

SECTION III - State and Local Coastal Policies

Development Policies

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

POLICY 1A REDEVELOP THE WATERFRONT REVITALIZATION TARGET AREA FOR FISHING, BOATING, AND RELATED RECREATION AND COMMERCIAL USES.

Explanation of Policy

The Lewiston Landing area was once the heart of Village commerce, yet now contains deteriorated structures, limited access for boating, inadequate dockage and shore protection and insufficient support facilities (convenience, parking etc.) to meet current demand. The restoration of economic activity and redevelopment of this area for tourist/recreational purpose is crucial to the revitalization of the waterfront. (See Chapter B.6 "Land Uses and Physical Conditions" of the Inventory and Analysis Section for further description).

Plans for revitalization include completion of the Lewiston Landing Waterfront Park, rehabilitation and expansion of existing private marine facilities, and improvement and expansion of recreation-oriented and tourist-oriented commercial uses, as further described in Section IV. Plans for revitalization provide for the concentration of development around the Lewiston Landing in order to enhance existing uses and protect adjacent residential areas. The completion of the park around the Lewiston Landing will ensure adequate support services and enable the development of adjacent commercial services without compromising water-dependent uses.

The following guidelines will be used to determine the consistency of a proposed action with this policy.

1. When an action is proposed to take place in the Waterfront Revitalization Target Area:
 - a. Priority should be given to uses which are dependent on a location adjacent to the water and, in particular, those uses which expand boating facilities and increase water-related recreation opportunities (see also policies 2 and 21);
 - b. The action should enhance existing and anticipated recreational and related commercial uses within the target area, while minimizing any adverse impacts on surrounding residential areas;
 - c. The action should serve as a catalyst to private investment in the area, particularly for the improvement and expansion of private water-related recreational and commercial uses located in the two-block area south of Center Street;

- d. The action should improve the deteriorated condition of a site and, at a minimum, must not cause further deterioration. For example, a building could not be abandoned without protecting it against vandalism and/or structural decline;
 - e. The action must lead to development which is compatible with the character of the area, with consideration given to scale, architectural style, density, and intensity of use. New development should not compromise the traditional value and function of the Lewiston Landing for recreational boating, fishing, and transport;
 - f. The action should have the potential to improve the existing economic base of the community, and, at the waterfront development meant to serve consumer needs would be inappropriate in an area where no increased consumer demands were expected and existing development was already meeting demand;
 - g. The action should improve adjacent and upland views of the water, and, at a minimum, must not affect these views in an insensitive manner (see also Policy 25); and
 - h. The action should have the potential to improve multiple uses of the site (see also Policy 22).
2. If an action is proposed to take place outside of the Waterfront Revitalization Target Area and is either within the Village of Lewiston or adjacent coastal communities, the agency proposing the action must first determine if it is feasible to undertake the action within the Waterfront Revitalization Target Area. If such an action is feasible, the agency should give strong consideration to taking the action in that area. If not feasible, the agency must take the appropriate steps to ensure that the action does not cause further deterioration of the Waterfront Revitalization Target Area.

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

POLICY 2A PROVIDE FOR WATER-DEPENDENT RECREATION AT SHOREFRONT PROPERTIES IN THE WATERFRONT REVITALIZATION TARGET AREA.

POLICY 2B SITE WATER-ENHANCED USES UPLAND IN THE LEWISTON LANDING WATERFRONT PARK AND AREA ALONG WATER STREET.

Explanation of Policy

The Waterfront Revitalization Target Area is only two blocks long and potentially subject to intense pressure from private development of non-water-dependent uses. In order to ensure coastal preference for water-dependent uses, new facilities on the waterfront will be sited that depend on access for use of the river. These include:

Fishing

Coastal Recreation
Sea/Land Transfer Facilities (docks, launching, etc.)
Flood/Erosion Control Structures (Bulkheads, etc.)
Marine Repair/Service/Storage Facilities
Support Services (parking, food, bait, etc.)

These uses will be given preferential treatment for waterfront location, access and operation. Land adjacent to shorefront parcels (e.g. Water Street) will be promoted for commercial facilities (restaurant, motel, etc.) consistent with existing uses and in sufficient quantity to satisfy waterfront demand only. See Section IV for a further description of uses to be accommodated within the Waterfront Revitalization Target Area.

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

New water-dependent and water-enhanced uses to be developed are to be sited and designed, so that they enhance, or at least do not detract from, the surrounding area and so that they avoid adverse impacts on valuable, natural and man-made waterfront resources. Consideration should be given to such factors as the protection of nearby residential areas from noise, odors, and traffic and the preservation of natural protective erosion features. Affirmative approaches should be employed, so that water-dependent and water-enhanced uses and adjacent use will complement each other.

The following uses – which depend on proximity, access and/or utilization of the water – are allowed in the W-D Waterfront Development District: boat liveries and marinas; boat and boating accessories service, repair, sales and rental; fishing and tackle equipment and supplies sales; and, flood and erosion protection structures. The following water-enhanced uses are allowed in the W-D Waterfront Development District: tourist facilities (i.e., restrooms, snack bars, information areas, cultural and recreation facilities; restaurants and eating establishments; hotels and motels; bed and breakfast residences, tourist homes; and retail and service facilities complementary to the aforementioned uses.

POLICY 3

THE STATE COASTAL POLICY REGARDING THE DEVELOPMENT OF MAJOR PORTS IS NOT APPLICABLE TO LEWISTON.

POLICY 4

THE STATE COASTAL POLICY REGARDING THE STRENGTHENING OF SMALL HARBORS IS NOT APPLICABLE TO LEWISTON.

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

Explanation of Policy

The Village of Lewiston is an area of concentrated development where infrastructure and public services are generally adequate to support future land uses and development, as specified in Section IV, Proposed Uses and Proposed Projects.

Development of the LWRA is concentrated in areas of existing adequate infrastructure. The extension of facilities directly to the waterside will promote dock improvement and offer support facilities for recreation development. Modifications to road circulation and relocation of the public works garage and abandoned sewer plant are also needed to enhance the target area, but will not compromise the provision of services.

Infrastructure is adequate to accommodate future development, with the exception of storm water drainage which indiscriminately flows overland from upland areas into the Niagara River. A study of water run-off and its impact on the waterfront is needed to identify potential erosion and water quality problems and prospective solutions.

POLICY 6 EXPEDITE PERMIT PROCEDURES IN ORDER TO FACILITATE THE SITING OF DEVELOPMENT ACTIVITIES AT SUITABLE LOCATIONS.

Explanation of Policy

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

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

Fish and Wildlife Policies

POLICY 7 THE STATE COASTAL POLICY REGARDING THE PROTECTION OF SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS IS NOT APPLICABLE TO LEWISTON.

POLICY 7A THE LOCALLY IMPORTANT FISH HABITAT WITHIN THE NIAGARA RIVER WATERS NORTH OF THE LEWISTON LANDING PARK SHALL BE PROTECTED, PRESERVED AND WHERE PRACTICAL IMPROVED SO AS TO MAINTAIN AND STRENGTHEN ITS VITALITY.

Explanation of Policy

A locally important fish habitat in the Lewiston coastal area exists just north of the Lewiston Landing along the shoreline (See Inventory and Analysis Section, [Figure 2](#)). Its significance is in the seasonal breeding and feeding of smelt and perch which attracts game fish to the area. The feeding grounds are essential to pan and sport/game fishing in the Lower Niagara River and represent a substantial resource of key importance to recreational development of the Village waterfront. In order to protect and preserve the habitat, actions shall not be undertaken if such actions would destroy or significantly impair the viability of this area as a habitat. The value of the feeding grounds would be compromised if the habitat is destroyed or seriously impaired by road salt and highway chemical contamination, sedimentation from surface run off, siltation, high concentration of gas or oil contamination from boating or spills and sanitary sewage outflow or hazardous waste run-off. Activities that could impair the fish habitats include new in-water structures in breeding beds, over-fishing, substantial increases in high-speed boating or small craft activity in habitat areas. As feasible, efforts should be undertaken to improve or strengthen the habitat values of this area.

POLICY 8 PROTECT FISH AND WILDLIFE RESOURCES IN THE COASTAL AREA FROM THE INTRODUCTION OF HAZARDOUS WASTES AND OTHER POLLUTANTS WHICH BIO-ACCUMULATE IN THE FOOD CHAIN OR WHICH CAUSE SIGNIFICANT SUBLETHAL OR LETHAL EFFECT ON THOSE RESOURCES.

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, as defined in Environmental Conservation Law (ECL Section 27-0901(3)) "hazardous waste is waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may:

- a. Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or

- b. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed". A list of hazardous wastes (6NYCRR Part 317) has been adopted by DEC.

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, not identified as hazardous wastes. Such pollutants are also controlled through State laws. The Stauffer Chemical-Artpark inactive hazardous waste disposal site (Section II, Inventory and Analysis) will be monitored and remediated when and if funds for Class 3 sites become available.

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

POLICY 9A IMPROVE THE EXPANSION OF FISH RESOURCES THROUGH SUPPORT OF STATE STOCKING PROGRAMS AND IMPROVEMENT OF HABITAT AREAS.

POLICY 9B EXPAND RECREATIONAL USE OF AREA FISHING BY SPONSORING A FISHING DERBY IN THE LEWISTON AREA AND DEVELOPING FACILITIES FOR FISHING OPPORTUNITIES.

POLICY 9C EXPAND RECREATIONAL USE OF ARTPARK FOR PASSIVE RECREATIONAL OPPORTUNITIES (E.G., BIRD WATCHING) BY PROMOTING AND IMPROVING ACCESS, TRAILS AND OTHER FACILITIES.

Explanation of Policy

Significant concentrations of fish and wildlife (bird) resources are found in the lower Niagara River. Fish resources include native and stocked species, which offer excellent year-round fishing opportunities. Wildlife resources include many species of resident and migratory birds and water fowl, which are popular for hunting and bird watching. The Lewiston Waterfront at Lewiston Landing provides one of the few points of public access to the waters of the lower Niagara River for recreational use. Artpark provides some additional opportunities for on-shore fishing and passive recreational uses, such as birdwatching, wildlife photography, and nature study.

The recreational use of these resources and the associated economic benefits are to be increased primarily through promotion of the resources and existing facilities and some improvement of access and recreational facilities. Promotional efforts include public/private sponsorship of an annual fishing

derby, further development of self-guided walking tours and nature trails, and promotion of year-round use of Artpark. Provisions for increasing access and recreational facilities are described under Policies 19, 20 and 21. Continuation of the NYSDEC fish stocking program is essential to maintaining and increasing the recreational uses of the lower Niagara River. In addition, fishing opportunities might be increased by improving off-shore habitat conditions; however, further study is needed to determine the costs and benefits of such projects.

Any efforts to increase recreational use of these resources will be made in a manner which ensures the protection of fish and wildlife resources in marine and freshwater coastal areas and which takes into consideration other activities dependent on these resources. Also, such efforts must be done in accordance with existing State law and in keeping with sound resource management considerations. Such considerations include biology of the species, carrying capacity of the resources, public demand, costs and available technology.

The following additional guidelines should be considered by State and Federal agencies and the Village of Lewiston as they determine the consistency of their proposed action with the above policy:

1. Consideration should be made as to whether an action will impede existing or future utilization of the local recreational fish and wildlife resources.
2. Efforts to increase access to recreational fish and wildlife resources should not lead to over-utilization of the resource or cause impairment of the habitat.
3. The impacts of increasing access to the local recreational fish and wildlife resources should be determined on a case-by-case basis, consulting Policy 7A and/or conferring with a trained fish and wildlife biologist.
4. Any public or private sector initiatives to supplement existing stocks (e.g., stocking with fish reared in a hatchery) or develop new resources (e.g. expanding the habitat) must be done in accordance with existing NYSDEC regulations and programs.

POLICY 10

THE STATE COASTAL POLICY REGARDING THE DEVELOPMENT OF COMMERCIAL FISHING RESOURCES IS NOT APPLICABLE TO LEWISTON.

Flooding and Erosion Hazards Policies

POLICY 11 THE STATE COASTAL POLICY REGARDING THE SITING OF STRUCTURES TO MINIMIZE DAMAGE TO PROPERTY AND THE ENDANGERING OF HUMAN LIVES CAUSED BY FLOODING EROSION IS NOT APPLICABLE TO LEWISTON.

POLICY 11A STRUCTURES SITED ALONG AND WITHIN THE WATER SHOULD BE DESIGNED TO WITHSTAND PERIODIC INUNDATION AND CURRENT ACTION. THESE STRUCTURES INCLUDE BULKHEADS, GROINS, DOCKS, ETC., AND SHOULD BE SITED AND CONSTRUCTED TO LESSEN FUTURE EROSION POTENTIAL.

Explanation of Policy

Shoreline and in-water structures must be sited and constructed in a manner which can withstand periodic inundation, river current action and potential ice damage. Proper protection and installation of structures to limit erosion, i.e., installation of riverside "groin" to protect launch ramps, must be planned. These structures must not act as a cause for further erosion. The use of floating docks and anchoring systems to limit damage to in-water mooring is preferred.

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. PRIMARY DUNES WILL BE PROTECTED FROM ALL ENCROACHMENTS THAT COULD IMPAIR THEIR NATURAL PROTECTIVE CAPACITY.

POLICY 12A TO THE EXTENT POSSIBLE, SHORELINE PROTECTION STRUCTURES SUCH AS BULKHEADS, GROIN, WALLS, RIP-RAP PLACEMENT AND FINGER PIERS SHOULD BE CONSTRUCTED IN A MANNER WHICH PRESERVES THE NATURAL BARRIER PROTECTION AFFORDED BY THE SHORELINE BLUFFS.

Explanation of Policy

The coastal bluffs and other natural protective features help safeguard lands and property from damage, as well as reduce the danger to human life, resulting from flooding and erosion. Excavation of coastal features, improperly designed structures, inadequate site planning, or other similar actions which fail to recognize their fragile nature and high protective values, lead to the weakening or destruction of those landforms. Activities or development in, or in proximity to, natural protective features must ensure that all such diverse effects are minimized. The bluffs will be protected from development that could lead to increased erosion.

Future bulkheading, shore protection and dock placement as part of the Lewiston Landing Waterfront Park will require careful planning and construction. The structures should enhance the natural shoreline and serve to reduce erosion, while affording safer public access.

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.

POLICY 13A PROVIDE FOR THE PROPER DESIGN AND CONSTRUCTION OF EROSION CONTROL STRUCTURES IN THE LEWISTON LANDING WATERFRONT PARK AND MAJOR PRIVATE DEVELOPMENTS. PROPER EROSION CONTROL STRUCTURES ARE NECESSARY BOTH WATERSIDE AND LANDSIDE (BASE OF BLUFF) TO LESSEN EXISTING EROSION.

Explanation of Policy

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

The proper protection of the shoreline and bluffs (both shoulder and toe) is critical to the development of both the Lewiston Landing Waterfront Park and major private developments. The facilities are necessary in the Waterfront Park to protect the shoreline, protect the boat launch and enhance public access and at the bluff to prevent further, slope deterioration. These structures perform two valuable purposes - first, they lessen and alleviate erosion, secondly, they define public access areas and promote safer utilization (i.e. - riverside groin - protects launch ramp and enhances launch/retrieval cycles).

Guidelines to be considered in the construction of erosion control structures include:

1. Materials selection will be based on life cycle costing criteria, which considers not only initial costs but discounted maintenance costs for a minimum of 30 years (Present Worth Analysis).
2. Structures should be designed to be aesthetically pleasing, should be compatible with surrounding facilities and should not pose a barrier to public access.
3. Public and private structures should be subject to formal engineering review.
4. Facilities must be demonstrated to be required when considering viable alternatives such as non-structural controls.

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 which occur naturally. However, by his actions, man can increase the severity and adverse effects of those processes, causing damage to, or loss of property, and endangering human lives. Those actions include: the use of erosion protection structures such as groins, or the use of impermeable docks which block the littoral transport of sediment to adjacent shoreland thus increasing their rate of recession; and the failure to observe proper drainage or land restoration practices, thereby causing run-off and the erosion and weakening of shorelands.

In the Village of Lewiston, with the exception of a river-side groin wall and finger pier extension(s), erosion control structures will be either sheet piled bulkheads (shore-side), select rip-rap placement or landside structures to protect upland bluffs. Docks and finger-piers of the floating type are the preferred alternative. Base flood levels will not be influenced by erosion control structures in the Village LWRA. Structures will be planned which will not adversely affect drainage patterns or weaken shorelines. Proper slopes will be planned above and adjacent to structures to alleviate run-off which can further exacerbate the action of erosion.

POLICY 15

THE STATE COASTAL POLICY REGARDING MINING, EXCAVATION OR DREDGING IN COASTAL WATERS IS NOT APPLICABLE TO LEWISTON.

POLICY 16 PUBLIC FUNDS SHALL BE USED FOR EROSION PROTECTION 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.

POLICY 17 WHENEVER POSSIBLE, USE NONSTRUCTURAL MEASURES TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION. SUCH MEASURES SHALL INCLUDE: (I) THE SET-BACK OF BUILDINGS AND STRUCTURES; (II) THE PLANTING OF VEGETATION AND THE INSTALLATION OF SAND FENCING AND DRAINAGE; (III) THE RESLOPING OF BLUFFS; AND (IV) THE FLOOD-PROOFING OF BUILDINGS OR THEIR ELEVATION ABOVE THE BASE FLOOD LEVEL.

POLICY 17A UTILIZE SLOPE REDUCTION, BANK STABILIZATION, DEVELOPMENT RESTRICTIONS AND LANDSCAPE TECHNIQUES TO REDUCE SURFACE EROSION ON STEEP SLOPES ALONG THE WATERFRONT.

Explanation of Policy

This policy shall apply to the planning, siting and design of proposed activities and development, including measures to protect existing activities and development. To ascertain consistency with the 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.

The topography of the waterfront area of the Village is characterized by steep slopes and banks along the waterfront composed of clay and shale which are subject to surface erosion through weathering and ice damage. The local policy reflects nonstructural measures to reduce surface erosion. The use of development restrictions on 15% or greater slopes, minimum 50 foot setbacks, minimal slope manipulation and vegetation cover to stabilize banks along the waterfront will be utilized in the coastal area.

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

General Policy

POLICY 18 TO SAFEGUARD THE VITAL ECONOMIC, SOCIAL AND ENVIRONMENTAL INTERESTS OF THE STATE AND OF ITS CITIZENS, PROPOSED MAJOR ACTIONS IN THE COASTAL AREA MUST GIVE FULL CONSIDERATION TO THOSE INTERESTS, AND TO THE SAFEGUARDS WHICH THE STATE HAS ESTABLISHED TO PROTECT VALUABLE COASTAL RESOURCES 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, economic and environmental interests of the State and its citizens in such matters that would affect natural resources, water levels and flows, shoreline damage, hydro-electric power generation, and recreation.

Public Access Policies

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

POLICY 19A PROVIDE IMPROVED PUBLIC ACCESS TO THE LEWISTON LANDING, ADJACENT DOCKS AND PIERS, AND THE WATERFRONT PARK THROUGH IMPROVEMENT OF CIRCULATION ROUTES AND EXPANSION OF PARKING FACILITIES.

POLICY 19B PROVIDE PEDESTRIAN TRAILS TO ARTPARK AND WATERFRONT PARK FROM THE REST OF THE COMMUNITY.

POLICY 19C INCREASE PUBLIC ACCESS TO WATERFRONT AREAS WITHIN ARTPARK.

Explanation of Policy

The Village waterfront is currently limited in public access - only one block in the target area, numerous vacant "street ends" above the water and Artpark (limited seasonally by fees). Topography and private ownership further restricts public access. In addition, recreation areas along the waterfront are neither viable nor advertised from the community (Seaway Trail, Center Street commercial area, etc.) or connected by pedestrian walks and trails. This policy is intended to increase and improve access to public lands along the waterfront.

As described in the Inventory and Analysis, the lower Niagara River is a major, growing recreational area for sport fishing and boating. The Village of Lewiston is one of the few areas on the lower Niagara River where it is physically possible to provide access for boating and fishing, as well as access to the magnificent scenic vistas of the Niagara River gorge. Even with these opportunities, it is essential that access to the public water-related recreation resources and facilities within the Village's waterfront area be maintained and improved.

Existing public water-related recreation facilities within the Village of Lewiston include the Village boat launching, docking, and fishing facilities at Lewiston Landing Waterfront Park and limited State facilities at Artpark (fishing pier and nature trails). The Lewiston Landing Waterfront Park, the surrounding area (the Waterfront Revitalization Target Area), and Artpark also provide significant visual access opportunities. The existing level and types of access provided by these facilities is to be maintained and improved by:

- Improving and/or expanding parking facilities at the Lewiston Landing Waterfront park, the adjacent commercial area, the Village playground - "Onondaga Trail" site, and for summer events at Artpark;
- Improving the Onondaga Street right-of-way for pedestrian use between First and Second streets;
- Increasing public awareness of public facilities providing access by improving signage and other visible linkages along Center Street between the Seaway Trail (Route 18F) and the Lewiston Landing Waterfront Park, developing walking tours of the waterfront area, coordinating promotional and public information activities with Artpark, and sponsoring a seasonal fishing derby.

Lewiston Landing Waterfront Park and Artpark shall receive priority for improvements in access, parking, and connection with other areas of the Village. All access improvements along Center Street, the Onondaga Street right-of-way, and connecting the Lewiston Landing Waterfront Park to Artpark along First Street must be compatible with existing residential uses (see Section IV, Proposed Uses: East of Target Area).

In addition, as feasible and subject to the relevant guidelines given below, public transportation services should be maintained and promoted, so as to provide access for the non-automobile-owning public and reduce traffic congestion that may impair public access.

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

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, unless in the latter case, estimates of future use of these resources and facilities are too low to justify maintaining or providing increased public access or unless such actions are found to be

necessary or beneficial by the public body having jurisdiction over such access as the result of a reasonable justification of the need to meet systematic objectives.

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

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

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

See also policies 1, 2, 9, 20, 21, and 22.

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

POLICY 20A ACCESS SHALL BE IMPROVED TO VILLAGE-OWNED LANDS ADJACENT TO THE NIAGARA RIVER AT THE LEWISTON LANDING WATERFRONT PARK AND UNDEVELOPED STREET ENDS OF ONONDAGA, CENTER, AND CAYUGA STREETS AND TO STATE-OWNED LANDS WITHIN ARTPARK.

Explanation of Policy

Given the limited availability in the lower Niagara River of public facilities providing specific water-related recreational activities and the limited opportunities for developing such facilities to meet an

increasing demand, access to publicly-owned lands adjacent to the river's edge should be provided, whenever practicable, for activities and pursuits which require only minimal facilities for their enjoyment. Where access to such lands cannot be provided or is not needed at this time, such lands shall nonetheless be retained in public ownership to ensure future opportunities for providing public access and/or developing needed public recreational facilities.

Within the Village of Lewiston waterfront area, such public lands include: lands owned by the Village within the planned Lewiston Landing Waterfront Park site; lands owned by the State within Artpark that are not currently used for specific water-related recreational activities; Village-owned undeveloped street right-of-ways at Mohawk, Oneida, Onondaga, Center, Cayuga, Seneca, and Tuscarora Streets; and State-owned underwater lands.

While State-owned underwater 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. In particular, the provision of easements for mooring or docking facilities for adjacent property owners in the area north of Onondaga Street to the Village boundary must not conflict with the use of, or access to, public boating facilities at Lewiston Landing, the protection of off-shore fish resources (see Policy 7A), or the preservation of natural erosion protection features and scenic values of shoreline bluffs.

Access to the Lewiston Landing Waterfront Park lands and Onondaga, Center, and Cayuga street-ends is to be provided with the development of the park and revitalization of the Waterfront Revitalization Target Area (see Policy 22 and Section IV, Proposes Uses: Waterfront Revitalization Target Area). Access to Artpark lands is to be improved for passive recreational and year-round uses (see Section IV, Proposes Uses: Artpark area). Improving access at the Mohawk, Oneida, Seneca, and Tuscarora street-ends is constrained by topography and neighboring residential uses; nevertheless, these street-ends shall remain in public ownership, shall be available for public use, and shall not be leased or otherwise conveyed to any persons or organizations for any purposes which would limit public use of these street-ends for access to the Niagara River.

The following additional 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 waterfront 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 waterfront 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.

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

- a. (See definitions under Policy 19 of "access", and "public lands or facilities").

- b. A reduction in the existing level of public access - includes but is not limited to the following:
 - (1) 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.
 - (2) Pedestrian access is diminished or blocked completely by public or private development.
 - c. An elimination of the possibility of increasing public access in the future - includes, but is not limited to, the following:
 - (1) Construction of public facilities which physically prevent the provision, except at great expense, of convenient public access to the public waterfront lands and/or waters.
 - (2) Sale, lease, or other conveyance of public lands that could provide public access to public waterfront lands and/or waters.
 - (3) Construction of private facilities which physically prevent the provision of convenient public access to public waterfront lands and/or waters from public lands and facilities.
2. The existing level of public access within public waterfront lands or waters shall not be reduced or eliminated.
 - a. A reduction in the existing level of public access - includes, but is not limited to, the following:
 - (1) Access is reduced or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
 - (2) Access is reduced or blocked completely by any public developments.
3. Public access from the nearest public roadway to and along the shoreline shall be provided by new land use or development, except where (a) it is inconsistent with public safety, military security, or the protection of identified fragile coastal resources or (b) adequate access exists within one-half mile. Such access shall not be required to be open to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.
4. The Village or State government will not undertake or fund any project which increases access to public waterfront lands and/or waters that is not open to all members of the public.
5. In their plans and programs for increasing public access, State agencies shall give priority in the following order to projects located: within the boundaries of the Federal-Aid Metropolitan Urban Area and served by public transportation; within the boundaries of the Federal-Aid Metropolitan Urban Area but not served by public transportation; outside the defined Urban

Area boundary and served by public transportation; and outside the defined Urban Area boundary but not served by public transportation.

6. Proposals for increased public access to public waterfront lands or waters shall be analyzed according to the following factors:
 - a. The level of access to be provided should be in accord 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 which would exceed the physical capability of the resource. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.

See also policies 1, 2, 9, 19, 21, and 22.

Recreation Policies

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

POLICY 21A COMPLETE THE DEVELOPMENT OF LEWISTON LANDING WATERFRONT PARK.

POLICY 21B IMPROVE SHORELINE ACCESS AND BOATING FACILITIES BETWEEN CENTER AND CAYUGA STREETS.

POLICY 21C WITHIN THE WATERFRONT REVITALIZATION TARGET AREA, IMPROVE AND EXPAND WATER-ENHANCED COMMERCIAL FACILITIES WHICH SUPPORT WATER-DEPENDENT RECREATIONAL USES.

POLICY 21D IMPROVE THE "ONONDAGA TRAIL" AND VILLAGE PARKGROUND.

POLICY 21E EXPAND THE YEAR-ROUND RECREATIONAL USE OF ARTPARK.

POLICY 21F DEVELOP SCENIC OVERLOOKS ALONG THE ROBERT MOSES PARKWAY.

Explanation of Policy

As described in the Inventory and Analysis Section, recreational opportunities along the lower Niagara River are currently extremely limited, while topography and existing development limit the potential for

developing much-needed recreational facilities. The Village of Lewiston is uniquely situated to provide increased opportunities for water-related recreation in the lower Niagara River, as well as Lake Ontario, through the expansion, improvement and development of public and private recreational and supporting facilities, as provided by Policies 21A, 21B, 21C, 21D, 21E, and 21F.

The improvement of recreational opportunities will be focused in the Waterfront Revitalization Target Area and will involve: completion of the Lewiston Landing Waterfront Park as a first priority; public and private improvement of access, infrastructure, and boating facilities in the adjacent area on the river; and private investment in supporting commercial facilities and services in the upland area. The expansion, improvement and development of these facilities will be undertaken as described in Section IV, Proposed Uses: Waterfront Revitalization Target Area, Project 3: Lewiston Landing Waterfront Park, Project 4: Shoreline Access and Boating Facilities, and Project 5: Supporting Commercial Facilities.

Outside of the Waterfront Revitalization Target Area, additional recreational opportunities will be provided through: improvement of the "Onondaga Trail" and Village Playground, as described in Section IV, Proposed Uses: East of Target Area and Project 6; development of scenic overlooks on the Robert Moses Parkway, as described in Section IV Project 7; and expansion of year-round recreational use of Artpark, as described in Section IV, Proposes Uses: Artpark Area.

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

1. Consistent with demand and the protection of other important waterfront resources, water-dependent and water-enhanced recreational uses shall have a higher priority than any non-water-related uses, including non-water-related recreation uses. In addition, water-dependent recreation uses shall have a higher priority than water-enhanced recreation uses. Determining a priority among water-dependent uses will require a case-by-case analysis. (See Policy 2 for definitions and additional provisions concerning water-dependent uses.)
2. Among the types of water-dependent recreation, provision of adequate boating services to meet future demand is particularly encouraged. Public and private boating facilities will include, as needed, parking, park-like surroundings, toilet facilities, and pumpout facilities.
3. Any development of water-related recreational facilities or increase in recreational use must be consistent with the preservation and enhancement of other important coastal resources and their capacity to accommodate anticipated use. Impacts on important coastal resources within the State coastal area and other local waterfront areas, as well as within the Lewiston waterfront area, must be considered. Such resources include fish and wildlife habitats, natural erosion protection features, historic and cultural resources, scenic resources, and water resources.

See also policies 1, 2, 9, 019, 20, and 22.

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

Explanation of Policy

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

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

- Parks
- Highways
- Utility transmission rights of way
- Sewage Treatment Facilities
- Schools, Universities*
- Nature Preserves*
- Large Residential Subdivisions
- Retail and Office Complexes

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

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

Historic and Scenic Resources Policies

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

Explanation of Policy

Reflecting its historic importance as a landing and portage site, pre-dating European settlement or the founding of the nation, the Lewiston waterfront area contains two sites listed on the National Register of Historic Places: Lewiston Mound and Lewiston Portage Landing Site. Both sites, as further described in

the Inventory and Analysis, are on the grounds of Artpark. In addition, the entire waterfront area is within a zone of potential archeological significance, as identified by the NYS Office of Parks, Recreation and Historic Preservation.

There are also five buildings and one site within the waterfront area that have been identified as locally important. These include: Angler's Retreat (now the Riverside Inn), Barton Hill, Fairbanks House, Dechantal Hall (now the Niagara Frontier Bible Institute), the Village Inn, and the site of the historical steamboat docks. These buildings and sites, along with the many attractive older buildings in the waterfront area and the adjacent area (including the nationally designated Frontier House), make a significant contribution to the appealing character of the Village. These resources directly complement the recreational and tourism potential of the waterfront and their preservation should be an integral part of revitalization efforts.

All practicable means shall be used to protect and enhance the above cited resources which are listed on the National Register of Historic Places or have been identified as locally important historic resources.

All practicable means shall be deemed to include the consideration and adoption of any techniques, measures, or controls to prevent a significant adverse change to 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 archeological resource, or components 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; entryways 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 resources 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 archeological resource or component thereof, to include all those features described in (a) above plus any other appurtenant fixture 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 archeological resources and all actions within a historic district that would be incompatible with the objective or preserving the quality and integrity of the resource. Primary considerations to be used in making judgment about compatibility should focus on the visual and locational relationship between the proposed action and the special character of the historic, cultural, or archeological 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. Within historic districts, this would include infrastructure improvements or changes, such as street and sidewalk paving, street furniture and lighting.

This policy shall not be construed to prevent the construction, reconstruction, alteration, or demolition of any building, structure, earthwork, or component thereof of a recognized historic, cultural or archeological resource which 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 resources which does not involve a significant adverse change to the resource, as defined above.

Prior to undertaking major construction activities within the waterfront area, anyone proposing such activity shall consult with the State Historic Preservation Office to determine whether significant archaeological resources are present at the site and what measures are necessary to preserve these resources. All practicable means shall be used to preserve significant archaeological resources.

POLICY 24

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

POLICY 25 PROTECT, RESTORE OR ENHANCE NATURAL AND MAN-MADE RESOURCES WHICH ARE NOT IDENTIFIED AS BEING OF STATEWIDE SIGNIFICANCE, BUT WHICH CONTRIBUTE TO THE OVERALL SCENIC QUALITY OF THE COASTAL AREA.

POLICY 25A PREVENT THE IMPAIRMENT OF THE SCENIC QUALITY OF THE LOWER NIAGARA RIVER AND THE NIAGARA ESCARPMENT.

POLICY 25B PROTECT, RESTORE OR ENHANCE NATURAL AND MAN-MADE RESOURCES WHICH CONTRIBUTE TO THE OVERALL VISUAL QUALITY OF THE LEWISTON WATERFRONT AREA.

Explanation of Policy

The Village of Lewiston waterfront area, located along the Niagara River, is part of one of the most important scenic resources in the region, if not the State, as well as providing rare opportunities to view the scenic vistas of the lower Niagara River. In addition, the Niagara Escarpment, a unique landform, provides the backdrop for the Village's waterfront area. The scenic quality of the lower Niagara River, as

viewed from Lewiston, is the result primarily of its dramatic geology, natural vegetation, turbulent waters, and massive man-made structures. Lewiston's contributions to this resource are the tall, steep, wooded slopes which descend from the boundaries of the Village to the shore at the Lewiston Landing and the abrupt rise of the Niagara Escarpment cutting across the southeastern corner of the Village.

Any action that would impair the quality of these scenic resources is inconsistent with this policy. Impairment shall include: (1) the irreversible modification of geologic forms, including that resulting from the disturbance and/or acceleration of natural geological processes; (2) the destruction or removal of vegetation, whenever such vegetation contributes to the scenic quality of the resources; (3) the substantial and permanent reduction of the quality and/or quantity of water flowing in the Niagara River; (4) the addition or alteration of manmade structures which because of siting or scale will reduce views, as identified in Section II, or which because of scale, form, or materials will diminish the scenic quality of these resources.

No development, other than limited boating and fishing facilities, shall be permitted on the bluffs along the Niagara River or in the nearshore area (see Section IV, Proposed Land and Water Uses). The Niagara Escarpment shall not be breached, excavated, blasted, or otherwise altered or damaged and no development shall be permitted on the face of the Escarpment.

In addition to those elements of the Lewiston waterfront area cited above that contribute to the important scenic resources of this area, the visual quality of the Village's waterfront area is also enhanced by the sloping topography of the waterfront area, abundant vegetation and open spaces, and the historic village ambience created by existing buildings and street patterns. At the focal point of the waterfront area, however, deteriorated, underutilized or inappropriate structures near the Lewiston Landing detract considerably from visual quality (see Section II for further description). These conditions will be remedied, in large part, through proposed improvements for the Waterfront Revitalization Target Redevelopment, however, will be undertaken so as to preserve views from existing development to the extent possible.

When considering a proposed action within the waterfront area, Village, State and federal agencies shall ensure that the action will be undertaken so as to protect, restore or enhance the overall visual quality of the waterfront area. 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:

1. Structures and other development such as highways, power lines, and signs, should be sited 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. Structures should be clustered or oriented to retain views, save open space and provide visual organization to a development.
3. Sound, existing structures (especially historic buildings) should be incorporated into the overall development scheme.
4. Deteriorated and/or degrading elements should be removed.

5. The original land form should be maintained or restored, except when changes screen unattractive elements and/or add appropriate interest.
6. Vegetation should be maintained or added 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 creates views of coastal waters.
7. Appropriate materials, in addition to vegetation, should be used to screen unattractive elements.
8. Appropriate scales, forms and materials should be used to ensure that buildings and other structures are compatible with and add interest to the landscape.

Agricultural Lands Policy

POLICY 26

THE STATE COASTAL POLICY REGARDING THE PROTECTION OF IMPORTANT AGRICULTURAL LAND IS NOT APPLICABLE TO LEWISTON.

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.

Explanation of Policy

Although the Village contains no existing energy facilities in the LWRA, it is directly downstream from the New York State Power Vista which affects the waterfront and, by agreement, may participate in revitalization efforts as part of current expansion plans. These plans should include consideration of coastal resources and activities identified in this LWRP.

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

A determination of public need for energy is the first step in the process for siting new facilities. The directives for determining this need are set forth in the New York Energy Law. With respect to transmission lines, Article VII of the State's Public Service Law requires additional forecasts and establishes the basis for determining the compatibility of these facilities with the environment and the necessity for a shorefront location. With respect to electric generating facilities, environmental impacts

associated with siting and construction will be considered by one or more State agencies or, if in existence, an energy siting board. The policies derived from these proceedings are entirely consistent with the general coastal zone policies derived from other laws, particularly the regulations promulgated pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. The Act is used for the purposes of ensuring consistency with the State Coastal Management Program and this Local Waterfront Revitalization Program.

In consultation with the Village of Lewiston, the Department of State will comment on State Energy Office policies and planning reports as may exist; present testimony for the record during relevant proceedings under State law; and use the State SEQR and DOS regulations to ensure that decisions on other proposed energy facilities (other than those certified under the Public Service Law) which would impact the waterfront area are made consistent with the policies and purposes of this Local Waterfront Revitalization Program.

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

POLICY 28A THE VILLAGE OF LEWISTON ENDORSES THE USE OF THE NIAGARA RIVER ICE BOOM FOR ITS CONTROL OF ICE ON THE LOWER NIAGARA RIVER AND REDUCTION OF EROSION AND DAMAGE TO IN-WATER STRUCTURES ALONG THE LEWISTON COAST.

Explanation of Policy

Prior to undertaking actions required for ice management, an assessment must be made of the potential effects of such actions upon hydroelectric power production, fish and wildlife and their habitats (See Policy 7A), flood levels and damage, rates of shoreline erosion damage, and 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.

In particular, substantial changes in the use and installation of the ice boom in the Upper Niagara River should assess the potential effects on down-river coastal resources, erosion and flooding. Public investments and private improvements in waterfront revitalization could be seriously jeopardized if the ice management facility were significantly altered or discontinued. Of prime concern in this and other prospective activities are clay-shale shoreline slopes, waterfront structures, geologic resources, archeological sites, fish habitats, and future recreational improvements. This policy is a critical priority in the protection of existing and future development along the Lewiston waterfront.

**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.**

Explanation of Policy

The development of energy resources and alternative techniques for energy generation is of prime importance to the Village and the region. However, the development of these resources must be carefully balanced with potential impacts on the environment and other natural resources that are of critical importance to the Lewiston Waterfront Area and its revitalization. Development of river and Lake Erie energy resources must consider the potential adverse effects on fishing, fish habitats, water quality, boating, commercial fishing, swimming, recreation and general waterfront and water-dependent use of the coastal area. There must be a careful balance between the benefits of energy resource development and all anticipated losses or destruction of opportunities along the affected waterfront and their economic impact.

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

Explanation of Policy

The Village of Lewiston no longer operates its wastewater treatment process. The Village is a member in a regional facility - the Lewiston Master Sewer Improvement Area (LMSIA). There are no industrial discharges in the Village, only commercial and residential. The outfall for the LMSIA is north of the LWRA in the Town of Lewiston.

The advanced treatment facility of the LMSIA has resulted in an effluent discharge of substantially better quality than previously discharged into the River by the Village in past years. Although the Village no longer treats its own wastewater, it maintains a rigorous sewer use enforcement program and sewer maintenance/rehabilitation program. The entire Village of Lewiston is serviced by public sewers. The continued operation and maintenance of this system is essential to sustain and enhance economic growth in the LWRA.

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

Explanation of Policy

The Village of Lewiston has critical economic, environmental and social interests in the water quality classifications of the Niagara River. The current classification of the river as Class A - Special (International Boundary) supports and enhances existing and planned residential, tourism and recreational use of the waterfront area. In addition, the Village receives its drinking water from the Upper Niagara River (outside of the local waterfront area) and it is essential that the current classification and standards be maintained. There are no waters overburdened with contaminants within the local waterfront area.

POLICY 32

THE STATE COASTAL POLICY REGARDING THE USE OF ALTERNATIVE SANITARY WASTE SYSTEMS IS NOT APPLICABLE TO LEWISTON.

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

POLICY 33A PROMOTE COMPREHENSIVE STORMWATER DRAINAGE PLAN AND PROGRAM IMPLEMENTATION IN THE LWRA. ENSURE THE PROPER SITING OF STORM SEWER OUTFALLS TO AVOID CONFLICTS WITH BOTH WATER-DEPENDENT USES AND PROTECTION OF THE FISH HABITAT NORTH OF LEWISTON LANDING.

Explanation of Policy

The Village has separate sanitary and storm sewer systems. The sanitary sewer system does overflow under extreme storm events. The overflow prevents damage to treatment systems and alleviates basement flooding problems. The existing sewer maintenance program will lessen sanitary sewer overflows and structural improvements to the regional treatment system, which are currently being planned, will eventually eliminate overflows.

Effective storm water drainage and run-off will require both structural and non-structural measures. Non-structural measures include proper grading, sloping, and landscaping and plantings selection.

Structural modifications include effective storm water collection systems designed for efficient storm water removal to alleviate ponding and localized flooding.

Guidelines for effective storm water management:

1. Provide specific criteria in site plan review processes which focus on storm water removal techniques and downstream capacities.
2. Provide for a comprehensive drainage plan which incorporates design standards as set forth by the Erie-Niagara Counties Regional Planning Board.
3. Examine grading changes, landscape amenities, and natural percolation as alternatives to piped storm water run-off.

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

POLICY 34A REGULATE THE DISPOSAL OF SEPTAGE AND SOLID WASTES FROM RECREATIONAL AND COMMERCIAL VESSELS WITHIN THE VILLAGE'S WATERFRONT AREA.

Explanation of Policy

The discharge of sewage, garbage, rubbish, and other solid and liquid materials from watercraft and marina activities into the State's waters is regulated by State Law. Also, specific effluent standards for marine toilets have been promulgated by the Department of Environmental Conservation (6 NYCRR, 657). To further discourage the discharge of vessel waste materials, marinas to be constructed or expanded in the Village's Waterfront Area, will provide pump-out facilities, unless adequate facilities are already available. Trash disposal collectors will also be provided at public and private recreational facilities located in the Waterfront Area.

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

Explanation of Policy

Dredge spoil disposal in the Village LWRA will likely be off-site, as no adequate on-site area exists for proper disposal. Dredging should be limited in the Local Waterfront Area to that required for bulkhead and groin wall installations. Rip-rap stone fill should be returned to the river for shore protection,

bulkhead toe protection and groin fill. Dredging, in general, should not adversely affect the water quality of the Niagara River, the natural protective capacity of shoreline bluffs, or important fish habitats and scenic resources (See Policies 7 and 25). Dredged shore and river sediments (i.e.-muck, organics) shall be removed and disposed of off-site in a site approved by NYSDEC and/or the U.S. Corps of Engineers, if applicable.

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

See Policy 39 for definition of hazardous materials.

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

Policy 33 elaborates on non-structural practices to be utilized in Lewiston's Waterfront area to alleviate overland run-off which results in non-point source discharges. Through proper landscaping and planting methods and selection, road salt application rates and storage practices, and land use controls, non-point source pollution can be controlled. Proper street cleaning is one management practice which can lessen non-point source pollution.

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

Surface and groundwater are the principle sources of drinking water in the State, and therefore must be protected. The Village of Lewiston receives its public water supply from the Niagara County Water Authority, whose source is the Upper Niagara River. The Village of Lewiston has a crucial interest in any

upstream activity affecting the quality of their water supply and/or the recreational value of their surface water. In addition, any action which adversely affects the fish and wildlife resources of the Niagara River is of utmost importance when considering the economic vitality of the Local Waterfront area.

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

Explanation of Policy

The terms "solid wastes" and "solid wastes management facilities" are defined as in New York's Solid Waste Management Act (Environmental Conservation Law Section 27-0901). 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 generally characterized as being flammable, corrosive, reactive, or toxic. See Policy 8 for further definition.

The primary wastes attributable to the Village are municipal (domestic) wastes, trash, and white goods.

The Village disposes of all municipal refuse off-site at a NYSDEC permitted sanitary landfill. All wastewater sludge has been removed from the Village's former wastewater treatment facility. Wastewater sludge from the LMSIA facility is taken to a permitted landfill.

There is one known, inactive hazardous waste disposal site within the Village's Waterfront Area, the Stauffer-Artpark site. Any transport of hazardous wastes through the Waterfront Area, as regulated by State law, should be conducted in such a manner so as to protect the Village's groundwater and surface water supplies, existing and planned recreation areas identified in this LWRP, and important fish, wildlife and scenic resources identified in this LWRP (See Policies 7A, 22, and 25.)

POLICY 40

THE STATE COASTAL POLICY REGARDING EFFLUENT DISCHARGED FROM MAJOR STEAM ELECTRIC GENERATING FACILITIES IS NOT APPLICABLE TO LEWISTON.

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 Lewiston LWRP 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 Waterfront Area.

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

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

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

Explanation of Policy

The Lewiston LWRP incorporates the State's policies on acid rain. As such, it will assist in the State's efforts to control acid rain. These efforts to control acid rain will enhance the continued viability of coastal fisheries, wildlife, agricultural, scenic and water resources.

Wetlands Policy

POLICY 44

THE STATE COASTAL POLICY REGARDING THE PROTECTION OF WETLANDS IS NOT APPLICABLE TO LEWISTON.