
  - In addition, horse trails should be developed throughout the natural wooded areas.
  - Overnight accommodations at the Mansion would make Wendt a potential magnet for equestrian related tourists.
- *In addition to the horse stables, retain and restore other minor structures related historically to the main house, i.e. pump house, etc.*
- *Maintain the location of the Log Cabin /Lifeguard station. This facility could be renovated for a more maximized use to include a meeting room (for environmental and historic related discussions, etc.)*
- *Develop west side of park as passive beach zone, i.e. picnicking, beachcombing. Introduce small parking/picnic areas south of the mansion along the driveway, with turn-around loop; relocate current boat storage to a more inconspicuous location, still allowing for easy access to the beach.*
  - *Introduce Volleyball Courts (sand and grass) and other beach-related activities into the overall recreational mix at Wendt Beach*

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- Upgrade the east side of Wendt Park to include more formalized, “structured” parking opportunities (stone or asphalt lots) and a support facility (i.e. permanent restrooms, concessions) for the very large soccer crowds.
  - Enhance park entrance and identity at Old Lakeshore Road, with entrance feature. Provide a distinct transition zone between the two park sections and distinctive entrance to the heritage area of the site, i.e. possibly establish a secondary entrance feature past the soccer fields which would lead people towards the historic mansion and lake;
  - Undertake dune restoration; although Wendt Beach is actually a very rocky beach, it still has a use and charm that is attractive to the masses.
  - Enhance the opportunities for winter activities at Wendt beach, including the perfect setting for numerous cross-country ski trails, etc.
  - Provide new interpretive signage and informational kiosks that tie the park better “into the mix” with other local cultural and historical attractions.
    - Provide an interpretive “story-line” for the Park’s local history, i.e. How and when the property was first developed?; When was the area first settled?; What’s the history behind the Wendt mansion and the farm structures? Did Lakeshore Road once pass through the site near the dune area?; Was there a polo field on the site?; What were some significant historic happenings in the area, or in the park?; etc.
  - Consider a “Corporate Sponsorship” program which encourages local businesses from getting more involved with the Park, including sponsoring certain events, restoring older facilities and park features, setting up an interpretive signage program, etc.
  - Reduce lawn mowing to provide more natural setting in non-use, little-trafficked areas, and help to shift park maintenance towards other tasks.
  - Provide new native tree plantings throughout the park, particularly along the parking area and along Old Lakeshore Road.
  - Provide bicycle access through the site as part of the overall lakefront recreational trail system.

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<b>Legend</b>		<b>Nature Reserve Zones</b>	<b>Recreation Zones</b> <i>(Active and Passive)</i>	<b>Heritage Zones</b>	<b>Service Zones</b>
	Nature Reserve Zone	Includes significant natural features or areas that require management to ensure the long-term protection of the natural heritage, i.e. woodlands, wetlands, natural open space areas (meadows), waterways, ravines, gorges and escarpment faces, steep slopes, etc.	Includes the 'maintained' landscape areas of the parks in which facilities development is permitted to support low to moderate intensity recreation activities, i.e. sports fields, specialized activities, picnic areas, campgrounds, parking lots, etc.		
	Recreation Zone				
	Heritage Zone				
	Service Zone				
	Zone Boundary				



North

## Wendt Beach Park MANAGEMENT ZONES

THE ULTIMATE GOAL IS TO HAVE A WATERFRONT TRAIL SYSTEM THAT LINKS LOCAL, COUNTY AND STATE PARKS TOGETHER FROM EVANGOLA STATE PARK AT THE SOUTHERN END OF ERIE COUNTY TO OLD FORT NIAGARA STATE PARK AT THE NORTHERN END OF NIAGARA COUNTY.



View of Lake Erie shoreline from bluff at Wendt Beach



Eighteen Mile Creek

## 5.0 WATERFRONT STRATEGY

### 5.1 COUNTY'S ROLE ON THE WATERFRONT

#### 5.1.1 GENERAL

The potential for waterfront development continues to be the source of much attention and discussion within Western New York. Erie County has one of the most beautiful and historically significant waterfronts in all of the United States, including Lake Erie, the Niagara and Buffalo Rivers, Cattaraugus and Eighteen Mile Creeks and the Erie Canal, and yet much of the prime waterfront properties remain undeveloped or underutilized. Although economic development has not been as quick to start here as in other parts of the country, the County has become increasingly aware of the potential impact that a vibrant and successful waterfront will have on the future quality of life for residents and the potential lure it could have for tourists and visitors. However, given the large expense of maintaining waterfront properties, and given the current or projected fiscal difficulties facing many towns, cities and counties across the state, Erie County cannot be expected to handle all of this waterfront responsibility themselves. Partnerships for both funding and stewardship of waterfront parks and trails will need to be formed with local municipalities, and a strong pitch will need to be made to the State of New York to maximize the potential of our significant regional waterfront assets.

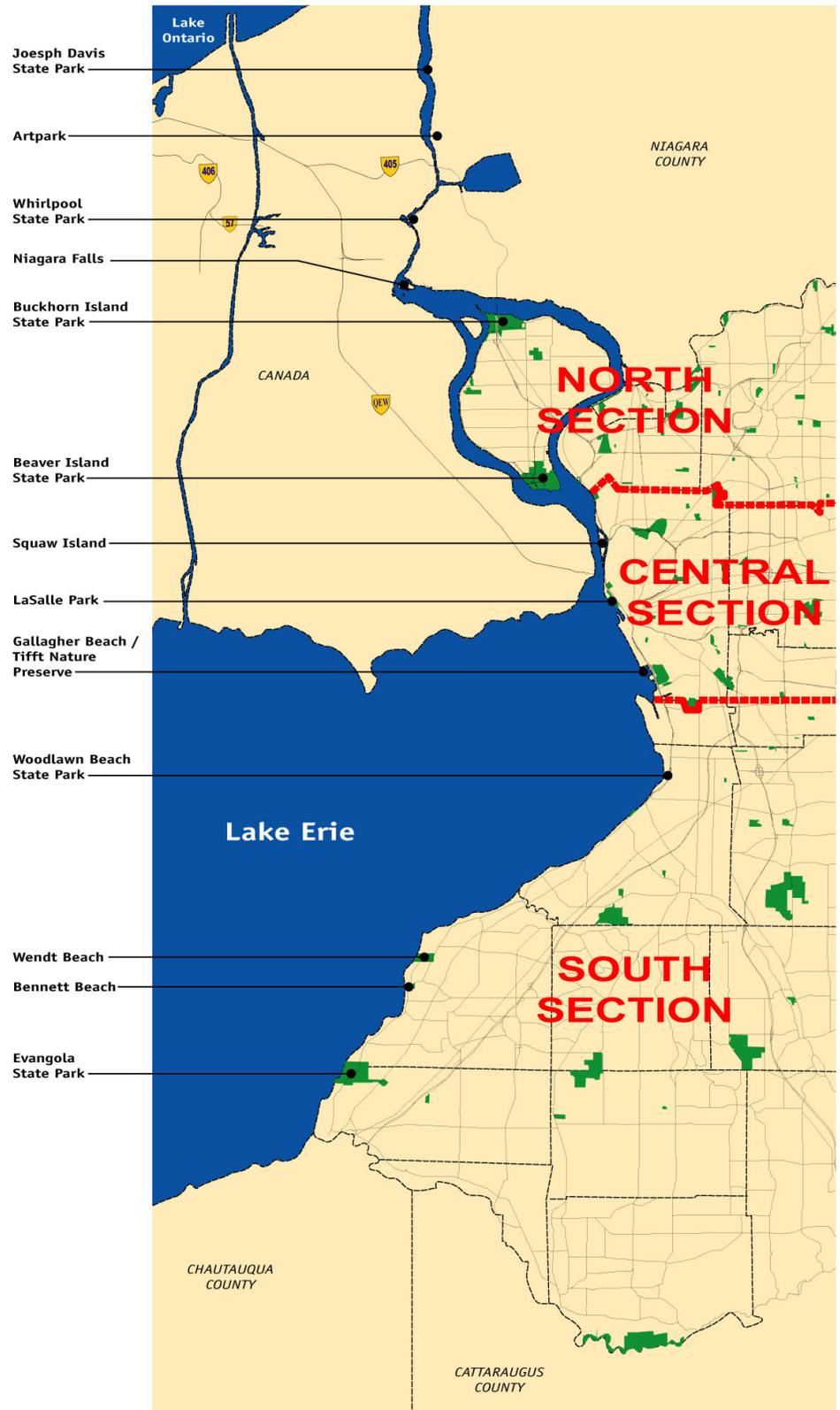
- *Given its regional significance, emphasis should be placed on strengthening partnerships between local municipalities and Erie County, and on encouraging more involvement from the State and Federal levels. Few counties and regions of the country have a linear trail system such as the Riverwalk or Canalway trail, and this should be seen as a wise investment and long-term stewardship effort by the State of New York, to compliment its many other area parks, recreation and historic preservation attractions.*
- *Erie County should partner with the New York State Office of Parks, Recreation and Historic Preservation*

*(NYSOPRHP) and the Niagara Parks Commission (Ontario) to enhance its role in the Eco-Tourism industry. This would elevate the county's visibility within the Niagara Region as a visitor destination for fishing, bird-watching, hiking, nature sight-seeing, water sports, etc.*

### 5.1.2 NORTH SECTION

North of the City of Buffalo, Erie County has major involvement and investment in the Riverwalk waterfront trail system, which serves as the overall recreational “spine” linking numerous waterfront parks, including local, county and state facilities. The county also owns and operates Ellicott Creek Park along the Erie Canal, classified as a “Heritage Park,” and Isle View Park along the Niagara River.

- *The County should continue to promote regional trail efforts, while looking to partner with the State of New York for future trail enhancements, maintenance and marketing. This linear park and trail is certainly a regional asset that deserves attention and support at the highest levels of government. Given its significance, the county should look to develop partnering roles for the local communities, as*



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*well as with the State. Future emphasis should be placed on trail linkages to Niagara Falls.*

- The proposed Canalway Trail system, which includes some existing county trail sections, is an integral part of the Erie Canal “National Heritage” corridor and thus should be considered for federal involvement. A section of the trail will pass directly through the county’s Ellicott Creek Park, and will link directly to the Riverwalk system. Erie County should remain a partner with Niagara County, State of New York and National Park Service (Federal Government) for all future planning efforts.*
- In addition to Isle View Park, the Cherry Farm Park is another significant property that deserves attention from both the county and state levels of government. This reclaimed Brownfields property could be seen as a national model for land reclamation, shoreline/habitat restoration and waterfront recreation.*
- The County should revisit portions of the existing Riverwalk alignment due to the fact that some stretches of the trail do not have much relationship to the water and travel along some very busy roadways (Along River Road from the Grand Island Bridge to Sheridan Drive). When constructed in the late 1970s, there were many impediments to linking the Riverwalk directly to the River due to active industries and land uses, however the past 20 years have brought with it many changes in land uses along this section of the waterfront and opportunities now exist in some areas for realignment and making a stronger and more aesthetically pleasing connection between the Riverwalk and the River.*

### **5.1.3 CENTRAL SECTION (CITY OF BUFFALO)**

Erie County’s role in the central urban waterfront has been steadily increasing over the past few years. The County’s Riverwalk extends from the Tonawandas into the City of Buffalo and meanders its way

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southward to the Erie Basin Marina and Erie Canal Harbor site. Numerous smaller park sites are linked by the Riverwalk, including two historic Olmsted Parks. Currently the County operates and maintains Tow-Path Park and Ontario Street Boat Launch, and agreement for operation are pending between the City and County for the new Squaw Island Park and existing Broderick Park – Underground Railroad Freedom Memorial. Two major waterfront development areas that warrant extensive county and state involvement are at the Inner Harbor (Erie Canal Harbor) and Outer Harbor, recently highlighted by the exciting news of a new 80-acre State Park at Gallagher Beach and the Small Boat Harbor.

- *Similar to the Northern section mentioned above, the County should also revisit much of the existing Riverwalk alignment and aesthetics along the City's urban waterfront due to the fact that some stretches of the trail travel behind buildings, do not have any relationship to the water and are considered isolated and dangerous. When constructed in the late 1970s, there were many impediments to linking the Riverwalk directly to the River due to active businesses and certain private property obstacles, however the past 20 years have brought with it many changes in land uses along the waterfront and opportunities now exist in some areas for realignment and making a stronger and more aesthetically pleasing connection between the Riverwalk and the River.*
- *The County should continue to extend its hand to the future operations and maintenance of the nationally significant Olmsted Park System, with two properties along the waterfront (Riverside and Front Parks), consistent with the recommendations outlined in the study recently completed by the Central Park Conservancy.*
- *Similar to the Cherry farm property in Tonawanda, the Squaw Island Park is a notable reclamation of a former Brownfields site, with great potential for shoreline restoration and habitat enhancement. The County's pending take over at this new park property will elevate*

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*the importance of this site to a regional level.*

- Broderick Park is a small but extremely important site for Western New York. It is home to the Underground Railroad Freedom Memorial and deserves County, State and Federal attention and future involvement. Earlier investment by the City of Buffalo has established the framework for the memorial, however a lack of continued funding has halted any further phases of development of the site. Agreements are pending for the County to assume a much needed operations and maintenance role at Broderick Park.*
- One major waterfront park site that warrants a larger county role is at LaSalle Park. This 77-acre park sits at one of the most beautiful locations along the Erie county waterfront, and is home to many events, concerts and activities that serve a larger regional audience. A master plan has been established for LaSalle Park and early phases of construction have been completed. However, funding has now diminished and attention at higher levels of government are needed to allow this significant park maximize its full potential. The Riverwalk also travels through LaSalle Park and is in need of significant upgrades and repairs.*
- The County should continue its partnership role at the Erie Canal Harbor site, and work closely with the City of Buffalo and State of New York to provide an urban waterfront center that is vibrant and successful for years to come.*
- The Outer Harbor area is Buffalo and Erie County's greatest potential for economic rebirth and waterfront redevelopment. The County should continue to support the momentum currently underway with the establishment of Buffalo's first State Park. Further county involvement and partnership with the State of New York could expand upon its recent successes and extend the State Park holdings to Tiffit Nature Preserve and northwards towards Downtown Buffalo with a*

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*linear waterfront park and trail system and to Times Beach Nature Preserve. Other notable future developments in the Outer Harbor area could include a National Industrial Heritage Corridor along the Buffalo River and a greenway connection from the Lake into Olmsted's South Park and the County-owned Botanical Gardens.*

#### **5.1.4 SOUTHERN SECTION**

South of the Outer Harbor and City of Buffalo limits, Erie County has been involved in the advancement of a lakefront recreational trail that would link the Riverwalk and Outer Harbor to points south and eventually to Evangola State Park. Emphasis should be placed on encouraging greater State of New York involvement and investment in this regional trail system, which serves as the overall recreational “spine” linking numerous waterfront parks, including local, county and state facilities. Two major county-owned facilities along the southern Erie County waterfront are Bennett beach and Wendt Beach. Given their proximity to Evangola State Park, and the current sharing of manpower and resources, it may make sense over the long term for Erie County to partner with the State on both of these properties for future operations and maintenance, marketing and capital expenditures.

- *Similar to the northern reaches of the county's waterfront, the County should continue to promote regional trail efforts along the southern shoreline areas, while looking to partner with the State of New York for future trail developments, enhancements, maintenance and marketing. The proposed lakefront trail is considered a regional asset that deserves attention and support at the highest levels of government. Given its significance, the county should look to develop partnering roles for the local communities, as well as with the State.*
- *Both Wendt and Bennett Beaches should be considered for increased involvement by the State of New York. This would follow the precedent set by the State at Woodlawn beach State Park, and put greater emphasis*

## WATERFRONT

Erie County's series of waterfront parks and trails should be a **continuum of the great Olmsted tradition**. Buffalo/Erie County has a significant history of great parks planning and public spaces, which is highlighted by the unique series of historic parks, parkways and urban spaces designed by Frederick Law Olmsted, Sr. between the 1860s and 1890s. Buffalo's Olmsted Park System was the first of its kind in the United States.

Another world-class model of parks planning and connectivity is only a few miles away across the Niagara River. The **Niagara Parks System** in Ontario extends from Lake Erie (at Fort Erie near the Peace Bridge) through Niagara Falls and ends at Lake Ontario (at Niagara-On-The-Lake). This is a successful model of a park system with funding support from the Provincial level of Government, and numerous revenue-generating facilities that return dollars directly back to the operations and maintenance of the system.

Similar to what Erie County hopes to achieve with greater New York State involvement along the Lake and River shoreline, the **Ithaca area** is an example of where **New York State Parks** are clustered around unique natural water features, including Buttermilk Falls State Park, Allan H. Treman State Marine Park, Robert H. Treman State Park, and the nearby Taughannock Falls State Park. In addition, Letchworth State Park is a linear park that has preserved a unique natural feature of the Genesee River Gorge.

*on Wendt and Bennett Beaches as significant regional attractions and the preservation of natural sand dunes, beaches and historic structures.*

- *The County should consider working with State Parks on a seasonal marketing campaign that would link the major lake front park properties of the Outer Harbor, Woodlawn Beach, Sturgeon Point, Wendt beach, Bennett Beach and Evangola State Park.*

## 5.2 BACKGROUND STUDIES AND INITIATIVES

Erie County includes scenic lake and river systems, including extensive shoreline along Lake Erie and the Niagara River, which are significant regional attractions and economic assets. Waterfront land ownership is held by a number of interests, including State, County, local municipal governments and private landowners. It has been well recognized in New York State that a comprehensive approach to planning and development of the region's waterfronts is needed to ensure that an appropriate balance is achieved between the protection of natural resources, economic benefits, and recreational opportunities. A strategy to address the management and development of the County's waterfront parks was deemed an important component of this Master Plan.

The Erie County waterfront strategy needs to address all water's edges including lakes, rivers and canals. In particular the Lake Erie/Niagara River shoreline, the Buffalo River and the Erie Canal are key corridors that have been identified as paramount to environmental conservation, tourism potential and economic **RENEWAL** in Western New York. Several documents exist which provide over-arching or interrelated policies and guidelines to direct the waterfront strategy. As well, there are a number of key projects that are in the planning stages, particularly along the City of Buffalo waterfront, that currently have County support and involvement. These documents, in conjunction with the Parks Master Plan, need to be considered in the discussion of future land acquisitions, parks improvements or development on the waterfront.

Out of these past studies and planning initiatives comes the impetus for the current waterfront strategy, which includes an emphasis on some major guiding themes. These themes include:

- *Encouragement of greater New York State Involvement along the waterfront, in partnership with Erie County and local communities. This regional cooperation would elevate the waterfront to a higher level of recreational and tourism potential and develop it into an asset of statewide significance.*
- *Emphasis on waterfront access and trail linkages between destination parks and other area waterfront attractions. Tie into the Seaway Trail marketing efforts by New York State.*
- *Focus on maintaining and strengthening the momentum that has begun on Buffalo’s Outer Harbor with the establishment of a New York State Parks facility. Use parks and open space as a means to leverage public support and private investment.*
- *Preserving and enhancing the unique environmental systems along Erie County’s waterfront as a part of a growing regional EcoTourism market.*

A listing of specific studies and initiatives can be found in the sidebar columns over the next few pages.

### 5.3 REGIONAL WATERFRONT SITES

The following is a synopsis of waterfront sites (*from North to South*) that include County owned and/or managed sites, along with other sites that represent the regional waterfront system. Many of the projects have been achieved or are moving forward with County involvement. In the future the County is likely to be increasingly asked to participate in waterfront projects of significance, such as the Erie Canal Harbor (*formerly the Buffalo Inner Harbor*) and the Outer Harbor Lands. The projects identified below are projects that may warrant some level of County involvement under a partnership or collaborative arrangement with the State and Local governments. Given the statewide significance of the Erie County waterfront, including the Lake Erie shoreline, the Niagara River and Erie Canal, emphasis should be placed on increasing New



*Commissioner’s Pond at Chestnut Ridge*

Erie County waterfront initiatives and strategies should tie in to the efforts already in place or underway for the **Seaway Trail**. This scenic route is the **longest National Recreation Trail in the country**. It runs for 454 miles from the Pennsylvania border north along Lake Erie, the Niagara River and Lake Ontario to Massena and the St. Lawrence Seaway. Historic sites, scenic overlooks and natural wonders can be found along its length.

Although New York State has had facilities at Buckhorn Island, Beaver Island and Evangola State Parks for years, and the more recent Woodlawn Beach State Park, it is with the announcement of the State’s new involvement on Buffalo’s Outer Harbor (Gallagher Beach and Small Boat Harbor) that the vision of a comprehensive linear waterfront park system along Erie County’s shoreline is finally getting closer to becoming a reality. With future (potential) State involvement at such sites as Bennett Beach, Wendt Beach and the Cherry Farm, and more County/State involvement at such properties as Broderick Park, LaSalle Park, Times Beach, Tiffy Nature Preserve and the Olmsted Park System, etc., there would be a continuous series of major “nodes” along this linear park and trail system. As envisioned for many years, the precedent is being set for a major waterfront park, parkway and trail system that rivals Ontario’s Niagara Parks System and finally receives the attention it deserves at both the State and federal levels.

### 5.2.1. NEW YORK DEPARTMENT OF STATE, DIVISION OF COASTAL RESOURCES, COASTAL MANAGEMENT PLAN

Prepared in 1982 (revised 2001) the New York Department of State, Division of Coastal Resources, Coastal Management Plan provides a comprehensive policy framework for review and approvals of waterfront projects, a number of which will have an influence on County initiatives. The Coastal Management Plan provides policies in the following areas:

- Development;
- Fish and Wildlife;
- Flooding and Erosion Hazards;
- Public Access;
- Recreation;
- Historic and Scenic Resources;
- Agricultural Lands;
- Energy and Ice Management;
- Water and Air Resources.

### 5.2.2 NEW YORK STATE OPEN SPACE CONSERVATION PLAN

The New York State Open Space Conservation Plan - NYSOSCP (2002) prepared by the New York State Office of Parks Recreation and Historic Preservation identifies policies and actions for conservation of open space lands, significant natural areas, and cultural heritage sites throughout the State. It encourages a collaborative working relationship between the state, the federal government and local governments to identify and protect a cohesive framework of open space lands for environmental protection and public recreational purposes. The Plan identifies major resource areas and conservation priority projects, for immediate attention by the Department of Environmental Conservation, the New York State Office of Parks Recreation and Historic Preservation, and their partners. Resource areas pertaining to the Erie County waterfront are:

- Great Lakes Shoreline, Islands and Tributaries
- Niagara River Corridor
- New York State Canal Recreationway System

#### NYSOSCP RESOURCE AREAS IN ERIE COUNTY

The **Great Lakes Shoreline** is recognized as one of the region's most significant natural resources, both from public access / recreation and wildlife and fisheries conservation perspectives. Conservation strategies proposed

York State's future role in preserving and enhancing this vital waterfront asset. In addition, there may be specific sites, including the Erie Canal corridor, that may warrant future Federal support and involvement.

Recommendations, where proposed in earlier waterfront plans, are noted, along with updates where actions have been taken or where more current 'on the table' initiatives exist. Refer to Figure 5-1 for locations.

## TOWN OF GRAND ISLAND

### 1. BUCKHORN ISLAND STATE PARK

*New York State (New York State Office of Parks, Recreation and Historic Preservation - NYSOPRHP)*

Buckhorn Island State Park is a 895 acre state-owned natural environment area located at the northwest tip of Grand Island, and separated from the rest of the island by Burnt Ship Creek. Comprised of marsh, meadows, and woods, the site affords some of the best wildlife viewing along the Niagara River. Major improvements were initiated in 2001, including additional observation areas, parking areas and nature trails.

### 2. BEAVER ISLAND STATE PARK

*New York State (NYSOPRHP)*

Beaver Island State Park is a 951 acre state-owned multi-purpose park located at the southern tip of Grand Island. The park is open year round and offers beach swimming, picnicking, nature trails, cross-country skiing, sledding and tobogganing along with an eighteen hole golf course. The notable Casino Building, which burned a number of years ago, is slated for restoration / reconstruction in the near future. The park charges a per vehicle admission fee.

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#### 41. HAMBURG TOWN PARK

*Town of Hamburg*

Hamburg Town Park is a 13-acre town-owned developed park located on Lake Erie, in the hamlet of Mount Vernon just south of Athol Springs. The park includes a beach, walking/biking and nature trails, picnicking and other related facilities and is promoted along with Athol Springs for its birdwatching opportunities. The sandy beach is patrolled and offers safe swimming, a snack bar, change rooms and rest rooms. Adjacent to the swimming area is a boat launch; with a special area reserved for windsurfers. The park is limited to use by Town of Hamburg residents only.

#### 42. EIGHTEEN MILE CREEK

*Town of Hamburg/Town of Eden/Town of Evans*

The New York State Open Space Plan identifies this as a significant area. Protection of the creek mouth and gorge within a nature preserve area. Eighteen Mile Creek is a jewel along the Erie County waterfront and is renowned for its geological and prehistoric significance.

### **TOWN OF EVANS**

#### 43. STURGEON POINT MARINA

*Town of Evans*

Sturgeon Point Marina is a town-owned facility offering docking, mooring, loading and other services for recreational watercrafts in the Town of Evans. Owned, operated and maintained by the town, the site includes hard surface launching ramps, parking for 100 cars and trailers, plus 167 single cars. Fishing and picnicking, are also available. Sturgeon Point is has an undeveloped shoreline area adjacent to the marina and is accessed via Sturgeon Point Road.

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#### 44. WENDT BEACH

##### *Erie County*

Wendt Beach is a 178.0-acre county-owned multi-purpose park located on Lake Erie. The park is located on the former Wendt estate and includes the old Wendt mansion, a historic structure that was also once used as a stagecoach stop. The park includes two distinct halves; the western section includes the mansion and its various outbuildings, a shale beach, vegetated dunes, natural woodland areas, and other beach related facilities. The easternmost section includes wide open, level lawn areas that is primarily used for soccer throughout the summer and fall months. Although the approach and grounds are still characteristic of an estate property, parking, maintenance and storage facilities crowd the mansion and diminish its potential ambience. The park with its heritage aspects and waterfront setting, has the potential to be a regional draw but is in need of restoration. The park was selected as one of the detailed design components of the Master Plan. Given Wendt's large size, lake access, recreational potential and its proximity to Evangola State Park, it is recommended that the State of New York become a partner with the County in the future development and enhancement of this park. *Refer to Volume 2, Section 3.0 for the Specific Park Master Plan and recommendations.*

#### 45. BENNETT BEACH

##### *Erie County*

Bennett Beach is 47.5-acre county-owned waterfront park on Lake Erie in the Town of Evans. Located at the mouth of Big Sister Creek, the park includes a fine sand beach (*one of the last remaining natural sand beaches on the eastern end of Lake Erie*) and a backshore picnic area, with natural dune and creek environments. However facilities are limited and aging, and do not serve the beach area well. The site offers tremendous potential as the County's premier passive, beach-oriented park (similar to Woodlawn Beach State Park). The park was selected as one of the detailed design components of the Master Plan. Given Bennett Beach's lake access, natural sand beach and dunes, and its proximity to both Wendt Beach and Evangola State Park, it is recommended that the State of New York become a partner with the County in the future development and enhancement

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of this unique waterfront park. Refer to Volume 2, Section 3.0 for the Specific Park Master Plan and recommendations.

#### 46. EVANS TOWN PARK

*Town of Evans*

Evans Town Park is an 11.0-acre town-owned developed park located on Lake Erie. This multi-purpose park offers many diverse forms of recreation, including swimming and beach activities, tennis, volleyball, basketball, baseball, rolloer hockey, horseshoes, picnicking and playgrounds. These activities are supported by a comfort station.

#### 47. LAKE ERIE BEACH

*Town of Evans*

Lake Erie Beach Park is 5.3 acre town-owned and developed park in the Town of Evans. Redevelopment of Lake Erie Beach represents the Town's foremost priority for revitalizing its waterfront. Facilities include a guarded beach, play areas, picnicking and fishing access. A previous waterfront plan recommended improvements to the beach, support facilities, and parking to promote revitalization of commercial sites along Lakeshore Road. A pedestrian bridge over Muddy Creek was constructed, to allow public access to approximately 5.0-acres of shoreline. The project includes a picnic area, lighting, landscaping and other associated site improvements.

### **TOWN OF BRANT**

#### 48. EVANGOLA STATE PARK

*New York State*

Evangola State Park is 733-acre state-owned park located in the Towns of Brant and Evans. Its main attraction is its beautiful shoreline and natural sand beach, lined with low shale cliffs, located on Lake Erie. The park offers a guarded beach for safe swimming, nature trails, picnic facilities, baseball and soccer fields, tennis and basketball courts and 80 campsites. Snowmobiling, hunting and cross-country skiing are also offered.

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## 5.4 POLICY DIRECTION

### 5.4.1 WATERFRONT PLANNING

The waterfront strategy for the Erie County parks should build on the goals and recommendations provided in previous waterfront plans for the Erie County Waterfront. Due to changes in the economic picture over the last ten years, specific components relating to market demand and economic projections need to be updated. Notwithstanding this, the principles and underlying framework for a comprehensive and linked system of waterfront activity centers are still viable.

Although major work still needs to be undertaken on key projects such as the **Outer Harbor** and the **Erie Canal Harbor** (*Buffalo Inner Harbor area*), progress is being made and a number of significant projects, by all levels of government, have been undertaken along Lake Erie, the Niagara River, and the Erie Canal. These individual projects continue to build toward an overall waterfront recreational system. Efforts toward a linked system of waterfront recreation sites and amenities needs to be coordinated within a planning strategy that promotes sound decisions in land use planning, transportation and environmental management.

### 5.4.2 MANAGEMENT OF THE WATERFRONT RECREATION SYSTEM

The waterfront County Parks and their inter-linking recreational trails and greenways are key destinations within the overall waterfront plan, which also includes state and local parks and landholdings. In 1999 the County agreed to take over management of three City of Buffalo waterfront parks: Broderick Park, Ontario Street Boat Launch, and Tow Path Park. Although small in scale, these sites nonetheless contribute as ‘*windows on the water*’ or as part of the linear Riverwalk trail system contribute to the overall waterfront greenway system. Broderick Park is also significant for its historic role in the Underground Railroad (*site of the Underground Railroad Freedom Memorial*). The County has also partnered with the New York State Department of Environmental Conservation on several sites along the Buffalo River

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that were targeted for environmental clean-up and/or demonstration projects.

New projects aimed at revitalizing the waterfront and adjacent neighborhoods, such as the Erie Canal Harbor Project, the Buffalo Outer Harbor Trail, and the Buffalo-Fort Erie Waterfront Gateway have recently been initiated, with Erie County financial involvement. As waterfront revitalization efforts continue, the County can increasingly expect to be asked to partner in other similar undertakings, and has demonstrated its commitment in the past through financial contributions on a number of projects that generate matched funds from State programs.



While funding has been made available for capital development in the past by the County and the State, a corresponding increase has not been seen in operational funding at the County level. The County has further taken on responsibilities for parks that were previously maintained by the City of Buffalo. Given the current climate of limited resources, and the higher costs associated with the management of the waterfront sites, it may not be possible for the County to continue to increase its waterfront landholdings in a significant way, unless a corresponding increase in operational funds is provided. Redevelopment of Wendt Beach and Bennett Beach alone, assuming that development costs can be secured, will generate a significant increased demand on County operational and management resources, and the balance of the parks within the County system are equally needy. There is an expectation, and an acceptance by the public, that the New York State Parks, e.g. Woodlawn Beach State Park and Evangola Beach, are based on a nominal user pay system. However, there is a corresponding expectation that the facilities provided at the State parks are of a quality that warrants a fee payment. The County waterfront parks do not currently charge for admission; however neither are the facilities up to the standards provided at the State parks.

Within the emerging waterfront parks and greenway system that is underway, there is a potential pattern of ownership/management of the waterfront sites emerging. The **Outer Harbor Project** is expected to include a State-run park component that will build on the existing network of State parks on the Niagara River/Lake Erie shoreline. As recently as January 2003, New York State has announced its intention

to manage Gallagher Beach and the Small Boat Harbor as new State Park facilities. The addition of this parkland in close proximity to the significant natural environment area of the Tiffit Nature Reserve (which is currently managed by the Buffalo Museum of Science), suggests that these lands should all be considered as an integrated State park. It is conceivable that Wendt Beach and Bennett Beach might also fit with this state system, either as official State Parks, as a shared partnership between the State and County, or redeveloped and managed similar to the State run system.

Conversely, the smaller waterfront sites that contribute to the overall waterfront greenway trail system, or as public access points, may be more suited to management by local governments. Notwithstanding the City of Buffalo’s difficulties in the past, and the transfer of management of several of its waterfront sites to the County, future County decisions concerning new waterfront land acquisitions, or the assumption of management, should ensure adherence to the mission and mandate of the Erie County parks system. With discussions over the assumption of the Olmsted Parks (which closely fits with the County’s role), the County may wish to revisit the management of the smaller waterfront sites and the linear parks along Buffalo’s waterfront with the City, or consider increasing operations and maintenance budgets to ensure a high quality standard of management.

## 5.5 WATERFRONT PARK SYSTEM IMPROVEMENTS

The following are general recommendations that apply to the County waterfront landholdings. Specific park by park recommendations for key waterfront sites can be found in Volume 2, Section 3.0, Specific Park Master Plans.

### 5.5.1 NATURAL ENVIRONMENT

The Niagara River has been designated the First Globally Significant Important Bird Area (IBA) in the region (as identified by the National Audubon Society, US partners in the global IBA program). Significant habitat sites, or “stopovers” already exist on Grand Island (Buckhorn



Wendt Mansion



Bennett Beach Park

**Recommendation 5.1** – Build on the planning policies set out in previous waterfront plans. Update the policies to be consistent with the County’s Park’s current Mission Statement. Recognize that an accessible and connected waterfront, linked to a regional greenways system is a powerful marketing and tourism opportunity.

*Recommendation 5.2 – The County should assume a leading role in working with the state and local governments toward the protection of the Lake Erie and Niagara River waterfront environment, and the preservation of public open space, through consistent and appropriate land use planning, urban design and development controls that address environmental conservation, ecological enhancement, public access, and water-based recreation.*

**Recommendation 5.3** – The County should continue to work with the state and local governments to implement recommendations for waterfront revitalization contained in the Horizons Plan and other waterfront strategies, including such projects as the Buffalo Inner Harbor, the Buffalo Outer Harbor, completion of the Canalway Trail system, the Buffalo-Fort Erie International Gateway, and other projects as they arise.

*Recommendation 5.4 – In contemplating acquisitions of new County waterfront sites, or assumption of management of existing sites, the County should consider the role and function of the waterfront park designations (Destination Parks, Windows on the Water, and Linkages). The lands should contribute towards an overall strategy that builds economic renewal of the waterfront communities, promotes waterfront recreation and protects significant environmental and heritage resources.*

**Recommendation 5.5** – The County should enter into discussions with the waterfront partners – State, County, Buffalo Museum of Science, City of Buffalo, Local governments – to develop a cohesive

Island State Park) and at the Tiff Nature Preserve. Other regional sites under consideration for development, (Times Beach, Buffalo Outer Harbor lands, Cherry Farm Park, etc.) also provide significant opportunities for the incorporation of naturalized, habitat areas that support the IBA.

Several of the County waterfront parks: the Buffalo River Parks, Wendt Beach, and Bennett Beach, include natural environment areas that contribute to the system. Towpath Park included naturalization measures in the original master plan which were never implemented. These sites and other County waterfront parks and open space areas could also provide some contributions to the IBA. The County should incorporate an underlying ecological framework for its waterfront park system, and the development of wildlife areas and specialized waterfowl and migratory bird habitat enhancement areas should be considered in the development/redevelopment of new waterfront sites. For existing small parks and open space areas, this may be limited to the encouragement of meadow and regeneration areas through reduced mowing in specific locations. For larger sites, the design should incorporate measures that target specific habitat types, such as wetland or forest habitat.

### **5.5.2 ACCESS AND LINKAGES**

The existing network of waterfront parks, particularly through Buffalo, is not easily accessed from the main streets and lacks a cohesive system of directional signage. In conjunction with the establishment of a new County Park logo, and the development of a comprehensive family of signs, special waterfront directional signs should be developed and located along major roads and throughout neighborhoods to cue visitors and ‘remind’ residents that the waterfront (Lake or River) is nearby, and to offer wayfinding to highlighted waterfront destinations.

The Riverwalk system has improved public accessibility to the water and provides an almost continuous corridor. The Riverwalk is now almost 25 years old and, when built, traversed behind numerous active businesses with little relationship to the water’s edge. However, land uses have changed in some areas of the trail, providing opportunities for the County to revisit the trail alignment and potentially improve the aesthetics of the overall trail setting and

experience, with respect to aesthetic fencing, buffers, and shaded rest areas.

There is a growing interest by the public in low intensity, water and nature based recreation, and a number of the County's river and canalfront parks are well situated to support this. The waterfront park system should be examined for additional opportunities to provide additional fishing access points and 'soft' canoe / kayak launch sites that are accessed and serviced by existing facilities (parking, washrooms, trails).

## 5.6 CONCLUSIONS

Given its role within the overall planning of the region, the County needs to assume a leading role in working with other levels of government to ensure that waterfront development is undertaken in a comprehensive and unified manner. The waterfront strategy should build on past waterfront planning efforts, and work towards the underlying principles of economic renewal, public accessibility, recreation enhancement and environmental conservation.

It would appear that there is a role to be played for all levels of government, Local, County, and State, both in planning and implementing the waterfront recreation system as well as in managing and maintaining the existing parks and the ones to follow. Capital investment that is not followed by adequate maintenance is money wasted, and will not achieve the vision of a premier waterfront park system. Therefore, it will be important for all stakeholders to rationalize the roles and responsibilities not only for purchase and capital development, but for the ongoing management of the various sites, to be in keeping with their mandate for the provision of recreation.

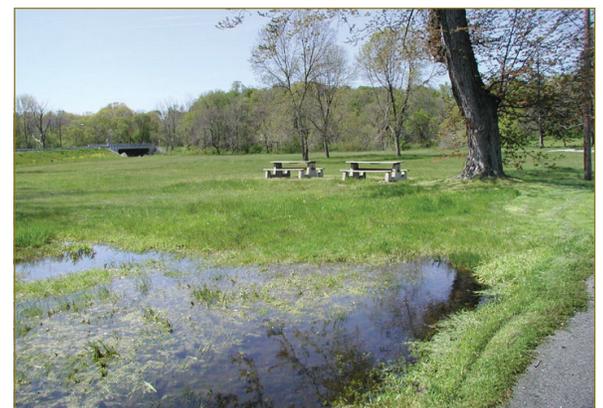
The County should continue to encourage the State to assume a prominent role in the management of significant sites that are in keeping with the overall State Park system and open space conservation objectives. This includes a recommended future State role at such sites as Times Beach Nature Preserve, Tiffitt Nature Preserve and extended Outer Harbor/waterfront trail system area (*as an extension of the current Gallagher Beach and Small Boat Harbor State Park proposals*), and may extend in the future to Wendt



*Towpath Park*



*Wendt Mansion*



*Bennett Beach Park*

*system of ownership and management for the Lake Erie/Niagara River waterfront park system that reflects the mandate of each level of government, and ensures a system of high quality, well managed and financially sustainable parks*

*Recommendation 5.6 - Waterfront parks redevelopment and upgrading, should be undertaken with a view to establishing an ecological framework throughout the system that supports the significant migratory bird corridor (Important Bird Area) along the Lake Erie and Niagara River corridors. With the assistance of naturalist organizations, the County should identify specific opportunities within new and existing parks to be implemented as part of a management strategy or at the time of redevelopment.*

*Recommendation 5.7 - Review the existing Riverwalk trail route alignments with waterfront landowners to ensure maximum connectivity, in light of land use changes.*

*Recommendation 5.8 - Develop a waterfront signage and wayfinding system that identifies all waterfront access points, and promotes a unified waterfront image.*

*Recommendation 5.9 - Investigate opportunities within the County waterfront parks for improving fishing access and providing soft launches for canoeing and kayaking.*

Beach and Bennett Beach. Alternately, from a “dollars and cents” level of thought, as redevelopment of Wendt and Bennett Beaches take place the County may wish to consider a user-pay system similar to that in place in the New York State Parks to ensure that adequate future funds are available to manage and operate these vital waterfront sites to the highest quality.

The County-owned and/or managed waterfront park system already represents a significant part of the County park operational costs. The ability of any planned waterfront revitalization to generate tourism potential and economic renewal for the region will be substantially based on the quality of the recreational experience for prospective residents and visitors. This will require a high standard of park development, accompanied by a high standard of management and maintenance. Many of the existing County-owned parks are in need of redevelopment or upgrading. The County has also assumed management of several smaller, and fairly recently developed parks from the City of Buffalo, which are also in need of restoration and improved maintenance efforts.

Future County decisions concerning new waterfront land acquisitions, or the assumption of management of existing parks and open space areas, should therefore consider the mission and mandate of the Erie County Parks System, and should ensure the provision of adequate funds to manage and operate them to a high standard.

Specific recommendations for parks improvements are provided in Volume 2. However, as a general note it is recommended that visual and physical connections within the existing waterfront park and trail system be improved, through:

- *Wayfinding signs with consistent waterfront image or logo- along Riverwalk trail corridor, on main thoroughfares at intersections with connecting roads leading to waterfront access points, along scenic rural routes in rural areas (in tandem with the Seaway Trail signage).*
- *Improvements to physical trail connections - road crossings, trail corridors, (shade, fencing, views to lake, rest areas), revisiting trail routing where land uses have changed;*
- *Improved fishing access and opportunities for canoe/kayak launching, employing “soft” launches rather than paved ramps.*

**APPENDIX F PUBLIC INFORMATION MEETINGS AND PUBLIC HEARINGS**

**TOWN OF EVANS  
LOCAL WATERFRONT  
REVITALIZATION PROGRAM**

**HELP US PLAN FOR YOUR FUTURE**

Economic Development  
Flooding and Erosion  
Public Access

Water Quality  
Community Character  
Visitorship/Tourism



Water and Sewer Services  
Parks and Recreation

Scenic Resources

**PUBLIC INFORMATION MEETING**  
**MAY 12, 2009 at 7:00 PM**  
**AT LAKESHORE HIGH SCHOOL**  
**MEDIA CENTER**

*COME AND PROVIDE YOUR INPUT TO  
HELP GUIDE THE FUTURE OF THE WATERFRONT*

**Town of Evans**  
**Local Waterfront Revitalization Program (LWRP)**  
**Public Information Meeting**  
**Lake Shore High School Media Center**  
**Tuesday, May 12, 2009 • 7 p.m.**

**Welcome & Introduction:** Sandra Brant, Director of Planning

- Brief history
- Purpose and importance of the LWRP
- Introduction of Wendy Salvati

**Presentation:** Wendy Salvati, Planning Consultant

- Current LWRP on record is from 1986; over 20 years old.
- Waterfront Advisory Committee introduced –
  - Fran Pordum, TOE Supervisor (not present)
  - Russ Manguso, TOE Parks (not present)
  - Maureen Andrews, TOE Parks
  - William Houston, TOE Economic Development Board
  - James Manning, TOE Recreation Advisory Board
  - David Sippel, TOE Sturgeon Point Advisory Board
  - Joseph Mackenburg, TOE Conservation Advisory Board
  - Donald Maglich, TOE Citizen Representative
  - Valeria Ivan, NYSDOS (not present)
  - Rachael Chrostowski, ECDEP Planner
  - Thomas Dearing, ECDEP (not present)
  - Andy Giarrizzo, NYSHPO (not present)
  - Steven Doleski, NYSDEC – Outside Resource (not present)
- Committee split boundary into 3 areas.
- Modified boundary 3 – now begins at Lake Shore Road vs Rt. 5. It was felt that inland should be governed by the Town's Comprehensive Plan.
- Meeting is to hear public input on LWRP only; let's be tolerant of each other's opinions.
- What is your vision?

**Open Floor to Public**

- Wendt & Bennett Beaches underutilized – where do they fit into the plan?
- Where is there a copy of the Town's existing LWRP? *Planning Office.*
- Does this have anything to do with the Horizon plan?
- When was the last time the Federal Wetlands were updated?
- When will we see the new LWRP?
- Are we making a plan to make a plan or will it be utilized? What are we doing?
- Can we make sure this document doesn't just sit for another 20 years?
- Make sure plan allows for things to happen.
- What, if anything, was accomplished with the old LWRP?
- It is difficult to comment when old LWRP isn't available.
- Too much money is spent on plans that are not utilized.
- Open Wendt Beach.
- We need to bring people to our beaches? The Town has two great parks.
- Town doesn't own the beaches, the County does.

- Can the Town negotiate with the County to lease these parks and be good stewards?
- Drive-In is mentioned in the Comprehensive Plan, yet it is gone.
- Grandview Bay has a problem with beach access.
- The Town should develop an Advisory Committee that incorporates representatives from all the different regions.
- If someone is on an Advisory Committee would they then be on the Development team?
- Is there any undeveloped land on the lakefront?
- Concerns about condominiums or other tall building blocking lake views.
- Guidelines should be set forth for scenic views.
- Should identify scenic areas.
- Maintenance of beaches should be included in the LWRP and assistance provided by the Town:
  - Town should stop refuse and burning on the beaches
  - More refuse can are needed & need to be emptied more than once a year.
- Town should look into possible low-cost maintenance help:
  - Ameri-Corps
  - School Community Service
  - Prison Inmates
- Sand dunes should be preserved – no building done on them.
- More strict building codes should be explored – size, height etc. of buildings in lake area.
- The Town has a unique opportunity for students, with AJS being near the water – it should be encouraged.
- Erosion areas were defined:
  - Highland, Tyler Road – drainage issues
  - Point Breeze Drive – drainage/flooding
  - End of Beach Road - flooding
  - Wendt Beach – shoreline erosion.
- Continue to pursue the Hike/Bike path. *Gifford provided and update and explained set-backs.*
- Should the community get involved to help facilitate the movement of the Hike/Bike path – letters?
- Many residents are concerned about the quaintness of the community.
- Town support for different community group activities should be encouraged.
- Beautiful beaches and Parks – promote tourism.
- LWRP should support business; places to eat, sleep and shop. Give people a reason to stay here.
- There should be more boat launches, not just Sturgeon Point and Point Breeze to support tourism
  - Fishing tournaments
- A boat launch should be available where small boats could be carried into the water.
- Promote craft shows, food festivals etc. in the lake area.
- A right to beach access should be included in LWRP – some people have become territorial.

## **Conclusion**

- You may send additional surveys to the Planning Office; they will be utilized and shared with the Waterfront Advisory Committee.
- Draft will likely not be available until the end of the year.
- Another public meeting will take place.

## **LWRA ACTIVE HOMEOWNERS ASSOCIATIONS**

Grandview Bay Community Association

Roat Acres Community Association

Seymour Terrace Community Association

Shore Meadows Community Association

## **LWRA BUSINESS COMMUNITY**

Castaways Waterfront Bar & Grill – Lake Erie Beach Community

Just Pizza – Lake Erie Beach Community

Mickey Rat's/Captain Kidd's – Grandview Bay Community

Pat's Pizzeria – Lake Erie Beach Community

Point Breeze Campground – Lake Erie Beach Community

Scott Brown, Attorney – Lake Erie Beach Community

South Shore Beach Inn – Grandview Bay Community

Stroh's Tavern – Lake Erie Beach Community

October 28, 2009

Grandview Bay Community Association  
Mr. Ben Little, President  
P.O. Box 207  
Angola, NY 14006

Dear Mr. Little,

The Town of Evans is in the process of updating the Local Waterfront Revitalization Program (LWRP), which was originally prepared and adopted in 1986. The LWRP is essentially a comprehensive Plan that addresses the use, protection and enjoyment of the waterfront. (We have attached some brief information about the LWRP; the existing document can be viewed at the Town Planning Office).

To assist with the update of the LWRP, the Town's Waterfront Advisory Committee is seeking public input. We recognize the role of shoreline associations and committees and are interested in meeting with one or two representatives from your organization. The purpose of this meeting is to discuss issues and opportunities that you feel should be considered as part of the planning process for updating the LWRP. We encourage you to collaborate as a group to discuss this project and identify the appropriate parties to represent you at this meeting. If interested, please contact the Town of Evans Planning Office at 549-0945 at your earliest convenience to schedule this meeting. As we are scheduling a number of these stakeholders' meetings, we don't expect the individual meetings to last more than 30 minutes.

Please review the attached materials and consult with your membership to identify what you think is important for achieving a future vision for the waterfront. This vision could be anything from maintaining the existing character and quality of the area to more progressive ideas for change to improve the area. We are providing you this opportunity and hope to gain your insights to make the updated program more representative.

We look forward to speaking with you soon to discuss this matter further and to set up a meeting.

Sincerely,

Sandra L. Brant  
Director of Planning

October 28, 2009

Castaways Waterfront Bar & Grill  
Mr. William Holland  
188 Kennedy Avenue  
Angola, NY 14006

Dear Mr. Holland,

The Town of Evans is in the process of updating the Local Waterfront Revitalization Program (LWRP), which was originally prepared and adopted in 1986. The LWRP is essentially a comprehensive Plan that addresses the use, protection and enjoyment of the waterfront. (We have attached some brief information about the LWRP; the existing document can be viewed at the Town Planning Office).

To assist with the update of the LWRP, the Town's Waterfront Advisory Committee is seeking public input. We recognize the role of shoreline associations, committees and waterfront business and are interested in meeting with one or two representatives from your organization. Please review the attached materials to identify what you think is important for achieving a future vision for the waterfront. The purpose of this meeting is to discuss issues and opportunities that you feel should be considered as part of the planning process for updating the LWRP.

By providing you this opportunity, we hope to gain your insights to help make the updated program more representative. If interested in meeting with us, please contact the Town of Evans Planning Office at 549-0945 at your earliest convenience to set up this meeting. As we are scheduling a number of stakeholders' meetings, we don't expect the individual meetings to last more than 30 minutes.

We look forward to speaking with you soon to set up a meeting and discuss this matter further.

Sincerely,

Sandra L. Brant  
Director of Planning

**TOWN OF EVANS  
LOCAL WATERFRONT  
REVITALIZATION PROGRAM**



***2<sup>nd</sup> PUBLIC  
INFORMATION MEETING***  
**June 3, 2010 at 7:00 PM**  
**AT THE EVANS MUNICIPAL  
CENTER**

***PROVIDE YOUR INPUT ON THE FINDINGS AND  
RECOMMENDATIONS FOR THE LWRP***

***For more information go to  
[www.townofevans.com](http://www.townofevans.com)***

## EVANS LOCAL WATERFRONT REVITALIZATION PLAN

### PUBLIC INFORMATION MEETING

JUNE 3, 2010 · 7:00 PM · TOWN HALL COURT ROOM

Evans Town Supervisor Fran Pordum and Sandy Brant, Director of Planning, introduced Wendy Salvati from Wendel Duchscherer. Ms. Salvati stated that the last update of the Evans Local Waterfront Revitalization Plan (LWRP) was completed 24 years ago, in 1986, and therefore it is necessary to revise the plan to reflect current conditions in the waterfront area. The Town recognizes the importance of public participation in updating this plan.

In 2009, a committee was formed to work on the update of the LWRP, in accordance with state guidelines and regulations. The first public information meeting on the update process was held in May 2009, where the committee heard many helpful comments that were incorporated into the draft plan.

Since the first public information meeting, the committee has reviewed and refined the State Coastal Management Program. The committee identified proposed actions, goals, and objectives of the LWRP. The Boundary that was established in 1986 remains nearly the same, with the addition of areas along significant stream corridors (Eighteen Mile Creek and Big Sister Creek) in the Town. An inventory and analysis of current conditions was done, which will be available on the Town's website in draft format. Once finalized, this will be updated on the website as well. The committee also reviewed the state's coastal management policies, as well as additional sub-policies that were added in 1986. The out-of-date policies were removed or revised, and new information was added. These policies are the backbone of the LWRP document. The draft LWRP also contains a description of proposed land and water uses, as well as proposed projects. This section is important because it identifies areas within the Local Waterfront Revitalization Area (LWRA) where the policies can be implemented and will help to secure funding. The Implementation Actions section includes the legal items that need to be amended (i.e. zoning code, local laws), and describes other studies that are being done. The LWRP will also contain a list of agencies that are affected by the LWRP, and a description of public involvement in the LWRP update process. Once the Department of State approves the draft plan, it can be shared with the public, for review and comment.

Ms. Marie O'Connor stated that at the first public information meeting, the public suggested that the committee reach out to local stakeholder groups to obtain their input on the LWRP. Ms. O'Connor inquired if this was done. Ms. Salvati stated that the committee contacted homeowners associations and businesses in the LWRA by mail, providing opportunities for these stakeholders to voice their opinions and concerns regarding the LWRP update. The committee did not receive a response from any of the groups or businesses that were contacted.

Ms. Salvati reviewed the *Inventory and Analysis of Existing Conditions* document that was distributed, and requested feedback on any item that was included, and asked for any additional comments that may have been overlooked.

Ms. Carol Matson noted that the 7<sup>th</sup> bullet in the *Assets and Opportunities* section stated that there is capacity at the Erie County wastewater treatment plant to accommodate future development in the LWRA, but the bullet does not acknowledge the overflow problems during storm events. Ms. Salvati explained that the issue is described in the *Issues and Concerns* section of the document, and must be addressed by the County. The DEC is already attempting to mitigate the impact of increased stormwater infiltration into the sewer system by requiring mitigation as a trade-off for adding to sewer capacity.

Ms. O'Connor also mentioned that she is concerned about pungent odors emanating from the wastewater treatment plant.

Mr. Bob Palmer stated that along Big Sister Creek all possible access points have been explored and the dredger is available if needed. He also stated that the hike and bike trail is great, and Purvis Landing would be a great location for a car top launch. Mr. Palmer believes that horse stables at Wendt Beach are an inappropriate use, the

resultant horse feces on the beach is undesirable, and there are other plenty of other locations within the Town for equestrian uses. Mr. Palmer would also like for Wendt Mansion to be open to the public. Ms. Salvati stated that other similar places, like the Glen Iris Inn in Letchworth State Park, the facilities are leased, and the renter maintains and operates the facility and the proceeds are given to the County.

Mr. David Stout has concerns about the height of manhole covers. Many of them are significantly lower than the pavement surface.

Ms. O'Connor stated that she disagrees with the 10<sup>th</sup> bullet in the *Assets and Opportunities* section that states the banks of the stream corridors within the LWRA have not been impacted by development. She believes that there has been a great deal of development impact to Delaware Creek. This has increased stormwater flow, and erosion. She stated that this applies to the area where Fern Brook meets Waterman Road.

Ms. O'Connor also stated that the 12<sup>th</sup> bullet indicates that failing septic systems were a source of pollution, but recent studies have not substantiated this claim.

Ms. O'Connor is concerned that the fresh water feed breaks numerous times per year. This feed is the one that supplies the Angola District. These are the oldest pipes in the area.

Mr. Paul McNaughton asked, with regard to inflow and infiltration, if the storm sewer was connected to the sanitary sewer. Ms. Salvati explained that it was not, and that stormwater manages to get into the sanitary sewer system from improper connections from some homes' roof drainage into the sanitary sewer system, and by other means.

Ms. Salvati reviewed the maps that were distributed. These maps indicate which properties are included in the LWRA, and also points out key features and land uses. No one in attendance commented on the maps.

Ms. Salvati reviewed the hand out of proposed Town projects and studies.

The first project discussed was Sturgeon Point Bluffs and Marina Improvements. Mr. Ed Conboy inquired whether a survey had been done for the area behind the marina by the bluffs. A Town Board member in attendance stated that the town had hired Manguso and Wendel.

Ms. Matson stated that consideration should be given to the location of the Erie County Outfall when discussing expansion of the marina. Sand deposition and dredging must also be considered here, because the marina's location on a point results in excessive amounts of sand. It must also be noted that sand movement can negatively affect the bluffs. Digging to make the marina deeper could be problematic and Ms. Matson is unsure of how that would be done. Ms. Matson also has concerns about the safety of swimmers to the west of the marina is unsafe due to the crosscurrent. Ms. Salvati asked Ms. Matson if she would support the enlargement of the marina if it were feasible. Ms. Matson stated that it would be expensive to engineer and maintain, and she wonders if the money could be recouped. Right now, repair should be a priority, as rocks are falling in now. Ms. Matson later indicated that the nesting schedules and behaviors of the cliff swallows should be considered when changes are made to the sand around the marina.

The second project discussed was the Evans Multi-Use Trail. Mr. Conboy stated that he supports the trail, as long as it is designed properly by engineers, and placed on the correct side of the road.

Ms. Salvati discussed the proposed improvements to the terminus of Wendt Road. Mr. Conboy asked if the right-of-way was large enough for what is proposed. Ms. Salvati said that the parks superintendent stated that there should be sufficient space for a few parking spaces.

The proposed improvements to Purvis Landing were reviewed. Mr. Conboy stated that this is similar to what is proposed for the terminus of Wendt Road, and is more accessible, but parking at Purvis Landing is insufficient. Ms.

Salvati says that improvements to this site are feasible. Ms. O'Connor stated that the proposed improvements were once in place at Purvis Landing, but maintenance is cost prohibitive, which is why the improvements were removed and the area was set up as it is today. Ms. O'Connor also stated that the proposed boardwalk structure that would improve handicap accessibility would not be well supported by the small parking area. A handicap accessible van or vehicle would not be able to park here. Ms. Salvati stated that the committee will consider this and remove recommendations that are not feasible.

With regard to the proposed improvements to mitigate flooding at Fern Brook, a town resident in attendance inquired where the handicap accessible dock would go. Ms. Salvati stated that the parks superintendent has identified an area where the dock would be appropriate.

Ms. Brant explained that the feasibility and appropriateness of all proposed projects will be explored if funding for such projects becomes available.

Mr. Conboy inquired about proposed beach cleanup. Ms. Salvati said that Lake Erie Beach and the Town Park are cleaned. Mr. Palmer asked about the disposal of the materials that were collected from the beach, and if this would be considered composting or solid waste disposal. Ms. Salvati stated that if beach cleanup projects were implemented, those details would be explored at that time.

Mr. McNaughton suggested that providing cleanup of the old bits of concrete that are strewn about the beach would be helpful, as many residents are not aware of proper disposal avenues for that sort of material. He believes this would significantly improve the quality of the beaches.

Mr. Ed Schneider suggested that the Town Park may be appropriate for a car top launch facility.

Ms. Salvati described the proposed local laws and amendments necessary to implement the LWRP. A town resident in attendance requested that parks should be zoned as "parks" (not recreational facilities). He feels that this vague language is problematic and results in the sale of parks, etc.

Ms. O'Connor requested clarification in the zoning designations of Public Facility (PF) and Recreational Facility (RF) zoning. Ms. Salvati and Ms. Brant described each zone and suggested that further information on each zone is available in the zoning code.

A town resident in attendance asked if anything is being done upstream of Big Sister Creek to prevent infiltration. Ms. Salvati stated that she is not sure, but identifying this as an additional action necessary to implement the LWRP, will make it possible to securing funding for these improvements.

A discussion was held about the current ownership of the former Angola Water Treatment Plant. Residents in attendance asked if it would be easier to revitalize if it were owned publicly. Ms. Salvati said that if the property were owned privately, revitalization can take place using private funding, and the property will be back on the tax rolls.

Mr. Stout stated that he disagrees with the County Parks Master Plan's suggestion of moving the ingress/egress point to Bennett Beach Park.

Ms. Salvati explained the upcoming steps in the LWRP update process: The comments obtained at the public information meeting will be addressed. The draft of the LWRP document will be sent to the Department of State for approval. The town will then adopt the plan, and a 60-day review by other agencies will take place. The State Environmental Quality Review (SEQR) will commence and will run concurrently with the 60-day review, and a public hearing will be held (at which point the public will have the opportunity to review and comment on the full draft of the document). Once these review periods are complete, any comments received will be addressed, the document will be revised, the Town will adopt the LWRP. Lastly, the LWRP will be sent to the Department of State for approval, and the National Oceanic and Atmospheric Administration (NOAA) for certification.

Town of Evans

LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP)  
PUBLIC MEETING

THURSDAY, JUNE 3<sup>RD</sup> - 7 PM - TOWN HALL COURT ROOM

Name	Address
Bill Houts	11 Glen Ave Angola NY 14006
S. J. Steenberg	190 Dawn Ave Angola, N.Y. 14006
Michael Steenberg	190 Dawn Ave Angola, N.Y. 14006
DAVID SIPPEL	368 LAKESIDE 14006
BOB & JUDY PALMER	1180 EDEN EVANS GRDS EDEN 14057
JERRY RUHL	607 LARKIN ROAD, DERBY 14047
Ed Conway Jr	8168 Hillside St. Evans 14006
DON MABLICH	874 SURGEON PT. RD.
Maryann Conrad	1201 Peppertree Dr. Derby
WAGNE FRACCICA	9759 Redwing St. Angola N.Y. 14006
<del>FRS</del>	9770 LSR " 14005
Marie O'Connor	8818 Lake Shore Rd Angola NY
Art O'Leary	Coast St Angola NY
Kathleen Zagutis	7623 Lake Shore Rd. Angola NY
AL Schallina	450 Lakeside Rd
Paul & Nancy McLaughlin	9194 Lakeside Rd.
Ed Schneider 3	

Town of Evans

LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP)  
PUBLIC MEETING

THURSDAY, JUNE 3<sup>RD</sup> - 7 PM - TOWN HALL COURT ROOM

Name	Address
E. U. Waddell	600 Wilson Hwy Angel, NY
<del>E. U. Waddell</del>	<del>600 Wilson Hwy</del>
David Stout	354 Lakeside Rd

Town of Evans

**LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP)  
PUBLIC MEETING**

**THURSDAY, JUNE 3<sup>RD</sup> – 7 PM – TOWN HALL COURT ROOM**

Name	Address
M. Alan Seiner	7321 LAKE CREST DR

**TOWN OF EVANS**  
**TOWN BOARD PUBLIC HEARINGS ON THE AMENDMENT OF THE**  
**LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP) AND**  
**ADOPTION OF THE WATERFRONT CONSISTENCY REVIEW LAW**  
**MARCH 29, 2011**

**TOWN BOARD MEMBERS PRESENT:** Keith Dash, Councilman  
Paul Cooper, Councilman  
Francis Pordum, Supervisor

**ALSO PRESENT:** Sandra L. Brant, Director of Planning  
Wendy Salvati, Planning Consultant – Wendel Companies  
Donald Maglich, Waterfront Advisory Committee member  
James Manning, Waterfront Advisory Committee member  
Rachel Chrostowski, Waterfront Advisory Committee member  
Jonica DiMartino, Town Clerk

Supervisor Pordum opened the meeting at 7:00 P.M. The meeting took place at the Evans Municipal Center, Erie Road, Angola, NY 14006.

**Supervisor Pordum:** I'd like to welcome everybody and thank you for attending today. We look forward to your comments on the preliminary LWRP and for you to share your thoughts with us. Before we go any further I'd like to call the Public Hearing to order and introduce Sandy Brant who will be taking care of the Public Hearing.

**Mrs. Brant:** I will ask that the Town Clerk read the legal notice for the LWRP Public Hearing.

**Ms. DiMartino:** Legal Notice, Town of Evans: Please take notice that the Town Board of the Town of Evans, Erie County, New York will hold a Public Hearing on Tuesday, March 29, 2011 at 7pm at the Evans Town Hall, 8787 Erie Road, Angola, NY 14006 to receive public comment on the draft amendment to the Local Waterfront Revitalization Program. A draft copy of the proposed amendment is available on the Town's website: [townofevans.org](http://townofevans.org) or at the Town Clerk's office and the Planning Office to review or pick-up during normal business hours, Monday-Friday from 8 a.m. to 4 p.m. and Wednesday from 10 a.m. to 6 p.m. All parties in interest and citizens shall have an opportunity to be heard at the Public Hearing to be held aforesaid. By order of the Town Board of the Town of Evans, Jonica B. DiMartino, Town Clerk.

**Mrs. Brant:** Thank you. Before we begin the presentation for this evening, I would like to do some introductions. First of all I would like to introduce the Town Board: Supervisor Pordum, Councilman Cooper and Councilman Dash. I would also like to introduce the Waterfront Advisory Committee. This is a committee of people who have worked tirelessly, many hours of reading, a lot of meetings; this has been going on since the summer of 2008. The committee's diligence, their expertise, their knowledge of our community has been very important in our being able to create this document and the Town is very appreciative of their work. Some of them are in attendance this evening: Don Maglich, whose affiliation is as the citizen representative; Jim Manning, his affiliation is with the Recreation Advisory Board; Bill Houston, with the Economic Development Committee, was going to be in attendance, but I don't see him here this evening. The rest of the committee that is not here this

evening is: Joseph Mackenburg with the Conservation Advisory Board; Russ Manguso with the Parks Department and David Sippel with the Sturgeon Point Advisory Board. Also from the agencies that were very helpful to us and they provided many, many hours of their time as well: Thomas Dearing from Erie County Department of Environment and Planning and Rachel Chrostowski, who is here with us this evening and is also with Erie County Department of Environment and Planning. Another gentleman, Andrew Giarrizzo worked with us from the New York State Parks office in Niagara Falls. As an outside resource, Steven Doleski, before he retired, from New York State Department of Environmental Conservation who was always there to answer any questions or thoughts that we may have had that he could provide information for us, and we are grateful for that. We are still working with representatives from the DEC, but it is with different department representatives. Next I would like to introduce Wendy Salvati from Wendel Duchscherer, our Planning Consultant. Wendy also deserves much thanks and much praise for her expertise, her knowledge and all of her assistance throughout this entire process. Again, the Waterfront Committee and the Town is very appreciative of her efforts. Also, we need to thank the Town Board for their support throughout this project, to give us that confidence to keep us moving along in the right direction. As far as meeting format, for everyone's information, the Town Board will not be taking any action on either of these items this evening. The public comment period for each will remain open until May 9, 2011. If you are a speaker, please pay close attention to items 1 through 4 on the hand-out, as we will be following that format closely tonight. With all of this being said, I am going to re-introduce Wendy, who will conduct a short slide presentation.

***Ms. Salvati gave a short slide presentation (see attached)***

**Mrs. Brant:** Thank you Wendy. At this time I would like to ask the Town Clerk to please read the Public Hearing notice for the Consistency Review Law and then we can run these hearings concurrently.

**Ms. DiMartino:** Legal Notice, Town of Evans: Please take notice that the Town Board of the Town of Evans, Erie County, New York will hold a Public Hearing on Tuesday, March 29, 2011 at 7:15pm at the Evans Town Hall, 8787 Erie Road, Angola, NY 14006 to consideration the adoption of Proposed Local Law #1 of the year 2011 which would amend/replace Local Law #9 of the year 1986 and any amendments thereto Town Code Chapter 98 commonly known as the Environmental Quality Review. A draft copy of the Proposed Local Law is available on the Town's website: townofevans.org or at the Town Clerk's office and the Planning Office to review or pick-up during normal business hours, Monday-Friday from 8 a.m. to 4 p.m. and Wednesday from 10 a.m. to 6 p.m. All parties in interest and citizens shall have an opportunity to be heard at the Public Hearing to be held aforesaid. By order of the Town Board of the Town of Evans, Jonica B. DiMartino, Town Clerk.

**Mrs. Brant:** At this time I am ready to open the public comment period. I will use the sign-in sheet and call each speaker in the order that their name appears on the sheet. Each speaker will then have 3 minutes to speak regarding the Proposed LWRP Amendment. If you wish to address the Proposed Consistency Law as well, then you will be given another 3 minutes. If you can do it all in 3 minutes, that's fine too. Know that we, and by we I mean the Town Board, the Waterfront Advisory Board, Wendy and I, will be listening for valid and substantive comments that will improve our LWRP document and the related Consistency Review Law. At this time I am going to ask Ed Conboy, Jr. to step-up. Please use the microphone and state your name and address for the record.

**Edward J. Conboy, Jr., 8168 Hillside Street:** Thank you Sandy. I would first like to comment on the LWRP document. Anything that is built should be based on a lot of true facts and go forward.

- There is a statement in Section II, page 26 – Former Angola Water Treatment Plant. The statement reads “the site is owned and operated by the Village of Angola and is now in private ownership.” What kind of statement is this? It is both contradictory and very confusing. How does one define ownership? According to public records, the deed is held by the Village of Angola. At a previous meeting, the consultant was asked who the private owner is. They were informed by public officials in attendance, not to divulge that information. There is a contract for sale on the property; this contract was signed several years ago. The signer of that contract is Paul Erickson. Apparently due to financial situations he could not continue the closer of the deal. In early March, 2010, the Village Board of Angola voted to transfer the interest of Paul Erickson on this contract to a family member. The consultant was informed previously that the former water works was still owned by the Village of Angola. If the consultant has not done her homework, a search of public deeds in County Hall will see a deed recorded July 27, 1911, Liber 1194, page 306, that the Village of Angola owns this property.
- Something that is not in the report; Section II, page 36 Wendt Beach County Park. Wendt Beach is a 170 acre multi-purpose park in Sub-Area II which offers beach related passive activities and active recreational activities. The County charges a nominal fee for usage of this Park or Bennett Beach County Park on the weekends. I remember when the County charged a parking fee for use of the County Parks on weekends, but I cannot remember how many years ago that it was, but it certainly is not today, or in the very recent memory. With errors like this in the report, how can the Town, pay the consultant for doing poor work? How can the Town consider forwarding this to the NYSDOS?

Proposed Local Law No. 1 will replace Local Law No. 9. I would like to take this opportunity to comment on Proposed Local Law No. 1 of 2011. This proposed law was found on the Town of Evans website under Public Notice, Public Hearing to be held tonight: “Authority and Purpose: The purpose of this local law is to provide a framework for the agencies of the Town of Evans (Town) to incorporate the policies and purposes contained in the Town of Evans Local Waterfront Revitalization Program (LWRP). Definitions: A. "Actions" include all the following, except minor actions:”

- This is where the proposed law becomes unacceptable. Up to this point the Proposed Law has words and proposed actions that appear to protect the Environment and assist in implementing the Proposed Local Waterfront Revitalization Program. Unfortunately, the proposed draft Amendment to the LWRP is full of apparent flaws and inconsistencies.

“Minor actions” include the following actions, which are not subject to review under this chapter:” One of the minor actions not subject to review is “interpreting an existing code, rule or regulation;”

- This appears to allow the Town Government to allow everything they do to be outside of the Quality Review. It will allow all actions to be implemented without any Quality Review or a SEQR being conducted. All “actions” will have a Negative Declaration.
- The Town Officials and Employees excel in “interpreting” the Town Code. I own a small house in size, not assessment. A neighbor four lots away owns a large house and large land. This property owner built a garage 24’ x 36’ x 16’. This structure allows the parking of up to three vehicles on the ground level and has an apartment on the second level. According to the Town Building Code, an accessory structure is allowed to be built as long as it is less than 950 square-feet of building area. That is the length times the width horizontally projected. This is defined in the Town Code. When I presented my plans for constructing my accessory building with the same dimensions I was told that I needed to apply for a variance. But I explained to the Code Enforcement Officer that I met the requirements of the Town Code. He said “I know

that is what it says Ed, but that's not the way we interpret it." I asked how did my neighbor manage to receive approval to build the same structure that I wished to. The Code Enforcement Officer asked me "Don't you think he has a lot of money?" I don't know what he meant. Enough said on that.

- Now I present another interpretation by the Town's Code Enforcement Officer. This concerns a business in the Town that is partially owned by former Town Councilwoman, Karen Connors Erickson. I do not know when the Demolition Permit was officially issued for the demolition of the former hot dog stand. I do not know when the Permit was issued for the construction of the present Hot Dog Stand. When applying for a Building Permit most people have to require a building survey.

**Mrs. Brant:** Mr. Conboy, it's time; if you want to finish your sentence that would be fine. If you like to submit any of that in writing to us; please feel free to give it to us. Or you still have up until the 9<sup>th</sup> of May if you wish to add to it. Thank you.

**Mr. Conboy:** Yes, I will. Okay, thanks.

**Mrs. Brant:** Thank you. Bob Palmer...

**Robert Palmer, 1780 Eden-Evans Center Road:** Good evening. Several years ago the Federal Government created the Coastal Zoning Management Act of 1972. I have read this document in its entirety and it is very well written. The Town of Evans adopted our Local Waterfront Revitalization Program on December 17, 1986. Prior to the adoption of the Town of Evans LWRP we had five small local boat launches in this Town; Bennett Beach, I've got documentation on that; Wendt Beach, I've got documentation on that; Purvis Landing, Wendt Road and Lake Erie Beach. These are now all closed. Our quality of life has dropped and our population has dropped from 17,594 – I picked up the numbers this morning – to 16,356. That's 1,238 less people, and at the same time our taxes went up accordingly. After almost a quarter of a century we have a new draft LWRP by Wendel. The New York State Department of State with funds provided under Title 11 of the Environmental Protection Act. After carefully reviewing the Town's LWRP of 1986 of which I purchased a copy of from the Town on September 28, 2005, I find the document prepared by the Town of Evans, by the County of Erie Department of Environment and Planning was well written. However, I also found that the Coastal policies were not being followed. As an example: Policy 19B - Improve Access Opportunities at Bennett Beach, Sturgeon Point, Marina, Purvis Landing and Wendt Beach Road. Under Policy 19B it states Evans Town Park serves as a Town Park for the Town and County residents. Purvis Landing boat launch and land provides much needed supplemental capacity for boat launching and it is essential that the public access to these facilities be maintained where adequate and improved where needed. Under Policy 19, 1D a reduction of existing levels of public access that includes, but not limited to, the following: number of parking spaces that the public water related recreational resources of the facility is significantly reduced. Now, my wife and I have enjoyed going to Purvis Landing, just to watch the sunset; we use to enjoy other activities before but as we go through the aging process. Another area where the number of parking spaces is also significantly reduced is over at Lake Erie Beach Park. Boulders have been placed over one half of the parking lot. I have complained about this situation many times before Town Board meetings. We use to enjoy driving to Purvis Landing to enjoy the sunset. Lake Erie Beach on a hot summer day the lawn and parking lot is full. We can no longer enjoy stopping at the local restaurants and shops.

**Mrs. Brant:** Mr. Palmer, excuse me, your time is up. Do you also wish to speak on the Consistency Review Law?

**Mr. Palmer:** I will, but I will do that later. I also have plenty of documentation here about what happened at Purvis Landing. I've got tons of documentation here.

**Mrs. Brant:** Anything that you would like to share with us, we are willing to accept.

**Mr. Palmer:** I would like to sit down and talk this over page by page. There are so many areas here; when I look at the sensitive areas. I think somebody better check the Federal and Local Laws.

**Mrs. Brant:** Would you like to speak on the Consistency Review Law? I would prefer that you do it now if you don't mind.

**Mr. Palmer:** I am opposed to amending Chapter 98 Environmental Quality Review to Local Law No. 1. For the following reasons:

- Minor Actions Definition A120; interpreting an existing code. The Town currently follows regulations in the LWRP which are more up-to-date than the Town's law.
- Blocking up Purvis Landing by putting grass in the middle, by selling off park land; are we following these rules? I think you should be checking with the public before we take these types of actions and shut-down these facilities.
- After reading the feasibility statement of the Great Lake Environmental and Safety Consultants and archeological files, and I've reviewed all of them - there are hundreds of pages of reference here, I cannot see how we can get a negative SEQR Declaration after reviewing all these papers on this project without any public input, or very little.
- I would also like to add that the Law include the following statement – the sale of any town property between Old Lake Shore Road and the shores of Lake Erie, be it a paper road or otherwise, be strictly prohibited. Thank you!

**Mrs. Brant:** Thanks Mr. Palmer. Bill Henry...

**William Henry, 1456 Pontiac Road:** I would like to comment on the LWRP. I actually read part of the document, but actually I found it more refreshing to do my income tax then to go through this document due to its complexity. The one thing I did notice and it really struck me as a real pressing point. You talk about the quality of life in this Town but in this whole document I fail to see anywhere where you addressed renewable energy in regards to the waterfront and in regards to the use in the future. You talk about the quality of life but yet you fail to address this in this whole document. You did reference windmills with the windmill ordinance, which I must admit is one of the most restrictive in New York State, but then it's the Town's prerogative to have such an ordinance. But if you're going to be talking about the future in this Town and your going to be talking about what needs to be done, you need to talk about keeping people here, keeping the quality of life here, including renewable energy. We don't want to see any more coal plants in this area; 49,000 deaths a year because of coal related illnesses, we don't want to see a nuclear plant any where around here, so we're going to have to depend on renewable energy. No where has it been addressed on geothermal for homeowners. No where has it been addressed on biomass; there is nothing in this document that references that. Thank you.

**Mrs. Brant:** Thank you Mr. Henry. David Stout...

**David Stout, 354 Lakeside Rd.:** I have a few statements that may, or may not, be applicable to the document because I haven't read it.

- The Town, in order to assure public safety, should assure that all access ways to public beaches are maintained, free of trees and encroachments. Some are in the hands of homeowners associations and such, but I do think the Town needs to be sure that they can get to the beaches and get people out of the water when they are doing things they shouldn't do.

- Solar-electric pole-mounted raised on land along the shoreline must be allowed to insure that global environment is maintained. There has been at least one decision in this Town, made by the Zoning Board, that we should not allow them along the shore in this Town anywhere and that stinks. It doesn't meet the scientific fact that we need to capture free energy and use it instead of bringing stuff up from out of the ground and causing all the problems we are having with such things.
- The boundary of the coastal zone should be updated on the mapping as shown in this document according to the DEC requirements and needs to be enforced. This comes about because several years ago I went to the Zoning Board and was denied without any justification. The state rule still applies, you could be sued by somebody, that didn't happen, but it does need to be updated.

**Mrs. Brant:** Thank you Mr. Stout. Cheryl St. George...

**Cheryl St. George, 6440 Hamilton Dr.:** Good evening. My concern is that proper procedures were not followed for the development of LWRP. Most upsetting to me was establishing partnership with the community was not extensively sought. As one of the hundreds of Highland on the Lake property owners, with supposedly beach access and parkland rights written in our deeds, no one in our area has heard much about revitalizing our waterfront within this LWRP, other than a meeting that I came to, but never heard anything else thereafter. I have several questions in regard to the deed of rights and the proposed LWRP. Before I ask, I would like to read aloud, to the members here what NYS recommends that the Board do while developing an effective and meaningful plan. In the New York State DOS LWRP Guide Book, if that doesn't stop people right there from learning more about what to do and getting involved, the Guide Book highly recommends that the Board establishes partnerships and negotiates any points of contention so there is consensus. Establishing partnerships is one of the keys for this plan. From the beginning of this project you should have been selecting stakeholders who can make the visions of the future of the waterfront a reality. By bringing people together you can create a vision that captures the ideas and interests of a broad constituency of those concerned with the future of the waterfront. I'm going to skip through a lot of this because I didn't realize that we had only 3 minutes – some democracy. You need to form partnerships if you're pursuing goals that will affect other people and organizations. In my neighborhood we are being affected by this. You want a strong coalition that shows our interests are in agreement. I think by the number of people present it is not showing that we are agreeing with this plan. If a small group of concerned citizens with diverse perspectives can agree on the benefits of water revitalization, then a whole community can agree. It does state here, for success in this, you should connect with partnerships along the side of government officials that people, such as property owners in the surrounding areas, residents in the surrounding areas, community and neighborhood groups, non-profits with a stake in the community in the waterfront. Particular attention should be paid to maintaining a strong relationship with neighborhood leaders and community stakeholders.

**Mrs. Brant:** Ms. St. George, it's time, if you wish to share that with us you may. Please finish up.

**Ms. St. George:** I would like to finish with a couple of questions please. I'll be quick. I did not realize that we would only be given 3 minutes, if I would have I would have prepared for this a lot different.

**Mrs. Brant:** You are welcome to give the information to us in writing.

**Ms. St. George:** But the people here should hear this. Here are my quick questions:

- What regular updates and opportunities to review the plan did you offer? How many workshops, informational meetings, and newsletters did you use to incorporate outreach to

the community? There was a big lacking of outreach. Throwing it on the website and not advertising it is not outreach.

- Why isn't the public access point in Highland inventoried on this proposed LWRP?
- Who from the Highland area is a representative on the LWRP Committee? If there isn't anyone from that area, why isn't there?
- Will the board schedule a meeting just for the Highland residents to share their ideas and have our voices heard before finalizing this proposal?
- Why any public meeting wasn't held in our local area to discuss this waterfront issue, including taking the stairs from the Highland public beach access, that by the way were removed, dismantled without notification or permission from these owners? By the way, who removed these stairs and why? Why were the owners not given an option to repair the stairs before they were torn down and can we rebuild now that the structure is gone? Thank you.

**Mrs. Brant:** Thank you. Sharen Trembath...

**Sharen Trembath, 415 Alfred Avenue:** That was great, what she said. I have a couple of questions. The last time we came to one of these things you had panels that kind of told the future and what was happening. I was kind of disappointed because I thought people could see what was happening. What happened to them?

**Mrs. Brant:** I normally would not answer questions during a public hearing, but I will because it is a process question. Please understand, those were public information meetings, all that information is disseminated through the draft LWRP now. This is not a public information type meeting any more; we are taking comments.

**Ms. Trembath:** Okay.

- In the past thirty years we've had three occurrences of people wanting to build dumps in the Town of Evans, and I wish there was something in here that would prevent that in the future which also affects the coast as it leaches into the water. I think we should have some comment about no dumps in the future because that's going to come back again.
- I am very concerned about the parks. I think that Wendt Park is being privatized again and we fought very hard a few years ago and I was really surprised to see this in there and I don't understand it. I really tried to figure it out and I hope someone can explain to me what's going to happen with the future of Wendt Park since the Town adamantly told me that the Town had nothing to do with the County Park and now all of a sudden it looks like they are."

**Mrs. Brant:** Thank you. Ms. O'Connor...

**Marie O'Connor, 8818 Lake Shore Road:**

Having the documents available for review on the website since February certainly doesn't seem long enough and definitely 3 minutes doesn't seem long enough to comment on it.

- My family has been a part of the lakefront community here in Angola for over 90 years and has experienced the beauty in living along the shores of Lake Erie. For the past thirty years, especially in the last 15 years, we have observed and experienced the ever-growing impact of additional run-off due to development. The detrimental impact to the environment has been a growing saturation of the soil in the area along with escalating flash flood erosion. The affects to individuals to maintain and protect their property has become increasingly costly with little long lasting affect. I myself have been expressing these concerns for better than 25 years. The

irony of all of this is, although it is on paper, it does not appear that we have been in conformity with state and federal regulations, because this condition continues to worsen.

- To move forward without evaluating and remedying the past to a reasonable degree would continue to negatively impact this valuable area. One of two aspects of this affect have to do with the following reasons:
  1. The continual negative declarations for uphill projects issued by the Town; declarations that lack foundation basis and ignore the area residents concerns and valuable input. These declarations deny the evaluation of the true impact on the environment. I think one of these examples is the Lake Erie Beach Plan. It would have been wonderful to have something like this for that particular plan which we were not given an opportunity to comment on in a formal setting like this.
  2. The second is the lack of any Town drainage plans. I may be shooting myself in the foot, because I encourage evaluation that would establish a system that has already allowed, and I mean allowed, exacerbated run-off conditions. I'd rather propose that a drainage map system be established with remediation conformance as part of its development. How can a negative declaration be given when the drainage cannot be assessed? Additionally, I see in the Revitalization Plan, there are some terms which include the manufacturing of Town Parks and subdivisions that exist and also that would be expanded. These are in terms and I have not yet found where they are in the document itself because of its enormity, but this brings up concerns to me because this action would legitimize the negative impacts severely felt.
  3. I have been called a Lorax in the past; I've been called a tree-hugger. The Lorax I welcome, but now I feel like Horton Hears a Hoot.

Regarding the proposed Consistency Review Law: I have to say that in the SEQR, and looking at the SEQR Review process online and included in the Revitalization Plan, the SEQR law just kind of showed all the documentation of it, however I find it very confusing as a person in public who is concerned and has expressed input in my concerns in the value of this Town. It seems to be lacking the clarity of what declares a negative or positive declaration. When I go to the DEC SEQR website some of the lists of components that should be given SEQR review status are now listed differently as non-actions, although they involve land use plans. Again, the Lake Erie Beach Revitalization Plan speaks to, and is dove-tailed into this Lake Erie Beach Revitalization Plan. There are concerns that the plans were given a negative declaration and there are a number of concerns in there that were dove-tailed and be supported by the Lake Erie Beach Revitalization Plan, that would include Federal Wetlands, asphaltting trails along creek beds that substantially impact the environment along those trails, that would substantially impact the drainage within those filled-in wetlands areas with no mediation of drainage beyond those developments.

- I would like to have included, in whatever law that this is going to be replacing what we currently have, the delineation of what would warrant, we've gotten the form, but when I look at that form I cannot understand why it is a negative declaration and why other things have been declared a negative declaration. I agree totally with Ed and Bob. I totally agree with Mrs. St. George about some of her concerns and it has been very frustrating experience to bring concerns regarding the privacy and value of life. Also, with the Lake Erie Beach, again, negative declaration when were talking about asphalt and going through private property and not even allowing privacy fencing or shrubbery to be added. Again, the public hasn't really

had a chance so it would be good to have clarity in either the Lake Erie Beach Revitalization Plan or especially in any kind of law.

**Mrs. Brant:** Thank you. Mr. Schneider....

**Ed Schneider, 9575 Redwing Street:** Could you answer a few procedural questions before I get my 3 minutes?

**Mrs. Brant:** Why don't you do your 3 minutes and make your statements and we'll decide what we are going to answer, because at this point I want to give other people in this room an opportunity to speak.

**Mr. Schneider:** Aren't I the last one on the list?

**Mrs. Brant:** No you are not.

**Mr. Schneider:** Ok.

- Last week I met with Doctor Doug Perrelli at U.B. Archeology, he was surprised that there are all these studies, even relative to the Jeff White studies, and he was kind of surprised that all of his studies weren't included on Bennett Beach as part of your work here. (*CD presented to Town*)
- Lake Erie Beach Park: You don't have the name of that Park spelled right. I don't really care for anything you've got in the plan.
  - 1987 Version of the LWRP, you list the park as 5.3 acres, the current proposed plan is 5.3 acres, but on the maps of the Park in the concept plan .6 acres is missing. Can you explain to me where the .6 acres went? I know you're not answering question.

**Mrs. Brant:** No, but if you give us the information we will check into it.

**Mr. Schneider:**

- In the LWRP it mentions that the Park is free and open to the public because it was public money through Horizon. Because of all the deed restrictions this should be included in the final version - free access of use for the enjoyment of the general public that would include the beach as well as everything.
- The Town also put deed restrictions on the property, so there is no reason why it should have been illegally sold to Ted Nowak.
- Every map that has zoning on it, every map that has streets on it, there is something wrong with it. Some of them show all the parks zoned as Recreation and some of them have them as Business. You should go through all your maps and correct them. You actually have streets going through houses that don't exist. The street in front of Mr. Mauer's house doesn't even exist on any of your documentation on here. It shows an attempt by the Town to justify selling more of the Park off.
- I have letters from three different people trying to buy the Park. There's a hand-written note from Wayne Conrad himself recommending it be sold to three different property owners. You haven't addressed the attempts of these people to buy off the park and justify doing it.
- The boundary maps – everything is wrong. You didn't include anybody from Lake Erie Beach in the process.
- This is a copy of the 100 some pages that I sent to the Secretary of State because I think you are trying to sell off the park again.

**Mrs. Brant:** Let's get them into the record.

**Mr. Schneider:** My first question:

1. What happens to all the comments? Does this go into the State?

**Mrs. Brant:** Yes.

**Mr. Schneider:** What about the printed documentation? Do you summarize that, or do you include it as is?

**Mrs. Salvati:** It will be included as is.

**Mr. Schneider:** Another thing is:

- There are all these private access points along the lake and nothings inventoried.
- The Lake Erie Beach Plans show your allowing wetlands to be logged and you've got that scheduled for residential development. I pointed that out at the last meeting; I don't know how you can be developing wetlands, nothings changed since that meeting.

**Mrs. Brant:** Thank you for your comments. All of this is staying with us Mr. Schneider?

**Mr. Schneider:** Yes.

**Mrs. Brant:** Ok, thank you. John McKendry...

**John McKendry, 5545 Truscatera, Lakeview:** I'm going to concede most of my time to Jim Bucki.

- My concern is over the Meadowood site at Lake Erie Beach in the reports of the archeological survey to be submitted by Mr. Bucki. This Meadowood site, the report I don't think addresses quite properly, is tied in with the Meadowood culture; a 2300 year old site from Grand Island all the way to Saginaw Bay, Michigan. I'm involved in the one in the Town of Hanover on Beebe Road behind Burger King, which mirrors the site here. Extensive artifacts have been found at Buffalo Beach that Jim will report on. I think we have to be very careful because of the sensitivity of this site as it ties into the one in Hanover. Those are my comments. I will concede the rest of my time to Jim because he has the report.

**Jim Bucki, 6850 Minuteman Trail:** The Bennett Beach site is a site that has been near and dear to me since 1991, which is a site that I feel I discovered.

- The site is very rich in archeological resources; more than anybody realizes. Especially more than this report states; there is over 100 pages here of artifacts that I've recovered at site; literally thousands.
- This site here, the map of pending changes, will interfere pretty much with locations and sites; artifacts have been found throughout the whole site. If you put a shovel in here, there is no place that you will not come up with archeological resources that go back to up to 3,300 years ago when pottery first was developed. I have artifacts in my collection that neither the Buffalo Museum of Science, nor the Rochester Museum has.
- Some artifacts, found by the front of the building that use to be near the house by myself and Dr. Michael Richard Grant, PhD of archeology of Harvard University, has been kept under wraps. In a letter from Dr. Grant it states: "Dear Jim, I no longer have the artifacts or the report." I won't read the whole letter, I'll keep it short. "Many of the artifacts have been given to Mickey Taylor, he has them for safe keeping. Certainly, I would be happy to write a statement about the buried archeological zone that lies near the house that once stood upon the site. There is an abundance of Fire Cracked Rock, charcoal rich soil and cremated (*inaudible*). I still believe that it makes a crematory deposit of the Meadowood Archeological Culture. It most surely is an archeological site and cremated human remains are likely to upon it and should never be bulldozed. As I recall, there is also some debris immediately adjacent... (*inaudible*), and meadowood points associated with the area."
- That site, and every indication of every change that you are going to do there, you are going to need extensive archeological oversight before you can put a shovel in the ground. In front of the wall, there are fire pits that were there 2,700 years ago. There are artifacts there that you

can see; you can just pick them up off the ground. The site is rich and that really is all I have to say.

- You may have this Archeological Survey book, there are over 100 pages of Bennett Beach and it includes all my findings. I also brought some artifacts and I will set them up so people in this area can see them.

**Mrs. Brant:** That is great. Thank you so much. At this point I have two more signatures on the sheet, but I cannot read the name. It was someone at 334 North Main.

**Jill Barrett:** That is us and we don't wish to speak.

**Mrs. Brant:** Thanks. Is there anyone else who wishes to speak before we close the hearing? Supervisor Pordum may I please have a motion from the Board to close the LWRP Public Hearing.

**Supervisor Pordum:** Motion to close.

**Councilman Cooper:** I'll second.

*All in favor. Carried.*

**Mrs. Brant:** I also will need a motion to close the Consistency Review Law Hearing.

**Supervisor Pordum:** So moved.

**Councilman Cooper:** I'll second.

*All in favor. Carried.*

**Mrs. Brant:** In conclusion, I'd like to thank everyone for attending this evening and for all of your comments.

**Mrs. Salvati:** I'd like to just say something. The comments that were made in respect to the Consistency Review Law, regarding the review of minor actions; that has been changed. I apologize, I'm not sure how it happened, but the document that is posted on the website may be incorrect. The document does not exclude the review of minor actions. I will get the correct document to Mrs. Brant so it can be posted on the website tomorrow. And I also wanted to say thank you for the additional information on the archeology. Since we posted the LWRP on the website, we have actually been working on adding some additional information in Section IV and Section V that further highlights the importance of the area at Bennett Beach and the need for acknowledging and recognizing the archeological resources that exist there. We had acquired information from the late Bruce Kershner and more information in this regard will be included in the document.

**Mrs. St. George:** *(most inaudible)*...how are people in the community going to be made aware of the 60-day review window?

**Mrs. Brant:** It is on the website. It has been there.

**Mrs. St. George:** How are you going to advertise it? Couldn't you put something in the Penny Saver?

**Mrs. Brant:** We will take that into consideration.

**Councilman Cooper:** The reporter from the Hamburg Sun is here; will it be in the Hamburg Sun?

**Brian Campbell, Hamburg Sun:** Yes

**Mrs. Brant:** Reminder again, the comment period is still open until May 9, 2011, for both the LWRP and the Consistency Review Law. This final document has been available since the middle of February and it will stay on the site until May 9, as I said. Please send your further information to us in the Town Planning Office, I will make sure that the Town Board is aware of it and we will continue to improve our document. At this time I will need a motion from the Town Board to adjourn the meeting.

**Supervisor Pordum:** I'll make that motion.

**Councilman Cooper:** I'll second it.

*All in favor. Carried.*

**Mrs. Brant:** Again, thank you all for coming and good evening.

Respectfully submitted by:

Debra L. Wilson  
Planning Secretary

## APPENDIX G SEQR DOCUMENTATION

**617.20  
Appendix A  
State Environmental Quality Review  
FULL ENVIRONMENTAL ASSESSMENT FORM**

**Purpose:** The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible to allow introduction of information to fit a project or action.

**Full EAF Components:** The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

DETERMINATION OF SIGNIFICANCE – Type 1 and Unlisted Actions	
Identify the Portions of EAF completed for this project: <input checked="" type="checkbox"/> Part 1 <input type="checkbox"/> Part 2 <input type="checkbox"/> Part 3	
Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:	
<input type="checkbox"/> A.    The project will not result in any large and important impact(s) and, therefore, is one which will not have significant impact on the environment, therefore a <b>negative declaration will be prepared.</b>	
<input type="checkbox"/> B.    Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in Part 3 have been required, therefore a <b>CONDITIONED negative declaration will be prepared.*</b>	
<input type="checkbox"/> C.    The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a <b>positive declaration will be prepared.</b>	
* A conditioned Negative Declaration is only valid for Unlisted Actions	
Town of Evans Local Waterfront Revitalization Program (LWRP) Update	
Name of Action	
Town of Evans Town Board	
Name of Lead Agency	
Francis J. Pordum	Supervisor
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from responsible officer)
Date	



3. What is predominant soil type(s) on project site? Cosad, Niagara, Rhinebeck, Angola, Manlius, Orpark, Remsen, Darien, Varysburg, Blasdel, Farnham, Redhook, Middlebury, Wayland
- a. Soil Drainage:  Well drained \_\_\_\_\_ % of site  Moderately well drained 50 % of site  
 Poorly drained 50 % of site
- b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? 800 acres. (See NYCRR 370)
4. Are there bedrock outcroppings on project site?  Yes  No
- a. What is depth to bedrock? 6+ (in feet)
5. Approximate percentage of proposed project site with slopes:  0-10% 60 %  10-15% 30 %  
 15% or greater 10 %
6. Is project substantially contiguous to, or contain a building, or district, listed on the State or the National Registers of Historic Places?  Yes  No
7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks?  Yes  No
8. What is the depth of the water table? 3+ (in feet) (Seasonal high groundwater)
9. Is site located over a primary, principal, or sole source aquifer?  Yes  No
10. Do hunting, fishing or shell fishing opportunities presently exist in the project area?  Yes  No
11. Does project site contain any species of plant or animal life that is identified as threatened or endangered?  
 Yes  No According to: NYSDEC  
 Identify each species Wafer Ash, Queen Snake, Quillback, Swamp Smartweed, Northern Bog Violet, Cooper's Milk Vetch
12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations)  
 Yes  No Describe: Sand dunes, bluffs, cliffs
13. Is the project site presently used by the community or neighborhood as an open space or recreation area?  
 Yes  No If yes, explain: Parks, Marina, Camps, Campgrounds
14. Does the present site include scenic views known to be important to the community?  Yes  No  
Eighteen-Mile Creek, Pike Creek, Reisch Creek, Little Sister Creek, Big Sister Creek,
15. Streams within or contiguous to project area: Delaware Creek, Fern Brook, Muddy Creek
- a. Name of Stream and name of River to which it is tributary: \_\_\_\_\_
16. Lakes, ponds, wetland areas within or contiguous to project area:  
 a. Name: Lake Erie b. Size (In acres): N/A
17. Is the site served by existing public utilities?  Yes  No  
 a. If Yes, does sufficient capacity exist to allow connection?  Yes  No  
 b. If Yes, will improvements be necessary to allow connection?  Yes  No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?  Yes  No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617?  Yes  No
20. Has the site ever been used for the disposal of solid or hazardous wastes?  Yes  No

**B. Project Description**

1. Physical dimensions and scale of project (fill in dimensions as appropriate)

- a. Total contiguous acreage owned or controlled by project sponsor N/A acres.
- b. Project acreage to be developed: N/A acres initially; N/A acres ultimately.
- c. Project acreage to remain undeveloped N/A acres.
- d. Length of project, in miles: N/A (If appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed N/A %;
- f. Number of off-street parking spaces existing N/A ; proposed N/A .
- g. Maximum vehicular trips generated per hour N/A (upon completion of project)
- h. If residential: Number and type of housing units: N/A

	One Family	Two Family	Multiple Family	Condominium
Initially	_____	_____	_____	_____
Ultimately	_____	_____	_____	_____

- i. Dimensions (in feet) of largest proposed structure N/A height; N/A width; N/A length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? N/A ft.

2. How much natural material (i.e., rock, earth, etc.) will be removed from the site? 0 tons/cubic yards

3. Will disturbed areas be reclaimed?  Yes  No  X  N/A

a. If yes, for what intended purpose is the site being reclaimed?

b. Will topsoil be stockpiled for reclamation  Yes  No

c. Will upper subsoil be stockpiled for reclamation?  Yes  No

4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 0 acres.

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?  
 Yes  X  No

6. If single phase project: Anticipated period of construction N/A months, (including demolition).

7. If multi-phased: N/A

a. Total number of phases anticipated \_\_\_\_\_ (number)

b. Anticipated date of commencement phase 1 \_\_\_\_\_ month \_\_\_\_\_ year, (including demolition)

c. Approximate completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year.

d. Is phase 1 functionally dependent on subsequent phases?  Yes  No

8. Will blasting occur during construction?  Yes  X  No

9. Number of jobs generated: during construction 0 ; after project is complete 0 .

10. Number of jobs eliminated by this project 0

11. Will project require relocation of any projects or facilities?  Yes  X  No  
 If yes, explain: \_\_\_\_\_

12. Is surface liquid waste disposal involved?  Yes  No
- a. If yes, indicate type of waste (sewage, industrial, etc.) and amount \_\_\_\_\_
- b. Name of water body into which effluent will be discharged \_\_\_\_\_
13. Is subsurface liquid waste disposal involved?  Yes  No  
Type: \_\_\_\_\_
14. Will surface area of an existing water body increase or decrease by proposal?  Yes  No  
Explain: \_\_\_\_\_
15. Is project or any portion of project located in a 100-year flood plain?  Yes  No
16. Will the project generate solid waste?  Yes  No
- a. If yes, what is the amount per month \_\_\_\_\_ tons
- b. If yes, will an existing solid waste facility be used?  Yes  No
- c. If yes, give name \_\_\_\_\_ ; location \_\_\_\_\_
- d. Will any wastes not go into a sewage disposal system or into a sanitary landfill:  Yes  No
- e. If Yes, explain: \_\_\_\_\_
17. Will the project involve the disposal of solid waste?  Yes  No
- a. If yes, what is the anticipated rate of disposal? \_\_\_\_\_ tons/month.
- b. If yes, what is the anticipated site life? \_\_\_\_\_ years.
18. Will project use herbicides or pesticides?  Yes  No
19. Will project routinely produce odors (more than one hour per day)?  Yes  No
20. Will project produce operating noise exceeding the local ambient noise levels?  Yes  No
21. Will project result in an increase in energy use?  Yes  No  
If yes, indicate type(s) \_\_\_\_\_
22. If water supply is from wells, indicate pumping capacity N/A gallons/minute.
23. Total anticipated water usage per day N/A gallons/day.
24. Does project involve local, state, or federal funding?  Yes  No  
If Yes, explain: NYSDOS, Town

25. Approvals Required:

				Type	Submittal Date
City, Town, Village Board	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	Town Board	_____
City, Town, Village Planning Board	<input type="checkbox"/>	Yes	<input type="checkbox"/>	_____	_____
City, Town Zoning Board	<input type="checkbox"/>	Yes	<input type="checkbox"/>	_____	_____
City, County Health Department	<input type="checkbox"/>	Yes	<input type="checkbox"/>	_____	_____
Other Local Agencies	<input type="checkbox"/>	Yes	<input type="checkbox"/>	_____	_____
Other Regional Agencies	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	ECDEP	_____
State Agencies	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	NYSDOS, NYSDEC	_____
Federal Agencies	<input type="checkbox"/>	Yes	<input type="checkbox"/>	_____	_____

**C. Zoning and Planning Information**

1. Does proposed action involve a planning or zoning decision?  Yes |  No  
 If Yes, indicate decision required:
- |   |  |   |                                      |
|---|--|---|--------------------------------------|
| <input type="checkbox"/> zoning amendment | <input type="checkbox"/> zoning variance                               | <input type="checkbox"/> special use permit       | <input type="checkbox"/> subdivision |
| <input type="checkbox"/> site plan        | <input checked="" type="checkbox"/> revision of waterfront master plan | <input type="checkbox"/> resource management plan | <input type="checkbox"/> other       |
2. What is the zoning classification(s) of the site: RA, A-OS, MFR-5, MFR-3, NB, PF, RF, R-2, R-1, R-1L, RR
3. What is the maximum potential development of the site if developed as permitted by the present zoning? As permitted by zoning district
4. What is the proposed zoning of the site? \_\_\_\_\_
5. What is the maximum potential development of the site if developed as permitted by the proposed zoning? No change
6. Is the proposed action consistent with the recommended uses in adopted local land use plans?  Yes |  No
7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action? Residential, Commercial, Recreational, Agricultural
8. Is the proposed action compatible with adjoining/surrounding land uses within a ¼ mile?  Yes |  No
9. If the proposed action is the subdivision of land, how many lots are proposed? N/A  
 What is the minimum lot size proposed? \_\_\_\_\_
10. Will proposed action require any authorization(s) for the formation of sewer or water districts?  Yes |  No
11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?  
 Yes |  No  
 If yes, is existing capacity sufficient to handle projected demand?  Yes |  No
12. Will the proposed action result in the generation of traffic significantly above present levels?  Yes |  No  
 If yes, is the existing road network adequate to handle the additional traffic?  Yes |  No

**D. Information Details**

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

**E. Verification**

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name Town of Evans Date 9/3/10  
 Signature Sandra L. Brant Title Director of Planning

If the action is in the Coastal area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

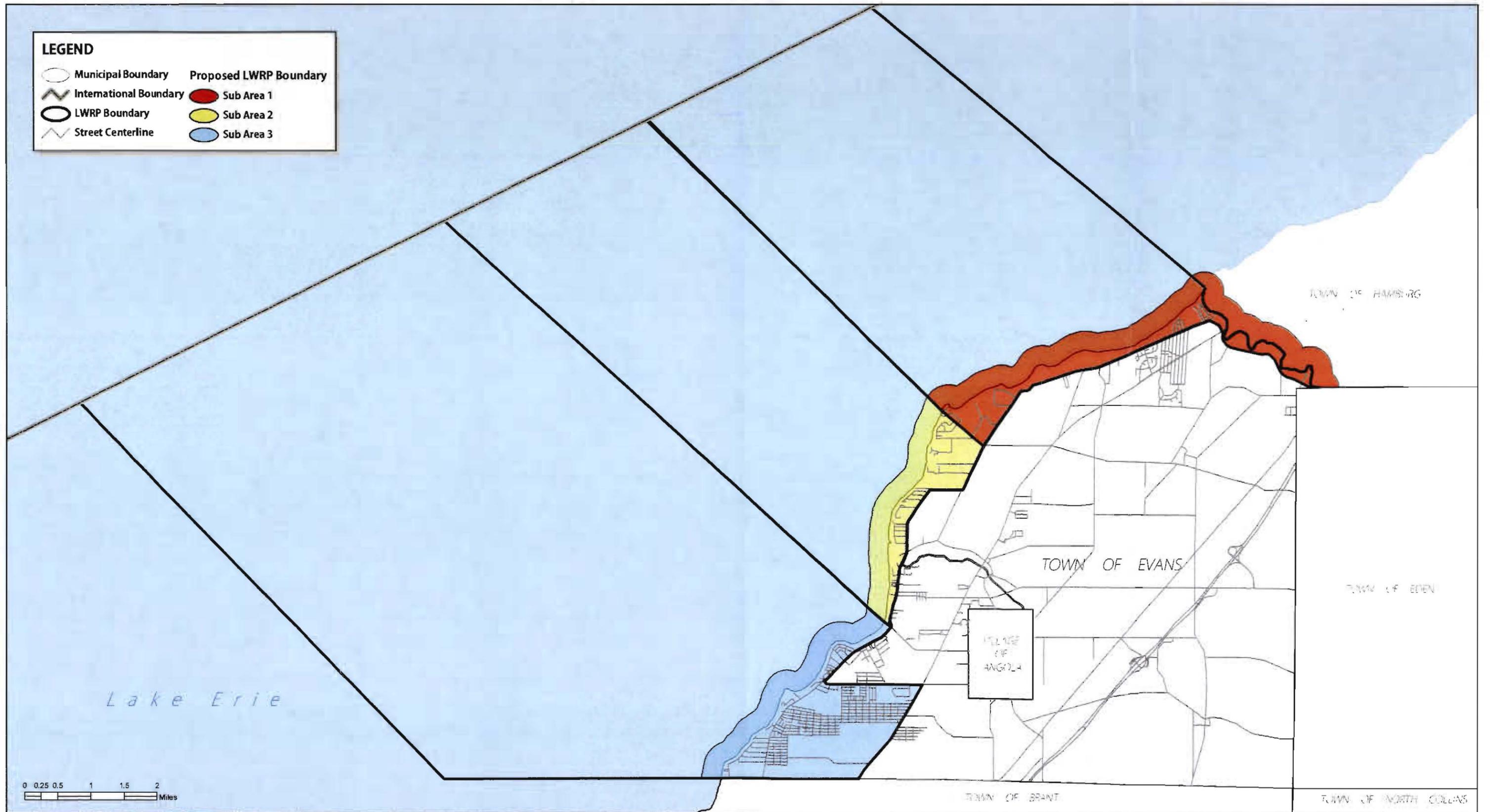


# TOWN OF EVANS

## Local Waterfront Revitalization Boundary - Regional Setting

**LEGEND**

	Municipal Boundary		Proposed LWRP Boundary
	International Boundary		Sub Area 1
	LWRP Boundary		Sub Area 2
	Street Centerline		Sub Area 3



SEP 20 2010

**September 16, 2010**

**NOTICE**

**SEQR: LEAD AGENCY DESIGNATION  
TOWN OF EVANS TOWN BOARD**

This notice is filed pursuant to Part 617 of NYCRR, Article 8 of the Environmental Conservation Law (SEQRA) and Local Law 1979-2.

**The Town of Evans has received a complete application from:**

**Name:** Town of Evans  
**Address:** Evans Municipal Center  
8787 Erie Road  
Angola, NY 14006

**Contact Person:** Sandra L. Brant, Director of Planning  
**Telephone:** (716) 549-0945

**Regarding:** Town of Evans Local Waterfront Revitalization Program (LWRP)

**Description and Location of Action:** Update and Adoption of an LWRP to effectively manage and protect cultural and environmental resources along the waterfront. The program covers the entire shoreline of Lake Erie, NY in the Town of Evans, also extending along Eighteen-Mile Creek, Big Sister Creek & Muddy Creek.

As the local agency with permitting authority, the Town Board wishes to declare Lead Agency.

**Other potential permitting agencies identified are: (check each)**

- Town Board
- Planning Board
- Zoning Board of Appeals
- Highway Department Superintendent
- Town Code Enforcement Office and Fire Council
- Water Department
- Erie County Department of Environment & Planning
- NYS DOS, Division of Coastal Resources
- State Department of Environmental Conservation
- State Department of Transportation
- State Department of Health
- Others: Federal Aviation Administration, NYADO

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**Other interested agencies may be:**

- School District
- Army Corp of Engineers
- NYS Office of Parks, Recreation and Historic Preservation
- Western New York Land Conservancy, Inc.
- Other – Adjacent Municipalities; Town of Hamburg, Town of Brant, Village of Angola

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**A preliminary review of the proposed action indicates that it is a SEQRA**

TYPE 1

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Adoption of Comprehensive Plan,<br>Resource Management Plan or Zoning | <input type="checkbox"/> Agricultural District, exceed<br>25% Above |
| <input type="checkbox"/> Zoning, Change of allowable uses<br>greater than 25 acres                        | <input type="checkbox"/> Historic Site                              |
| <input type="checkbox"/> Zoning or Site Plan change exceeding:  | <input type="checkbox"/> Public Park Land                           |
| <input type="checkbox"/> 10 Acres   | <input type="checkbox"/> Critical Environmental Area<br>(SEE BELOW) |
| <input type="checkbox"/> 2 MGD Water Use  | <input type="checkbox"/> Wetland                                    |
| <input type="checkbox"/> 1000 Cars Parking  | <input type="checkbox"/> Floodplain                                 |
| <input type="checkbox"/> 100,000 SF Gross, Non-<br>Residential  | <input type="checkbox"/> Protected Stream                           |
| <input type="checkbox"/> 250 Residential Units  | <input type="checkbox"/> Navigable Waterway                         |
| <input type="checkbox"/> 100 Ft. Above Grade  | <input type="checkbox"/> Other _____                                |
| <input type="checkbox"/> Telecommunication Tower Facility   |   |

OR:

UNLISTED ACTION (Coordinated Review Option)

The attached Environmental Assessment Form has been filed by the applicant. A full copy of the Draft LWRP will be provided by the NYSDOS as part of the forthcoming 60-day review.

Please notify me at the address below by October 18, 2010 if your agency objects to our acting as lead agency, or with any information or concerns pertinent to this matter. If no response is received by this date, we will assume your agency has no specific concerns about the action and we will proceed with our review and determination of significance.

Please respond in writing to:

Sandra L. Brant, Chairman  
Planning Division  
Evans Municipal Center  
8787 Erie Road  
Angola, New York, 14006  
Phone: (716) 549-0945  
Fax: (716) 549-0979

For further information please contact:

Wendy E. Weber Salvati, AICP  
Town Planning Consultant  
Wendel Duchscherer  
140 John James Audubon, Suite 201  
Amherst, NY 14228-1163  
Telephone: (716) 688-0766  
Fax (716) 625-6825

WHEREAS The Angola Protective Fire District has been duly established as a fire protection district within the Town of Evans, and

WHEREAS Town Law requires the Town of Evans to provide fire protection within said district,

THEREFORE BE IT

RESOLVED that pursuant to section 184 of Town Law that a public hearing be held with reference to the furnishing of such fire protection for the Angola Protective Fire District shall be held on the 3<sup>rd</sup> day of November, 2010 at **6:30 p.m.** and that notice of such hearing shall be published in the official newspaper.

VOTE RESULT: ADOPTED  
AYES- Dash, Cooper, Pordum  
NAYS- none

RESOLUTION 2010-219 SEQR Negative Declaration for Town's LWRP

*Including  
+ Consistency Review  
Law*

Supervisor Pordum moved Councilman Cooper seconded,

WHEREAS, the Town of Evans originally adopted a Local Waterfront Revitalization Program (LWRP) in March 1986; and

WHEREAS, acknowledging the need to update the LWRP to reflect current conditions and help to better manage land use activities in the waterfront area, the Town Board authorized the preparation of an update to the local program; and

WHEREAS, the Evans Town Board, assisted by the Town of Evans Waterfront Advisory Committee and Wendel Companies, the Town's Planning Consultants, has completed a Draft Amendment to the Local Waterfront Revitalization Program and LWRP Consistency Review Law, in accordance with the guidelines of the New York State Department of State and the requirements of Article 42 of the New York State Executive Law; and

WHEREAS, in accordance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act - SEQRA) of the New York State Environmental Conservation Law, the Town Board is designated as the SEQR Lead Agency, conducted a coordinated environmental review of the LWRP amendment, and has appropriately acknowledged and addressed all comments received from interested and involved agencies; and

WHEREAS, the findings of the environmental review indicate that the adoption of the Town of Evans Local Waterfront Revitalization Program Amendment and Consistency Review



Law will not adversely affect the natural resources of the State and/or the health, safety, and welfare of the public, and is consistent with all associated social and economic considerations.

NOW THEREFORE BE IT

RESOLVED, that the Evans Town Board, acting as the lead government entity for this action, has determined that the adoption of the Local Waterfront Revitalization Program Amendment and Consistency Review Law is not anticipated to result in any significant adverse impacts on the environment, and that a Negative Declaration is hereby issued based on the findings set forth in the Negative Declaration Notice of Determination of Non-Significance; and

BE IT FURTHER

RESOLVED, that the Town Supervisor is authorized to sign the Environmental Assessment Form and Negative Declaration, and direct Sandra L. Brant, Director of Planning to undertake the preparation of all appropriate notices and filings; and

BE IT FURTHER

RESOLVED, that a copy of this resolution be given to the Planning Office.

VOTE RESULT:     ADOPTED  
                          AYES- Dash, Cooper, Pordum  
                          NAYS- none

**RESOLUTION 2010-220 Erie County Community Development Block Grant Projects**

Councilman Cooper moved and Supervisor Pordum seconded,

WHEREAS: The Town of Evans is or may be eligible for Community Development Block Grants, and,

WHEREAS: The Town advertised and conducted a public hearing on Wednesday, September 29, 2010 at 7:20 p.m. to receive input for the grant for the 2011-2012 year as to the community development needs and as to projects for which such grant or grants may be sought;

NOW THEREFORE BE IT RESOLVED, that the Town Board authorizes Supervisor Pordum and/or appropriate Town Officials to sign, submit and execute a contract with Erie County Community Development Block Grant (ECCDBG) program for the following projects upon approval of ECCDBG

1. Kennedy Avenue Greenway Streetscape Project
2. Fernbrook Drainage Improvement Project
3. Rural Transit Services, Inc.

VOTE RESULT:     ADOPTED BY ROLL CALL  
                          Councilman Dash             aye



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## ENB - Region 9 Notices 11/03/2010

### Negative Declaration

**Allegany County** - The Cuba Rushford Central School District, as lead agency, has determined that the proposed 2011 Capital Improvements Project will not have a significant adverse environmental impact. The action involves a general capital improvements project including roof replacement, heating system upgrades and miscellaneous improvements at the Cuba and Rushford Elementary Schools as well as roof replacement, a building addition, running track surface replacement and miscellaneous improvements at the Middle/High School. The project is located at the Middle/High School, 5476 State Route 305, Cuba, the Cuba Elementary School, 15 Elm Street, Cuba and the Rushford Elementary School, 9114 School Street, Rushford, New York.

**Contact:** Thomas G. Swift, 130 South Union Street, Olean, NY 14760, Phone: (716) 372-0514, E-mail: [tswift@clarkpatterson.com](mailto:tswift@clarkpatterson.com).

**Cattaraugus County** - The Cattaraugus, Allegany, Erie, Wyoming BOCES, as lead agency, has determined that the proposed Ellicottville Campus 2011 Capital Project will not have a significant adverse environmental impact. The action involves a capital improvements project including general

Page Applies To:



All Regions

**Contact for this Page:**

ENB  
 NYS DEC  
 Division of  
 Environmental Permits  
 625 Broadway, 4th  
 Floor  
 Albany, NY 12233-  
 1750  
 518-402-9167  
[email us](#)

classroom renovations, mechanical and electrical upgrades, parking area improvement and other improvements. The project is located 5550 Route 242 East at the intersection with Brennan Road in Ellicottville, New York.

**Contact:** Thomas G. Swift, 130 South Union Street, Olean, NY 14760, Phone: (716) 372-0514, E-mail: [tswift@clarkpatterson.com](mailto:tswift@clarkpatterson.com).

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**Erie County** - The Town of Evans Town Board, as lead agency, has determined that the proposed Adoption of an Amendment to the Town of Evans Local Waterfront Revitalization Program (LWRP) and the Adoption of the Town of Evans Waterfront Revitalization Program Consistency Review Law will not have a significant adverse environmental impact. The action involves the intention by the Town of Evans to adopt an amendment to the Local Waterfront Revitalization Program (LWRP) as a comprehensive planning program for the waterfront that addresses issues relevant to waterfront revitalization, environmental resource protection, public access and recreation, commercial and recreation surface water uses, and flooding and erosion. The LWRP amendment was prepared under the guidelines established by the New York State Department of State and includes: (1) review and redelineation of the waterfront revitalization area boundary; (2) an inventory of existing natural and man-made resources within the waterfront area, as well as an analysis of the opportunities and constraints to future development and redevelopment; (3) updating of the coastal policies for the use, protection, and development of waterfront resources; (4) recommended land and water uses for the waterfront area, and specific projects to implement the local program; (5) a description of local laws, regulations, and other local techniques necessary for implementation of the LWRP; (6) a description of the State and Federal

programs likely to affect, and are necessary to further the implementation of the LWRP; (7) a description of the consultation efforts undertaken with affected State and local agencies during the preparation of the LWRP amendment; and (8) a description of the local commitment identified for the preparation of the LWRP amendment. Upon adoption of the LWRP amendment by the Town of Evans, and its subsequent approval by the New York State Secretary of State and reincorporation into the State's Coastal Management Program, all local, State and Federal actions are to be undertaken in a manner consistent with the Town of Evans LWRP to the maximum extent practicable.

The proposed LWRP Consistency Review Law will establish procedures for determining the consistency of proposed actions with the Town of Evans LWRP, will require a consistency determination for all Type I and Unlisted SEQR actions proposed within the boundaries of the Town of Evans Local Waterfront Revitalization Area, and provides for the prosecution of violations of these requirements. The proposed local law would take effect immediately upon its filing with the New York State Secretary of State.

The project is located throughout the Town of Evans, New York.

**Contact:** Wendy E. Weber A. Salvati, Wendel Companies, 140 John James Audubon Parkway, Suite 201, Amherst, NY 14228, Phone: (716) 688-0766, E-mail: [wsalvati@wd-ae.com](mailto:wsalvati@wd-ae.com) and Sandra L. Brant, Town of Evans, 8787 Erie Road, Angola, NY 14006, Phone: (716) 549-0945, E-mail: [planning@townofevans.org](mailto:planning@townofevans.org).

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## Positive Declaration and Public Scoping

**Chautaugua County** - The New York State

Department of Environmental Conservation (NYS DEC), as lead agency, has determined that the proposed Chautauqua County Landfill - Lateral Expansion may have a significant adverse impact on the environment and a Draft Environmental Impact Statement must be prepared. **A public scoping session will be held on November 18, 2010 at 7:00 p.m. at the Chautauqua County (Jamestown) Airport, 3163 Airport Drive, Jamestown, NY 14701.** The action involves a 53 acre lateral expansion of the Chautauqua County Landfill to the west of the existing landfill. The landfill area together with the perimeter berms, channel and access roads, plus stormwater control ponds totals approximately 74 acres. The proposed action would extend the life of the landfill by about 20 years. The proposed rate of waste acceptance would not be changed. The project is located at 3889 Towerville Road in the Town of Ellery, New York.

**Contact:** David S. Denk, NYS DEC - Region 9 Office, 270 Michigan Avenue, Buffalo, NY 14203, Phone: (716) 851-7165, E-mail: r9dep@gw.dec.state.ny.us.

# Appendix H - Guidelines for Notification and Review

## New York State Coastal Management Program - Guidelines for Notification and Review of State Agency Actions Where Local Waterfront Revitalization Programs are in Effect

### I. PURPOSES OF GUIDELINES

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

### II. DEFINITIONS

- A. Action means:
  - 1. A "Type 1" or "Unlisted" action as defined by the State Environmental Quality Review Act (SEQRA);
  - 2. Occurring within the boundaries of an approved LWRP; and
  - 3. Being taken pursuant to a state agency program or activity which has been identified by the Secretary of State as likely to affect the policies and purposes of the LWRP.
- B. ~~Consistent to the maximum extent practicable~~ means that an action will not substantially hinder the achievement of any of the policies and purposes of an approved LWRP and, whenever practicable, will advance one or more of such policies. If an action will substantially hinder any of the policies or purposes of an approved LWRP, then the action must be one:

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

### III. NOTIFICATION PROCEDURE

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

### IV. LOCAL GOVERNMENT REVIEW PROCEDURE

- A. Upon receipt of notification from a state agency, the situs local government will be responsible for evaluating a proposed action against the policies and purposes of its approved LWRP. Upon request of the local official identified in the LWRP, the state agency should promptly provide the situs local government with whatever additional information is available which will assist the situs local government to evaluate the proposed action.
- B. If the situs local government cannot identify any conflicts between the proposed action and the applicable policies and purposes of its approved LWRP, it should inform the state agency in writing of its finding. Upon receipt of the local government's finding, the

state agency may proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.

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

**V. RESOLUTION OF CONFLICTS**

- A. The following procedure applies whenever a local government has notified the Secretary of State and state agency that a proposed action conflicts with the policies and purposes of its approved LWRP:
  - 1. Upon receipt of notification from a local government that a proposed action conflicts with its approved LWRP, the state agency should contact the local LWRP official to discuss the content of the identified conflicts and the means for resolving them. A meeting of state agency and local government representatives may be necessary to discuss and resolve the identified conflicts. This discussion should take place within 30 days of the receipt of a conflict notification from the local government.
  - 2. If the discussion between the situs local government and the state agency results in the resolution of the identified conflicts, then, within seven days of the discussion, the situs local government shall notify the state agency in writing, with a copy forwarded to the Secretary of State, that all of the identified conflicts have been resolved. The state agency can then proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
  - 3. If the consultation between the situs local government and the state agency does not lead to the resolution of the identified conflicts, either party may request, in writing, the assistance of the Secretary of State to resolve any or all of the identified conflicts. This request must be received by the Secretary within 15 days following the discussion between the situs local government and the state agency. The party requesting the assistance of the Secretary of State shall forward a copy of their request to the other party.

4. Within 30 days following the receipt of a request for assistance, the Secretary or a Department of State official or employee designated by the Secretary, will discuss the identified conflicts and circumstances preventing their resolution with appropriate representatives from the state agency and situs local government.
5. If agreement among all parties cannot be reached during this discussion, the Secretary shall, within 15 days, notify both parties of his/her findings and recommendations~
6. The state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the foregoing Resolution of Conflicts procedures shall apply.

### **Procedural Guidelines for Coordinating NYS Department of State (Dos) & LWRP Consistency Review of Federal Agency Actions**

#### **DIRECT ACTIONS**

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

#### **PERMIT AND LICENSE ACTIONS**

1. DOS will acknowledge the receipt of an applicant's consistency certification and application materials. At that time, DOS will forward a copy of the submitted documentation to the program coordinator than will identify the Department's principal reviewer for the proposed action.

2. Within thirty (30) days of receiving such information, the program coordinator will contact the principal reviewer for DOS to discuss: (a) the need to request additional information for review purposes; and (b) any possible problems pertaining to the consistency of a proposed action with local coastal policies.
3. When DOS and the program coordinator agree that additional information is necessary, DOS will request the applicant to provide the information. A copy of this information will be provided to the program coordinator upon receipt.
4. Within thirty (30) days of receiving the requested additional information or discussing possible problems of a proposed action with the principal reviewer for DOS, whichever is later, the program coordinator will notify DOS of the reasons why a proposed action may be inconsistent or consistent with local coastal policies.
5. After the notification, the program coordinator will submit the municipality's written comments and recommendations on a proposed permit action to DOS before or at the conclusion of the official public comment period. If such comments and recommendations are not forwarded to DOS by the end of the public comment period, DOS will presume that the municipality has "no opinion" on the consistency of the proposed action with local coastal policies.
6. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality on a proposed permit action, DOS will contact the program coordinator to discuss any differences of opinion prior to issuing a letter of "concurrence" or "objection" letter to the applicant.
7. A copy of DOS' "concurrence" or "objective" letter to the applicant will be forwarded to the program coordinator.

#### **FINANCIAL ASSISTANCE ACTIONS**

1. Upon receiving notification of a proposed federal financial assistance action, DOS will request information on the action from the applicant for consistency review purposes. As appropriate, DOS will also request the applicant to provide a copy of the application documentation to the program coordinator. A copy of this letter will be forwarded to the coordinator and will serve as notification that the proposed action may be subject to review.
2. DOS will acknowledge the receipt of the requested information and provide a copy of this acknowledgement to the program coordinator. DOS may, at this time, request the applicant to submit additional information for review purposes.
3. The review period will conclude thirty (30) days after the date on DOS' letter of acknowledgement or the receipt of requested additional information, whichever is later. The review period may be extended for major financial assistance actions.
4. The program coordinator must submit the municipality's comments and recommendations on the proposed action to DOS within twenty days (or other time agreed to by DOS and the program coordinator) from the start of the review period. If comments and recommendations

are not received within this period, DOS will presume that the municipality has "no opinion" on the consistency of the proposed financial assistance action with local coastal policies.

5. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality, DOS will contact the program coordinator to discuss any differences of opinion or questions prior to notifying the applicant of DOS' consistency decision.
6. A copy of DOS' consistency decision letter to the applicant will be forwarded to the program coordinator.