

SECTION V - Techniques for Local Implementation

This section of the LWRP sets out implementation strategies for the Town of Hamburg LWRP. This section considers existing laws and sections of Hamburg 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

A. Chapter 18, Department of Planning

Chapter 18 establishes the department of Planning charging it with the responsibility for (reviewing) planning and development projects that come before the Town Planning Board. The technical review conducted by the Planning Board is one mechanism to confirm that the policies of the LWRP are being complied with during the review and approval process. The Planning Department also drafts special studies, updates to the Comprehensive Plan, and amendments to the Town Code, all of which must take the LWRP into consideration.

B. Chapter 70, Beach Control

Chapter 70 prohibits the use or disposal of glass containers on any public or private beach within the Town of Hamburg.

C. Chapter 85, Coastal Erosion Hazard Area

Chapter 85 sets out standards and procedures for the Town of Hamburg's administration of a coastal erosion management program pursuant to Article 34 of the NYS Environmental Conservation Law. Chapter 85 was enacted in 1993, subsequent to the completion for the original LWRP. The general intent of this chapter is to regulate land use and development activities in the coastal erosion hazard area and to establish standards to minimize and prevent damage to structures, natural protective features, and other natural resources and to protect human life.

Chapter 85 establishes the coastal erosion hazard area and permit requirements for certain activities. The coastal hazard area is divided into zones, each having specific use and dimensional standards for construction and location of new or modified structures, including erosion control structures.

D. Chapter 87, Conservation Easements

The intent of this chapter is to allow landowners in the Town of Hamburg the ability to preserve open space by granting a conservation easement to the Town that restricts disturbance of this land in return for a reduction in the assessment on the property.

E. Chapter 107, Excavation and Soil Removal

Article III (Clearing, Stripping and Erosion Control) of Chapter 107 regulates the site preparation activities related to excavation, filling, grading and stripping so as to prevent problems related to erosion, sediment or drainage. This chapter establishes a permit requirement for site work within residential subdivisions, non-residential construction sites, wetlands, and floodplains. Permits are also required for removal of vegetation, stripping, of grading in areas greater than 20,000 square feet.

F. Chapter 115, Flood Damage Prevention

The purpose of Chapter 115 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. The Flood Damage Prevention law also regulates portions of Blasdell Creek, Rush Creek Waterfalls Village Creek, Berricks Creek, Wanakah Creek, and Eighteen-Mile Creek within the LWRA.

G. Chapter 188, Parks and Recreation, Article II, Use and Boat Permits

Article II of Chapter 188, establishes a permit requirement for the use of motor vehicles and within the Town Park in order to regulate parking and traffic in the park. Permits are required for boats using the boat launch in the Town Park.

H. Chapter 226A, Stormwater Management and Erosion and Sediment Control

Chapter 226A is the local application of the SPDES Phase 2 requirements. This law regulates stormwater discharges from land development activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion and nonpoint source pollution associated with stormwater runoff.

I. Chapter 230, Subdivision of Land

Chapter 230 authorizes the Planning Board to review and approve plats for the subdivision of land in conformance with the Town of Hamburg 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).

J. Chapter 243, Tree Management

The Town of Hamburg recognizes the value of trees and adopted this law to ensure the preservation of these resources. This chapter regulates the removal of trees, the planting of new trees (particularly as a part of new development), the preservation of existing trees and the controlled harvesting of these resources.

K. Chapter 272, Wetlands Protection

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.

L. Chapter 280 - Zoning

Chapter 280 of the Town of Hamburg Code is the Zoning Code. Zoning regulates and restricts, by district, the location, construction, and use of buildings and structures, and the use of land in the Town of Hamburg. The Zoning Code establishes districts, as well as uses and dimensional requirements for each district. The Code includes a Waterfront Commercial District and a Route 5 Overlay District for aesthetic improvements along the waterfront. This chapter of the Town Code also presents the rules and procedures for obtaining special use permits and site plan review. The code outlines the duties and procedures of the Enforcement Officer and Zoning Board of Appeals. Overlay districts and Supplemental Regulations are also provided in the Zoning Code. The zoning districts and their corresponding land uses are listed in more detail in Section II.

M. Shoreline Revitalization Committee

The Shoreline Revitalization Committee is a permanent committee dedicated to review and advise the Town Board on waterfront issues. This committee will be responsible for coordinating review of actions in the Town's coastal area for consistency with the LWRP, and will advise, assist and make consistency recommendations to other Town agencies in the implementation of the LWRP, its policies and projects, including physical, legislative, regulatory, administrative and other actions included in the program.

5.2 Additional Local Laws Adopted to Implement the LWRP

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 Hamburg LWRP. Through the adoption of a consistency review law, the Town can establish the legal framework required for the review of direct and indirect actions with the LWRP.

B. Zoning

The Town of Hamburg frequently reviews and updates Chapter 280, Zoning, in an effort to continue the efforts to implement the Town of Hamburg 2010 Comprehensive Plan. To support the policies set forth in Section III and to implement the proposed actions presented in Section IV, certain zoning actions were recommended, including amendments to the existing zoning map ([Maps 9A, 9B, 9C](#)).

Zoning Map Amendments

The Proposed Zoning map identifies a recommended zoning scheme to better guide development in a manner to encourage water-related uses in the study area. Several of the key map changes recommended are described next.

Sub-Area 1

The Woodlawn Beach State Park was rezoned from Office District (C-3) and Multifamily District (R-3) to the Park-Recreation Lands District (PR). The Park- Recreation Lands District is a relatively new district in the Town’s zoning Ordinance. It provides a special classification for certain public and private recreation facilities (both passive and active). The benefit to establishing utilizing the PR district regulations is the ability to establish enhances buffers to surrounding non-public uses and to address unique traffic and circulation needs and to encourage public access to the waterfront.

Sub-Area 2

The lands uses in Sub-Area 2 are stable residential and commercial uses and there are no areas that require rezoning to satisfy the policies and requirements of the LWRP. Therefore, no changes are proposed to the zoning map.

Sub-Area 3

All of Sub-area 3 is located in one of three single-family residential zoning districts RE, R-1 or R-2. This sub area is also within the Lakeview Overlay District and the waterfront area west of Old Lake Shore Drive is further protected by its designation as a Critical Environmental Area. No changes are proposed to the zoning map in Sub-area 3.

5.3 Other Public and Private Actions Necessary to Implement the LWRP

ATHOL SPRINGS/ROUTE 5 EROSION CONTROL PROJECT

As early as the 1991, the Horizons waterfront Action Plan proposed a public promenade along NYS Route 5, Lakeshore Road between Big Tree Road and Camp Road. Although the need for public access along this stretch is desired, the erosive forces of Lake Erie that are subjected to this area, drastically limit the extent of development that could occur. In September 2003, the U.S. Army Corps of Engineers released a feasibility study of 860-foot retaining wall that extends between Hoak’s Restaurant and the former Foit’s restaurant in this area. The Detailed Project Report and Environmental Assessment entitled Lake Erie along Route 5 at Athol Springs – Hurricane and Storm Damage Reduction Study recommends construction of a rubble mound revetment structure to provide stability to the existing retaining wall. The development of this project would extend the full distance of the existing seawall. A splash apron would be included along the top of the revetment, extending between the revetment and the Route 5 right-of-way. Amenities along the splash apron would include railings, benches, lights and landscaping. These added features provide improved public access and enable a pedestrian connection between the terminus of Hoover Road and the Foit’s property. The Army Corps should make every effort to keep this a priority project and keep it moving forward. This project will not only address the long-standing flooding and erosion situation in this area, but it will complement the proposed scenic overlook and the multi-use trail projects.

OLD LAKE SHORE ROAD EROSION PROTECTION AND STABILIZATION

The US Army Corps of Engineers, in conjunction with Erie County, for a stabilization and erosion protection project along Old Lake Shore Road in Sub-Area 3. This is an area with steep bluffs that have been slowly eroding away, threatening the integrity of Old Lake Shore Road. Because erosion will continually be a problem for this road, possible alternatives that should be evaluated for this area might include making Old Lake Shore Road one-way, relocating the road or even abandonment and re-utilizing the road for a recreational trail. Funding needs to be secured to undertake this project. The County continues to monitor the area until such time that monies are available for improvements.

5.4 Management Structure for Implementing the LWRP

All State and Federal actions proposed within the Town shall be reviewed in accordance with the guidelines established by the New York State Department of State. The Town of Hamburg Shoreline Revitalization Committee is responsible for reviewing all actions affecting the Town's LWRP and making recommendations to the Lead Agency through the Town's environmental review process. The review of proposed actions for consistency with the policies and provisions of the Town of Hamburg LWRP is initiated by the Town department or official that receives the application for funding or approval. Subdivisions and site plans submitted to the Planning Board are forwarded to the Town Engineer, who reviews them with the Shoreline Revitalization Committee. Any action proposed within the LWRA requires completion of a Waterfront Assessment Form.

The guidelines for notification and review of state agency actions where local waterfront revitalization programs are in effect are presented in Appendix E.

5.5 Financial Resources Necessary to Implement the LWRP

The implementation of the proposed projects identified under Section IV will require funding from a combination of public and private sources. These costs will include capital outlays, maintenance costs and in some cases property acquisition. For many of the projects, costs are undermined at this time. It is recognized that if the majority of the projects identified are implemented, they will be funded privately or supplemented by State and Federal funding. Where applicable, the Town shall work diligently to secure funding through grants available through State and Federal programs funds to support implementation of the identified LWRP projects.

A. Private Projects

Private residential and commercial revitalization efforts are expected to continue in the Woodlawn, Hoover Beach and Athol Springs communities. The largest redevelopment activity continues to be redevelopment of the Bethlehem Steel (Buffalo Crushed Stone) site.

The Redevelopment Plan issued in 1998 by Bethlehem Steel for the entire 1,150 acre Lackawanna site was anticipated to take 20 years to build out and cost estimates were not available.

B. Public Projects

1. Athol Springs/Route 5 Erosion Control Project

The US Army Corps of Engineers recommended erosion control project for Athol Springs has an estimated cost of \$1.9 million for the selected alternative. This cost is proposed to be shared with the NYSDOT as a “non-Federal project sponsor”, which will have a 35 percent responsibility for construction costs.

2. Old Lake Shore Road Erosion Protection and Stabilization

The Town should continue to work with the County to pursue funding for the erosion protection and stabilization of Old Lake Shore Road. The study conducted by the US Army Corps of Engineers estimated that improvements in this area would cost over \$1 million.

3. Gateway Improvements at Woodlawn and Athol Springs

The Town should continue their efforts to develop gateway features in the Woodlawn and Athol Springs communities. These features will help improve community identity and improve the character of areas that represent entryways into the Town.

5.6 Local Regulatory Changes

Zoning and local law changes are the responsibility of the Town of Hamburg, the majority of which are included in the annual budget for the Planning Department.